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Patrick J. Hurley and China, 1944-1945

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On November 26, 1945, the Ambassador to China, Patrick J. Hurley, announced his resignation to the American press. In doing so, he leveled charges against the State Department and a number of its Foreign Service officers--charges which questioned the integrity of many, in their relations with what Hurley termed the "imperialist" and communist nations in China. Those charges were the beginning of two and one-half decades of ideological crusading in America by many who developed the theory that those men charged by Hurley had been responsible for America's "loss of China."

Hurley was sent to China in 1944 as President Roosevelt's personal representative to Chiang Kai-shek. His directive was to promote efficient and harmonious relations between Chiang Kai-shek and General Stilwell, Commander of American Forces, China Theatre. Hurley was, further, to

facilitate Stilwell's exercise of command over the Chinese armies, which, it was hoped, would soon be placed under him.

Failing in this mission, Hurley was ultimately appointed to the rank of Ambassador after the resignation of Clarence E. Gauss. Hurley had by this time, taken on the responsibility of promoting negotiations between the Kuomintang Government of Chiang Kai-shek and the Chinese Communist Party, headquartered in Yenan.

Rather than simply offering his "good offices" in the negotiations, Hurley became personally involved, interjecting his personal, ideological beliefs into the proposals of each side. Through this involvement, Hurley became personally committed to unification on his terms, and eventually gave the Kuomintang Party and Chiang Kai-shek the impression that the United States was permanently committed to support of the Central Government.

Hurley soon came into conflict with a number of Foreign Service officers and the Department of State, below the level of the Secretary of State, over opposing interpretations of American policy in China. Hurley became intransigent in his overwhelming support of the National Government, while members of the State Department believed that the United States should remain flexible in its approach to the problems in China to avoid supporting the losing side in what was seen as an inevitable civil war.

Hurley came to see criticism of Chiang Kai-shek's government and suggestions for alterations in policy, as personal criticism directed at him. In the face of this perceived threat to himself, he had a number of Foreign Service officers re-called or transferred, only to discover that they had been reassigned to positions which he thought were superior to his.

In the face of these events and rising criticism, in addition to eventual failure to bring the two Chinese factions together and impending civil war, Hurley submitted his resignation to the Secretary of State, after first announcing his reasons to the press. Experiencing one of the few failures of his life, the man who had risen from the coal mines of Oklahoma to become a millionaire twice over, Secretary of Defense under President Hoover, and Ambassador to China under Roosevelt, turned the blame for his failure to those with whom he had come in conflict, the Department of State being the principal culprit.

This study of Hurley's experiences in China is based upon several secondary accounts of the period, recently published Department of State papers (Foreign Relations of the United States: Diplomatic Papers), Hurley's several testimonials before Congressional Committees, and interviews with Mr. John Stewart Service, upon whom attention was focused in numerous loyalty investigations subsequent to Hurley's resignation.

PATRICK J. HURLEY AND CHINA, 1944-1945

by

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CHAPTER I

THE "GREAT DEBATE"

On November 26, 1945, Patrick J. Hurley, Ambassador to China since November 30, 1944,[1] tendered his resignation to President Harry S Truman. On the following day, Mr. Hurley released the contents of his letter of resignation to the press[2] and launched what his biographer later termed the "great debate,"[3] one which, while not immediately fruitful, had profound implications for a number of Americans in later years, and one from which echoes continue to be heard in the 1970's.[4]

In his letter to the President and in his subsequent news release, Hurley offered much more than a simple resignation. In a ". . . scathing denunciation of State Department sabotage of American foreign policy . . . virtually unprecedented in American diplomatic history,"

[1]Department of State, Foreign Relations of the United States: Diplomatic Papers (Washington: United States Government Printing Office), 1944, VI, 200, footnote 29, (hereafter cited as Foreign Relations). Hurley was confirmed as Ambassador to China by the United States Senate on this date.

[2]New York Times, November 28, 1945: Hurley's resignation was reported in a front page story. The text of his letter to the President was printed on page 3 of the same issue. For official text of his letter of resignation see, Foreign Relations, 1945, VII, 722.

[3]Don Lohbeck, Patrick J. Hurley (Chicago, 1956), 474.

[4]See The Amerasia Papers: A Clue to the Catastrophe of China, prepared by the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary (Washington: United States Government Printing Office, January 26, 1970), (hereafter cited as Amerasia Papers). See in particular, the "introduction" by Anthony Kubek, parts I, II, III, pp. 1-113.

Hurley laid the groundwork upon which he intended to build a case that would awaken ". . . the indignation of the American people at the misconduct of foreign relations to the point where a thorough investigation and cleansing of the Department of State would be unavoidable."[5]

Hurley stated initially that he had had, during his tenure in China, the full support of both Presidents Roosevelt and Truman, as well as their Secretaries of State, Cordell Hull, Edward R. Stettinius, Jr., and James F. Byrnes. But while American wartime objectives had always been clearly defined in the "higher echelons of our policy-making officials,"[6] there had existed according to Hurley, a wide discrepancy between announced policies and the actual conduct of international relations. The United States had begun the Second World War with the principles of the Atlantic Charter and democracy as its goals, explained Hurley, but had finished the war in the Far East furnishing Lend-lease supplies and using its reputation to undermine democracy and bolster imperialism and Communism.

Hurley went on to state that he had been directed by President Roosevelt, first, as the President's personal representative to Chiang Kai-shek and then as ambassador to China, to prevent the collapse of the Chinese Government and to keep the Chinese Army in the war against the Japanese. While that had been his primary objective, Hurley continued, it had also been his assigned function to harmonize the relations between the American Embassy in Chungking and the Chinese Government. The ex-ambassador noted, however, that while all of these objectives had

[5]Lohbeck, 437.

[6]Foreign Relations, 1945, VII, 722.

been accomplished, and although they had the support of the President and the Secretary of State, the American policy did not have the support of all the career men in the State Department. The professional foreign service men, he charged, sided with the Chinese Communist armed party and imperialistic bloc of nations whose policy had been to keep China divided against herself. They had openly advised the Communist armed party to decline unification of the Chinese Communist Army with the National Army unless the Chinese Communists were given control. Furthermore, these career men, after having been transferred to Washington at Hurley's request, had been placed in the Chinese and Far Eastern Divisions of the State Department as his supervisors.

In summarizing, Hurley argued that the United States' World War II policy as represented in the principles of the Atlantic Charter and the Iran Declaration, had been an elaboration of its First World War policy of making the world free for democracy. But while the United States had won both wars, it had failed to establish the principles for which it had allegedly been fighting. The war which was then in the making was not even intended to defend or establish democratic ideals. Instead of putting its weight behind the Charter of the United Nations, the United States had definitely been supporting the imperialistic bloc. At the same time, according to Hurley, a considerable section of the State Department was endeavoring to support Communism generally as well as specifically in China.

Hurley's intent in releasing this denunciation of America's implementation of policy in the Far East was not simply to inform the President of the Ambassador's reasons for resigning. It was his hope, rather, to instigate an investigation by America's Congressional bodies.

> . . . with his idealized concept of the American people and the American government, Pat Hurley relied upon the Congress--now that he had pointed out that path to follow--to launch a "great debate" on the entire foreign policy situation.[7]

It appeared at first, that Hurley would get his great debate. Although the response to his publicized resignation was slight in the House of Representatives, a debate was not long in beginning on the floor of the United States Senate. On November 28, Senator Kenneth Wherry of Nebraska, addressing himself at first to impending legislation for implementation of the United Nations Charter, shifted his attention to the Hurley statement of resignation on the grounds that perhaps the State Department was an area to be examined to determine its ability to function under a United Nations-oriented system.[8]

Hurley had not merely charged that some people were incompetent or inept in conducting American foreign relations in the Orient, Wherry argued, he ". . . has made charges against at least one section of the State Department personnel which seems to . . . involve accusations which fall very little short of treason."[9] Offering lengthy remarks which read like a defense of Hurley's charges Wherry concluded:

> Mr. President, is it possible that we have fought this most tragic of all wars in history only to discover that the gravest danger and threat to America was not and is not derived from any foreign power or combinations of power but from an indiginous conspiratorial minority of foreign agents and their dupes who have used the glorious freedoms of this land to work destruction from within?[10]

[7] Lohbeck, 474.

[8] U. S. Congress, Congressional Record, 79th Congress, 1st Session, 1945, Volume 91, Part 8, 11109.

[9] Ibid., 11110.

[10] Ibid., 11111.

Responding to Senator Wherry's remarks, Senator Tom Connally of Texas expressed his surprise that Wherry had so hurriedly accepted the entire statement of the former Ambassador.[11] For nearly an hour Connally addressed the Senate in terms highly critical of Hurley's behavior in making his resignation public.

> Mr. President, it looks to me as if it is a little ungracious for an Ambassador to a great country, having enjoyed these periods of service all over the world by appointment of the President of the United States, now, because of this disagreement with some subordinate somewhere--what it was about I do not know, it never having been made clear as to what he says they did-- to resign his great station in a moment of anger, or pique and undertake to cover the foreign policy of the United States all over with obloquy and diplomatic slime and say that the Foreign Policy of the United States is almost approaching treason, as suggested by the Senator from Nebraska.[12]

Admonished by Senator Styles Bridges for "making jest of a very serious matter," Connally responded that, "no; the Senator from Texas is not trying to make jest. He is trying to show the ridiculous attitude of the former ambassador [sic] to China."[13]

Following this rather heated exchange, Senator Wherry called formally for a Senate investigation of the Hurley charges[14] and, on December 5, 1945, the Senate Foreign Relations Committee, chaired by Senator Tom Connally proceeded to hear the testimony of:

> General Hurley and such other witnesses as the Committee might deem proper with respect to the situation in the Far East, par-

[11] Ibid., 11112.

[12] Ibid., 11113.

[13] Ibid., 11114.

[14] Ibid., 11111.

ticularly China, in the light of General Hurley's resignation as Ambassador to China."[15]

"Mr. Chairman," Hurley began,

> I would like to state in the beginning that I did not ask for this hearing. I would also like to make it clear that I have had no meetings of any kind with the members of Congress on the facts that I will endeavor to present. The reason for this statement is that I am convinced that this Committee is beginning a hearing on the foreign policy of the United States. Such a hearing should not be partisan. I will decline to ally myself with any partisan group or with any minority.[16]

Hurley had thus begun his attempt to point out the path for Congress to follow. Unfortunately, the path would be a muddy one. Hurley was not at all clear in his testimony about what his charges actually were. A close examination of the claims made in his initial statement and in response to questions about the Committee reveal, when considered cumulatively, however, that Hurley's principal complaint was the lack of a public statement by high officials, articulating America's policy toward China.[17] Claiming that certain people in the Foreign Service were advocating a different policy and telling the Communists and the American public that the policy being followed by Hurley in China was his own and not the United States Government's, Hurley had wanted a public statement to

[15] U.S. Senate, Committee on Foreign Relations, Investigation of Far Eastern Policy, December, 5. 6, 7. 10, 1945 [unpublished], (Washington: National Archives), 120.1/11.3045, (hereafter cited as Investigation. Far East Policy), 3.

[16] Ibid., 2.

[17] Ibid.. 7. Referring to Secretary of State Byrnes' public statement of the previous day on United States-China policy, Hurley stated, ". . . if that public announcement of American policy had been issued by the State Department before I returned from China, I would not have returned. If that public statement had been made by the State Department before I rendered my resignation, I would not have resigned." See, Ibid., 5.

support his action and to lend credence to his attempts at unification of the Nationalist and Communist Chinese.

Hurley pointed out to the Committee that while there had been statements of policy made directly to him, no public statement had been made ". . . since Cordell Hull made it on the 26th day of November, 1941, before we got into war."[18] He had asked for a public statement for quite some time, Hurley said, but had never received instructions from the State Department, only from President Roosevelt.[19] He stated later, however, that after having outlined in a letter of December 24, 1944, his conception of American policy, to the Secretary of State (Stettinius), the latter had sent Hurley a telegram in which he commended the Ambassador highly for the work he had done. This was not, however, a public statement, Hurley said, and the men whom he had referred to as working against him, had taken the position that the Secretary's commendation was not an endorsement of the policy the Ambassador had outlined.[20] On or about January 21, 1945, Hurley said, he had called all the heads of American agencies in China together in his office and stated to them the policy of the United States. Hurley later reported to the Committee that those men whom he claimed to be working against him were at that meeting, but had expressed no hostility to the policy as announced to them at that time.

[18] Ibid., 8.

[19] Ibid., 40A.

[20] Ibid., 40M.

Following his announcement of policy to his agency heads, Hurley returned to Washington, according to his testimony, and was there confronted by a report to the Secretary of State from Mr. George Atcheson (who had been left in charge of the Embassy), in which he allegedly recommended that Hurley's policy of not arming the Communists--belligerents who would fight against the government that the United States was upholding--be discarded and replaced with a policy of providing Lend-lease aid to the Chinese Communists. Atcheson had also said in his report, Hurley added, that he (Atcheson) ". . . had the support, the acquiescence of every official member of the American Embassy in Chungking."[21] In Hurley's opinion, Mr. Atcheson had been guilty of insubordination in sending this report without his prior knowledge.

Asked if he had resolved the issue over the Atcheson report, Hurley answered in the affirmative. He claimed to have contended at the time that if the Atcheson report constituted the policy of the United States it was a departure from the purpose for which he had been sent to China. If that were the case then Atcheson should be left in charge and he, Hurley, kept at home. The result, after many days of argument, was, Hurley asserted, ". . . that Mr. Atcheson was recalled, because he had shown that in my absence he had advocated a policy that I felt destructive to unification."[22]

[21] Ibid., 41. Hurley had stated earlier in his testimony that it had been his opinion while in China that arming or providing Lend-lease to, the Chinese Communists faction would constitute the recognition of a belligerent. See, Ibid., 40D.

[22] Ibid., 49.

Atcheson's recall, however, did not satisfy the Ambassador, for as he stated in response to Senator LaFollette's request for a statement of facts,

> You have it, that I made this report to Secretary Stettinius; he sent me a telegram which approved my conduct but did not make a public statement upholding the policy, and as soon as I left China the whole crowd got together and reversed or tried to reverse that telegram. The result was that Atcheson was recalled and placed in a supervisory capacity with all the others over me in Washington, and that made untenable my position. I wanted a public statement from the State Department of our policy."[23]

Asked once more, what the issue was, Hurley replied:

> What I wanted was a public statement of the American policy so that they could not continue in high official positions to say that what I upheld was not the American policy. I think that is the issue, Senator.[24]

In addition to George Atcheson and the "whole crowd" at the Chungking Embassy, Hurley named specifically, one John Stewart Service, a political advisor assigned to General Joseph Stilwell's command in China as one of the principal saboteurs. In response to the Committee Chairman's question as to when these men defeated Hurley's policy in China, Hurley testified that on October 30, 1944, Mr. John S. Service submitted in his report number 40, ". . . a general statement of how to let the government that I was sent over there to sustain fall; and that report was circulated among the communists whose support I was seeking for our policy. . . ."[25] Later in his testimony, Hurley reiterated that ". . . the report of Mr. John Service dated October 10, 1944, and numbered 40. . .

[23] Ibid., 50.

[24] Ibid., 58.

[25] Ibid., 16.

was the first outward evidence I had of a plan not to uphold but to cause the collapse of the Government of the Republic of China."[26]

Although Hurley's testimony was extremely vague and rambling, it appears that he was finally motivated to resign by a number of occurrences which led him to believe that his work was being undermined. Having succeeded in getting Atcheson, Service and several other Foreign Service officers recalled, Hurley then discovered that three of these men, Atcheson, Service and John K. Emmerson, had been appointed as Advisors to the Supreme Commander of the Allied forces in Asia. Although the appointments irritated Hurley, he was far more concerned with the fact that

> the papers in China, especially in Yenan [the Chinese Communist stronghold], and the radio, said that Atcheson and Service and so forth had won out over me, and that I had not been representing the United States' policy, and the papers said they were coming back to China and therefore the Communists should not unite. . . ."[27]

Hurley further stated on this point that it had been Mao Tse-tung who had told him that the United States was not going to follow through on its unification program that he was trying to present.[28]

In addition to this challenge to Hurley's authority in China, the ex-Ambassador testified that while he was in Washington in November, 1945, someone had addressed a letter to President Truman in which Hurley was charged with making his own policy in China. Everett Drumright, Chief of the Department of State's China Division, prepared an answer to this letter, Hurley told the Committee, in which it was stated that

[26] Ibid., 89.

[27] Ibid., 57.

[28] Ibid., 60.

the policy being followed in China was the United States Government's policy and not one formulated by Hurley. But when the letter reached John Carter Vincent, Hurley went on to report, the Director of the Far Eastern Division struck out all but an acknowledgement of its receipt. Drumright's defense of Hurley, in other words, never reached the accuser. On that same day Hurley charged, ". . . the same career man's attack on me came out not only in papers in New York and in Chicago, but on the floor of Congress."[29] He had come home in November to resign, Hurley explained, but Secretary Byrnes and President Truman had talked him into going back after a brief rest. He was sincere when he told the President and Byrnes that he would go back, said Hurley, "but when I was confronted by the fact that again I was left naked to my enemies and the enemies of America, I decided I would commence firing, and I did. So that is the reason why I am here this morning."[30]

It is apparent from Hurley's testimony, when viewed as a whole, that he had felt strongly about avoiding military and material support of the Chinese Communists for fear that this would constitute recognition by the United States Government of the belligerent status of the Communists in a Chinese civil war. The recognition of an armed force which was fighting to overthrow a government allied with the United States was out of the question, as far as he was concerned. Foreign Service personnel, however, were advocating the arming of the Communists, and in Hurley's opinion, doing it behind his back. This apparent

[29] Ibid., 63. Hurley never identified this man in his testimony.

[30] Ibid., 63.

insubordination threatened the Ambassador and was compounded by reports, both in China and at home, which questioned publicly his authority to carry out what he perceived to be his assigned duty--the unification of the Chinese Communist and Nationalist governments.

Unfortunately, for Hurley, and perhaps for the American people, the ex-Ambassador's charges could not be substantiated. The man who, through Congress, was taking his case to the American public, could not take the evidence to them as well. Hurley had based his charges on a number of documents, stated at first to be written by himself, but expanded in number as the hearings progressed, to include several written by John Stewart Service, George Atcheson and John Patton Davies, Jr. Although Hurley had testified in the beginning stages of the hearings that he possessed none of the coded copies of these documents, he did admit to having had in his possession, notes of the preparation of his original copies. But Hurley would not reveal the contents of these documents, without the Committee being supplied paraphrases by the Department of State. As Hurley stated,

> I know what they contain, but I will have to ask the State Department to furnish me with paraphrases of these documents for the reason that if we should submit from the State Department the original documents they would have a tendency to give away the American secret code; and I do not want to do any irreparable damage to the foreign policy of my country.[31]

After four days of hearings, in which Hurley's charges were reiterated, but not substantiated, the Committee moved to continue its investigation in Executive Session, where the contents of the documents requested by Hurley could be examined without publicity. But Hurley

[31] Ibid., 3.

refused. "He would testify only in public, where the press could transmit the information of corruption to the entire citizenry."[32] The idealism of Patrick J. Hurley which would not allow him to disclose the contents of documents vital to his case, destroyed his attempt to take "the truth" to the American people. On December 10, 1945, the Senate Foreign Relations Committee's Investigation of Far Eastern Policy came to an end. For lack of a principal, the case was dropped. While Hurley had pointed out the path for Congress to follow, he had, at the same time, blocked that path with obstacles insurmountable at that time. About Senator Wherry's resolution to set up a five-man Committee for a "top to bottom investigation of the State Department," Senator Connally reported: "It is lying calmly on my desk. It shows no signs of life, although we have not put a pulmotor on it."[33]

Having instigated, but by his own action ended, an investigation of the State Department, Hurley, in 1946, decided to take his case directly to the people. But to do so, he needed a ". . . nationwide forum from which to proclaim his charges against the pro-Communist and pro-imperialist elements within the government."[34] That forum, as Hurley saw it, would be the United States' Senate for which he campaigned as the Republican nominee from New Mexico in 1946. In a letter to an Oklahoma newspaper editor who had charged that Hurley changed his residence from

[32] Lohbeck, 446.

[33] Anthony Kubek, How the Far East Was Lost: American Policy and the Creation of Communist China, 1941-1949 (Chicago, 1963), 313.

[34] Lohbeck, 453.

Oklahoma to New Mexico to pick up an easy Senate seat, Hurley wrote:

> I ran for the Senate from New Mexico after I had resigned as Ambassador to China. . . . I decided to go to the Senate to obtain for myself a forum through which to speak to the American people and by which I believed I could prevent the loss of our great ally, China.[35]

Losing to the incumbent, Senator Dennis Chavez, who according to Hurley's biographer, Don Lohbeck, ". . . controlled the large Spanish-speaking vote in New Mexico. . . ," Hurley again attempted election in 1948, running this time against the former Secretary of Agriculture, Clinton P. Anderson. In the 1948 campaign which Lohbeck describes as similar to the one in 1946:

> Hurley spoke of the betrayal of America's honor and integrity through the secret betrayal of our ally in the Far East, and of the dangers of corrupting America's traditional support of political independence and territorial integrity through the policy of upholding imperialist greed and aggression. . .[36]

Where Hurley had lost by only 4000 votes in 1946, he lost by 26,000 in the 1948 election. In both cases, Lohbeck reported Hurley's losses in such a way that Hurley appeared once again, the victim of machinations against him. Where it was reported that Hurley had been accused of moving to New Mexico to pick up an easy seat in the 1946 election, Mr. Lohbeck wrote that in 1948 Hurley's opponents were again campaigning on a personal level.

> The smear commentators were brought to New Mexico to accuse Pat Hurley of cowardice in the first World War, brutality during the bonus march, and of having recommended during the depression years that 'the poor be fed the scrapings from the rich men's plates.'[37]

[35] Ibid., 504.

[36] Ibid., 454.

[37] Ibid., 38.

In 1949, the "China white-paper" was released by the State Department. Entitled, United States Relations With China,[38] this publication was released following the Communist takeover in China and was intended to be an explanation of American policy toward China since 1941, but with emphasis on the five years preceding the Communist victory over the Nationalist government. In Hurley's eyes, however, it was ". . . a smooth alibi for the pro-Communists in the State Department who have engineered the overthrow of our ally, the National Government of the Republic of China, and aided in the Communist conquest of China."[39]

Critical of the "white paper" for numerous reasons, Hurley's primary complaints centered around the reporting of the Yalta agreement, and the failure of the State Department to reveal to the American people, the documents which he could not present in 1945, which, Hurley claimed, had obviously been quoted from in the "white paper."[40]

It was Hurley's opinion, that contrary to the justification presented in the "white paper," the secret Yalta agreement which brought Russia into the Pacific War approximately three months after the defeat of Germany, was not necessary.

> The import of the "white paper" to the effect that we were compelled to meet these demands of Russia because we were afraid of what Russia would do about our war with Japan, is not a satisfactory reason for our entering into the secret agreements of Yalta. At

[38]Department of State, United States Relations With China: With Special Reference to the Period 1944-1949 (Washington, 1949), (Hereafter cited as United States Relations with China).

[39]Quoted in Lohbeck, 457.

[40]Ibid., 458.

> that time the United States had on land, on the seas, and in the air, the greatest military power ever assembled on this earth. America's military power at the time of Yalta was invincible. The United States did not need Russia. Russia dared not oppose the United States. Japan was already defeated before Russia reached the Japanese front.[41]

Once again, in 1950, as reported by Hurley's biographer, the ex-Ambassador to China made a martyred appeal to the American people. In a radio forum of that year, moderated by Eleanor Roosevelt, Hurley, ". . . expressing the weariness of years of shouting a warning from the housetops while few paused to listen," stated in answer to Mrs. Roosevelt's question if everything had been published on the China incident, "Well, no, Mrs. Roosevelt. Everytime I try to tell it, somebody tries to stop me."[42] (Emphasis is Lohbeck's).

But ironically, in that same year, 1950, Patrick Hurley denied himself an opportunity to tell again what he saw as the cause of America's failure in China. Invited to testify before the Senate Foreign Relations Committee's hearings on State Department employee loyalty investigations, better known as the Tydings sub-committee, Hurley refused because the documents requested by him in 1945 would not yet be made available to him.

> He [Millard E. Tydings] advised me that they would not be, that they were secret documents. I said then that it would be futile for me to appear because I could not use the documents, even those which are my own which have been encoded, until they are decoded and made available to me through the State Department.[43]

[41] Ibid., 458.

[42] Ibid., 458.

[43] Ibid., 460.

In 1951, however, Patrick Hurley found himself with another chance to tell his story fully, when he was invited to testify before the joint hearings of the Senate Foreign Relations and Senate Armed Services Committees, on the military situation in the Far East.[44] In his testimony, to which there is no reference in his biography, Hurley made many of the same points that he had in 1945, but added many more, since the long-asked-for documents were available to him, and the secret Yalta agreements had become public knowledge.

American diplomats, Hurley began, had surrendered the territorial integrity and the political independence of China in the secret agreement at Yalta. That secret agreement, he said, marked the beginning of a change in America's foreign policy toward China, from support of the principles of the Atlantic Charter to a policy based on concessions to Communism, imperialism and fear of Russia. The provision in the Atlantic Charter agreeing to no territorial or other form of aggrandizement by the signatories during the war, was intended, said Hurley, ". . . to hold Russia and Communism within the national boundaries of Russia."[45] The Yalta agreement, Hurley testified, released Russia from this bind. Furthermore, the Atlantic Charter provision guaranteeing respect for the right of all peoples to choose their own form of government had to be repealed, claimed Hurley, ". . . in order to give the colonial imperialists the right to resubjugate their colonial and mandated people."[46]

[44]U.S. Senate, Committee on Armed Services and Committee on Foreign Relations, Hearings on the Military Situation in the Far East (Washington, 1951), (hereafter cited as Military Situation Far East).

[45]Ibid., 2832.

[46]Ibid.

The Atlantic Charter had been a consistent reference for Hurley beginning with his letter of resignation in 1945, and now, finally, six years later, his attachment to that document was revealed. He had been instrumental in drafting the Iran Declaration[47] at the Teheran Conference in 1943, Hurley pointed out in his testimony. Although this declaration had been presented by Secretary of State, Cordell Hull, to the Russians earlier in Moscow, and rejected, it was accepted by the powers at Teheran, according to Hurley, after he had included the following additional phrase:

> They [the signatories] count upon the participation of Iran together with all peace-loving nations, in the establishment of international peace, security, and prosperity after the war in accordance with the principles of the Atlantic Charter to which all four nations have subscribed.[48]

Hurley identified himself with the Iran Declaration, therefore, and this identification was carried over to the principles of the Atlantic Charter which, in his mind, had been reaffirmed by the three principal powers when they signed the Iran Declaration. Having charged in his 1951 testimony that after the United States had entered the war, the Communists and Imperialists had tried to discount the Atlantic Charter[49]—claiming that it was not a binding agreement--it was Hurley's contention that because the Iran Declaration had included a reference

[47]See: Foreign Relations, The Conferences at Cairo and Teheran, 1943 (Washington, 1961), 377. See also: Military Situation Far East, 2834; and Lohbeck, Chapter 4, 202.

[48]Military Situation Far East, 2834.

[49]Ibid., 50.

to the Atlantic Charter, and because the former had been signed by the United States, Great Britain and the Soviet Union, it was as binding an international agreement as any treaty.[50]

Having thus testified to the binding legality of the Atlantic Charter, Hurley proceeded to show how the United States had surrendered the principles of that agreement at Yalta. The National Government of the Republic of China was our ally, Hurley repeated, and the secret agreement at Yalta gave away her property without her being represented. This was, in effect, a violation of the Atlantic Charter guarantees of the territorial integrity of sovereign nations. Furthermore, General Marshall[51] who had been sent to China as Hurley's replacement, had been ordered, according to Hurley, to force the Nationalists into a coalition with the Chinese Communists. This was not in keeping with the United States' policy of non-interference in the internal affairs of sovereign states, he pointed out.[52]

President Roosevelt was a sick man at Yalta, Hurley claimed, and did not know what was happening.[53] Hurley had learned that an agreement had been made at Yalta in reference to China while he was still in China, and when he came home in March, 1945, he confronted the President,

[50] Ibid., 2842.

[51] General of the Army, George C. Marshall, was appointed by Truman as the President's special envoy to China with the personal rank of Ambassador, on November 27, 1945. See Foreign Relations, 1945, VII, 276.

[52] Military Situation Far East, 2838.

[53] Ibid., 2888.

first with a demand to see the agreements made at Yalta, and then, after having seen them, with the contention that the secret portion was a violation of the territorial integrity of China. Hurley did not reveal his actual conversations with Roosevelt in his testimony, only that Roosevelt, subsequently, and as a result of Hurley's urgings, felt that there was some possible dangers of infringements on China's territory if the Yalta provisions were carried out.

Agreeing that there was some justification for Hurley's fears, Roosevelt, according to Hurley's testimony, sent the ambassador immediately to London and Moscow to ameliorate the agreements related to China. Once again, Hurley failed to reveal the substance of his conversations with Churchill and Stalin, stating only that he was able to announce to the press upon his return to China, that the three governments concerned had agreed that they would respect the territorial integrity and the political independence of China and that they would support the efforts of the Chinese people to establish self-government. On the day following his announcement to the press, Hurley testified, the British Prime Minister under question in Parliament[54] affirmed the correctness of Hurley's announcement.

Hurley concluded his testimony, however, stating that:

> . . . the next thing I had was a cable from the State Department in which they say that they are irrevocably committed to the agreement signed at Yalta; in other words, I was making a little dent on Britain and Russia, but I could not move the American State Department; and that, my friends, I think, brings you to what I consider the saddest defeat that I suffered. . . .[55]

[54] Ibid.

[55] Ibid.

Once again, Hurley had been given an opportunity to tell his story but, as in 1945, he was extremely vague in reference to a number of points, the most vital being the actual substance of his conversations with Roosevelt, Churchill and Stalin. He did reveal, however, his very close attachment to the Atlantic Charter and to its reaffirmation in the Iran Declaration of 1943. This personal attachment suggests a tendency to become personally committed to the diplomatic work assigned to him, a characteristic which deprived him of needed flexibility.

Roosevelt, who was in Hurley's opinion, a sick man at Yalta, was a victim of the same machinations that had been working to defeat the ambassador in his attempts to stabilize and sustain the Nationalist Chinese government in the war effort. Hurley revealed in his testimony, his belief that the United States did not need Russia's help in the fight against Japan, and that this was known prior to Yalta. Referring to the allegation in the "China white-paper," that American policy makers feared there would be upwards of 1,000,000 casualties in an invasion of Japan, Hurley stated:

> If we believe this. . . we must also believe that the final conquest of a broken and beaten Japan would cost more in American casualties than all the battles of the Pacific, all the battles of the islands, all the battles of Burma and China, all the battles of the Atlantic, all the battles of Africa, all the battles of the Mediterranean, all the battles of England, all the battles of France, all the battles of Holland, all the battles of Belgium, and all the battles of Germany. America had less than 1,000,000 casualties in all of those battles.[56]

It was easy, therefore, for Hurley to view the unnecessary Yalta agreement to bring Russia into the Pacific war, as another of the State Department's attempts to let China go to the Communists. The United

[56] Ibid., 2839.

States did not need Russia's help in fighting the Japanese. This was known at Yalta, according to Hurley, by all perhaps but Roosevelt. The conclusion was obvious: The only reason Russia was brought into the Pacific war was to aid the Communists in gaining a foothold in North China and Manchuria, the resulting effect being aid to the Chinese Communists in their fight to control all of China. And it was all done by a key group of career State Department personnel.

In 1952, Patrick Hurley again ran for the Senate from New Mexico. Once again, he lost, victimized this time, his supporters alleged, by bi-partisan alignments, the ". . . communist-dominated Mine, Mill and Smelter Worker's Union" and, ". . . the long arm of Zionist political pressure."[57]

> Betrayed by the leaders of his own party, smeared by pro-Communist labor groups, opposed by those who sought to revenge themselves against his anti-imperialism, Pat Hurley--when the ballots were counted--appeared to have been defeated by 5,071 votes out of a total of 239,971 ballots cast.[58]

But not only was Hurley the victim of a smear campaign in this, his final bid for a Senate seat, the election, he complained, was rigged. Two years after the election a sub-committee of the Senate Committee on Rules and Administration, which had investigated the New Mexico election in response to Hurley's petition, recommended, based on its findings, ". . . that no member of the Senate was elected from the State of New Mexico in the 1952 general election."[59] In response to Senator William

[57] Lohbeck, 462.

[58] Ibid., 463.

[59] Ibid., 467.

Jenner's resolution of March 16, 1954, calling for Senate concurrence in the committee's recommendation (S. Res. 220) the Senate voted, 53 to 36 against setting aside the election of Dennis Chavez in 1952. Hurley faced another defeat. In his biographer's words:

> Once again he was denied the national forum from which to carry on his fight against the perversion of America's world mission into an appeasement of Communist aggression and a defense of imperialist exploitation.[60]

But the Hurley story did not end with his defeat in 1952, nor has it ended yet today. In 1956 his biography, authored by Don Lohbeck and referred to previously in this account, presented the Hurley story in glittering terms. Lohbeck pictured Hurley as a great American martyr, who

> . . . had left the coal towns before the turn of the century--and in the many years since had traveled the world consulting with Presidents, admonishing Prime Ministers, consoling Generalissimos, debating with Dictators, and giving advice to Kings. . .[61]

but who ". . . himself suggested that the story of his life should be titled: 'The Story of a Failure.'"[62]

But in spite of Hurley's view of himself as a failure, Lohbeck wrote, ". . . it is now becoming increasingly evident that he has not failed."[63] Quoting John Foster Dulles' 1955 statement that:

[60] Ibid.

[61] Ibid., 477.

[62] Ibid., 480.

[63] Ibid.

> What we need to do is to recapture to some extent the kind of crusading spirit of the nation's early days when we were darn sure that what we had was a lot better than what anybody else had. We knew the rest of the world wanted it, and needed it, and that we were going to carry it around the world. . .[64]

Lohbeck concludes his biography of Hurley with, "That is precisely the kind of Americanism that Patrick J. Hurley has lived and taught throughout his long and active life."[65]

As the public reaction to the post-World War II events, particularly to the so-called "loss of China" and the Korean War, died down in the late 1950's and 1960's, little was heard of Patrick J. Hurley and the charged he leveled at the State Department. Most assuredly, academicians studied and wrote about the China incident, and none could ignore Patrick J. Hurley's role in the episode. But publicly, Hurley disappeared from view, though the charges he made, such as "the sick man at Yalta" and Communist infiltration of the State Department, remained as highly controversial themes through the two decades following the Second World War, though without acknowledgment of their source.

Then, in 1970, twenty-five years after Hurley tried to show Congress the path, the issues were raised again by a Subcommittee of the United States Senate. On January 26, 1970, this subcommittee released, in two volumes, The Amerasia Papers: A Clue to the Catastrophe of China,[66] an edited collection of documents which had been seized in a raid on the office of Amerasia Magazine in 1945. Among these documents,

[64] Ibid., 481.

[65] Ibid.

[66] See fn. 4.

most of which were stolen from the United States Government, were the papers which Hurley had so adamantly requested be revealed to the American people to substantiate his case since 1945.

The Amerasia collection was edited and introduced by Anthony Kubek, Professor of History at the University of Dallas and author of How the Far East Was Lost: American Policy and the Creation of Communist China, 1941-1949 (Chicago, 1963). In his introduction, entitled "Historical Survey of Kuomintang-Communist Relations," the thesis presented is that which was developed by Hurley so many years earlier: America's China policy was sabotaged by the "old China hands," John Stewart Service being the principle culprit.

The main thrust of Kubek's introduction of which there are three parts, is toward the defamation of Service, whose papers or a portion of them, were found among those confiscated from the offices of Amerasia Magazine in 1945. Implicating Service in the scandal that was the "Amerasia Case," Kubek all but convicts the man of treason on the grounds that his papers were with those found in the Amerasia office. Although Kubek eventually reveals that the Service papers found at Amerasia were stolen from the State Department and not provided by Service, he persists in making the following observations:

> (1) During the years of World War II an aggressively pro-Communist magazine office in New York, populated by individuals whose connection with international Communism was old and deep, furtively obtained and copied many highly classified documents of the United States Government; and (2) the official policy of the United States Government in support of Chiang Kai-shek's Nationalist regime in China was actively opposed and subverted during World War II by a few junior American career diplomats on station in China, John Stewart Service conspicuous among them.[67]

[67] Amerasia Papers, 112.

In concluding from the above that "connected inextricably, these twin facts contain a special relevance today for the people of the United States. . ."[68] Mr. Kubek is, perhaps, more to the point than even he had imagined. At a time when the People's Republic of China is gaining prestige and recognition throughout the world and when the United States government is being drawn closer to recognition of the Chinese Communist government, it becomes ever more necessary to re-examine a story of conspiracy and duplicity that has stood in the face of many challenges for far too many years. This is all the more important when the present conflict in Indo-China rages, and a Subcommittee of the United States Senate publishes material which holds that:

> the terrible wars in Korea and Vietnam have resulted directly from the Communist seizure of the Asiatic heartland, and all the brewing difficulties elsewhere in the Far East over the past two decades have had the cancer of China at their root.[69]

The task remains, therefore, to examine from the beginning, Patrick J. Hurley's role in China and a story which has been perpetuated over a period of two and a half decades.

[68] Ibid.

[69] Ibid., 1.

CHAPTER II

CHINA AND THE ROOTS OF THE HURLEY MISSION 1943-44

The story of Patrick J. Hurley in China is, to a great degree, the story of wartime China itself. Sent to the China Theatre in 1944 as President Roosevelt's personal representative to Chiang Kai-shek, Major General Hurley's principal mission was to reconcile the differences between Lt. General Joseph Stilwell and Chiang Kai-shek. Stilwell had been assigned to China as Chief of Staff and commander of American forces in 1942. But when Hurley arrived in China it was immediately obvious, if it had not been so prior to his departure from the United States, that there were more deeply rooted problems in China than those between Stilwell and Chiang--problems which had their origins in America's traditional view of its role, vis-á-vis the Chinese, and in President Roosevelt's view of China's place in the post-war world.

Militarily, China's role in the world war was to be a minor one. In terms of grand strategy, the Pacific Theatre was third in line behind England and Russia for military aid, and China placed a poor fourth. The Chinese were viewed as capable of resisting the Japanese advance on the Asian continent until the Germans could be defeated and until the United States could rebuild her fleet, after which China would ultimately become the launching pad for the final air and sea assault against the Japanese home-islands. In other words, the Chinese were to fight a holding action. Their primary function in the war would be to somehow

stay in the war and on the side of the Allies.[1]

Politically, however, China loomed large in the minds of American policy formulators, particularly Roosevelt's, as a future Great Power. Always present in the President's mind, from the earliest days of the war, was the belief that the world would never be free from war as long as imperialism, particularly British imperialism, was allowed to continue. In his conception of the future post-war world stood a free and independent Asia, with a strong and unified China as its pillar of strength against future imperialist incursions. Such a China would, Roosevelt envisioned, take its place in a future world system which would be policed by the four Great Powers: the United States, Great Britain, the Soviet Union, and China.[2]

In spite of the fact that China's immediate military and future world political roles were not compatible, the United States intended to give the Chinese its full moral support during the war, plus all the supplies and equipment it could possibly spare. The assumption was that this moral and, albeit minor, military support, when combined with what were believed to be strong traditional ties between the United States and China since the days of the open-door, would result not only in a great power role for China, but a China which would lean politically and diplomatically toward the United States as well.[3]

[1]Gaddis Smith, American Diplomacy During the Second World War, 1941-1945 (New York, 1967), 7; Herbert Feis, The China Tangle: the American Effort in China from Pearl Harbor to the Marshall Mission (New York, 1965), 14; Charles F. Romanus and Riley Sunderland, Stilwell's Mission to China (Washington, D.C., 1953) 64; James MacGregor Burns, Roosevelt: The Soldier of Freedom, 1940-1945 (New York, 1970), 242.

[2]Smith, American Diplomacy, 81-98.

[3]Ibid., 7.

Though illusory, this view prevailed, and Roosevelt made policy from the beginning with the idea in mind that when the war was over, colonialism would be over as well.[4] Even prior to the United States' formal entry into the war, Roosevelt had begun to put his post-war plans into effect. At Argentia, Newfoundland, in August, 1941, Roosevelt committed himself and the United States to the principles of self-determination and non-aggrandizement when he signed, with the British Prime Minister, Winston Churchill, the Atlantic Charter.[5] These principles, the first of which was new, in word at least, to American diplomacy were applied to China by Secretary of State Cordell Hull, on November 26, 1941. In what was to be the final formal policy statement on China made by the United States until 1945, Hull informed the Japanese that the United States was committed to "the principle of inviolability of territorial integrity and sovereignty of each and all nations" and to "the principles of non-interference in the internal affairs of other countries."[6]

At the ARCADIA conference in Washington, D.C., called shortly after the attack on Pearl Harbor, Roosevelt and Churchill, meeting to plan their grand strategy, agreed to establish a separate China Theatre, under the command of Generalissimo Chiang Kai-shek. Operating under the belief that Chiang would never consent to being placed under foreign command, he was made responsible to none other than himself, rather than to the Combined Chiefs of Staff, the unified command structure which was

[4] Ibid., 81.

[5] William L. Langer and S. Everett Gleason, The Undeclared War, 1940-1941 (New York, 1953), 687.

[6] Foreign Relations, 1941, II, 766.

also created at ARCADIA.[7] This separate command reflected a sensitivity on the part of Churchill and Roosevelt, to the century of foreign interference in China's internal affairs by the West. Keeping in mind past European intervention in China and the American policy statement of November 26, 1944, to say nothing of the fact that the Allies were now involved in the Far East in opposition to Japanese imperialism in Asia, the two Western leaders were very cautious not to appear to be interfering in China. It would, furthermore, be extremely difficult to subordinate Chiang Kai-shek to the Combined Chiefs. While he was, in fact, Generalissimo of the Chinese Army, he was, as well, head of state. Unlike the American wartime command structure, the Chinese structure did not provide for a military Chief of Staff, subordinate to the Political Chief. Chiang was head of state, Commander-in-Chief and Chief of Staff, all in one. It would not have been politic to make him subordinate to the Combined Chiefs in one role and equal to Churchill, Roosevelt and Stalin in the other.

Involved as well, in these early planning stages, were Roosevelt's hopes for an Asia free, in the future, of imperialism. Chiang Kai-shek had become an ally of Roosevelt's in the latter's anti-imperialism campaign, the two uniting early in the war, against Churchill, on that question. Chiang believed, as did Roosevelt, that the existence of colonialism in Asia provided Japan with considerable propaganda material to be used in influencing the Chinese people. Chiang had spoken out strongly against the British position in India and in support of Gandhi, and Roosevelt had offered his encouragement. Roosevelt had realized the

[7]Romanus and Sunderland, Stilwell's Mission, 61-62.

futility of his own advancements toward Churchill on the subject. As early as the Argentia meeting, Churchill had announced that he had not taken office to preside over the liquidation of the British Empire.[8] Roosevelt, therefore, had turned to China, hoping to make that nation strong enough to resist the colonial pressures of Great Britain and others, throughout Asia. To avoid being associated with the imperial powers, whose presence Roosevelt so opposed, it was necessary to avoid direct American involvement in China.[9]

Chiang Kai-shek's nearly autonomous role in the China Theatre was not, as the war developed, to his liking, as was evidenced by developments in August, 1943, when Roosevelt and Churchill were meeting at Quebec. Just as that conference was beginning, T. V. Soong, the ~~Chinese~~ Foreign Minister, approached Cordell Hull with an urgent plea to make the unity of the four powers a reality by including China in the major planning conferences. The letter handed to Hull

> . . . remarked that the Chinese government had not even been asked to present opinions and plans in regard to matters of utmost concern to China; and that even when given a hearing by the Combined Chiefs of Staff, Chinese spokesman had not been allowed to share in the arguments and the making of decisions. The Chinese government . . . wanted to be included on a footing of equality in all existing joint and combined agencies. . . .[10]

Although the Chinese were not granted their request at Quebec, they were soon diverted from that course, when, on September 2, 1943,

[8]Smith, American Diplomacy, 82.

[9]Ibid., 91.

[10]Feis, China Tangle, 96.

