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EFFECT OF CHANGE OF GOVERNMENT

ON APPOINTMENTS

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Effect of Change of Government on Appointments

During the thirty-five-year period from 1922 till 1957, with only two exceptions, there was a Liberal Administration in Canada. The exceptions were Conservative Administration under Mr. Meighen for three months in 1926, and under Mr. Bennett from 1930 to 1935. Under Mr. Meighen's earlier Conservative leadership (1921-22) there was of course no real diplomatic representation abroad, and questions of diplomatic procedure barely arose. Under Mr. Bennett's regime, there were already established Legations in Washington, Paris, and Tokyo, and the High Commissioner's Office in London with virtually diplomatic status; there was also the semi-diplomatic Advisory Office in Geneva. No new posts were opened.

In British practice, the majority of diplomatic heads of Mission were customarily career men, and, generally speaking, they did not suffer by changes in the Home Government. They remained in their current posts, unless transferred in a normal routine way to another diplomatic post. Only the senior posts of Washington and Paris were sometimes liable to be filled by political or "outside" appointees designated by the Government of the day. On the whole, there was no political interference in the career incumbents' position and he had the normal Civil Service security, until the normal retirement age of 60.

In American practice, where most of the senior diplomatic positions were held by political or

patronage nominees of the government of the day,* it was and is the customary practice, on a change of President or Government, for each diplomatic Head of Mission automatically to submit an open letter of resignation to the incoming President, thereby enabling him, if he so chooses, either to replace the former diplomatic incumbent by a new patronage appointment of his own selection and political affiliations, or to renew the appointment of the man in office. This practice extended even to those American Heads of Mission, usually in the smaller or less important posts, who were career diplomats.

In Canada, the question of "permanency" of office for Canadian diplomatic representatives was not officially debated, on a basis of principle, until 1930, and only then over a misapprehension - the erroneous belief that the Minister to France, Mr. Roy, intended to retire.

The young Foreign Service was being built up on the basis of Civil Service appointment, which meant permanency and security as long as work was satisfactory, till the compulsory retiring age of 65, with superannuation pension thereafter based on contributions to a Superannuation Fund while in official service. Diplomatic representatives who were Foreign Service Officers could be transferred from post to post, but in principle they were not liable to dismissal or enforced retirement

* Largely, it may be said, because the larger posts were too expensive to operate by most career Foreign Service Officers, whose allowances were not adequate to meet the social and representational expectations of the post.

at the whim of a government. On the other hand, they were not to participate in politics or publicly to show partisanship.

Until the appointment of Mr. Desy, a Foreign Service Officer, as Minister to Belgium and the Netherlands, in 1939, the question of tenure of such a Civil Service officer at a post did not arise. There were no "career" Heads of Mission. The nearest analogous incumbent was Dr. W.A. Riddell at Geneva, whose appointment, though outside the Civil Service examination system, had placed him virtually inside the permanent service of the Department of External Affairs (like Wrong, Beaudry, Stone and a few others).

Doctrine

The question of "permanency" of office did, however, apply to the Heads of Mission politically appointed prior to 1939 and until the commencement of "career" appointments. In London, Washington, Paris, and Tokyo the Heads of Mission had been necessarily government appointees, under Order-in-Council. Except in respect to London and Geneva, the Canadian Ministers to Washington, Paris and Tokyo, while political appointments on the recommendation of the Governor-in-Council, at the same time were commissioned by the King and were representatives of both their own Government and of the Crown in respect of Canada.

This opened up a consideration of their permanency of status, under change of Government, and

some interesting debate in 1935.

Mr. R.B. Bennett, at that time Prime Minister, stated his views in the following words:

> Frequently I have endeavoured to make it clear that in my judgment the position of high commissioner in London is entirely different from that of a diplomatic representative of Canada. One is surely a representative of the government and the other a representative of the Sovereign. The diplomatic representatives who serve us at Tokyo, Paris and other countries are not necessarily representatives of the government, in the narrow political sense. I have acted upon that. If the doctrine suggested had been acted upon we would have retired Sir Herbert Marler from Tokyo and Mr. Roy from Paris shortly after we took office. That has not been done. They have continued in their positions because they were representatives not of a government but of the country and the King. So long as they continued to discharge their duties in a manner acceptable to the government their former political faith we believed should not be the governing factor in connection with their retention in office. We have acted on that principle.
>
> I make clear the distinction between the diplomatic position that a minister who serves his country occupies and the position of high commissioner. It has never been the case in England that a minister is retired because there has been a change of government, so far as I have been able to ascertain. If the minister is thought not to be the best available appointment for a particular position he is transferred to another post and somebody else takes his place. That is my information from enquiries.(1)

Mr. Mackenzie King, then leader of the Opposition but soon to become Prime Minister again, accused Mr. Bennett of having expressed different views.

> The diplomatic service is somewhat different from other branches of the public service. I have heard my right hon. friend say - he said it expressly in connection with the London appointment - that in making an appointment to that position

(1) H. of C. Debates, July 3, 1935. IV. p.4204.

no government should be expected necessarily to retain the appointee of a previous administration, and that there should at least be an opportunity to a new administration of making an appointment of some one who would be persona grata to itself. That I believe was a perfectly sound point of view.

Mr. Bennett interposed: "That was limited to political appointments, and did not apply to diplomatic appointments."

Mr. King continued:

May I say that what my hon. friend is contending for may be perfectly sound where diplomatic appointments are made under Civil Service requirements and in accordance with Civil Service rules. But I believe the circumstances are entirely different where an appointment is being made to the diplomatic service, of any person who has not up to the time of such appointment been in the diplomatic service, and where such appointment is not in the nature of a promotion within that service.

Mr. Lapointe, the former Minister of Justice, contributed his views:

I do not like to enter into a controversy with my right hon. friend as to the status of the ministers representing Canada in foreign countries. He states that those who are diplomatic agents are in a different position from the high commissioner, and seems to suggest that it is not necessary that they should represent their government to the same extent as the high commissioner. Well, the ministers, like the ambassadors, are appointed by a commission under the great seal. They are not ordinary public servants. They are envoys, they are plenipotentiaries, sent to represent this country in a foreign country, and are subject to recall at any time. . . My right hon. friend might have done it. They are ambassadors, they are plenipotentiaries, and the country that sends them surely can recall them at any time. Their country is forced to recall them and to issue what is called letters of recall when the country to which they are accredited desires that they be recalled.

Mr. Bennett: That is very seldom done. There has been only one case on the American continent.

> Mr. Lapointe: So far as being forced to recall them, that is very seldom done, but in the diplomatic service of any country which has a large number of ministers they are being recalled all the time. As a matter of fact, France since the opening of its legation here has had three ministers within seven years. Mr. Knight was recalled and was replaced by Mr. Arsene Henry; Mr. Henry was recalled and was replaced by the present minister. Of course the case is different with Canada because we have only three ministers, but the doctrine is the same. They are, under international law and practice, envoys, and may be recalled at any time; there is no question about that. . . I agree with my right hon. friend that the minister represents the King, but he also represents the government. The King appoints the minister upon the recommendation of the government and he negotiates for the government and represents the government in everything concerning the public business of his country in the foreign country to which he is accredited.(1)

Practice

With these enunciations of doctrine by the leaders of the Conservative and Liberal parties, it is of interest to see how they were applied in practice. There were some inconsistencies, and exceptional circumstances which made consistency difficult. In 1935 and 1938 the question of Mr. Roy's recall and retirement came up together with a question of a special pension for him; but these aspects were based on his age and infirmity, and not on political grounds, or due to change of government. The question of recall and replacement on political grounds was interestingly debated, but, in fact, had current applications to only two incumbents, Mr. Roy in Paris, and Mr. Marler in Tokyo. To some extent they established precedents, both

(1) All these extracts from H. of C. Debates, July 3, 1935, IV, pp.4203-4206.

of principle and of practice.

Leaving aside London, the question had not been an issue in 1911, when the Laurier Government was succeded by the Borden Government, for there was no diplomatic representative, other than the Commissioner-General at Paris. The question did not arise during the shortlived administration of Mr. Meighen, for there were still no diplomatic representatives except the High Commissioner at London and the Commissioner-General at Paris. The question first arose only in 1930, when Mr. Bennett's Conservative administration succeeded Mr. King's Liberal administration, at a time when there were three diplomatic ministers serving abroad, an Advisory Officer in Geneva, and a High Commissioner at London.

The London Post

The High Commissionership in London had always, and by both political parties, been regarded as exceptional. It was regarded, almost unquestioned, as a political office, closely integrated with and representative of the government of the day, in Ottawa.(1) Mr. Bennett summed up this traditional assumption, without denial by Mr. King, when in 1935 he said:

> In the case of the high commissioner at London I think that the position can be put very simply. He under statute is a political officer. The statute itself indicates that he is a representative of the government, and in

(1) For a review of this question, see Skilling: Canadian Representation Abroad, pp.101-104; 118; 267-270. Also H. of C. Debates, May 15, 1931.III. p.1647.

> the very nature of things he is more closely in touch with the government and with their policies and views than any man who occupies a purely diplomatic post. He has under the statute to deal with so many matters that it is quite clear that it is so. It is an old story now but we certainly did inform Mr. Massey that we thought he should retire from the post to which he had been appointed in the closing days of the former administration, and he did retire accordingly. I think on second thought most men would realize that that was a sound position. I feel perfectly certain that the present high commissioner in London /Mr. Howard Ferguson/ in the event of a change of government will regard it as his duty to retire at once, and I feel equally certain that whether he did or not he would be retired.(1)

In 1930, the post of Canadian High Commissioner at London was vacant in consequence of Mr. P.C. Larkin's death on February 3, 1930. Mr. Lucien Pacaud, Official Secretary, became Acting High Commissioner. Prime Minister Mackenzie King appointed Hon. Vincent Massey, then Minister at Washington, by Order-in-Council dated July 24, 1930. The same Order-in-Council also advised that there be issued a letter of recall of Mr. Massey from his post in Washington. "The way in which a Minister is withdrawn is not by order-in-council. He has his letters of recall signed by the sovereign on the application of the government affected, and in this instance the letters of recall were actually signed on the day this /Bennett/ government came into office. They subsequently came back to Ottawa from London; they were signed on the 7th day of August, 1930." (2) Actually, the letter of recall of Mr. Massey was not

(1) H. of C. Debates, July 3, 1935, IV., p.4204.

(2) R.B. Bennett. H. of C. Debates, May 15, 1931, III., p. 1658.

presented in Washington until the appointment and arrival of the new Minister, Mr. W.D. Herridge. In theory, therefore, it was contended that Mr. Massey technically had not ceased to hold his position as Minister to the United States, although in fact the Order-in-Council of July 24th appointing him to London superseded his appointment at Washington.

According to Mr. King, Mr. Ferguson, in 1930, considered that Mr. Massey, then at Washington, should go to London.

> At the time of the death of the Hon. Mr. Larkin when the government was considering the appointment of a successor I had a long-distance telephone conversation with the Hon. G. Howard Ferguson, the then Premier of Ontario, with respect to a matter on which negotiations were pending. In that conversation Mr. Ferguson said to me: 'If I may be permitted to do so, I would like to make one suggestion, that you appoint Mr. Massey to London as High Commissioner. No better appointment could be made.'(1)

In due course, in 1930, (and subsequently in 1935) Mr.King did appoint Mr. Massey to London.

Mr. Massey was appointed to London on July 24th, three weeks before the Liberal Government was defeated. The new Conservative administration took office on August 7th. A few days later Mr. Massey called on Mr. Bennett.(2) At this interview the new Prime Minister explained his views that the High Commissionership, under statute and by past precedent, was a political appointment representative of the administration in power.

