The Attempted Deportation of John Strachey

Abstract of the proceedings before the District Director of Immigration at Chicago.

AMERICAN CIVIL LIBERTIES UNION
Metropolis Bldg., 31 Union Square, West
New York City

May 1935
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The Issue

The attempted deportation of John Strachey, English author and lecturer, during the course of his lecture tour in the United States aroused widespread discussion both as to policy and law. The Department of Labor acted, admittedly under pressure, on the charge that Mr. Strachey advocated views which make an alien deportable.

As the case developed the legal question resolved itself into this proposition: does an alien who calls himself a Communist necessarily advocate the doctrine prohibited to an alien by law, namely, the overthrow of government by force and violence? Mr. Strachey admittedly is not a member of the Communist Party, and he denied belief in this doctrine on the form which all incoming aliens are required to fill out.

This abstract of the hearing in Chicago throws a searching light on the attitude of the Bureau of Immigration and on Mr. Strachey's own position. It is published because of the widespread interest not only in this particular case but in the whole policy involved.

The Department's policy is obviously inconsistent. Alien Communists and an alien anarchist, known to be such, were admitted by the present administration to the United States as visitors for short periods to lecture. Among them were Henri Barbusse, Tom Mann and Emma Goldman. They spoke freely without any proceedings being taken against them. Mr. Strachey's own political views were as well known as theirs. The Department obviously changed its policy under pressure.
Story of the Case

JOHN STRACHEY, English author and lecturer, arrived in the United States on December 25, 1934, under contract to deliver a series of lectures for several months throughout the United States. Mr. Strachey had been several times previously in the United States on lecture tours and was well known to American audiences.

Shortly after his arrival, the Hearst press demanded in editorials printed all over the country that the Department of Labor deport him on the ground that he is a Communist. The demand was taken up by various "patriotic" organizations. On March 12th the Department of Labor, evidently having found evidence which in its judgment would sustain the deportation of Strachey, arrested him at the conclusion of a lecture at Glencoe, Ill. The Civil Liberties Union at once offered him legal services, which he accepted. Attorney Edgar Bernhard of Chicago was enlisted to defend him, as was later Arthur Garfield Hays, general counsel of the Union, as associate. Mr. Strachey was released on a $500 bond put up by Professor Robert Morss Lovett of the University of Chicago at the request of the Union.

The hearings on the warrant of arrest, begun in Chicago on March 14th, were held on the 21st and 22nd, and were open to the press, an unusual concession to public interest. Mr. Strachey was represented by his two lawyers; the Department of Immigration by William J. Zucker of Washington, examining officer. The essential portions of the hearings, taken from the official record, are given here.

Before the Department of Labor could act on the evidence, the date arrived when Mr. Strachey had planned to return to England, March 29th. Mr. Strachey was prepared to remain in the United States for a protracted period if ordered deported, in order to test the deportation order in the courts. It was estimated that the court proceedings would take anywhere from six months to a year.

Confronted with this absurd situation, the Department of Labor dropped the proceedings on the day Mr. Strachey was due to sail, making the following public announcement:
"Deportation proceedings against Mr. John Strachey conducted at a hearing in Chicago on March 21st are being dropped. Mr. Strachey will sail on the Berengaria on March 29th as originally planned.

"The United States is ordinarily willing to drop proceedings prior to the issuance of a warrant of deportation in cases in which the alien leaves the country."

No order of deportation was issued. Insofar as Mr. Strachey's legal status is concerned, it remains precisely as it was before the warrant of arrest was issued. Mr. Strachey is free to apply again for admission to the United States without prejudice, although a searching investigation of the issues undetermined would doubtless be made.

Press comment throughout the United States on the whole sharply criticized the Department of Labor for bringing proceedings and congratulated the Department on having the good sense to drop them. Many of the editorials were facetious in their reference to the absurd position in which the government would have placed itself if the order had been issued and Strachey had been compelled to remain for months in the United States to learn from the courts whether he was deportable.

The Warrant of Arrest

To District Director of Immigration and Naturalization, Chicago, Illinois, or to any Immigrant Inspector in the service of the United States.

WHEREAS, from evidence submitted to me, it appears that the alien Evelyn John Strachey, who entered this country at the port of New York, N. Y., ex SS "Aquitania", on the 25th day of Dec., 1934, has been found in the United States in violation of the immigration laws thereof and is subject to be taken into custody and deported pursuant to the following provisions of law, and for the following reasons, to wit:

The Immigration Act of February 5, 1917, in that he entered by means of false and misleading statements, thereby entering
without inspection; and that at the time of his entry he was a member of the excluded classes as provided by the act of October 16, 1918, as amended in that he believed in the overthrow of the Government of the United States by force and violence; also in that he has written matter advocating and teaching the overthrow of the Government of the United States by force and violence; and that he has been found in the United States in violation of the act of October 16, 1918, as amended by the act of June 5, 1920, in that since entry, first, he has been found advocating the overthrow by force and violence of the Government of the United States, and second, he has been found teaching the overthrow by force and violence of the Government of the United States, and third, he has become affiliated with an organization believing, advocating and teaching the overthrow by force and violence of the Government of the United States.

I, by virtue of the power and authority vested in me by the laws of the United States hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law. The expenses of detention, hereunder, if necessary, are authorized payable from the appropriation "Salaries and Expenses, Immigration and Naturalization Service 1935". Pending further proceedings the alien may be released from custody under bond in the sum of $500, or upon his own recognizance if you are satisfied that he will appear when wanted.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 12th day of March, 1935.

TURNER W. BATTLE,
Assistant to the Secretary of Labor.
The Government's Case

THE hearings in Chicago dealt exclusively with Mr. Strachey's published writings, either in books or in articles.

The first book on which Mr. Strachey was examined was "The Nature of the Capitalist Crisis" published after Mr. Strachey's arrival in the United States. The whole character of the examination of Mr. Strachey can be gathered from the following extracts from the record.

Examination on "The Nature of Capitalist Crisis"


Q. Are you the author of this book?
A. I am.

Inspector: You are informed that this book which I have just shown you is made a part of the present proceedings and marked Exhibit 1.

Q. Do you understand?
A. I understand, yes.

Mr. Hays: May I ask if the person who brought the proceedings read the whole of this book or only the excerpts, and is the whole part of the proceedings or only the excerpts?

Inspector: Mr. Hays, you have heard me state that this entire book is being made a part of these proceedings.

Mr. Hays: Yes, I asked whether the person who brought the proceedings read the entire book.

Inspector: That is not an issue here.

Inspector: I read into the record the following excerpt found on page 10: "If it becomes apparent that capitalism must certainly plunge us into a new series of ever deeper crises, and that these crises can only bring both international and civil war in their train; then not only those who have always had good cause to
detest capitalism, but all reasonable men will find themselves im-
pelled to work for the overthrow of the existing system of society.”

Q. Mr. Strachey, have you anything to say with regard to this excerpt?

A. Yes, I would like to say that this excerpt must be taken in
the context in which it is found, and that this context makes it
perfectly clear that my argument is that the abolition of the
capitalist system is the only way to avoid the ever increasing
violence of, as I write, “international and civil war”.

Inspector: I read into the record, the following excerpt found on
page 94: “Now there is no doubt, as we shall demonstrate in
subsequent chapters, that the present policies of the American
administration constitute an almost perfect specific for renewed
catastrophe.”