Hull revealed to Soong a declaration of principles for a United Nations organization prepared by the State Department and agreed to in principle by Roosevelt and Churchill at Quebec. The Declaration was placed before the delegates of the Foreign Minister's Conference at Moscow and formalized as the Moscow Declaration of October 30, 1943. Confirmed at Cairo the same year, it became the foundation for the principles outlined in the United Nations Charter. As soon as the Declaration had been agreed upon by the three Foreign Secretaries at Moscow, it was sent directly to Chiang, who signed it immediately. With the signing of that document, China became, formally, one of the big-four that were to police the world at war's end.[11]

Of particular interest to the Chinese was the sixth and final paragraph of the Moscow Declaration. Throughout the war period, the Chinese Nationalists had been more concerned with the activities of the Communist faction, under the leadership of Mao Tse-tung, than with the Japanese. Although Chiang felt that his forces could easily handle the Communist threat after the war, one of his greatest fears was that the Soviet Union was secretly cooperating with Mao and would aid the Chinese Communists once peace had been made with Japan. If this should be the case, thought Chiang, there would be little hope of bringing the Communist-controlled areas back under control of the Central Government.[12] But the sixth paragraph of the Moscow Declaration seemed to offer some hope that Russia would not become involved in what by 1943 was clearly seen by outside observers as a civil war in the making. In that

[11] Ibid., 91, 99.

[12] Ibid., 95.

paragraph, the Soviet Union, along with the United States, Great Britain and China, had pledged:

> That after the termination of hostilities they will not employ their military forces within the territories of other states except for the purposes invisaged in this declaration and after joint consultation.[13]

There occurred one other important event at Moscow, however, one which carried profound implications relative to China. At the closing banquet, which formally ended the Moscow Conference, Hull found himself sitting next to Joseph Stalin, who, half-way through the dinner, leaned to Hull and announced matter-of-factly that Russia would enter the Pacific war shortly after the defeat of Germany.[14] Although the United States had been anxiously awaiting such a development and welcomed it for the promises Soviet entry held for a speedier defeat of Japan, the prospect of such an event meant that a settlement of Sino-Soviet relations was all the more important. When Russia entered the Pacific war, she would more than likely do so through Manchuria. This meant she might enter North China and come in contact with the Communist forces of Mao Tse-tung in that area. With Russian entry quite probable, it was more urgent than ever for the United States to impress Chiang with the importance of establishing more cooperative relations with the forces of Mao Tse-tung.[15]

Aware of repeated statements from both the Nationalist and Communist leaders to the effect that both sides were united, at least in

[13] Ibid., 99.

[14] Ibid., 100.

[15] Ibid., 102.

their desire to remove the Japanese from Chinese soil, Americans at the higher diplomatic levels probably believed that the two would be just as opposed to future incursions into Chinese territory by the Russians. If, however, the two competing factions were still close to civil war when the Soviets made their appearance in the north, there were good chances that the Chinese Communists would take a more pragmatic course and enlist the aid of their "ideological" brethren to further their own ends.[16]

In November, 1943, President Roosevelt traveled to Cairo and Teheran to meet, for the first time, all three of the other powers, though his meeting with Chiang Kai-shek would be a separate one. Aware of Chiang's fears of Soviet assistance to the Chinese Communists, Roosevelt hoped to gain a reassertion of the Moscow Declaration and to come to an agreement with Churchill and Stalin about some major concessions he hoped could be made to the Chinese.[17] Roosevelt was also aware of a number of rumors of recent origin which held that Chiang might possibly arrive at a separate peace with the Japanese. Although the rumors were groundless, Roosevelt saw it necessary once more to give the Chinese a morale boost, particularly in view of the fact that the Pacific strategy was in the process of change.[18] Allied military

[16] Ibid.

[17] Roosevelt succeeded at Teheran in arriving at an agreement with Stalin and Churchill which provided for the return to China of Manchuria, Formosa and the Pescadores, and for a temporary trusteeship for Korea following the defeat of Japan. See, Ibid., 106-107.

[18] Ibid., 105; Romanus and Sunderland, Stilwell's Command Problems (Washington, D.C., 1955), 53.

planners were fast moving to the conclusion that the best route to Japan would be across the Central Pacific and up from the Southeast Pacific, in what came to be known as the island-hopping strategy.[19] China was moving out of the military vision as the final launching-pad for the assault on Japan. The fact remained, however, that China would still be a necessary, if not vital factor in that final assault. It was believed that the mainland Japanese forces might attempt to pull back to the home-islands for defensive purposes, making it necessary for the Chinese to keep those forces tied down on the continent. There was the other possibility as well, that those Japanese forces might entrench themselves in China, prolonging the war and making it necessary to launch an allied invasion there, a prospect which was undesirable for the military difficulties involved.[20] China must, therefore, remain in the war and be strengthened.

Roosevelt gained his desired reassertion of the Moscow Declaration, and he arrived at an acceptable agreement which made far-reaching territorial concessions to the Chinese,[21] concessions, it was believed, which would convince Chiang that the Soviets were not interested in reestablishing their influence over areas which were historically Chinese. But the President's efforts were for naught, for by late spring-early summer, 1944, the situation in China showed little, if any, improvement.

While Roosevelt had been adhering to the principle of a strong China, the reality of the situation was being expressed in other circles,

[19] Ibid.

[20] Feis, China Tangle, 169.

[21] Ibid., 107.

a reality grasped by China-based observers, military, political and diplomatic. The most vehement of these observers, and one who expressed himself in no uncertain terms, was General "Vinegar" Joe Stilwell. Despatched to China in 1942 ". . . to increase the effectiveness of the United States aid to the Chinese government for the prosecution of the war and to improve the combat efficiency of the Chinese Army,"[22] Stilwell had, by 1943-44, met with little success. Although caused in part by Stilwell's own lack of tact in dealing with Chiang, his failures were attributable to a far greater degree, to other priorities for American aid, the refusal of Chiang and the Kuoumintang to make economic, social and military reforms conducive to the creation of an effective fighting force, and the conflict between the Nationalist government and the Communist faction in the North. Stilwell had consistently relayed his objections to these conditions to the War and State Departments, and many members of the latter had just as consistently supported his assessments. His criticism was heard in the White House as well, but with reserve. The President felt it more essential at the time to preserve a basically friendly attitude toward the Chinese government, rather than pressure them into making the changes necessary for active Chinese prosecution of the war.[23]

[22]Romanus and Sunderland, Stilwell's Mission, 74. Stilwell was assigned to the China Theatre with a number of specific tasks: "To supervise and control all United States defense-aid affairs for China; under the Generalissimo to command all United States forces in China and such Chinese forces as may be assigned to him; to represent the United States on any international war council in China and act as the Chief of Staff for the Generalissimo; to improve, maintain, and control the Burma Road in China." Ibid., 73. It was the long-term objective of Stilwell's mission, to improve the combat efficiency of the Chinese Army. Ibid., 75.

[23]Feis, China Tangle, 37.

By early 1944, as reports from both the State Department and military personnel clearly indicate, the political and military situation was becoming critical. The Nationalist forces under Chiang were not fighting, the Japanese were gaining considerable ground, the economy was in a chaotic state, increased friction was developing between Chiang's government and the Soviet Union, and the personality gap was ever widening between Stilwell and Chiang.[24]

Although concessions had been made at Cairo and Teheran with Soviet acquiescence, Chiang's worries about the Soviet Union were not satisfactorily dispelled. By early summer, 1944, he was still extremely dubious about the possibilities of the Soviet Union maintaining a hands-off policy toward China. In the face of extreme problems in maintaining popular support of their own people and continued demoralization of their armies, the Chinese leaders were increasingly fearful that the Soviets were maintaining close but secret ties with the Chinese Communists. Furthermore, Soviet aircraft had, in March, fired upon and killed Chinese troops who were reportedly pursuing Chinese rebels near the border of Outer Mongolia. The Soviets had claimed that the troops crossed the border, a claim the Nationalist government denied. Whatever the facts may have been, the Chinese reported that the Soviet attitude had been hostile and that this hostility was evidence of a more general attitude on the part of the Russians toward the Nationalists, and not isolated to the immediate episode. This incident, combined with the signing of the Russo-Japanese Sakhalin fishing agreement of the same month, and a feeling on the part of the

[24] Foreign Relations, 1944, VI, 41, 54-56, 58, 59, 69, 77.

Chinese that their inability to arrive at an acceptable agreement with the Chinese Communists was a result of Soviet support of the Communists, led to apprehensions about the reality and sincerity of the Soviet policy.[25]

President Roosevelt and the State Department put little stock in Chiang's contentions of Soviet hostility. They agreed with the Ambassador in China, Clarence Gauss, that Chiang was merely attempting to elicit greater help and more active support for his central government from the United States. But they had, nevertheless, exerted a great amount of energy attempting to pacify the Generalissimo, drilling into him the need for getting along with both the Communist Chinese and the Soviets for the sake of the whole war effort. But in spite of their efforts, Chiang remained in fear of future Soviet support of the Chinese Communists, and the former's extension of influence over the frontier regions--Inner Mongolia, Sinkiang and Manchuria.[26]

Roosevelt maintained that there was little fundamental opposition between China and the Soviet Union. Nevertheless, he was sufficiently worried about Chiang's appeals, to send another mission to China--an attempt once again to calm the Chinese leader and to urge an agreement between the Nationalists and Communists, and thus, a reduction of Chinese fears of Soviet incursions. Roosevelt's choice for the mission was his Vice-president, Henry Wallace.[27]

[25] Ibid.

[26] Feis, China Tangle, 139.

[27] Ibid, 140.

Wallace arrived in Chungking, the wartime Nationalist capitol, with instructions from Roosevelt to

> . . . explain to the Generalissimo that China had been recognized as one of the four Great Powers primarily because of the insistence of Secretary Hull at the Moscow Conference and to elaborate on this by expressing the hope that the Generalissimo must realize this and could not let America down after America had pinned such faith and hope on China as a World Power.[28]

In a cabinet meeting around the middle of May, Roosevelt had explained that he was greatly concerned about the situation in China, and that ". . . he was apprehensive for the first time as to China holding together for the duration of the war."[29] In his testimony before the Senate Internal Security Committee in 1951, Wallace pointed out that Roosevelt had told him to do what he could to get the Chinese Nationalists and Communists to stop fighting.[30] Roosevelt's explanation and Wallace's testimony indicate that the President was at that time less worried about the possibility of Soviet incursions into the Northern regions after the war than he was about Chinese internal problems which might frustrate the whole war effort against Japan.

China was becoming a problem of prestige as well, particularly for Roosevelt and Hull, who had fought long and hard to gain great power status for China. While the idea of "loss of face" has traditionally been applied to the Oriental races, these two American leaders stood to lose their full share if the Chinese proved unworthy of the status which had been won for them.

[28]Edward Stettinius, Under Secretary of State, to Joseph C. Grew, Director of the Office of Far Eastern Affairs, Foreign Relations, 1944, VI, 230.

[29]Ibid.

[30]Feis, China Tangle, 145.

In the four days spent with Chiang, Wallace discussed topics covering the full range of Sino-American relations. The Vice-president had not been instructed to arrive at any specific agreements with Chiang, but rather, had been referred to by Roosevelt as a "messenger," well suited to bring back a valuable first-hand report on the situation in China.[31] And messenger he was, for at one point in his conversations,

> Mr. Wallace told Pres. Chiang of Pres. Roosevelt's comment that the British did not consider China a great power; that Pres. Roosevelt wanted China to be a great power in fact as well as in theory; that at Cairo the British were opposed to giving any reality to China's position as one of the "Big Four," and that at Teheran the Russians were cool regarding China. Mr. Wallace then quoted to Pres. Chiang the following statement made by Pres. Roosevelt: "Churchill is old. A new British Government will give Hong Kong to China and the next day China will make it a free port."[32]

This was the message Roosevelt most wanted to be stated explicitly. The United States was intent upon making China a great power in the post-war world. But implied in the message was that Chiang need not worry about the Soviets. Instead, he should be working to prove the Chinese were worthy of the role Roosevelt had envisioned for them. Wallace's mission was, for the most part, one of goodwill. The Chinese it was believed, needed yet another morale boost. It was with that goal in mind that the not-so-subtle promise of a return of Hong Kong after a century of British control, was intended.

There appear to have been no concrete commitments made, at least on the part of the United States. One of Wallace's more specific tasks

[31]President Roosevelt's public announcement of the Wallace mission to China. Foreign Relations, 1944, VI, 228.

[32]Summary of notes of conversation between Wallace and Chiang. Ibid., 232.

had been that of discussing with the Chinese the possibilities of sending an American observer group to Yenan, the Communist stronghold in North China, to gather information on Communist Chinese activities there. Such a mission had often been recommended by a number of Foreign Service officers in China since 1943. Little had been done to implement their recommendations, until a strongly-worded memorandum, written in January, 1944 by John Patton Davies, reached the hands of the President. Evidently impressed by Davies' plea for such a mission, Roosevelt brought it to the attention of General Marshall and directed that appropriate action be taken on the proposal.[33]

Wallace had obviously been instructed to discuss such a mission with Chiang while in Chungking, for, on June 22nd, the subject was broached. Negative at first, the Generalissimo reversed himself the following day and agreed in principle to the despatch of an observer group to the North.[34] It was this observer group, soon to be called the Dixie Mission,[35] that would carry John Stewart Service and others to the Communist capital. As fate would have it they would come into conflict with the President's personal representative to Chiang and later Ambassador in China, Patrick J. Hurley.

It was, in fact, one result of the Wallace mission that Hurley went to China in 1944. At the last meeting of Wallace and Chiang, the Generalissimo had suggested to the Vice-president that Roosevelt send

[33]David D. Barrett, Dixie Mission: The United States Army Observer Group in Yenan, 1944 (Berkeley, 1970), 23.

[34]Ibid., 26.

[35]Ibid., 13.

to China, a personal representative. Chiang desired closer cooperation with the President. There being too many channels through the State Department which made communication difficult, would it be possible, Chiang inquired of Wallace, to have a personal representative such as Carton de Wiart, Churchill's representative ". . . who handles political and military matters?"[36]

Wallace, in his report to the President of June 28, 1944, relayed this request for a personal representative, while at the same time presenting to Roosevelt an extremely pessimistic account of conditions in China. Claiming that "the fact in China at present is the strong probability that East China will be lost to the Japanese in the near future,"[37] Wallace went on to suggest that the situation was far from hopeless and could possibly be turned to both political and military advantage.

> With the right man to do the job, it should be possible to induce the Generalissimo to reform his regime and to establish at least the semblance of a united front, which are necessary to the restoration of Chinese morale; and to proceed thereafter to organizing the new offensive effort for which restored morale will provide a foundation.[38]

But Wallace did not have in mind a new representative. He urged, rather, a replacement for Stilwell. Such a replacement, Wallace argued, should be placed in closer contact with Chiang and be given authority over both military and political matters. Stilwell would not do, in part because of his involvement in Burma, but even more because Chiang

[36] United States Relations With China, 559.

[37] Wallace to Roosevelt, Foreign Relations, 1944, VI, 235.

[38] Feis, China Tangle, 156.

had expressed dissatisfaction with and a lack of confidence in the sharp-tongued General.[39]

But neither the President nor the War Department was of the same mind, and ultimately, in the face of strong Japanese advances which threatened the American air-bases in East China, Roosevelt suggested not that Stilwell be recalled but that Chiang place him in command of all Chinese forces.[40] Responding to the President's suggestion, Chiang agreed that in principle, it was a good idea, but that this would take some time to accomplish, given the present political situation in China and the length of time it took Chinese troops to adapt to new leadership. In the meantime, Chiang added, it would be well that a personal representative be sent to China ". . . to constantly collaborate with me and . . . adjust the relations between me and General Stilwell. . . ."[41]

In the face of Chiang's tactful denial to place Stilwell in such a position of power, Roosevelt, agreeing with Chiang's assertions that some form of political and military liaison should be established,[42] informed the Chinese leader on August 19, 1944, that he was sending to China, Major General Patrick J. Hurley. General Hurley, Roosevelt informed Chiang,

> . . . is to be my personal representative on military matters. . . . His principle mission is to coordinate the whole military picture under you as Military Commander-in-Chief---your being, of course, the Commander-in-Chief of the

[39]Feis, China Tangle, 156.

[40]Ibid., 170.

[41]Chiang to Roosevelt. Foreign Relations, 1944, VI, 120.

[42]Feis, China Tangle, 172.

> whole area--to help to iron out any problems between you and General Stilwell who, of course, has problems of his own regarding the Burma campaign and is necessarily in close touch with Admiral Mountbatten.[43]

The climate in China on the eve of Hurley's departure was therefore stormy. The United States was, as it had been since the beginning of the war, committed to the support of the Nationalist government in word and in deed. Roosevelt had gone to great lengths to force China upon Britain and the U.S.S.R. as a Great Power. But militarily, as well as politically, Chiang's government was not living up to the role being handed her. Rosevelt's post-war dream depended on China's strength for fulfillment, and he was not anxious to see that dream shattered--for reasons of prestige as well as utility. Militarily, China was not as important as she had once been, but she was still important nevertheless. Victory in Europe was just over the horizon. The main theatre would soon shift to Asia. If, when it shifted, there existed no stable government in China, the vacuum might in fact be filled, not by the Chinese Communistsbut by Russia, a prospect Roosevelt finally realized but did not desire for reasons related not only to his dream of an Asia free of outside interference, but to fears of a world power structure imbalanced in favor of the Soviet Union as well.

The Japanese had attacked the American fleet at Pearl Harbor to protect themselves from a threat to their further encroachments in Asia. The United States had attempted to block the Japanese movements diplomatically, but by the time war began it was clear that America was involved in Asia in opposition to Japanese aggression in China which began with the incident at the Mukden in 1931. The United

[43]Roosevelt to Chiang. Foreign Relations, 1944, VI, 249.

States had clearly stated its opposition to Japanese incursions at that time and once war began in 1941 it was understood that it was a war to remove the Japanese from the Asian continent. With that view of the war, Roosevelt surely had misgivings about the possibilities of another power or powers, gaining control once again inside China. If, at war's end, there was not a strong Chinese government clearly in control of all China, foreign intervention was highly probable.

Americans had been slow to go to war in the first place, and did so finally, when the reasons appeared clear and unquestionable. If that war should end with China weak and overpowered once more, albeit by other than the Japanese, the American public would not take kindly to having fought a worthless war. There can be no doubt that this was a paramount consideration for Franklin D. Roosevelt.

Chinese internal problems must be solved, but in a manner that was in keeping with the statement issued by Cordell Hull in 1941--that the United States was committed to "the principles of non-interference in the internal affairs of other countries." Although not the intention of the President initially, Patrick J. Hurley would be the man to attempt the resolution of those internal problems while trying to keep within the bounds of the principles set down by Hull in 1941.

CHAPTER III

THE PRESIDENT'S PERSONAL REPRESENTATIVE

General Hurley was not lacking in experience nor was he unfamiliar to Roosevelt when in 1944 the President decided to send a personal representative to China. A self-made man, a millionaire two times over, Secretary of War under President Herbert Hoover, successful attorney and investor,[1] Hurley had volunteered his services to the nation

[1]Hurley was born in Lehigh, Choctaw Indian Territory (now Oklahoma), on January 8, 1883. The son of Irish Immigrants, Hurley was forced to go to work at the age of 11 after his father was injured in a fall from a horse and his mother died. He tended trap-door in a shaft of the Atoka Coal and Mining Company near Lehigh for 25¢ per hour. Hurley received some schooling when he was 14 years of age, attending night classes taught by an itinerant school teacher by the name of Golightly. When his schooling was cut off by a strike in the mines, the young man turned to "cowpunching." Following an abortive attempt to join Theodore Roosevelt's Roughriders in 1898, Hurley entered the Baptist Indian University, now Bacone College near Muskogee, Oklahoma. He received his Bachelor of Arts degree in 1905 and in 1908 received his Bachelor of Law degree from the National University in Washington, D.C. He opened a law office in Tulsa, Oklahoma, where he was an immediate success and where he began to accumulate his fortune. One of his early fees was a large tract of land on the outskirts of Tulsa, land which very soon was engulfed by the rapidly expanding city. Elected President of the Tulsa Bar Association in 1910, Hurley was admitted to the bar of the United States Supreme Court in 1912. Shortly thereafter he was appointed attorney for the Choctaw Nation, a position which, while not lucrative, provided him with considerable prestige and the foundation upon which to build his fortune. Following his World War I experience, Hurley became involved through his law practice, in banking and oil operations. As receiver from the Gilliland Oil Company, he managed the company's affairs so well he was able to sell it to Standard Oil for a profit of over three million dollars, for which he received a handsome fee. Campaigning for Herbert Hoover in the election of 1928, Hurley was rewarded with an appointment to the position of Assistant Secretary of War. When Secretary Good died nine months later, Hurley became Hoover's Secretary of War, and the first Oklahoman ever to sit on a Presidential Cabinet. Losing most of his fortune in the

immediately after the Japanese attack on Pearl Harbor. Although he had been quite outspoken against the New Deal administration of Franklin Roosevelt since 1932, Hurley was a strong supporter of the President's foreign policies in the years immediately preceding Pearl Harbor. He had urged repeal of the Neutrality Act and America's active participation in the European struggle, despite the centralization of government which would result, and which he so despised. "The Neutrality Act," Hurley had stated in 1941, "is a cowardly surrender of the freedom of the seas. . . . The United States is in no position to maintain its traditional policy on freedom of the seas until the Neutrality Act has been repealed."[2]

With great faith in his nation's ability to win and a strong belief in action over words, Hurley wired President Roosevelt shortly after the Pearl Harbor attack, requesting a command assignment.[3] He had previously been informed by the War Department that he was "on the Eligible

[1]Depression years, Hurley returned to his law practice after Hoover's defeat, rebuilding his assets quickly, again through some very successful oil dealings, investments, and real estate transactions. In 1940, he became involved in the Mexican-American oil expropriation dispute as counsel for the Sinclair oil interests. Through individual action and negotiations with the Mexican government, Hurley arrived at an acceptable agreement where others had failed. For his services, Hurley received from the Sinclair companies a reported one million dollars, and from the Mexican government, that nation's highest honor, the Order of the Aztec Eagle. He was on a business trip to Venezuela when the Japanese bombed Pearl Harbor on December 7, 1941. See: Don Lohbeck, Patrick J. Hurley (Chicago, 1956); George Milburn, "Mr. Hoover's Stalking-Horse," The American Mercury, XXVI, No. 103 (July, 1932), 257; Who Was Who in America, (Chicago, 1968), IV [1961-1968], 477; Anna Roth, ed., "Patrick J. Hurley," Current Biography: Who's News and Why: 1944 (New York, 1945), 319; Parker La Moore, Pat Hurley: The Story of an American (New York, 1932).

[2]Lohbeck, 156.

[3]Ibid., 158.

List for appointment in case of emergency as Brigadier General of the Line, Reserve."[4] The emergency had obviously arisen, and now Hurley wanted to serve, more it might be ventured, for his own glorification than for what he could offer to his country in military expertise.

Not lacking in vanity, Hurley held himself in high regard, and consistently resisted, throughout the wartime period, assignments which kept him away from the theatres of action. But this was not the first war in which he sought military glories. When he enlisted in the Army in 1916, he was assigned to the Judge Advocate General's Office in Washington D.C. An experienced attorney, his skills had been utilized where they were most needed. But he was highly dissatisfied, and following numerous requests for transfer to the battle zones, Hurley was sent with the first detachment of artillery to France, where he participated, albeit behind the lines, in the battles of Aisne-Marne, Meuse-Argonne and St. Mihiel. But even this did not satisfy Lt. Colonel Hurley.

> Although assigned to a staff position far behind the lines, Hurley was determined to be decorated for valor. He arranged to carry a message from one artillery command post to another, and, as a result, the Army awarded Hurley the Silver Star.[5]

When President Roosevelt received Hurley's request for assignment, he turned it over to General Marshall, who informed Hurley that the Army was looking for younger men to take command posts and that his services would not be needed.[6] A few days later, however, Hurley was summoned to

[4] Ibid., 156.

[5] Robert Thomas Smith, "Alone in China: Patrick J. Hurley's Attempt to Unify China," (Unpublished Ph.D. Dissertation, University of Oklahoma 1966), 9.

[6] Lohbeck, 158.

the White House where the President offered him the post of Minister to New Zealand, a post which had not previously existed. The President was, without doubt, aware that Hurley was an influential Republican who had supported his foreign but not his domestic policies. It would have been impolitic to refuse to allow such a man the opportunity to serve his country.

But Hurley insisted upon a more militarily-oriented role, and was sent finally to General Marshall's office, where he noticed a message from General Douglas MacArthur, appealing for assistance at Corregidor.[7] Hurley and MacArthur had been long-standing friends, Hurley having been responsible for MacArthur's appointment as Army Chief of Staff over the strong objections of General John J. Pershing, in 1930.[8] Expressing an immediate desire to ". . . just help Doug,"[9] Marshall responded just as quickly to Hurley's desires by offering him the job of acquiring ships and crews in Australia to run the Japanese blockade of Corregidor and get supplies through to MacArthur. Once this mission was accomplished, Hurley was to take up his post in New Zealand.[10]

Accepting this assignment, Hurley was sent directly to the War Plans Division, and Marshall, "lest the ebullient Hurley talk too much," telephoned to tell them Hurley was coming and to keep him there and take him to the plane and not let him out of the Department.[11] On this note, Hurley's World War II service to his country began.

[7]Forrest C. Pogue, George C. Marshall: Ordeal and Hope, 1939-1942 (New York, 1966), 243.

[8]Lohbeck, 101.

[9]Pogue, 244.

[10]Ibid.

[11]Ibid.

Failing to make a significant break in the Japanese blockade, Hurley went on to New Zealand and was sworn in as American Minister on April 1, 1942. In July of the same year, dissatisfied with his non-military role, he requested and was granted permission to travel with Peter Frazer, Prime Minister of New Zealand, to Washington to discuss Pacific military strategy.[12]

Although Hurley was supposed to return, eventually, to New Zealand, he did not. Following his discussions with Roosevelt, he was sent in the opposite direction--to the Middle East, Iraq and Iran--and then on to Russia. The President had sent him on this side-mission, allegedly to discuss the Europe First strategy with Stalin, after which he was to return to New Zealand and Australia and explain to the governments there the necessity for major operations in Europe as opposed to the Pacific.[13] But by all appearances, Hurley's journey to Russia was intended to reassure the Soviet government of America's desire for a second European Front as well.

In Hurley's letter of introduction, Roosevelt informed Stalin that he was sending the General to Moscow so that

> . . . as a result of his personal experience [he would] . . . be able to assure the Government of Australia that the most effective manner in which the United States can join in defeating Hitler was through the rendering of all possible assistance to the gallant Russian armies, who have so brilliantly withstood the attacks of Hitler's armies.

The President went on to state:

[12]Lohbeck, 171.

[13]Ibid.

> As you know, the Governments of Australia and New Zealand have been inclined to believe that it was imperative than an immediate and all-out attack should be made by the United Nations against Japan. What I wish General Hurley to be able to say to these two Governments after his visit to the Soviet Union is that the best strategy for the United Nations to pursue is for them first to join in making possible the defeat of Hitler and that this is the best and surest way of insuring the defeat of Japan.[14]

It is unlikely that Stalin could have given Hurley any better reasons than Roosevelt for a Europe First strategy, or that anything the Soviet leader had to say would have had any more influence on the governments of Australia and New Zealand than would the words of Roosevelt.[15]

That Hurley's mission to Russia was intended to pacify Stalin is further evidenced by the fact that the General never did return to New Zealand or Australia. Following two months of "barnstorming" through Russia, he moved on to Teheran, Iran, arriving there on New Year's Day, 1943. He very quickly uncovered a situation which, as he wired Roosevelt, warranted a verbal report to the President.[16] Apparently Roosevelt was not greatly concerned about relaying Stalin's attitudes to the New Zealanders and Australians, for he called Hurley home to Washington to hear his report, and on March 3, 1943, designated the General as his personal representative to act as an observer and to report under condi-

[14] Ibid., 173.

[15] Ibid. It appears to be the case that Hurley's mission to Moscow in the fall of 1942 was more related to problems the United States and Great Britain were having trying to convince Stalin that they were doing all they could, both to supply the Russians and to arrange for a second front in Europe, than to laying the groundwork for pacifying the governments of New Zealand and Australia. See Herbert Feis, Churchill, Roosevelt and Stalin: The War They Waged and the Peace They Sought (Princeton, New Jersey, 1967), 67-68.

[16] Smith, "Alone in China," 23.

tions in Egypt, Syria, Lebanon, Iran, Iraq, Palestine, the Arab States, including Saudi Arabia, and Karachi.[17] Hurley never returned to his post as Minister to New Zealand.

Despite the fact that Hurley was instructed by Roosevelt to assume no responsibility for conduct of foreign policy or military and naval operations,[18] he did, by his mere presence, interfere with the normal diplomatic and military activities in the areas he visited. Taking what has been described as little more than ". . . a V.I.P. tour of each country through which he passed," Hurley's activities caused a great deal of resentment on the part of the regular State Department and military personnel in the area.[19]

Untrained as a diplomat, and with very little actual military experience, Hurley believed he could accomplish much by virtue of his personality alone. A handsome, striking individual, and one who was not lacking in confidence, Hurley believed in the straight-forward approach and disdained subtleties. Such behavior did not appeal to the foreign service men who observed his activities in the Middle East, and who looked upon the General as little more than a "bumptious amateur."[20]

[17]Roosevelt to Hurley, March 3, 1943 (Franklin D. Roosevelt Library, Hyde Park, New York), President's Personal File 6533.

[18]Ibid.

[19]Smith, "Alone in China," 23.

[20]Ibid., 24. Following Hurley's visit to the Soviet Union, he wrote voluminous reports on what he saw there. Referring to those reports, George F. Kennan, a noted diplomat and Russian specialist, stated: "I don't think. . . [Hurley] knew what he was talking about when he reported on the views of the Soviet leaders. On the other hand, there was ample advice available to him which he showed no desire to tap on these subjects.

Quite aware of such attitudes toward him, Hurley reacted to them by way of his reports to the President.

> Hurley's reports from the Middle East had charged that elements in the State Department were either pro-British or pro-Communist in their sentiments. He said that some members of the State Department were intent upon using the war against Germany and Japan as a means for strengthening the British Empire's hold over weaker nations of Europe, the Middle East, and Asia. Others, he continued, were determined to assist the Communist conspiracy for world domination by the Soviet Union.[21]

The seeds of Hurley's discontent with the State Department were planted, therefore, early in his relatively short diplomatic career. This early conflict would not be forgotten by them or by Hurley, when the time came for the General to move on to China.

Although Hurley had visited China during his tenure as Secretary of War under Hoover,[22] his first visit there under Roosevelt was in 1943.

[20]I mean, it was not surprising to me that Hurley didn't know that he was being given the usual run-around and the usual patter by Stalin and Molotov, but I think that if he had been a wiser and more thoughtful man, he would have asked some people who would be familiar with those conditions for some years to comment on those." Ibid., 22. Although Kennan's remarks did not relate directly to Hurley's activities in the Middle East, they are representative of the attitudes held by regular career Foreign Service men toward him and his movements in circles for which they felt he was not trained. See also: William D. Leahy, I Was There: the Personal Story of the Chief of Staff to President's Roosevelt and Truman (New York, 1950), 123.

[21]Smith, "Alone in China," 24.

[22]Lohbeck, 94. Hurley happened to be in Shanghai enroute to the United States from an inspection trip to the Philippines on September 18, 1931, the day of the Mukden incident which preceded the Japanese takeover of that year in Manchuria. Hurley, upon his return to the United States, hotly opposed the subsequent "Stimpson non-recognition doctrine," whereby the United States addressed "notes" to the Government of Japan," . . . announcing the United States policy of refusing to recognize territorial changes brought about by force of arms." Ibid., 95. It was Hurley's opinion that ". . . 'the Japanese was going to seize Manchuria anyhow' unless stopped by force." Richard N. Current, Secretary Stimson: A Study in Statecraft (New Brunswick, 1954), 81, ". . . opposing further notes and protests and deprecating nonrecognition, [Hurley] argued that we should put up or shut up, should either use our fleet (along with the British) to restrain Japan or else say and do nothing." Ibid., 94. Hurley used this experi-

The President was making preparations for his conference with Stalin, Churchill and Chiang Kai-shek at Cairo and Teheran, and wanted Hurley to sound out the Generalissimo on the arrangements and various problems which might arise at the upcoming Cairo meeting. In addition, Hurley was to review with Chiang the developing plans for the Pacific Island-hopping strategy.[23]

After meeting with Chiang for three days (November 7-10, 1943), Hurley flew on to Cairo and Teheran where his presence had been requested by the President.[24] On November 5, 1943, Acting Secretary of State Stettinius had written Hurley instructing him to go to Teheran on a special mission as the President's "Personal Representative with the Rank of Ambassador."[25] He was not to assume actual charge of the Diplomatic Mission in Iran, but was, rather, to coordinate the various agencies of the American government there and the activities of those agencies with the British and Soviet Russians, while the regular Minister to Iran, Louis Dreyfus, was on leave of absence. Although at first glance, such a mission might appear to have been one of high regard, Hurley was actually being sent to Teheran to make arrangements

[22]ience in later years as evidence that he was not unfamiliar with China when he went there in 1944 as Roosevelt's Personal Representative. Military Situation Far East, 2852.

[23]Roosevelt to Hurley, October 12, 1943 (Franklin D. Roosevelt Library). President's Personal File 6533. See also: Smith, "Alone in China," 25.

[24]Ibid., 26.

[26]Lohbeck, 208.

for the President's accommodations there.[26]

Although he was not to play a major role in the diplomatic negotiations at Teheran, Hurley did perform at least one vital function. He was instrumental in urging upon the President the need for a tri-partite declaration on the status of Iran, and drafted the document (The Iran Declaration) which was subsequently signed by the three major powers, the United States, the Soviet Union and Great Britain.

In early May, 1943, Hurley had written to to the President about the situation in Iran, urging Roosevelt to

> . . . assume at least that degree of leadership that will justify the confidence of the officials and the people of Iran in America's capacity to uphold the principles of the Atlantic Charter, and to assure the continued existence of Iran as a free nation.[27]

Iran had been experiencing difficulties as an occupied country, having not yet declared war against any nation or block of nations. Serving essentially as a military base, the country had been occupied by the Soviets in the north and Great Britain in the south. American forces were present there as well, but only to operate the rail transport system that ran from the Persian Gulf to the Soviet frontier, an essential route of supply for the Red Army.[28] It was assumed that the Iranian Government was pro-Axis and, according to Hurley, "the Government of Iran had been rendered impotent by the occupying forces."[29] The

[26] Ibid., 210.

[27] Military Situation Far East, 2843.

[28] Feis, Churchill, Roosevelt and Stalin, 266.

[29] Military Situation Far East, 2844.

Shah of Iran was becoming increasingly distressed by the situation, claiming ". . . that he and his people were not in fact pro-Axis; they were pro-United Nations."[30]

Urging the Shah to prove his alignments by declaring war on the Axis powers, Hurley proceeded to convince President Roosevelt that there was need to assure the Iranian government that the United States at least, insisted upon the principles of the Atlantic Charter, and that those principles be applied to Iran; that Iran should be admitted to the United Nations by virtue of her declaration of war against the Axis powers; that the American and British legations should be raised immediately to the status of Embassies, and that American and British Ambassadors compatible to one another and capable of understanding and promoting ~~British-American-Russian cooperation~~ should be appointed to Iran.[31]

The British had been aware of the problems in Iran and had taken the initiative to assure the Iranians that wartime occupation would not lead to any permanent impairment of her independence. At the Moscow Conference, Great Britain had raised the subject in an agenda item entitled the "Common Policy in Iran." She had urged that ". . . the three countries whose forces were in Iran should join in a public declaration stating that when the war was over these would be withdrawn."[32]

But both the United States and the Soviet Union had expressed reservations at Moscow, the United States because American troops were in

[30] Ibid.

[31] Ibid.

[32] Feis, Churchill, Roosevelt and Stalin, 267.

Iran in a different capacity than the Russian and British forces, and because Hull had hesitated to become involved in Iranian domestic politics. The Soviet Union hesitated because the Soviet-Anglo-Iranian Treaty of 1942 provided for the presence of an Iranian representative whenever questions relating to that country were discussed. The subject was avoided, therefore, to be dealt with when the three heads of state met at Teheran.[33]

In his discussion with Roosevelt at Cairo in November, Hurley revealed to the President his belief that the Soviet Union and Great Britain were disregarding the pledges made in the Atlantic Charter, now that the United States was fully committed to the war.[34] Roosevelt, susceptible to such ideas as a result of his own experiences with British intransigence on questions of Asian Colonialism, agreed with Hurley's feelings and suggested that Hurley find a place and a procedure at Teheran appropriate for insisting that Churchill and Stalin reaffirm their Atlantic Charter commitments.[35]

Secretary of State Hull had suggested at Moscow that each of the Big Three make separate statements of intention to Iran and had presented on behalf of the United States, a Declaration Regarding Iran as an example of the kind of statement he thought each should make. Roosevelt and Hurley agreed that Hull's Declaration should be the appropriate vehicle through which to gain a reaffirmation by Stalin and Churchill

[33] Ibid.

[34] Lohbeck, 214.

[35] Ibid., 215.

of the Atlantic Charter.[36]

While Roosevelt was meeting with Churchill and Stalin at Teheran, Hurley and J. D. Jernegan of the State Department drew up the proposed Declaration, and, following discussions with Molotov and Eden who approved the proposal, a final draft was made.[37] Presented at the last Teheran meeting, the draft was accepted with but a few minor changes being made by Winston Churchill.[38] The document was essentially that which had been prepared and presented by Hull at Moscow. It was merely rewritten to include a reference to all three major powers and to the Atlantic Charter. The final paragraph read as follows:

> The Government of the United States, the U.S.S.R., and the United Kingdom are at one with the Governments of Iran in their desire for the maintenance of the independence, sovereignty and territorial integrity of Iran. They count upon the participation of Iran, together with all other peace-loving nations, in the establishment of international peace, security and prosperity after the war, in accordance with the principles of the Atlantic Charter, to which all four Governments have subscribed.[39]

On December 1, 1943, the Declaration on Iran was initialled for the Iranian government by Foreign Minister, Mohammad Saed,[40] and with that Patrick Hurley became personally committed to the document, believing it to have constituted a reaffirmation of the Atlantic Charter. Unfortunately, the words ". . . in accordance with the principles of the Atlantic

[36] Ibid.

[37] Ibid.

[38] Ibid., 216.

[39] Military Situation Far East, 2834.

[40] Lohbeck, 217.

Charter . . . ," left a great deal of leeway for interpretation by the powers. According to Hurley's own charges, the Russians and the British had already chosen to interpret the Charter to fit their own purposes. Yet he failed to recognize that if what he said was true, Churchill and Stalin would no doubt see the Declaration on Iran in terms of their own individual interpretations of the Atlantic Charter.

When Hurley claimed in later years that the Delcaration on Iran was a reaffirmation of the Atlantic Charter, he was quite correct, for it was. Unfortunately, he equated reaffirmation with clarification. There was no clarification of the Atlantic Charter at Teheran.

Following the Teheran Conference, Hurley remained in Iran, having been requested by Roosevelt, who had by this time established considerable confidence in the General, to coordinate the acitivities of the various agencies in that country.[41] The career Foreign Service officers, however, had even less faith by this time in the President's assignee and Hurley succeeded in alienating them even further by his overly-gregarious nature and unpredictable behavior.[42]

Nor was Hurley particularly fond of the officials stationed in Iran. He soon came to believe that State Department personnel were attempting to sabotage his mission.[43] On December 21, 1943, Hurley had submitted to the President a full report with recommendations for an American policy in Iran.[44] On January 12, 1944, Roosevelt forwarded this

[41] Smith, "Alone in China," 27.

[42] Ibid.

[43] Ibid.

[44] Military Situation Far East, 2846.

report to the Secretary of State indicating his strong agreement with the recommendations made by Hurley.[45] In March, Roosevelt corresponded with Hurley directly, and again indicated his favorable response to the proposals made in December.[46] But when Hurley returned to Washington in March for consultation with the President, he happened upon a memorandum in the State Department which had been written by Eugene Rostow and initialled by the Assistant Secretary of State, Dean Acheson. The memorandum referred to Hurley's proposals on Iran as "hysterical, messianic globalony."[47] Attributing this statement to himself, Acheson, reporting the incident years later, explained that the phrase referred to the charges Hurley had made in his report to the President--that the British were misusing Lend-lease goods in Iran, and that Russia and Great Britain had imperialistic designs for the Middle East--not to the report per se.[48] But Hurley apparently took this as confirming evidence of his prior suspicions that his whole mission in Iran was being sabotaged by the State Department. In a September, 1944, letter to the President, Hurley reviewed the incident and added:

> My report which you sent to the State Department was circulated in other departments of the Government. It carried with it the "messianic global boloney" memorandum and was also verbally attacked by men in the State Department to such an extent that the report was discredited. It finally reached the press through a keyhole columnist in discreditable form. So, the basic work

[45] Ibid.

[46] Ibid.

[47] Ibid., 2847.

[48] Dean Acheson, Present at the Creation: My Years in the State Department (New York, 1969), 134.

of destroying your Iranian plan was accomplished in Washington.[49]

Furthermore, Hurley added, those who opposed the Iranian plan in Washington, also opposed the Atlantic Charter, particularly those articles dealing with free trade and self-determination.

> These are men in the State Department who are upholding imperialism, monopoly and exploitation as opposed to the principles stated in the Atlantic Charter. That is one of the deep-seated reasons for the failure of the Iranian plan.[50]

Hurley did not return to Iran following his March meeting with the President, for he refused to serve any longer in positions which would place him in the State Department chain of command.[51] For the remainder of the spring and summer of 1944, he stayed in Washington, where, in July, he began to hear rumors of the developing crisis which in August would take him, again as the President's personal representative, to China.

During the summer of 1944, the Japanese had been making considerable advances in China proper, threatening the American air bases at Liuchow and Kweilin. If those bases were to fall, the next Japanese move would most likely be toward Kunming and Chungking. Kunming was vital to the war effort in China as the terminus of the air supply route from India and the nerve center of American air attacks on the Japanese in China. As Herbert Feis pointed out in The China Tangle, "if that was lost, the whole tremendous Allied effort to move supplies into China and maintain effective air bases and equipment would be canceled."[52]

[49] Military Situation Far East, 2847.

[50] Ibid.

[51] Smith, "Alone in China," 28.

[52] Feis, China Tangle, 166.

Although in July Roosevelt had accepted MacArthur's plan for moving into the Philippines instead of Formosa and the China mainland, thus putting campaigns in China in the background, it was still felt essential to enable the Chinese to fight more effectively.[53] Chiang Kai-shek's forces had been meeting with little success on the battlefield, and American observers were fast becoming convinced that the Chinese were waiting for the United States and Great Britain to win the war, after which the Chinese would reap the benefits of American benevolence in particular.[54] In addition, there was still the Communist threat which Chiang believed must be met after the war, and for which he was preserving his best troops. According to a report from the Military Intelligence Division of the War Department, submitted in July, 1945, but referring to the military situation in summer, 1944, the Chungking government was adhering to a policy of conserving its military strength by keeping its best armies away from the fronts in East China. Many of the troops which were on the front lines were military units comprised of troops loyal to local war-lords who had formerly opposed Chiang Kai-shek, and were not eager to do the Generalissimo's bidding except as it might benefit their own political and military position.[55] In short, the Chinese Nationalists were, as usual, fighting only among themselves.

By midsummer, 1944, the United States began, in spite of changes in strategic planning, a concerted effort to get the Chinese into the

[53] Ibid., 168.

[54] Ibid., 167.

[55] Ibid., 166.

war on an active footing. Vice-president Wallace had conferred with Chiang in June and had recommended to the President, upon returning to the United States, that General Stilwell be replaced with a personal representative to Chiang Kai-shek, who could handle both military and political affairs. Men in the War Department, however, felt Stilwell had been judged unfairly.[56] But the British were suggesting Stilwell's recall as well, and in the face of strong pressures, thoughts in Washington turned to the possibility of transferring Stilwell from Burma to China where he might salvage the situation if given a command assignment.[57] Stilwell had been queried on his attitude toward such an assignment and reportedly answered that the Generalissimo might give him a command job if the President pressed the issue, but for such a command to be effective he would have to be given complete authority over the Chinese armies.[58] Pressed by the Joint Chiefs of Staff, Roosevelt informed Chiang on July 6, 1944, that Stilwell had been made a full general, and urged the Generalissimo to recall Stilwell from Burma and confer upon him ". . . the power to coordinate all Allied military resources in China, including the Communist forces."[59] Chiang had hedged, agreeing in principle, but had placed obstacles in the path of an immediate takeover by Stilwell.

In the meantime, Roosevelt had traveled to Hawaii where he met with the Pacific Theatre Commanders and made the final decision to move

[56] Ibid., 169.

[57] Ibid.

[58] Ibid.