(1) H. of C. Debates, May 15, 1931, III. p.1676.

(2) For circumstances and details of his interview, see Ibid, p.1674,Col.2, 1651.

I intimated that to Mr. Massey and I read to him the statute which enumerates the duties of the high commissioner. Apparently Mr. Massey felt that if that was my conception of the position and he not being, shall I say, a supporter of the policies of the administration, then he should resign. I did suggest that he would not be able to reflect the policies of this government in London in which I should like them to be expressed. Mr. Massey had left a diplomatic office to take a political office, and having done so he felt he could not properly interpret the views of the administration, and therefore he resigned.(1)

Mr. Bennett enlarged on this in a further declaration the same day:

I say that Mr. Massey was not asked for his resignation. He was asked this, however: 'Do you think in view of the fact which I mention you could possibly maintain the confidence of the government, or give it yours?' - and he resigned.(2)

On July 3, 1935, Mr. Bennett declared:

We did inform Mr. Massey that we thought he should retire.(3)

Mr. Massey the next day addressed a letter to the Prime Minister dated August 14th:

I appreciate your courtesy in arranging our conversation of yesterday in answer to my letter requesting an expression of your wishes concerning my appointment to the high commissionership in London.

I left the Legation at Washington and accepted a transfer to London on the understanding that the office of high commissioner was an integral part of our service abroad, differing of course in its procedure from our foreign diplomatic offices but akin to these in the qualifications of its personnel and in the relation of that personnel to the government which it serves. I now realize that our ideas regarding this are at variance. In our discussion on this subject you were good enough to make clear your view that the

(1) Bennett: H. of C. Debates, May 15, 1931.III,p.1647

(2) Ibid. May 15, 1931, p.1651.

(3) Ibid.July 3, 1935. IV. p.4204.

office of high commissioner should be held by someone in close political association with the government of the day, and I understood from what you said that you had in mind plans for this post as a result of which my own appointment could no longer stand. In these circumstances, I, of course, at once offered my resignation from the high commissionership which I now confirm - the resignation to take effect whenever you so desire.(1)

In reply to Mr. Massey's letter, Mr. Bennett wrote on September 16, 1930:

During our interview on August 13th, I informed you that the present Conservative government considered it proper to adhere to the spirit of the statute creating the office of High Commissioner for Canada in Great Britain, and to affirm the policy which has developed under it, by appointing as its representative one who through conviction could fully subscribe to the declared views of the government relating to the conduct of the affairs of this country in Great Britain; and that any departure from that principle could only be justified on the ground of the more effective prosecution of the policies which this government believes should, in the interests of Canada, be maintained and developed.

As it was agreed that you could not personally approve these policies, it therefore followed, in my opinion at least, that they should more properly be entrusted to one who sincerely believed in their effectiveness.

For this reason it has been determined to accept your resignation as High Commissioner for Canada in Great Britain, and in doing so I would ask you to receive the expression of my belief in the high service you have for some years rendered Canada in a position, which from many points of view cannot, as you suggest, be regarded as in purpose essentially similar to the one you now resign.

I may observe that you are in error in assuming that you were transferred from the position of minister at Washington to that of High Commissioner at London. The order-in-council distinctly appointed you High Commissioner under the provisions of a Canadian statute, and is also the authority for directing that application should be made to His Majesty for your

(1) Ibid. pp.1647-8.

letter of recall as Minister to the United States. Such letter of recall is actually dated the 5th of August last /signed on the 7th/. (1)

Thus the London post was vacant except for an Acting High Commissioner, Mr. Pacaud. Mr. Bennett appointed Hon. G. Howard Ferguson, Premier of Ontario.* From what Mr. Bennett later said, he clearly considered the High Commissioner appointment a strictly "political" one, and expected that, on any new change of government, Mr. Ferguson would either promptly resign or, if not, be replaced by the new Administration.

Mr. Bennett illustrated his doctrine as regards the High Commissionership by reference to certain examples:

> When Lord Strathcona vacated the office /retiring because of age/, the Rt. Hon. Sir George Perley occupied it, and during a portion of that time, he was a member of Sir Robert Borden's government. There are those who believe that it is in the interests of this country and of Great Britain as well that the incumbent of that office should be a member of the government of the day in this country. I know that Sir George Perley entertained that opinion and still does, and there are many that share the view. It will be recalled that when Sir George Perley surrendered the office he offered his resignation to my right hon. friend /Mr. King/ and in due course retired. I do not say that, had he desired to remain, the right hon. gentleman might not have permitted him to do so; but I am inclined to say that he would not. It would not have been his view at that time that the High Commissioner in London should be a former member of a Conservative administration and, indeed, I have always felt - there is nothing new about this - that he would have been entirely right in viewing the situation in that light.

(1) Ibid. February 10, 1936, I. p.67.

(*) Mr. Ferguson was appointed by order-in-council on November 28th; he was sworn into office on December 18, 1930.

> Then came the success of my right hon. friend opposite, and with the retirement of Sir George Perley, Mr. P.C. Larkin was appointed high commissioner. . . I do not think that he would have looked upon the office as a political one. He did indicate, however, that had the party with which I was associated been successful in 1925 or 1926 he would have resigned. Whether his resignation would have been accepted or not is, of course, a matter with which the government of that day would have had to deal.
>
> Mr. Larkin died, and the office fell vacant. Mr. Pacaud, as acting commissioner, has discharged the duties of the office, one of very considerable importance, just as he would normally have discharged them had he been merely secretary. He was appointed acting high commissioner and was given a small additional compensation. I may say that he did not receive emoluments and fees that were paid the commissioner, although he discharged the duties.
>
> Then, the office having been vacant from 1929 until July, 1930, Mr. Massey, who was then Minister at Washington, was appointed to the post. It well may be that had the post been started on the basis which my right hon. friend mentions* it could have been maintained as a diplomatic position. . .
>
> Will my hon. friend say that if he were in office tomorrow he would not expect the present high commissioner /Mr. Ferguson/ to tender him his resignation? . . .(1)

To this direct and challenging question, Mr. King replied:

> If the Hon. Howard Ferguson, during four years of office in the United States as the representative of Canada had discharged his duties in the highly acceptable manner that Mr. Massey did, had he gained the esteem and regard of the Canadian people and of the British people to the degree to which Mr. Massey gained it at the time, I should certainly, had he been

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* Mr. King pointed out that the United Kingdom High Commissioner to Canada, Sir William Clarke, was a member of the diplomatic service, appointed to Canada by the Baldwin (Conservative) Government and continuing in office under a subsequent (Labour) British Government. (Ibid. p. 1649).

(1) Ibid. p. 1660.

> appointed to London at a time I came into office, have thought twice before I would have asked him immediately to forego that position. If the Hon. Howard Ferguson were to be asked by me to resign immediately, it would not be on the score of partisanship exhibited before the election, though heaven knows that no man ever exhibited more in the way of partisanship; it would be for the manner in which he has discharged his duties of high commissioner since he has been in London.(1)

Mr. King also cited the example of Lord Strathcona, appointed High Commissioner to London by the Tupper Government, continuing throughout the whole of the Laurier Government, of which he was a political opponent, and continuing for some time under the Borden Government.

On the return of a Liberal administration, Mr. Ferguson promptly resigned, and Mr. Massey was again appointed by Mr. King to the London post, where he served for the next eleven years.*

Although the precedent of appointing a political henchman (or even Cabinet Minister, as in the case of Tupper and Perley) of the party in office, to the High Commissionership in London, was upheld by both Mr. Bennett and Mr. King (and subsequently Mr. Diefenbaker), the apparent tradition was broken, however,

(1) Ibid. p.1665.

* This procedure was again adopted with the next change of Government in 1957, when the Conservatives under Mr. Diefenbaker returned to office. The post in London had been vacated by the transfer of Mr. Robertson as Ambassador to Washington. Mr. Diefenbaker repeated Mr. Bennett's step, and appointed the former Premier of Ontario, Mr. George Drew, as High Commissioner to the United Kingdom.

for a number of years after 1946, during the King regime, when non-political "career" officers were appointed as High Commissioner (e.g. N.A. Robertson 1946-49, L.D. Wilgress 1949-52, and Robertson again 1952-57). It was thought during that decade that a new tradition was being established and that the High Commissionership in London - as to most of the other Commonwealth capitals - was to be regarded as a diplomatic appointment for "career" diplomats. But this proved to be the exception rather than the rule.

The Paris Appointment

The Hon. Philippe Roy, Commissioner-General of Canada in France from 1911 and Canadian Minister from 1928, fared somewhat better, and enjoyed such permanence of office that he served in the Paris post for twenty-seven years, under various governments, and voluntarily retired only when seventy years of age and incapacitated by deafness and poor health. He delayed his retirement until he was conceded a parliamentary grant of a $5000 ~~a x year~~ annuity for the rest of his life.

Mr. Roy was appointed to Paris by Sir Wilfrid Laurier in May, 1911. A change of government took place in Canada in September of that year, when Sir Robert Borden took office, but Mr. Roy was continued in his position.* He remained under the Unionist Government,

* Mr. King: "My recollection is that after the Conservative government was formed in 1911, the late Sir George Foster went to France on an important mission. Sir George had been strongly prejudiced against Mr. Roy, possibly because he believed there must necessarily be partisanship inasmuch as Mr. Roy was an appointee of a Liberal government, but Sir George came back from Paris feeling very strongly the other way. He had found Mr. Roy's services invaluable, and also that Mr. Roy himself held the confidence of the French ministers to a remarkable degree. I believe that it was in large part Sir George's influence which was responsible for Mr. Roy's continuance in office." (Ibid, p.3260).

under Mr. Meighen's Government, and under the first Mackenzie King administration. In 1928 Mr. King appointed him Minister Plenipotentiary to France, and he thus became both representative of the government and of the Crown.(1)

When the Bennett regime came into office in 1930, Mr. Roy was left undisturbed at his post. Mr. Bennett declared:

> Mr. Roy has remained in office since August 1930, notwithstanding the fact that I have believed that at times his physical condition was not such, because of his poor hearing, as would enable him to function as he should like. He has remained there because he has discharged difficult tasks with success. . .(2)

On May 26, 1938, Mr. Bennett said:

> I am not unmindful of the service rendered by Mr. Roy. He was rather an extreme partisan, which is something that cannot be readily avoided at times; but Mr. Roy's contacts with the world in Paris have been of great value to the country. . . Had the course been followed, which the minister expected, namely, had he in 1930 been removed from office, or recalled - and it will be remembered that the Minister of Justice made some observations regarding that matter three years ago . . . I am quite sure that if conditions had been reversed in 1930 the minister to France and the minister to Japan would have been recalled, judging by what the Minister of Justice said in 1935. I took the other view. I believed, as I still do, that notwithstanding the known political views of those who held those offices, it was highly desirable, especially when we were just at the beginning of our new experience in appointing ministers, that we should endeavour to do the best we could. I am not unmindful of the censure I received from my own friends, and I sometimes wonder whether or not I was right in taking the view I did. Nevertheless, they remained and discharged their duties I think in the main satisfactorily, so far as I know. (3)

(1) ~~Ibid~~ Mr. King: H. of C. Debates, May 26, 1938. III. pp.3260-1.

(2) Ibid. July 3, 1935, p.4201.

(3) Ibid. May 26, 1938. III. pp.3258, 3260.

