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October 15,1938.

Personal

Dear Mr. Burlingham:

I have your note of October 14th. I think that within the next few weeks we will be able to see a little more clearly the real direction which British policy will take. It is rather difficult to figure it out for the present. One thing is certain and that is that if they do not come through on the Anglo-American Trade Agreement very soon it will be a rather significant thing and will, in my opinion, mean that England is destroying the very bases of Anglo-American friendship. This agreement has an importance in the situation which some people do not understand. What happens with regard to the Anglo-American Trade Agreement will be an important signpost of British policy.

I wrote to you yesterday sending you a copy of a letter I had written to Professor Salvemini in the Meta case. I have done what I could.

I note what you say concerning the Strachey visa and am glad you mentioned it. It is really extraordinary that every time something of this kind happens the responsibility for everything is placed on the Department of State and the Department of Labor and it seems to me that liberal elements in this country do themselves and their cause very little good, and our country very little good, in always jumping on the Department of Labor. My own experience has been, and I speak quite objectively, that the average government official is just as conscientious and intelligent and public spirited as the average businessman or others in private professions, and high officers of the Government should not be jumped on when they perform their duty under the statutes in a manner in which they have no discretion.

Strachey

Charles C. Burlingham, Esquire,
27 William Street,
New York, New York.

Burlingham, C.C.

Strachey himself is a very unimportant person and we are making him a very important person in the press, and I know the responsibility is being placed on us, but it is not where it belongs. Strachey applied for a visa at London at our Consulate General and it was granted on the basis of statements which he made. After the visa had been granted, information from sources that could not be ignored came into the possession of the Consulate General, which, under the law, made it necessary for the Consulate General to cancel the visa. Strachey was in touch with the Consulate General in London before he sailed and knew there might be difficulties when he attempted to land in New York, but instead of waiting in London to straighten out the matter there, which was the place to do it, he got in touch over the trans-Atlantic telephone with some people over here who advised him to come and fight the thing out here. So far as the Consul is concerned, he has acted entirely correctly and according to his statutory responsibility. He is charged under the statute with the issuance of visas and he granted a visa to Strachey in good faith. When he later received information from reliable and responsible sources that Strachey had been elected a member of the Executive Council of the British Communist Party, he had no alternative but to cancel the visa. It was not the case of the exercise of discretion. The officers of our Government, I think you will agree, must be bound by the law and there are limits to the discretion which an officer of the Government can use. If there is any responsibility it is in the law and the Consul didn't make that.

I think Walter Lippmann's article and that of Dorothy Thompson on the Strachey matter have been the most sensible that have appeared. It may be that the law should be changed and certainly since the law was passed it has become just as important to cover Fascist and Nazi proclivities as well as Communist. But the law is there and for the present it binds the officers of our Government. It is not a question of what we may think about these things. I quite agree that it is better to let a man like Strachey into the country for he cannot do any considerable harm. I quite agree too that by carrying through the law it has been possible for Strachey to advertise himself and his book. We are not unmindful of all that, but if we were to disregard the law we would be even more to blame than we can be

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for giving Strachey an opportunity to advertise himself.

The suggestion that Strachey's visa was cancelled to please the British Government is so fantastic that I do not think any serious person would consider it. No one regrets all this fuss over the Strachey visa more than we do, but we are powerless in the matter.

With all good wishes,

Sincerely yours,

A-M:GSM:MJ