Q. Mr. Strachey, have you anything to say with regard to this excerpt?

A. Yes, I should like to make clear again that the argument of
this chapter is that in my view, the particular economic policies
at present being pursued by the American administration, are un-
fortunately likely to bring on an even more severe economic
crisis than that which occurred in 1929, and I would point that
I shall have the concurrence of most of the conservative economists
in America in this view.

Inspector: I read into the record, the following excerpt found on
page 238: “The future of Marxism, which Bohm-Bawerk could
not foresee, is to show men why and how their present form of
civilization is falling into an ever more bloody decay, and in what
manner they may rebuild civilization on a new and higher basis.
In five-sixths of the world Marxism is accomplishing this task:
in one-sixth of the world this task is already upon the road to
full accomplishment.”

Q. Have you anything to say with regard to this excerpt?

A. Yes, this excerpt even in itself shows that my argument is
precisely that it is capitalism which is producing ever increasing
violence and that the only way, in my view, of banishing this
violence from human affairs is by abolition of capitalism.

Inspector: I read into the record, the following excerpt found on
page 380: “Just as the possession and exploitation of vast
empires have given the British, French, and to a lesser extent the American, capitalists the economic resources with which they can still buy off their workers with "doles" of one sort or another, so the possession of these empires gives them a power of moral manoeuvre also. Not only are they able to pose as the blameless guardians of peace, only too anxious to avoid disturbances of any kind; they are also enabled to prevent a consciousness of the true character of capitalism from dawning upon 'their' workers."

Q. Have you anything to say with regard to this excerpt?

A. Yes, I would again like to give the general argument of the context which is that the claim of some capitalist governments to be of a much more pacific nature than others, appears to me to be baseless.

Inspector: I read into the record the following excerpt found on page 385: "Nor will those who choose this part find it difficult to obtain an influential position. For naturally it is more popular to tell men that they are on the right road, even if we know that they are going to disaster, than to attempt to turn them back. Naturally, it is easier and more acceptable to tell the workers that they have only to mark a ballot paper in the right place every five years in order to end capitalism and produce socialism, than it is to tell them that they can only save themselves from death and starvation, and human society from ruin, by a long, fierce, and stubborn struggle.

"Accordingly, the hold upon the majority of the British workers of those who prefer to prophesy smooth things, whether they still believe them themselves or not, is very great. They are still able to stifle and suppress to a very large degree the struggle of the British workers against fascism and war, the twin children of present-day capitalism's necessities."

Q. Mr. Strachey, have you anything to say with regard to this excerpt?

A. Yes, in the first place I would ask you to notice that the passage refers specifically to Great Britain and the British workers and their problems, and in the second place, I would point out that the passage states simply that it is more popular to tell workers that it is possible to achieve Socialism by democratic means than it is to tell them that this is impossible, and that
this passage states no more and no less than that. This is a simple statement of what appears to me to be incontrovertible fact, but it does not constitute any advocacy of any course of action, of one course of action rather than another.

Even in the case of the British workers, perhaps a fuller view, a fuller statement of my view on this question would be found in another book of mine entitled "The Menace of Fascism". On pages 238, 239, 240 and 241, I state the argument fully and my main conclusion is that it is only the existence of the capitalists and the possibility of their violent and forcible resistance to a constitutionally, democratically, enacted law inaugurating Socialism which makes the question of whether Socialism will be inaugurated democratically. On so important a question, I would like to quote these words from the passage in question "And undoubtedly, if only it were not for the capitalists, Socialism could be quite easily achieved by constitutional means."

Inspector: I read into the record the following excerpt found on page 388 of your book "The Nature of Capitalist Crisis"—"Marxist economic theory enables us to understand why it is utterly impossible that there can be 'a whole new phase of social development,' based upon fascist planned economies. Marxist economic theory, and it alone, enables us to understand what are the real alternatives before us.

"We are compelled to face the fact that only two futures are possible for such remaining capitalist democracies as France, Britain, and America. Either the rate of profit must once again be restored, by any methods and at any price in human suffering and social degradation, or revolutionary working class movements must expropriate the capitalists and organize profitless production for use. It is the purpose of fascism to effect the first alternative, as it is the purpose of communism to effect the second."

Q. Have you anything to say with regard to that excerpt?

A. Yes, I should like to call your attention to the fact that this again is a simple statement of the facts of the present world situation as I see them, and that there is not one word of advocacy in the excerpt cited.
"The Coming Struggle for Power"


A. Yes.

Q. You are informed that this book which I have just shown you is made a part of the present proceedings and marked Exhibit 2. Do you understand?

A. I do.

Inspector: The following excerpt from this book is also read into the record from pages 341 and 342:

"The first half of this book was devoted to a discussion of the nature of capitalism. We came to the conclusion that capitalism was a method of organizing production by means of the concentration of the ownership of the means of production in the hands of a class, and the adjustment of the economic life of the community by a reliance upon the motives of the market. We traced in some detail the present difficulties of this system and came to the conclusion that they were insuperable."

"* * * The last part of the book is devoted to a discussion of communism. Communism is a principle of social organization antithetical to capitalism. It solves the problem of organizing production by entirely different methods. It does not attempt to secure the concentration of the means of production by vesting their ownership in the hands of a class, nor does it leave the adjustment of the life of the community to the motives of the market. Indeed, Communist methods of organizing production cannot be even attempted until the class ownership of the means of production has been ended, and until the economic adjustments of society have been freed from the influence of the motives of the market."

"Now, communism proper, namely, that system of society in which the principles of social organization which we shall describe im-
mediately have been fully developed, can only start to come into existence with the overthrow of capitalism. Hence, a very considerable period must elapse after that event before a full Communist society can appear. All that we can do to-day is to envisage the general principles upon which a society of full communism will be based.

"We can say that such a society will be based upon the principle of need: that the goods and services created will be sufficient to allow of their distribution upon the principle that everyone can have as much of them as he needs: that their production will be so little toilsome that it can be organized upon the principle that each citizen shall contribute that quota of service which he is able to contribute, and that these citizens shall be of such a kind as to make such principles of distribution and production workable. Such a society would, of course, be moneyless as well as classless."

Q. Have you anything to say with regard to that excerpt?

A. Yes, I would call your attention to the fact that the whole of this excerpt is the beliefs of political analysis and definition. The nature of the capitalist system and the Communist system are both, I hope, carefully defined. And the statement is made that communism cannot be built up until capitalism has been overthrown but again, in the whole of this passage, there is no advocacy of any particular line of action.

Inspector: I read into the record the following excerpt found on pages 357 and 358:

"The coming of communism can alone render our problems soluble. A working-class dictatorship can alone open the way to communism. A working-class dictatorship can only be successful if the workers as a whole achieve a clear understanding of the historic destiny of their class. And this understanding, in turn, cannot be developed unless the working class succeeds in organizing its most conscious and clear-sighted members into that indispensable instrument of the workers' will, a Communist party. The assumption of power by the workers can occur by means of revolution alone; by means, that is, of an event which takes place over a limited number of years, and of which there may be a critical moment, such as the conquest of the existing State ap-
paratus in a capital city, which can be 'dated' to a given week of a given month of a given year.