Skilling incorrectly mentions that Mr. Roy had originally been appointed by a Conservative Government. Mr. Mackenzie King, replying to Mr. Bennett's charge of Mr. Roy's partisanship, said:

> When he speaks of Mr. Roy's services as having been of a partisan nature I am afraid we must part company. Mr. Roy was appointed at the beginning of 1909,* and Sir Robert Borden took office in 1911. Mr. Roy's services had already apparently been of such a character that Sir Robert felt it was desirable to continue him in a position which corresponded with that of high commissioner in London. Mr. Roy was continued throughout the period of the Great War, and after so long as Sir Robert continued in office. When Mr. Meighen succeeded Sir Robert as Prime Minister and Secretary of State for External Affairs, he too, retained Mr. Roy in that position. . . When the Liberal administration took office Mr. Roy was continued, and my right honourable friend retained his services when he took office. I believe Mr. Roy has endeavoured to serve all governments conscientiously and faithfully. I suggest the long record of a service of twenty-seven years under different governments and through most critical times distinguishes Mr. Roy as a faithful public servant. (1)

The Tokyo Appointment

Besides Mr. Roy, the only other Minister holding office at that time (1930) was Mr. Herbert Marler, who had been appointed by Mr. King and had taken up his duties in Tokyo the preceding year. Mr. Marler had formerly been active as a Liberal, had been a member of the Liberal Cabinet for a brief period, and had been elected as a Liberal member of Parliament before resigning to go to Japan. If the American precedent was to be followed, Mr. Bennett had the opportunity of either waiting for Mr. Marler's voluntary

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* Mr. King (later): "I should have said 1911".

(1) H. of C. Debates, May 26, 1938. III. pp.3260-1

proffer of resignation, or of asking him to resign and replacing him by a Conservative patronage appointment. During the previous years, Mr. Bennett had made criticisms, partly of the Liberal Government's opening of a Legation and appointment of a Minister in Japan, and partly of Mr. Marler personally as Minister.

Mr. Marler, confronted with the fact of the change of government, debated whether, following American practice, he should voluntarily submit an open resignation to Mr. Bennett, i.e. place his post at the Conservative Prime Minister's disposition; or whether to take no action on his own part. He decided on the latter course. He argued to himself that, once having been appointed to a diplomatic post, he ceased to have any party complexion or connections; he was a representative of Canada, and not merely of the Liberal Administration or of the Prime Minister; his appointment was made in the name of the King, and therefore was above party. By virtue of his diplomatic position, he had become "neutral" in politics, and was a representative of the Crown in Canada. He saw no reason, therefore, why he should voluntarily resign under a new Conservative Administration. If he was to be removed from his diplomatic post, he felt, any onus of retirement, recall or dismissal should be on the Prime Minister, but not on himself. Moreover, by taking such a voluntary step, he would be setting up a serious precedent, on the United States plan, which might have a permanent effect on all future diplomatic appointments in the Canadian service, at times of governmental changes.

It is known that these thoughts were privately considered by Mr. Marler in Tokyo. Whether he knew of Mr. Bennett's views or intentions at that immediate time is not clear. Mr. Marler had grounds for feeling that Mr. Bennett, the new Prime Minister, might be unsympathetic, in view of past criticisms of the Tokyo Legation. Mr. Bennett's views, so clearly announced in 1935, might not have been so definite in August, 1930. Shortly afterwards Mr. Marler returned to Canada on leave, and saw Mr. Bennett, and may at that occasion have convincingly argued his views to the Prime Minister that a diplomatic change on political grounds would be unwise, unjustified, and a wrong precedent. At any rate Mr. Bennett was impressed by Mr. Marler after his visit to Canada, and frequently thereafter expressed his encomiums and praised his work in the Far East. (In 1934 he recommended to His Majesty the honour of a knighthood, K.C.M.G., for Mr. Marler, as an expression of his confidence, although there were other factors behind this, including Mr. Marler's own importunings for a title equivalent to that of the British Ambassador in Tokyo as a mark of equality).

Mr. Bennett decided not to make an issue or a precedent in this matter. Whether disapproving as in 1927 and 1928, or approving as in 1930-35, of separate Canadian diplomatic missions in general, he decided to retain Mr. Marler in his office as Minister to Tokyo, later justifying this not only with encomiums of Mr.

Marler personally but with emphasis on the very valuable commercial work which Mr. Marler had been doing in Japan and the Far East. For instance, he said in July, 1931:

> I think it is now abundantly clear from the observations that have been made publicly and otherwise by our minister at Tokyo, that the Legation in that place is an adjunct to our commercial activities, and permits him, by reason of his diplomatic position, to have audience - if I may use that term, which I believe would be the proper one under the circumstances - with the authorities of another country, more readily and more expeditiously than could be hoped for if he did not occupy that position. Hence it is that the reports of that distinguished Canadian are so filled with commercial matters, and the concern he has manifested for the expansion of trade and the attendant advantages upon our commercial position by better understanding in foreign countries. (1)

In 1935 Mr. Bennett explained to the House what his views then were, and had been in 1930 when he took office as Prime Minister. Whether his views in 1930 were as positive as he later asserted, is not clear. It is possible that his own doubts or misgivings as to the proper action to take concerning Ministers appointed by a previous administration were crystallized or converted by Mr. Marler himself, during his correspondence and later (1931) interviews with Mr. Bennett.

At all events, Mr. Bennett made a positive declaration in 1935:

> So far as the service is concerned it must be known to all members of this house that the only legation in which there was a vacancy when the government came into office, or where a vacancy

(1) H. of C. Debates, July 30, 1931. pp.4335-6. See also pp.4344.

> has occurred since, was at Washington. Sir Herbert Marler, who was appointed to Tokyo by hon. gentlemen opposite, has remained there and no one has suggested that a change of government should result in a change of ministers. I have not looked upon it that way at all. . . Sir Herbert Marler was appointed by a Liberal administration, but he has continued in office and is discharging his duties to his administration as faithfully as he discharged them to the last administration.(1)

When the King Government resumed office in 1935, Sir Herbert Marler, originally appointed by King, remained at his post until, at his own request, he was transferred and virtually promoted as Minister to Washington in 1936, left vacant with the resignation of Mr. Herridge. By this time Sir Herbert Marler could consider himself, like Mr. Massey, not a political but a career diplomat.

Tokyo being thus vacated, Mr. King thereupon made a new political appointment, selecting the aged and partially blind "grand old man" and Liberal henchman, the Hon. R. Randolph Bruce, wealthy, long retired, who had previously served as Lieutenant-Governor of the Province of British Columbia.

Geneva Post

Apparently the question of retention or termination of services did not arise in the case of the Advisory Officer in Geneva, Dr. W.A. Riddell, with the change of government in 1930 and in 1935. He was regarded as a permanent career officer under the Department of External Affairs. By 1932 he was Dean of the Diplomatic Corps of Permanent Representatives at

(1) Ibid. p.4203.

the League of Nations; he had long been Canadian representative and a Governor in the International Labour Office. His was scarcely a political appointment; he had never been connected with Federal politics at home, having prior to 1920 been Superintendent of Trades and Labour, and Deputy Minister of Labour in the Ontario Government, - executive rather than political offices. There was no reason for his removal on political grounds, or to make room for some other patronage appointment (which could not have been as adequate); and Dr. Riddell was retained in his Geneva posts by Mr. Bennett in 1930, and by Mr. King in 1935.

The Washington Post

There was some ambiguity as to the position at Washington when the Conservatives came into office. Mr. Massey had been the first Canadian Minister there, for three years. Three weeks before the General Election of 1930, he had been appointed High Commissioner to London, (July 24), but had not taken up his position there. He had, however, personally left Washington. His letter of recall was signed on August 7, but had not been delivered. To all intents and purposes, however, the new Administration found the post vacated, but left it unfilled by a new incumbent until June 1, 1931.

As suggested above, Mr. Massey's letters of recall from his position at Washington were signed on

August 7, 1930, but were not presented until nearly a year later. Mr. King argued that, theoretically, Mr. Massey consequently had not been withdrawn from his post; and that Mr. Bennett, therefore, could have retained him. On May 15, 1931, Mr. Bennett declared:

> Had he /Mr. Massey/ remained at Washington he would not have been dealt with differently from Mr. Marler or Mr. Roy. These gentlemen are still occupying their positions as ministers, and Mr. Marler is a former member of the Liberal association. He has not been removed from his office, and it has not been suggested that he should be. Mr. Roy was a former Liberal senator, . . .but Mr. Roy occupies his position still and no one questions it. No one has suggested that Mr. Marler should resign. I have not done so. Nor has anyone suggested that Mr. Roy should resign; I have not, nor has the government . . . The same considerations that moved the government with respect to the positions of Mr. Marler and of Mr. Roy would undoubtedly have moved the administration with respect to Mr. Massey had he remained at Washington.(1)

Later Mr. Bennett repeated that:

> I assure the committee that had the letter of recall not been issued, Mr. Massey would still be Minister at Washington as Mr. Marler is at Tokyo and Mr. Roy is at Paris.(2)

To this, Mr. King replied:

> The fact is at this moment, while we are discussing this matter, His Majesty's letter recalling Mr. Massey has not yet been presented to the President of the United States. . . If my right hon. friend had wished to use the letter of recall as a means of keeping Mr. Massey at Washington, he could quite easily have taken advantage of the fact that at the time the letter of recall had not been presented to the president of the United States; up to the present time it has not been presented, and until the letter

(1) Ibid. pp.1660-1.

(2) Ibid. p.1675.

has been presented, Mr. Massey has not yet been recalled from Washington. The position at the moment is that Mr. Massey has not yet been recalled from Washington.(1)

However, on June 1, 1931, Major W.D. Herridge was appointed by Mr. Bennett as new Canadian Minister at Washington, and by presenting Mr. Massey's letter of recall a short time later, obliterated any doubts of Mr. Massey's position, - if any doubts could have remained after his appointment the year before to London.

Mr. Bennett made the following points showing that Mr. Massey's position at Washington had been terminated by the previous government. First, the Order-in-Council of July 24th appointing him to London had stated that "Mr. Massey has fulfilled his mission"; secondly, that his salary as Minister to Washington had been drawn up to July 22nd, and that he thereupon commenced to draw his salary as High Commissioner; thirdly, that he had moved his furniture from Washington before August 13th, when he first called on the new Prime Minister; and fourthly, that his letter of recall was signed by His Majesty on August 7th on the advice of the late Liberal Government (the day on which the new Government took office).(2)

In the Special Session of Parliament called a few weeks after the election of the Conservatives to office, Prime Minister Bennett, on September 20, 1930, stated:

(1) Ibid, May 15, 1931, p.1676.

(2) Ibid. February 10, 1936, p.67.

> The conception of policy of this government is that the ministers at the cities named, of ministers of France, Japan and the United States are permanent and are not to be subject to changes of administration. That is, the British custom in that regard will be followed, and no action will be taken changing ministers to those countries because of change of administration.(1)

Thus, the question of automatic retirement on a change of government did not arise in the case of Washington. Mr. Bennett had no need to apply, there, any doctrine of compulsory retirement. Indeed, later, he re-emphasized his doctrine that if a Minister had been still holding office there at the time of a governmental change, and was performing his diplomatic duties satisfactorily, there would be no notion of removing or replacing him. He did not believe in an automatic change of representatives (other than in London) on a change of government. "No one has suggested that a change of government should result in a change of ministers."

On the other hand, when the existence of vacancies occurred as in both London and Washington, the opportunity was provided for the new government to

(1) H. of C. Debates, Special Session, September 20, 1930, p.491.

make a new political appointment to the post - especially as no suitable (or wealthy enough) career officers were at that time available.

