

*33. Memorandum from External Affairs Legal Adviser to Prime Minister*

Ottawa, January 30, 1918

1. I left Ottawa Saturday afternoon, January 26, and reached Washington on Sunday evening. A heavy snow fall having delayed my return by 24 hours, I reached here today (Wednesday) at noon.

2. At the Embassy I discussed the proposal for a Canadian War Mission with Mr. Colville Barclay, *Chargé d'Affaires*, and Sir Richard Crawford, Commercial Adviser, showing them the draft Report to Council.

3. They raised no sort of difficulty and Mr. Barclay undertook to inform the State Department of the proposal in a general way. At first he proposed to say to the State Department that the Chairman of the Canadian War Mission would act "under" the Ambassador. In answer to this I requested that he should either employ some other phrase or, better, that the point should not be mentioned at all as it seemed unnecessary. Finally the latter course was agreed on and it was also understood that if the State Department asked any question on this Mr. Barclay would merely reply in some vague fashion.

I did not go into any great elaboration of this point with the Embassy nor did they seek to enlarge upon it. In this respect the device of making the Chairman of the Canadian War Mission "directly responsible to the Cabinet" is I think useful. It would scarcely be congruous to speak of him as being "under" any other individual. Lord Northcliffe, when he was sent out by the War Cabinet as Head of the British War Mission, was not, one gathers, considered to be "under" the Ambassador.

4. As instructed I also said that it would be better that the Canadian Government should make its own communication to the Imperial Government concerning the proposals, and it was accordingly understood that the Embassy should not say anything to the Foreign Office.

5. The only point raised at the Embassy as to the wording of the draft Report to Council concerned the words in paragraph 3, "to establish and maintain the friendliest possible relations not only with the United States authorities but also with the other British and Allied representatives in the United States". They thought the inclusion of "British representatives" in this clause conveyed an undesirable implication, and added something—which I did not clearly understand—about such words being more applicable to a treaty. As the paragraph seemed practically the same without it I thought the clause might be dropped altogether. As will be seen later, however, a rewording of this paragraph was suggested from another quarter.

6. In the 7th paragraph of the draft, which empowers the Chairman, "in complete consultation with His Majesty's High Commissioner and Special Ambassador at Washington, to conduct negotiations with the Government of the United States relating to affairs which, while directly concerning Canada, may also affect the interests of the British Commonwealth