[59] Ibid., 170.

against the Japanese in the Philippines rather than on Formosa and the China Mainland.[60] As these decisions were being made, the President was also searching for the appropriate man to represent him in Chungking. Patrick J. Hurley, meanwhile, was still in Washington searching for a new assignment.

On August 3, 1944, Secretary of War Stimson had remarked to General Marshall that he was still trying to find an adequate job for Hurley. It had been suggested that Hurley be sent back to the Middle East, but the Foreign Economic Administration had objected, and Hurley was still seeking a military assignment.[61] Marshall, who had originally held reservations about sending a personal representative, found himself faced with the need to send someone friendly to Stilwell, before others with presidential influence had an opportunity to suggest a candidate friendly to General Clair Chennault with whom Stilwell had been having a long-standing dispute over China strategy.[62] Hurley, having established very cordial relations with Stilwell on their meeting just prior to the Cairo Conference in 1943, was suggested to Marshall by Stimson and Marshall found him to be acceptable for the job,[63] a decision he made more from a sense of urgency perhaps, than of a careful weighing of Hurley's ability to do the job.

[60] Ibid., 172.

[61] Foreign Relations, 1944, VI, 247.

[62] Barbara Tuchman, Stilwell and the American Experience in China, 1911-45 (New York, 1970), 478.

[63] Ibid., 479.

Hurley was sounded out about the mission on the same day that Stimson raised his name.[64] Following his discussion with Marshall, Hurley immediately contacted Stettinius, inquiring about the possibility of his being made Ambassador. Informed by the Undersecretary that there was little chance of any changes being made in China at any time in the near future, Hurley pressed Stettinius to discuss the matter with Hull, which Stettinius did on that same day. Hurley, it appears was not as much against serving within the State Department chain of command as he had led some to believe—as long as his link was somewhere toward the top of that chain.[65]

By August 9, 1944, the President and General Marshall had agreed upon Hurley as the man to go to Chungking,[66] and on August 18th the President, after receiving word from Chiang that Hurley would be acceptable, talked briefly with his new appointee and issued him a brief letter of instructions.[67] In two short paragraphs Roosevelt designated Hurley as

[64] Ibid.

[65] Foreign Relations, 1944, VI, 247. Hurley's biographer claimed that the General initially turned down the President's request that he go to China because he did not want another diplomatic post. But when Roosevelt told him that he could go in the capacity of an Army officer, Hurley readily agreed. Hurley's inquiries about the possibility of his being sent as Ambassador, seem to contradict such findings. See Lohbeck, 279.

[66] Feis, China Tangle, 178.

[67] According to Foreign Relations, 1944, VI, 250, Hurley's letter of instructions was never located in State Department files. Hurley merely reported the contents of that letter to the Department on August 22, 1944. Ibid. According to Robert Smith "Alone in China," 48, there was such a letter in Hurley's Personal Papers from which Smith did the proportionate amount of his research. No such letter has been located, however, in the Roosevelt collection at Hyde Park.

his personal representative to Chiang Kai-shek and outlined his principle mission as that of promoting efficient and harmonious relations between the Generalissimo and General Stilwell. Hurley was, further, to facilitate Stilwell's exercise of command over the Chinese armies, which, it was hoped, were soon to be placed under him. Although Hurley was instructed to report directly to the President, he was also directed to coordinate all his activities with the Ambassador in China, Clarence Gauss.[68]

Following seven days of briefings with military, diplomatic and Presidential advisors on the China situation, Hurley met again with the President on August 24.[69] It was during this meeting that Hurley gained the impression that one of his primary functions in China would be to uphold and sustain the Government of Chiang Kai-shek.

> Meeting for less than an hour in the late afternoon the two men discussed corruption in the Chinese government and the political alternatives to Chiang Kai-shek. The President characterized Mao Tse-tung as "probably a competent man, but untried in the larger responsibility of governing China." Roosevelt felt that the lack of Chinese leaders forced the United States to depend on Chiang; therefore, the policy of the American government was to support the Generalissimo.[70]

The existing American policy toward China, the President further explained, made recognition of any other political factions in China impossible. Secretary of State Hull had clearly explained this in his note to the Japanese Ambassador before the outbreak of war in 1941. Suggestions

[68] Smith, "Alone in China," 48.

[69] Ibid., 49.

[70] Ibid.

which were being made to the effect that there were other leaders in China more capable than Chiang, were, therefore, rejected by Roosevelt.[71]

In the same meeting, Roosevelt and Hurley discussed proposals which had been made to arm the Communist forces in China. Although such proposals had been intended not to threaten Chiang's position, but rather, to put into the war military forces which had evidenced a sincere desire and the ability to successfully fight the Japanese in China, Hurley and the President agreed that because of Chiang's ". . . well known apathy toward the idea," it should be rejected.[72]

On August 25, 1970, General Hurley, in the company of Donald Nelson[73] and two aides, departed for Chungking, China, flying first to Moscow to converse with the Soviet leaders to ". . . acquaint them with the purposes and objectives of his trip to China."[74] But Hurley's purposes and objectives would change soon after his arrival in Chungking, and in spite of his seven days of briefing on the situation in China, he was unprepared for the task which awaited him there. Without any real military or diplomatic experience, Hurley relied upon confidence in his own personality, believing as did Roosevelt in himself, that ". . . his power to make

[71] Ibid.

[72] Ibid.

[73] Foreign Relations, 1944, VI, 252. Donald Nelson, Chairman of the War Production Board was sent to China with Hurley "specifically . . . to look into the problem of civilian supply to China 'over the hump' and into the related problems of production and distribution in China." Ibid., Hull to Gauss, August 23, 1944, 251.

[74] Ibid., Deputy Director of Office of European Affairs, H. Freeman Matthews to the Secretary of State, August 24, 1944, 252.

friends was so irresistible that all opposition could be charmed out of existence."[75]

> When the President sent Hurley to China. . . he knew full well the kind of man he had selected. Roosevelt realized that Hurley had no special diplomatic training. Furthermore, Hurley's past history had demonstrated him to be a poor team worker and a flamboyant dandy.[76]

Hurley ". . . delighted in wearing his General's uniform,"[77] but had relatively little training as a soldier. His past experiences, in many parts of the world, had provided him with little in the way of diplomatic expertise as far as the Department of State and the Foreign Service personnel were concerned. In later years he would level charges at members of the latter, which related to the situation that developed in China. But the contempt he held for the Department of State did not sprout in China. He took it with him and it hindered him in the role he was to play. Hurley went to China with little in his favor, aside perhaps, from the fact that he was a prominent Republican who supported a Democratic President's foreign policy, and had gained the President's confidence. There was a great deal working against him, not the least of which was his own personality. "Nevertheless, Hurley held the confidence of President Roosevelt and that qualification overrode any of Hurley's deficiencies."[78]

[75] Gaddis Smith, American Diplomacy, 9.

[76] Ibid., 252.

[77] Smith, "Alone in China," 28.

[78] Ibid.

CHAPTER IV

DIXIE MISSION

While the President and his advisors were attempting to arrive at feasible solutions to the problems in China during the summer months of 1944, at least one operation was moving forward with success. In June, Vice-president Wallace had managed to convince Chiang Kai-shek of the utility of an observer mission to the Chinese Communist stronghold in the north. Such a mission had been proposed to General Stilwell early in 1943 by John Patton Davies, a Foreign Service officer attached to Stilwell's headquarters as a political advisor. Stilwell, pre-occupied by other troubles, not the least of which were his relations with Chiang, paid little attention to his early proposal. Then, on June 24, 1943, Davies again put his arguments in writing and addressed them to both Stilwell and the Department of State. Davies pointed out that only one official United States observer had ever visited Yenan, and that had been in 1938. The largest concentration of Japanese troops and the second largest Japanese industrial base were in North China, he noted, and the Chinese Communists constituted the most cohesive, disciplined and aggressive anti-Japanese group in the country. This was the area which Russia would probably enter when she attacked Japan, Davies pointed out, and the Chinese Communists there were in a position to become the foundation of a new rapprochement with the U.S.S.R.[1]

[1]Barrett, Dixie Mission, 23.

Once again in January, 1944, Davies memorialized Stilwell and the State Department,[2] and this time his urgings were brought to the attention of the President, who in February, pressed upon Chiang the need for information on the strength of the Japanese forces in North China.

> Information at present regarding the enemy in North China and Manchuria is exceedingly meagre. To increase the flow of such information and to survey the possibilities of future operations, both ground and air, it appears to be of very great advisability that an American observers' mission be immediately dispatched to North Shensi and Shansi Provinces and such other parts of North China as may be necessary.[3]

In answer to the President's suggestion, Chiang wrote on February 22 that he would be glad to send an American observer mission ". . . to gain more accurate information regarding the troop concentration of our common enemy in North China and Manchuria."[4] He had already issued instructions to the Ministry of War, Chiang reported, to contact General Stilwell's headquarters for the purpose of mapping out a prospective itinerary for a mission to ". . . all areas where the political authority of the National Government extends and wherever our Army is stationed."[5]

But the political authority of the National Government did not extend into the area to which the President wished the mission to go, nor was the Kuomintang Army stationed there. By June, however, when Vice-president Wallace discussed the proposal with Chiang, that condition was no longer evident. Chiang only required that the mission come under the auspices of the National Military Council, a condition which was clarified

[2] Ibid.

[3] Roosevelt to Chiang, Foreign Relations, 1944, VI, 329.

[4] Chiang to Roosevelt, Ibid., 349.

[5] Ibid.

on June 23, to mean that the mission would be "sponsored" by the National Military Council. As far as the Communist areas were concerned, Chiang simply denied responsibility for the mission if it desired to travel there.

> The Generalissimo returned to the subject of his attitude toward the project by emphasizing again that he desired it to have the completest freedom, and being merely under the nominal sponsorship of the National Military Council. He went on to say, however, that while he could promise full freedom in Kuomintang territory he could make no promises for the treatment and freedom given by the Communists, and that we would have to arrange that with the Communists ourselves.[6]

On July 22, 1944, the first group of American military observers left for Yenan, a second group departing about August 5. Commanded by Colonel David D. Barrett of the General Staff Corps, the observer group, known by its code name "Dixie", included sixteen military observers and two Foreign Service men who were assigned as political observers.[7]

These two, John Stewart Service and Raymond P. Ludden, had been assigned to the Army mission because, as one Department of State official put it, ". . . for sometime to come the only way the Department can get its political observers into the growingly important Communist area is by detailing them to the Army."[8] Ambassador Gauss also wrote to the Secretary of State on July 8, that

> . . . as understanding reached with Chinese Government was that this group should be a military group for purpose of obtaining military intelligence, care must be exercised in attaching Foreign Service officers to it. So far as Chinese Government is concerned they should appear as language officers and not as diplomatic or political officers.[9]

[6] Ibid., report of conversation between Wallace and Chiang Kai-shek, 462.

[7] Barrett, Dixie Mission, 13.

[8] John Patton Davies, as sent to Hull by Officer in Charge, New Delhi (Merrill), Foreign Relations, 1944, VI, 113.

[9] Gauss to Hull, Ibid., 119.

Commander of the Dixie Mission, Colonel Barrett, had been ordered to Chungking in March, 1944, where he had been informed by Service that he was to be in command.[10] But final approval for the mission had not come in March, and Barrett was sent back to Kweilin to resume his duties there. Ordered once more to Chungking in July, he was finally informed officially that he would command the mission.[11]

But oddly enough, Barrett was never issued official orders relating to his specific duties in the north.

> It is amusing now to look back on the busy days just before our departure, and recall that with all the talk there had been about the necessity for sending the mission and the valuable work we hoped to accomplish, up to the last minute no one seems to have thought about giving us any definite orders. On the 21st day of July, with everything set for us to take off the next day, it suddenly occurred to me I had received no instructions in black and white.[12]

With this realization, Barrett contacted a Headquarters "G-2", who gave him a typed sheet listing the topics on which the mission was to obtain information. "These orders were unsigned, and without authentication of any kind," and in the form of a "Memorandum to Colonel David G. Barrett, GSC,"[13] which told the Colonel that "in connection with the despatch of an Observation Section to area under control of the Chinese Communists, information is particularly desired on the following subjects:

[10] Barrett, Dixie Mission, 24.

[11] Ibid., 25.

[12] Ibid., 27.

[13] Ibid.

Enemy Order of Battle

Enemy Air Order of Battle

Puppet Order of Battle

Strength, composition, disposition, equipment, training, and combat efficiency of the Communist Forces.

Utilization and expansion of Communist intelligence agencies in enemy and occupied territory.

Complete list of Communist officials (Who's Who)

Enemy air fields and air defense in North China.

Target intelligence

Bomb damage

Weather

Economic intelligence

Operations of Communist forces.

Enemy operations

Evaluation of present contribution of Communists to the war effort

Present extent of areas under Communist control (with maps)

Most effective means of assisting Communists to increase the value of their war effort

Naval intelligence

Order of Battle of Communist forces

Evaluation of potential contribution of Communists to the war effort.[14]

"No other instructions of any kind, oral or written, secret or non-secret," Barrett wrote, "were ever given me."[15] But whether the orders were officially given or not, it was perfectly clear to the men who traveled to Yenan, exactly what it was they were expected to do. That expectation had

[14] Ibid., 28.

[15] Ibid.

been indicated in the last item on Barrett's list of subjects, that is to evaluate the potential contribution of the Communists to the war effort against the Japanese.

If Service and Ludden were given specific written instructions, they have either been lost, or no record of them was ever kept. More likely than not, the two Foreign Service officers were well aware of the intent of the Mission, and functioned without specific instructions in the same manner as they had previously--as observers reporting on the political situation where and when they believed such reports would be of interest to their superiors. Although they were still Foreign Service officers, they were directly responsible to General Stilwell prior to their assignment to the Dixie Mission, after which they came under the command of Colonel Barrett. Their reports went first to Barrett who approved them for transmission to Headquarters, China-Burma-India theatre.[16] From there they were transmitted wherever the commander-in-chief of that Theatre, General Stilwell, chose to send them.

John Stewart Service was considered by many to be a highly competent political observer in China. He was born and spent part of his early life in Szechuan, where he learned the language, and, according to Barrett, ". . . was accustomed to what I considered the barbarous dialect of that province and the local accents of other areas."[17] But Service went to Yenan with strong negative feelings toward the Government of Chiang Kai-shek and held a critical opinion of the manner by which the United States had previously dealt with that Government. In a March, 1944 memorandum

[16] Ibid., 45.

[17] Ibid., 47.

which was transmitted to the Department of State by the Ambassador in China, Service wrote that China was in a mess. "No military action on a significant scale is in sight. The economic crisis continues to drift and worsen. Internal unrest is active and growing. Relations with all her allies are estranged."[18] Admitting that the United States was partially to blame for adding to China's economic difficulties, Service asserted that Chiang and only Chiang was responsible for the sorry situation in China at the time. The answer to the enigma, Service contended, would be found in Chiang's background and limitations, and in the United States' failings in dealing with him. The words of the Ambassador, he wrote, carried little weight ". . . because the State Department has not taken a strong policy and because it does not, in any event, speak for the White House."[19] Chiang had no fear of General Stilwell, Service contended, because the General could not demonstrate the unqualified backing of the War Department or the White House.

> Chiang will cooperate if the United States, upon which he is dependent, makes up its mind exactly what it wants from him and then gets hard-boiled about it. Until the President determines our policy, decides our requirements, and makes these clearly and unmistakably known to Chiang, Chiang will continue in his present ways.[20]

The President could make his policy known, Service urged, by Stilwell and the Ambassador working in close concert. Although such action might mean taking an active part in Chinese affairs, Service argued, ". . . unless we do it, China will not be much use as an ally." In taking an

[18] Service to Assistant Chief of Staff, G-2, Foreign Relations, 1944, VI, 38.

[19] Ibid., 39.

[20] Ibid.

active part, he closed, ". . . we may save China."[21]

In March, Service had also written, in a memorandum relating to the possible unification of anti-Central Government elements, that civil war in China was likely to occur following the war. Out of such a civil war, he wrote, "there can be expected to emerge either a more progressive Kuomintang Government or a communist state, probably of the present modified Chinese communist type."[22] Inasmuch as this memorandum was written prior to the one in which Service proposed a stronger, clearer diplomatic position on the part of the United States with the objective of gaining a greater commitment from Chiang, he did not advocate Chiang's removal, nor, to touch here on a subject which later will be dealt with at length, did he have in mind the overthrow or destruction of the Government that the United States was pledged to uphold. He was simply registering a warning, prophetic as it was, that if the United States did not take a stronger position with Chiang, the chances of civil war following Japan's defeat were good, and the possibility existed of a "modified Chinese communist type," of government coming to power if it did.

On July 28, Service wrote the first of many reports on his observations of the political, social and cultural conditions in Yenan. Admitting in this report that he had only been in Yenan for six days, Service explained that he felt it necessary, given the availability of mail facilities and their future uncertainty, to record a few general first impressions of the Communist Region. "My own experiences," Service reported, "is that one enters an area like this, concerning which one has

[21] Ibid.

[22] As reported by Gauss to Hull, Ibid., 378.

heard so many entirely good but second-hand reports, with a conscious determination not to be swept off one's feet."[23]

> It is interesting, therefore, that my own first impressions--and those of the rest of our Observer Group--have been extremely favorable. The same is true of the foreign correspondents, at least two of whom . . . could not, by any stretching of the term, have been called "pro-Communist" before their arrival. The spell of the Chinese Communists still seems to work.[24]

Greatly impressed by the openness and cordiality of the Communists, Service found their leaders to be very competent, political and military men. Mao Tse-tung, Service reported, was far more warm and magnetic than had been anticipated. And the general feeling of the military men was one of calm, self-confidence and self-respect, Service wrote.[25]

Summing up this rather lengthy initial report, Service added:

> I think now that further study and observation will confirm that what is seen at Yenan is a well integrated movement, with a political and economic program, which it is successfully carrying out under competent leaders.
>
> And that while the Kuomintang has lost its early revolutionary character and with that loss, disintegrated, the Communist Party, because of the struggle it has had to continue, has kept its revolutionary character, but has grown to a healthy and moderate maturity.
>
> One cannot help coming to feel that this movement is strong and successful, and that it has such drive behind it and has tied itself so closely to the people that it will not easily be killed.[26]

[23] Service, Report No. 1, Ibid., 518.

[24] Ibid.

[25] Ibid., 520.

[26] Ibid.

Colonel Barrett, over whose signature all of Service's reports from Yenan were submitted wrote in 1970, that ". . . I saw at once [that Service's reports] were strongly in favor of the Communists and adversely critical of the Generalissimo and the Kuomintang. I spoke to Jack and told him I was concerned lest the reports get him into trouble with ultra-conservatives in United States Government circles."[27] Service's response, Barrett claimed, was "Dave, I'm a Foreign Service Officer. What I have written in these reports and the recommendation I have made are my observations and carefully considered opinions. If they don't like them in Washington, they can throw them out."[28]

Service was true to his words, for the stream of reports which flowed from Yenan were neither brief, nor were they, for the most part, critical of the Communists. On September 4, two days before Hurley arrived in Chungking, Service submitted his 21st report from Yenan, entitled "General Impression of the Chinese Communist Leaders."[29] In the report, Service lauded the Communist leaders, finding them with very few negative traits--at worst they demonstrated voluntary effacement of individuality, a noticeable uniformity in their thinking and expressions, and a lack of humor among them. In conclusion, Service added:

> The general impression one gets of the Chinese Communist leaders is that they are a unified group of vigorous, mature and practical men, unselfishly devoted to high principles, and having great ability and strong qualities of leadership.

[27] Barrett, Dixie Mission, 45.

[28] Ibid., 46.

[29] Foreign Relations, 1944, VI, 551.

> This impression—and, I suggest, their record--places them above any other contemporary group in China. It is not surprising that they have favorably impressed most or all of the Americans who have met them during the last seven years: their manners, habits of thought, and direct handling of problems seem more American than oriental.[30]

Earlier on August 3, Service had submitted report No. 5, entitled "The Communist Policy Toward the Kuomintang,"[31] in which he suggested that ". . . the policies of the Chinese Communist Party will not run counter to the interests of the United States in China in the foreseeable future, and that the Party merits, so far as possible, a sympathetic and friendly attitude on our part."[32] He arrived at this conclusion through an extensive analysis of the Communist's attitude toward Chiang and the Kuomintang, attitudes which were held by the political though not the military leaders. The political leaders, Service noted, appeared to have complete control of the military leaders in policy matters, and the policy of the former continued to be ". . . adherence to the United Front; full mobilization to fight Japan; abandonment of any purely Communist program; and recognition of the Central Government and the leadership of the Generalissimo."[33]

It might seem strange, Service suggested, that a party which was striving for political power, and was theoretically at least, revolutionary in nature, would not be taking advantage of the deteriorating control of

[30] Ibid., 556.

[31] Ibid., 562.

[32] Ibid., 567.

[33] Ibid., 562.

the Kuomintang throughout China. Why, Service asked rhetorically, would the Communists still be adhering to the United Front when the political and military situation in China was to their advantage? "The question therefore presents itself:" he wrote, "are the Communists sincere in this policy?"[34]

The indications, Service offered, were that the Communists were sincere.

> Except for the months from July to September, 1943 when they seriously thought they were in danger of attack by the Kuomintang, they have not talked of violent opposition to the Kuomintang. The Communists steadfastly stick to the line that civil war would be a tragedy which must be avoided at any cost--although some observers believe that it would be difficult if not impossible for the Kuomintang to defeat them. They will not permit any suggestion that China should be divided or that they should hold one section of it, such as North China, more or less independently. Propaganda wall slogans in Yenan (long antedating our arrival) call for both parties to unite to resist Japan.[35]

Service went on to offer two explanations of Communist policy, one based on theoretical grounds as given by the Party leaders, the other arising out of practical considerations. The second, he suggested, may be too cynical, and it would be rejected by the Party leaders. Nevertheless, they both made some sense, he added, "and both would seem to show that the party is under far-sighted, careful leadership and strong discipline."[36]

As a theoretical explanation, Service pointed out that the Chinese Communist Party claimed to be Marxist. "By this the Communists mean that their ideology, their philosophical approach, and their dialectical methods

[34] Ibid., 563.

[35] Ibid.

[36] Ibid., 564.

are based on Marxist materialism."[37] Marxism was, therefore, an attitude and an approach to problems, according to Service. "It is a long-term view of political and economic development to which all short-term considerations of temporary advantage or premature power are ruthlessly subordinated."[38]

> . . . although the Chinese Communist Party aims at eventual socialism, it hopes to arrive at this, not through a violent revolution, but through a long and orderly process of democracy and controlled economic development. This democracy will be of a progressive--or what would generally be called radical--type. The economic development will be partly socialistic, partly private. The first is essential to the second: the desired economic development can come about only under democracy.[39]

The long-term approach, Service commented, determined for the Communists their policy toward the Kuomintang. Because they believed in democracy, they advocated multi-party participation in politics. In keeping with this approach, they sought compromises with the Kuomintang in the hope that the progressive elements in the Kuomintang would rise to the occasion and make such compromises possible. Thus the Communists refused to exploit what appeared to be an excellent opportunity to overthrow the Nationalist government. "And for this reason they seek to avoid civil war: even if they win after a long struggle, the country's development will be set back by loss of time and destruction of resources."[40]

But at the same time, the Communists would not sacrifice the gains made thus far if that would be the prerequisite to a compromise with the

[37] Ibid.

[38] Ibid.

[39] Ibid., 565.

[40] Ibid.

Kuomintang. They would accept provocation and abuse, Service noted, but they would make no concessions of principle, ". . . because to make such concessions would be a violation of their long-term policy and a turning back in the pursuit of their ultimate objectives."[41]

> By this view the Communist Party becomes a party seeking orderly democratic growth toward socialism--as it is being attained, for instance, in a country like England--rather than a party fomenting an immediate and violent revolution. It becomes a party which is not seeking an early monopoly of political power but pursuing what it considers the long-term interests of China.[42]

But Service was not the naive observer that some would claim he was in later years, for his second explanation held forth the possibility that the Chinese Communists were simply well-versed in Machiavellian politics. Their support of the war could be giving them time to mobilize, organize, and indoctrinate the people and to train and equip an efficient army. Their operation behind the Japanese lines could be providing them with relative freedom from Kuomintang harassment. Land reform programs might be designed merely to gain the support of the people in the areas of Communist operations, while at the same time their espousal of democracy acted as an appeal to the majority of the Chinese people and as a good club for beating the Kuomintang. Their democratic claims, Service further noted, along with their engagement in guerilla warfare behind enemy lines, and their proclamation of liberal economic policies based as they were on private property, were also useful as an appeal to foreign sympathies to the point of winning the foreign support necessary for the rebuilding of China following the war.

[41] Ibid.

[42] Ibid.

With the conditions as bad as they appeared to be throughout China, the Communists grew stronger, Service revealed, and with this fact in mind, it was unnecessary for them to take active steps toward the defeat of the Kuomintang. "If things continue as they are now going, time will bring the collapse of the Kuomintang, leaving the Communists the strongest force in China."[43]

It was difficult, Service wrote, to make a clear-cut determination of whether the first or second explanation of the Communist Chinese policy was appropriate. It was probable, he speculated, that a portion of both entered into the actual formulation of Communist strategy. The bellicosity of the Communist generals tended to draw him toward the second explanation.

> But on the other hand, the apparently genuine attempts of the Communists to avoid any civil war now or after the present war are hard to fit into the second explanation. And the impressive personal qualities of the Communist leaders, their seeming sincerity, and the coherence and logical nature of their program leads me, at least, toward general acceptance of the first explanation--that the Communists base their policy toward the Kuomintang on a real desire for growth through a stage of private enterprise to eventual socialism without the need of violent upheaval and revolution.[44]

Thus did Service arrive at his conclusion that the Chinese Communist policies did not run counter to the interests of the United States. Although he was not advocating the arming of the Communists at this early date, he did press strongly his belief that the United States should approach the Communists with a friendly attitude.

Ambassador Gauss transmitted Service's report No. 5 to the Secretary

[43] Ibid., 566.

[44] Ibid., 567.

of State on September 8.[45] Admitting in his prefacing remarks that the Chinese Communists had moderated their policies since about 1937, Gauss took the position that this had come about, in all probability, for reasons of self-preservation and the obvious need for unity in the face of Japanese aggressions. "It was only by following such a policy that the Communists could hope to participate actively in the war in its early stages and command support from the Chinese public."[46] In Gauss' opinion, the changes in the Chinese Communists' policies were measures of expediency, and were intended to give the Communists time for the strengthening of their position vis-a-vis the Kuomintang.

The attitude of the several foreign powers with interests in China, the United States, Great Britain and the Soviet Union in particular, would, more likely than not, contribute to the evolution of Kuomintang-Communist relations in China, Gauss pointed out, and could, perhaps, be decisive.

> For this reason, the position of the foreign powers is obviously one of great responsibility in dealing with this problem. A decision, for example, of one or more of the great Powers to arm the Communists to assist in the conflict against Japan might in the end produce far-reaching internal repercussions; indeed, it is almost certain to do so. Independent or unilateral foreign support of the Chinese Communists under present conditions would in all probability be a serious blow to the Kuomintang and the National Government and might even bring about their early collapse.[47]

But Service had not yet suggested that the United States arm the Communists. He soon would, however, and others already had. For that

[45] Gauss to Hull, Ibid., 559.

[46] Ibid., 561.

[47] Ibid.

it is necessary to turn to the arrival of Patrick J. Hurley, who, on September 6, 1944, conferred with Chiang Kai-shek for the first time since their meeting in 1943.

CHAPTER V

STILWELL, CHIANG AND THE COMMUNISTS

Although President Roosevelt and Hurley had agreed in their discussions of August 24, 1944 that the idea of arming the Communists should be rejected, the fact remains that the President, having accepted the proposal of the Joint Chiefs of Staff to put General Stilwell in command of all Chinese forces,[1] radioed Chiang Kai-shek to that effect on July 6, and added:

> The extremely serious situation which results from Japanese advances in Central China, which threaten not only your Government but all that the U.S. Army has been building up in China, leads me to the conclusion that drastic measures must be taken immediately if the situation is to be saved. The critical situation which now exists, in my opinion calls for the delegation to one individual of the power to coordinate all Allied military resources in China, including the Communist forces. [emphasis added][2]

On August 23, 1944, the day before Hurley's last meeting with the President, General Hearn, Stilwell's chief of staff, presented to Chiang another message from Roosevelt, urging again that positive steps be immediately taken to place General Stilwell in command of the Chinese forces. In that message, Roosevelt also pointed out that,

> I do not think the forces to come under General Stilwell's command should be limited except by their availability to defend China and fight the Japanese. When the enemy is pressing

[1] Romanus and Sunderland, Stilwell's Command Problems, 382.

[2] Ibid.

> us toward possible disaster, it appears unsound to refuse the aid of anyone who will kill Japanese.[3]

The President had in mind, when he sent these messages to Chiang, the unification of all Chinese forces, who would then launch a combined effort under Stilwell's command to defeat the Japanese forces in China. There are no indications that he intended the Communists to be armed independently by the United States.

But when Hurley arrived in Chungking he discovered that the question of the use of Communist forces was still very much a point of contention between Chiang and Stilwell in their attempts to arrive at an acceptable arrangement for Stilwell's command takeover. In his first meeting with Chiang on September 6, Hurley was informed by the Generalissimo that if Stilwell wished to use the Communists, those forces would have to acknowledge the authority of the National Military Council. Furthermore, the Generalissimo informed Hurley, any Communists serving under Stilwell would have to submit to Chiang's control.[4]

On September 8, Hurley took up his formal role as negotiator, meeting with Chiang and T.V. Soong to hear the Chinese conditions for Stilwell's command takeover. Hurley took emphatic objection to these conditions whereupon the Generalissimo suggested that agendas be prepared by Hurley and Stilwell for the remainder of the negotiations. Chiang then proposed that the Communist troop issue be met by incorporating the Communists into the Chinese Army if they would submit to his command.[5]

[3] Ibid., 417.

[4] Ibid., 423.

[5] Ibid., 425.

On September 12, Hurley presented his ten-point Agenda to Chiang:

1. The paramount objective of Chinese-American collaboration is to bring about the unification of all military forces in China for the immediate defeat of Japan and the liberation of China.

2. To cooperate with China in bringing about closer relations and harmony with Russia and Britain for the support of the Chinese objectives.

3. The unification of all resources in China for war purposes.

4. The marshalling of all resources in China for war purposes.

5. Support efforts of Generalissimo for political unification of China on a democratic basis.

6. Submit present and postwar economic plans for China.

7. Definition of the powers of General Stilwell as Field Commander.

8. Definition of General Stilwell's powers as Chief of Staff to the Generalissimo.

9. Prepare for presentation a diagram of command.

10. Discuss future control of Lend-lease in China.[6]

Taking objection to the words "on a democratic basis," Soong asked that this phrase be struck from point 5. Chiang, agreeing to the "objectives" outlined in the first six points, stated, upon reaching the points relating to Stilwell's assumption of command, that his powers would have to be defined by an international agreement.[7]

Stilwell took this to mean that the Generalissimo had agreed to give him command so he and Hurley proceeded, following the meeting, to draft

[6] Ibid. See also, Foreign Relations, 1944, VI, 259.

[7] Romanus and Sunderland, Stilwell's Command Problems, 426. Soong's objections to "on a democratic basis," arose, no doubt, out of his idea of the political philosophy of Sun Yat-sen which called for a period of one-party tutelage prior to the creation of a democratic system. China, he probably believed was still under the one-party system.

outlines of Stilwell's new powers for the purpose of presenting to Chiang the type of agreement he desired. Among the many suggestions made by Stilwell relating to his command over the Chinese Armies, was that "all the Chinese Armed Forces, air as well as ground,"[8] were to be included in his command. He also pointed out to Hurley that his conception of arrangements with the Chinese Communists was that they should be purely military in nature and limited to the present crisis.

> The 18th Group Army (Reds) will be used. There must be no misunderstanding on this point. They can be brought to bear where there will be no conflict with Central Government troops, but they must be accepted as part of the team during the crisis.[9]

Nothing was explicitly stated about the use of the Communist forces in the two papers presented to Chiang around September 14.[10] But by this time Chiang was well aware of the desires of President Roosevelt, the War Department and Stilwell, that the Communist forces be included in Stilwell's command.

Furthermore, the War Department had, a few weeks earlier, told Stilwell that it was contemplating giving Lend-lease aid to a Chinese Army that might include Communist as well as Nationalist troops.[11] At about the same time that Stilwell received this information, he received as well, John Stewart Service's report No. 16 from Yenan,[12] in which

[8] Ibid., 428.

[9] Ibid., 429.

[10] Hurley presented to Chiang a draft of Stilwell's order of appointment and a proposed directive from the Generalissimo to Stilwell. Ibid.

[11] Ibid., 420.

[12] Foreign Relations, 1944, VI, 618.

Service suggested that the United States should begin furnishing desperately needed basic military supplies to the Communists. Not only should the Communists be supplied, Service argued, but those supplies

> . . . should be supported by training in the effective use of these supplies. It should be planned to lead, as the war in China develops into its late stages, to actual tactical cooperation of Communists with air and other ground forces.[13]

Earlier, on July 28, Service had informed Stilwell that in a conversation with Chou En-lai, the then Communist representative to Chungking had said that the Communists would welcome an American Allied Supreme Commander such as that which Chu Teh, the Communist commander-in-chief, had earlier suggested to an American newsman. Chou had pointed out also that the Communists would welcome collaboration with the Nationalists, but that this would only occur if there had been a radical change in the Central Government's earlier opposition.[14]

On September 13, just prior to Stilwell's departure for Kweilin and East China where Japanese movements were causing him some worry, he was visited by Communist emissaries. According to Romanus and Sunderland's Stilwell's Command Problems,

> All that is recorded of the meeting in his diary is that Stilwell told them he would go to Yenan, that he would meet again with them after he returned from Kweilin, and that they were much pleased. In the light of events, this suggests that after Stilwell's position had been settled to the mutual satisfaction of the Generalissimo and himself he would go to Yenan for the bargaining sessions that would precede any exercise of command over Communist forces.[15]

[13] Ibid., 619.

[14] Romanus and Sunderland, Stilwell's Command Problems, 431.

[15] Ibid., 432.

While there is no evidence to indicate that Stilwell had proposed a political settlement between the Communists and the Kuomintang--that, after all, was not his responsibility--there is ample evidence that policy makers in Washington were urging just that. On September 4, Gauss reported to the Secretary of State on the Communist problem in China, informing him that Chiang was

> . . . as adamant as, if not more adamant than, before in his attitude which is one that no compromise is possible and that the only acceptable solution would be capitulation by the Chinese Communists to the demands and wishes of the Government, i.e. of himself and the present leaders of the national party.[16]

In response, Hull told Gauss in a September 9, telegram that he and the President had taken note of Chiang's suggestions that the Communists should be told to settle with the Government, and in view of similar suggestions made to Vice-president Wallace, it appeared that there had been ". . . a discouraging lack of progress in Chiang's thinking, in view of his own professed desire to reach a settlement with the Communists."[17] Hull went on to suggest to Gauss that if he considered the step advisable, he could tell Chiang that if he would arrange a meeting with the Communist representative in Chungking.

> . . . you will point out to the Communist representative that unity in China in prosecuting the war and in preparing for the peace is urgently necessary, that a spirit of tolerance and good will--of give and take--is essential in achieving such unity; that Chinese of every shade of political thinking should cooperate now to defeat the Japanese; and that differences can be settled if the major objective of victory is kept in mind."[18]

[16]Gauss to Hull, Foreign Relations, 1944, VI, 544.

[17]Hull to Gauss, Ibid., 567.

[18]Ibid., 568.

Furthermore, Hull informed Gauss, he should tell Chiang that he and the President were concerned about the absence of a settlement with the Chinese Communists. Chiang should also be informed, Hull indicated, that he and the President were not interested in the Chinese Communists as such, but that they were anxious on behalf of the United States and the United Nations, as well as on the behalf of China, for the Chinese people to merge and settle their factional differences by intelligent conciliation and cooperation. Their hope, Hull pointed out, was for the establishment, following the war, of a durable, democratic peace.[19]

In concluding, Hull instructed Gauss to inform General Stilwell, Hurley and Nelson, of the matter, and, if he considered it useful, to invite one or more of them to accompany him when he called on Chiang. Gauss so informed both Hurley and Nelson, though the two did not accompany him when he approached Chiang on the matter on September 15.[20]

President Roosevelt and the Secretary of State, therefore, were becoming impatient with Chiang for his recalcitrance on the Communist question, as well as over the now obvious fact that the Chinese forces under Chiang were doing a poor job of fighting the Japanese. This impatience was not relieved when in September General Stilwell's situation report of the 15th was relayed to General Marshall who was at Quebec where Roosevelt and Churchill were meeting with the Combined Chiefs of Staff in the OCTAGON Conference.[21]

Where in the past, particularly at the Washington Conference in 1943 and the Cairo Conference in December of that year, there had been strong

[19] Ibid.

[20] Gauss to Hull, Ibid., 573.

[21] Romanus and Sunderland, Stilwell's Command Problems, 439.

disagreements between the Joint Chiefs and the British Chiefs of Staff over the value of committing British resources to a major offensive in Burma, now, with evidence of recent defeats over the Japanese along the Indo-Burmese border and in north Burma, the British were in the process of altering their thinking. On September 1, the British Chiefs of Staff had suggested that an operation be launched by air and by sea against the city of Rangoon. To the Americans this was immediately acceptable as it would minimize jungle fighting, would cut the Japanese line of communications to Burma, and would be a step toward reopening prewar lines of communications from Rangoon north. For the British, such an operation, if successful, would offer them the hope for the much-desired advancement toward Singapore.[22]

It was in this atmosphere of relief over a final compromise on Burma that Stilwell's report was placed, a report which told of Chiang Kai-shek's desire to withdraw Chinese troops from Burma to be used in the defense of Kunming. This action would, if carried out, end the campaign in Burma and upset completely the Combined Chiefs of Staff's strategy for Burma.[23] On September 16, the problem was formally presented to the CCS, the President and the Prime Minister.[24] The outcome of the discussions would be the first step, or perhaps the final step, leading to Stilwell's recall from China and the end of Hurley's first duty as the President's personal representative to Chiang Kai-shek.

[22] Ibid.

[23] Ibid., 440.

[24] Ibid., 441.

After reviewing Stilwell's report, Marshall presented to Roosevelt, a 600-word telegram which had been drafted by Marshall's staff at Quebec and upon which Marshall had written his endorsement. "I recommend that you send the proposed attached message to the Generalissimo,"[25] Marshall had written, and Roosevelt complied. Because the telegram was perhaps the most controversial one ever sent by Roosevelt to Chiang, it is quoted here in its full length.

> After reading the last reports on the situation in China my Chiefs of Staff and I are convinced that you are faced in the near future with the disaster I have feared. The men of your "Y" forces crossing the Salween have fought with great courage and rendered invaluable assistance to the campaign in North Burma. But we feel that unless they are reinforced and supported with your every capacity you cannot expect to reap any fruits from their sacrifices, which will be valueless unless they go on to assist in opening the Burma Road. Furthermore, any pause in your attack across the Salween or suggestion of withdrawal is exactly what the Jap has been striving to cause you to do by his operations in Eastern China. He knows that if you continue to attack, cooperating with Mountbatten's coming offensive, the land line to China will be opened in early 1945 and the continued resistance of China and maintenance of your control will be assured. On the other hand, if you do not provide manpower for your divisions in North Burma and, if you fail to send reinforcements to the Salween forces and withdraw these armies, we will lose all chance of opening land communications with China and immediately jeopardize the air route over the hump. For this you must yourself be prepared to accept the consequences and assume the personal responsibility.
>
> I have urged time and again in recent months that you take drastic action to resist the disaster which has been moving closer to China and to you. Now, when you have not yet placed General Stilwell in command of all forces in China, we are faced with the loss of a critical area in east China with possible catastrophic consequences. The Japanese capture of Kweilin will place the Kunming air terminal under the menace of constant air attack, reduce the hump tonnage and possible severing of the air route.
>
> Even though we are rolling the enemy back in defeat all over the world this will not help the situation in China for a considerable time. The advance of our forces across the Pacific is swift. But this advance will be too late for China unless you act now and vigorously. Only drastic and immediate action

[25] Tuchman, 492.

> on your part alone can be in time to preserve the fruits of your long years of struggle and the efforts we have been able to make to support you. Otherwise political and military considerations alike are going to be swallowed in military disaster.
>
> The Prime Minister and I have just decided at Quebec to press vigorously the operations to open the land line to China on the assumption that you would continue an unremitting attack from the Salween side. I am certain that the only things you can now do in an attempt to prevent the Jap from achieving his objectives in China is to reinforce your Salween armies immediately and press their offensive, while at once placing General Stilwell in unrestricted command of all your forces. The action I am asking you to take will fortify us in our decision and in the continued efforts the United States proposes to take to maintain and increase our aid to you. This we are doing when we are fighting two other great campaigns in Europe and across the Pacific. I trust that your farsighted vision, which has guided and inspired your people in this war, will realize the necessity for immediate action. In this message I have expressed my thoughts with complete frankness because it appears plainly evident to all of us here that all your and our efforts to save China are to be lost by further delays.[26]

Although Roosevelt's message to Chiang was very nearly an ultimatum, it probably would not have been considered as such by the Generalissimo had it not been delivered to him by General Stilwell. Stilwell had received the message on the morning of September 19, and realized its possible impact on Chiang. Because of the strength of Roosevelt's words, Stilwell had doubts as to whether or not he should deliver the message to Chiang himself, and sought the council of his chief-of-staff, General Hearn. Hearn told Stilwell he did not see how the General could stop a message from the President. Stilwell was cognizant of the fact, furthermore, that Roosevelt had ordered in May, that his messages were to be delivered to Chiang by the General. Stilwell was not one to disobey orders from the President. He decided, therefore, that he himself must deliver the message.[27]

[26]Roosevelt to Chiang, Foreign Relations, 1944, VI, 157.

[27]Romanus and Sunderland, Stilwell's Command Problems, 444.

Stilwell went immediately to Chiang's residence where Hurley was in conference with the Generalissimo and other Chinese, including T.V. Soong. On the table around which the group was seated, were a draft of Stilwell's commission, a draft of his directive, and a draft diagram of command channels. It was Hurley's opinion that the Generalissimo was about to place his chop on each of the documents, an act which would have placed Stilwell in complete command of the Chinese forces.[28]

When Stilwell arrived, he called Hurley out of the room and showed him Roosevelt's message. Hurley read it and remarked that in effect it was an ultimatum. He suggested to Stilwell that the General let him paraphrase the message, but Stilwell, after a brief discussion, told Hurley that he was under orders to deliver the message himself. With this the two moved back into the room where Stilwell announced that he had a message for the Generalissimo from President Roosevelt. He handed the message to General Chu Shih-ming to read to Chiang, but Hurley, realizing the embarrassment Chiang would suffer if others in the room heard the message at the same time, took the note from General Chu and handed the Chinese portion to the Generalissimo, saying that it would save time if Chiang read it himself. Chiang read the message, stated quietly, "I understand," and closed the meeting.[29]

Chiang apparently found it difficult to believe that Roosevelt, whom he considered to be his close and devoted friend, would have sent such a harsh message. He therefore thought, it appears, that Stilwell had drafted the message himself, and had sent it to Washington, arranging to have it

[28] Ibid.

[29] Ibid., 445.

sent back to Chiang as though it had come from the President.[30] Whatever his thoughts may have been relating to the origins of the telegram, his response was one of indignation and bitterness. Shortly after reading the telegram, he reportedly called in T.V. Soong and told him that Roosevelt's message forced him to cancel his promise to give Stilwell command.[31]

But negotiations continued, though haltingly, for a few more days, and on September 23, Stilwell handed Hurley a new agenda, designed, he hoped, to get the talks moving. "I propose that we go to the GMO," wrote Stilwell, "and take up the following items for his considerations."

> 1. That I be sent to Yenan to make the following propositions to the Reds:
>
> a. The Reds to acknowledge the supreme authority of the GMO, and to accept command through me.
>
> b. The Red Forces to be employed north of the Yellow River, out of contact with the Central Government Troops.
>
> c. Equipment and ammunition to be furnished five divisions with supporting artillery.
>
> d. Keep these Red Divisions at full strength at all times.
>
> e. Both the KMT [Kuomintang] and the Reds to drop discussion of political matters until the Japanese are beaten.[32]

In spite of Hurley's understanding with President Roosevelt on August 24, he ". . . accepted [Stilwell's agenda] with characteristic gusto and the remark, 'This will knock the persimmons off the trees!'"[33]

[30] Ibid., 447.

[31] Ibid.

[32] Ibid., 451.

[33] Ibid., 452.