Mr. Bennett therefore appointed his wealthy Conservative henchman, (a brother-in-law by marriage only a month ~~earlier~~ later), Mr. W.D. Herridge, M.P., as new Minister to Washington. This was so obviously a "political" appointment that it was virtually understood (as in the case of Mr. Ferguson in London) that the appointment would terminate on any future change of government. (When the Bennett Government was defeated at the General Election of 1935, Mr. Herridge immediately resigned. There was no question of Mr. King retaining his services.)

The Washington post was left vacant for the better part of a year, with H.H. Wrong acting as Chargé d'Affaires. Then in 1936 Mr. King transferred Sir Herbert Marler from Tokyo to Minister at Washington. Marler had a Liberal background, but in a sense might also have regarded himself as a non-political career diplomat.

In view of the action taken in 1930 and 1936, therefore, it could be concluded that the Washington post, like London, had a political character. This was confirmed by the appointment of Mr. McCarthy, a Liberal supporter and an especial friend of President Franklin D. Roosevelt.

But the tendency has been reversed by the emergency appointment (on Sir Herbert Marler's illness

and death) of Loring C. Christie (1939-1941) a permanent Department officer, followed by L.B. Pearson, (1944-46), H.H. Wrong, (1946-53),* N.A. Robertson, (1957-58), - all permanent Civil Servants and External Affairs officers. Although all of these were appointed under the continuing Liberal administrations of Mr. King and Mr. St. Laurent, it seems to have been retained by Mr. Diefenbaker, the Conservative leader since 1957.

The substitution, in these years, of career diplomats or Foreign Service Officers for political appointees was of course due largely to the fact that in the comparatively brief diplomatic history of the Department, the "career" officers were now "coming of age" and had matured to the capacities of seniority as Ambassadors, High Commissioners and other Heads of Mission, as had been foreseen from the earliest days. They were qualified diplomats for the senior diplomatic posts of London and Washington, as well as in the majority of other Canadian posts abroad.(1)

Mr. Bennett said in 1938:

> The idea of permanency, the idea of promotion, the idea that men who enter the service in a junior capacity may one day find themselves occupying positions of great authority and importance, I think should be encouraged by every means possible. I say that very frankly. I say it having endeavoured to practice it. I know how earnestly

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* A.D.P. Heeney was appointed USSEA by Order-in-Council, from outside the Department proper, but afterwards was appointed Ambassador to NATO and to Washington.

(1) See Skilling: op. cit. pp.267-70.

> some of these younger men have striven to do their work, looking and hoping for promotion. In the very nature of things promotion is naturally slow, because we have a very small service. . . I think there is no branch of the public service in which there should be a greater endeavour, and particularly as it is a new branch, at least to leave in the minds of those entering the service as a career, that there is an opportunity of promotion which may lead them to occupy positions of importance. It should be understood that those positions are not reserved for those who have rendered services, politically or otherwise, but that they would be the meritorious right of those who have really rendered service in the department. Such promotion I believe will ensure a better service, and certainly a more contented one.(1)

Mr. King endorsed this:

> In regard to the desirability of having a diplomatic service so constituted that men entering the service may look forward to a permanent career therein and to recognition by way of promotion for merit, I am in entire agreement.(2)

Conclusion

Thus, the unwelcome precedent was avoided in Paris and in Tokyo of automatic resignation or recall on a change of government in Ottawa, of formerly appointed diplomatic Heads of Mission, leaving room for new patronage appointments. (The case of Washington and London were exceptional, because of the vacancies then opportunely existing. Mr. Massey had surrendered his post in Washington; he had been appointed to the London post, but had not taken up his duties there.)

(1) H. of C. Debates, May 26, 1938. II. p.3260.

(2) Ibid.

Recall Without Change of Government

Unrelated to the question of precedents on a change of administration in Canada, but somewhat related in connection with the government's efforts to retire a permanent Head of Mission from his post at another time, was the interesting case of Mr. Philippe Roy, Minister to France, in 1935 and in 1938. Mr. Bennett apparently was under the impression in 1935 that Mr. Roy was in failing health or incapacitated by deafness and at the age of 67 should be retired. Mr. Roy was under the impression that this suggestion was made either on political grounds or in order to replace him by a patronage appointment. Both, in fact, were wrong. Mr. Roy declined to resign; and Mr. Bennett withdrew his suggestion that Mr. Roy should resign. The controversy, based on mutual misunderstanding, was the subject both of acrimonious correspondence and of debate in Parliament.

The General Election, (which in the event unseated the Bennett Administration), was due to take place on October 14, 1935. It seems evident that the Prime Minister wished to replace Mr. Roy in Paris before that date, either to install a candidate of his own, or because he believed Mr. Roy was no longer capable of continuing his increasing tasks. It is not clear whether Mr. Bennett had a report, mistaken or not, that Mr. Roy wished to retire - on condition that he be accorded some adequate pension, as he had

no savings to live on, and had served successive governments in France for over a quarter of a century. The formal initiative, however, appears to have been taken by the government in Ottawa, using "age" as the pretext.

With reference to the proposed retirement of Mr. Roy, the Secretary of State for External Affairs (Mr. Bennett) sent the following telegram to Mr. Roy on June 22, 1935, marked "Personal and Confidential":

> Government has for some time had under consideration enactment of regulations regarding retirement of diplomatic representatives. Under British regulations, which we intend to follow generally in this respect, retirement is usual at sixty, which can be extended in some cases to sixty-five. After considering all the circumstances and notwithstanding fact that no contributions to retirement fund have been made, the Canadian Government is prepared to include in Supplementary Estimates provision for payment to you of an annuity of three thousand dollars beginning July 1st. I trust this will meet with your approval. Very early answer would be appreciated as Supplementary Estimates are being introduced this week.(1)

It will be observed that this message gave Mr. Roy only eight days' notice of his instructed retirement on pension. Mr. Roy naturally felt surprised and somewhat aggrieved. On June 25th he cabled to Dr. Skelton:

> In reply to your telegram the government's proposal does not quite meet my approval if my actual salary ceases on the first of July with only one week's notice as I read it in your despatch.. . I could not regularize my official and personal situation here in less than a month. I will have to present official notice of retirement to the French Minister for Foreign Affairs before my successor presents his credentials.

(1) File 109-A-27.

On June 29th the Secretary of State for External Affairs notified Mr. Roy that "Provision for annuity was included in supplementary estimates tabled June 24th"- i.e. two days after the first notification concerning it was sent to Mr. Roy. He also said:

> As regards date when new arrangements will take place it is of course recognized that time will be required for making the necessary official and personal adjustments and for making the necessary arrangements for your successor. It is anticipated that some weeks will elapse before the change but definite arrangements on this point can be effected later.

Dr. Skelton also sent a personal telegram the same day:

> With reference to official telegram of this date, on assumption you accept proposal for life annuity, which in my personal opinion is a very fair offer, I think that in intimating to Government your desire to resign, you need not specify date but suggest that resignation take effect at early date. Immediate reply to official telegram by Tuesday morning at latest is necessary to ensure appropriation providing for life annuity being passed.

Mr. Roy not unnaturally resented this summary notice of retirement and the suggestion that he "intimate to the Government his desire to resign", and on July 2nd telegraphed:

> I have taken time to consider situation your telegram puts me in. This is the first notice that I have had of proposed Government action. I respectfully suggest that new regulations concerning age limit should not apply to representatives already in office and appointed without restrictions, at least should not be made applicable on such extremely short notice. In any case I cannot accept proposed pension as adequate after my 24 years service. Your telegram suggests that I send in my resignation and you want my reply by Tuesday morning. I am not resigning and I hope there is no misunderstanding upon that point, but I realize I must submit to whatever action Government may take.(1)

(1) Ibid.

At this stage, Mr. Roy refused to tender his own resignation on request, but was prepared to submit to summary dismissal if necessary.

Meanwhile, on July 3rd, the item for a life annuity for Mr. Roy of $3000 had been introduced in the External Affairs estimates. In view of Mr. Roy's last telegram, however, the Minister of Finance, Mr. Rhodes, and also the Prime Minister, moved that the item be withdrawn.

During the course of this discussion, Mr. Bennett had pointed out that he understood that Mr. Roy was so impaired by deafness and age that his resignation should be accepted, or even requested. He referred to parallel cases where decrepitude justified retirement from public office.

> Of necessity there must be an age when men should retire from these posts. In Great Britain that age has been settled at sixty; in this country we have fixed that age at sixty-five, and while it is quite true that technically the civil service regulations do not apply to ministers and sixty-five is not an age for compulsory retirement while seventy is, in experience in the older countries it has been found that the age I have suggested is reasonable.(1)

Mr. Mackenzie King and Mr. Lapointe defended Mr. Roy, claimed that his health was improved, and deprecated the suggestion of his recall or imposed resignation. They particularly objected to the thought that Mr. Bennett might appoint a new political minister to France just on the eve of an election in which the government might be defeated.

(1) H. of C. Debates, July 3, 1935, p.4202.

Mr. Lapointe said:

> I know the government can recall him; a plenipotentiary minister is subject to recall. He has to be persona grata not only to the government that receives him but also of course to the government that sends him to the foreign country. But under the circumstances, especially at this time when the government is at the end of its term of office, just before a general election which may bring into power another government, to send to France a minister representative of that future government does not seem to be the fair thing to do. The man who under such circumstances would go there to replace Mr. Roy would be well advised to buy a round-trip ticket.(1)

Mr. King likewise expressed that view:

> Assuming that Mr. Roy is to be retired at some time, however soon or late, I submit that it should not be until after a new parliament has come into being. At that time whatever administration may be in office could indicate its wishes and have them carried out as might be considered necessary. I would certainly feel, however, that if between now and that time an appointment were made to the position of minister in Paris of a person who did not enjoy to the same degree the confidence of a new administration that Mr. Roy has enjoyed, no obligation should or would rest upon a new ministry to retain the services of such a person.(2)

Mr. Bennett declined to recall Mr. Roy, under the new circumstances that had just come to his attention. He said: "Apparently I was wrongly informed with regard to the intentions of Mr. Roy; apparently he does not desire to leave his post, although he has attained the age of sixty-seven." As Mr. Roy had not resigned his post, the item for an annuity was superfluous. Mr. King added: "I must confess to some degree of relief and satisfaction at what I understood the

(1) Ibid. p.4200.

(2) Ibid. p.4204.

Prime Minister to say, namely, that there was no intention to retire Mr. Roy at this time."(1)

As a result of this contretemps, Mr. Roy did not accept the proposed pension, and refused to resign of his own accord; the item for a pension was therefore withdrawn; and the matter was dropped for the time being. The Prime Minister did not pursue his intention to retire or recall Mr. Roy. Three months later the Bennett Administration was defeated.

The whole question was revived again, however, some three years later, when Mr. Roy had reached the age of 70, his wife was failing in health, and he himself was feeling the burden of infirmity and deafness. On this occasion, being more en rapport with the Prime Minister, Mr. King, and the Minister of Justice, Mr. Lapointe, he was more ready to place himself at Mr. King's "disposal" than he had been with Mr. Bennett. Apparently the subject was privately discussed from time to time in Paris.

In January, 1937, Mr. Roy re-opened the question, in a confidential and personal letter to Mr. King, dated January 19th, in reply to one from the Prime Minister of January 5th. Mr. Roy said:

> Your letters are such an inspiration to me - it gives me courage to go on with my work, after twenty-five years service. No one could imagine how unsatisfactory and ungrateful, at times, was my work here from 1930 to 1935. If it had not been for the great affection and confidence I had in Dr. Skelton, I doubt very much that I could have stayed with it.

(1) Ibid. pp.4541 -4547

Sometime ago, since I saw you in Paris, I wrote amicably to Mr. Lapointe, and suggested to him how my future could be settled, and I had asked him to speak to you about it.

