

The Meaning of the Ruling in the Vincent Case for the National Interest and the Foreign Service

No group of government servants is more convinced of the need for vigilant security procedures than the Foreign Service. Yet the Loyalty Review Board's letter to the Secretary in the Vincent case, reprinted below, is causing bewilderment and misgiving in our ranks.

It is disturbing not only because it recommends dismissal for a veteran officer who had already been cleared by the Department's Loyalty Security Board, but because it implies doctrines which would prevent the Service from doing its full duty. Those who read it will doubtless have questions about all of its conclusions. This analysis concerns a few of the main points fundamental to the operations of the Service.

We believe the members of the Foreign Service share a simple and rather stern conception of their duty in reporting to their government: to tell the truth as they see it about people, policies, and conditions in the countries where they are stationed. Under this guiding principle they have a positive obligation to report on the difficulties and deficiencies as well as the strong points of any government to which they are accredited, whether we are on friendly terms with it or not.

This seems to us as elementary as the reason for the existence of a Foreign Service. Yet, as we read this letter of the Board, it has an implication in direct contradiction of this principle. Members of the Service far from Washington and the sense of things at home who read this letter as a guide to their performance may

well feel themselves cast adrift without a compass.

The panel notes that "throughout a period when it was the declared and established policy of the Government of the United States to support Chiang Kai-Shek's government" Mr. Vincent expressed "studied criticism" of that government and "studied praise" of the Chinese Communists.

We are not sure what the Board meant to imply by its

studious use of the word "studied." Surely the key to the case in everyone's mind is whether Mr. Vincent was merely calling things as he saw them, or whether he was distorting his recommendations and suppressing truth in the interests of a Communist conspiracy. If the Board found a probability of the latter, its letter should have said as much. The point is far too important to be conveyed by implications; if there is evidence to support so grave a charge it ought to have been cited more specifically.

To us, as it stands, the letter means that any Foreign Service officer reporting confidentially to his superiors may cast a doubt on his own loyalty if his reports contain criticism of a friendly government. It also seems to mean that he will have to be ultra-cautious in admitting the strength of the opposition.

In our system of government ultimate political accountability rests with the elected heads of Government and the top executives whom they appoint to run the agencies and Departments. If policies fail or alliances disappoint, the means do not

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December 12, 1952.

The Honorable
The Secretary of State

In Re: Case of JOHN CARTER VINCENT
Chief of Mission, Tangier, Morocco

Sir:

Under the provisions of Regulation 14 of the Rules and Regulations of the Loyalty Review Board, a panel of the Board has considered the case of the above named employee. The members of the panel reviewed the entire record in the case and heard the testimony of Mr. Vincent in person and argument of counsel on his behalf.

Without expressly accepting or rejecting the testimony of Louis Budenz that Mr. Vincent was a Communist and "under Communist discipline" or the findings of the Senate Committee on the Judiciary (a) that "over a period of years John Carter Vincent was the principal fulcrum of I.P.R. pressures and influence in the State Department" and (b) that "Owen Lattimore and John Carter Vincent were influential in bringing about a change in the United States Policy in 1945 favorable to the Chinese Communists", the panel has taken these factors into account.

Furthermore, the panel calls attention to the fact that Mr. Vincent was not an immature or subordinate representative of the State Department but was an experienced and responsible official who had been stationed in China from April 1924 to February 1936 and from March 1941 to August 1943, and who thereafter occupied high positions in the Department of State having to do with the formulation of our Chinese policies.

The panel notes Mr. Vincent's studied praise of Chinese Communists and equally studied criticism of the Chiang Kai-shek Government throughout a period when it was the declared and established policy of the Government of the United States to support Chiang Kai-shek's Government.

The panel notes also Mr. Vincent's indifference to any evidence that the Chinese Communists were affiliated with or controlled by the U.S.S.R.

Mr. Vincent's failure properly to discharge his responsibilities as Chairman of the Far Eastern Subcommittee of State, War and Navy to supervise the accuracy or security of State Department documents emanating from that Subcommittee, was also taken into account.

Finally, the panel calls attention to Mr. Vincent's close association with numerous persons who, he had reason to believe, were either Communists or Communist sympathizers.

To say that Mr. Vincent's whole course of conduct in connection with Chinese affairs does not raise a reasonable doubt as to his loyalty, would, we are forced to think, be an unwarranted interpretation of the evidence. While we are not required to find Mr. Vincent guilty of disloyalty and we do not do so, his conduct in office, as clearly indicated by the records, forces us reluctantly to conclude that there is reasonable doubt as to his loyalty to the Government of the United States.

Therefore, it is the recommendation of the Loyalty Review Board that the services of Mr. John Carter Vincent be terminated.