"The coming of communism itself, however, after the achievement of working-class power, must be a gradual process. And it is only gradually, with the emergence of communism, with the creation — and that, we may be sure — only by Herculean labours and painful sacrifices—of the essential economic basis for a classless society, that the problems which to-day threaten civilization with eclipse will actually be solved."

Q. Have you anything to say?
A. Yes, I would call your attention to the fact that once again I am expressing my view, for what it is worth, of the way in which social and political events take place, whether we like it or not. I have arrived at this view most reluctantly and as a result of historical studies, and once again there is no word of advocacy in the passage cited.

Then, I think that I had better explain what the word "revolution" means in the passage cited, as this is not clear without the context. The word "revolution" means the transference of political power from one social class to another. Now there have been instances in history in which such a transference of power has taken place without any violence occurring. Such revolutions have been called peaceful revolutions and the leading historical example is the transference of power from the British aristocracy to the British middle or capitalist class by the "Reform Bill" of 1832.

I further call your attention to the fact that on line 3 of page 358 I state that there may be a critical moment in such revolutions "such as the conquest of the existing State apparatus in a capital city". I do not see how any student of history, whatever his views, could deny that there may, unfortunately, be such moments in the future just as there have been in the past, but this does not mean that he wishes or advocates that such critical moments should occur.

If I might use a simile, I might say that when sitting on the seashore, I might take the view that the tide would come up and wet my clothes but this would not mean that I should favor or advocate the coming up of the tide.
The Department's Effort to Bind Mr. Strachey to the Communist Manifesto

Inspector to Alien: Mr. Strachey, you have referred in your book entitled "The Coming Struggle for Power" to "The Communist Manifesto."

I therefore show you and make a part of this record and marked Exhibit 3 "The Communist Manifesto" by Karl Marx and Friedrich Engels, a pamphlet published by the International Publishers of New York, Sixth and Seventh Printing, 1935, printed in the U. S. A. This pamphlet was purchased by an employee of the Immigration and Naturalization Service of the United States in New York City. I shall read into the record the following excerpts from this pamphlet:

Mr. Hays: That is objected to unless in some way you connect Mr. Strachey with it. If you are referring to the reference in his book, I request that you refer to his reference in his book.


Mr. Hays: Is it the contention of the Government that Mr. Strachey is bound by the manifesto because he cited a paragraph from it on page 377, or that it shows his views?

Inspector: The record will speak for itself and I therefore shall continue to incorporate into the record, your objection having been duly noted and you having been already advised as to the manner of developing your objections, the following excerpt:

Mr. Hays: Before you do that, I must insist that the Government tell me whether they intend to use "The Communist Manifesto" of 1848 as binding on Mr. Strachey or whether you intend to confine him to the paragraph in his book. I must know what position the Government takes.

Inspector: The Government has advised Mr. Strachey of the charges against him. The Government's case will be set out in a logical manner and Mr. Strachey will have full opportunity, through you as his counsel, to object and develop objections in the manner provided by regulations. The record, as I have
told you before, will contain, and I will permit every opportunity for Mr. Strachey to state, all objections on any point and issue.

What the Government's purpose is in introducing anything will readily appear in the record, and cross-examination by counsel of the inspector conducting this proceeding is, in my opinion, not a necessary part of this record and, you having noted your objections and having been permitted to set out some of the reasons for your objections, I advise you again that you will have full opportunity to set out any objection in the brief or memorandum which you will have an opportunity to submit in connection with this record, before it is finally passed upon by the proper authorities.

Mr. Huys; I want the record to show that you refuse to make a statement as to what the purpose of the Government is. I want the record to show that.

Inspector: The purpose of the Government will readily appear in the record.

The Inspector’s Attempt to Bind Mr. Strachey to the Program of the Communist International

Inspector: Mr. Strachey, in your books entitled “The Coming Struggle for Power” and “The Nature of Capitalist Crisis” which have been made a part of this record, among other things, you state that “capitalist imperialism is in an evident and acute state of disintegration and that the coming of communism can alone render our problems soluble; that it is the purpose of communism to effect the expropriation of the capitalists by the revolutionary working class; that the assumption of power by the workers can occur by means of revolution alone, by means of an effort which takes place over a limited number of years; you make reference to the working class dictatorship existing in the Soviet Union today; that the Soviet Union gives us the only concrete indications of what communism will be like when it does come into existence; that a working class dictatorship can be successful only if the workers achieve a clear understanding of the historic destiny of their class and that this understanding can be developed only if the working class succeeds in organizing that indispensable instrument of the workers' will, a Communist Party; you make
reference to the Communist Party of the Soviet Union; you make reference to the Russian Communist Party as an indispensable instrument for the execution of the class will of the Russian worker; that a Communist society cannot admit of national boundaries; that the existence of the U.S.S.R. is one of the assurances that some of the many opportunities for revolt will be taken. You make reference that all Communist parties of the world are tightly bound together into the Third Internationale because Communism is, in its very essence, international.”

I show you and make a part of this record as Exhibit 4 a pamphlet entitled “Program of the Communist International together with the Statutes of the Communist International” published by the Workers Library Publishers, Inc., New York City, printed in the U.S.A., copyright 1929, which was purchased by an employee of the Immigration and Naturalization Service of the United States at the place of publication. I read into the record from this pamphlet the following excerpts:

Mr. Hays: That is objected to unless the Government will state what the Government’s purpose is and in what way they connect Mr. Strachey with this so-called pamphlet. I object to the first part of the statement, a long statement of Mr. Strachey’s views as a summary by the inspector of Mr. Strachey’s views and a statement by Mr. Strachey himself. Finally, may I, if objection is ignored, request the Government to state, before questioning Mr. Strachey about this pamphlet, in what way they think he is connected therewith, so that he can answer any questions about it intelligently.

Inspector: Your objection has been noted and, as you have been previously informed, you may develop your objections in the brief or memorandum which will accompany this record when it is submitted for final decision to the Secretary of Labor at Washington, D. C., if you should choose to submit such brief and memorandum.

Mr. Hays endeavored to get into the record the following statement which he wrote out, but which was refused by the inspector:

"One of the legal questions here is as to whether this hearing is fair. I know the Department is not bound by the rules of
evidence, but it is bound by the Constitution and by Anglo-Saxon principles of justice. I have asked the Inspector to enlighten Mr. Strachey as to the purpose of reading to him these pamphlets for which he is not responsible and which express the views of others than himself. He refuses to enlighten Mr. Strachey and I ask that the record show that. I ask that this statement go on the record.”

Inquiry on Magazine Articles:

"Is Communism Inevitable?"

Inspector to Alien: Mr. Strachey, I show you the December, 1934 issue of "The Rotarian", a magazine published at Chicago, Illinois, and for sale at public newsstands, and call your attention to an article appearing on page 12 therein, entitled "Is Communism Inevitable?" Yes, says John Strachey.

Q. Are you the author of that article?
A. Yes.

Inspector: This publication, including your article, is made a part of the record and marked Exhibit 5, and I now read into the record the following excerpt from your article:

"I believe that the world is going Communist for one simple reason, and one reason only. And that reason is that the existing system, under which we organize our economic life, is breaking down. Accordingly men are driven, though very much against their will, to seek for an alternative. And the only alternative available is Communism."