I know that you first find it somewhat embarrassing to ask Parliament to vote an adequate pension for me, as I have not subscribed to the Pension fund. I was suggesting that perhaps you would find it more convenient to give me a seat in the Senate, where I could render still some services to you and to our country. But I was adding that in the case a senatorship would be offered to me, it would be very helpful to me in many ways if you would recommend me for an Imperial Privy Councillorship. Naturally this is a mere suggestion; if it clashes at all with what you have in mind, I am readily willing to forget about it.

My dear Prime Minister, this suggestion does not call for an immediate decision - I am feeling better than I did for a long time, and quite willing to stay at my post for another year or two - unfortunately I cannot say as much for my wife. . . I am writing you this crudely, in my own handwriting, not wishing my people at the Legation to know about my private affairs.(1)

In April, 1938, Mr. Roy wrote to Dr. Skelton that his wife was sailing for Canada on April 27 and that he hoped to visit Canada - "my last official visit" - sometime during the summer, when arrangements for his retirement might be discussed.

On July 20, 1938, Mr. King telegraphed Mr. Roy:

Regret delay replying to communications regarding time of your retirement. You will appreciate matter has necessitated careful consideration. It is impossible for government to deal with appointments in any country without regard to transfers and appointments throughout service as a whole. All circumstances considered, we feel that action regarding new posts, re-arrangements, etc., should be taken latter part of September or early October at latest. While we should much like to meet your wishes regarding extension, this, unfortunately, cannot be done unless whole contemplated re-arrangement be delayed. If you feel necessary for you to visit Canada meanwhile, I shall very gladly leave this phase of matter to your own discretion.

(1) File 109-A-27.

On September 3rd, Mr. Lapointe wrote from Paris privately to Mr. King:

> I have had a long talk with Mr. Roy. I believe the reason why he felt rather aggrieved was that he was under the impression that the so-called haste to effect the change here was because we needed the appointment for somebody and were asking him to step aside for that purpose. I explained to him that far from being the case, we did not know who would be the best man to appoint and were rather embarrassed about it, but that the change here had to be made as part of a general scheme of transfers and promotions in the Service and had to be made at the same time. . . His own preference would be to retire finally on December 1st. . .

By this time, Mr. Roy, seventy years old, infirm, very deaf, and separated from his wife, was reconciled to retirement, providing he received an adequate pension. On September 29th, he wrote to the Prime Minister:

> Now that an immediate danger of war seems to be avoided, I wish you would let me know your decision on the date of my retirement from my post. It is important that I should know this a few weeks ahead of my departure. Naturally this would be providing the pension which was voted for me by Parliament during the last Session takes effect as soon as I leave my post. . .
>
> If you refer to my answer to your letter of the 27th August you will notice my desires in the matter. I am entirely at your disposal, my dear Prime Minister, your decision will be accepted in the most grateful way. It will always be a great satisfaction to us both, my wife and I, that we have been at the service of our country under your direction for such a long time without the least friction. . . Our common friend Mr. Lapointe, who will return to Canada shortly, will tell you personally how much I would like to meet your wishes and to accommodate you in the reorganization of your services abroad.

On January 3, 1939, the Prime Minister in a statement to the press announced that "The Honourable Philippe Roy has tendered his resignation of the position

of Canadian Minister to France. His resignation has been accepted and will take effect on December 31st. (1938)"

This case is perhaps of special interest because of the various factors involved. Mr. Roy was abruptly invited to proffer his resignation, on a week's notice, - either on suspected political grounds, or on grounds of his age, or on misinformed grounds of his physical impairment. He refused to submit his resignation, but was prepared to submit to recall or dismissal. He was offered, rather bluntly and hastily, a pension, which he felt was inadequate and unacceptable. As he would not resign on the pension offered, it was withdrawn. The Prime Minister, having failed in persuasion, declined to exercise his power to recall.

In the next stage, however, three years later, greater courtesies and amenities were observed, private discussions took place, a provision of a more generous pension was arranged, and Mr. Roy, then seventy and admitting his infirmity, voluntarily agreed to resignation and placed himself "with gratitude" at "the disposal" of the Prime Minister.

As a consequence, there followed new regulations regarding pensions or retiring allowances covering cases of political appointees to diplomatic posts who did not, like the career officers, contribute to the Civil Service Superannuation Fund.

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CONFIDENTIAL

20.

CANADIAN CONSULAR SERVICE

1940-43

Canadian Consular Service

First Proposals

Professor Skilling has related the early advocacy in Canada for a special consular system which might give greater status to existing Trade Commissioners, which might take over the work performed by British Consuls on behalf of Canadian interests, and which might be substitutes for, or forerunners of, Canadian diplomatic Legations or Embassies. He points out that "as early as 1904 a suggestion was made in the House of Commons by a French-Canadian Member, Honoré Gervais, for the establishment of a consular service. No debate followed, and no action was taken by the Government."(1)

Christie's Suggestion for a Consular Service.

In a lengthy memorandum on Canadian representation in the United States, prepared by L.C. Christie for Mr. Meighen, Prime Minister and Secretary of State for External Affairs, dated October 27, 1920, he said, inter alia:

> 7. The suggestion has been made at different times in the past that the Canadian Government should participate in some way in the British Consular Service. Doubtless it would be impracticable for a long time to do this in an extensive way; but the suggestion certainly seems worthy of consideration so far as New York is concerned. A consular officer is a member of an institution well recognized in international law and practice; his rank and status have certain definite implications which are understood and respected both by the official and business world in every country. Such an officer undoubtedly has greater powers of usefulness than one without

(1) Skilling: Canadian Representation Abroad, p.257. H. of C. Debates, August 6, 1904, pp.8753-6.

formal rank or status. It would seem to be quite practicable to arrange with the British Government for the appointment by His Majesty, on the advice of the Canadian Government, of a Canadian official with the rank of Consul, who should be responsible to and act under the instructions of the Canadian Government. His relations to the British Consul-General could be settled by agreement between the two Governments. If this experiment proved successful it might eventually be extended to cover the other principal consular districts in the United States, viz.- Philadelphia, Boston, Chicago, San Francisco, and possibly New Orleans. It may be mentioned here that so far as the Departments in London are concerned the British Consular Service has a dual capacity. Consuls are appointed by the Foreign Office, since the latter is responsible for British representation abroad, and for the conduct of foreign relations. To the Foreign Office they render through the Ambassadors certain reports on general and social conditions, but they correspond direct with the Board of Trade on commercial matters. There would be certain advantages in pursuing a similar procedure here, but this need not be insisted upon if it would create any difficulties.(1)

In a personal letter to Dr. Skelton dated August 6, 1927, Mr. Philippe Roy, Commissioner General for Canada at Paris, wrote:

I am informed by colleagues attached to foreign embassies and legations in France that the revenue from their consular posts covers and even exceeds the general expenses of all their services administered by the Department for Foreign Affairs. In the case of the United States, I know that the revenue of the American Consulate is greater by far than all the expenses incurred by the Consulate and Embassy at Paris. It seems to me that we should establish a system similar to that adopted by other countries and that in this matter we could with more grace ask parliament to vote appropriations required for the upkeep and development of our representation in foreign countries. I recall that you already mentioned the matter to me the last time I had

(1) File 603-19C, Part I.

> the pleasue of seeing you. I trust that you still have the project in mind. In my opinion the proceeds from the sale of Customs stamps should be turned over to the credit account of agencies in foreign countries which sell them.* This calls for a complete organization which is of the greatest interest.(1)

In 1928, the Royal Commission on Customs and Excise, after a visit to Washington, included in its final report a comment favourable to the establishment of a system of consular agents in countries exporting large quantities of goods to Canada.(2) A Canadian trade mission to Latin America in 1931 found it most unsatisfactory for a trade commissioner, without diplomatic status, to have to establish official contacts through the British Minister, who represented a country competing for those markets.(3) The feeling was growing that Canada should meet this problem by having consuls of her own, unless ministers were appointed.(4) 'It would not seem a very self-respecting situation for a Dominion

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* (i.e. Trade Commissioners' Offices, Consulates or Legations).

(1) File 901-A.

(2) Final Report of the Royal Commission on Customs and Excise. (Ottawa, 1928).

(3) Senate Debates, May 19, 1931, pp.111-3, 115-6.

(4) Ibid. May 20, 1933, pp.134-5; April 30, 1936, pp.218-19.

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to be in', Mr. Vincent Massey stated in 1933, 'to be permanently dependent on Great Britain for these (consular) services'; he urged, when economic conditions permitted, 'the very slow gradual establishment of our own consular service where it is most needed', working in close co-operation, especially during the transitional stage, with the British service.(1) The need for a Canadian consular service was widely recognized and desired, both within the Departments of External Affairs and of Trade and Commerce. In 1938 the Prime Minister publicly intimated that such a service was desirable and under consideration, and that a beginning would soon be made in a small way in different countries. No such action was taken before the War, however, although other Dominions, such as South Africa and the Irish Free State, had long had consuls at certain points."(2)

On March 26, 1938, in answer to a question by Mr. MacNeil: "Has the government considered the desirability of extending our consular service to certain great European and Asiatic countries?" Mr. King replied:

> The question of having a consular service of our own has been under consideration. We have our trade commissioners who perform in considerable detail the duties that consuls generally perform. So far as Europe is concerned I question very much whether this would be the best moment in which to institute a consular service. There are times and reasons for all things. I agree with my hon. friend that it is desirable that we should have our own consular service. I have no doubt that we shall soon begin in a small way, as we have with our legations, to have consular representation in different countries.(3)

(1) October 3, 1933. Proceedings, Canadian Club of Toronto. Vol.XXXI, 1933-4, p.136.

(2) Skilling; op.cit. pp.257-9.

(3) H. of C. Debates, May 26, 1938. III. p.3263.

First Stages

Professor Skilling has amply related the development of an independent Canadian consular service commencing in the early days of the Second World War.(1) This, as he makes explicit, was based on practical and pragmatic grounds of urgent necessity; it was not a planned or doctrinaire system of expanded representation abroad. Indeed it was at that time a provisional and special wartime arrangement, and to some degree it was discontinued (as in Greenland and St. Pierre and Miquelon) when the War ended, or before. Full planning of an organized Consular Service with appropriate regulations and instructions was not undertaken in the Department in Ottawa until 1946, when a Consular Division was created, headed by Mr. Leslie Chance, advised by Mr. K.P. Kirkwood and invaluably assisted by Mr. Harrison Cleveland.

The growth of a Canadian Consular Service passed through three stages. The first stage was a temporary arrangement, based on wartime needs and for only wartime duration; it included the consular posts in Greenland, and St. Pierre and Miquelon. The second stage was the granting of consular powers to certain diplomatic officers abroad as auxiliary to their diplomatic role and functions; it began with the Chargés d'Affaires in Paris and Tokyo in 1940, and this dual arrangement was continued and extended to other posts. The third was the setting up of independent Consulates General in areas where there was no diplomatic representation; the

(1) Skilling: Canadian Representation Abroad, pp.256-260.

first of these was New York in 1943, followed by a Consulate-General at Lisbon (1946) and at Caracas, Venezuela (1946), a Vice-Consulate at Portland, Maine, (1946), a Consulate at Sao Paulo, Brazil, (1947), a Consulate-General at Chicago (1947), and subsequently Consulates General at Shanghai and Manila, and elsewhere.

Greenland

Canadian concern for Danish Greenland after the German occupation of Denmark ran parallel to United States concern, both on grounds of general strategic security, on the necessity of protecting its cryolite supplies for Allied use, and on humanitarian grounds. Closest consultation was made between the Canadian Government, the United States Government, and the Danish Minister in Washington, Dr. Henrik de Kauffmann. The United States Government decided to appoint a Consul and Vice-Consul to Greenland.(1) Dr. Kauffmann suggested to the Canadian Legation that a Canadian representative might also be valuable.