But when Hurley took Stilwell's agenda to Chiang on September 24, he learned that Chiang had already arrived at a decision--Stilwell must go. Further discussion took place between Hurley and Chiang on this matter, but the Generalissimo's decision stood, and on September 25, Hurley transmitted to Washington for Chiang an aide-memoire in which the Generalissimo informed the President that Stilwell would no longer be acceptable as Field Commander of the Chinese Armies.[34]

With this, Patrick J. Hurley's first assignment ended, and in failure. He had not been able to bring about harmony between Stilwell and Chiang because, as he later wrote, the two men were incompatible. By all indications, however, Hurley's failure was not really his own, but rather was the result of the mis-handling of a very delicate situation, by nearly all involved, including the President. In a first draft of Chiang's aide-memoire, Chiang had written that his position was being taken because Stilwell had handed him Roosevelt's September 19 message.[35] The nature of that message, and the fact that Stilwell had delivered it, made Chiang appear to be Stilwell's subordinate, the Chinese leader wrote. With that kind of relationship and "were Stilwell appointed, the Chinese Army might mutiny,"[36] Chiang informed the President. Although Hurley convinced Chiang that such a response would be inappropriate, and that the first draft should be rewritten without that charge, Hurley did, in his own prefacing remarks, make it quite clear that the method of delivery had been a cause of Chiang's reaction.[37]

[34] Ibid.

[35] Ibid.

[36] Ibid.

[37] Ibid.

Had that September 19, message been delivered to Chiang in a different manner and by someone other than Stilwell, it might not have appeared quite so harsh and Chiang might not have been quite so taken aback by it. In a September 28, draft message to the Joint Chiefs of Staff, Marshall offered an explanation and an apology for the poor handling of the President's message:

> . . . The delivery of my message by Stilwell personally was a routine procedure which had been in effect for more than a year due to difficulties encountered in the past in securing prompt deliveries and in at least one instance of some evidence that the phrasing of my messages to you had been tampered with. You have my apology for the procedure in the present instance and I much regret that the transmitting agencies in the War Department did not think to give instructions for the message to be presented by General Hurley.[38]

Although this message was never sent to Chiang, for whom it was originally intended by Marshall, it does point out Marshall's impression of what was at least partially, the cause of the final breakdown between Stilwell and Chiang. But whatever the reason, President Roosevelt informed Chiang Kai-shek on October 18, 1944, that Stilwell was being recalled from the China Theatre.[39]

Hurley's role as negotiator had been of little consequence in the dispute between Chiang and Stilwell, but the episode has been dealt with here to emphasize the fact that in the early period of Hurley's tenure in China, he revealed little aversion to using or to arming the Chinese Communists, in the war against Japan. Hurley had stopped in Moscow on his way to Chungking in late August, where he and Nelson had talked with

[38] Ibid., 454.

[39] Roosevelt to Chiang, Foreign Relations, 1944, VI, 165.

V.M. Molotov, Soviet Commissar for Foreign Affairs, about the Soviet attitude toward China. Molotov had told the two that some of the people in parts of China who were extremely impoverished, half-starved and miserable, called themselves Communists. But, Molotov stressed, they had no relation whatever to communism. "They were merely expressing their dissatisfaction at their economic conditions by calling themselves Communists. However, once their economic conditions had improved, they would forget this political inclination."[40] Hurley had apparently believed this allegation, as he came to refer consistently to the Yenan forces of Mao Tse-tung, as the "so-called Communists,"[41] As late as January, 1945, three months after Stilwell's recall, Hurley informed the Secretary of State that "The Communists are not in fact Communists, they are striving for democratic principles. . . ."[42]

But his attitude would change toward the "so-called Communists." For by mid-February, 1945, less than a month after he had informed the Secretary of State that the Communists were not really Communists, his view had changed drastically. All the arguments and all the documents should indicate, Hurley wrote to the Secretary on February 18, ". . . that the Chinese Communist Party is not democratic; that its purpose is to destroy the control of government by the Kuomintang."[43]

[40]As reported by the Ambassador in the Soviet Union (Harriman) to Hull, Ibid., 255.

[41]Hurley to Roosevelt and Marshall, Ibid., 154.

[42]Hurley to Secretary of State, Foreign Relations, 1945, VII, 211.

[43]Ibid., 227.

CHAPTER VI

HURLEY MEETS THE COMMUNISTS

On October 5, 1944, President Roosevelt had wired Chiang Kai-shek, expressing his surprise that the Generalissimo had reversed himself on the decision to give Stilwell command of all Chinese forces. The President had not yet decided to recall Stilwell, only, as he informed Chiang, to relieve him of his duties as Chief of Staff to the Generalissimo and of his responsibilities in connection with Lend-lease matters. Nor would the President be willing to suggest another candidate for command of the Chinese forces, he informed Chiang. The ground situation in China had so deteriorated, he wrote, that he was inclined to feel that the United States Government should not assume the responsibility involved in placing an American officer in command of the ground forces throughout China.[1]

But Roosevelt was willing, he had informed Chiang, for Hurley to continue as his personal representative to the Generalissimo ". . . regarding military affairs in China,"[2] and to this offer, Chiang had indicated his appreciation and his hope that Hurley's assignment would be on a more permanent and broader basis. Chiang expressed to Roosevelt, his desire that Hurley's directive would be broad enough that he could cooperate with the Generalissimo on the many vital questions involving China's

[1] Roosevelt to Chiang, Foreign Relations, 1944, VI, 165.

[2] Ibid.

relationship with the United States.[3]

Stating that it was his purpose to increase the Communist troops in the regular forces of the National Army, and indicating that this constituted one of the vital requisites in China's war effort against Japan, Chiang revealed to Roosevelt that he was relying on Hurley for assistance in negotiations with the Chinese Communists.

> General Hurley has my complete confidence. Because of his rare knowledge of human nature, and his approach to the problem, he seems to get on well with the Communist leaders. As your personal representative, possessing my full confidence, his contribution in solving this hitherto insoluble problem would be of the greatest value to our war effort.[4]

Apparently this undated response to Roosevelt's October 5, message was despatched sometime shortly after October 17, for in it Chiang indicated that Hurley had already begun to confer with the Chinese Communist representatives, and the earliest indicator of Hurley's contact with those representatives was his meeting with them on October 17, 1944. Chiang had decided in late September that the political situation in China required not only changes in his own government, but a liberal agreement with the Communists as well. He had not made this decision known publicly, however, for fear that if his intentions became known, the Communists might increase their demands upon the Kuomintang for a settlement.[5] In an Embassy document dated October 17, therefore, it had been suggested that General Hurley hold confidential talks with

[3]Chiang to Roosevelt, Ibid., 170.

[4]Ibid.

[5]As reported by Gauss to Hull, Ibid., 595.

Messrs. Lin Tzu-han and Tung Pi-wu, the two Communist members of the People's Political Council in Chungking, to determine if the Communists desired the General's good offices for bringing about a settlement with the government. If the Communists should favor Hurley's offer, the memorandum read, he should then submit a draft proposal for settlement to both the Communist and the Central Government representatives.[6]

Thus, on October 17, 1944, Patrick J. Hurley, meeting with the two Communist representatives, took on a new role. His original instructions had not directed him to act as a negotiator between the Kuomintang and the Communists, but those instructions were broad enough to allow such activity, and Roosevelt did not oppose Chiang's suggestion that Hurley should involve himself in such negotiations. On October 23, Hurley informed Roosevelt that "with the advice and consent of the Gissimo we are having conferences with the leaders of the Communist Party and the Communist troops."[7] Because there was again, no response to this announcement, from either Roosevelt or the Department of State, it can be assumed that Hurley's new role was acceptable to them.

Hurley was quite elated following his first meetings with the Communist representatives on October 17 and 18, learning, as he did,

[6]Embassy Memorandum, Ibid., 650.

[7]Hurley to Roosevelt, Ibid., 177. According to R.T. Smith, there was evidence in the Hurley papers that the General had written to Roosevelt on October 19, 1944, informing the President that he had entered into negotiations with the Communists, a feat which, he wrote, many considered impossible. This report was optimistic, Hurley claiming he had advanced a formula for unification which would put Chiang in unquestionable command of all forces in China. Perhaps Hurley decided not to send this message, for there appears to be no record of it in the printed diplomatic papers. This is all the more apparent in view of Hurley's October 23, message, which seems to be informing the President for the first time, of the conferences which were occurring with the Communists. See Smith, "Alone in China," 73.

that the Communists favored unification of China under a government which would allow what they called democratic principles to evolve. For the present, the two representatives told Hurley, they were willing, for purposes of fighting the Japanese, to submit to the leadership of Chiang Kai-shek. Asking the Communists to put their proposals in writing, Hurley then met with Wang Shih-chieh and Chang Chih-chung, the Kuomintang representatives, on October 19, to make a similar request.[8]

But after both sides had submitted their proposals, Hurley found little about which he could be excited. The Kuomintang nine-point proposal which came to Hurley on October 21, demanded, for military unification, that the Communist forces be formed into twelve units which would be placed in the front lines. Under complete control of the Generalissimo, these units would be treated in the same manner as other units of the Nationalist Army. The Communists would be thrown into the heaviest fighting, without the proper equipment, merely to be destroyed by the Japanese. As far as political concessions were concerned, the Kuomintang merely offered the Communists an unspecified role in a government dominated by the Kuomintang.[9]

The Communist proposals, handed to Hurley on October 23, offered little more toward a reasonable compromise than had those submitted by the Kuomintang. In addition to the four pledges of the Communist Party made on September 22, 1937 and a listing of the "Main Demands" of the Communists made during earlier negotiations in June, 1944, the document

[8] Ibid., 74.

[9] Ibid.

which Hurley received presented the "Present Political Notions of the Chinese Communist Party."

> Because there are so many defects in the policy, structure and personnel of the National Government, the Chinese Communist Party thinks, in order that China may coordinate the coming counter-offensive of the Allies to defeat the Japanese, the following steps must be taken:
>
> 1. Changes must be quickly made in the policy, structure and personnel of the Government.
>
> 2. The Kuomintang must immediately end its one-party rule.
>
> 3. The national government must immediately call a national Emergency Conference of all the anti-Japanese political parties, armies, local governments and public bodies, to reorganize the Government into a coalition government.
>
> 4. The present military High Command must be reorganized into a joint High Command.[10]

The Communist demands for immediate changes in governmental structure and philosophy surely must have appeared just as absurd to the Kuomintang as did the Kuomintang military proposals appear to the Communists. The two factions were not even close to any reasonable compromising position, a fact which would have appeared impossible to alter to anyone less optimistic and confident than Hurley. In spite of the obvious distance between the two positions, Hurley wired the President that "the Communist military forces can be united with the National Army."[11] Hurley was determined to bring that unity about.

Hurley's preconceptions of the "democratic" orientation of both the Nationalists and Communists in China were demonstrated when, on November 7, he journeyed to the Communist headquarters at Yenan to

[10] Lin Tsu-han and Tung Pi-wu to Hurley, Foreign Relations, 1944, VI, 655.

[11] Ibid., 177.

confer with Mao and the Communist military leaders. On October 27, he had received a telegram from Davies urging him to go to Yenan from where, Davies wrote, the General could ". . . take significant information and proposals back to the President vitally affecting the war and the future balance of power in Asia and the Pacific."[12]

At the same time that Hurley received this message from Davies, he was in the process of drafting a five-point "Basis for Agreement"[13] to present to the Kuomintang, and, as was finally decided, to the Communists at Yenan rather than to their representatives in Chungking. On November 3, Hurley presented his draft to Wang and Chang, and then proceeded to make preparations for his trip to Yenan. But just prior to his departure, the Kuomintang presented Hurley with a revised draft of his "Basis for Agreement," in which they proposed that the Communists should observe and carry out the orders of the Central Government and its National Military Council, rather than, as Hurley's draft had read, ". . . acknowledge Chiang Kai-shek as President of the Chinese Republic and Generalissimo of all the military forces of China."[14]

This alteration of Hurley's draft was in keeping with the Kuomintang's privately announced decision, made through Chiang in September, to make important military and civilian changes in the Central Government.[15] It was no doubt in view of the possibility of such changes, as well as the fact that Chiang would surely, someday, step down from his position of

[12]Davies to Hurley, Ibid., 659.

[13]"Basis for Agreement," Ibid.

[14]"Revised Draft by Chinese Government Representatives," Ibid., 666.

[15]As reported by Gauss to Hull, Ibid., 595.

rule, that the Kuomintang draft established the Central Government as the ultimate source of authority rather than placing that authority in one individual.

To Hurley neither the reasons for such a change nor the change itself were of much concern. More important to him was the fact that with the exception of this one slight change, the Kuomintang had accepted his basis for an agreement, providing him with something concrete to present to the Communists when he journeyed to Yenan.

On November 7, Hurley wired the President, informing Roosevelt that he was about to depart for Communist territory. His intent, Hurley wrote, would be to confer with the political leaders of the "so-called Communist Party," and with the military leaders of the Communist troops. "This will be," Hurley indicated, "a short preliminary survey for the purpose of finding a basis of agreement between the National Government and the Communist Party for the unification of all military forces in China."[16]

Meanwhile, as Hurley was making his preparations, John Patton Davies, who had gone to the Communist Capital a few weeks earlier,[17] was busily writing memoranda on his observations of the Communist leaders. Although there is no indication of who received Davies' reports other than Stilwell's headquarters, where all such material was sent from Yenan, his perceptions are worthy of examination as indicators of the strength of the Communists' negotiating position just prior to Hurley's arrival.

[16]Hurley to Roosevelt, Ibid., 666.

[17]As reported by Gauss to Hull, Ibid., 663.

Davies wrote three reports on November 7, the first of which he entitled "The Chinese Communists and the Great Powers."[18] In his opinion, the Communists were at that time, confident of their own strength and no longer felt that their survival or extinction depended upon foreign aid or foreign attack. They differed in that respect from the Nationalists and Chiang, realizing, however, that acceleration toward their ultimate goals could be affected drastically by actions which might or might not be taken by the powers.

Although the Communists were uncommunicative about Soviet assistance it was Davies' opinion that if the Soviets were to offer aid, the Communists would gladly accept it. They had no fear of Soviet dominance over them as a result of possible Russian movement through Manchuria and North China when the Soviets entered the Pacific war. The Communists maintained that the Soviet Government had no expansionist intentions toward China, Davies reported, believing as they did, that even Outer Mongolia would be absorbed after the war, into the Chinese federation.

Britain, however, was believed to be playing its old imperial game of dividing China into spheres of influence. The Communists suspected an Anglo-American deal which would give the British a free hand west of the Philippines and Formosa. They feared, furthermore, that a marriage of convenience would transpire between the British and Chiang, whereby Chiang would gain British support in exchange for special concessions in South China. Such a relationship would not harm the Communists per se, it was felt, but a side effect of such a relationship would be greater freedom for Chiang to wage war against the Communists making

[18] Ibid., 667.

civil war that much more costly for the northern faction. For that reason, Davies wrote, the Communists were highly suspicious of the British.

The United States, Davies contended, was ". . . the greatest hope and the greatest fear of the Chinese Communists."[19] They realized, he said, that if the United States was to provide them with aid equal to that being supplied Chiang, they would quickly establish control over most if not all, of China, and more likely than not, without civil war. Most of Chiang's bureaucrats were opportunists, the Communists believed, and would desert to the North if it appeared the Communists were gaining the upper hand over the Central Government.

The United States was the greatest fear of the Communists, however, because the more aid given to Chiang as opposed to an equal distribution between the two factions, the more able Chiang would be to wage war against the Communists. If that were to occur, Davies indicated, unification of China would simply take longer and be more costly to the Communists. According to a reading of Davies' report, although he did not explicitly make the point, the Communists appear to have been quite confident that they would eventually win the struggle.

In conclusion, Davies wrote:

> So the Chinese Communists watch us with mixed feelings. If we continue to reject them and support an unreconstructed Chiang, they see us becoming their enemy. But they would prefer to be friends. Not only because of the help we can give them but also because they recognize that our strategic aims of a strong, independent and democratic China can jibe with their nationalist objectives.[20]

[19] Ibid., 668.

[20] Ibid., 669.

In his second memorandum, Davies questioned the degree to which the Chinese Communists were really Communists. "The Chinese Communists are backsliders,"[21] he began. They still acclaimed the infallibility of Marxian dogma and called themselves Communists, but ". . . they have become indulgent of human frailty and confess that China's communist salvation can be attained only through prolonged evolutionary rather than immediate revolutionary conversion."[22] There were several reasons for the moderation of the Communists, Davies suggested. First, they were Chinese, and being so they were inclined, in spite of their early excesses, toward compromise and harmony in their human relationships. Secondly, they were realists. They recognized that 90% of the Chinese masses were peasants and that they still lived in semi-feudalism. Not until China had developed through several generations would it be ready for Communism. The immediate program, they believed, according to Davies, ". . . must therefore be elementary agrarian reform and the introduction of political democracy."[23]

Furthermore, Davies pointed out, the Chinese in Yenan were more nationalist than Communist. Their primary emotional and intellectual emphasis had shifted after seven years of fighting from internal revolution to nationalism. And now that the Communists were beginning to come into power, Davies added, they were, as had many revolutionary

[21] Ibid.

[22] Ibid.

[23] Ibid., 670.

groups before them, moderating and becoming sobered by their realization of responsibility.[24]

In his third memorandum, Davies asked rhetorically, "Will the Communists Take Over China?"[25] His answer was an unequivocal, Yes. "The Communists are in China to stay,"[26] he wrote. China's destiny was not Chiang's but the Communists'. The Communists were so strong between the Great Wall and the Yangtze River, he contended, they could look forward to the postwar control of at least North China. The chances were good that they would also control many areas in Central and South China, though not through the use of force, he implied. "The Communists have fallen heir to these new areas by a process which has been operating for seven years, whereby Chiang Kai-shek loses his cities and principal lines of communication to the Japanese and the countryside to the Communists."[27] Chiang could crush the Communist movement only if he were able to enlist foreign aid and intervention on a scale equal to the Japanese invasion of China. More likely than not, Chiang would plunge China into civil war, but he would not succeed, Davies argued, ". . . where the Japanese in more than seven years of determined striving have failed. The Communists are already too strong for him,"[28] Davies concluded.

[24] Ibid.

[25] Ibid., 671.

[26] Ibid.

[27] Ibid., 670.

[28] Ibid., 671.

Davies undoubtedly prepared these reports in anticipation of Hurley's arrival. Normal procedure would surely require the Foreign Service officer on location to advise an arriving political negotiator on political conditions in the area, as well as the position of strength or weakness, from which the party to the negotiations was bargaining. It appears quite clear that Davies saw the Communists in a very strong bargaining position. It was his job to relay this impression to General Hurley upon his arrival on November 7, 1944.

The story of Hurley's arrival at the Communist Capital is a colorful one, and has best been recorded by the then Commander of the Dixie Mission, Colonel Barrett.

> The arrival of the plane from Chungking was always a big event in Yenan, and on the afternoon of the 7th of November, Chou En-lai and I were among a large crowd of Chinese and Americans on hand to greet it. After it had landed and the doors opened, there appeared at the top of the steps, a tall, gray haired, soldierly, extremely handsome man, wearing one of the most beautifully tailored uniforms I have ever seen, and with enough ribbons on his chest to represent every war, so it seemed to me, in which the United States had ever engaged except possibly Shay's Rebellion. It was Major General Patrick J. Hurley. . . .[29]

The exact date of Hurley's arrival had apparently not been announced in Yenan, for neither Barrett, nor the Chinese officials were prepared to find the General aboard this particular Yenan flight. Barrett was asked to hold Hurley there until Mao could be summoned, and shortly, the high Communist official arrived in the only piece of motorized equipment that the Communists owned, an old broken-down truck with a covered cab, which looked as if it should not have made it even to the landing strip. Following the truck, came a company of infantry, hastily mustered at a nearby barracks. The entourage was a humorous sight to behold, claimed Barrett,

[29]Barrett, 56.

as it quickly lined up in guard-of-honor formation to be reviewed by the arriving dignitary. But even more humorous, Barrett recounted, was Hurley's review of the Communist formation.

> After the General had returned the salute of the officer commanding the company, he drew himself to his full impressive height, swelled up like a poisoned pup, and let out an Indian warwhoop. I shall never forget the expressions on the faces of Mao and Chou at this totally unexpected behavior on the part of the distinguished visitor.[30]

Following this display, one which the Russians had experienced as well, when Hurley was visiting the Soviet front earlier in the war,[31] Mao and the General boarded the ancient truck and with Barrett along as an interpreter, moved toward their quarters in Yenan. Barrett's remembrance of this journey is equally as entertaining as his report of Hurley's military review.

> This [interpreting] was a task of some difficulty, due to the saltiness of the General's remarks, and the unusual language in which he expressed himself. His discourse, in addition, was by no means connected by any readily discernible pattern of thought. Seeing country people on the road would remind him of anecdotes--which probably meant nothing to Mao--about old friends back in Oklahoma. One old farmer having trouble with a balky mule which had been frightened by our truck elicited a yell from the General, "Hit him on the other side, Charley!" These and other spontaneous remarks required quick thinking and free translation on my part in order to give the chairman and Chou En-lai some faint idea of what the talk was all about.[32]

Barrett was, on the other hand, impressed by General Hurley's skill as a negotiator, once the official meetings opened on November 8. Hurley, Barrett pointed out, was quite cautious and leaned over backward to be fair

[30] Ibid.

[31] Lohbeck, 179.

[32] Barrett, 57.

to both the National Government and the Communists. He emphasized that the American interest was only in accomplishing the final defeat of Japan as opposed to interference in the internal affairs of China.

Hurley quickly presented Mao with a copy of what Barrett assumed to have been the "Revised Draft" of Hurley's "Basis for Agreement." After reading the draft handed him by Hurley, Mao asked the General whose ideas the five points of the document represented. Hurley replied that they represented his ideas, but that they had been worked on by the Generalissimo and some of his advisors as well. In Barrett's opinion, and, as he told Hurley at the time, Mao actually wanted to know if the Generalissimo had agreed to all the points, a question which Barrett felt was understandable as the points presented to Mao were not at all in keeping with the usual way in which Chiang expressed himself. Hurley indicated that the Generalissimo had agreed to the points.[33]

This first meeting was more for formalities, and little was accomplished beyond casual introductions and the presentation of the Kuomintang-revised draft. That afternoon, however, the group met once again, and this time became involved in more substantive issues. Mao opened the discussion with a long tirade against the National Government, claiming it was Chiang's intransigence and corruption which blocked all efforts by more reasonable Chinese to unify the country and fight the Japanese. Defending the National Government, Chiang, and the Kuomintang, Hurley was met with the response that what Mao had said about Chiang

[33] Ibid., 58. Barrett did not see the actual document which Hurley gave to Mao, but based his judgment on his recollection of the wording as read to Mao, compared to the two documents printed in Foreign Relations, 1944, VI, 569 and 666.

Kai-shek and the Kuomintang had already been said by President Roosevelt, Winston Churchill, Doctor Sun Fo, and Madame Sun Yat-sen. These people were not enemies of China, Mao indicated, bringing Hurley to task for the suggestion he had made that Mao's criticisms had sounded like the words of China's enemies.

Hurley rallied to this challenge, and in Barrett's opinion, showed considerable skill as a negotiator, by simply telling Mao that he had apparently misunderstood the Communist leader's remarks, and admitted that there was some corruption in the Chinese Nationalist Government. He then quickly took another tack, acknowledged the sincerity of Mao's desires for a peaceful and united China, and turned to the Kuomintang's proposals as evidence of Chiang's sincere desire for a settlement with the Communists.

Mao, however, was not swayed by the National Government's so-called "sincerity," for as Barrett related, Mao simply "pooh-poohed" the Nationalist's offer of a seat for the Communists on the National Military Council. It meant nothing, Mao indicated, and to Hurley's suggestion that this would at least be a foot in the door, Mao pointed out that a foot in the door meant nothing if one's hands were tied behind one's back. Many members of that Council were denied knowledge of its action, Mao charged and furthermore, the body had not even met for some time.

With this, Hurley wisely suggested that if the Communists did not consider the Kuomintang's terms fair enough, they should offer their own terms for joining in a coalition with the National Government. This the Communists agreed to do if given time to prepare such terms. The meeting ended, thereupon, to convene once more on the following afternoon, when the Communists would be prepared to present their terms.[34]

[34]Barrett, 58-61.

When the group met again on the afternoon of November 9, Mao handed Hurley the Communist proposals. Barrett did not read the document received by Hurley but recalled that Hurley had read it and had stated that the proposals appeared to be entirely fair, but did not go far enough. Hurley then said, according to Barrett's account, "if Chairman Mao has no objections I would like to study them carefully and make some suggestions which I shall present tomorrow morning."[35] According to Barrett, the Communists seemed surprised that Hurley wished to broaden the scope of their proposals, but did not object. The meeting was adjourned then, and Hurley departed for his quarters to work on the Communists' proposals.

It is unfortunate that there was no official transcript made of the negotiations, other than a recording of the events by Hurley's personal secretary, a Sergeant Smith, which conflicts drastically with Barrett's account of the events.[36] According to Barrett, the document which Hurley returned to Mao on the morning of November 10, evidenced very clearly Hurley's ideological contributions. Point two of the five-point

[35] Ibid., 62.

[36] Ibid., 36. It is of significant interest that in the report written by Hurley's personal secretary, and printed in Foreign Relations, 1944, VI, 674, there was no mention of this action taken by Hurley. Barrett made note of this fact and wrote that "It is my distinct recollection . . . that after the General had said he found the terms fair but not broad enough, he took them back to his quarters and worked them over, and did not offer his suggested modifications until the final meeting on the morning of 10th of November." Barrett, 62. Sergeant Smith's report of the negotiations indicated that all revision took place on the afternoon of November 8. But there is no mention by Smith, of Hurley's alleged re-writing of the Communist proposals. The evidence tends to support Barrett's account, as a reading of Smith's report indicates that the negotiations had to have consumed more than a period of one day. Furthermore, the final draft of the Communist proposal was in fact, signed on November 10, 1944, yet Smith indicated that the final draft was attached to his November 8, report. Because the entourage left Yenan on November 10, a further question arises over what occurred on November 9, and why Smith left that day out of his report.

proposal had called for the reorganization of the National Government into a Coalition National Government which would embrace all anti-Japanese parties and non-partisan political bodies. Then, in point three, the Communists proposed that "the Coalition National Government will support the principles of Sun Yat-sen for the establishment in China of a government of the people, for the people and by the people."[37] This terminology had also been placed in the draft basis for agreement presented by Hurley to the Kuomintang and the Communists, and related to the political philosophy articulated by Sun so many years earlier. But in addition, point three stated that

> The Coalition National Government will pursue policies designed to promote progress and democracy and to establish justice, freedom of conscience, freedom of the press, freedom of speech, freedom of assembly and association, the right to petition the government for the redress of grievances, the right of writ of Habeas Corpus and the right of residence. The Coalition National Government will also pursue policies intended to make effective those two rights defined as freedom from fear and freedom from want.[38]

It appears that at least one member of the negotiating party was well-versed in the provisions of the American Bill of Rights. It is doubtful that the above terminology was placed in the proposal by the Chinese. As Barrett has written:

> The fine Italian hand of General Hurley in the above terms is clearly apparent. If the Communists present at the meeting had never before heard of the Bill of Rights in the Constitution of the United States, they had a good opportunity to learn about them on this occasion.[39]

The Chinese do not traditionally show their feelings on their faces,

[37] Foreign Relations, 1944, VI, 687.

[38] Ibid., 688.

[39] Barrett, 63.

Barrett pointed out, but on this occasion it was quite evident from their expressions that they were extremely pleased with the document presented them by Hurley. They had every right to believe that Hurley had taken the document to reduce their proposals to fit those of the Kuomintang. But he had come back with all they had offered and more--including every right guaranteed Americans under the first ten Amendments of the United States Constitution.[40]

According to Barrett's account, Hurley's presentation on the morning of November 10, was followed by a "love feast" with everyone in a very happy mood. Both events lasting far past the lunch hour, that meal was bypassed and sometime after noon the group departed for the landing strip for the return flight to Yenan. But as they were about to leave the scene of the meeting, Barrett recounted, Hurley turned to Mao and suggested that the two of them sign the document just agreed upon, to indicate that they both considered the terms fair and just. Mao agreed, and just as they were about to place their signatures (Mao signed the copies rather than placing his chop upon them), Hurley said to Mao, "Chairman Mao, you of course understand that although I consider these fair terms, I cannot guarantee the Generalissimo will accept them."[41] Hurley was obviously trying to point out to Mao that the documents being signed were not final agreements. Unfortunately, it would be Hurley who would forget this fact in later months, and charge the Communists with a breach of faith for not standing behind what they had solemnly agreed to at Yenan on November 10, 1944.

[40] Ibid.

[41] Ibid., 64.

As Hurley left Yenan to return to Chungking, his confidence in himself, to the extent that he believed he had made giant strides toward affecting a settlement between the Communists and the Kuomintang, had been greatly bolstered. And he now believed even more that he was dealing with two political factions each with democratic motives, and each willing to compete democratically for a voice in the ruling of the country.

But when Hurley reached the National wartime Capital, his confidence ebbed somewhat. Driving straight to his villa, he met with T.V. Soong, the Kuomintang Foreign Minister, who looked at the Communist proposals, and informed Hurley that the agreement was little more than a "bill of goods." Greatly disappointed at Soong's immediate rejection, Hurley, already suffering from a cold contracted in the north, went to bed where he stayed for the better part of a week, receiving no visitors and not returning to his work until November 16.[42]

When he did finally return to his desk, he found waiting for him, a Kuomintang counter-draft prepared and delivered by Dr. Wang and General Chang on November 15. This counter-draft was couched in similar terms as that handed Hurley on November 7, but now called for the total submission of the Communist forces to the rule of the Kuomintang.[43] The two factions were still separated by a considerable distance, therefore, neither really wanting a coalition government which would give the other the chance of surviving as a permanent political force in China.

But Hurley had not given up hope, and was still confident that he could eventually bring the two together, as he continued to promote

[42]Smith, "Alone in China," 89.

[43]Foreign Relations, 1944, VI, 697.

negotiations between the Kuomintang and Chou En-lai, the latter having flown with Hurley to Chungking for just that purpose. But at the same time, Hurley was facing other obstacles which would soon, in his mind at least, become major impediments to a successful settlement of the Chinese problem.

CHAPTER VII

TOWARD ALIENATION AND ISOLATION

In a memorandum dated November 14, but apparently not sent until sometime after November 16,[1] John Patton Davies reported on conversations between him and Hurley in which Hurley had evidenced "guarded optimism" over the negotiations which had begun between the Kuomintang representatives and Chou En-lai. But in addition to Hurley's optimism, there was detected by Davies, a degree of skepticism and distrust in Hurley's view of other personnel around him. Hurley had indicated to Davies that any breakdown in the negotiations was more apt to be the fault of the Government than of the Communists. He believed that the Generalissimo was willing to reach an agreement with the Communists but that Chiang's wishes were being sabotaged by the Nationalist leader's subordinates. Hurley claimed he was being told one thing by Chiang and another by the men surrounding the Generalissimo. Furthermore, Hurley revealed to Davies, he had had a conversation with Sir Horace Seymour, the British Ambassador to China, and Sir Horace had attempted to convince the General of the desirability of China remaining divided, and to dissuade Hurley from working to bring the Government and the Communists together.

[1] Davies Memorandum, "Conversation With Major General Hurley," Foreign Relations, 1944, VI, 692. Davies indicated that Hurley had seen the Kuomintang counter-draft to the Communist draft agreement brought back from Yenan. Hurley did not see this draft until November 16. Therefore, Davies must have started his memorandum on November 14, but not finished it until after November 16.

Davies apparently felt it wise to follow up on Hurley's contention, and on November 17, lunched with Mr. John Keswick, Counselor of the British Embassy.[2] From their conversation, Davies gathered that the British had little concern about the expansion of the Chinese Communists, taking that expansion for granted. Keswick pointed out that Chiang had proven himself in the past to be a wily, hard-headed politician, and that if he had not become inflexible and if he was still provided with accurate information, he might succeed in unifying China. Keswick was doubtful, however, that this was still the case. He felt that if a coalition were formed and the National Government reformed, ". . . many rice bowls would be broken,"[3] meaning, according to Davies' interpretation of the remark, that many of Chiang's closest advisors were opposed to a coalition which would include the Communists. Keswick's overall attitude, Davies observed, was one of slightly perplexed resignation.

> I asked him what British policy was. Keswick replied that it was to stay out of involvement in the present Chinese political scene. He said that the British felt that there was nothing they could do at this stage to help the situation; that they proposed to wait and see.[4]

Keswick's remarks to Davies were not quite in keeping with the attitude Hurley claimed to have detected from Sir Horace, though, understandably, Keswick may not have been at liberty to express such to Davies at the time. Sometime around December 4, however, Hurley became cognizant of a report of an interview held by a British Colonel with a Kuomintang General in which the Chinese General had allegedly said that it was a mistake to

[2]Davies Memorandum, "British Views on the China Situation," Ibid., 700.

[3]Ibid., 701.

[4]Ibid.

attempt to unite the Kuomintang and the Communists. Hurley had called in the Chinese General to question him about the statement, and was met with a denial, the General claiming that he had never made such a statement.

Hurley, now believing the British were engaged in a conspiracy to frustrate his attempts at unification, called in Sir Horace, to whom he branded the report false and charged that it had been intended to influence the American Foreign Service officers against unification. The British Ambassador was reportedly bewildered by this attack, but nevertheless, told Hurley that he would withdraw the report.[5]

Hurley's charge that there was an attempt being made to influence Foreign Service officers, must surely have stemmed from several reports which had come to the General's attention at about the same time he was experiencing his first set-backs in the Communist-Kuomintang negotiations.

On November 15, Davies had submitted a memorandum entitled, "American Chinese Relations During the Next Six Months,"[6] in which he urged that Chiang Kai-shek not be abandoned, but at the same time, that the United States be realistic, and exercise caution in supporting a bankrupt regime. Pointing out that the Russians might soon enter the Pacific war, Davies wrote that ". . . we must make a determined effort to capture politically the Chinese Communists rather than allow them to go by default wholly to the Russians."[7]

A coalition government would be most desirable, Davies suggested, and pointed out that Hurley was negotiating with both factions to that

[5]Smith, "Alone in China," 103.

[6]Foreign Relations, 1944, VI, 695.

[7]Ibid., 696.

end. But if that proved impossible, then the United States must determine which side it would support. Meanwhile, there was little time to spare, Davies urged. "While being careful to preserve the Generalissimo's 'face', we should without delay begin to expand our limited representation and activities at Yenan."[8] Then, he wrote, if a coalition government was established, the United States could immediately launch large scale operations against the Japanese in the Communist controlled areas. If negotiations broke down, however, there would still be well-established relations with a Communist regime that would, in all likelihood, inherit North China and Manchuria.

The greatest danger, as Davies saw it, was in the United States' being placed in a disadvantageous middle position, between "the British, undercutting us with Chiang, the Russians undercutting us with the Communists, and we. . . impotent with indecision."[9]

Davies concluded his memorandum with seven points which the United States, he wrote, should keep in mind as basic considerations. The seventh indicated his strong feelings about the whole political situation in China, and his pessimism toward the negotiations then going on between the two factions:

> . . . still presupposing a collapse of the current negotiations, should we reject the Communists and continue to back Chiang we shall be committed to a regime dependent upon Anglo-American support for its truncated existence, a regime of slight use to us in our final attack on Japan.[10]

[8] Ibid.

[9] Ibid.

[10] Ibid., 697.

In addition to Davies' rather negative views on the possibility of a successful outcome of the Communist-Kuomintang negotiations, Hurley had become aware of the views of John Stewart Service, who, when Hurley was in Yenan, had been in Washington conferring with policy makers. On October 10, 1944, Service had submitted his report No. 40 from Yenan, but the report had not reached the Embassy until November 9.[11] Hurley undoubtedly saw it for the first time when he returned from Yenan on November 10.

In submitting this report, Service indicated that in the past he had been allowed to express his opinions based on observations in Yenan, with perfect frankness and that he trusted he would be permitted the continued frankness which was evidenced in his attached report--a report in which he would advocate a stronger American policy toward Chiang Kai-shek and the Central Government.

Service began his report by pointing out that the United States' dealings with Chiang Kai-shek continued to be on the basis of an unrealistic assumption that he was necessary to the cause. It was time, Service suggested, that the United States, for the sake of the war and her interests in China, take a more realistic line. The Kuomintang was bankrupt, he contended, and with that party's failure, dissatisfaction was rapidly growing in China. The Kuomintang was dependent upon American support for its survival, but the reverse was not the case--the United States was not dependent upon the Kuomintang.

Service then went on to expand upon five areas in which the United States was not dependent upon Chiang's government or his party. "We do

[11]John Stewart Service, Report No. 40, "The Need For Greater Realism in Our Relations with Chiang Kai-shek," Ibid., 707.

not need it for military reasons,"[12] he emphasized. The National Army was not, nor was it capable of, fighting an effective offensive against the Japanese. But because of the sentiment of the people, the National government could not refuse to allow American forces to fight the Japanese on Chinese territory, Service contended, implying that the United States should perhaps, launch its own offensive despite the objections which might arise from the Central Government over large numbers of American troops on Chinese soil.

Nor did we need to fear Kuomintang surrender or opposition, Service claimed. The Party and its leader, the Generalissimo, would stick by the United States because victory was certain and the United States was their only hope for continued power. United States support of the Kuomintang, however, would not stop its traitorous relations with the enemy and would ". . . only encourage it to continue sowing the seeds of future civil war by plotting with the present puppets for eventual consolidation of the occupied territories against the Communist-led forces of popular resistance."[13]

Collapse of the Kuomintang Government need not be feared, he continued, because all the other groups in China wished to mobilize to fight the Japanese. Any new government would be more cooperative and better able to mobilize the country. By continued support of the Kuomintang government, Service contended, the United States was tending toward prevention of the reforms and democratic reorganization of the government which were essential for the revitalization of China's war effort. With

[12] Ibid., 708.

[13] Ibid., 709.

United States support the Nationalists would continue on their present course, becoming more corrupt and more impotent, and the other factions, particularly the Communists, would eventually be forced to protect their interests by more direct opposition to the Central Government.

Furthermore, Service noted, the United States did not need to support the Kuomintang for international political reasons. The day when China was to be considered one of the "Big Four" had come to an end, he argued. The United States could no longer hope that China, under the Kuomintang as it then stood, could be an effective balance to Soviet Russia, Japan, or the British Empire in the Far East. On the contrary, Service added, ". . . the perpetuation in power of the present Kuomintang can only mean a weak and disunited China--a sure cause of international involvements in the Far East."[14]

Finally, Service contended, the United States need not support Chiang in the belief that he represented pro-American or pro-democratic groups. All the people and all other political groups in China were friendly to the United States, he argued, and they looked to the United States for their salvation, both then and after the war. Furthermore, the party ideology at that time, as evidenced in books written by Chiang himself, was fundamentally anti-foreign and anti-democratic, both politically and economically.

In conclusion, Service pointed out that American policy toward China should be guided by two facts. First, the United States could not hope to successfully deal with Chiang without being hard-boiled. Second, the United States could not hope to solve the problems in China without

[14] Ibid., 710.

considering the opposition forces there--Communist, provincial, and liberal.

As had others before him, Service drew the parallel between the Communist influence in China and the situation in Yugoslavia. The United States should not seek to solve the problems in China by talking only to the Kuomintang officials in Chungking as the British had tried to do in Yugoslavia, through Mikhailovitch and King Peter's government, and by ignoring Tito.

Reiterating his contention that the United States should not fear the collapse of the Kuomintang government, Service held that it might very well collapse,

> . . . but it will not be the collapse of China's resistance. There may be a period of some confusion, but the eventual gains of the Kuomintang's collapse will more than make up for this. The crisis itself makes reform more urgent--and at the same time increases the weight of our influence. The crisis is the time to push--not to relax.[15]

These reports were crossing Hurley's desk at the same time that he was experiencing set-backs in his attempts to negotiate a settlement between the Communists and the Kuomintang. The proposal which he had brought back from Yenan--a proposal which he thought was fair and reasonable--had been rejected out of hand, by the Kuomintang. This must surely have been a personal defeat for Hurley, if in fact, as the evidence seems to show, he did have a considerable influence on the wording of the Communist proposal. But other events were occurring which, when combined with a generally negative attitude expressed by Foreign Service personnel, were beginning to lead Hurley to believe that his attempts were being undermined by those around him.

[15] Ibid.

Shortly after Stilwell's recall, Ambassador Gauss had resigned, and on November 17, President Roosevelt indicated to Hurley that he would like to appoint the General to the position of Ambassador. Apparently the President was of the opinion that Hurley was by then familiar with the situation in China, and as capable as anyone of assuming Ambassadorial responsibilities. But though Hurley commanded the respect of the President, he was not highly respected by the men who would work under him--men who had held Stilwell and Gauss in esteem and who saw Hurley as lacking in the professional military and diplomatic expertise of his predecessor. These men saw Hurley, furthermore, to have been to a degree, responsible for Stilwell's recall and Gauss' subsequent resignation. They were of the opinion that Gauss had resigned in protest to Stilwell's recall--an opinion widely held in Washington as well.[16]

From the moment of Hurley's arrival in Chungking, he had witnessed a display of pessimism on the part of nearly all those with whom he came in contact, toward the possibilities of uniting the Chinese. Gauss had, from the beginning, been quite skeptical of the probability of successful negotiations between the two competing factions,[17] and his skepticism had been shared by others such as Davies and Service. Initially, however, Hurley had shrugged off the pessimism and had moved ahead with confidence.

But shortly after he had been confirmed as Ambassador, the personality conflict became very pronounced over an incident which was a severe affront to the man who had displayed no lack of pride in the past. Prior to his appointment and confirmation as Ambassador, Hurley had maintained

[16]Smith, "Alone in China," 122.

[17]Ibid.

quarters provided by the Army. But once he assumed his Ambassadorial position, he thought it only fitting that he reside in the Ambassador's residence. Upon investigation, however, Hurley discovered that after Gauss' departure a number of Foreign Service officers had occupied the house, and that the Ambassador's bed had been comandeered by George Atcheson, the senior officer in the Embassy.

Hurley immediately demanded that the house be vacated, including the bed, but Atcheson claimed that the men had a right to live there and that the bed had been Gauss' personal property. Gauss had turned the bed over to him as a gift, Atcheson claimed, and advised Hurley to maintain his Army residence. Hurley then ordered the men out of the residence, but met with initial resistance. Eventually the house was vacated and Hurley moved in, though it has never been learned who kept the bed. Nevertheless, the incident did not rest well with Hurley, and did not make his relations with the Foreign Service personnel any smoother. Apparently, the General never forgot the incident.[18]

To compound these clashes of personality, there soon occurred a drastic split in opinion about American policy in China, between Davies and Hurley. On December 12, Hurley reported to President Roosevelt that after a long delay, Chou En-lai had returned to Yenan and had, on December 10, notified Hurley that the Communists would not accept a three-point proposal submitted by the Kuomintang.[19] On that same day, Davies, in a memorandum which was transmitted to Harry L. Hopkins at the White House

[18] Ibid., 123.

[19] Hurley to Roosevelt, Foreign Relations, 1944, VI, 733. See also "Third Counter Draft by Chinese Representatives," Ibid., 706.

as well as to Hurley,[20] charged that the negotiations aimed at finding a basis for settlement between the Communists and the Kuomintang had failed, although it was not impossible, he added, that one side or the other might, in the near future, revive the talks with new proposals.

But as long as the deadlock existed, Davies wrote, or as new negotiations dragged on, it was reasonable to assume that Chiang would continue to refuse the United States permission to exploit militarily the position held by the Chinese Communists which extended far into the Japanese zone of operations. With the war proving so costly to the United States, Davies argued, ". . . we can ill afford to continue denying ourselves positive assistance and strategically valuable positions."[21] It was time, Davies continued,

> . . . that we unequivocally told Chiang Kai-shek that we will work with and, within our discretion, supply whatever Chinese forces we believe can contribute most to the war against Japan. We should tell him that we will not work with or supply any Chinese unit, whether Central Government, Provincial or Communist, which shows any inclination toward precipitating civil conflict. We should tell him that we propose to keep him, as head of the recognized government, informed of what supplies we give the various Chinese forces.[22]

In an earlier report of December 9, which was also sent to Hopkins,[23] Davies had charged that unless driven to an extremity, Chiang Kai-shek would not form a genuine coalition government. This was quite the contrary to what Hurley had been indicating to Roosevelt, and to what he again relayed to the President in his December 13, telegram:

[20]Davies Memorandum, "Proposed Statement of American Policy," Ibid., 734.

[21]Ibid., 735.

[22]Ibid.

[23]Davies Memorandum, "The Generalissimo's Dilemmas," Ibid., 724.