Inspector to Alien: Have you anything to say?
A. Yes, this passage, like so many others which have been cited here, clearly expresses my view that it is the breakdown of the present economic system which drives men, and I even say reluctantly, to seek for an alternative economic system. This is just the point at issue. I am, as you notice, contending all along that my writings point out this objective fact of the present situation. They point out that men are being driven to seek for an alternative economic system because of the ever increasing troubles of the present system. My writings do not even urge this—they merely point it out as a fact, and if you will read on in the
article you will see that this is the thought contained in it throughout.

Inspector: I read into the record the following excerpt from the same article:

"If history answers that question in the affirmative, if the supporters of capitalism are able to make their system work, then we Communists will be 'as voices crying in the wilderness'."

Inspector to Alien: Have you anything to say?

A. Yes, here again I make it perfectly clear, I should have thought that the only effective way of opposing Communism is to make the capitalist system work and not to seek to imprison or deport those persons who point out the difficulties of the capitalist system and the terrible conditions which those difficulties produce for the immense majority of the population.

Inspector: I read into the record the following excerpt from the same article.

"I have been an agitator in my own country and I know how reluctant the worker is to lose his faith in the present system."

Inspector to Alien: Have you anything to say regarding that?

A. Yes, here I state a distinction which I should like to make perfectly clear. I am, of course, perfectly free to enter any political activity in Great Britain since I am a British subject, but I would never dream of entering political activity in the United States. In the United States I deliver lectures and write articles in which I state my views for what they are worth about existing conditions, but I never make political speeches advocating one course of action rather than another or entering any way into American political life.

"Notes from the Road"

Inspector: Mr. Strachey, I show you and make a part of the record and mark as Exhibit 6, February 26, 1935 issue of the "New Masses", a magazine published weekly by the "New Masses Inc." at New York City and for sale on public newsstands. There is an article therein on page 14 entitled "Notes from the Road" "John Strachey". Are you the author of that article? The Gov-
ernment intends to make no reference or to rely on any other portion of the magazine except this article.

A. Yes, I am the author.

Inspector: I read into the record the following excerpt from that article:

"The experiences of a Communist drummer—for that is what I am at the moment peddling Marxism instead of pink pills—have their humorous side."

Q. Have you anything to say?

A. Yes, in this passage I compare the life of a traveling lecturer in America with that of a drummer or commercial traveler. I describe myself as a Communist as I have often done before. What I mean by this description is that while I am not a member of the Communist Party I do hold views, as everybody knows, which can be described as Communist in general principle as my books have no doubt shown you, I hold that the economic theories of Marx are true. Hence, I expound these theories with others in my lectures. This is what I meant by what is, I am afraid, the facetious phrase "peddling Marxism".

Inspector: The following excerpt from this article is also read into the record:

"To return to the United States. The bulk of the questions which I get from American middle-class audiences are anything but foolish or absurd. On the contrary, they are the obvious, necessary questions which any intelligent man or woman, beginning to think out the causes of their troubles for themselves, must ask. They deal with such questions as social incentive under capitalism and Communism, with the problem of how the transition from the one system to the other can be effected, and with the nature of fascism.

"It is a great privilege to me to be able to discuss these questions with American audiences."

Q. Have you anything to say?

A. Yes, I would point out that this passage makes it clear that what I do is to discuss these questions with American audiences, not to advocate anything to these audiences.
Inspector: I read into the record the following excerpt from the same article:

"The Communist Party has enormous opportunities in front of it; but it will need the most consummate political skill to seize those opportunities to the full."

Q. Have you anything to say?
A. This is the view of the present position and prospects of the Communist Party of America which I formed as a result of my lecture tour. Again I would point out that this is a statement of fact as I see it and advocates nothing.

"Minnesota's Ramsay MacDonald"

Inspector to Alien: Mr. Strachey, I show you and make a part of the record and mark as Exhibit 7, the March 5, 1935 issue of the "New Masses", a magazine published in New York City and for sale on public newsstands and refer to an article on page 8, entitled "Minnesota's Ramsay MacDonald Governor Olson — Champion of Capitalism. John Strachey." Are you the author of that article?
A. Yes.

Inspector: I read into the record the following excerpts from this article:

"What should be the attitude of Minnesota Communists to this declaration of war on them from the leader of the Farmer-Labor Party? As I endeavored to point out to the Northwestern Youth Congress, no Communist can ever accept Governor Olson's statement that there is nothing in common between the Communists and the rank and file of the Farmer-Labor Party. On the contrary, we know that the rank and file of that party has precisely the same object in view that we have; namely, the abolition of capitalism and the building up of a new social order, founded upon the public ownership of the means of production and their operation for use instead of for profit.

"We know further that the rank and file of the Farmer-Labor Party sincerely believes that it is taking the right road for the achievement of our common goal. Hence we can never regard them as our enemies, however much their present leaders urge
them to regard us with enmity. On the contrary, we can never, and shall never, regard them as anything but co-workers in the same great cause; but co-workers with whom we must thrash out a vitally important difference of opinion as to how our common purpose can be accomplished."

Q. Have you anything to say?
A. Yes, this passage appears to me to emphasize strongly the similarities between Communists and other persons who believe in the abolition of the capitalist system.

Inspector: I read into the record the following excerpt from the same article:

"All experience proves that working-class parties which exclude revolutionary or militant individuals and groups bring disaster to the working-class cause, however rapidly their vote may grow, for they split the workers' ranks irretrievably, and this is the one thing which can prevent 'success' in the real sense of that term. The apparently slower method building up a real labor party, including all the militant elements in the American working class, is in effect incomparably the swifter method of securing the victory of the working-class cause. It is true that such a movement will encounter the most passionate opposition from the capitalist class; but such opposition is itself the proof that only such a movement can truly serve the purposes of the working class."

Q. Have you anything to say?
A. Yes, the experience which I refer to in this passage is my experience as a labor member of Parliament in Great Britain. In my view the exclusion by the Labor Party of Great Britain of militant individuals and groups was disastrous to the hopes of achieving the aims and objects which that party had in view. It seemed to me that American readers might be interested by this experience for what it is worth. They, of course, must judge for themselves whether or not it applies to American conditions.

EDITOR'S NOTE: The Inspector then presented an interview with Mr. Strachey published in the November 1934 issue of the magazine "Independent Woman". The interview was entitled "Only Communism Offers Equal Economic Rights". The interviewer was Gretta Palmer. Mr. Strachey repudiated the interview, saying that he had not authorized it.
Inspector to Alien: Mr. Strachey, I show you a photostatic copy of a book review under your name of the book "The Economic Consequences of the New Deal," by Benjamin Stolberg and Warren Joy Vinton, which appeared in the January 22, 1935 issue of the magazine "New Masses", the same magazine to which reference has been previously made in this record, and ask you if you will read this and tell me whether or not this is a book review made by you?

Mr. Strachey: Yes, I recognize it.

Inspector to Alien: I will ask if you will consent to the introduction of this photostatic copy into the record to have the same effect as if the book review itself from the January 22, 1935 issue of the magazine mentioned were here presented and introduced into the record?

Mr. Bernhard: If it refers only to the article of the book review and not to any other material appearing on those pages.

Inspector to Alien: This photostatic copy in which it is understood that the underlinings are not yours is made part of the present proceedings and marked Exhibit 8-a, and I read into the record the following excerpts therefrom: "This little book raises two issues which seem to me to be of great importance for Communists. * * * In all these aspects it seems to me that the pamphlet has a great deal to teach us. Why are we not producing at least one such pamphlet a month, either from the Agit-Prop department of the Party itself or from competent 'fellow-traveler' writers? Is it not high time we learned to put our case shortly, plainly, wittily?" Have you anything to say?