During the first weeks of May 1940 this proposal received urgent attention in the Department. First Dr. Keenleyside urged it, and was supported by Dr. Skelton. The Prime Minister, Mr. King, was then persuaded; and before May 14, the Cabinet had approved.

(1) On May 2 M.M. Mahoney, for the Canadian Minister at Washington, wrote to the Secretary of State for External Affairs: "Normally, of course, the exequatur for a consul in Greenland would have been given by the authorities in Copenhagen. In this instance, however, the State Department discussed the matter with the Danish Minister here, who secured the approval of the two local Governors in Greenland." (Department File 267-J-40(1))

On May 14, 1940, Dr. Skelton gave a memorandum to his Counsellor, Mr. Laurent Beaudry:

> Council has decided to appoint a Canadian Consul to Greenland. The Prime Minister and Mr. Crerar are considering the possibility of finding a competent Canadian of Danish or Icelandic descent. We are sending up the Hudson Bay boat, the 'Nascopie', carrying supplies and bringing back a load of cryolite. She will probably sail next Monday or Tuesday. You will see from the telegram attached that we have telegraphed London about our intentions. Unless there is any strong contrary re-action there, the appointment will doubtless have to be made soon. I should be obliged if you could consider the question of the procedure in making the appointment.

Telegrams to the United Kingdom Government had been sent on May 10th and 11th.

Again on May 15th, Dr. Skelton wrote a memorandum on the question of the appointment of a Canadian Consul to Greenland. Hon. James Gardiner proposed a number of names, men who were experts in Scandinavian matters, language, trade, or official connections. Hon. C.D. Howe recommended other names. Dr. Skelton also noted a suggestion of the name of Mr. Diamond Jenness, an anthropologist, and Professor F.H. Soward, a historian of international affairs. Dr. Skelton's memorandum concluded:

> It is possible we have been attaching too much importance to the question of language and not enough to experience in international work. It had seemed to me that it was not possible to spare any man from our own Service, or to get him to Greenland in time. It now seems that perhaps the best solution might be to send <u>Kirkwood</u> to Greenland. Since the occupation of Holland, he is without any duties of importance, and

> is now in London. He has had long experience in Japan and Holland, and is a level-headed, careful fellow. He served in the last war and is a bachelor. If the Danish supply-ship "Julius Thomsen" now at Kirkwall, is to be sent out to Greenland shortly, with a British guard on board, it would seem possible to have Kirkwood go to Greenland direct on her. Porsild, a native of Greenland, now in Mines and Resources, who is said to be a competent man and who knows Eskimo as well as Danish, could perhaps remain as assistant to Kirkwood and supply the local and language knowledge required.

Order-in-Council P.C. 2111 dated May 21, 1940, provided for the establishment of a Canadian Consulate in Greenland (and also in Paris and Tokyo), and that:

> "under the authority of External Affairs vote, - Representation Abroad - K.P. Kirkwood, Esquire, of the External Affairs Service, be appointed Consul and A.E. Porsild, Esquire, of the Department of Mines and Resources, be appointed Vice-Consul in Greenland. . . , and that appropriate steps be taken to submit these consular establishments and appointments to His Majesty the King for approval.(1)

On the same date a telegram was despatched to Kirkwood in London appointing him and instructing him to sail immediately by the Danish vessel "Julius Thomsen" being detained at Kirkwall.

Form of Accreditation

On May 21st a telegram was sent to the Secretary of State for Dominion Affairs, intimating the proposed appointment and saying:

(1) Ibid.

I assume it will be in accord with usual procedure to have Assignment Commissions issued by His Majesty in names of Kirkwood and Porsild. It is desired reference therein should not be made to Denmark but to constituted authorities 'in Greenland'. It is not proposed, however, that any Assignment Commissionsbe presented to Greenland authorities. In this connection I may inform you that United States Consular Officers sent to Greenland have been issued Assignment Commissions in which reference is made to constituted authorities in Greenland but these Commissions will not be presented to Greenland authorities and United States authorities are of opinion question of Exequatur does not arise.(1)

On May 27th the Dominions Office replied:

Appointment of person named as Consul in Greenland is being submitted to His Majesty for signature, but, in the meantime, it is suggested that the authorities in Greenland should be invited to accord provisional recognition pending definitive appointment. Commission of Appointment, when signed by His Majesty, will be forwarded to you for counter-signature and despatch. Vice-Consuls do not receive from His Majesty Commission but Commission for Consul will include authority for him to make such appointments.(2)

In a formal note dated May 20, 1940, addressed to Governor Svane at Godthaab, Dr. Skelton advised him that:

Mr. K.P. Kirkwood, Second Secretary of the External Affairs Service of Canada is being appointed Canadian Consul in Greenland, and will proceed to Greenland in the very near future. Mr. A.E. Porsild, who is proceeding tomorrow on the 'Nascopie' is being appointed Canadian Vice-Consul in Greenland to assist Mr. Kirkwood. It would be appreciated if quarters could be provided for Mr. Kirkwood and Mr. Porsild. The Canadian authorities would also be grateful if they might be furnished with what they may require on the understanding that the Canadian authorities would recoup the Greenland authorities in this connection.(3)

(1) File 267-J-40. Part II.

(2) Ibid

(3) Ibid.

In Washington, the Danish Minister, Mr. Henrik de Kauffmann, told the Canadian Legation on May 22nd that he had notified the Greenland authorities of the Canadian intention and had received the following telegraphic reply from the Governors:

> We wish to express our sincere appreciation of the interest in the welfare of Greenland taken by the Canadian Government in sending a Consul to Greenland. The Consul shall be very welcome. . .(1)

On May 21st, Dr. Skelton wrote to the Consul General of Denmark, Mr. G.B. Holler, in Montreal, informing him of the steps, and adding:

> I would appreciate being informed whether the provisional establishment of such an office would be satisfactory and whether provisional recognition might be given to the Consul to be placed in charge of the Canadian Consulate and to the Vice-Consul who may assist him.(2)

Mr. Holler was at first reluctant to pass such a message, as the Danish Minister at Washington had already done so; and added that he himself had no authority to say that the appointment would be satisfactory. He was persuaded, however, to telegraph to the Governors of Greenland the following message, subject to External Affairs approval of the text:

> Under-Secretary of State for External Affairs now officially informed me Canadian Government propose temporarily establish Consulate Greenland requested me obtain information whether you agree provisional establishment such consulate and ready to give Canadian Consul and Vice-Consul provisional recognition.

(1) Ibid.

(2) Ibid.

This telegram was sent on June 1st. Mr. Holler informed the Under-Secretary, Dr. Skelton, on June 5th, that he had received a reply, dated June 4th

> by which the Governor of South Greenland, Mr. Aksel Svane, and the Governor of North Greenland, Mr. Eske Brun, have requested me to inform the Canadian Government that they appreciate highly the proposed temporary establishment of a Canadian Consulate in Greenland, and they are ready to give provisional recognition to the Canadian Consul and Vice Consul.

One June 4th the "Nascopie", from Canada, carrying A.E. Porsild, and the Danish vessel "Julius Thomsen" from Kirkwall, Scotland, carrying K.P. Kirkwood, arrived in Ivigtut.

These steps having been completed, and the supply ship "Nascopie" and the Consul and Vice-Consul having arrived at Ivigtut, an announcement was made in Canada, partly on Keenleyside's suggestion,(1) to offset the Canadian interest in the more publicized activities of the United States Government respecting Greenland. Dr. Skelton immediately drafted a statement which, on June 11, 1940, Mr. Mackenzie King made in the Commons:

> Members of the House are aware that the seizure of Denmark by the Germans created a problem for Canada as the nearest neighbour of the Danish possession of Greenland. The situation was given immediate attention. The local authorities in Greenland are continuing to administer its affairs. The German-controlled government in Copenhagen is exercising no authority. In view of the fact that the people of Greenland normally obtain most of their

(1) File 267-J-40. Keenleyside's Memorandum, June 11.

supplies from Denmark and intercourse has now been suspended, the Canadian Government considered it should assist in maintaining the economic life of the island. The steamship Nascopie, which is regularly used in the Canadian eastern Arctic patrol, was despatched on a special voyage with supplies to Greenland. It arrived last week and will shortly bring back a return cargo.

We have thought it desirable that our government should be continuously informed on the situation in Greenland and be in a position to discuss with the local authorities there any questions that might arise. Steps have been taken to appoint a consul and vice-consul to Greenland. Mr. Kenneth P. Kirkwood, until recently first secretary at The Hague, has been appointed consul to Greenland and has already taken up his post there. Mr. Kirkwood, who was born in Brampton, Ontario, and is a graduate of the University of Toronto, after serving in the last War, first in the infantry and later in the air force, and working in the Far East, entered the External Affairs service in 1928. He was stationed at Washington and Tokyo before being appointed to The Hague. Mr. A.E. Porsild, who was born in Greenland and is a member of the staff at the Department of Mines and Resources, has been appointed vice-consul. The United States has also appointed consular representatives in Greenland.(1)

K.P. Kirkwood, First Secretary and Chargé d'Affaires, a.i., of the Canadian Legation in The Hague who had been transferred with the Netherlands Court and Government, and other Allied diplomats, to London following the German occupation of Holland, was appointed as Canadian Consul to Greenland, and sailed, on 24 hours notice, by a Danish-Greenland steamer the "Julius Thomsen" from Kirkwall for

(1) H. of C. Debates, June 11, 1940, p.656.

Greenland. On arrival at Ivigtut early in June, he was joined by A.E. Porsild, Dominion Botanist in the National Museum, under the Department of Mines and Resources. Mr. Porsild was appointed Vice-Consul in Greenland, where he was very much at home. He was Greenland-born of Danish parents and educated in Copenhagen and naturalized in Canada, but had spent a large portion of his life in Greenland, where his father was Director of the Arctic Scientific Station at Jakobshaven.

Shortly before their arrival, the United States Government sent a Consul, Mr. James K. Penfield, and a Vice-Consul, Mr. George West; and close cooperation was thereafter maintained between these four representatives and with the local Danish authorities of the colony, which was cut off from connection with its German-occupied mother-country until the end of the war.

No Exequatur

On June 13th the Governor of South Greenland, Mr. Aksel Svane, came down from Godthaab by U.S. "Comanche" and arrived in Ivigtut. (The semi-private Danish cryolite mine there had been placed under control of the Greenland Administration). Kirkwood immediately paid a courtesy call on the Governor.

Kirkwood, who had been granted a Commission of Assignment signed by the King, presented to Mr. Svane a letter of introduction, signed by Mr. Mackenzie King as Secretary of State for External Affairs, appointing him Consul of Canada in Greenland. It is believed that the Greenland authorities sent no written acknowledgement of this letter. They had, of course, previously telegraphed to the Danish Minister, Mr. Kauffmann, and the Danish Consul General, Mr. Holler, their provisional approval of "agrément" to the appointments of a Canadian Consul and Vice-Consul. These were of course given informal recognition and all courtesies and cooperation, since their mission was that of relief, assistance and protection of the orphaned colony of Canada.