> . . . Chiang Kai-shek again advises me that it has been and is his earnest desire to arrive at a settlement with the Communist Party. He assured me again and wished me to assure you that it is now his purpose to make a settlement with the Communist Party his first order of business.[24]

The day following the despatch of Davies' memorandum in which he had claimed that the Kuomintang-Communist negotiations had ended in failure, Hurley wired the Secretary of State to stress that although the Communists had rejected the Central Government's counter-proposals, the door to further negotiations was definitely not closed. Nor was the Communist position immutable, he argued. "While they are unquestionably in a strong bargaining position," he wrote, "they will probably be willing to retreat somewhat from their original proposals provided that they are convinced that the Generalissimo is genuinely desirous of meeting them on an equitable basis."[25] Aware of Davies' memorandum to Hopkins, Hurley no doubt sent this message to the Secretary in an attempt to diminish the impact of Davies' remarks.

By late December, 1944, it had become clear to Hurley that certain members of his staff, both those working directly with him and those assigned as observers in the north, were viewing the general political situation with much less optimism than he. In a report to the newly-appointed Secretary of State, Stettinius, dated December 24, Hurley indicated that he believed there was considerable opposition to unification, but mentioned only that which he thought was coming from foreigners.

> Generally speaking the opponents to unity in China are the imperialist nations who are now fighting for the reconquest of

[24]Hurley to Roosevelt, Ibid., 734.

[25]Hurley to Stettinius, Ibid., 737.

> their colonies in Southeast Asia and for the reestablishment of imperialist colonial governments in the colonies. All of this group try to convince the Chinese that everything America does to unite and strengthen China is interference in Chinese internal affairs.[26]

But in a December 29, report to the Secretary, Hurley did, in an indirect way, implicate American Foreign Service personnel in such activity. Under the guise of reporting on several rumors being spread in China and in the United States that Chiang had arrived at or was negotiating secret peace arrangements with the Japanese, Hurley informed the Secretary that he was presenting all of the points to that effect which had been covered in the reports made by American diplomatic representatives, who, among others, were persons ". . . who have predicted or who desired the collapse of the Chinese National Government."[27]

This very slight hint that some American diplomatic personnel in China desired or predicted the collapse of the Kuomintang government, was the first on record made by Hurley. Although few, if any, of Hurley's superiors in Washington saw it as such, it was as well, the first hint of Hurley's alienation from the professional diplomats in China.

Shortly after Hurley's clouded charges were made, John Davies, who had been the first to openly and directly confront the General with opinions which by this time were quite opposed to the Ambassador's way of thinking, arranged a transfer to the Embassy in Moscow. Just prior to his departure, he was confronted by Hurley and involved in an exchange which clearly evidenced Hurley's reaction to those who were by this time being viewed by the Ambassador as his enemies and as enemies of the

[26]Hurley to Stettinius, Ibid., 737.

[27]Hurley to Stettinius, Ibid., 214.

United States. The confrontation was reported by General Wedemeyer, who was a witness to the exchange.

While having breakfast with Hurley, Wedemeyer was visited by Davies who had come by to bid the latter farewell. In the General's words:

> It was inevitable that he and Mr. Hurley should exchange some remarks, which became rather acrimonious. Other members of my staff were present, so I suggested that we three go to another room. The Ambassador and Mr. Davies then launched into a very heated argument during which Hurley accused Davies of being a Communist and of failing to support the directives of his country in support of the Chinese Nationalists. Tears came to the eyes of Mr. Davies as he heatedly denied Hurley's accusation. Hurley said that he was going to have him kicked out of the State Department.[28]

Wedemeyer apparently calmed the two, however, and reported that Hurley relented somewhat, telling Davies that he would not immediately take action against him.[29] With that, Davies left the two and, on the same day, left China.

The break between Hurley and Davies was a forewarning of future conflicts which would develop between Hurley and the majority of his senior Foreign Service officers. That Hurley's charges against Davies were unfounded, is, without doubt, in retrospect. But Hurley at the time was facing failure, perhaps for the first time in his life, and was experiencing difficulty in determining the causes of his failure. By all indications, the negotiations should have been a success, he felt, for each side had professed the same objectives, each avowedly seeking democratic unity and the defeat of Japan. But the negotiations

[28]Albert C. Wedemeyer, Wedemeyer Reports! (New York, 1958), 318.

[29]Ibid., 319.

had broken down, and Hurley, hard pressed to determine why, began to see less than loyal forces at work which were beyond his control, and in fact, working directly against him and what he viewed to be the policy of the United States Government.

In his December 24, report to Stettinius, Hurley had written that it had been his understanding that the policy of the United States in China was, among other things, "to prevent the collapse of the national government" and "to sustain Chiang Kai-shek as President of the Republic and Generalissimo of the Armies."[30] But there is no indication that the State Department or the President had explicitly stated this to be the policy of the United States, either publicly or privately. The last formal policy statement on China had been that which Hull enunciated to the Japanese in 1941--one which had denounced interference in the internal affairs of other countries. Privately, Roosevelt had made it quite clear that he intended China to be one of the Great Powers after the war, and that the United States recognized the National government to be the legitimate government of all China. But there had never been an official policy articulated which called for the prevention of the national government's collapse or for sustaining Chiang Kai-shek as President of the Republic and Generalissimo of the Armies. Without doubt, the United States' political and military leaders hoped that someone would bring order to the chaos which was China, but their concern by 1944, was with getting China into the war against Japan. The European conflict was drawing nearer to victory for the Allies and the theatre would soon shift to the Pacific. If China was divided when Japan met defeat, there would be a

[30]Hurley to Stettinius, Foreign Relations, 1944, VI, 745.

political vacuum on the continent--one which might be filled by the Soviet Union if some form of stable unity had not been found by the Chinese. Roosevelt had told Hurley in August that the United States would continue to support Chiang, not because Chiang was a good leader, but because Chiang was the best there was at the time and under the circumstances it would be unwise to shift support to a leader who was untried. In other words, Chiang held at least nominal power, and at such a late date a shift in power might have resulted in greater chaos than already existed in China.

But by the end of 1944, two major changes had been made in the American diplomatic chain. Hurley had been named Ambassador and Stettinius had been named Secretary of State to succeed Cordell Hull. This meant that Hurley was back in the State Department chain and no longer communicating directly with the President. It also meant that he was now communicating with a Secretary of State who was unaware of the previous developments in China. Therefore, when Hurley articulated what he saw as policy in China, he received no word from Stettinius to the contrary. Roosevelt was, by January, 1945, making preparations for his journey to Yalta to confer with Churchill and Stalin, and no doubt put China in the background for the moment, confident that things were progressing well there as Hurley had been so optimistically reporting.

With no word coming from Washington to contradict his view of American policy, Hurley came to believe that what he was promoting was the official policy of the American Government. Criticism of Chiang and the Kuomintang from any source other than the President or the Secretary of State, therefore, appeared to Hurley to be in conflict with the wishes and desires of the United States Government. Although

Hurley was not even a well-trained professional soldier, he was more that than a well-trained diplomat. Being more militarily-oriented, he was more disposed to the idea that servants of the American Government, both military and diplomatic, were obliged to follow orders. His orders, as he saw them, were to prevent the collapse of the Kuomintang Government and to sustain Chiang Kai-shek in power. Any person other than his Commander-in-Chief or the Secretary of State, after Hurley had been appointed Ambassador, who suggested doing other than what had been ordered, was, in a sense, committing an act of insubordination. But Hurley's military orientation was not the sole source of his attitude that others were being insubordinate. He was clearly a man who took pride in his own perceived abilities and position. He recognized few who had greater authority than that possessed by himself, and was easily offended by others who seemed to be acting toward him with less than the respect he felt was due him. And as his attempts to find a reasonable basis for settlement were met with continued frustration, he became ever more sensitive to criticism, until finally, he and the American policy in China, became inflexible in support, albeit de facto, of Chiang Kai-shek.

CHAPTER VIII

CONFLICTING VIEWS OF AMERICAN POLICY

That Hurley's conception of American policy in China was not as concretely accepted in Washington as it was by the Ambassador is well evidenced by State Department probings and expressed views of December, 1944 and through the early months of 1945.

Hurley's December 24, 1944 report to Stettinius had been in response to the new Secretary's inquiries into the Ambassador's activities and his views of the situation in China to that date.[1] On January 4, 1945, Stettinius reported to President Roosevelt, the impressions gathered from Hurley's return telegram.[2] Briefly reviewing the impediments to a settlement which had been imposed by both the Communists and the Nationalists, Stettinius suggested to the President that an alternative to a final settlement, if the latter proved impossible, might be an American military command of all Chinese forces. Both sides in China seemed to be in agreement on such a command, and it would make possible a limited supply of ammunition and demolition material to the Communists--material which ". . . all observers agree could be effectively used."[3] An American command would, Stettinius informed the President, obviate political difficulties

[1] Stettinius to Hurley, Foreign Relations, 1944, VI, 744.

[2] Memorandum, Stettinius to Roosevelt, Ibid., 1945, VII, 154.

[3] Ibid.

in case of an American landing in coastal areas adjacent to Communist-held territories. If Russia came into the war in the Far East, there would be considerable advantages to having an overall American command in China rather than a disunited Chinese command. "And finally, an American command could serve as a stabilizing political influence in the period immediately following the conclusion of hostilities in China."[4]

On or about January 12, the Division of Chinese Affairs had submitted to the Joint Chiefs of Staff a memorandum entitled "Political Appreciation of the Situation in China."[5] This memorandum was sent to Hurley on February 8 by the Secretary of State, who remarked in his accompanying instructions that this and other material being sent to Hurley "may be helpful to the embassy as indicating general lines of policy and thinking in the Department with regard to China and matters affecting present and post-war international relations in the Far East."[6] The memorandum was, in form, little more than a contingency report, which examined the various possible developments in the event that the Japanese captured Kunming and/or Chungking.

The loss of either or both of the two cities would, the report began, seriously weaken or destroy the Central Government's armies and its political position, which was already quite precarious. Such a loss would encourage the disaffection of the Central forces and probably lead to their disintegration, after which the dissident elements would become active and consolidated in a movement to form a "representative" government, either through pressure on Chiang to support such a government, or

[4] Ibid.

[5] Memorandum prepared by the Division of Chinese Affairs, Ibid., 169.

[6] Ibid., fn. 27.

independently of him. In such a government, "the 'Communists' would probably participate . . . and in any case the weakening of the Kuomintang armies and the heterogeneous, incohesive character of other groups would make the 'Communists' the dominant force in China."[7] Along with Hurley and many of the Foreign Service personnel in China, the Division of Chinese Affairs was not yet convinced that the forces led by Mao were, in fact, Communists. But by this time there was little doubt of the strength of those forces.

If the Japanese were to fail to capture Kunming and/or Chungking, or if they did not attempt to do so, the situation would probably remain as it was, although if the Japanese did attack and were turned back by the Chinese, Chiang's political position would be made much stronger. The criticism of Chiang's regime, the report said, had been based partially on the failure of the Central Government armies to impede the Japanese thrust into Free China. Without a Japanese drive against Kunming/Chungking, the conditions would probably continue at about the same rate of deterioration as had been the case in the past. No perceptible change under those circumstances was expected by the Division until Americans landed on the China Coast or until the entrance of Russian forces into China, if the Soviet Union came into the war against Japan.

There were two portions of this report which were no doubt of considerable interest to Hurley. The first brought into doubt the success of his efforts to unify China. The second, if read in a certain light, would reinforce the Ambassador in his view of the China policy. The report was pessimistic toward the possibility of the Nationalists and Communists being united. "A Kuomintang-'Communist' rapprochement which

[7] Ibid., 170.

would provide the basis for real cooperation, is believed unlikely,"[8] the report read. If Chiang were to succeed in stopping the Japanese drives his position would be strengthened to the point that he would be less likely to cooperate with the Communists, and the Communists could not be expected to modify their terms. If Chiang's position were to weaken, however, the Communists would probably be encouraged to press for terms which the Generalissimo would stubbornly oppose. While Chiang would probably agree to Communist participation in the Government, he would not, it was believed, give them or any other non-Kuomintang participants any real voice. Informed Chinese observers, the report read, felt that in a genuine coalition government Chiang would slowly lose his power and position and that he was aware of this fact and was thus opposed to a real coalition.

Of greater hope, the report suggested, would be the conclusion of a Kuomintang-Communist agreement, which would involve the coordination of military activities through a coalition military council or through an Allied command of the armies of the two competing factions.

This suggestion was obviously a stop-gap measure aimed at putting the Chinese armies into the field in a joint effort to fight the Japanese. It was not a political measure. The political situation was seen at best to be tenuous. The greatest fear, it appears, was that the Central Government would fall at about the time the primary theatre of war shifted from Europe to the Pacific. If the Central Government were to fall, the report indicated, ". . . a considerable period of confusion might ensue before a new Government could be established and its machinery put into operations."[9] During this period resistance would be

[8] Ibid.

[9] Ibid., 171.

disorganized and, quite likely, even less effective than it was at present.

The Division believed, therefore, that under the existing circumstances it would be advisable for the United States to continue dealing with the presently recognized government of China. To deal with other elements as long as the Central Government remained in power would seriously endanger the existence of that government. However, when the United States found it necessary to land troops in areas of China where the authority of the Central Government was non-existent, ". . . the American commanders could not be expected to deal with friendly local groups through the medium of Chungking or to await Chungking's approval of supplying them with arms."[10] Under such circumstances, the report concluded, military exigencies would require the use of aid to any and all groups able and willing to fight the Japanese--". . . irrespective of such groups' political affiliations and the state of their relations with the Central Governments."[11]

From this report, one which was definitely not a policy statement, Hurley probably gathered that his view of American policy had been reinforced, though it did indirectly cast doubt upon the possible success of his exuberant attempts to find a basis for agreement between the Communists and the Kuomintang government. But the report also focused on an idea toward which Hurley had expressed and would continue to express vehement opposition--the possible arming of the Communists.

This report did not reach Hurley until February 8. In the meantime, the Ambassador had submitted the first of a four-part report to Stettinius

[10] Ibid., 172.

[11] Ibid.

reviewing in considerable detail the steps he had taken in China; first to settle the problems between Stilwell and Chiang, and then to negotiate a settlement between the Kuomintang and Communist Parties.[12]

Hurley had apparently sent this report to his staff for review, for in a memorandum of the same day to the Ambassador, George Atcheson, Counselor of Embassy, had responded with a protest in defense of the Embassy staff and others, against accusations which Hurley had apparently leveled in his original draft.[13] Hurley must have charged members of his diplomatic staff with advocating that the National Government be by-passed in favor of the Communists, for Atcheson responded:

> We would question the statement in the next to the last paragraph of the telegram that there is opposition among our own diplomatic representatives. There is no one on the staff who believes we should by-pass the National Government in dealing with the Communists. From a recent conversation with Mr. Service . . . I am convinced that he does not think we should by-pass the National Government in dealing with the Communists.[14]

Hurley must also have expressed in the original draft a feeling that his efforts were being unjustly criticized by his staff, for Atcheson also informed Hurley that in reference to comments about the staff in the preamble to his report:

> We would question the penultimate sentence of the second paragraph. We have not heard anyone on the staff express an opinion that your conduct of the negotiations is an unusual and unjustified departure from State Department procedure. We do not believe that any member of the staff holds such opinion. There is no member of the staff that I know of who has not whole-heartedly hoped for the success of your negotiations and the benefit to the war effort which will obviously result therefrom.[15]

[12] Hurley to Stettinius, Ibid., 192.

[13] Memorandum, Atcheson to Hurley, Ibid., 190.

[14] Ibid., 191.

[15] Ibid.

Hurley apparently took Atcheson's comments to heart, for there is little in his report, as sent, which would indicate that the criticisms which Atcheson and the Embassy responded to had been retained. Hurley did, however, charge that he was meeting with opposition from some of the United States' military staff in China, ". . . on the ground that the Communist armed party is stronger than the National army and we should deal directly with the Communists, bypassing the National Government."[16] This opposition, Hurley concluded, was based on erroneous and unsound premises.

Hurley made no mention of American policy in China. The report was meant to review his activities and to give the new Secretary of State an idea of how the negotiations had progressed to that point. He did point out, in concluding, that throughout the period of negotiations he had insisted that the United States would not supply or otherwise aid the Chinese Communists as an armed political party or in an insurrection against the National Government. Any aid to the Communists, he wrote, must go through the National Government of China. But in making his point, Hurley emphasized that,

> The Chinese Communist Party had never indicated to me that they desired to obtain control of the National Government until, if and when, they achieve control through a political election.[17]

Stettinius responded to Hurley's report with remarks supportive of Hurley's activities. In addition, the Secretary indicated that he was in full agreement with the view expressed by Hurley that there was opposition coming from the American military to continued support of the National Army.[18]

[16]Hurley to Stettinius, Ibid., 197.

[17]Ibid., 196.

[18]Stettinius to Hurley, Ibid., 197.

Stettinius was referring here to a plan of which Hurley had become aware and had informed the President about on January 14. In the process of trying to determine why the Communist-Kuomintang negotiations had broken down in December, with Chou En-lai's return to Chungking, Hurley had discovered a plan which had been formulated by General Robert McClure, Wedemeyer's Chief of Staff, for the use of American paratroopers in the Communist-held areas. The plan, according to Hurley, provided for the use of Communist troops led by Americans in guerilla warfare. As Hurley related the plan to Roosevelt:

> The plan was predicated on the reaching of an agreement between the United States and the Communist Party, by-passing completely the National Government of China, and furnishing American supplies directly to the Communist troops and placing the Communist troops under command of an American officer.[19]

This plan had become known to the Communists, Hurley wrote, and had offered them exactly what they wanted all along--recognition and Lend-lease supplies from the United States, and the destruction of the National Government. If the Communists were to succeed in making such arrangements with the United States Army, Hurley contended, it would be futile to attempt to save the National Government.

Hurley had not known that the plan had been presented to the Communists, he informed the President, until he became aware of a message from the Communists, transmitted through Wedemeyer with instructions to by-pass Hurley, requesting passage of Mao and Chou to Washington to talk to the President. Wedemeyer had revealed this request to Hurley, and the Ambassador deduced that it was a result of the McClure plan having been revealed

[19]Hurley to Roosevelt, Ibid., 174.

to the Communists. Hurley believed that this was the reason for the break-down in negotiations. With such a plan, which would provide aid to the Communists without that aid being directed through the National Government, the Communists had no need for further negotiations.[20]

Following a thorough investigation instigated by General Marshall at Roosevelt's suggestion, it was discovered that the plan, of which Hurley was aware from the beginning, had been divulged to the Communists by an overanxious McClure. Hurley had thought the plan a feasible one, but only if it had the approval of Chiang. Against Hurley's advice, McClure had discussed the plan with Soong and General Chen Cheng, both of whom expressed an interest but made no commitments. Excited at the response his plan was receiving, McClure sent Lieutenant Colonel Willis H. Bird, of the Office of Strategic Services, to Yenan late in December to explore with the officials there the practicality of a special unit for operations in Communist territory. Unfortunately, Bird conveyed to the Communist leaders, much to the consternation of McClure who had not intended such, that a plan for a special unit was in the making. He did, however, consistently point out that such a plan was tentative and subject to changes in American policy.[21]

Once these events became known to Wedemeyer and Hurley, the two agreed wholeheartedly upon the facts of the case, but disagreed completely on the results. Hurley felt the revelation of this plan to the Communists had been the cause of the breakdown in negotiations. Wedemeyer disagreed emphatically. Nevertheless, in initially conveying the information to

[20] Ibid., 176.

[21] R.T. Smith, "Alone in China," 134.

Washington, Hurley led the President to believe that high ranking officers of the United States Army had been negotiating separately with the Communists. For this reason had Roosevelt directed Marshall to instigate an investigation of the situation,[22] and it was this incident which Stettinius had in mind when he wired Hurley on February 1.

In part two of his four-part report to Stettinius, Hurley reviewed the events surrounding the leak of the McClure plan to the Communists, and pointed out that "as soon as I sensed this situation by opposition was more than aggressive, it [was] impeccable and, as the results have indicated, successful."[23] It was a proud and boastful man, therefore, who received shortly thereafter the report issued by the Division of Chinese Affairs which had suggested that when the United States found it necessary to land troops in Communist-held territory, the American commanders should provide the local groups with arms and supplies without gaining Chungking's prior approval.

In the period during which the main thrust of the war had been toward Europe, the United States had been using valuable time in the Far East seeking political stabilization in China in preparation for the inevitable assault on Japan. By January, 1945, time was running out, and China was in worse shape than ever. Those closest to the scene in China, except perhaps Hurley, were increasingly concerned, not about stability for its own sake, but rather over the ability of the United States to successfully prosecute the war in the Far East, given the unstable conditions existing in China. On February 14, 1945 John Stewart Service and

[22] Ibid., 137.

[23] Hurley to Stettinius, Foreign Relations, 1945, VII, 210.

Raymond P. Ludden expressed that concern in a lengthy memorandum to General Wedemeyer,[24] a task which, for Service, must have been difficult.

Having been in Washington since October, Service returned to China in January to replace Davies. Returning at about the time that Hurley was involved in the controversy over the McClure plan, the Foreign Service officer had been summoned to the Ambassador's office where he was told by Hurley that if he interfered with the Ambassador in any way, he would be broken. Service took this to mean he was not to make any more policy recommendations.[25] But he proceeded to do so, nevertheless, with Ludden in February.

While in Washington, Service had been working in the Department of State and was in close contact with the attitudes being expressed there below the level of the Secretary. Unfortunately, the Department had played a minor role throughout the war period, with Roosevelt conducting, as he did, his own diplomacy. In Service's opinion, the Department was not strengthened, but was, after Stettinius' appointment, ". . . drifting under a new and inept Secretary."[26] As the European war was drawing nearer to a close, the apparently imminent civil war in China and its postwar implications began to concern the State Department below the Stettinius level. Hurley was seen to be interpreting his mission more and more as that of supporting Chiang, and the analysis of Service and the men around him was that this was likely a losing cause. As Service had written in retrospect, "the State Department in this murky situation was operating

[24]Memorandum, Service and Ludden to Wedemeyer, Ibid., 216.

[25]R.T. Smith, "Alone in China," 139.

[26]John Stewart Service, Personal Letter to Author, November 23, 1970, 3.

hesitatingly and with difficulty and caution. Its desire was that we be able to maintain some flexibility in what promised to be an unstable situation in China to avoid all-out commitment to Chiang and his government if they should go down."[27]

But the State Department was not, according to Service, ". . . in a position to shout from the housetops, to issue orders, ot to slam the table."[28] The Department did make its position clear, however, in a memorandum, which was subsequently sent to the State-War-Navy Coordinating Committee as well as to Hurley, pointed out that the short-term objective of the United States government was ". . . to assist in mobilizing all of China's human and material resources for prosecution of the war against Japan."[29] The long-term objective in China, the report continued, was to ". . . assist in the development of a united, democratically progressive, and cooperative China which will be capable of contributing to security and prosperity in the Far East."[30]

The mission of the United States' military authorities in China, the report said, should be focused upon the short-term objective. Measures aimed at containing Japanese forces in cooperation with the Chinese would call for a degree of rearmament, but, it was believed, ". . . measures undertaken at this time to rearm China in order that it might become a strong Asiatic power would be impracticable."[31] The Department

[27] Ibid., 4.

[28] Ibid.

[29] Memorandum, John Carter Vincent to Joseph C. Grew, Foreign Relations, 1945, VII, 38. See also, fn. 52, Ibid., 37.

[30] Ibid., 38.

[31] Ibid.

would like, it was added, to see the rearmament of all forces willing to fight the Japanese, ". . . but the present unsatisfactory relations between the Chinese Government and the Chinese Communists makes it impolitic to undertake measures for the rearmament of the Chinese Communists even though it is generally conceded that they could effectively use quantities of small arms ammunition and demolition materials."[32] If operations were undertaken along the China Coast, however, it was suggested that American military authorities should be prepared to arm any Chinese forces which they believed could be effectively used against the Japanese.

It was the United States' purpose, the report stated, to utilize its influence to bring about, both as a short-term and as a long-term objective, the unification of China. But it did not necessarily follow, ". . . that China should be unified under Chiang Kai-shek."[33]

> However, with regard to the short-term objective, Chiang appears to be the only leader who now offers hope for unification. The alternative to the support of Chiang for the attainment of our immediate objective might be chaos. With regard to our long-term objective, it is our purpose to maintain a degree of flexibility which would permit cooperation with any leadership in China that would offer the greatest likelihood of fostering a united, democratic and friendly China.[34]

The report made by Service and Ludden on February 12 was in keeping with this two-pronged policy statement which Hurley had received on February 9. The United States had but one immediate objective, the two men wrote: "the defeat of Japan in the shortest possible time with the least expenditure of American lives."[35] But the attainment of this objective

[32] Ibid.

[33] Ibid.

[34] Memorandum, Service and Ludden to Wedemeyer, Ibid., 216.

[35] Ibid.

demanded the effective mobilization of China in the war against Japan. There was ample evidence to show, the men argued, that the war against Japan was of secondary importance to the Kuomintang Government. The Generalissimo's intentions of eliminating all political opposition, by force if necessary, had not been abandoned, nor had its desire to conserve such military force as it possessed for use in maintaining its political power.

The aim of the American policy in China, the report continued, was ". . . the establishment of political unity in China as the indispensable preliminary to China's effective military mobilization."[36] But the execution of American policy had not contributed to the achievement of this stated aim. It had, in fact, retarded its achievement, the men argued.

> It has had this undesired and undesirable effect because our statements and actions in China have convinced the Kuomintang Government that we will continue to support it and it alone.[37]

The United States could not hope for any improvement in the situation, the argument ran, unless the decision was made to throw considerable influence upon the Kuomintang Government in the direction of internal unity. "We should be convinced by this time that the effort to solve the Kuomintang-Communist differences by diplomatic means has failed,"[38] they concluded.

The men went on to offer suggestions on execution of American policy, referring, as had many in the past, to the British approach to the

[36] Ibid.

[37] Ibid., 217.

[38] Ibid.

situation in Yugoslavia, and Churchill's declaration of support for Marshal Tito. Quoting Churchill's statement, which in effect said that ideological preferences were irrelevant to the problem, and that all parties and factions should be judged by their readiness to fight the enemy, Service and Ludden admitted that for the Commander-in-Chief to take such a stand would mean the withdrawal of support from the Central Government. But "that would be both unnecessary and unwise,"[39] they continued.

> It would service notice, however, of our preparation to make use of all available means to achieve our primary objective. It would supply for all Chinese a firm rallying point which has thus far been lacking. The internal effect in China would be so profound that the Generalissimo would be forced to make concessions of power and permit united front coalition. The present opposition groups, no longer under the prime necessity of safeguarding themselves, would be won wholeheartedly to our side and we would have in China, for the first time, a united ally.[40]

Service and Ludden were no doubt thinking of the original United States policy of non-interference in the internal affairs of other countries, when they then noted that, like it or not, the United States was, by its very presence in China, becoming a force in the internal politics of that country. Then, in their concluding paragraph, they made their strongest point:

> Our objective is clear, but in China we have been jockeyed into a position from which we have only one approach to the objective. Support of the Generalissimo is but one means to an end; it is not an end in itself, but by present statements of policy we show a tendency to confuse the means with the end. There should be an immediate adjustment of our position in order that flexibility of approach to our primary objective may be restored.[41]

This final point was clearly directed at Ambassador Hurley. That he had felt its impact as well as that of other messages reaching him by this

[39] Ibid.

[40] Ibid.

[41] Ibid., 218.

time was revealed when, on February 18, he despatched part of his report to Stettinius. After reviewing the developments of the negotiations, developments which by that time looked to him to be somewhat favorable if each side would make a few slight concessions, Hurley suddenly shifted from a discussion of the negotiations to an obviously bitter denunciation of the Communists.

> All the arguments and all the documents submitted should indicate to you that the Chinese Communist Party is not democratic; that its purpose is to destroy the control of the government by the Kuomintang before there has been an opportunity to adopt a constitution or to return the control of the Government to the people on a democratic basis.[42]

It is difficult to determine whether Hurley intended to express his own opinion with this statement or to relay the thinking of the Kuomintang, for with the sentence which followed he began a lengthy listing of arguments against the Communists as expressed by Chiang and his close associates. In sum, these arguments said, in effect, that the Communists were simply interested in overthrowing the one-party rule of the Kuomintang and replacing it with the one-party rule of the Communist Party. All the criticism which had come from the Communists and all the propaganda about the Communists being democratically inclined had been just that--propaganda, disseminated by the Communists ". . . for the purpose of breaking the faith of the United States in the integrity of the Chinese National Government."[43]

But whether or not they were his own arguments or those of the Chinese Nationalists, it was clear that Hurley agreed with them. In his

[42]Hurley to Stettinius, Ibid., 227.

[43]Ibid., 228.

closing two paragraphs he pointed out that he was convinced that the United States was right in its decision to support the National Government of China and the leadership of Chiang Kai-shek, and that General Wedemeyer had read the report and had stated in his own opinion that it was an excellent and logical presentation of the facts.

Hurley was, in a sudden and vehement manner, expressing his frustration to the Secretary of State, a fact which was made perfectly clear by comments attached to his February 18 report, sub-headed, "New Subject."[44] On February 6, Hurley had received a telegram from Acting Secretary of State Grew, in response to a report the Ambassador had submitted two days earlier. Hurley had enclosed in his report a copy of the tentative agenda to be followed by T.V. Soong in his soon-anticipated meeting with government leaders in the Soviet Union.[45] Grew's response to Hurley was in part intended to caution the Ambassador:

> . . . we feel, and believe you will concur in our opinion that, while we are at all times anxious to be helpful to the Chinese Government, we should not permit the Chinese Government to gain the impression that we are prepared to assume responsibility as "advisor" to it in its relations with the U.S.S.R.[46]

Although Grew's message was directed specifically at Hurley's attempts to involve himself directly in the coming negotiations between the Chinese and Soviet government, Hurley apparently took it to be an admonition for his close involvement in the Kuomintang-Communist negotiations as well. In his February 18 attachment he informed the Secretary that he had prepared a reply to the February 6 telegram, but had not sent it as

[44] Ibid., 229.

[45] Hurley to Stettinius, Ibid., 851.

[46] Grew to Hurley, Ibid., 852.

he intended to see him shortly and discuss the matter more fully in person. Nevertheless, Hurley proceeded to express his opinion of Grew's suggestion:

> In your message you appear to have reduced my role in these negotiations to the position of merely making suggestions without implementing my suggestions. It is my earnest desire to be amenable to every suggestion from [the] State Department even when I believe our position is weakened and accomplishment postponed by lack of vigorous implementation of suggestions.[47]

Hurley had obviously misread Grew's message, for the Acting Secretary had not suggested a reduction in the Ambassador's role in the negotiations with the Soviet Union.[48] But by this time, Hurley's behavior was

[48]In an interview with John Stewart Service on December 7, 1970, the present library curator at the Center for Chinese Studies, Berkeley, California, made a point which meant little at the time but which has become much more meaningful in light of the consistent misinterpretation of documents by Hurley, Grew's message of February 6, 1945, being a particular case in point. Service said that in all the time he had known Hurley in China he had never seen the man read. Hurley had always, Service said, had his material read to him by one of his staff or by his personal secretary. At the time, Service indicated, he had thought that Hurley simply disliked reading. But he had later come to believe that the man was somewhat short on reading skills and to avoid a task which must have been tedious, had others read material to him.

Taken at face value and in light of treatment Service received in the years following the war, the statement may have been vindictive. But an examination of Service's and other State Department reports, compared with Hurley's interpretation of those reports, indicates that for one reason or another, Hurley was missing the primary thrust of their arguments.

If Hurley was, in fact, having those reports read to him, and was not spending time studying them, it is easy to understand how they might have been misinterpreted. Many of them deserved careful scrutiny, being complex in verbage and the subtle logic of trained State Department minds.

On the other hand, it is hard to believe that a man with the legal background of Patrick J. Hurley would not be a skilled reader. The fact remains, however, that notwithstanding his legal training, Hurley had received no schooling until he was 14 years of age, and then, what he did receive until he attended law-school was sub-standard. While he might have struggled through law training with low reading ability, the chances were great that the task remained a tedious one. If so, the chances were quite good that Hurley did, in fact, prefer to have one of his aides do his reading for him.

A far more reasonable explanation, and one which has been attested to by Mrs. Eugene Pierce, a New Mexico resident who has done a considerable

becoming symptomatic of one suffering from paranoia. He had ordered Service to cease interfering with him, had threatened to break both Service and Davies, accusing the latter of being a Communist, and had turned abruptly against the Communists. In the short period of eleven days, since his telegram of February 7, in which he had noted that the Communists were not in fact Communists, but rather were striving for democratic principles, Hurley had made a complete about-face, charging now that the Communists were not democratic. In the earlier telegram, he had written that the Communist Party had never indicated to him that they desired to obtain control of the National Government ". . . until, if and when, they achieve control through a political election."[49] Yet, eleven days later he noted that the Communists' purpose was to destroy the control of the government by the Kuomintang before there had been an opportunity to adopt a constitution. Patrick J. Hurley was on the defensive.

It appears to be quite clear that during these first weeks of 1945, American policy in China was, in many respects, uncertain. The Secretary of State was in the process of trying to gather background information, most likely to get a feel for the situation in China so that he could formulate policy. The State Department, below the level of the Secretary, was moving with caution, but at the same time held the opinion that the first priority was the defeat of Japan in the quickest way possible.

[48]amount of research on Hurley and had contact with the late Ambassador, as well as with his wife and son, is that Hurley, in his vanity, refused to reveal that his eyesight was deteriorating while in China. He probably did not wish his associates to know that he needed eyeglasses to read. It surely would not have been beyond the man, given his egomania, to lead his subordinates to believe that in deference to his position, it was only proper that material be read to him.

[49]See fn. 17.

To that extent, some form of military unity in China was imperative. The drive against Japan was foreseen to be quite near and the Department believed the Chinese forces would be vital for the containment of Japanese forces on the continent. Because of the immediacy of the situation, it would be unwise at that point to shift support from Chiang to any other political or military leader. He at least controlled a government which was, if only to a degree, functioning. Service and Ludden, in their February 14 message, had not advocated that the United States shift its support away from Chiang, only that it shift from a "diplomatic" to a hard-line approach, and force Chiang, under the threat of cessation of aid, to create an effective fighting force which would include all those willing to fight the Japanese.

The greatest fear being expressed by Service, Ludden and the Department, was that Chiang would come to believe that he had the complete and permanent support of the United States, not only against the Japanese but against the Communists as well. If there were any clear-cut American policy in China, it was merely to sustain Chiang Kai-shek in his fight against the Japanese, not in his fight against the Communist Chinese or any other dissident Chinese group.

But Hurley had come to believe that American policy was to sustain Chiang Kai-shek in power--period. He therefore saw not only himself but American policy as well being criticized by all, except perhaps the Secretary of State and the President. As he received messages which, unfortunately, were aimed at his activities in subtle rather than explicit terms, he became outraged and defensive. As indicated in his message attached to the February 18 report, his approach to the task facing him in China had included "vigorous implementation of suggestions," to the

negotiating parties. But as has been shown, his idea of vigorous implementation was active involvement to the extent of incorporating his personal ideological convictions into proposals supposedly written by the negotiating parties--convictions which were alien to the political culture of the Chinese people. And as evidenced by his final report to Stettinius, Hurley had made the shift which members of the State Department had feared--he had rejected the Communists and had thrown his personal support to Chiang. Through Ambassador Hurley, the United States had taken sides in the internal affairs of China, and had violated the policy of non-interference articulated by Cordell Hull in 1941.

CHAPTER IX

THE OPPOSITION FAILS

On February 19, 1945, Ambassador Hurley departed Chungking for the United States for consultations with the State Department. Immediately upon his departure, the Embassy staff at Chungking grasped at an opportunity they had not previously been offered. Challenged by Hurley's authority, threatened by the Ambassador's warnings to Service and his fight with Davies, faced with the accusations in Hurley's January 14 draft report to Stettinius, and in general, objecting to Hurley's naive and unrealistic view of his ability to a find a solution to the problems of China, the staff, led by the now ranking officer in the Embassy, George Atcheson, prepared a report to the State Department.

The draft report, which was actually written by John Stewart Service,[1] was signed and sent by Atcheson on February 28, with the closing remark that it had been drafted ". . . with the assistance and agreement of all the political officers of the staff of this Embassy. . . ."[2] It reached Washington shortly before Hurley arrived on March 3, and the next day was brought to the Ambassador's attention.

"The situation in China appears to be developing in some ways that are not conducive to effective prosecution of the war, nor to China's

[1] R.T. Smith, "Alone in China," 157.

[2] Atcheson to Stettinius, Foreign Relations, 1945, VII, 246.

future peace and unity,"[3] the report began. The recent diplomatic and persuasive attempts by the United States to assist the Chinese factions in arriving at a compromise settlement of their differences was a necessary first step, it continued. And unity had been correctly understood to be the best way toward the effective conduct of the war by China, as well as toward the speedy emergence of a peaceful, strong, united and democratic China. But recent developments had combined to increase Chiang Kai-shek's feeling of strength and had resulted in an unrealistic optimism on the Generalissimo's part which had in turn led to his lack of willingness to compromise.[4]

The Communists, on the other hand, had come to the conclusion that the United States was definitely committed to Chiang's support, and that there would be no force exerted to compel him to allow aid to or cooperation with them. The Communists were, therefore, for their own self-protection, taking a line of action, and aggressively expanding their area of control southward. In doing so, it was the Communists' intention to make themselves invincible before Chiang's armies were ready, and to present the United States with the dilemma of accepting or refusing Communist assistance if American forces were to land anywhere along the China Coast. Some Communists close to the Yenan leaders were, as well, beginning to discuss the possibility of seeking Soviet aid.[5]

The conclusion seemed clear, the Embassy staff reported:

> . . . although our intentions have been good and our actions in refusing to deal with or assist any group by the Central Govern-

[3] Ibid., 242.

[4] Ibid.

[5] Ibid., 243.

> ment have been diplomatically correct, if this situation continues and our analysis of it is correct, chaos in China will be inevitable and the probable outbreak of disastrous civil conflict will be accelerated.[6]

If the high military authorities of the United States Government agreed, the report suggested, that some aid and cooperation with the forces that had proven themselves willing and able to fight the Japanese was necessary, it was the staff's opinion that any further steps in American policy should be based upon this military question. "The presence of General Wedemeyer in Washington as well as General Hurley should be [a] favorable opportunity for discussions of this matter,"[7] they urged.

Assuming that the military necessity existed, the staff proposed, for the Department's consideration, that the President inform Chiang in no uncertain terms "that military necessity requires that we supply and cooperate with the Communists and other suitable groups who can assist in the war against Japan . . . and that we are taking direct steps to accomplish this end."[8] Assurances could be made to Chiang, they added, that the United States was not contemplating a reduction in aid to the Central Government and that the Central Government would be kept fully informed of the extent and types of such aid. Chiang could also be impressed with the idea that aid at that time would insure him against any independent action on the part of the Communists, and would lessen the chances that the Communists would turn to the Soviets for aid.

As one result of the recent Kuomintang-Communist negotiations, the report claimed, the principal and over-riding issues had become clear:

[6] Ibid.

[7] Ibid., 244.

[8] Ibid.

> The Generalissimo and his Government will not at this time on their own initiative take any forward step which will mean loss of face, prestige or personal power. The Communists will not, without our guarantees in which they have confidence, take any forward step which will involve dispersion and eventual elimination of their forces upon which their present strength and future political existence depend.[9]

The steps the staff was proposing, therefore, would exert upon both parties the necessary force needed to break this deadlock. The "modus operandi" embodied in the proposals would, furthermore, initiate concrete military and eventual political cooperation which would, in turn, provide a foundation ". . . for increasing future development toward unity."[10]

The staff's proposals were quite reasonable:

> (1) The formation of something in the nature of a supreme war council or war cabinet in which Communists and other groups would have effective representation and some share in responsibility for the formulation and execution of joint war plans, and (2) the nominal incorporation of Communist and other selected forces into the Central Government armies under the operational command of American officers designated by the Generalissimo on the advice of General Wedemeyer, on agreement by all parties that these troops would operate only within their present areas or specified extended areas.[11]

The report stressed, however, that it should be made quite clear that the above proposals would not be contingent upon reaching final agreement, on internal Chinese arrangements. In other words, the immediacy of the situation called for implementation of the proposals before reaching a negotiated settlement between the Communists and the Kuomintang--contrary to the condition which Hurley had demanded.

[9] Ibid., 245.

[10] Ibid.

[11] Ibid., 244.

Again, the staff referred to the Yugoslavian predicament which was handled successfully, it appeared, by Churchill. The statements of policy should perhaps be made to Chiang in private, they suggested, but in the event that he refused to cooperate, the policy should be made public, just as Churchill had done in Yugoslavia. But even if not made public, the fact of American assistance would quickly become known throughout China, and would, the staff believed, have ". . . profound and desirable political effects in China."[12] There was tremendous pressure in China for unity based on a reasonable compromise with the Communists, which would perhaps give the repressed liberal groups a chance to express themselves. Liberals within the Kuomintang had been ignored in the recent negotiations by their own government, but not by the Communists. This group had become disillusioned and discouraged by what they saw as an American commitment to the reactionary Kuomintang leadership. But if the steps being proposed were implemented, the Embassy staff argued, the morale and prestige of these liberal groups would be raised considerably, ". . . and we would exert the strongest possible influence through these internal forces to impel Chiang to put his own house in order and make the concessions necessary to unity."[13]

The Chungking Embassy staff had been genuinely concerned over the situation in China for some time. A great part of that concern was over the good possibility that the Communists would turn to the Soviet Union for aid, purely out of necessity. This concern was expressed again in the February 28 report, when the staff argued that

[12] Ibid., 245.

[13] Ibid., 246.

> . . . by such a policy, which we consider realistically accepts the facts in China, we would expect to secure the cooperation of all of China's forces in the war, [and] to hold the Communists to our side rather than throw them into the arms of Russia (which is otherwise inevitable if Russia enters the war against Japan).[14]

There can be no doubt that the Division of Chinese Affairs received this report with approval. On March 1, John Carter Vincent addressed a memorandum to Undersecretary Grew and to Joseph W. Ballantine, the Director of the Office of Far Eastern Affairs,[15] in which he wrote that

> . . . the probability that unity of command will not be achieved in the near future, considered in the light of prospective military action in China this year, compels us to seek an alternative solution to the problem of effective utilization of all forces in China capable of fighting the Japanese.[16]

There was every likelihood, Vincent wrote, that United States forces which might land in coastal areas north of Shanghai would find Chinese ~~Communist~~ troops nearby. There seemed to be every indication, he continued, that the Communist forces would be of assistance to the American troops, not only in coastal landings but in related operations against the Japanese in North China as well. The United States should be prepared, therefore, ". . . while continuing to exert our influence to bring about Chinese political and military unity,"[17] to supply those forces when the need arose, with arms and ammunition.

But this had been said many times over in recent weeks by several State Department men. What had not yet been said, and what Vincent now wrote, was:

[14] Ibid.

[15] Ibid., 247. fn. 19.

[16] Ibid., 248.

[17] Ibid.

> There should be no question of choosing between Chiang and the Communists; of withdrawal of support from Chiang. But likewise there should be no question of an exercise of our prerogative, dictated by military necessity, to utilize all forces in China capable of cooperating with us in the fight against Japan. Chiang, having failed to effect military unity, should be told that he has forfeited any claim to exclusive support.[18]

Vincent then added parenthetically, that since writing the above report he had read Atcheson's February 28 report, and felt that it should receive the most serious consideration.[19]

On the following day, the Division of Chinese Affairs issued a statement entitled, "American Policy With Respect to China." Written by Everett M. Drumright with contributions from Vincent and Edwin F. Stanton, Deputy Director of the Office of Far Eastern Affairs, this policy statement incorporated every suggestion and argument made by the Embassy staff and by Vincent in his memorandum of the previous day.[20] Although not versed in terms as strong as those used by the Embassy staff, the policy statement did press the point that Chiang should be ". . . frankly informed that because of the vital importance of the vigorous prosecution of the war we may find it necessary to give military assistance not only to his forces but to other groups who in the opinion of our military authorities can be effectively used in specific military operations against the Japanese."[21] It was clear, the statement read, that the United States, must, in its own interest, maintain a flexible policy, vis-a-vis Chiang Kai-shek, for two reasons. First, the United States might be in a posi-

[18] Ibid.

[19] Ibid.

[20] Ibid., 249.