Mr. Strachey: I think I should explain the term "‘fellow-traveler’ writers" which may not be clear at all. I mean by "‘fellow-traveler’ writers" writers who accept the Communist principles in general but who are not members of the party. I do not think—it would not be unfair, I think, to describe me as a "‘fellow-traveler’ writer", hence my use of the word "We".

Inspector to Alien: Will you define for me the meaning of the term "Agit-Prop Department of the Party"?
Mr. Strachey: Agit-Prop is the contraction for Agitation and Propaganda Department of the Party.

Inspector to Alien: By party you mean the Communist Party?

Mr. Strachey: Yes.

Inspector to Alien: I read into the record the following excerpt from the same book review: "Communists maintain that the administration is engaged in a determined attempt to re-establish the American profit-making system at any cost in human suffering, while pretending to be attempting to reform that system." Have you anything to say?

Mr. Strachey: Yes, it is perfectly true that this is just what the Communists do maintain.

Inspector to Alien: I read into the record the following excerpt from this review by you: "There is no way at all in which capitalism can be 'reformed' into giving decent or efficient results." Have you anything to say?

Mr. Strachey: This passage contains, of course, exactly the same thought as I have expressed many times. I adhere to the pessimistic view that it is impossible so to alter or reform the capitalist system as to make that system produce good results.

Inspector to Alien: I read into the record the following further excerpt from this book review: "But for Communists this state of things is something to be overdone. * * *" Have you anything to say?

Mr. Strachey: Yes, you will notice from the passage which immediately precedes this sentence that the state of things referred to, is a psychological state, said by Mr. Stolberg and Mr. Vinton, to exist among the American people.

Inspector to Alien: I read into the record the following further excerpt from the book review: "In nothing are the authors further from the Communist point of view than in this passive acceptance of an American psychology which is wholly out of touch with the real facts of the situation." Have you anything to say?

Mr. Strachey: I was pointing out that Mr. Stolberg's and Mr. Vinton's point of view, which is often considered to be com-
munistic, was in reality very different from the Communist point of view.

Inspector to Alien: I read into the record the following further excerpt from this book review: "They, like so many other liberal minded intellectuals, are moved to describe the confusions, the horrors and bestialities of Capitalism; but they are not moved to do anything about it. As Marx said long ago, 'Hitherto the philosophers have explained the world in various ways—the thing is to change it.' Mr. Stolberg and Mr. Vinton are still describing and explaining; they have no real impulse towards joining in the struggle to change the world". Have you anything to say?

Mr. Strachey: This passage certainly does imply that I am in favor of changing the present condition of the world—what decent or human man is not?

Interview in the "Daily Worker"

Inspector to Alien: Mr. Strachey, I now show you and mark as Exhibit 9, the March 15, 1935, issue of the "Daily Worker", Central Organ Communist Party U.S.A. (Section of Communist International), published at New York City and for public sale, and refer therein to an article on Page 1, in which you are quoted as saying "I'm not a member of the Communist Party" * * * "but I do believe in the principles of that Party." Were you correctly quoted?

Mr. Strachey: Yes, I cannot recollect whether this quotation was accurately quoted or not—whether this report was accurate or not, but as I have already stated in this hearing I do believe in general in communistic principles. May I read on in the report "When I was in school I used to read about the Government of the United States and how it was based on a constitution which permitted changes at the will of the people and also provided a guarantee of free speech. I'm beginning to wonder about those things now." I suggest I must have been gifted—I must have been endowed with the gift of prophecy—I beg your pardon, I am afraid the joke is lost. I was under the impression that I had made these remarks before my arrest but I see from the date of the paper that it was after my arrest, so I cannot claim any gift of prophecy.
"Should I Be Deported?"

Inspector to Alien: I now show you, mark it Exhibit 10, and make it part of this record, the April, 1935, issue of Scribner's Magazine, published in New York City, and for sale on public newsstands. I refer therein to an article beginning on Page 214, entitled "Should I Be Deported", by John Strachey. I read into the record the following excerpts from that article: "Naturally I do not attempt to conceal my own opinions on these matters, or pretend to an impossible impartiality." Have you anything to say?

Mr. Strachey: Yes, I should particularly like you and any other persons who will be adjudicating on this case to read this article in its whole for it explains my position on the whole question at issue, I believe, very thoroughly.

Inspector to Alien: The following excerpt is also read into the record: "Now we Marxists may be right or wrong about all this." Have you anything to say?

Mr. Strachey: Yes, I have, of course, repeatedly described myself as a Marxist. Indeed my last book "The Nature of Capitalist Crisis" was almost exclusively devoted to the exposition of Marx's economic theories.

Inspector to Alien: I read into the record the following excerpt from the same article: "But it is the special quality of Americans that they are willing to experiment; and to experiment intellectually as well as practically. Their minds are genuinely open, they do genuinely desire to hear and discuss unfamiliar theories and views. And it is this willingness to experiment which may enable them to find, sooner than the British people, the one solution to their difficulties; that is, the abolition of the profit or capitalist system." Have you anything to say?

Mr. Strachey: This passage together with its context does accurately express my position which is that the abolition of the profit or capitalist system is one solution of our difficulties.

Inspector to Alien: I read into the record the following excerpt from this same article: "Communists believe that that degree of dislocation and violence, which class history teaches us has hitherto always accompanied the breakdown of one form of society and the building up of another, is very greatly attributable to the fact
that the mass of the population has always hitherto been denied effective access to the true facts of the situation.” Have you anything to say?

Mr. Strachey: This passage seems to me particularly relevant to these proceedings. As you notice I make it a point that any dislocation and violence, which occurred in the past, has been very greatly attributable to just such attempts as you, as a representative of the United States Government, are now engaged in, to deny to the population effective access to the facts and discussion of the facts of the existing situation.

Inspector to Alien: I read into the record the following excerpt from the same article: “Once a period of open international or class conflict has begun it is no doubt futile to hope for freedom of discussion. Neither the capitalists, nor the revolutionaries, can any more give the right of free speech to their opponents, than can a government engaged in war. The Communists are forced, like every one else, to suppress their opponents’ opinions during such periods. To do anything else would be to surrender to opponents, who would certainly use every possibility, not for vigorous, scientific discussion, but for the extirpation of Communism. We must all, whether Communists or anti-Communists, recognize that in such periods of open conflict both sides inevitably deny freedom of speech to their opponents.” Have you anything to say?

Mr. Strachey: All that I stated in this passage is that in periods of acute struggle the Communists are forced to do things almost as bad as capitalists—almost as restrictive as capitalists are doing this day.

Editor’s Note: The inspector at this point presented an article from the “Modern Thinker”, March 1935 issue, with an article “Why I Became A Communist” by John Strachey. The attorneys at once objected to the article on the ground that it was not written by Mr. Strachey but was in fact a translation from an article published in German which in turn had been lifted from an article in Scribner’s magazine for Feb. 1934 entitled “The Education of a Communist”. In the course of two translations, into German and back into English, it had become completely garbled.