Very truly yours,

HIRAM BINGHAM
Chairman
Loyalty Review Board.

lack for changing them or their authors. But if ever the reporters in the field or career civil servants at home must function in a climate of fear, or in conformity to dogma, the American people, and those who are politically accountable, may never know in time whether a policy has failed or a friendship has turned sour. If the supreme Loyalty Board accepts a principle capable of such vicious extension, then the most loyal reporters cannot report loyally.

Suppose we project the Bingham Board principle into other situations: Consider, for example, our reporters in shooting war areas like Malaya or Indochina; or those within the Communist domain at Prague or Moscow. Should they withhold information which reveals the strength of the Communists, such as good discipline among their troops, or the successes of their political warfare?

If officers stationed in China in the 1940's suggested the possibility that the Chinese Communists might prove too strong for Chiang Kai-Shek, was this reason enough to doubt their loyalty?

What about our representatives in Korea? Could a man be pilloried because he warned of the growing strength of the Communists in North Korea at the time we considered withdrawing troops from South Korea?

The Board "calls attention to Mr. Vincent's close association with numerous persons who, he had reason to believe, were either Communists or Communist sympathizers." Nothing is said about the *when*, *where* or *why* of these associations but it is implied that these contacts were not blameless. It seems to us that they cannot be divorced from the circumstances. It is an historic fact that as a Nation all of us were associated with Communists in fighting World War II with a Communist ally. Our Foreign Service today cannot do its business in many parts of the world, including the UN, without rubbing elbows with Communists. Its officers would not be good reporters if they did not know what was in the Communist mind and even anticipate it.

The Board's letter does not dispose of a fear it excites: that a man may be suspected merely because his opinions do not stand up when considered free of the mortal compulsions of the war period and with leisured hindsight. We hope no officer will ever be found disloyal because he lacked a foresight which could be found in no man, or because our national effort to work with a particular group did not succeed.

In addition to its disturbing implications for Foreign Service reporting, the letter inevitably provokes speculation as to the Board's judicial standards and proceedings.

We know that the Board is concerned only with the imprecise zone of "reasonable doubt"; that it does not presume to judge guilt or innocence; and that it is not a judicial tribunal; yet we can only read its letter with minds conditioned to the common law concept of evidence. When we are told, therefore, that the Board has "taken into account" certain "factors" including the testimony of a recanted Communist and the adverse findings of the McCarran Committee, but has done this without "expressly accepting or rejecting" these "factors" we are left pondering the difference between "facts," as they are evidenced in a court of law, and "factors" as in this case. Are we to conclude that any Foreign Service officer or employee accused of disloyalty by anyone must expect the Board to accept the accusations

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is not necessarily the temper of the former isolationists in this rock-ribbed area, as some have charged during the recent campaign.

The narrow focus

Because foreign affairs had become a primary campaign issue, observing the Middle West during the election campaign was rather unfortunate. Nearly all the interest was concentrated on Asia and particularly on Korea, where local boys are fighting. But the lack of information on world affairs in general was such that in many cases the voters just had to take the campaign speakers' words for it that conditions were what they said they were. Senator Jenner seemed sincere when he condemned our foreign policy as a whole. That was to many the most important reason for voting for him: "He knows the danger."

How about the local people, then? Do they know the danger? It is not for me to criticize the people of Bedford. I went there to learn and I was well received, and I again recommended most highly the vantage point of a newspaper for this kind of a survey since a newspaper office comes into contact with all strata of the population and all aspects of the local situation and a reporter can most easily meet people and talk with them and get to know their thoughts and attitudes.



"Well, you read the circular airgram. 'Determine local reaction to recent US Presidential elections.'"

But the answer to the question, "Do the people really understand the Communist danger?" must in my opinion be in the negative. Despite the widespread feeling that Washington is blind to the danger and that the Government has been "soft" in its handling of the Russians, there is very little understanding of just what has happened abroad to make communism not only an external but also an internal threat to many countries. The angle of local subversion, espionage and treason is well enough understood. So is the military danger of Soviet Russia, although some of the people I talked with seemed inclined to consider it a bluff that could be called without too much difficulty. But that communism has captured mass movements, that it has organized them militantly into great expressions of voluntary ef-

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as evidence without expressly passing upon their validity? And, since the Board mentions only the "factors" unfavorable to the accused, are we to assume that it did not "take into account" the other "factors" of his clearance by the Department's Board and by an earlier Senate sub-committee?

We believe that Mr. Vincent's long and close association with our China policy makes it all the more necessary that any "reasonable doubt as to his loyalty" be fully documented and any action taken with respect to his dismissal or reinstatement be subject to every possible administrative and legal review. Whatever the ultimate result, no American or foreigner, friend or foe, should be left under an illusion that the United States Government tries to exculpate itself for failures in China by seeking out individual scapegoats. No one should be entitled even to imagine a parallel between legitimate measures for the protection of the American democracy and the mock trials of the wretched men whom the Kremlin accuses of "sabotaging" its policies.