[21] Ibid., 252.

tion to withdraw support from Chiang should his government become impotent; and second, ". . . the United States appears to possess, in its discretion to grant or to withhold support and assistance, a weapon which may be used to induce Chiang to cooperate . . . ."[22]

Although the title of this statement indicated that it was one which defined American policy toward China, the fact remained that but one person made policy in Washington--President Roosevelt. Unless Roosevelt directed Hurley to follow the policy outlined on March 2, the Ambassador would continue to follow what he considered to be the President's original instructions.

Joseph Grew, Acting Secretary of State, received the policy statement on the same day it was written.[23] Although there is no indication that he sent the whole document, he did transmit to the President the Embassy telegram of February 28, with the comment that despite a number of encouraging developments in China over past months, the Department had become increasingly concerned over indications that Chiang had adopted an intransigent attitude toward a settlement with the Communists. "These developments," Grew wrote, "emphasize the need of flexibility in applying our policies toward China."[24] The coming meeting with Hurley and Wedemeyer, Grew concluded, would provide an opportunity to go over the whole situation with them, ". . . in particular the Embassy's recommendation that we consider giving war supplies to the Chinese Communists as well as to Generalissimo Chiang."[25]

[22] Ibid., 251.

[23] Ballantine to Grew, Ibid., 253.

[24] Grew to Roosevelt, Ibid., 254.

[25] Ibid.

On March 4, 1945, Hurley was shown the Atcheson telegram at the State Department and his reaction to its contents was violent.[26] Claiming to have been "called on the carpet" by Vincent and another man, Hurley, recounting the incident in 1946, charged that the two men had put him on the defensive about his activities in China, but that neither of the two had understood America's role there. "He told Vincent the policy he had been implementing as Ambassador in China was the policy of the President, which had been in effect since the beginning of the war . . . ."[27]

There exists no record of Hurley's conversations with Vincent on that day, other than Hurley's own account given to Life Magazine in January, 1946.[28] There does exist, however, a record of a telephone conversation between Hurley and Joseph Ballantine on the following day, in which Hurley's objections to the Atcheson telegram are clearly revealed. Hurley had called to tell Ballantine that he would not be able to make a scheduled appointment with him on that day, and had then referred to the conversations of the previous day about the Atcheson telegram. He wanted to know if his point of view had been understood. Ballantine told the Ambassador it had, although it was felt that Hurley had read into the message implications which were not in accord with the Department's interpretation.[29] Apparently Hurley had argued that arming the Communists would be a recognition of their belligerent status. Such recognition

[26] R.T. Smith, "Alone in China," 159.

[27] Ibid.

[28] Ibid.

[29] Ballantine Memorandum, Foreign Relations, 1945, VII, 260.

would be inconsistent with the United States' recognition of the National Government as the government of China. Ballantine attempted to point out to Hurley that he did not see how Atcheson's recommendations would involve recognition of Communist belligerency, but to little avail. Hurley simply turned to the ethics of the telegram, telling Ballantine that he felt the sending of it was an act of disloyalty to him on the part of his staff.

Hurley had argued furthermore,

> . . . that it reopened a question which he had thought had already been decided, that it revived the question of the recognition of the Communists as armed belligerents, and that it was over that issue that General Stilwell had been recalled. He felt that the sending of the telegram made it necessary for him to fight all over again with the State Department, the War Department and the White House the issues raised in the telegram.[30]

Ballantine reportedly tried to convince Hurley that Atcheson had merely been doing his duty in sending his estimate of the most recent developments in China along with the thoughts of the Embassy in that connection. But Hurley had responded that he had ended the Army's opposition to his policy by ". . . getting the die-hards transferred."[31] It looked to him as though he still had the State Department career officers to contend with now, ". . . who were upholding each other and who resented Ambassador Hurley's policies."[32] The net effect of the telegram, Hurley told Ballantine, was to undermine his efforts. The Communists would not be conciliatory if they thought that they were going to get supplies from the United States. Ballantine then closed the conversation with Hurley,

[30] Ibid., 261.

[31] Ibid.

[32] Ibid.

informing the Ambassador that any decision made would be done so at high levels and that Hurley should talk to Mr. J.C. Dunn, Assistant Secretary of State and to Mr. Grew.

On the day following the Ballantine-Hurley telephone conversation, Ballantine, Stanton and Vincent drafted a memorandum to Assistant Secretary Dunn, in which they stated that as far as they could determine, there was no difference in view between them, (including Atcheson) and Hurley. They again reviewed the recommendations which had been coming through the Department, and those which they had favored, particularly the ones which urged the creation of a unified military force commanded by an American officer and that of giving aid to all military forces in China.

As far as they could understand him, Hurley was concerned that the supplying of military arms to the Communists would constitute recognition of that party's belligerent status, and would result in the speedy overthrow of the National Government. They differed with Hurley on both counts, the message indicated. Arming the Communists to the degree which they had in mind, would neither provide them with enough to overthrow the National Government, nor constitute recognition of belligerency. This did not involve any question of concluding a formal agreement with the Communists, they reported, or the taking of any steps which would constitute recognition of belligerency on the part of the Communists or any other group.[33]

Again, the message urged that a statement be made to Chiang that,

> . . . with a view to expediting operations against the Japanese in the Far East our military authorities may give limited quantities of military equipment to the Communists or any other Chinese group

[33]Ballantine Memorandum, Ibid., 262.

which in their opinion would effectively use such equipment in carrying on guerilla warfare against the Japanese.[34]

In concluding the report, they stressed that Atcheson's plan had been proposed as a method to be turned to only in case of a deadlock. If there should be no deadlock, and ". . . if an agreement is reached between Chiang and the Communists, which Ambassador Hurley feels confident will be achieved by the end of April,"[35] then no alternative plan would be warranted, and the need for Atcheson's plan would not arise.

What Hurley was doing during this period is not quite clear. The most comprehensive coverages of the events following his reaction to the Atcheson telegram are to be found in R.T. Smith's "Alone in China," Herbert Feis' China Tangle, and Don Lohbeck's Patrick J. Hurley. Smith's account, one which was based almost entirely on the Hurley Papers, merely states that, "confident that he still enjoyed the support of President Roosevelt, Hurley began the process which would bring the situation in the Chungking Embassy under control."[36] Smith then goes on to report that Atcheson and Service were eventually reassigned at Hurley's request. He offered no documentation on either of the two points. In China Tangle, Feis wrote that Hurley talked to Stettinius, Marshall, Stimson and the President about the issues, and, "in the upshot the President upheld Hurley. It was again decided that we would not help the Communists unless and until Chiang Kai-shek consented."[37] Here again, no documentation is provided.

[34] Ibid., 264.

[35] Ibid.

[36] R. T. Smith, "Alone in China," 161.

[37] Feis, China Tangle, 272.

As Lohbeck reported in his biography on Hurley:

> Pat Hurley did not accept defeat. He carried his fight against the sabotage of American policy to higher quarters; he talked to Secretary of State Stettinius, with Chief of Staff Marshall, with Secretary of War Stimson, and finally President Roosevelt.[38]

Lohbeck then quoted Hurley as having later said, "I won over all of their criticism for one reason only . . . . The President sustained my position and said it was in keeping with the traditional American policy in China."[39] There is no indication by Lohbeck of where he obtained this information, except that the above quoted statement was made by Hurley in retrospect.

It is truly unfortunate that no record or documentable information is available to substantiate the three claims put forward that Hurley was upheld by the President. Not to be debated is the fact that Atcheson and Service were transferred shortly after Hurley's clash in Washington. But there is nothing in the record to show that this was a result of Roosevelt's interference on Hurley's behalf. Furthermore, there was no need for the President's interference in this action. Hurley was Ambassador, and the recall of Foreign Service officers is a prerogative of an Ambassador. The alternative would be for the Secretary of State to refuse and cause the Ambassador considerable embarrassment which would, in turn, no doubt lead to his resignation. That the latter was highly undesirable at that time is without doubt.

That the President upheld Hurley on the question of American policy in China, as Hurley understood it, is questionable. The evidence which is available leads to the conclusion that Hurley did not take a strong

[38] Lohbeck, 382.

[39] Ibid.

stand with the President over the China policy which was being debated between the Ambassador and the Department of State. By the time Hurley did see Roosevelt the issue raised was one dealing with the recent agreements arrived at between Roosevelt and Stalin at the Yalta Conference--agreements which were secret, but which had been the subject of rumors in China, and about which Hurley intended to learn more. On that point, more will be written later.

Suffice it to say that there existed no substantial agreement between Hurley and the State Department on China policy. The Department was calling for flexibility to meet certain military exigencies which might arise as the war in the Far East progressed toward the final assault on Japan. It was not yet known if the United States would be landing American forces along the China coast, though it was suspected. If that should be the case, it was felt wise to prepare for the use of whatever Chinese forces were available to fight the Japanese in the landing areas and possibly elsewhere. This meant that Communist troops might have to be armed--if and when that exigency arose. The post-war situation was as yet unknown. But even on this question the Department was advocating a flexible position. Flexibility meant, to the State Department, keeping the United States free to shift its support to a political leader other than Chiang Kai-shek if he should prove impotent, and unable to maintain a viable government. The Department was carefully avoiding an all-out commitment to Chiang and his government, but it was also cautious not to indicate that American support, if it did shift from Chiang, it would go to the Communist Party.

Hurley, on the other hand, was vehemently opposed to even the suggestion that relatively small amounts of assistance be given to other than

the National Government and its forces. Not only had he become inflexible in his support of the Kuomintang Government, he had reached the point where he would not even consider a course of action which was proposed to take effect only in the case of his failure to bring the two Chinese factions together. The very suggestion was a challenge to his ability and he firmly believed that aid in any form to the Communists would constitute the recognition of their belligerent status in a civil war. He held this opinion in spite of the fact that men who were educated and trained in international relations rejected the argument that aid to the Chinese Communists to fight the Japanese would constitute recognition of that Party's belligerent status vis-a-vis the National Government. Perhaps Hurley believed that because he had been trained in law, he was better prepared to make such a judgment.

Nevertheless, Hurley believed that the outcome of his clash with the State Department was renewed support for his China policy. He had been victorious over those whose intent it was to sabotage all that he had accomplished so far. Service and Atcheson were to be recalled, and in his opinion the President's faith in the Ambassador to China had been reaffirmed. That reaffirmation came in the form of another special mission upon which Hurley was sent following his meetings with the President.

CHAPTER X

THE VICTOR FAILS

Ambassador Hurley did, on several occasions, talk to the President during his February, 1945, visit to Washington. He confronted the President in fact, though he immediately softened his approach upon seeing Roosevelt's extremely poor physical condition. Having had no success in gathering information about the Yalta agreements from the State Department, Hurley went to the President, as has been reported on numerous occasions, "with my ears back and my teeth skinned, to have a fight about what had been done."[1] But when the Ambassador saw how ill the President was, he lost all the fight he had in him, and quietly inquired about what had occurred at Yalta.[2]

According to most accounts, Hurley and the President discussed the Yalta Conference on several occasions far into the month of March. Hurley finally prevailed upon Roosevelt to let him examine the documents, and once this had been accomplished, the Ambassador attempted to show the President that the secret portion would be a violation of China's territorial sovereignty.[3]

[1] Feis, China Tangle, 279. See also, Lohbeck, 366.

[2] Ibid.

[3] For "Agreement Regarding Entry of the Soviet Union into the War Against Japan," signed on February 11, 1945 by Roosevelt, Churchill and Stalin, see Foreign Relations; The Conferences at Malta and Yalta, 1945, 968-84. See also Diane Shaver Clemens, Yalta (New York, 1970), Appendix A, 315. The agreement was as follows: The three signatories agreed

According to all that Hurley said and testified to in later years, the President finally came to agree that ". . . Hurley's fears seemed to be justified," and gave the Ambassador a special directive--". . . to go to London and Moscow; to speak to Churchill and Stalin; and seek a way to ameliorate the betrayal of China and return to the traditional American policy in the Far East."[4]

But with a view to the discussions which subsequently took place between Hurley and the British and Russian heads of state, the directive which Hurley claimed to have received from Roosevelt must be questioned. There is no indication whatsoever that Hurley discussed the amelioration of the Yalta secret agreement with either of the two. In substance, his discussions with Churchill and Stalin revolved around questions of support of the American policy in China. In addition, Hurley discussed with Stalin the coordination of joint Soviet-American disclosures of the Yalta accords to Chiang Kai-shek. Chiang had not been at Yalta, and Roosevelt and Stalin had decided to hold back on revealing the secret agreement to him, both feeling that if he received the information pre-

[3]that Russia would enter the war against Japan within two or three months after Germany had surrendered and the war in Europe had been terminated. The conditions of Russian entry were: (1) The status quo in Outer Mongolia shall be preserved; (2) The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored viz: (a) the southern part of Sakhalin as well as all the islands adjacent to it shall be returned to the Soviet Union, (b) the commercial port of Dairen shall be internationalized, the preeminent interests of the Soviet Union in this port being safeguarded and the lease of Port Arthur as a naval base of the USSR restored, (c) the Chinese-Eastern Railroad and the South-Manchurian Railroad which provides an outlet to Dairen shall be jointly operated by the establishment of a joint Soviet-Chinese Company, it being understood that the preeminent interests of the Soviet Union shall be safeguarded and that China shall retain full sovereignty in Manchuria; (3) The Kuril Islands shall be handed over to the Soviet Union.

All of the above were conditioned upon the successful conclusion of a pact of friendship and alliance between the USSR and China.

[4]Lohbeck, 368.

maturely, it might quickly be leaked to the Japanese. But as R.T. Smith, who had examined the Hurley papers, has written, ". . . the subject of changing the terms of the [Yalta] agreement did not arise."[5]

Roosevelt had no doubt expressed some reservations about the agreement to Hurley in February and March, but it appears that those reservations were over questions of implementation. He had received word from the State Department about the possibility of the Chinese Communists seeking Soviet aid if not aided by the United States, and was well aware of the problems of disunity in China. These problems were no doubt reemphasized by Hurley in his discussions with the President. But in view of the fact that Hurley's mission to London and Moscow was to gain a restatement of Churchill's and Stalin's commitment to American policy, it appears that Roosevelt's concern was more with gaining guarantees that the Soviet Union in particular would support the Central Government rather than the Communists, when the Russians entered the Pacific War.

Judging from the concerted efforts made earlier in the war to convince Chiang Kai-shek that he need not fear the Russians, Roosevelt might very well have sent Hurley to London and Moscow on his return trip to China, so that when the Ambassador returned to Chungking he could again announce to the Generalissimo that he had talked to the Russians and had received their guarantees of support. Chiang, as well, had expressed fears of continued British imperialism in China and Hurley's stop in London was quite probably aimed at alleviating those fears.

[5]R.T. Smith, "Alone in China," 170. For reports on Hurley's conversations with Stalin, see Hurley to Truman, Foreign Relations, 1945, VII, 867; Kennan to Secretary of State, Ibid., 339. For Hurley's report of conversation with Churchill, see Hurley to Secretary of State, Ibid., 329.

That this was most clearly Roosevelt's intent in sending Hurley to London and Moscow, is revealed in Hurley's telegram of April 14, 1945, sent through the Secretary of State to the new President, Harry S Truman, on the occasion of Roosevelt's death.[6] As the Secretary was aware, Hurley began, he was then presently on a special mission which had been directed by President Roosevelt to confer with Churchill and Eden in London, and Stalin and Molotov in Moscow. Hurley then went on to outline the intent of his mission:

> It was the President's suggestion that I undertake to obtain cooperation from the British and Soviet Governments for the American policy to support the National Government of China; to unite the military forces of China to bring the war with Japan to a speedy end and to support all reasonable efforts of Chinese leaders for the purpose of creating a free, united, democratic China.[7]

Although Hurley did not and was not instructed to, seek an amelioration of the Yalta secret agreement on his mission, he did become enlightened on at least one point of British policy toward China. The British, he learned, had no intention of giving up Hong Kong. While Hurley and others had suspected for some time that the British were not supporting American attempts to unify China, his suspicions that they were intent upon continuing their imperial position in the Far East were reinforced while in London. It was here that a basic portion of the views expressed in his later letter of resignation--that the United States was "using its reputation to . . . bolster imperialism,"--were formed. What he learned from Churchill, and what he would observe in China at war's end, would combine to convince him of America's rejection of the Atlantic Charter principles.

[6] Ibid.

[7] Ibid., 330.

Vice-president Wallace, it will be remembered, had indicated Roosevelt's intent to return Hong Kong to China when he visited Chiang Kai-shek in June, 1944. In Hurley's report to Truman of April 14, 1945, he wrote that Roosevelt had briefed him ". . . regarding Hong Kong," and had authorized him to discuss it with Churchill if the question was introduced. The question had apparently been raised, for, according to Hurley, "Churchill flatly stated that he would fight for Hongkong to a finish." Furthermore, Hurley went on, Churchill had said that "'Hongkong will be eliminated from the British Empire only over my dead body.'"[8]

Hurley had discussed the matter further with Churchill and had remarked that if the British were to decline to observe the principles of the Atlantic Charter and continue to hold Hong Kong, then Russia would probably make similar demands on areas in North China. This would further complicate the situation and probably nullify most of the principles for which the leaders of the United Nations had said they were fighting. Expanding on his reported remarks, Hurley added:

> I said that such a position would also be a complete nullification of the principles of the Atlantic Charter which was reaffirmed by Britain and the Soviet [sic] in the Iran Declaration. At this point Churchill stated that Britain is not bound by the principles of the Atlantic Charter at all. I then called his attention to the fact that he reaffirmed the principles of the Atlantic Charter . . . when he signed the Iran Declaration. Notwithstanding all this he persisted that Britain is not bound by the principles of the Atlantic Charter.[9]

Hurley announced in a press conference, upon his return to Chungking, that he had discussed American policy with the heads of state in London

[8] Ibid., 331.

[9] Ibid.

and Moscow, and had found, ". . . all in agreement on the Chinese policy."[10] But when the time came, three months later, to accept the Japanese surrender throughout China, it was quite obvious that the British had not agreed on the American policy toward Hong Kong.

On August 11, 1945, shortly after the Japanese acceptance of the terms of the Potsdam Declaration, the new Secretary of State, James F. Byrnes informed the Chinese Government, through Ambassador Hurley, that the Allied acceptance of Japan's surrender had been forwarded through the Swiss Government.[11] On that same day, but in a separate message, Byrnes notified the Chinese Government that in accordance with the wording of the acceptance of surrender General MacArthur had been designated Supreme Commander for the Allied Powers, and that he was to coordinate and carry into effect the general surrender of the Japanese armed forces.[12] In addition, the message stated:

> It is also contemplated that General MacArthur will direct the Japanese Imperial General Headquarters to have Japanese forces in China, other than those opposing the Russians, surrender unconditionally to you or your subordinate commanders.[13]

But on August 16, Hurley revealed to Byrnes a difference of opinion between the Chinese and the British over what constituted the China Theatre. The British Embassy, Hurley informed Byrnes, had notified the Chinese Government that they were arranging for ". . . the despatch of

[10]Hurley to Secretary of State, transcript of press conference remarks, Ibid., 377.

[11]Byrnes to Hurley, Ibid., 494.

[12]Byrnes to Hurley, Ibid., 495.

[13]Ibid.

the necessary British forces to reoccupy and restore the administration of Hong Kong. . . ."[14] The Chinese had informed the British that this action was ". . . not in accord with the general order of surrender which President Truman has sent to the Supreme Commander for the Allied Powers. . . ."[15] Reviewing the wording of those orders, which clearly designated areas of Japanese surrender and to whom the Japanese forces were to surrender, the Chinese Government's note pointed out that ". . . Hong Kong is not included in the places to be surrendered to the Supreme Allied Commander of Southeast Asia Command and it is in the area which Japanese forces are to surrender to the Generalissimo of the China Theatre."[16] In conclusion, the note stated quite emphatically that

> The Chinese Government respect all legitimate British interests, and are prepared to accord them every necessary protection. But as a concerted plan of accepting the surrender of the Japanese forces is essential to the restoration of peace and order in Asia, it is suggested that His Majesty's Government should make arrangements for the acceptance of the surrender of the Japanese forces in accordance with the general order of the Allied Nations and refrain from landing troops in any place in the China Theater without getting authority from the Supreme Commander for Allied Powers and the Supreme Commander of this theater.[17]

In addition to this note to the British Embassy, which Hurley forwarded to the Secretary of State, Chiang Kai-shek memorialized the President, informing him that ". . . if the British Government does take such actions in contradiction to the agreements and the cooperative spirit of the Allied Nations, it will be indeed a matter of great misfortune to the

[14] Hurley to Byrnes, Ibid., 500.

[15] Ibid.

[16] Ibid., 501.

[17] Ibid.

Allies."[18] Chiang then suggested that Truman bring the matter to the attention of the British Government and request that they make their arrangements in accordance with the general order of surrender.

On August 18, Prime Minister Atlee informed Truman that the British Government did not concur in the Chinese Government's interpretation of the general order of surrender. The British could not accept, Atlee wrote, ". . . any interpretation of general order number one as meaning that Hongkong, which is British territory, is included in the expression 'within China'."[19]

Truman apparently agreed with the British interpretation, for on the same day that he received Atlee's message, the President informed the British government that "from the U. S. standpoint there is no objection to the surrender of Hong Kong being accepted by a British officer,"[20] as long as full coordination had been effected between the British, Chinese, and American forces in the area. Such action, however, did not, as Truman had informed the Chinese Ambassador, ". . . in any way represent U. S. views regarding the future status of Hong Kong."[21] In other words, Truman was accepting for the present the British demands that they accept the Japanese surrender, but was reserving for the time any decision on the part of the United States pertaining to the future political status of Hong Kong.

[18]Chiang to Truman, Ibid., 502.

[19]Atlee to Truman, Ibid., 504.

[20]As reported to Chiang in Byrnes to Hurley, Ibid., 509.

[21]Ibid.

In forwarding Truman's message of August 18 to Chiang, Secretary Byrnes made it quite clear that the problem was ". . . primarily a military matter of an operational character." No question had been raised, Byrnes informed the Generalissimo, ". . . with regard to British sovereignty in the area."[22]

Chiang's response to these messages was quite diplomatic though somewhat arrogant. He simply informed the United States that he would delegate to a British officer the right to accept the Japanese surrender on behalf of the Chinese Government[23]--a position which was tactfully accepted by Truman.[24] Chiang was surely "saving face" with this message, for it was quite clear that Truman had accepted the British argument that Hong Kong was a part of the British Empire, and that it was the legitimate right of the British to take the surrender there. The Japanese had taken the island from Great Britain and the Chinese had not taken it back. Under the circumstances, there was little Chiang could do.

During the same period in which the question of Hong Kong was being debated, problems had arisen over the taking of the Japanese surrender in Indo-China as well. Hurley notified Byrnes on August 13 that the Chinese Government had been approached by the French Chargé d'Affairs, Jean Daridan, requesting that the Chinese use the approximately 5,000 French troops in the vicinity of Kunming for the occupation of French

[22] Ibid.

[23] Chiang to Truman in Hurley to Byrnes, Ibid., 51.

[24] Truman to Chiang, Ibid.

Indo-China. Apparently Daridan had earlier informed a Chinese Government official that there might be "serious trouble" should Chinese troops enter Indo-China, and that Sino-French relations might be gravely prejudiced if the Chinese did not allow the aforesaid French forces to join in the occupation of that area.[25]

Byrnes had acted on Hurley's message by instructing the American Ambassador to France to inform Georges Bidault, French Minister for Foreign Affairs, that the Japanese in Indo-China were to surrender to Chiang Kai-shek in the north and to the British under Mountbatten in the south. This division, Byrnes wrote, was to be considered purely operational and without any political significance whatsoever.[26] On August 31, however, Byrnes informed Hurley that the French had been notified that if they could make arrangements with the Chinese, which would provide for Chinese acceptance of the Japanese surrender in the north and French acceptance on behalf of the British in the south, the matter would be left to the discretion of General MacArthur.[27] Hurley responded on September 6, writing that the Chinese Government felt that because surrender arrangements were by then so far advanced, it would not be practicable from a military point of view for them to accede to the French request.[28]

By September 11, Hurley had become totally dissatisfied with the developing situation in China, and in a telegram to Byrnes, expressed that dissatisfaction. Giving himself credit for having prevented the

[25]Hurley to Byrnes, Ibid., 498.

[26]Byrnes to Caffrey, Ibid., 499.

[27]Byrnes to Hurley, Ibid., 513.

[28]Hurley to Byrnes, Ibid., 555.

collapse of the National Government predicted by Vice-president Wallace and two Congressional leaders in 1944, Hurley outlined Roosevelt's directives to him as personal representative to Chiang. The Ambassador then pointed out that the United States had some long-term diplomatic objectives in China and that those objectives were ". . . to support the aspirations of the Chinese people for the establishment of a free, united democratic government in China."[29] The President had directed him to London and Moscow in April, Hurley wrote, where he had discussed with Churchill and Stalin all the problems pertaining to China, both military and civil, and had gained public endorsements from both, of the long-range American policy. Implying that the United States' China policy had been well-established under President Roosevelt, Hurley proceeded to suggest that it was being violated.

> The fundamental issue in Asia today is between democracy and imperialism; between free enterprise and monopoly. The American delegation at San Francisco last May voted with Great Britain and France against China and Russia on the question of colonial independence. Then came the reversal of the Roosevelt Atlantic Charter policy on Indo-China and, perhaps, Hong Kong.[30]

Although these actions had probably been exaggerated, Hurley wrote, the fact remained that an opinion was steadily growing in Asia, ". . . that America is supporting the imperialisms of Britain, France and the Netherlands as against democracy."[31] President Roosevelt had definitely stated in their last meeting that the United States had favored the sustaining of the Republic of China as the strongest stabilizing force in

[29] Hurley to Byrnes, Ibid., 555.

[30] Ibid., 556.

[31] Ibid.

Asia, Hurley contended. But it was being stated that these imperial nations favored sustaining Japan as the dominating regulatory force in Asia. He was, therefore, ". . . convinced that all of the imperial nations represented in China are supporting a policy intended to keep China divided against herself."[32]

Perhaps the United States had decided not to continue what President Roosevelt had outlined as the long-range policy toward China, Hurley concluded. Whether or not this was true, he added, ". . . there seems a definite trend in American policy toward the support of imperialism rather than democracy in Asia."[33] With that, Hurley requested permission to return to Washington.

There could be no argument with the fact that the situation in the Far East was little less than chaotic when the war ended there. The atomic bomb had pre-empted long-range, coordinated planning for surrender arrangements. The speedy capitulation of the Japanese had come as a surprise to most, as had the effects of the two bombs dropped on Hiroshima and Nagasaki. Quick decisions and equally quick planning were the order of the day. Hurley was not prepared, however, for the rapidity of events around him, nor for the vagaries accompanying those rapid developments. For a man with limited patience and a hasty temper, such an environment was hostile and uncomfortable.

One incident in particular had doubtlessly stuck in Hurley's mind, and was surely a contributor to his opinion that American policy was changing, without there being any concerted effort to inform him of those

[32] Ibid.

[33] Ibid., 557.

changes. On August 20, he had wired Byrnes to inform the Secretary that the day before he had been summoned to the Generalissimo's country residence, where Chiang had read to him, a cable from the Chinese Ambassador in Washington. The cable constituted an outline of the United States' post V-J Day policy on Lend-lease, UNRRA, and the arming of Chinese forces, in addition to general statements concerning the United States' post V-J Day economic assistance to China, as well as its relations with China. Asked if he was aware of these policies, Hurley was forced to admit that no such information had as yet reached him. Wedemeyer was then summoned and the cable was read again. Wedemeyer was asked if he had been in receipt of this information, and was also put in the embarrassing position of answering as Hurley had. The Generalissimo then proceeded to instruct the two to meet with the appropriate government officials to begin planning for implementation of American policy.[34]

Although this information did come to Hurley the next day, and although it was a more tentative appraisal of American policy than Chiang's cable had indicated, the fact remained that Hurley received the information ". . . some 44 hours after the Chinese had received theirs."[35] Given Hurley's rather high estimation of himself and his position, a grave error in diplomacy had been committed, not between the Americans and the Chinese, but between the Department of State and the American Ambassador himself.

Perhaps a trained and experienced diplomatic representative would have understood the circumstances in which this incident had occurred,

[34]Hurley to Byrnes, Ibid., 535.

[35]Ibid., 537.

and would have taken it in stride. But Hurley lacked such training and was definitely without the ability to respond to the incident with subtle grace. On this particular occasion he merely informed the Department that such was in keeping with the normal course of events, which had found the Embassy in Chungking receiving its first indication of changes in American policy from other than Department sources.[36]

Shortly after Hurley had informed Byrnes of his desire to return to Washington, the Ambassador discovered that George Atcheson and John Stewart Service had been assigned as political advisors to General MacArthur. In protest, Hurley composed a strongly-worded memorandum, charging that Atcheson and Service had opposed American policy in China and had supported the imperialistic nations in their objectives of a divided China. Both men, Hurley charged, supported the Chinese Communist Party, whose purpose it was to overthrow the government of Chiang Kai-shek, and to bring about civil war in China. He had accomplished his mission in China, Hurley noted, only over the extremely able opposition of the two Foreign Service officers.

Hurley then turned to the State Department's Division of Chinese Affairs, arguing that the Division had long been attempting to subvert his goals in China. Even after he had gained the concurrence of Churchill and Stalin in American policy, the Division of Chinese Affairs had done all it could to report every minor skirmish and every political and personal clash, as indications of impending civil war in China.

Talks were still continuing between the Nationalists and the Communists, Hurley having managed to bring Mao to Chungking, in what he thought

[36] Ibid.

was the final successful move on his part to bring the two factions together. But the presence of Atcheson and Service in the Far East would disrupt the conferences, Hurley wrote, as the two would again attempt to break up the talks just as they had in the fall of 1944.[37]

But Hurley did not send this letter of protest.[38] Instead, it appears that he left that task to Chiang Kai-shek. On September 20, Hurley wired the Secretary of State that the Generalissimo had requested he transmit an enclosed aide-memoire to the President.[39] The aide-memoire, allegedly written by Chiang, pointed out that recent press reports had indicated that George Atcheson and John Stewart Service were to be members of a Political Advisory Board for General MacArthur's assistance in determining American policy in the Far East. These press reports had also indicated that the Board might be traveling to Chungking, Chiang added.

Both men, the Generalissimo argued, were generally accepted in China as having strong convictions that a coalition between the Communist and the Kuomintang Parties should be imposed arbitrarily. They had both expressed views that were definitely unfriendly to the Central Government and had clearly revealed their support for the policies of the Communist Party.

The Kuomintang Government and the Communists had been in important conferences for the past three weeks, Chiang pointed out, and each side was sincerely striving to reach an equitable and reasonable arrangement

[37]R. T. Smith, "Alone in China," 216.

[38]Ibid., 218, fn. 21.

[39]Hurley to Byrnes, Foreign Relations, 1945, VII, 565.

and to alemiorate their conflicting views. But there had recently occurred a noticeable change in the Communists' attitude, and they were reliably reported to have taken the view that ". . . prominent Americans will soon come to China with the mission of firmly supporting the Communist Party."[40]

> They know that Mr. Atcheson and Mr. Service are sympathetic and they interpret the above referred to appointments as indicative of the change in the United States policy on China.[41]

He felt certain, Chiang concluded, that the United States, having done so much to assist China in its attempts to realize unity and democracy, would not knowingly approve the appointment of officials ". . . that might militate against the hoped-for success of the present Central Government."[42]

When Hurley finally departed from Chungking on September 23, several things were clear in his mind. The United States had supported Great Britain in its desire to accept the surrender of Hong Kong, and had deferred to the French in their desire to accept the surrender of French Indo-China. The fact that the United States had clearly stated its position as one which applied only to the military exigencies of the time and not to the future political status of either area, was of little importance to Hurley. In addition, the United States Government had by-passed him, or at least had treated him with less than the dignity he deserved by informing the Chinese of policy or tentative policy without first informing the Ambassador. To make matters worse, Atcheson

[40] Ibid., 566.

[41] Ibid.

[42] Ibid.

and Service had been reassigned to the Far East, an act which was a direct affront to the man who had succeeded, he thought, in discrediting them.

Yet, as Hurley left China, Mao Tse-tung himself was in Chungking, conferring with the National Government--evidence, in Hurley's view, of the continuing success of his efforts. Hurley had met with Chou En-lai on September 16, and had received a draft communique to be issued as a joint declaration by both sides. Chou's draft contained six points, each with a number of subdivisions.[43] Hurley set to work on the draft and simplified it to nine, one of which called for the promotion of a bill of rights.[44] Just prior to his departure, Hurley dictated a letter to be sent to the Secretary of State, in which he pointed out that both sides had agreed on all points but two. Those two had not been rejected, the message stated, but were merely being reconsidered by the Communists. As usual, Hurley's message was versed in optimistic terms:

> The spirit between the negotiators is good. The rapprochement between the two leading parties of China seems to be progressing and the discussion and rumors of civil war recede as the conference continues.[45]

Nor was the message lacking in self-glorification, for added to the dictated report was a separate statement of praise informing the Department that both negotiating parties had ". . . agreed upon a paragraph to be included in their proposed final resolution thanking the Ambassador for his great services to China in bringing about the conferences and for his general helpfulness as mediator during the negotiations."[46] No doubt Parker LaMoore, who had written a glittering biography of Hurley in 1932 and who had gone to China in 1945 to act as one of Hurley's press

[43] Chou to Hurley, Ibid., 464.

[44] R.T. Smith, "Alone in China," 219.

[45] Hurley to Byrnes, Foreign Relations, 1945, VII, 468.

[46] Ibid.

aides, had taken Hurley's dictated message and, with Hurley's knowledge, had added the additional comment.

This suspicion is more credible in view of the fact that shortly after Hurley arrived in Washington, LaMoore was credited with an article printed in the New York World Telegram which, in R.T. Smith's words, ". . . made it appear that Hurley had single-handedly united China in the face of a Communist-inspired State Department plot to subvert his activities."[47] Here was the final rock for Hurley's foundation of charges yet to be leveled in his letter of resignation.

Only a short time earlier Hurley had met with James Forrestal, Secretary of the Navy, and had told the Secretary that the Chinese Communists were not Communists at all, and that the Soviet Union was supporting fully the government of Chiang Kai-shek. The Russians did not want civil war or anarchy in China, Hurley told Forrestal, because their own problems in Asia were far too complex as it was. But he had, at the same time, indicated to the Secretary the problems he had experienced with the Foreign Service personnel, and had suggested that these men were communistically inclined[48] -- a contradiction to say the least.

Thus, having presented himself to American in an aura of success--victorious over the communist-inspired opposition of nearly all State Department men with whom he had been associated--Hurley marched proudly into the President's office on October 13, 1945, to offer his resignation.[49] He had done his duty for America, had served well and faithfully, and now that China was clearly on the road to unity and democracy, it

[47] R.T. Smith, "Alone in China," 224.

[48] Ibid., 223.

[49] Ibid., 225.

was a fitting time for the old General to step down.

But Truman would have none of it. Refusing to accept his reisgnation the President told Hurley to have a checkup at Walter Reed Army Hospital and to take a few weeks' rest in New Mexico. Only then would they again discuss the matter of Hurley's resignation.[50]

On October 14, the Secretary of State announced that Hurley would return to China.[51] The announcement came amid numerous reports of progress in the Communist-Kuomintang negotiations. By October 29, the Chungking Embassy was able to report on a news release issued two days previously by the Chinese Minister of Information, telling of an agreement between the two sides to maintain the status quo of the Communist forces around the northern railway zones, provided the Communists left the railroads alone.[52] This had been the final point of conflict between the two men when Hurley departed from Chungking. With this resolved, it looked as though unity had finally come to pass.

But the report raised false hopes. On October 31, another Embassy report revealed that the National Government's news release was designed only for foreign consumption. The National Army, according to a later report to the Embassy, had managed to acquire United States arms and equipment, and now that the Japanese had been disarmed, the Kuomintang forces were turning to the elimination of the Communists.[53] A second report of the same day, relayed a message from Wang Shih-chieh, Chiang's Minister

[50] Ibid.

[51] Ibid.

[52] Charge in China to Byrnes, Foreign Relations, 1945, VII, 480.

[53] Ibid., 481.

of Foreign Affairs, which held that the Russians had forbidden the landing of Chinese Government troops at the port of Dairen. They had made arrangements for landings at the ports of Yingkou and Hulutao, but both were inferior to Dairen, and there were reported to be large concentrations of Chinese Communist forces near Hulutao. The Communist-Kuomintang negotiations had been going well, the Minister told the Embassy, until about September 24. Since then the Communists had cut every railway line over which the Government's forces were to be transported north to occupy formerly Japanese-held territory. Government forces had, furthermore, suffered from numerous unprovoked attacks by the Communists, there having been heavy Government troop casualties in a recent surprise attack in Shansi Province.

The Minister had informed the Embassy that in the opinion of the National Government, the actions of the Chinese Communists and the refusal of the Russians to allow landings at Dairen had a direct relationship.[54]

In Santa Fe, New Mexico, Ambassador Hurley was receiving this news with considerable consternation. It was becoming quite clear not only to Hurley, but to the American press as well, that civil war in China had not been averted. By late October it was even clearer that full-scale civil war was being waged there, and the press had begun openly and harshly to criticize the Ambassador for his activity in committing all-out support to the Kuomintang Government. An editorial in the New York Herald Tribune of November 2, leveled these charges at Hurley, claiming that he had made the United States a virtual ally of the

[54] Ibid., 1036.

Kuomintang Government in its civil war with the Communists. According to R. T. Smith's account of the editorial:

> The most outrageous aspect of the situation, the editor said, was that the State Department officials knew very little of what was going on in China, primarily because of Hurley's refusal to forward to Washington any reports by subordinates which contained criticism of the Kuomintang.[55]

Nor was the criticism limited to the press. On November 5, 1945, the issue was raised in the House of Representatives by Congressman Albert J. Engle, whose critical remarks followed the general line of negative press reports, then circulating throughout the nation.[56]

With an eye to this increasing criticism, Hurley decided the time had come for him to resign, and on November 15, returned to Washington to prepare a letter to that effect. With assistance from Parker LaMoore and another of his China press aides, Lacey Reynolds, Hurley drafted and, on November 25, signed his letter of resignation. The next morning, the Ambassador to China met with Secretary Byrnes to tell him his reasons for resigning.[57]

He had not been getting the support he felt he deserved from the Administration, Hurley told Byrnes. He had heard rumors that as soon as the war was over his post was to go to a deserving Democrat, and that if he returned to China some pretext would be found to discharge him. Furthermore, in spite of the opposition which had been expressed to the assignment of Service and Atcheson to the Far East, the men were still there.

[55] R.T. Smith, "Alone in China," 231.

[56] Ibid., 230.

[57] Ibid., 232.

Byrnes' response was cautious as he told Hurley to reconsider his desire to resign while he, the Secretary, had time to investigate the charges the Ambassador had leveled. Hurley left his letter with Byrnes but agreed to meet with him again in the afternoon to discuss the matter further.

Meeting again that day, Byrnes attempted to convince Hurley that the Administration did support him and that it had the greatest confidence in his ability to continue his work in China. Finally, Hurley gave in and agreed to fly back to China, but not until after he had addressed the National Press Club on November 28. Byrnes then informed Truman that Hurley would return and that a plane was being readied for his flight to China.

Fully intending to return to his duties in China, Hurley arose on October 27, and began casually to glance through a recent Congressional Record. Much to his shock, he happened upon the printed record of a speech given by Congressman Hugh Delacy on November 26. Delacy had charged in his speech that the United States had contributed military supplies to a government bent upon suppressing the aspirations of millions for a new democracy which they had spent years in building for themselves. Delacy blamed Hurley for bringing about Gauss' resignation, and said that Hurley's step by step reversal of the Roosevelt-Gauss policies in China had made civil war unavoidable. Piling charge upon charge, Delacy finally accused Hurley of committing the United States to armed intervention in China.

Although Delacy's charges had been based upon reports coming from newsmen in China, Hurley was convinced that the Congressman had received his information from the Ambassador's reports, the contents of which,

Hurley believed, had been "leaked" by personnel in the State Department who were in opposition to his views. Hurley had taken all the criticism he could stand. He immediately telephoned various press headquarters to inform them that he would hold a news conference at twelve-thirty. One half-hour later, the reporters had assembled, and without first informing his superiors of his final decision, Hurley announced his resignation to the American people.[58]

Patrick J. Hurley, who had stepped from the poverty of the Oklahoma coal mines to a career of ". . . consulting with Presidents, admonishing Prime Ministers, consoling Generalissimos, debating with Dictators, and giving advice to Kings,"[59] had, perhaps for the first time in his life, failed. In 1938, just as the negotiations to settle the Mexican oil expropriation dispute had broken down, Patrick Hurley, representing the Sinclair interests, had gone to Mexico and had independently negotiated an acceptable agreement. For his services he had received in excess of one million dollars and Mexico's highest honor. But that dispute had been between the Mexican Government and American private enterprise. Occurring at the height of the Good Neighbor era, the United States had refused to interfere. From 1941 to 1945, however, the United States was involved in a world war. No longer were matters to be settled by virtue of the gregarious nature of diplomats, or, for that matter, by the outgoing personality of a President. Unfortunately Patrick Hurley did not agree. In 1944, Hurley went to China holding the belief that, as in Mexico, his personality would bring the competing factions together.

[58] Ibid., 234-237.

[59] See Chapter I, 23, fn. 61.

His independent action and approach had worked for him in 1938; why should it not work again?

But as he became more deeply involved in the negotiations, the struggle became more and more his own. Viewing each side to be democratically-inclined, Hurley quickly introduced his own, perhaps his nation's, political philosophy into the proposed terms for agreement, and thus became personally committed to a political structure alien to the negotiating parties. This alone would perhaps not have been in error had Hurley not become so personally dedicated to the kind of unity which he had designed. But once he had made the commitment, the outcome of the negotiations became the test of his own success or failure, and the man became inflexible and quite vulnerable to criticism, which he always thereafter saw directed at him personally, rather than, as it was at first, toward the government of Chiang Kai-shek.

That John Stewart Service, George Atcheson and other State Department Foreign Service personnel who came to be Hurley's scapegoats, were not siding with the Communists, must be considered an understatement. Their loyalties were to their government. Their recommendations were made with what they saw as their government's best interests in mind. As John Stewart Service still maintained, in a December 1970 interview, the greatest fear of the Foreign Service men with whom he was associated was that the Chinese Communists, who by all indicators were far superior, militarily and in terms of popular support, to the Central Government, would be alienated by American refusals of support and would thus turn to the Soviet Union. If that were to occur, Service said, it was believed that the United States would eventually lose China as an ally.[60]

[60]Interview with John Stewart Service, December 7, 1970.

Though the statement was made in retrospect, the evidence shows throughout, that these were opinions held by many in 1944-45.

Service and the others who had witnessed the activities of the Communists in Yenan were far from captured by the Marxian rhetoric they heard. They in fact had discounted it, as had the Russians, according to Hurley's consistent reports. Service had considered the "so-called" Communists to be democratically-inclined. So had Hurley, up to the time of his last meeting with Forrestal.

But in spite of Service's ideological view of the Communists' form of democracy relative to that in America, the fact remains that his primary emphasis was on the fact that the Chinese Communists had a popular following compared to the Kuomintang, that because of this popular support, the Yenan-controlled forces were the only ones effectively fighting the Japanese, and that unless the United States directed aid to the Communists as well as pressure on Chiang to bring the Communists into the Central Government, there would be civil war following the Japanese surrender. If, by that time, the United States had not shown support of the Communists, but had instead supported the National Government, the Communists would in all likelihood turn to the Russians. But even without Russian support, the Communists were clearly strong enough to defeat the National Government troops, and in such an event the United States would have supported the losing side.

It was with this in mind, Service commented in December, 1970, that he and others who held the same views received with dismay the news of the Yalta secret agreement and the Sino-Soviet friendship pact. Those two agreements guaranteed civil war in China, Service said. Once Chiang was assured that the Russians would not support the Chinese Communists,

he had confidence in his ability to win in a civil war and was no longer hesitant to launch an all-out effort to eliminate the Communists.[61]

But Hurley had viewed the Sino-Soviet pact much to the contrary. He firmly believed that once the Communists realized they would receive no aid from the Soviets they would come to terms with Chiang's government.[62] Hurley could not have been further from the truth.

There can be no doubt that Patrick J. Hurley was a dedicated and sincere American. He put a considerable amount of energy into trying to bring unity to China. One would be amiss in placing even a moderate portion of the blame on his shoulders for the problems which developed in post-World War II China. It any blame were to be placed for the mistakes Hurley made during his tenure in China, it would be better directed at a President who placed too much confidence in personal representatives, one of whom did not prove worthy of the assignment.