Affidavits were submitted to substantiate Mr. Strachey’s disclaimer of responsibility.
Mr. Strachey's Defense

Mr. Hays, at the conclusion of the government’s case, moved as follows:

I now move to strike out all references by the inspector and all excerpts from "The Modern Thinker" article.

At this point, although it should have been at the end of the government's case, I move to strike out all excerpts read by the inspector from Mr. Strachey’s book "The Coming Struggle for Power" on the ground that the excerpts read in no way indicate an advocacy of the overthrow of the United States Government by force. The same applies to all excerpts and all material presented by the inspector. As to that, I make the same motion. I further move to dismiss the warrant on the ground, among others, that no evidence presented by the government makes out a case against Mr. Strachey to sustain any warrant, and on the further ground that the inspector failed, in accordance with the law, to submit to the alien the evidence which is the foundation of the warrant before the beginning of this proceeding, and on other grounds.

Mr. Bernhard then read to Mr. Strachey a number of extracts from his books and articles which tended to amplify his views. After reading from Mr. Strachey's book "The Menace of Fascism" published in 1933, Mr. Bernhard put the following questions to Mr. Strachey:

Q. Mr. Strachey, would you care to amplify that in any way?
A. I would just like to call the Inspector's attention to my statement there, which I adhere to and repeated very frequently in the United States, that as a British observer I don't pretend to be an authority on the American situation.

Q. Have you ever advocated anything in the United States?
A. No.

Q. And have you ever advocated anything, any place for Americans?
A. No. This I would add, is an important point. I feel that my function in the United States is confined to presenting the facts of the modern political and economic situation as I see these facts. My intention is, that is to say, to help to supply Americans
THE ATTEMPTED DEPORTATION OF JOHN STRACHEY

with the data on which they can make their own political decisions, but I would never dream of making a speech of political advocacy such as I might feel quite free to do in my own country. Mr. Bernhard then read further from "The Menace of Fascism": Pages 238 and 239: "Indeed the conditions of political life in a modern Capitalist democracy may well be compared to a game of cards. The capitalists sit playing against the workers. For a number of years the game goes on in a perfectly orderly way. Neither side shows any signs of trying to tamper with the rules (to alter, that is, the framework of the Constitution). And then it becomes apparent that the stakes of the game have gradually been raised, until all that either side possesses is now at hazard. "(The economic crisis, that is, has grown worse and worse until the inescapable issue has emerged: either slow starvation and ruin for the workers, or the taking of the means of production from the capitalists.)"

"Moreover, when this point is reached, another fact also becomes apparent. It becomes apparent that under the existing rules of the game the workers would sooner or later, and in spite of all the advantages of the capitalists, the workers by sheer overwhelming weight of numbers would, if the democratic system were preserved, acquire a parliamentary majority. Will the capitalists in these circumstances, scrupulously preserve the rules of the game and meekly hand over their whole property as the forfeit? To ask such a question is surely to answer it. Of course they will cheat: of course they will tear every constitution in the world to shreds rather than allow their property and privileges to be taken from them. Who wouldn't?"

Q. Mr. Strachey, do you have any comment to make on that passage?

A. Yes, this passage does, I think state as clearly as I have been able to state it anywhere, my view of what is only too likely to happen. I call the Inspector's attention to the fact that it is once more merely a statement of what it seems to me is likely to happen, but it does put my view which has grown in my mind as a result of my experiences in European politics, that it is the capitalists who resort to force and violence, if and when they see their position being encroached upon by the workers' use of the democratic and constitutional methods of political change. Now, this is
merely a pessimistic view which may or may not be justified, but which I do, undoubtedly hold as a result of, I repeat, my experiences in British and European politics. Whether or not it applies to the American scene, I must leave to your judgment Mr. Inspector and to the judgment of other American citizens. I have repeatedly said this to my American audiences in the course of my lecture tour. All I can do is to give them the facts of my experience in my own country and in Europe; it is up to them to judge whether or not these facts have a bearing on the American situation.

In further exposition of Mr. Strachey's views, the defense attorneys inserted into the record a letter addressed to the New York Herald-Tribune in reply to comment by Walter Lippmann, and a stenographic copy of a typical speech delivered by Mr. Strachey on "The Struggle Between Capitalism and Communism" (Denver, Colo. about Feb. 7th).

Examination by Mr. Bernhard of Mr. Strachey's Opinions

Mr. Bernhard to Mr. Strachey: You are aware, Mr. Strachey, that Henry A. Wallace, the Secretary of Agriculture, wrote a book entitled "Statesmanship and Religion"?

A. Yes.

Q. You are aware also, are you, that on page 82 of that book appears what I am about to read:

"I am inclined to agree with Tawney and Weber that capitalism is a rather natural outgrowth of Protestantism; and I would go farther in saying that socialism, communism and fascism are in turn rather natural developments from capitalism."

A. Yes.

Q. Have you any comment to make on that, Mr. Strachey?

A. Yes, I am honored to notice that Mr. Wallace, like Mr. Bennett, the present Prime Minister of Canada, appears to be coming round to my point of view. In fairness to Mr. Wallace, however, I would point out that he, like me, is not in this passage advocating anything. He is simply stating the facts of the natural and inevitable tendency of events as he sees them.
Q. You are aware, also, that a book entitled "A Primer of 'New Deal' Economics" has been written by J. George Frederick, and that included in that book is a quotation from Harold L. Ickes, Secretary of the Interior, heading, "Social Control of the Sources of Living?"

A. Yes.

Mr. Bernhard: And that quotation is as follows: "The source of men’s living is coming under something like a social control. Life processes, by which I mean factories, farms, mines, transportation and such things, are being transformed from empires controlled by industrial and financial overlords into social enterprises in the output of which there must be a decent sharing by those who do the work pay the bills and consume the output. "Government has to go a new way because the old way is closed forever."

Q. Have you any comment to make on that quotation, Mr. Strachey?

A. Mr. Ickes certainly seems to be going a new way and a long way.

Q. You are aware, also, Mr. Strachey, that a book entitled "Our Next Step—A National Economic Policy" has been written by Matthew Woll and William English Walling?

A. Yes.

Q. And that that book, on page four, contains the following, under the chapter heading, "Is It a Revolution?":

"It is a revolution. For the greatest of revolutions, the economic ones, are neither bloody nor destructive—not even destructive of political forms. Constitutions and legal institutions remain intact—and are gradually transformed and put to new and widely different uses. Just as in war the greatest victories are those which lead to the capture of the enemy's guns and their employment against the enemy, just as political machinery, including old political parties (or fractions thereof) may be captured, as they so often have been in this country and turned against their former bosses."

A. Yes.

Q. Have you any comment to make on that, Mr. Strachey?
A. This passage certainly does show that other people, as well as me, use the word “revolution” in a broad sense. A revolution may or may not involve an outbreak of force and violence used by one side or the other. I have already defined the word “revolution”. I use it to mean the transference of political power from one social class to another, and I gave historical instance in which this transference had been effected without an outbreak of violence, namely, the transference of political power from the English aristocracy to the English middle or capitalist class, beginning with the Great Reform Bill of 1832.

Q. Mr. Strachey, you know that there is a periodical called “The Christian Century” which is published in the United States?
A. Yes.

Q. And that in the issue of January 17, 1934, the following appeared in an article entitled “An Evolutionary Revolution”:
“It may be taken for granted, from this point on, that Mr. Roosevelt and his party will stand for a radical reorganization of our economic system along lines which lead definitely away from capitalism as we have known it, toward an increasingly higher degree of socialization.”

