

# Memorandum By The Secretary of State In The Matter of John Carter Vincent

## I. Background

Among the inheritances which the present Administration took over from the past Administration is the so-called "Vincent Case."

John Carter Vincent, a Foreign Service Officer, with the rank of Career Minister (the highest rank), has since 1951 been the subject of inquiry and controversy because of his conduct in relation to China and Japan, particularly during the war and post-war period (1941-1947).

Charges of disloyalty against Mr. Vincent, made in November 1951, were heard by the Department of State Loyalty Security Board. It unanimously decided that no reasonable doubt existed as to Mr. Vincent's loyalty to the Government of the United States and that his continued employment did not constitute a risk to the Department of State. This decision was twice reconsidered by the Department's Board, to take account of new evidence. In each case the original decision was confirmed. When, however, the matter was reviewed by the Civil Service Loyalty Review Board, it found, by a 3-2 decision rendered December 22, 1952, that there was reasonable doubt as to Mr. Vincent's loyalty to the Government of the United States. Accordingly, the Board recommended that his services should be terminated.

This conclusion of the Loyalty Review Board was merely advisory to the Secretary of State. The then Secretary set up a special panel to examine the matter again and advise him as to what disposition they thought should be made of the case.

After I became Secretary of State, I received an inquiry on behalf of the members of the special panel as to whether I wished them to continue to study the case under the mandate they had received from my predecessor in office. In reply I said that I felt it unnecessary for them to continue their advisory study. Both law and Executive Order placed the ultimate responsibility on me and I saw no way to shed that responsibility.

Since then, I have carefully studied the record with a view to discharging my legal responsibility in a way which will both protect the interests of the United States and do personal justice.

## II. Jurisdiction

My jurisdiction in this case stems from three sources:

1. I have authority to terminate Mr. Vincent's services on "security" grounds (Public Law 733, 81st Congress, August 26, 1950).

2. I have authority to terminate Mr. Vincent's services on "loyalty" grounds (Executive Order No. 9835, March 21, 1927, as amended by Executive Order No. 10241, April 28, 1951).

3. I have authority in my "absolute discretion" to terminate Mr. Vincent's services if I deem this "necessary or advisable in the interest of the United States" (Public Law 495, 82nd Congress, July 10, 1952).

## III. The Facts

Mr. Vincent served in China almost continuously from 1924 to 1936 in consular capacities or as a Chinese language officer. From 1936 to 1947, except for a short interruption, he served in key positions in China and in Washington in relation to Chinese, Japanese and Far Eastern matters. During this later period he was largely relied upon by his superiors, notably the President, the Secretary of State and General Marshall when he headed a special Presidential mission to China in 1945 and 1946.

Mr. Vincent's part in these matters and his associations during this time are brought out in detail in the records which I have examined. They have led me to conclude that Mr. Vincent's employment as a Foreign Service Officer should not be continued.

## IV. Reasons

Under Public Law 495 I am not required to give reasons for my decisions under that law. They are a matter of "absolute discretion." However, in view of the public interest which attaches to this case, I feel that I should state:

1. I do not believe the record shows that Mr. Vincent is a "security" risk within the usually accepted meaning of that term and within the meaning which up to now has customarily been given to that term in Public Law 733.

2. I do not find that "on all the evidence, there is reasonable doubt as to the loyalty" of Mr. Vincent to the Government of the United States within the meaning of Executive Order 10241.

3. I have, however, concluded that Mr. Vincent's reporting of the facts, evaluation of the facts, and policy advice during the period under review show a failure to meet the standard which is demanded of a Foreign Service Officer of his experience and responsibility at this critical time. I do not believe that he can usefully continue to serve the United States as a Foreign Service Officer.

Public Law 495 recognizes the special responsibilities which, at this time of dangerous international tensions, devolve on the Secretary of State and reflects an intent that he should act to safeguard what he, in his discretion, deems the interests of the United States. I believe that that legislative purpose is sound and I am responding to it according to my best judgment.

## V. Conclusion

While this memorandum was in course of preparation, I talked with Mr. Vincent and told him generally of my views. Subsequently, Mr. Vincent submitted his resignation as Minister to Morocco and Diplomatic Agent at Tangier and placed in my hands his application for retirement. I am granting his application for retirement effective March 31, 1953.