But the problem went farther than that of Roosevelt having made a poor choice of Ambassadors, for Roosevelt could hardly have been blamed for his own death. Here lay the base for the final breakdown of relations with China--in the shift from the diplomacy of Roosevelt back to that of the State Department; in the face of Truman's overwhelming responsibility in picking up the pieces of world events; and, because the biggest pieces were European, China and the American Ambassador were given secondary consideration in the final months of the war. Policy was in a state of flux through the summer and early fall of 1945, and Hurley had not, in fact, been kept up to date on developments. But then, neither had many others.

[61] Interview with Service.

[62] Ibid.

The fact remains that a more competent and less vain man, and one with more training, might easily have weathered the storm of shifting policy. As George F. Kennan, one of America's more experienced diplomats, indicated throughout his Russia Leaves the War,[63] the Ambassador is often the last to know when policy changes have occurred. Had Hurley been an experienced international politician he might have understood this fact of diplomatic life, and would not have left his position in such an irresponsible manner.

But Hurley's temperament had not allowed him to weather the storm, and as the criticism toward him increased at home in the fall of 1945, his vanity and pride did not enable him to fade quietly from the scene. He felt his reputation was at stake, so he took his case to the American people, nearly ruining the lives of several whom he picked as scapegoats in the process.

One of those persons was John Stewart Service, who, on June 6, 1945, had been arrested following a raid on the office of Amerasia Magazine in New York City. In that raid, 600 documents were discovered, classified from personal to top secret. They had originated in the State Department, Department of War, Office of Strategic Services, Office of Naval Intelligence, Office of War Information, and the Federal Communications Commission. A considerable number of them had been written by John Stewart Service.[64]

But on August 10, a federal Grand-Jury refused to indict Service and two others of the six who had been arrested at the same time.

[63] George F. Kennan, Russia Leaves the War: Soviet American Relations, 1917-1920 (Princeton, 1956).

[64] Amerasia Papers, 43.

Documents written by Service had, in fact, been among those confiscated, but there was no evidence to show that he had supplied them. The Grand-Jury voted 20-0 against indicting Service. Subsequent investigations ascertained that the material written by Service had been stolen from the Department's files and turned over to Amerasia.[65]

Nevertheless, the fact that the arrest had occurred, strengthened Hurley's charges and made it much easier for him to use Service as one of the principal scapegoats when he testified before the Senate Foreign Relations Committee following his resignation. The raid itself had no doubt confirmed Hurley's suspicions that information was "leaking" from the Department. With Service being implicated, the Ambassador became convinced of a conspiracy against himself.

It has been clearly shown that neither John Stewart Service nor any of the others whom Hurley charged were guilty of attempting to overthrow the National Government of China. Further evidence that Service in particular was unjustly charged by Hurley and later by others, including Anthony Kubek most recently, has been provided in a 36-page rebuttal memorandum by Service following the publication of The Amerasia Papers in February, 1970.[66] In this detailed refutation of Kubek's attempt to place Service in the "central role" in the Amerasia case, Service provides the strongest evidence of his innocence by listing ". . . a whole series of decisions conscientiously reached over the years," which were in his favor:

[65] Ibid., 48.

[66] See Appendix 1, "Memorandum: A Partial Examination of One Aspect of the Many Gross Errors Contained in The Amerasia Papers."

a) the grand jury, which voted unanimously against my indictment,

b) the State Department, under Secretary Byrnes, which cleared me and returned me to duty in August, 1945,

c) the Loyalty Security Board, under General Snow, and the responsible security and personnel officers of the Department of State, under Secretaries Marshall and Acheson, who cleared me in some seven investigations and hearings between 1946 and 1951,

d) the Tydings Subcommittee, including Senator Lodge, found Senator McCarthy's charges--similar to those here revived by Dr. Kubek--to be unfounded,

e) the State Department, under Secretary Dulles, which accepted my return to duty (after the Supreme Court had ruled unanimously that my discharge was illegal) and which, under Secretary Herter, restored my security clearance in 1959 after another full investigation.[67]

It is sufficient to say in conclusion, that Patrick J. Hurley's experience in China had a profound effect on the life of at least one American, to say nothing of his contribution to the ideological orientation of America for at least two decades.

[67] Ibid., 34.

SELECTED REFERENCES

PRIMARY SOURCES

The principle source materials for this work were: Department of State, Foreign Relations of the United States: Diplomatic Papers, 1944, VI, China (Washington, D.C., 1967); and 1945, VII, The Far East: China (Washington, D.C., 1969). Although these two volumes contain the predominant amount of diplomatic correspondence and documents on China, some relevant material had previously been printed in Department of State, United States Relations with China with Special Reference to the Period, 1944-1949 (Washington, D.C., 1949). This latter publication, the "China White Paper," was published in 1949 in an attempt to explain the developments in China leading to the Communist takeover of that year. It was, therefore, lacking somewhat in its coverage of the role Hurley had played in the last two years of the war.

Of related use, though they were referred to for information indirectly related to Hurley's role in China, were the Department of State publications: Foreign Relations of the United States: Diplomatic Papers: The Conferences at Cairo and Teheran, 1943 (Washington, D.C., 1961); and The Conferences at Malta and Yalta, 1945 (Washington, D.C., 1955).

Of considerable interest was Hurley's testimony in the hearings on The Military Situation in the Far East before the Committee on Armed Services and the Committee on Foreign Relations, 82nd Congress, 1st Session (Washington, D.C., 1951). While Hurley's testimony offered considerable insight to his view of events, the reader must be aware that the

ex-ambassador's perception was clouded by what had by then become an ideological crusade. It may have been this that motivated Hurley's biographer (Don Lohbeck, Patrick J. Hurley [Chicago, 1956],) to avoid mentioning this final Hurley testimony.

Of greater significance was Hurley's testimony before the Senate Foreign Relations Committee's Investigation of Far Eastern Policy [unpublished] (Washington: National Archives), Decimal File Number 120.1/11. 3045. These hearings, conducted very soon after Hurley resigned, were held to determine whether or not a full investigation of the Department of State was in order. Hurley's testimony showed clearly the vagueness of the ex-ambassador's charges, and his unwillingness to cooperate when, finally, he refused to go into executive session where the contents of the documents, which would purportedly substantiate his arguments, were to be examined.

For the student interested in pursuing Hurley's career to a greater extent, a task which has not yet been accomplished, the Patrick J. Hurley Collection, Bizzeel Library, Manuscript Division, University of Oklahoma, would be an invaluable source. Unfortunately, that collection was closed to other than Russel D. Buhite, Professor of History at the University of Oklahoma, when an attempt was made to do research there in the summer of 1970.

The Franklin D. Roosevelt Library, at Hyde Park, New York, would also reveal a considerable amount on Hurley if the student could travel there. Some material in this work did come from the Roosevelt Collection, thanks to the cooperation of Associate Professor Jim Heath, Portland State University, who devoted part of his valuable time to search for some pertinent information at the Hyde Park Library in the summer of 1970.

Some very valuable insights to Hurley's personal ideological involvement in the Communist-Kuomintang negotiations are to be found in David D. Barrett's remembrances, Dixie Mission: The United States Army Observer Group in Yenan, 1944 (Berkeley, 1970).

Also from Berkeley came the very willing and gracious remarks of John Stewart Service, who must surely be tired of answering questions pertaining to his role in China. Unfortunately, the time spent with Service was extremely limited, though well spent indeed. Any study of Hurley's role in China is incomplete and will continue to be so until Mr. Service sees his way clear to publish his own memoirs. A great deal can be learned, however, from his testimony before the United States Senate, Committee on Foreign Relations' State Department Loyalty Investigations (Washington, D.C., 1950). Because of the extent of that testimony and the limited nature of this work, only the actual documents written by Service in China, his 1970 interview statements and his November, 1970 personal letter to the author, were cited in this work.

Of secondary interest are personal works which were of but slight value to this paper. General Albert C. Wedemeyer's Wedemeyer Reports! (New York, 1958), and Dean Acheson's Present at the Creation: My Years in the State Department (New York, 1969), would be of value for a more comprehensive account of the whole China situation after 1944. But for purposes of examining Hurley's activities, both are of limited value. The same might be said of the Stilwell Papers (New York, 1948), edited and arranged by Theodore H. White. Extremely superficial relative both to his complete works and to his relationship with Hurley during the period of principle focus in this work, Stilwell's edited papers do provide the reader with a clear indication of why he was called "Vinegar Joe," to say

nothing of the opinions he held of Chiang Kai-shek.

That portion of this work which briefly outlined Roosevelt's diplomacy-by-personal-representative was based in part on a previous seminar paper entitled "To the Hurley Mission in China: A Case Study in Rooseveltian World War II Diplomacy" (Portland State University, July 29, 1970), which used, in addition to many sources cited herein, Cordell Hull's Memoirs (New York, 1948). An Examination of Hull's Memoirs clearly shows the degree to which the Secretary of State's responsibilities were channeled more in the direction of creating the structure for a post-war international peace-keeping organization than toward traditional diplomatic activity. Also clear in this work are his and other's opinions about Roosevelt's use of personal diplomatic representatives and the President's neglect of the State Department when it came to informing the Department of these representatives' activities around the world (see: Ibid., II, 1585).

Though not cited in this paper, Harry S Truman's Memoirs, Volume I, (New York, 1955), are of value to the student interested in the difficulties Truman faced following Roosevelt's death, and the implications this had on China and the policy there--a policy which had been formed primarily in Roosevelt's mind and was transmitted in garbled form to the new President by Hurley through the equally uninformed Secretary of State Stettinius.

SECONDARY SOURCES

The most comprehensive account of Hurley's activities in China to date is to be found in R.T. Smith's "Alone in China: Patrick J. Hurley's Attempt to Unify China, 1944-1945" (Unpublished Doctoral Dissertation, University of Oklahoma, 1966). The predominant amount of Smith's material

came directly from the Hurley Collection at the University of Oklahoma. He focused to a great extent on the actual negotiations between the Communist Chinese and the Kuomintang representatives, and Hurley's involvement therein. He unfortunately did not have the benefit of the Foreign Relations volumes on China for the years 1944-1945. He was, therefore, unable to examine the great number of reports submitted by Service, Davies and other Foreign Service officers in China, other than those which Hurley had retained in his personal files. His account suffered as well, from the unavailability of documents relating to internal State Department attempts to formulate a reasonable China policy. Nor did he have the benefit of such insights as those provided by Barrett, relating to Hurley's inclusion of a bill of rights into the Communist Five-Point Proposal concluded at Yenan in November, 1944.

Herbert Feis' China Tangle: The American Effort in China from Pearl Harbor to the Marshall Mission (Princeton, 1953 [Atheneum 1965 reprint used herein]), is without question the most comprehensive coverage of wartime China diplomacy. Published prior to the printing of the Foreign Relations 1944-1945 volumes, Feis had been granted the privilege of having prior access to the archival material. But because of the comprehensive nature of his work, Feis devoted little space to the deep-seated conflicts between Hurley and the Department of State personnel. "The main seams of the terrain of difference between Hurley and the Foreign Service officers," were "briefly traced" by Feis in a total of five pages (see: Ibid., 260-264). The one incident expanded upon was that which developed after the Atcheson telegram of February 28, 1945 (see: Ibid., 268).

Relative to these two very excellent accounts, this paper may be considered to have combined and expanded upon the information they both

provided, with material which has since become available. In addition to the primary sources cited above, several related secondary sources were, in that respect, of added value. Barbara Tuchman's Stillwell and the American Experience in China, 1911-1945 (New York, 1971), in spite of its incomplete documentation and general classification as "popular history," is the best, most comprehensive account of Stilwell's life, and, in particular, his experiences as the Commander of American Forces in China until his recall in 1944. James MacGregor Burns' Roosevelt: The Soldier of Freedom, 1940-1945 (New York, 1970) might also be classified a "popular history" but offers, nevertheless, a valuable contribution to the study of Roosevelt's life during the war years. Burns' work tends to substantiate that of Gaddis Smith, in his American Diplomacy During the Second World War, 1941-1945 (New York, 1967), which develops the theory that the Department of State was reduced to the subordinate task of creating a structure for the future United Nations Organization.

Again, Feis must be credited with having written the most comprehensive account of world diplomacy during the war, in his Churchill, Roosevelt, and Stalin: The War They Waged and the Peace They Sought (Princeton, 1967). His account, combined with Charles F. Romanus and William Sunderland's Stilwell's Mission to China (Washington, D.C., 1953), Stilwell's Command Problems (Washington, D.C., 1955), and Time Runs Out in C.B.I. (Washington, D.C., 1959), and Smith's American Diplomacy, provides an accurate account of Roosevelt's intent to make China a Great Power following the war and the gradual frustration of that policy by a China which did not live up to the President's expectations. William L. Langer and S. Everett Gleason's The Undeclared War, 1940-41 (New York, 1953), contributes to an understanding of Roosevelt's early desire to end world colonialism, and therefore

complements the five accounts cited immediately above.

The weakest portions of this and all other works which deal with Hurley are those relating to the man's complete life. There have been two biographies written on Hurley, one by Parker LaMoore, Pat Hurley: The Story of an American (New York, 1932), the other by Don Lohbeck, Patrick J. Hurley (Chicago, 1956), both of which were politically motivated polemics and of little use to the scholar, except for general information. Additional material may be found in two sketches of Hurley, both of which were quite superficial. George Milburn's "Mr. Hoover's Stalking Horse," (American Mercury, XXVI, No. 103 [July, 1932], 257), was a rather cynical review of Hurley's life and activities leading to his appointment as Undersecretary of Defense by Hoover. Combined with a sketch in Who Was Who in America (Chicago, 1968, IV [1961-1968], 477, Lohbeck's and Milburn's works offer enough information for a work of this nature. The task is left, however, for a more complete and objective accounting of Patrick J. Hurley's life and experiences, with particular reference to the effect he had on the ideological orientation of the nation after 1950.

Appendix 1.

Memorandum: A Partial Examination of One Aspect of the Many Gross Errors Contained in The Amerasia Papers.

From: John S. Service

Date: September 18, 1970

A few months ago (in February, 1970), the Internal Security Subcommittee, with the help of Dr. Anthony Kubek as editor, published a massive two-volume compendium entitled The Amerasia Papers: A Clue to the Catastrophe of China. The title offers a good clue to the theme. It is an elaborate attempt to breathe new life into many of the charges of Senator Joseph McCarthy and the China Lobby. Except for some research scholars (who welcomed the publication of documentary materials on the period) and publicists in Taiwan (who expressed opinions running the gamut from "a turning point in history" to "a book of the century"), the book deservedly attracted little notice.

However, on August 21, 1970, the Government Printing Office in its biweekly bulletin Selected United States Government Publications carried--for this normally austere and straitlaced sheet--a surprisingly flamboyant and imaginative notice.

THE AMERASIA PAPERS: A CLUE TO THE CATASTROPHE OF CHINA. These documents read like a spy thriller, but is all the more interesting because it is true. They contain hundreds of official documents, many hitherto unpublished, which reflect abundantly the tragic errors in the Far Eastern policy of the United States Government in the closing months of World War II. The story of what happened to China prior to, during, and immediately following World War II is the subject of a number of lengthy historical studies, one of which was the work of the author of these documents. That story, in brief, follows as Part I of this introduction. Part II treats the controversial case of *Amerasia* magazine, or "Case of the Six" as it was called in the newspapers in 1945 when six American citizens were suddenly arrested on charges of conspiring to commit espionage, and Part III presents an analysis of some of the documents, herein published in full text, which were written in 1943-1945 as official dispatches by one of the arrested six, John Stewart Service, then a young career diplomat on station in China.

39N. Volume I. 1970. [1017] p. il.
Y 4.J 89/2:Am 3/v.1 $4.00

40N. Volume II. 1970. [944] p.
Y 4.J 89/2:Am 3/v.2 $3.75

The GPO bulletin obviously has a very wide circulation. Since its appearance, I have been deluged with inquiries from far and near, friendly and not so friendly. People ask, What is this all about?--Does it contain new material on the case?--Why is it being reopened after twenty-five years? It is understandable that questions are directed to me, since I am the only person mentioned by name in the blurb.

In this respect (but in very few others), the GPO advertisement is accurate. The book does, indeed, seem to concentrate on me as its main target. As Dr. Kubek puts it:

> His central role in the strange case of the purloined Government papers rests on the integral fact that Service was the author of so many of the documents which turned up in the New York office of an ardent Communist sympathizer in 1945. The content of these documents may prove, however, to be of even greater importance to the historical record than the fact that they were stolen, because herein the fall of China to Communism was anticipated and espoused. (Page 70: emphasis added. All references are to The Amerasia Papers unless otherwise noted.)

Lest it be thought that I am immodestly jumping to conclusions, here--briefly--is what Dr. Kubek has done. He has carefully studied 923 "non-personal" documents turned over to the Subcommittee by the Justice Department. Of these, he has selected 315 ("more than a third") as significant enough to warrant publication. And of these 315, a "hundred-odd" (about a third of the total published) were originally written by me.

> Each has been chosen for at least one special reason--its source, its classification when known, its innate interest of content, or its diplomatic significance. The last reason is, of course, the most important. Among the 315 different documents to be published here, therefore, the hundred-odd items from the pen of John Stewart Service that were recovered in the Amerasia seizures are by far the most vital. (p. 71)

Of course I was not the only officer reporting as an individual from China. There were several Foreign Service Officers attached, as I was, to the Army; others were scattered around the country by the Embassy to observe and report. From the mass of material available, Dr. Kubek has made the following selection:

E.E. Rice	8
E.F. Drumright	7
R.M. Service	5
J.K. Penfield	5
R.S. Ward	5
J.K. Emmerson	3
P.D. Sprouse	2
R.P. Ludden	2
O.E. Clubb	2
J.P. Davies	1
A.R. Ringwalt	1
J.S. Service	101

This comes out to a total of 41 for eleven other experienced and capable Foreign Service reporters in China as against my 101. The Embassy at Chungking was a large and comprehensive reporting organization and certainly the principal source of information on China reaching the Department of State. Only 30 of its reports are included, only 6 from the important Consulate at Kunming, and only 12 documents from the whole State Department. It is preposterous to pretend either that I was that much more prolific or that my reports had that much more "interest of content" and "diplomatic significance." Some of Dr. Kubek's strains in building up my total will be discussed later.

To prepare the reader for the documents he has selected, Dr. Kubek has contributed a 113-page Introduction. This has three parts: a historical survey of Kuomintang-Communist relations, an account of the Amerasia case, and an analysis of the "Amerasia documents" published. The 30-page historical survey reaches John Davies, John Service, et al, on page 22 and thereafter "Kuomintang-Communist relations" are largely ignored. I share the peroration with John Davies:

> ...the hands at the control levers were those of a few young men on diplomatic duty in China. What John Paton Davies and John Stewart Service were writing in their official reports was of the greatest importance at the time. They were at the scene as expert observers, and their despatches from China contained opinion which was accepted as gospel in the Department of State. The slanted words of the career diplomats released the steam, therefore, to reverse the wheels at this juncture and change the direction of United States policy in the Far East. (p. 30)

John Davies was not, of course, involved in the Amerasia case. So I clearly outshine him in Dr. Kubek's 40-page discussion of the case. In fact, I even outdo Jaffe, who pleaded guilty, and Larsen, who pleaded nolo contendere. Twelve pages seem to be devoted wholly to me, and I receive prominent mention on at least eight others.

Dr. Kubek turns next to an analysis of the Amerasia "collection as a whole." He warns his readers that I was not the only source of documents reaching the "mysterious network" of Amerasia.

> While it has been emphasized that the hundred-odd documents from the pen of John Stewart Service comprise the most significant segment of the 315 items published in these volumes, the reader will readily recognize many other documents to be highly important not only because of their source but because of their content as well. (p. 74)

The 214 documents not credited to me are then dealt with in 5 pages, in which only 17 documents are specifically mentioned. By contrast, Dr. Kubek devotes 26 pages to my reports, with specific mention of 68 of them.

Actually, the point need not be made statistically: Dr. Kubek himself is quite direct--and insistent.

> ...the one whose importance to these volumes is paramount. This person was John Stewart Service. (p. 36)

> ...the hundred-odd items from the pen of John Stewart Service... are by far the most vital. (p. 71)

> ...the hundred-odd documents from the pen of John Stewart Service comprise the most significant segment... (p. 74)

> His fifty-odd reports from the Communist base...are by far the most important documents in these volumes. (p. 86)

For the busy reader, who has no time to wade through an unavoidably rather lengthy discussion, let me say, therefore, that there is in fact nothing new in this ponderous effort of Dr. Kubek and the Internal Security Subcommittee--except that my peripheral involvement in the Amerasia case has, after a lapse of twenty-five

years, been miraculously metamorphosed into the "central role." If the reader is interested in the history of the case itself, he will not find it in The Amerasia Papers. The authoritative source is still the transcript and report of the Tydings Committee, published by the Committee on Foreign Relations of the Senate in July, 1950.

* * * * *

Before examining how Dr. Kubek tries to achieve this remarkable transformation, it may be more convenient to deal first with his second general charge (see first quotation on page 2), concerning "the content of the documents."

Dr. Kubek's concept is baffling in its simplicity. Using, and going beyond, the more extravagant statements of Hurley's extreme late period, he essentially reduces American policy in China to unlimited support of Chiang Kai-shek. Ergo, to report information critical of the Chiang regime is to "oppose and subvert" American policy. And to foresee the failure of the Nationalist government is to "espouse" it. Furthermore, the mere submission of these reports was fated to become the direct cause of "the fall of China." But that is not all!

> Just as these documents of World War II provide a clue to the catastrophe that befell China a few years later, so will The Amerasia Papers be seen to pertain irresistibly to the present perplexities of American policy in the Far East.
>
> When the United States unwittingly assisted the wrong side in gaining control of China proper, Korea and Vietnam became inevitable involvements for the nation that had to assume the mantle of leadership in the free world. History will set it down as simply as that. (p. 113)

Not all scholars of the period will accept history as being quite as simple as that. And if they do, argument--or even friendly persuasion--is probably wasted. One thing that can be said, if Dr. Kubek is correct, is that there has never been a higher testimonial to the potency of Foreign Service reporting.

Dr. Kubek's line of logic has--for him--certain clear advantages. Since his real concern is what he alleges to be the effect of the reports, the actual content of each report has no relevance except as it may contain something which Dr. Kubek considers to be derogatory to the Kuomintang or favorable to the Communists. Thus it is

entirely unnecessary for him to confront the question of the truth or falsity of the information reported, or to deal with the broader issue of the validity and value of the reporting, either as helpful to an understanding of the contemporary situation, or a projection of likely future events and trends and their probable impact on the long-range interests of the United States. This confrontation, it may be noted, is conspicuously absent.

There are other advantages. What some scholars might consider to be significant agreement regarding the situation in China by isolated reporting officers scattered all over that large country need not, again, be related to the question of whether this unanimity might indicate something about the validity of the reporting. On the contrary, to Dr. Kubek it is only suggestive of conspiracy.

Other questions can also be ignored if one is willing to follow Dr. Kubek's circumscribed and predestined way. What is the nature of Foreign Service reporting, and what are the responsibilities of Foreign Service officers? How is American foreign policy actually made, and what should the role of American public opinion be? What part may have been played by the five or six hundred million people of China in reviewing "the mandate of Heaven"? Should they have been permitted (by us) to express and exercise that mandate? And so on.

* * * * *

Moving back to the first segment of Dr. Kubek's charges, we start dealing with things a bit more tangible. My "central role" in the Amerasia case, he says, rests on "the integral fact" that I was the author of "so many" of the "purloined Government papers" seized in the possession of Amerasia. Dr. Kubek lays a foundation by insistently drumming into the head of his reader three points:

a) that all the documents which he discusses and which are published in The Amerasia Papers were found by the FBI in the offices of Amerasia magazine;

b) that they were all official government documents which had been stolen from the United States government; and

c) that a very large number--"a hundred-odd"--of these "pilfered ...classified U.S. Government documents" were drafted by me.

Thus one reads:

> Dr. Kubek has examined some 1,700 Government documents seized on June 6, 1945, by the Federal Bureau of Investigation from the office of Amerasia. (p. iii)
>
> More than 300 of these stolen wartime documents will be found in full text in the pages which follow. (p. iii)
>
> Since all the documents published herein were recovered by the FBI at the time of the spectacular arrest, these volumes are entitled The Amerasia Papers. (p. 2)
>
> In March of 1945--special agents of the Office of Strategic Services made a midnight raid on the headquarters of the little magazine. Here...were literally hundreds of classified U.S. Government documents...almost a hundred bore the signature of of John Stewart Service.... (p. 30)
>
> ...the fact that they were stolen. (p. 70)
>
> The preceding parts of the Introduction are to be regarded, therefore, as background for the reader's personal study of the recovered Amerasia papers themselves. (p. 70)
>
> ...the hundred-odd items from the pen of John Stewart Service that were recovered in the Amerasia seizures. (p. 71)
>
> ...the rich variety of materials that Amerasia editors received during World War II from their secret sources within the Federal Government. (p. 73)
>
> In no way, of course, does the date of a document indicate just when the Amerasia people first saw it, but it may properly be assumed that the earliest were perhaps among the first to be pilfered. (p. 73)
>
> The next documents from the pen of John Stewart Service to turn up in the Amerasia collection were his field reports.... (p. 86)

> Classification refers to the classification noted at the time the document was obtained from the Amerasia offices.... (p. 115)

Dr. Kubek recognizes that in the case of one document, No. 315, he has a problem.

> Since Service was making comment here on an article appearing in the New York Times the day before, his memorandum could hardly have been either misdated or post-dated. It is possible, therefore, that this document was never in the actual possession of Amerasia, and that it ended up in the Department of Justice simply because it was among the papers confiscated by the FBI from Service's desk at the State Department at the time of his arrest. (p. 112)

Only "skeptics," he goes on, could wish to consider that this might be the case with more than this single document. But to confuse even the skeptics, he concludes that it is "not really important... exactly how many documents Service passed--or how many documents comprised the total which Jaffe received from his network of sources" (which is hardly the point Dr. Kubek started out to discuss).

It so happens that the actual number of my reports of which copies were found in Amerasia has been no mystery since July, 1950. That is when the Tydings Subcommittee (of the Senate Foreign Relations Committee) published the whole transcript of my lengthy hearings before the Department of State Loyalty Security Board in Part 2, Appendix, of its own State Department Employee Loyalty Investigation. The actual number--a matter of public record for twenty years--was 41. Not "one hundred-odd."

While I am on the subject, testimony before the Loyalty Security Board, and in the Tydings Subcommittee hearings, established a number of facts about these reports:

a) None of them was in a form that could have come from me.

b) A number of them showed the fingerprints or bore the handwriting of E.S. Larsen--who was indicted and eventually pleaded nolo contendere.

c) All of the documents had been routed to the section in the State Department where Larsen was working.

d) Larsen had admitted giving some of the reports to Jaffe,

and was an inconsistent and changeable witness regarding others--even concerning documents which he was known to have given to Jaffe.

Dr. Kubek notes (correctly) that by official, "routine" approval of the U.S. Army headquarters in Chungking (for whom the reports were written), I had in my possession personal copies of the memoranda I had prepared during the Yenan period. He fails to note that I had also personally acquired and collected what was, at that time in the United States, probably a unique collection of recent research materials dealing with the Chinese Communist movement: publications, reports, speeches, notes of interviews, et cetera. There was, of course, nothing secret or improper about this attempt to find out all I could about the Chinese Communists: it had been my principal assigned official duty for a long time. All of these research materials were kept with the personal copies of my memoranda in my desk at the State Department. After my arrest, the entire contents of my desk--personal copies of memoranda, research materials, personal correspondence, address books, memos to myself--were taken by the FBI. It was not long, however, before the Department of Justice conceded that none of these materials were government property or taken from official files, and that they were all my personal and private papers. Accordingly, the Department of Justice very punctiliously returned them all to me--personally.

Fortunately, the Department of Justice was courteous enough to provide a list of these personal papers that were taken and then returned. Furthermore, so that I could be interrogated on them, the Loyalty Security Board provided a list of my reports of which copies were actually found in Amerasia. When these two lists are compared with Dr. Kubek's so-called "Amerasia papers," some quite interesting facts are revealed.

Sixty-nine of the documents which he selects to print were never anywhere near Amerasia. They are purely and simply (if those are the right words) lifted from my personal papers. The Department of Justice may have been proper and punctilious about returning the originals to me, but it appears that somebody thought

it might come in handy to keep copies.

At one point in his Introduction, Dr. Kubek claims that the editors of Amerasia had obtained:

> ...many translations of basic doctrinary pronouncements of the Chinese Communists....In other words, the Amerasia editors were receiving grist of every sort, size, and texture for the mill they were operating in New York. (pp. 71-72)

This is a wonderfully graphic picture. Apparently to help drive home the point, Dr. Kubek prints a total of fifteen of these "doctrinary pronouncements"--which turn out mainly to be wartime writings by Mao Tse-tung and Liu Shao-ch'i. But it happens that all fifteen are among the sixty-nine documents just mentioned that were never near Amerasia. They all come from my personal papers--in this case my research collection.

Some questions are suggested. Dr. Kubek tells us repeatedly that he is concerned with stolen government documents, of diplomatic and security significance. What, then are these papers doing in here? Mao Tse-tung's well-known "Investigation of the Rural Village" and Liu Shao-ch'i's old standby "On Self-Cultivation" are not classified, not stolen, not U.S. government documents, and not reports of diplomatic significance. Even if they had been found in Amerasia (which in this case they were not), so what? Amerasia was a specialist magazine in Far Eastern affairs with a particular interest in China. What scholar of modern China would not be expected to have in his library these basic materials, and others such as Mao's Selected Works. Does not Dr. Kubek, himself, have these publications in his possession or readily available? It is hard, therefore, to see any reason for their inclusion here except to provide a suggestively prejudicial stage-setting. The reader apparently is intended to visualize a Communist magazine busily collecting Communist publications from a mysterious network of "pro-Communist" conspirators within the government. I suggest that the only thing mysterious here is the naivete of Dr. Kubek, or his expectations of gullibility on the part of his audience.

I come next to an interesting group of thirty-one documents among those selected by Dr. Kubek. As printed, all thirty-one are

from my personal papers. But the material contained in each of them, though in somewhat different form, actually was found in the Amerasia office. The interesting question, of course, is the reason for this seemingly illogical choice. Why use a copy of a report from my personal file, when another copy of the same report was available from what may legitimately be called "Amerasia papers"? I have some thoughts on this, but they may come more logically at a later point.

And then, finally, Dr. Kubek has printed fifteen of my reports which do not come from my own personal papers. These actually did come from among the "Amerasia papers."

To summarize, among the 315 documents published in The Amerasia Papers, a total of at least 115 are tied to me by authorship or were a part of my personal research collection. Of this 115 documents, 69 were from my personal papers and were not in Amerasia in any form; 31 were my personal copies although the same material was in Amerasia in a different form; 15 were from Amerasia. Thus, 100 documents as printed are from my personal papers. This makes Dr. Kubek's dismissal of "skeptics" seem perhaps a bit disingenuous--since the skeptics clearly win by a score of 100 to 15. Nor do I find it possible to agree with Dr. Kubek that the matter "is not really important."

One thing that obviously is of importance to Dr. Kubek is to build up the number of my reports. This makes it difficult for him to adhere to his own standards for selection:

> Each /document published/ has been chosen for at least one special reason--its source, its classification when known, its innate interest of content, or its diplomatic significance. The last reason is, of course, the most significant. (p. 71)

So far as reports by me were concerned, diplomatic significance apparently included:

> a request for travel orders,
>
> an incomplete and abandoned draft of a memorandum,
>
> very brief, sketchy outlines of contemplated but never written memoranda (5). (How did unwritten memoranda help to accomplish "the fall of China"?)

brief, routine transmission of texts of news broadcasts (3),

similar routine transmission of newspapers (at least 3).

Strangely, my systematic collection and forwarding of Yenan newspapers seems to have been one thing that particularly upsets Dr. Kubek:

> Service employed every device in the arsenal of propaganda.... One of his favorite methods was to deliver voluminous materials from the Yenan daily newspaper, the Chieh Fang Jih Pao.... (p. 98)

The research and informational value of this type of material hardly needs emphasis to scholars. Personally, I was rather pleased with being able to obtain and forward the complete back file of this important and hitherto unavailable Party newspaper. And, as I pointed out in my first transmitting memorandum: "The Chieh Fang Jih Pao is probably of greatest value because it is a publicity and propaganda organ of the Communist Party." (Emphasis in the original.)

Indeed, it appears (with one exception) that every single piece of paper written by me, or attributable to me, that could be found either in Amerasia or among my personal papers, has been selected by Dr. Kubek for inclusion as an important and diplomatically significant document. If one could accept this evaluation with a straight face, it would seem that no field reporter has ever before had such a high batting average. It is an accolade which, under the circumstances, I decline.

The solitary exception--the only memorandum not selected by Dr. Kubek--was my memorandum No. 5, written from Chungking in February, 1945, entitled "Chinese Feelers Regarding Formosa." It reported the concern of some responsible non-Communist Chinese in Chungking that the National Government was not adequately prepared to take over the administration of Formosa (Taiwan) immediately after the Japanese surrender. In view of the record of events in Taiwan during the first two years of Nationalist administration, one wonders why this report was not considered to have some interest of content and diplomatic significance.

One way that my total is increased is by duplicate printing of two of my memoranda. In each case, the basic memorandum (from my personal papers) is printed alone. Then it is reprinted as an enclosure to a transmitting Army report (from Amerasia). It seems reasonable to assume, however, that anything so bizarre is more

likely to be the result of editorial oversight than conscious intent.

There is another way in which the total is given the appearance of being increased. Here is an example out of a group. In the bona fide "Amerasia papers" there was a copy of an Embassy despatch which transmitted and commented on a memorandum which I had prepared at Yenan. Among the personal papers from my desk, there was my file copy of that memorandum. For reasons not apparent, Dr. Kubek first prints the memorandum from my personal file and then, at a considerably later point, the transmitting Embassy despatch from Amerasia. Since the headings for both documents make prominent mention of "report from John S. Service," the unwary reader can hardly be blamed for feeling inundated by Service reports. But at least the editor does not--as in the paragraph above--reprint the memorandum itself for a second time.

Several pages ago, I mentioned that Dr. Kubek laid a foundation for his allegation of my centrality in the Amerasia case by three much-repeated assertations: (1) that he is offering his readers only documents found in Amerasia; (2) that they were all documents stolen from the U.S. government; and (3) that a hundred-odd of these stolen official documents were drafted by me. It is now amply clear that the first assertation is false: so far as documents related to me are concerned, the overwhelming majority were never anywhere near Amerasia. The second assertion is likewise false: most of the papers he is talking about were not official documents, were never in any official file, and were not stolen--they were, in fact, my personal papers. Not much is left, by this point, of his third allegation. Dr. Kubek does indeed, by some remarkable exertions, put together one hundred pieces of paper originally drafted by me; but the majority, being nothing more than my personal papers, were never in Amerasia and thus have no relation to the Amerasia case.

One would like to be able to conclude that Dr. Kubek had made a simple mistake in treating my personal papers and research materials as having been seized in the Amerasia office. But Dr. Kubek obviously knows the record; and he could hardly be that simple. The elaborate

manner in which he has prepared and repeated these allegations makes it clear, instead, that The Amerasia Papers is an attempt at fraudulent deception of the reader.

* * * * *

One might leave the matter at this point--but Dr. Kubek does not. To buttress his allegation that I played a central role in the Amerasia case, he goes beyond the "these-are-all-stolen-government-documents" ploy in several important ways:

a) doubt is cast on the number of memoranda which I loaned to Jaffe;

b) it is then suggested that "many" documents were "delivered" by me to Jaffe; and finally,

c) the record is ignored and distorted to suggest non-existent mystery and official laxity in the prosecution of the case.

I have, of course, always acknowledged that I permitted Jaffe to read and to retain for a time in his possession eight to ten of my personal copies of descriptive reportorial memoranda which I had written in China.

> ...I went through my personal copies of my Yenan memoranda and selected several--I think about 8 or 10--which were purely descriptive and did not contain discussion of American military or political policy. These I considered it would be appropriate to allow Jaffe, as a writer on China, to see...
>
> These personal copies I refer to, and from among which I allowed Jaffe to see selected ones of a descriptive nonpolicy nature, were some of my file copies of memoranda which I had written in China over my own signature, recording my own observations and conversations as a reporter. They did not represent, nor purport to represent, the views of the Embassy, the Army, or the Department of State. They bore only the unofficial classification which I placed on them when I wrote them, a classification which by this time was of no significance since the information contained in them had been extensively reported by American newspaper correspondents who had visited the Communist areas. They were not removed from any official files; they had never been in official files.
>
> It was not unusual to allow writers to have access to this type of factual material for background purposes, since reading the material or taking notes on it was always more satisfactory from the viewpoint of accuracy than merely relying on one's memory and oral recitation. (Service testimony before the Tydings Committee. State Department Employee Loyalty Investigation /hereafter TI/, pp. 1272-1273.)

As already noted, I had official permission to retain these personal copies, and kept them in my desk at the State Department. They bore no official classification, were never part of the State Department or any other government files, and lending them to a journalist was not a violation of law (though admittedly--particularly with the benefit of hindsight--unwise and indiscreet). Furthermore, the papers were loaned: not "supplied," "delivered," or "passed." They were all returned by Jaffe to me, and no reproductions or copies were found in Amerasia. The record is more than amply clear on these points.

> Mr. HITCHCOCK. The personal copies which Service admitted lending to Jaffe never were part of the State Department files. (Testimony of Mr. Robert M. Hitchcock before the Tydings Committee, May 26, 1950. Mr. Hitchcock was special assistant to the Attorney General in 1945 and in direct charge of the prosecution of the Amerasia case. TT, p. 1008)

> Senator TYDINGS. Now, if Service had given Jaffe his own personal copies, would he have violated any injunction of secrecy as to State Department documents?
> Mr. HITCHCOCK. To my knowledge he would have violated no law whatsoever or injunction the State Department may have had with reference to Service's personal copy.... (TT, p. 1008)

> All documents found in his desk at the State Department were carbons of his reports which he /Service/ was entitled to keep. As Mr. Service suggests, it is not logical that he should take official copies of his reports, that had become Government property, when he had carbon copies that he could freely lend without violating any law. (Tydings Committee Report, p.93)

> While not condoning it, we recognize that it was an accepted practice for State Department officials to impart some types of classified information to writers in order to give them background information for their articles. John S. Service was in an unusual position in China and, in accordance with General Stillwell's wishes, he maintained relations with the representatives in China of the American press in order to brief them on political and quasi-military developments in the China theater. He appears to have been allowed a greater freedom in contacts with the press than would an officer in a similar position in Washington. It should also be emphasized that both Mark Gayn and Philip Jaffe were considered reputable newsmen and writers by the public in the spring of 1945 when Service first met them. (TCR, p. 93)

Dr. Kubek, however, has it somewhat differently:

> According to a statement by Service in 1957 to the State Department security officer Otto Otepka, he passed only eighteen documents; and in his testimony E.S. Larsen admitted having shown to Jaffe some documents written by Service. It cannot be stated with certainty, therefore, exactly how many documents Service passed--or how many documents comprised the total which Jaffe received from his network of sources. The actual numbers, in both cases, are disputable and not really important. (p. 112)

It is quite clear, I think, that to Dr. Kubek the actual number of documents that I "passed" to Jaffee is not really important. As I shall note presently, his next charge literally depends on this uncertainty.

A few points. I made no statement to Mr. Otepka, so far as I can remember, in 1957. I believe my first meeting with him was in the autumn of 1958 when I went through a lengthy "interrogation" (by a panel of three officers, not two as Mr. Otepka says) as a step toward my eventual security clearance. This went on for more days and sessions than I can recall. Unfortunately, though a stenographer was present and busy, I have no transcript: the Federal Loyalty Security program has long since evolved beyond the stage of allowing the person most concerned to receive transcripts in proceedings such as this. I repeated my best recollection that the number of personal copies of my memoranda involved was eight to ten. It was then intimated (as it had been in even more vague terms in some of my previous hearings) that someone was supposed to have been heard to say to someone else that the number was eighteen. The implication--never made clear--was that this was a wiretap of a phone conversation between Jaffe and another person involved in the Amerasia case. There was never any identification of persons, never a recording, transcript, text, or even clear statement of just what was said. I could only reply that I believed (as I still do) that the number was eight to ten; but that since my recollection was not absolute, it would be difficult for me to prove otherwise if clear and positive evidence was presented that the number was eighteen. The panel made no attempt to present such evidence, and I have never seen or heard anything that could be considered evidence to show that my memory

is incorrect. The panel was interrogating me, it might be noted, more than thirteen years after the event--which is now more than twenty-five years away. I should also mention here that it is likewise untrue that "Service told Otepka that his only motive in passing the papers to Jaffe was to discredit Ambassador Hurley" (footnote 252, p. 112). I had no such motive; but even if I had, it is hard to see how it would have been furthered by any such action--since none of the memoranda mentioned Hurley or dealt with his attempts to bring the Communists into a coalition government.

Dr. Kubek is not really interested, however, in any such relatively modest number as eighteen. He is ready to go far beyond it.

> Because evidence to the contrary is lacking, it may be assumed that many of Service's documents found at Amerasia were delivered by Service himself in these few meetings with Jaffe and his associates. (p. 111)

I understand that Dr. Kubek is not a lawyer: nor am I. Nonetheless, I find it rather startling to be told that if I cannot present complete and incontrovertible proof of innocence, then I am guilty. Innocence is not always easy to prove--though I have always thought that there was ample direct evidence in my own case. But if someone else is found to have done what you are accused of, is that not to be considered "evidence to the contrary"? The record, as in other aspects of the much investigated Amerasia case, is copious. A few examples:

> Senator TYDINGS. Let me ask you this: Was there any evidence gathered by the FBI that came to your knowledge that showed that Service was connected in any manner, shape, or form with the taking or stealing of documents from the State Department other than we have had described here in your memorandum?
>
> Mr. HITCHCOCK. No sir; other than the clearly identified eight State Department ozalid copies which were found in Jaffe's brief case which I assumed, up until the time Larsen had admitted giving them to Jaffe, might well have come from Service.
>
> Senator TYDINGS. Was he ever detected passing any document to anybody connected with this case or anybody on the outside?
>
> Mr. HITCHCOCK. No, sir, not to the best of my recollection. (TT, p. 1008)

Mr. HITCHCOCK. From my recollection--and I think it is pretty good on that point--Larsen was in a position to supply them.

Mr. MORGAN. Any of the documents in the case?

Mr. HITCHCOCK. Well, now as I said earlier this morning, my recollection is that virtually all of these documents, even those that had not originated from State, had been routed to State. Now all of these, from anything I know to the contrary, had to come from Larsen. (TT, p. 1034)

Mr. MORGAN. Is it proper to say, therefore, that from your handling of the situation, you were adequately satisfied on the basis of the documents and other Government material you had available to you, that the subjects who were being considered for prosecutive action were those who had a hand in obtaining these documents?

Mr. HITCHCOCK. Yes; in this sense; that there was nobody else. Now, what I mean by that is--I am not trying to quibble. Larsen is the only person that I could ever attribute from the evidence submitted to us as having been able to do this, with the exception of Roth. (TT, p. 1035)

Earlier in this memorandum, I mentioned a group of thirty-one documents printed by Dr. Kubek, where he had selected a copy from my personal papers although, in each case, the same basic material was among the documents actually found in Amerasia. This sort of thing might be regarded as an accident if it happened once or twice; it cannot be an accident when, as here, it is done consistently. What, then, can be the explanation for this seemingly illogical choice?

Most of the copies of my reports that were in the possession of Amerasia had been forwarded to Washington under cover of Embassy despatches, Army or other official reports, or were ozalid copies prepared in--and hence clearly the property of--the State Department. As the record makes very clear, these various types of material were never available to me (since I never prepared the transmitting despatch or report). They were generally unknown to me, and were never in my possession. On the other hand, if it is alleged--as Dr. Kubek does repeatedly--that Amerasia had in its possession, not Embassy despatches, but my own file copies--which Dr. Kubek points out I had permission to retain--then the reader will be much more

ready to believe Dr. Kubek when he says that "many of Service's documents found at Amerasia were delivered by Service himself...."

An example may make this more clear. Document No. 275 is my report No. 13 from Yenan, dated March 15, 1945, giving a factual summary of "Chinese Communist Views in Regard to Sinkiang." The copy of this report which was actually in the possession of Amerasia was an ozalid facsimile reproduction of the signed original. It carried on its face State Department distribution symbols which linked it to the office in which E.S. Larsen worked. It was, in fact, one of the documents which Larsen had admitted giving to Jaffe. The personal copy of this report which was in my desk was a typed carbon copy. It could not have been very sharp and distinct, since it was the fourth copy, made on a small Hermes portable typewriter, at night in a cave in Yenan. But it carried my hand-written initials above my typed name on the last page. In the Foreign Service in those days (and perhaps also today), the drafter might sign the original but, of the duplicates, he initialed only the file copy.