And from page 79 of this issue, in the same article:
“He” (referring to Mr. Roosevelt) “wants recovery, but he wants such a reform of the whole economic system as will enable us to keep prosperity when it is once more returned to us. The old capitalistic system, he sees, is not adapted to present conditions and to present ideals of social justice.”
A. Yes.

Q. Mr. Strachey, if any of those portions of the manifesto, Exhibit 3, or of the Program of the Communist International, Exhibit 4, advocate the overthrow of the Government of the United States by force and violence, do you subscribe to those portions?
A. No.

Examination by Mr. Hays

Mr. Hays to Mr. Strachey: Do you believe in, advise, advocate, or teach, or are you a member of or affiliated with any organization, association, society, or group, that believes in, advises, advocates,
or teaches the overthrow by force or violence of the Government of the United States or of all forms of law?

A. No.

Q. Have you or do you write, publish, or cause to be written or published, or knowingly circulate, printed matter advising, advocating or teaching opposition to all organized government or advising, advocating or teaching the overthrow by force or violence of the Government of the United States or of all forms of law?

A. No.

Q. There has been brought to your attention passages from books by Mr. Wallace and Mr. Ickes and other material indicating certain views. Have you in the United States seen or read a vast amount of literature by others than Communists that indicate agreement with some of your views?

A. Yes, I have.

Q. Does the statement by Mr. Wallace and Mr. Ickes, and other leaders of thought in America, indicate a far-sighted point of view which has carried out a suggested possibility of great social changes in America without violence and through Democratic methods?

A. I would prefer to leave this question to the judgment of American citizens. I think it would be presumptuous on the part of an alien to attempt to teach American citizens on this point.

Q. Did you shortly after you came to America write a letter to Roger Baldwin of the American Civil Liberties Union, stating your attitude in regard to your lecturing in the United States?

A. I did.

Q. I show you a letter dated January 16, 1935 and ask if you wrote that letter to Mr. Baldwin (letter shown to Mr. Strachey)?

A. Yes, I did.

Mr. Hays (reads letter into record):

"Dear Baldwin:

In connection with our conversation the other day I'd like to tell you just how I regard my lecturing in this country and what I am, and am not, doing.

[ 32 ]
The various American lecture organizations which have
hired me to speak to them do not desire from me anything
in the nature of a political speech, and I never attempt to
make one. Indeed, I think it would be quite unbecoming of
me, as a foreigner, even to appear to take part in American
politics in any way. What my audiences want, and what I
try to give them, is a clear and scientific account of various
modern movements of thought such as Fascism or Com-
munism. Further, they want to hear what my view is as to
the causes of modern war. And lastly, they wish me to
analyze the nature of the capitalist system as I understand
it.

Since I resigned from the Labour Party in 1931 I have not,
as I think you know, joined any other political party. But in
my own country I do take part in politics from time to time
and make public speeches in which I urge one course of
action on people rather than another. But I am not in the
United States to do this. I am here earning my living by
means of giving what I hope and believe are informative lec-
tures on the subjects of the day.

Yours sincerely,

(Signed) JOHN STRACHEY.”

Inspector: This is received in evidence and marked Exhibit 18.

Mr. Hays: The date you will notice is long before there was any
suggestion of proceedings against Mr. Strachey.

Summary by Mr. Strachey

Mr. Hays to Mr. Strachey: Mr. Strachey, would you like in short
form to set forth your views as you feel you have presented them
in your books in connection with the question of force and vio-

A. Yes, I would like to summarize my position. I am not a
member of the Communist Party and therefore I have no right
to speak for that party, but to the best of my belief the Communist
Party itself does not favor force and violence. I can speak, how-
ever, for myself and I declare again that I do not believe in or
favor force or violence. What is true is that I cannot conceal from myself the fact that force and violence have been used and is now being used by the capitalist class all over the world. I believe that this use of force and violence has happened and I admit that I believe that it may happen again, but that does not mean that I am in favor of it happening again or that I advocate it in any conceivable way.

On the contrary, I believe that the undeniable fact that an ever growing use of force and violence hangs over the world today is a nightmare to me and to all decent people. As we sit at this hearing today the continent of Europe is on the brink of an outbreak of force and violence between the capitalist governments of that continent. First Europe and then the whole world is in the opinion of every expert observer about to be plunged, if not this year then in some future year, into the inferno of international capitalist war and I cannot conceal from you, Mr. Inspector that I consider that for any capitalist government today to accuse me of advocating force and violence is an insolent presumption.

Every capitalist government today is preparing to use force and violence on an unparalleled scale. They are not merely advocating it, they are using it already and preparing to use it a hundred times more. How can they accuse others of advocating something which they themselves are so busily engaged in doing or preparing to do?

Finally, I should like to repeat that here in America I advocate nothing; I do not advocate force and violence because I do not advocate any political action in America. As I have stated in this record repeatedly, I do not consider that this is the job for which I came to America and I would consider it inappropriate for me to engage in this activity in America. Thus, I would like to place it upon record that if I am deported it will be because the discussion of our vital modern, political and economic problems is now forbidden in the United States of America.

Mr. Hays: That's all, Mr. Inspector.

Mr. Hays: Before we close may I call attention to one thing I feel you have overlooked? The evidence of Mr. Strachey has chiefly to do with his writings. Under Section 137 (d), Chapter 6, Title 8,
THE ATTEMPTED DEPORTATION OF JOHN STRACHEY

U. S. C., the words "who believe in" do not appear and in order to judge against Mr. Strachey you will have to find his writings advise, advocate or teach the overthrow by force or violence of the Government of the United States or of all forms of law. As to Section 8, that does not merely involve his writings. In connection with that you will have to find not that he believes that violent overthrow will happen but that he believes in that happening in the sense that he advocates it. It won't be sufficient to find that certain things are his view of the course history will take—you will have to find that he believes in history taking that course and advocating that course to the exclusion of constitutional methods.

You have two sources of evidence, one his writings, to which I have referred, the other his testimony as to his beliefs. His testimony is clear to the effect that he is merely judging from the course of European history what may happen and that he is advocating no course whatever and favoring no course whatever in connection with the political or economic changes in the United States.

Samples of Press Comment

Suppressing Mr. Strachey

(New York Herald-Tribune March 14, 1935)

There is so rich and fruity a flavor of the absurd over the whole affaire Strachey that it is not easy to treat it with the solemnity appropriate to such weighty issues. This brilliant young Englishman has been appointed a kind of unofficial practitioner of theoretical communism by the book clubs and lecture audiences of our capitalistic land; the discussion groups have taken him to their bourgeois bosoms, and he has been making quite a good thing out of it, in a strictly capitalistic way, while awaiting that "coming struggle for power" which he has so vividly proclaimed. He arrives in a blaze of publicity; he is reviewed and interviewed at length, he preaches the downfall of capitalist civilization extensively to all the best people and then, in the latter stages of a tri-
umphant and harmless progress, he runs bang into a *contretemps* which is pretty ridiculous itself. The Department of Labor suddenly awakes to a dawning suspicion that the communistic Mr. Strachey may be a communist.