An exequatur could not be issued by the local colonial Administrator or Governors, as it was beyond their authority and

power andthey could not obtain instructions, authorization or an exequatur itself from the Danish Government in Denmark. In international law and practice there are certain instances where a Consul is appointed and takes up his position without receiving the customary exequatur. Dr. Yvon Bériault, in his book Les Problèmes politiques du Nord canadien, (University of Ottawa, 1921) makes note of this: "Le gouvernement canadien considère donc dans les circonstances que le gouvernement danois n'exerce aucune autorité sur le Groenland et que les fonctionnaires locaux administrent seuls les affaires de ce territoire. Notre consul an Groenland, par conséquent, n'a pas été accrédité auprès de l'administration de Copenhague, mais bien auprès de l'administration groenlandaise.

". . . De la légalité ou de l'illégalité des consuls canadiens au Groenland, disons qu'il faudrait faire appel pour la justifier à l'argument employé pour légitimer l'accord Hull-Kauffmann. Le gouvernement danois était considére en juin 1940 par les différentes puissances du monde comme subissant l'influence du Troisième Reich. Dès le 12 avril 1940 les gouvernements alliés retiraient de Copenhague leurs corps diplomatique et consulaire. Et c'est croyons-nous, à peu près le seul argument qui puisse permettre la déclaration de M. King et la nomination de consuls canadiens au Groenland."(1)

"The appointment of consuls was somewhat anomalous", observes Prof. H.G. Skilling, "as the authority

(1) Op. cit. pp.179-80.

of the parent government was no longer recognized. They could be accredited, therefore, not to the governments of Denmark or Vichy France, but only to the local authorities who were continuing to administer the affairs of the territories. Although the commissions were granted to the consuls by the King, the appointments were made without the customary grant of exequaturs by the receiving states. The consuls were, however, apparently given ex post facto recognition, as a courtesy, by the Danish Minister in Washington, Mr. Kauffmann, and by the local administration in St. Pierre and Miquelon." (Skilling: op. cit. p. 293).

On February 25, 1941, Mr. King adverted again to Greenland. "Greenland is a dependency of Denmark. At the present time it is managing its affairs under two governors; the country is divided into two parts, and a separate governor is in charge of each. Canada has viewed with special interest anything that has taken place in Greenland that might affect the war situation. The country lies on one of the routes between the old world and the new which might be made a base for operations by the enemy. We have thought it desirable to have representation in Greenland so that we might be kept aware of possible developments. We have also felt that we would wish to be of what assistance

we could at this time to the people of Greenland. They have been cut off from supplies in some directions and we have been able to give them certain supplies. In order to get the information we would wish to have and be able to communicate rapidly at any moment, we have thought it advisable to have a consul-general (sic) stationed in Greenland. Mr. Kirkwood, who was previously on the staff of our Legation in the Netherlands, has been freed from his duties there for obvious reasons. He has at the government's request taken on the duties of Consul-General (sic) in Greenland. The United States is similarly concerned with and interested in what may happen in Greenland and also has a Consul resident there. In respect of practically all matters that relate to Greenland in which there is a mutual interest, we have been in communication with the United States. The government of the United States and our government have felt that it was desirable we should co-operate in viewing with common care whatever might be of concern there. I believe that the co-operation which has taken place thus far has been of real advantage to both countries."(1)

After several months at Ivigtut, the principal shipping port and site of the important

(1) H. of C. Debates, February 25, 1941. p. 999.

cryolite mine which, during the war, served the aluminum industry of Canada and the United States, the Consulates moved to Godthaab, the seat of the Greenland Governor and island Administration. Temporary quarters were found until prefabricated houses were sent out and erected, the American in 1940 and the Canadian in September, 1941.

On July 4, 1941, Mr. Kirkwood left Greenland for Canada, and was later assigned to a South American post. Mr. Porsild, who had spent the winter in Ottawa, returned to Godthaab on June 23rd, as Acting Consul. Prof. Max J. Dunbar, of McGill University, Department of Biology, (an expert on the feeding habits of seals), was appointed Vice-Consul and arrived in Greenland on October 22nd. When Mr. Porsild again sailed for Canada on December 8, 1941, Mr. Dunbar became Acting Consul.

Mr. Dunbar returned to Canada in November, 1944, (October, 1944), and turned over the office to the incoming Acting Consul, Mr. Trevor Lloyd, a professor of geography. He was accompanied by his wife and one child, and a child was born to them there; this was the first Canadian child to be born in Greenland, and reciprocated the first birth of a Greenland Norse child in Canada in about 999 A.D. Another Lloyd child was born in Greenland in 1945. Mr. Lloyd left Greenland in November, 1945, and was replaced by Mr. M.J. Dunbar.

The Consulate for Canada in Godthaab was closed on June 21, 1946; the building which had been erected, and furnishings, were sold by the Canadian Government to the Greenland Administration, after a negative decision to turn it into a joint scientific station.

St. Pierre

As early as June, 1940, with the surrender of France, the Canadian Government became concerned over the French islands of St. Pierre and Miquelon in the mouth of the St. Lawrence. As a later plebiscite of 1942 revealed, 98 per cent of the small French population were in favour of the Free French led by General de Gaulle, but the administration of the island was representative of the Axis-dominated Vichy Government. Fears were felt in Canada, and also in the U.S.A. and United Kingdom, that the islands might be used in the interests of the Axis and endanger the Allied convoy system in the West Atlantic, and that the radio and cable facilities might be utilized for broadcasting information of value to the enemy.

It was decided in principle on August 19, 1941, to appoint a Canadian "observer" with a status of Vice-Consul to St. Pierre; but this step was delayed because of the inability of the Department "to find a really

suitable man for a dull and difficult post."(1) The Department being not very long on staff at the time, was understandably reluctant to transfer an experienced and valuable man from a more important post. Finally Mr. C.C. Eberts, Third Secretary in the Department, was appointed as Vice-Consul and Acting Consul and arrived at St. Pierre on September 1st, and on the same date was given provisional recognition by the Administrator, the pro-Vichy Governor, Baron Bournat, pending the granting of an exequatur. Apparently no exequatur was ever issued.

Temporary accommodation was found, and in June, 1942, the Consulate moved into better quarters in a new building on the Rue Nielly.

At the end of October, 1942, Eberts was withdrawn and transferred to Ottawa, and his duties were discharged temporarily by A.J. Pick, Third Secretary to the High Commissioner for Canada in Newfoundland.

In October, 1941, consideration was given in Ottawa of sending experts to control the radio station at St. Pierre. When in December, 1941, Admiral Muselier, a Free French officer serving under de Gaulle and having three corvettes under his command standing by in Halifax, visited Ottawa, the American Minister saw him on December 17th. Mr. Moffat told him that the American Government, supported by the British and Canadian Governments, would object to a Free French naval occupation of St. Pierre and Miquelon, but agreed that the wireless station (and,

(1) Memorandum by N.A. Robertson, Under-Secretary, August 15, 1941.

added Admiral Muselier, the cable) constituted a source of possible danger to North American convoys and that it was in everyone's interest to bring this method of communication under control. "We (U.S.A.) had been discussing for some time the ways and means of doing this with the Canadians, and the President felt that there would be fewer adverse repercussions if the Canadians took control of the communications from the island, by suasion if possible, but otherwise by stronger means, and assured themselves the United States and the Allied Powers that no communications of a deleterious nature left the islands."(1)

At a meeting of representatives of External Affairs, R.C.N., Foreign Exchange Control Board, and Naval Services, held on October 23, 1941, it was decided to send experts to control the radio station; this proposal was subsequently approved by the U.S. Government, the Cabinet War Committee and the Canadian Government.(2) A senior departmental officer was thought to be necessary to keep an eye on the whole show, and T.A. Stone, First Secretary in the Department of External Affairs, was chosen because of his knowledge of "economic warfare and censorship questions". Preparations went so far as the execution of a "full power" for Stone to treat with the Administrator of the islands (the pro-Vichy Governor Baron Bournat). A proposal (which according to Minister Pierrepont Moffat , Mr. King said had been "cooked up" by

(1) The Moffat Papers. p. 360.

(2) Departmental files. Bruce Memorandum, June 20, 1958.

Robertson and Stone[1]) to send Stone to St. Pierre in a "corvette or minesweeper" provided by the R.C.N. to take over the radio, was vetoed by Mr. King.[1]. Subsequently the mission of Mr. Stone was cancelled.

On December 24, 1941, Free French forces under Admiral Muselier, violating previous undertakings, occupied the islands of St. Pierre and Miquelon, under instructions of General de Gaulle.

It had originally been the intention of the Department that the Department of Naval Service should provide a suitable officer to fulfil the consular functions, but that Department was unable to provide one at the time (August, 1941). In October, 1942, the idea was revived, partly because of the anomaly of maintaining a Consul at St. Pierre while withholding final recognition of the Free French administration, partly because the appointment of a naval officer to combine naval liaison work with consular functions would permit the use of Eberts' talents elsewhere.[2]

On December 11, 1942, Lieut. D.E. ffolkes Jemmett, R.C.N.V.R., took over the dual post of Acting Consul for Canada and Canadian Naval Liaison Officer at St. Pierre. This was a temporary war-time appointment necessitated by the increased scale of naval co-operation between the Free French and Canadian forces operating from the Gulf of St. Lawrence.

There was at the time also a United States

(1) The Moffat Papers. p. 372.

(2) Confidential departmental memorandum by Gordon Bruce, June 20, 1958.

Consul, and in 1943 a British Vice-Consul was also appointed.

Following the establishment of direct relations with Paris after the liberation of France, the Canadian Consulate at St. Pierre was closed on October 15, 1944.

Paris and Tokyo.

In the same year, 1940, it was decided, because of consular services demand by Canadians in consequence of the war, to confer consular status, in addition to their diplomatic status, on the First Secretary in Tokyo, Mr. McGreer, and the First Secretary before the French Government, Mr. Dupuy. This gave them certain powers of a consular nature, hitherto performed for Canadians by the local British Consuls. This step formed a precedent for a more regular practice after the war, of granting consular status and powers to one officer in each Canadian Legation or Embassy abroad, whether or not there were established, as in Sao Paulo, Brazil, or cities in the United States, separate or additional Canadian Consulates General or Consulates. While the Consulates in Greenland and St. Pierre were temporary and were later abolished, the consular status of the various diplomatic missions was resumed after the war as a permanent arrangement.

There was, however, some technical obstacle to this on the part of the receiving countries. Through traditional practice, they long had recognized, separately, Consuls, and diplomats; these were two distinct services and categories; international law and custom and courtesies were different for each category. But they were

not accumatomed to the combined role, in which a single officer was to enjoy dual status and privileges of two distinct kinds and qualities. In these cases, the receiving government refused to recognize the diplomatic officer's consular status or to grant him an exequatur; his consular powers therefore were unilateral and strictly limited to Canadian aspects. He was, moreover, generally excluded from the local Consular Corps, which normally retains its independence from the Diplomatic Corps. The consular duties granted to the diplomatic officer were therefore functional rather than constitutional, and only in rare instances did the diplomatic officer assert in local circles his rank and status of Consul.

As early as 1928, Harding of the Dominions Office had privately informed Dr. Skelton that:

> It may be useful for you to know that the experience of the Foreign Office is that it is very undesirable to have on the diplomatic list persons who whilst nominally on the staff of the diplomatic mission, are engaged mainly or exclusively on duties of a consular nature. Foreign Office points out that if it is desired to bring an action in courts against such a person, plaintiff is likely to be much aggrieved in finding he is debarred from legal remedy by claim to diplomatic privileges in favour of a person whose status he believes to be really consular. Foreign Office suggests that it might be well to press for consular work to be done by a consular staff.(1)

Dr. Skelton acknowledged this personal message by telegram, and said that in reply he was writing a letter; but his reply has not been located. In the event, the Japanese diplomatic officer in Ottawa who

(1) File 610-28C.

was also acting as Vice-Consul (concerning whom the above telegram referred) continued to be recognized in Ottawa as Vice-Consul. And in 1940 and thereafter, Canadian diplomatic officers, as first in Paris and Tokyo, were accorded consular status, despite the Foreign Office objections regarding such arrangements by the British.