When we turn to Document No. 275 itself (page 1409), it will be seen from a thoughtfully added footnote that: "This is a carbon copy, but the initials JS are written above the typed signature." There is, therefore, no question whatever about the source of the document that Dr. Kubek has selected to print. Despite the facts that the copy actually in Amerasia was clearer and more legible, and carried markings which identified it indisputably as being government property, he has preferred the copy from my personal papers--which was never near Amerasia. The reader, particularly if he knows anything about State Department procedures, will naturally assume that Amerasia, where he is erroneously told it was found, could only have gotten this copy from me directly.

Finally, Dr. Kubek persistently suggests that there was some mystery about the Amerasia case, and that it was mishandled and covered up.

> ...reads like a spy thriller, but is all the more interesting because it is true. (p. iii)

...one of the strangest tales in recent American history. (p. 30)

The strange case of Amerasia, like many a fictional spy thriller... (p. 31)

...the strange circumstances.... (p. 35)

...perhaps the most bizarre of all its peculiar features. (p. 49)

...strange arrangement...a final peculiar piece of business (p. 51)

...strange case of the purloined Government papers... (p. 70)

...secret sources within the Federal Government. (p. 73)

...through their mysterious network... (p. 74)

...Service's role in the whole strange affair. (p. 111)

In no real sense was the Amerasia case tried; it was merely heard. (p. 51)

...the annals of American jurisprudence contain few example of misused legalism as shocking as this one. (p. 52)

...the curtain was quietly drawn on the spectacular case of the purloined documents. (p. 55)

Why, indeed, did the Criminal Division of the Department of Justice handle the whole case of Amerasia in so timid and apologetic a manner...? (p. 59)

...the hitherto all-but-forgotten "Case of the Six" which had been so effectively buried... (p. 62)

Had the Amerasia case been prosecuted honestly and vigorously, as some had hoped... (p. 113)

One interesting aspect of this labored and studied attempt to suggest dark mysteries, both in the background of the case itself and in the way in which it was prosecuted, is that Dr. Kubek is unable to offer any new facts whatsoever about the case that are not to be found in the transcript and report of the Tydings Committee. That transcript included testimony from the FBI and Department of Justice officials in charge of investigating and prosecuting the case. It also contained the report of the 1946 investigation by the Hobbs Committee of the House Committee on the Judiciary, the presentment of the New York grand jury in 1950, testimony by E.S. Larsen, and the full transcript of my own hearings before the State Department Loyalty Security Board as well as my testimony in three days of hearings before the Committee itself.

If there was ever a case which has been throughly investigated, and of which the full record has been opened to public scrutiny, it must be the Amerasia case. Unfortunately, the Tydings Committee finished its work twenty years ago, and its transcript and report total some 2,850 pages. From a record of this size (though the Tydings transcript is not entirely taken up with the Amerasia case), Dr. Kubek has been what can only charitably be described as "highly selective." It may be helpful to the reader, therefore, to insert here a factual summary of the case. This was prepared in 1950 by the Department of Justice for the Tydings Committee which, after its long investigation, concluded:

> The facts set forth in the ensuing memorandum of the Department of Justice are in all respects consistent and in accord with the facts and evidence adduced before this subcommittee. (TCR p. 122)

MEMORANDUM OF THE DEPARTMENT OF JUSTICE ON THE AMERASIA CASE

INTRODUCTION

This report is a summary of the events relating to the prosecution in the Amerasia case. In addition to the salient facts, it sets forth the various prosecution problems encountered and the reasons for the decisions made at the various stages of the litigation. The legal conclusions expressed are documented by an analysis of the pertinent Supreme Court decisions, which is attached to this report as an appendix.

THE BACKGROUND OF THE CASE

"Amerasia" was a bimonthly magazine owned, edited, and published by Philip J. Jaffe in New York City. Kate Mitchell was an associate editor. The publication, in existence for some 8 years, had a small circulation, less than 2,000, and was devoted exclusively to political and economic matters in the Far East. Both its editorial position and the contents of its articles projected the pro-Communist viewpoint. Its chief appeal was to persons interested in a specialized study of pan-Pacific problems, events, and developments.

Since many avenues of communication between the Far East and the United States were closed during the war, persons interested in political, economic, and other developments in the Pacific area were cut off from the usual sources of public information and were largely dependent on information obtained through governmental sources, legally or illegally. Data of the character required could be obtained from censored dispatches, departmental releases and press relations offices, from on-the-record and off-the-record interviews with governmental officials, from monitored broadcasts, and from the Office of War Information. It appeared that classified documents were shown to writers and others for "background" purposes with the understanding that the article, story, etc. subsequently written would be submitted to censorship authorities. And, of course, in this case data of this character were also obtained by acquiring unauthorized access to actual Government documents and reports.

The Amerasia case investigation was commenced as a result of an instance in the latter category where the contents of a Government document, not authorized for publication, were found in an issue of the magazine Amerasia. An article, "The Case of Thailand," prepared by OSS, was reprinted in almost verbatim form at page 23 of the January 26, 1945, issue of Amerasia.

The Thailand article dated December 11, 1944, was part of a classified OSS document and in general pointed out the major differences of British and American viewpoints on Thailand, commenting upon that country's political future. The document was a standard OSS report published periodically every 2 weeks. These reports were made up primarily for the use of OSS and State Department employees.

THE INITIAL SEARCH AND SEIZURE BY OSS

In February 1945 an official of the Office of Strategic Services, in examining the foregoing issue of the magazine Amerasia, noticed the Thailand article.

Since the unauthorized publication of the contents of a classified document would have been a violation of security regulations, the OSS official turned the document, together with the Amerasia article, over to Mr. Archibald Van Beuren, security officer of OSS, who, in turn, on February 28, 1945, took them to Mr. Frank B. Bielaski, Director of Investigation, OSS, in New York, N. Y. Mr. Bielaski was requested by Mr. Van Beuren to place under surveillance every person in Washington who had access to the document in an effort to determine who was supplying secret information to the editors of the Amerasia magazine. When Bielaski was informed that numerous persons had access to the document, he decided against surveillance of these individuals, and on his own initiative decided that the way to get the facts concerning the matter would be to go directly to the office of the Amerasia magazine.

The OSS approached the matter as being solely one of countersecurity within that agency. It overlooked or disregarded the fact that there might be involved possible violations of Federal criminal laws and that they had no investigative jurisdiction whatever in respect to criminal offenses. Consequently, the OSS at this point should have referred the entire matter to the FBI, which has primary investigative jurisdiction of espionage cases and unlawful removal or concealment of Government documents.

Acting without the knowledge or approval of the Department of Justice, Bielaski proceeded to the office of the Amerasia magazine at 225 Fifth Avenue, New York City, and by subterfuge and without the knowledge or consent of Philip J. Jaffe, the sole owner and publisher of the Amerasia magazine, secured admission to the Amerasia premises around midnight on Sunday, March 11, 1945. For about 2½ hours thereafter Bielaski and 5 assistants thoroughly searched all the papers, records, and documents on the premises and, after examining in the neighborhood of 300 documents, Bielaski decided to take 20 or more of the documents to Washington as proof. After taking these documents, Bielaski and his assistants then replaced all the other documents so that there would be no evidence of their illegal search and seizure.

THE FBI INVESTIGATION

Immediately after this search and seizure of the documents in the premises of Amerasia, Bielaski came to Washington bringing with him the documents seized and reported to General Donovan, head of the OSS. Thereafter, the documents were shown to the Secretary of State. The latter immediately requested that future investigations be conducted by the Federal Bureau of Investigation and the documents were turned over to the Bureau at that time. With this information the Bureau immediately inaugurated an intensive and full-scale investigation beginning in the middle of March and continuing until after the arrests on June 6, 1945.

It is, therefore, clear the illegal search of the Amerasia premises and the illegal seizure of the documents by the OSS agents constituted the basic information which started the FBI investigation in motion. Until the FBI received these documents in March 1945 it had no knowledge of the activities of the OSS agents and was not then conducting an independent investigation of this matter.

The investigation launched by the FBI, consisting largely of continuous physical surveillance, established that Jaffe, in the spring of 1945, made several trips to Washington on which he contacted Emmanuel S. Larsen, a China specialist, employed by the State Department. Jaffe also contacted Andrew Roth, an ONI lieutenant who was a Far East specialist and a one time employee of Amerasia. John S. Service, a State Department Foreign Service employee on duty in China, returned to the United States on about April 15, 1945, and was observed in the company of Jaffe on several occasions between that time and the time of his arrest on June 6, 1945. On some occasions, these persons were observed studying papers together or passing papers to each other, but since both Jaffe and Roth were writing books at the time and all of the persons were interested in a common subject, no significant or guilty connotations could be drawn from such conduct without some admissible evidence of identification of the papers as official documents. However, there was no evidence of the contents or nature of the papers which were passed between these persons.

Insofar as criminal prosecution was concerned, the carefully observed actions of the suspects in this respect were as consistent with innocence as with guilt. As was later found by the House subcommittee which made a painstaking examination of the case, "No Government items were ever seen to be passed from one subject to another, although all of them were under constant surveillance for some time." (Report of Subcommittee IV of the Committee on the Judiciary, House of Representatives, 79th Cong., 2d sess., pursuant to H. R. 430.)

While in New York City, Jaffe was, of course, in daily association with Kate Mitchell, his office associate. He was also in frequent contact with Mark Gayn, a correspondent and magazine writer who also specialized in far eastern subjects. Once during the investigation, Gayn while riding on a bus was observed reading what appeared to be a copy of an official report. This report, it was later ascertained, had to do with common gossip about the marital relations between Generalissimo Chiang Kai-shek and his wife. Generally speaking, the results of the physical surveillances of the subjects while in New York were of a neutral or negative character except as proof of association. The surveillance failed to establish the actual theft or unauthorized removal of a single official document by any one of the subjects and no evidence was adduced which indicated that any official document or other paper was ever passed or delivered by any of the suspects to a known or suspected espionage agent. In this connection, the House subcommittee which later reviewed this case found: "although the various parties were frequently observed in the company of one another by trained investigators, no one of them was ever seen to deliver any Government items to another."

The investigation of the FBI, in addition to establishing association between the various subjects, also established that there were numerous classified docu-

ments or copies of such documents on the premises of Amerasia, at Larsen's home and in Gayn's home. The possession of these documents was established by means of unauthorized and illegal entries upon the premises of the subjects and the information and evidence so obtained could not, of course, be legally used in a criminal prosecution. In fact, in the event of a subsequent trial or even pretrial hearings, in which the evidence was challenged, the Department would have been required to concede the facts as to the illegal trespasses, searches, and seizures.

The offices of Amerasia were entered without search warrants on March 20, 1945, March 26, 1945, March 27, 1945, April 23, 1945, April 24, 1945, and May 14, 1945, and the documents found therein inventoried and photographed.

The apartment of Philip Jacob Jaffe was entered without search warrants on April 2, 1945, and April 6, 1945. No material of interest was located.

The apartment of Emmanuel Sigurd Larsen was entered without a search warrant on April 6, 1945, and some of the documents found were photographed.

The apartment of Mark Julius Gayn was entered without a search warrant on April 6, 1945, and April 27, 1945. Photographs were made of the documents found.

The apartment of Kate Louise Mitchell was entered without a search warrant on March 31, 1945. Nothing material was found.

Of course, a criminal prosecution in any case, and particularly in this case, would be the greatest of deterrents. But even absent the possibility of a successful prosecution (because of the necessary methods by which the evidence in this case was secured), the steps taken by the FBI were more than justified, not only to put a stop to the loose handling of Government documents, but also to protect the internal security of the country.

SUBMISSION OF CASE TO CRIMINAL DIVISION

Until May 29, 1945, the Criminal Division of the Department had no knowledge of the facts hereinbefore set forth or of the investigation conducted by the OSS or the FBI. On that date the First Assistant of the Criminal Division was given a memorandum dated May 29, 1945, which had just been received from the FBI. This memorandum briefly summarized the salient facts developed by the FBI investigation. The First Assistant was instructed to study this memorandum and make an immediate decision with respect to prosecution. The FBI memorandum itself solicited a decision within 24 hours as to the arrest of the subjects.

The First Assistant reviewed the FBI memorandum and then conferred with the FBI officials who had the case in charge. After this conference and after a review of the memorandum of May 29, 1945, he came to two conclusions. The first conclusion was that the Department did not then have the necessary legal evidence available to convict the individuals involved. An attachment to the memorandum of May 29, 1945, under the heading "Evidence" pointed out the warning that—"Most of the foregoing information regarding the contacts made by the various principals and the documents which were exchanged were obtained through highly confidential means and sources of information *which cannot be used in evidence.*" [Emphasis supplied.]

The Criminal Division, of course, recognized the obstacles inherent in the case. Nevertheless, it was concluded that, with the usual "break" which attends the apprehension of Federal law violators, sufficient evidence might be obtained to establish a case. This conclusion was based on two factors: One, that more than 80 percent of Federal law violators confess their offense after their arrest, and two, by confronting the suspects with the incriminatory documents expected to be found on their arrest, damaging admissions might be obtained.

It was decided to authorize the issuance of a complaint for three reasons:

First, we were then at war and the indications were that the suspects were engaged in what might be dangerous espionage activities. Their arrest would at least put a stop to these activities and unearth their ramifications. The Bureau "anticipated that a considerable amount of additional evidence will, of course, be developed" against contacts and associates of the defendants after their arrests.

Second, it was hoped that sufficient legal proof might be acquired by admissions upon their arrest and otherwise.

Third, there existed the possibility that timely motions to suppress any documents which might be seized at the time of the arrest might not be made.

The Criminal Division authorized the filing of a complaint on June 5, 1945, against Philip J. Jaffe, Emmanuel Sigurd Larsen, Andrew Roth, and John Stewart Service as suggested by the Bureau. In addition, the Criminal Division authorized the arrest of Kate Louise Mitchell and Mark Julius Gayn. The complaint

charged all six with a conspiracy to violate title 50, section 31 of the Espionage Act, having to do with the unauthorized removal and possession of documents relating to the national defense.

On June 6, 1945, all the defendants were arrested in New York City or in Washington, D. C., and in each case where a defendant was found on his premises, the premises were thoroughly searched and the documents found removed by the arresting officers. No "consent to search" authorizations were obtained from any of the defendants.

The results of the arrests, the searches and the interviews were, on the whole, disappointing and did not provide the prosecution, except in the case of Larsen and Jaffe, with the evidence hoped for as to when, where, how, and by whom the official papers were removed and received by the defendants. No documents were found on Roth or Service or at their premises. Jaffe, Mitchell, and Roth declined to sign statements. Only a small percentage of the documents seized by the FBI related to the national defense.

After the arrests, the prosecution of the case was, on June 13, 1945, assigned to Robert M. Hitchcock, a Special Assistant to the Attorney General, one of the most able, experienced, and conscientious trial attorneys in the Department. Designated to assist him was Donald B. Anderson, a former Federal Bureau of Investigation special agent, State judge, and prosecutor.

All of the defendants were separately represented by counsel and all indications were that the case would be vigorously defended. Defense counsel requested conferences with representatives of the Criminal Division, and demanded early hearings in New York and Washington. Since preliminary hearings before a United States Commissioner would not have been in the interests of the Government because they would prematurely expose the prosecution evidence, an immediate indictment was sought to make such hearings unnecessary. An indictment would eliminate the defendants' right to a preliminary hearing at which evidence of probable cause would have to be adduced. This was particularly important for the additional reason that it would require considerable time to process in the FBI laboratory hundreds of seized documents for fingerprinting, handwriting, and typing and to trace them to their official sources, etc.

From the very beginning, counsel for some of the defendants advised that motions would be made attacking the arrests and the seizure of the documents and that application would be made to the court seeking to suppress the evidence so obtained.

As a matter of fact, as early as June 11, 1945, Larsen had ascertained from the building superintendent that he had permitted agents to enter Larsen's apartment without a search warrant. This did not become known to the prosecutors until September 28, 1945, when Larsen filed a motion to suppress.

In view of the fact that the Government's knowledge of the existence of the seized documents was obtained by prior illegal entries and searches, it was inevitable that a court would suppress all of the evidence seized at the time of the arrests with the result that the Government would be without a provable case. For the Supreme Court has held that where information has been obtained by the Government through a previous unconstitutional search and seizure "not merely the evidence so acquired shall not be used before the court but that it shall not be used at all" (*Silverthorne Lumber Co.* v. *United States*, 251 U. S. 385, 389). This quoted language has been construed by the Supreme Court as making inadmissible not only the evidence illegally obtained, but also all evidence derived from leads or clues, because they are "fruits of the poisonous tree" (*Nardone* v. *United States*, 308 U. S. 338, 340–341).

It is appropriate to note here that, somewhat analogous to the question of unlawful search and seizure, certain information was in the possession of the Criminal Division which had been furnished by the FBI with the admonition that such "information regarding the contacts made by the various principals and the documents which were exchanged were obtained through highly confidential means and sources of information *which cannot be used in evidence.*" [Emphasis supplied.] This information was obtained by the Bureau through the medium of technical surveillance, which included the recording of conversations between some of the defendants.

One such conversation between Jaffe and Service, occurring in the former's room at the Statler Hotel, Washington, D. C., on May 8, 1945, has been widely publicized recently due to the fact that a single sentence thereof found its way into the record of an executive session of the Senate committee. In order that this single sentence might be viewed in its setting, rather than out of context, the Department of Justice on June 26, 1950, made available to the committee the transcript of the conversation relating to this particular statement.

Information of this type of course could have no bearing on the question of prosecution. It was furnished by the FBI with the explicit admonition that it was obtained through highly confidential means and sources of information and could not be used in evidence. Moreover, evidence obtained by wire tapping or through leads or clues therefrom is inadmissible in court (*Nardone* v. *United States*, 302 U. S. 379, *Nardone* v. *United States*, 308 U. S. 338, and *Weiss* v. *United States* 308 U. S. 321), and evidence obtained by planting microphones on a defendant's premises cannot be used when a trespass accompanies its installation. (See *Goldman* v. *United States*, 316 U. S. 129; compare *United States* v. *Coplon*, 88 F. Supp. 921 (SDNY).) Hence, information of this type could not be considered in weighing the possibility of successful prosecution in this case.

THE GRAND JURY PRESENTATION

As previously indicated, in order to forestall preliminary hearings during which the Government's evidence would be needlessly divulged while the defendants could remain silent, an early presentation to a grand jury was decided upon. This early presentation was planned even though the case was not yet ready for presentation and the analysis and tracing of the documents had been barely begun.

While the matter was being presented to the grand jury, some of the defendants requested a conference with the Assistant Attorney General in charge of the Criminal Division. These requests were received on June 21, 1945, the first day of the grand jury presentation and on the days immediately following. It was suggested to counsel for the defendants that if they would agree to a postponement of the preliminary hearings the Government would afford the defendants an opportunity to confer with the Criminal Division. Defense counsel agreed to a postponement of the preliminary hearings, requesting an opportunity for a further discussion of the case.

Thus the necessity for an early indictment was averted, since the Government was no longer faced with revealing its evidence in a preliminary hearing. The FBI was, of course, still engaged in the laborious task of processing the hundreds of documents that had been seized.

A conference was held on June 27, 1945. Counsel for the defendants Mitchell and Gayn represented that their clients were not guilty of a criminal offense and that what they did was being done by every newspaper reporter, columnist, correspondent, and writer in New York and Washington.

During this conference, it was brought out that the current grand jury would go out of existence in a few days and a discussion was had as to whether the Government would apply to the court to extend the term of the grand jury then in session or represent the matter to the new grand jury. The Criminal Division representatives stated that they were inclined to extend the grand jury for another month but that they would review the whole case subsequent to the conference.

Immediately after the conference was concluded, Kate Mitchell's attorney offered to have her appear before the grand jury, waive immunity, and answer every question put to her. This offer was particularly favorable to the Government. For, in addition to enabling the Government to make out a stronger case against defendants than could be otherwise established, the defendants' defensive evidence is obtained and the witness leaves himself open to a charge of perjury in the event he makes a false statement in his sworn testimony before the grand jury.

Thereafter, the attorneys for Jaffe, Gayn, and Service also made this same unusual offer in writing although Jaffe later failed to appear and testify. The Government agreed to the appearance of the defendants before the grand jury and coupled the acceptance with a demand that such defendants also submit themselves to examination by the Government prosecutors prior to their appearance before the grand jury. Another condition imposed by the Government was that the New York defendants, in the event of their indictment, would not contest their removal from New York to Washington. These conditions were agreed to by the defendants.

With the case in the position outlined, it was decided, subject to the grand jurors' consent, to withdraw the case from the expiring grand jury which had only heard 1 day's testimony and re-present the evidence to a new grand jury. This decision was based on the following considerations and no others:

1. The evidence and, in particular, the documents seized, hundreds in number, were not ready for presentation to the grand jury.

2. The offer of the defendants to be examined by Government counsel and appear before the grand jury without immunity or counsel necessitated a more deliberate and time-consuming approach, preparation, and grand jury presentation.

The grand jury which heard 1 day's testimony on June 21, 1945, and which was expiring on July 2, 1945, was informed of the above considerations. They were also informed that if they desired to retain jurisdiction in the matter it would be necessary for the Government to get an order extending their term for a month or 6 weeks. The grand jurors agreed without any objection to have the case withdrawn from their consideration.

The preparation of the case was continued on an intensive scale during the month of July 1945. Starting on July 23, 1945, the Government prosecutors started the pre-grand-jury examination of those defendants who had offered to waive immunity. They were cross-examined and confronted with the documents, and every effort was made to establish their possible complicity. As the preparation and exposition of the case developed it became increasingly clear that Jaffe and Larsen were the main culprits. Jaffe, Larsen, and Roth did not submit to examination by the Government prosecutors or appear before the grand jury.

The presentation of the case to the grand jury was commenced on July 30, 1945, and sessions were held on July 30, 31, August 1, 3, 6, and 7, 1945. Three of the defendants (Service, Mitchell, and Gayn) and 24 Government witnesses including 16 FBI agents testified before the grand jury. It must be emphasized that each witness who had testified on June 21, 1945, before the previous grand jury was again called and testified before this grand jury and all pertinent evidence, documentary or otherwise, supplied to the Criminal Division was presented to or made available to the grand jury for its consideration.

On August 10, 1945, an indictment was returned against Jaffe, Larsen, and Roth charging them, in substance, with conspiracy to embezzle and remove official documents without permission. The grand jury refused to indict Service, Gayn, and Mitchell after listening to their own testimony and the Government's testimony and evidence with respect to them.

The grand jury, in voting for or against indictments, voted as follows:

	For indictment	Against indictment
Jaffe	14	6
Larsen	14	6
Roth	13	7
Gayn	5	15
Mitchell	2	18
Service	0	20

Twelve grand jurors must, of course, concur before a valid indictment can be returned. The vote of the grand jury was particularly significant since the proceedings were ex parte and only the Government's evidence was presented except for such explanations as were made by the defendants who testified without the aid of counsel.

Many of the grand jurors who voted for no bills, after listening to the testimony, adopted the position that the loose methods of handling, filing, controlling, and releasing official papers almost invited the form of activity in which the defendants were engaged. They also took the position that many other newspapermen and writers, besides the defendants, were obtaining access to classified material for background purposes and that the remedy lay within the departments and agencies rather than in prosecution.

Not only was the attitude of the grand jurors indicative of what might be expected of petit jurors, but it should be borne in mind in considering the question of the disposition of the case that the remaining defendants would be represented by counsel on their trial, and would have their own witnesses and an opportunity to testify themselves. It is also worthy of note, in view of the grand jury vote, that after a 3- or 4-month trial, only one petit juror would be required to prevent the conviction of the defendants.

And, finally, whereas a grand jury may indict merely upon a showing that there is probable cause for believing an offense has been committed, the petit jury cannot convict unless it is satisfied beyond a reasonable doubt that a defendant is guilty.

In this type of case it is important that the Government's evidence be clear and convincing. To lose a case of this kind is bad not only for the prosecution, but it could have an adverse effect on public opinion as to the real danger involved in cases of this nature. In other words, the country would tend to depreciate the case and the seriousness of the conspiracy. In this connection it is interesting to note that the Department of Justice, with one exception, has not lost a single case where Communist activity was a feature of the case. It might be added there that in one case, now pending, the Government has been unable to date to institute prosecution because the evidence obtained would not be admissible in a trial of the case.

As stated previously, the indictments returned charged Jaffe, Larsen, and Roth in substance with conspiracy to embezzle and remove official documents without permission. The Government had abandoned the doubtful premise that any considerable part of the documents related to the national defense. One factor to be considered in evaluating this decision then reached by the prosecutors is that none of the documents seized by the OSS were known or available to the prosecutors at that time.

Specific documents which appeared to relate to the national defense were made the object of special study by Department attorneys and FBI representatives with a view to making out possible substantive charges of espionage against one or more of the defendants. However, this study revealed in each instance that proof of some vital element was lacking. In addition, an indictment charging bribery was prepared with respect to Larsen and Jaffe, but an analysis of the facts available established that such a charge could not be sustained because the money paid by Jaffe to Larsen's wife was ostensibly for typing copies of Larsen's personal records and not for the purpose of influencing the official conduct or action of Larsen.

The indictment, as drawn, did not require the Government to prove that the documents related to the national defense—only that they were official documents. The indictment returned was based on the same conspiracy section of the Criminal Code as the complaint. Thus it is clear that the defendants were subject to the same punishment on either theory. The only result in the change between what the complaint charged and what the indictment charged was to lessen the burden of proof for the Government.

In this connection, it is interesting to note that the House subcommittee which later reviewed this case stated, after examining all the documents, "Few, if any, of the identifiable classified documents involved in this case had any real importance in our national defense or our war effort."

In addition, the subcommittee also made the following observations with respect to the nature and contents of the documents involved:

(1) Many had already been given wide publicity.

(2) Many of the identifiable documents might have had their evidential value destroyed by reason of the court's sustaining the defendants' motions attacking the warrants of arrest.

(3) Most of the "classified" items in question were copies. There were few, if any, original documents.

(4) The bulk of the documents were not of recent date. Some were dated as early as 1936, were innocuous in content, and were and could have been generally known to anyone interested in the information they contained.

(5) Most of the items seized at Jaffe's office were typewritten copies. Some of such copies were proved to have been typed in one of the Government departments. It may be fairly inferred that the originals of such copies were never removed but that copies were made at the department or agency where the originals reposed.

(6) Most of the items dealt with personalities or political aspects in countries in the Far East.

(7) * * * there was no evidence that any of the documents or copies were ever put to any use harmful to the war effort.

(8) Many "classified" Government documents or copies were found in the possession of some of them, the greater part of the documents pertaining to political matters in Japan, China, India, and Asia.

After the return of the indictment, Jaffe, Roth, and Larsen pleaded not guilty and attorneys for Larsen and Roth indicated that they would contest the case very vigorously and would not plead guilty. On the other hand, Jaffe's counsel indicated the possibility of a plea in the event that no sentence of imprisonment were imposed.

Since Jaffe, Roth, and Larsen were charged together in a single indictment as codefendants, the normal and desirable procedure would be a joint trial of all three. It was for this reason that the Government did not at first regard these overtures favorably.

ATTACK UPON THE GOVERNMENT'S PROOF

While the case was in this status in the last week of September 1945, several things happened which threatened to destroy the Government's case.

It developed that sometime shortly after Larsen was released on bond following his arrest he contacted E. R. Sager, the manager of his apartment house in which he lived, and told him that he, Larsen, knew that someone had been in his apartment. He inquired whether Sager had let the persons into his apartment. It appears that Sager admitted that he had given the FBI agents the keys to Larsen's apartment.

Thereafter, and on September 24, 1945, Larsen telephoned Sager and stated, "you remember you told me you let those men into my apartment." To this Sager replied "Yes." Larsen thereupon informed Mr. Sager that his attorney was desirous of obtaining an affidavit from Sager, setting forth the facts of the situation.

The facts were that the agents had previously entered the apartment of Larsen twice without a search warrant, once on April 6, 1945, to inventory and photostat the documents on the premises and to take typewriting specimens and once to install a microphone in an apartment in the same building into which Larsen was to move on June 1, 1945.

On September 28, 1945, the Criminal Division was informed that Larsen's attorney was about to file a demurrer, motion to quash the indictment and an application to suppress the evidence obtained from the search of Larsen's apartment.

Representatives of the Criminal Division conferred with FBI officials on the morning of September 28, 1945, and it was generally agreed that the case was in serious jeopardy. A number of suggestions were made and discarded. The possibility of offering to suppress voluntarily all of the documents seized from Larsen at the time of his arrest, and then attempt to establish the case against Larsen on the basis of documents found in the possession of Jaffe, was discussed. However, the most serious problem was that Jaffe would learn of Larsen's motion and file a similar motion, in which event the entire case would be destroyed. And if Jaffe's motion to suppress were granted, the suppressed evidence not only would not be admissible against Jaffe, but would also be inadmissible against Larsen and Roth on a joint trial of all three. See *Goldstein* v. *United States* (316 U. S. 114, 119–120); *McDonald* v. *United States* (335 U. S. 451, 456, 457, 461). In view of the imminence of Larsen's motion, time was of the essence and immediate action had to be taken, if the prosecution of Jaffe was to be salvaged.

The first assistant thereupon called Jaffe's counsel and discussed his previous suggestions with respect to a plea of guilty and a conference was arranged for the early afternoon, that same day, September 28, 1945.

While waiting for Jaffe's Washington counsel to appear, Larsen's motion to quash the indictment and suppress the evidence was served upon the Department.

Immediately after the motion papers were served, Jaffe's attorney appeared for the conference. Before admitting him, inquiry was made of the clerk of the district court as to whether Mr. Larsen's attorney had filed the motion to quash. The clerk stated that the motion had just been filed and had already been reviewed by the press.

The motion as filed alleged briefly that the evidence obtained by the Government had been obtained by illegal searches and seizures, by wire tapping and by the illegal detention of the defendant. Larsen supported the application by a detailed 13-page affidavit in which he swore that at the time of his arrest at his apartment the agents betrayed a prior knowledge and familiarity with his personal effects which they could not have acquired by legal means. He also set forth the building manager's admission that he had permitted the agents to have access to his apartment in the absence of Larsen and prior to his arrest.

JAFFE'S PLEA OF GUILTY

It was realized that when Jaffe's lawyer concluded his conference with the Department, he would learn of Larsen's motion from the newspaper accounts, and would thereafter in all probability initiate a similar motion on behalf of his own client. It was thought imperative to do whatever possible to salvage the case

against Jaffe. To this end an effort was made to obtain an immediate and firm commitment from Jaffe's attorney that Jaffe would plead guilty.

During the discussions the parties to the conference speculated on the nature of the sentence which the court would be likely to impose. The Criminal Division advised Jaffe's attorney that the judges of the District of Columbia did not ordinarily ask for or request any recommendation and that we were not in a position to make any commitment with respect to sentence. After some discussion, it was finally agreed that Jaffe would plead guilty and the Government would, if permitted, recommend the imposition of a substantial fine. The maximum fine was $10,000 and it was understood that such a fine would be paid by Jaffe in the event it was imposed. However, Jaffe's counsel conditioned his commitment upon the premise that the court would consent to hear a recommendation from the Government. After Jaffe's counsel was firmly committed to pleading his client guilty, inquiry was made as to the earliest time in which the plea of guilty could be entered. Jaffe's counsel stated that the plea would be entered whenever the Government could arrange for it.

This conference took place on Friday afternoon, September 28, 1945.

The Criminal Division was anxious to dispose of Jaffe's case before he would reconsider (as he had done before) or file a motion to suppress the evidence obtained from his premises. Upon inquiry it was learned that Judge Proctor would be holding court on Saturday morning, September 29, 1945. Judge Proctor was asked to take Jaffe's plea and agreed to do so. Judge Proctor also advised that he would consent to hear the recommendation of Government and defense counsel as to sentence after a plea of guilty was entered by Jaffe.

On Saturday morning, September 29, 1945, Jaffe pleaded guilty to the felony charge. Judge Proctor heard the views of Jaffe's counsel and Government counsel. Government counsel recommended that a substantial fine be imposed. After hearing counsel for both parties, Judge Proctor imposed a fine of $2,500, which was paid. There had not been any presentence conference or consultation of any kind with the court before the case came on for plea and sentence.

DISPOSITION AS TO REMAINING DEFENDANTS

With the case of Jaffe safely disposed of in what was considered a manner satisfactory under the circumstances, the Department was still confronted with the motion to suppress filed by Larsen. A number of conferences were held with the attorneys for Larsen and Roth in an effort to obtain pleas of guilty but without success. Larsen's attorney at first took the position he would not consider a plea until his motion to suppress was decided.

The time for filing the Government's response to the motion to suppress was deferred. In response to the motion, the Government would have been obliged to admit the illegality of the search and seizure. However, the necessity for making this admission was averted when Larsen's counsel finally offered to plead his client nolo contendere if he could receive some assurance that only a moderate fine would be imposed. He pointed out that Larsen had been imposed upon by Jaffe, that he had lost his Government position which he had held for 10 years, that he was unemployed and penniless, and that he had a wife and family dependent upon him.

The Government was aware of these facts and finally agreed, if consulted by the court, to recommend a fine of $500. This position was taken largely because of the above factors but also because we realized that Jaffe was the main culprit, that he had corrupted Larsen and was responsible for his plight, and that it would be manifestly unjust for Larsen to receive a sentence greater or even equal to that imposed upon Jaffe. Larsen entered a plea of nolo contendere on November 2, 1945 and was fined $500, as recommended by the Government.

Only the case against Roth now remained. This case was very weak and depended on several pages of handwriting and typewriting (identified as Roth's) of what appeared to be official documents. . . .

In view of the state of the evidence above outlined, the decision was reached that the case against Roth could not be successfully prosecuted. After several postponements of hearings on motions brought by Roth's attorneys, and after an unsuccessful effort was made to place it on the pending inactive docket, the Government was forced to nolle prosse the case against him on February 15, 1946.

This report is not intended to qualify the seriousness or gravity of this case. The FBI's prompt and vigorous action in face of a situation already tainted with illegality was of inestimable service to this country. This report only deals with the difficulties of successful prosecution and the bases for the decisions made.

(Tydings Committee Report, pp. 123-133. The memorandum is printed in full except for one omission--before the penultimate paragraph--of details of the evidence against Roth, against whom charges were dropped. The appendix which followed this memorandum is a technical legal discussion of precedents and Supreme Court decisions, under the fourth and fifth amendments, which the Department of Justice believed to be controlling. For reasons of space, it is not reproduced. It can be found at TCR, pp. 133-136.)

Among the various investigations of the Amerasia case, I have mentioned the Federal grand jury in New York. This was a "runaway" grand jury. Following Senator McCarthy's much-publicized charges (similar to those made here by Dr. Kubek), this grand jury, "acting on its own authority" and utilizing its subpoena power, made an independent investigation. If Dr. Kubek would like to suggest bias on the part of the Democratic majority of the Tydings Committee (Senators Tydings, McMahon, and Green), he can hardly level such an accusation against the grand jury. It is interesting, therefore, to note that its presentment, dated June 15, 1950, included the following conclusions:

> The grand jury also found no evidence to indicate that the Department of Justice was remiss in its prosecution of the case.
>
> The grand jury believes that the American people have been poorly served by the compounding of confusion through disclosures of half-truths, contradictory statements, etc., in this and similar cases. (TCR, pp. 136-137)

There is, then, no great mystery about the way the case was handled. "The tainted nature of the original search by OSS agents infected the entire investigatory process which followed." The illegal entries having become known to one of the defendants (Larsen), the prosecution moved quickly to salvage what it could of the case by accepting a guilty plea from Jaffe with a moderate fine and no demand for a jail sentence. Similarly, it was agreed that Larsen would plead nolo contendere and pay a fine of $500. The Tydings Committee came to the conclusion:

> The fact that some of the defendants did not receive the punishment which we today feel they deserved or which we would like to have seen them receive is the result of certain incidents

> of the case which have been heretofore discussed and not the result of dereliction on the part of the prosecuting officials. Under all of the circumstances of the case, we are constrained to suggest that the Department was fortunate in securing the punishment that was meted out. (TCR, p. 140)

> Our inquiry has been thorough and designed to develop every logical source through which information of relevance to the case might be obtained.
>
> This case has now been considered (1) by the Hobbs Committee of the House of Representatives in 1946; (2) by a special grand jury in New York in 1950; and (3) by this subcommittee. In each instance the conslusion is the same--indeed, the only conclusion which the facts will support--that no agency of our government was derelict in any way in the handling of the Amerasia case. (TCR, p. 144)

Parenthetically, this matter of illegal entry and search did not enter into and could not have affected the grand jury consideration of my case and its decision against an indictment. In any event, there was no illegal entry of my temporary residence, and I had no government documents in my possession.

Since Dr. Kubek has some 44 footnote references to the Tydings transcript, one must assume that he is familiar with this record. If he is not, he certainly should be. But in his effort to convince his readers that my role in the "strange" case was "central," there is much that he chooses to omit. He notes, for instance, that the grand jury voted 20-0 against my indictment (one seems to feel that this in itself is meant to be evidence that there was something strange about the case: it has, as a matter of fact, already been so considered by at least one writer in Taiwan). But he fails to mention that I waived immunity and appeared voluntarily before the grand jury. He repeats (without source) the statement (made by Senator Joseph McCarthy) that the FBI gave assurances that the evidence was "airtight." But he ignores the letter in the record from J. Edgar Hoover denying that such assurance was ever given. He repeats (without source) the accusation (again from Senator McCarthy) that Under Secretary of State Grew was forced to resign as a result of my clearance. But he fails to see the clear evidence--including a letter from Mr. Grew--that this was not true.

He refers to the OSS raid on Amerasia on March 11, 1945, and the finding there of "hundreds" of classified government documents, but fails to note (as mentioned in the Tydings Report, p. 91) that this clearly indicated that Amerasia's source of government documents was already fully developed before I arrived in the United States on April 12, 1945. Likewise, he fails to note the record that the FBI indicated to the Departments of State and Navy on April 18--before I had ever met Jaffe, Larsen, Mitchell, or Gayn--that it was ready to present the case for prosecutive action. In other words, even before I was first sought out by the Amerasia group, the FBI was satisfied that the source of Amerasia's documents was known and the case solved.

Dr. Kubek also chooses to ignore some very direct refutations of his allegation that I had any central role in the Amerasia case:

> Mr. McINERNEY. The evidence on Service was thin. They said there was in Jaffe's office, as I recall it, copies of his confidential reports. When we arrested, or made the searches, we found copies of his report. We interviewed Larsen, and Larsen admitted that he had given Service's copies to Jaffe, and Service had not given them. Service was very surprised that Jaffe had that report. It was on that thin allegation that we authorized on Service.... (Testimony of Mr. James McInerney, Assistant Attorney General in charge of the Criminal Division, Department of Justice, before the Hobbs committee in 1946. TT, p. 2289)

> Mr. MORGAN. You saw all the evidence I assume, available in connection with John Service.
> Mr. McINERNEY. Yes, sir. You mean--
> Mr. MORGAN. At that time.
> Mr. McINERNEY. I, personally?
> Mr. MORGAN. I mean, at the time of the prosecution, were you cognizant and familiar with the evidence against Mr. Service?
> Mr. McINERNEY. Yes, sir.
> Mr. MORGAN. And, on the basis of your knowledge of such evidence, did you feel that prosecution of him was warranted?
> Mr. McINERNEY. No, sir. (TT, p. 998)

To summarize. After laying a foundation of assertion that a hundred-odd stolen government documents written by me were found in Amerasia, Dr. Kubek goes on to "assume" that many of these documents were delivered by me to Jaffe, and that I had a central role

in a strange case which was not prosecuted honestly and vigorously, but instead effectively buried. I submit that, by any definition, this is clear and serious defamation.

The Amerasia case, after all, involved the criminal charge of "conspiracy to embezzle, steal, and purloin property, records, and valuable things of the records and property of the United States." To this charge, one man pleaded guilty and another, nolo contendere. Punishable crimes, against the United States and during a time of war, were obviously therefore committed. For Dr. Kubek to say that I had a "central role" in such a case cannot be anything other than saying that I also was guilty.

In other words, Dr. Kubek, without being able to offer the slightest scintilla of new evidence or information, blandly denies the validity (good faith? honesty?) of a whole series of decisions conscientiously reached over the years by numbers of boards, grand juries, committees, and individuals, who had before them the whole record:

a) the grand jury, which voted unanimously against my indictment,
b) the State Department, under Secretary Byrnes, which cleared me and returned me to duty in August, 1945,
c) the Loyalty Security Board, under General Snow, and the responsible security and personnel officers of the Department of State, under Secretaries Marshall and Acheson, who cleared me in some seven investigations and hearings between 1946 and 1951,
d) the Tydings Subcommittee, including Senator Lodge, which found Senator McCarthy's charges--similar to those here revived by Dr. Kubek--to be unfounded,
e) the State Department, under Secretary Dulles, which accepted my return to duty (after the Supreme Court had ruled unanimously that my discharge was illegal) and which, under Secretary Herter, restored my security clearance in 1959 after another full investigation.

* * * * *

There is much more that might, but need not, be said about The Amerasia Papers. My chief concern here is to point out the fraudulent representation that a hundred-odd reports of mine were found in Amerasia, and the defamation in the statements that I delivered many documents to Jaffe and had a central role in the Amerasia case.

Dr. Kubek's other errors of fact in the Introduction and in his editorial comments are of many categories--major, minor, and ludicrous--and too numerous to be dealt with adequately here.

Dr. Kubek is, of course, free to form his own opinion of my reporting from China. I am content to leave to the scholars in the field the evaluation of this reporting (and the editor's analysis of it). Although I dislike the packaging provided by Dr. Kubek, I welcome the publication of my reports: I wish, indeed, that it had not been so long delayed. My own personal copies were deposited with the Office of Chinese Affairs in 1945 and subsequently lost. In 1950, in my hearings before the Loyalty Security Board and the Tydings Committee, I had considered that my best defense against some of the accusations would be the actual texts of my reports from Yenan. Despite strenuous efforts, it was never possible to assemble anything like a complete set. Little did I and my counsel suspect that the "evidence" needed for my defense was there all the time, locked up by the Department of Justice in the form of retained copies of my personal papers.

Scholars will perhaps find the documentary materials useful for research into that period. They may find Dr. Kubek's contributions less useful in some other ways. Chinese names are one problem. It may be hard, for instance, to know that Dr. Hsi-jo is really Dr. Chang (p. 1162). Or that Dr. Hu Shih, the scholar-philosopher and former ambassador to the United States, is generally (but not always) listed in the index under Shih. The editor's notes are not uniformly helpful: as, for instance, when he informs the reader that "CC Clique" means "Chinese Communist Clique in Kuomintang politics" (p. 527). And it may be a good idea to check footnote citations. Professor Harold M. Vinacke may be surprised, for example, to find

Chiang Kai-shek's views put into his mouth (footnote 29, p. 21).

* * * * *

What, one wonders, is the purpose of this ponderous, maladroit effort to raise the ghost of Senator McCarthy.

Soon after the appearance of The Amerasia Papers, Dr. Kubek commenced what seems, from the news reports, to have been something of a triumphal tour of Taiwan. The Free China Weekly of March 29, 1970, headlined a featured interview with him: WARSAW TALKS HURT ALLIES. This would probably not be the first time that the Internal Security Committee has demonstrated an interest in external affairs.

It is also true that the Committee has been waging a feud with the Department of State for a number of years over the employment of Mr. Otto Otepka. But it is now more than eight years since I retired from the State Department; and, in any case, any relevance or connection of my case to Otepka's seems obscure.

Dr. Kubek also makes a somewhat obscure statement about my employment since retirement.

> ...eventually /Service/ found a convenient cockpit for further possible propagandizing of the beatitudes of the Communist regime. This was on the library staff of the Center for Chinese Studies at the Berkeley campus of the University of California.... (p. 70)

Since I have neither written, spoken, nor taught any courses dealing with the government and politics of modern China, Dr. Kubek can hardly know my current views. Presumably, then, it must be the mere fact of my employment that he wishes to call attention to.

Finally, there is a statement in the Foreword that the Amerasia story should be a lesson "especially for all the officials in our Government, whether or not in the diplomatic service."

But none of these clues really casts much light on why I, personally, should have been picked as the prime target of Dr. Kubek's monumental work. To use one of his own favorite words, I find it very "strange".

My special thanks must go to Mrs. Sharon (Axtell) Davenport who, under difficult circumstances and very short notice, has done a commendable job of typing this work.

My appreciation goes as well, to Miss Lisa Rubin who proof-read this work several times over with considerable accuracy, and to Mr. John Stewart Service, whose cooperation, suggestions, and contributions were invaluable.