It nabs him; and the final element of the absurd is found in the fact that apparently it has no option. Mr. Strachey has fallen into the toils of the savage and un-American statute passed during the great post-war Red scare and largely interpreted by court decisions dating from those hysterical days. Maybe he can wiggle out of the snares thus set for the long-haired emissaries of the Third International; but at first glance it is not easy to see how. He may prove that he didn’t make false statements to the Immigration officers; but the statute is still mandatory that he must be deported if he is an alien who is “a member of or affiliated with any organization, association or group that believes in, advises, advocates or teaches” the forcible overthrow of the government. If he can prove that he is not a member of, or even “affiliated with,” the Communist party he must, none the less, under a farther provision of the statute, be hurled forth upon his ear if he even “believes in,” to say nothing of advising, advocating or teaching the forcible overthrow of the American government. He may argue that he has never said a word about the American government and doesn’t believe in forcible overthrow of governments anyway; he will find there are court decisions which make even this a very dubious defense once he has admitted that he is a supporter of communism. The statute was obviously not intended primarily for the entrapment of Stracheys, yet it looks very much as if Miss Perkins would, under the law, have to give Mr. Strachey the gate.

The episode seems to us an illustration of the fantastic difficulties always sure to flow from the effort to legislate against men’s thoughts, beliefs and speech. The constitutional guarantees do not in this case protect Mr. Strachey, who is an alien; nor, perhaps, will Mr. Strachey’s own fate be regarded as a matter of any momentous importance. Equally it may be admitted that the propaganda techniques of today raise new problems in the application of the basic principles of free speech and thought. But this rather comic-opera revival of the post-war statute is only an illustration of a growing tendency in the United States not to face
and solve the problem, but to try to short-cut it with gag law. If the American system and American principles of government mean anything, they must mean that our surest defense against "dangerous thoughts" is always in the maintenance of conditions of life and freedom that will leave them no ground to grow in. Suppression is always a confession of failure; it is an announcement that those who advocate it have lost faith in themselves and in the validity of their institutions.

The Strachey Case
(N. Y. Times, April 1, 1935)

On Friday our Government notified Mr. Strachey that the proceedings against him had been dropped and that he was free to sail for England as he had planned. This is the end of a case which leaves our authorities looking pretty shamefaced, for they had arrested Mr. Strachey on charges of which they could give no shadow of proof. He had been arraigned as an alien subject to deportation because, in the terms of the law, he "advocated or believed in the overthrow of our Government by force." He vigorously denied the accusations and asked for a hearing. But the Government ignominiously abandoned the case which it had begun with so much clamor, and in the act tacitly admitted that it had no evidence worth the name.

The professed aim was to put down and terrorize the Reds. But the result was to give them a grand advertisement which they could have got in no other way. It is not so hard upon Mr. Strachey as it is upon the Americans who had to await the mortification of seeing this official blunder and its shabby outcome. They were by no means followers or admirers of Mr. Strachey. But they believed in free speech within the limits of the law, and it was difficult for them to believe that the Federal authorities could have put him under arrest without being able to adduce some violation of the law on his part. That they could not do it and let the whole case break down was a disgraceful display of prejudice and incompetence by them at the same time that it left Americans with a sense of humiliation.

It has been more than hinted that in this matter the Administration yielded to strong pressure from the American Legion
and other patriotic societies making common cause against Communists. It has even been said that it was quietly and unofficially intimated to Mr. Strachey that his prosecution was not seriously intended, that it was little more than a sop to the veterans and would soon cease to annoy him in any way. Whether this is true we do not know, but we do know that organizations of ex-soldiers have besieged and besought Government officials to do something spectacular against the Reds. For a time the Strachey case seemed to be just what was wanted. But now it has expired in the midst of a general belief that it was brought in a spirit rather of malice than of justice, that it was handled in a way to put to shame all who had to do with it, and that it ended with a general conviction that it never should have been taken up, and that the manner of its disposal was matter for national chagrin and reproach.

An Open Letter to the United States Commissioner of Immigration

(Santa Barbara Press, March 23, 1935)

Colonel Daniel W. MacCormack,
U. S. Commissioner of Immigration,
Department of Labor,
Washington, D. C.

Dear Colonel:

I have just read the terrible news in an Associated Press dispatch.

Good gracious!

To think your department was clever enough to find out that John Strachey is a—ss-ss-sh—Communist!

Of course everyone else in the world who can read the English language has known that for, lo, these many years. But for your department to ferret out the fact shows an unexpected intelligence.

We note with satisfaction that in your indictment of him you make the following statement:

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THE ATTEMPTED DEPORTATION OF JOHN STRACHEY

In one of these publications he uses the term "we Communists" and in another refers to himself as a "Communist drummer" in these words: "... a Communist drummer, for that is what I am at the moment, peddling Marxism instead of pink pills."

That's pinning it right on him, Colonel, old boy. Let's see, isn't it the U. S. Immigration Bureau that the movies always have something about "they always get their man?"

Well, sir, Colonel, you wouldn't believe it but—ss-ss-sh, just between you and me—John Strachey was right here in Santa Barbara last month. Yes, sir!

And, not only that, Colonel, but he gave a lecture at Rockwood, under the auspices of the Santa Barbara Woman's Club (they ought to be ashamed!) on the perils of Fascism.

Worse still, Colonel, instead of wearing long whiskers, boots and a fur coat, so we would know he was a Communist, he was clean-shaven, his hair was neatly brushed and he wore well-fitting dinner clothes.

The hall was jammed. We don't believe there were more than a dozen Communists there. A careful assay of the crowd would probably show the following:

    Republicans 78 percent, Democrats 12 percent, Socialists 2 percent, Fascists 1 percent, Utopians, Anarchists, Technocrats, Buddhists, Platinum Blondes, Single Taxers, Communists, EPICers, Dirt Farmers and Tenors, a trace.

Most of the women were in party gowns and many of the men wore formal dress. What is more, they all seemed to like the lecture.

A prominent banker said, as he was leaving: "His logic was unanswerable."

A widow whose fortune is well over a million said: "What a delightful sense of humor."

A hard-boiled businessman who always has, and always will, vote the straight Republican ticket said:

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"I don't imagine Strachey made a single convert. But he gave us all something to think about; and what all of us need is to learn the other fellow's ideas first-hand."

But you haven't heard anything yet, Colonel.

After the lecture about 30 or 40 men and women gathered at a well-known home (Republican) in Montecito and there actually conversed and argued with this former member of the British Parliament.

And while he was here he was guest in another prominent Montecito home (Republican.)

Of course, Colonel, there is only one thing for the U. S. Immigration Bureau to do.

You must quarantine both Santa Barbara and Montecito at once! (We understand Communism is "catching.") And you must see that every one who came within a block of John Strachey is promptly inoculated with an anti-Communist virus. (I was vaccinated years ago, but I don't suppose that counts.)

As for Strachey's book you mentioned, "The Nature of Capitalist Crisis." We never even heard of it. But now that you've mentioned it, I—in common with tens of thousands of other Americans—will promptly buy it and read it. (adv.)

Congratulations, Colonel, old top. You and your bureau deserve the thanks of every true American. We must keep this country safe—for the Huey Longs, the Upton Sinclairs, the Theodore Bilbos and the rest of the hundred-percenters.

Excitedly,

THE EDITOR.

P.S.—Have you ever given any serious thought to naming Gracie Allen as assistant immigration commissioner?