U.S.S.R.

On February 5, 1942, an agreement was signed at London between the Governments of Canada and the U.S.S.R. for the reciprocal appointment of consuls in each country.(1) This was in consequence of the association of the two countries as allies in the War. No Canadian appointment however was made, and no immediate appointment of a Soviet Consul to Canada was made.

A week later this agreement was supplanted or supplemented by a new agreement, signed at London on February 12th, for the establishment of Legations and the exchange of Ministers.(2)

In the spring of 1943 Canadian diplomatic officers arrived in Moscow, and although no Consulate as such was created, a Canadian diplomatic officer was given consular status and certain consular powers.

New York

The announcement of the establishment of a Canadian Consulate-General in New York was made by the Prime Minister on April 9, 1943:

"The government has decided to establish a

(1) H. of C. Debates, February 5, 1942. p.328.
Canada Treaty Series, 1942. No.9.

(2) See Chapter "Diplomatic Representation Abroad".

Canadian Consulate-General in the City of New York. It is expected that the new office will be opened about May first under the direction of Mr. Hugh D. Scully, as consul-general.*

"This will be the first Canadian Consulate-General, and it is fitting that it should be opened in the largest city in the United States of America. The immediate need for the establishment of the new office is the great increase in Canadian activities in the New York area. Under pressure of war conditions these activities have taken on a new variety, and a new urgency; and the government believes that these facts make it desirable that we should have in New York a central agency under the direction of a capable and experienced administrator to keep in close and effective touch with all aspects of Canadian interests in that area. The new consulate-general will be able to relieve the British consulate-general of the considerable volume of work it has for so long and so ably carried on for Canadians residing or doing business in this district.

"The Canadian Government trade commissioner's office in New York City, which has been under the direction

* "Mr. Scully will be retiring from his present position in the Department of National Revenue and will become the head of the consulate-general in New York. That office will be under the Department of External Affairs". (Ibid).

of Mr. Douglas S. Cole for the last nine years, will be incorporated in the consulate-general. Mr. Cole will continue to perform his present duties with the title of Senior Trade Commissioner in the United States; he will also be a member of the staff of the consulate-general with the rank of consul.

"The New York office of the Wartime Information Board, under Mr. Harry Sedgwick will be attached to the consulate-general.

"In addition to acting as a central agency for the organization of Canadian activities in New York, the new consulate-general will conduct the usual business of a consular office. This includes work in the fields of shipping, nationality, passports, and other documentation, estates, customs, taxation, and in general the protection and furtherance of Canadian interests.

"In addition to Mr. Scully and Mr. Cole, the staff of the consulate-general will include, as consul, Miss K. Agnes McCloskey, whose long and efficient service in the Department of External Affairs is well known throughout the public service. Miss McCloskey will be the first woman to receive a senior appointment in the Canadian external service. Mr. L.B. Ausman, assistant Canadian government trade commissioner in New York city, and Flying Officer P.E. Morin, D.F.M., will be appointed vice-consuls. The consulate-general will be established at Rockefeller Centre on the corner of 5th Avenue and 50th Street in New York city."

"The jurisdiction of the consulate-general will cover the states of New York, Connecticut and New Jersey except for the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

"While it is not proposed to establish any other consular offices at the moment, it is a reasonable assumption that expanding Canadian interests and responsibilities will require that the situation be reviewed from time to time." (1)

Mr. Hugh D. Scully, born in 1883, and a graduate of the University of Toronto with first-class honours and a fellowship in political science, was Assistant Secretary of the Canadian Manufacturers' Association from 1911 to 1916, Secretary of the Canadian Home Market Association from 1916 to 1922, assistant General Manager and Director of the Russell Motor Car Co., Ltd., Toronto, from 1922 to 1932, and became Vice-President and Manager of Stewart, Scully Co.,Ltd., investment bankers, Toronto. He resigned on his appointment as Commissioner of Excise in October, 1932; in the following year he became Commissioner of Customs, a position he held until his appointment as Consul-General in New York. Meanwhile, at the beginning of the war, he was also chairman of the Wartime Industries Control Board and Controller of Steel, from 1940.

(1) H. of C. Debates, April 9, 1943. p.2009. Order-in-Council tabled.

Form of Consular Commission

In February 1943, in anticipation of this step, the Under-Secretary, Norman Robertson, notified the Governor General, the Canadian High Commissioner in London, the United Kingdom High Commissioner in Ottawa,(1) and asked the Deputy Minister of Justice for his views as to the form of Consular Commission to be issued. The question raised was whether the Commission should be signed and issued by His Majesty the King, or whether under a new procedure it might be issued in Ottawa under the Great Seal of Canada "as a matter of practical convenience". In a departmental memorandum by Laurent Beaudry, dated February 22, he said:

> It is thought that it would be desirable, in view of this being the first important consular office to be established, that His Majesty should be requested to approve the establishment of the Consulate-General in New York. It is assumed that His Majesty would not want to be directly concerned with the establishment of consulates or vice-consulates, or even with additional consulates-general within a country such as the United States of America, in which he would have already approved the establishment of a consulate-general. It might be a convenient practice, therefore, for the Government to inform the Governor General in such matters, in the same way in which the United Kingdom would inform His Majesty with regard to the extension of the British consular service.
>
> It is proposed that all appointments of Consuls General and Consuls should be made by commission passed under the Great Seal of Canada, in the name of His Majesty the King, signed by the Governor General, with the countersignatures of the Secretary of State for External Affairs and the Secretary of State of Canada.

(1) File 796-B-40C.

> The basic lines that will follow in these matters will of course be embodied in the Royal Instructions upon the next occasion upon which they are revised. Meanwhile, it is thought that we should be able to deal with the New York consulate-general upon an ad hoc basis.(1)

This memorandum was given by Mr. Robertson to the Prime Minister to leave with the Governor General.

The appointment in 1940 of the first Canadian Consul, to Greenland, was, as has been indicated, made by a Commission of Assignment signed in London by the King. Curiously enough there does not appear in the files any review of the practice followed by other Dominions which already had their own Consuls-General abroad, such as possibly Australia, the Union of South Africa, or Ireland.

On February 22, the Deputy Minister of Justice, F.P. Varcoe, replied as follows:

> The conduct of foreign affairs, which includes the appointment of ambassadors, diplomatic agents, and other officers, is a matter of royal prerogative. The question whether commissions may issue under the Great Seal of Canada depends upon whether this prerogative may be exercised by the Governor General of Canada instead of His Majesty personally, as has hitherto been the practice.
>
> While the Governor General occupies the same position in relation to the administration of public affairs in Canada as is held by His Majesty the King in Great Britain, and may exercise the royal prerogative in so far as internal affairs are concerned, there is serious doubt whether the authority of the Governor General extends to the exercise of the royal prerogative in relation to foreign

(1) Ibid.

> affairs, and I agree that if it is decided to establish a new procedure, the matter should be submitted to His Majesty for approval.
>
> A request for such approval would in effect be a request for the delegation of the royal prerogative in a matter pertaining to foreign affairs. I can see no legal objection to this procedure, but consideration might be given to the ultimate amendment of the Letters Patent constituting the office of the Governor General.(1)

Meanwhile, on February 20, Mr. F.L.C. Pereira, Assistant Secretary to the Governor General, had replied to Mr. Robertson that:

> I am desired to inform you that the Governor General approves of the Government's proposal to establish a Consulate General in New York and to appoint Mr. H.D. Scully as Consul General there.

The filed correspondence does not reveal what reply was received from London. Apparently, however, the Canadian procedural proposal was agreed to, for in the Order-in-Council it was stated that the appointment was to be made by Commission under the Great Seal of Canada.

Order-in-Council P.C. 2900 of the Committee of the Privy Council, dated April 8, 1943, recommended (a) the establishment of a Canadian Consulate General in the City of New York; (b) stipulated its jurisdiction throughout the States of New York, Connecticut and New Jersey, with certain counties excepted; (c) designated Hugh Day Scully as Consul General, Douglas S. Cole and K. Agnes McCloskey as Consuls, and Leland B. Ausman as Vice-Consul, "such appointments to be made by commission under the Great Seal of Canada"; and (d) stated that the above officers thus appointed "shall report to and be subject to the instructions of the Secretary of State for External Affairs."(1)

(1) Ibid.

Mr. Scully took up his office on May 1, 1943. Miss K.A. McCloskey, of the Department of External Affairs, was appointed as additional Consul, and F/L P.S. Morin and C.H. West were appointed additional Vice-Consuls. On November ~~1st~~ a Canadian Consular Shipping Officer, Lieut. Cmdr. Nairn, was appointed for a short time, and a Canadian Military Information Centre was established in charge of Maj. R.H. Marlow. With the Consulate-General were also associated the New York offices of the War-time Information Board and the National Film Board. The territory covered by this Consulate-General included the States of New York and Connecticut and the greater part of New Jersey.*

Mr. King declared at that time that while there was no intention of establishing other consular offices at present, expanding Canadian interests would require periodic reviews of the situation. No further extensions of a consular service occurred until after the War.

Although this review of the initial development of a Canadian Consular Service goes beyond the period of the present survey of the Skelton Epoch, it was initiated, in Greenland, Paris and Tokyo, during Dr. Skelton's term of office, and was extended as a continuation of Canada's war-effort which did not terminate with Dr. Skelton's demise, but was an extension of the trends he set in motion.

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* In October, 1947, with the opening of a new Consulate-General in Chicago, the following states were added to the jurisdiction of the Consulate-General in New York, Maine, New Hampshire, Vermont, Massachussets, Rhode Island, Pennsylvania, New Jersey, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and Delaware. (External Affairs Annual Report, 1947,p.70)

In 1947 L.B. Pearson, then Under-Secretary, explained to the Standing Committee on External Affairs the situation with regard to a consular service. "The Department for many years has been planning for the establishment of a Canadian consular service. Before the war, plans had been drawn up for that purpose, but the war came along and those plans had to be shelved. Our consular service, however, did begin during the war. It happened that the first Canadian consul was appointed not to New York or to Los Angeles or to some large city like that but to a place called Ivigtut in Greenland. That arose out of the emergencies of the war. . . When Denmark was overrun we discovered to our surprise that one of the most important spots on the map as far as the war industry was concerned was Ivigtut, where cryolite comes from, which is indispensable to the manufacture of aluminum. External Affairs appointed Mr. Kirkwood (as Consul). We did not leave him there very long. (Mr. Graydon interjected: "He came from the county of Peel. He did the work so fast he did not have to be left there long").

"Since that time we have appointed other consuls. We are now preparing plans for the establishment of a Canadian consular service in the United States. We have a Consular Division in the Department,*

* (Established in January, 1947, headed by Leslie Chance.)

which is working out these plans, and we have an official of the Department who is at present visiting the British consulates in the United States to see how they operate and what proportion of their work is Canadian work. He will report on the whole situation when he comes back next month. . . It is contemplated that the work done for Canada in the United States has been so well done and so willingly done over many years by the British consuls - it may be that the time has come when we should take over that work ourselves. The fact that the head of our Consular Division is in the United States now surveying the situation is an indication that the government are contemplating such a change. I think myself - it is only a personal view - that it is inappropriate for our department to ask the United Kingdom government through their consuls in the United States to do Canadian work. However, they have always done that work efficiently and willingly and I am hopeful that when we have consular offices in United States cities where there is no United Kingdom consul that we may be able to reciprocate and help them.* (1)

Mr. Pearson went on to explain that in certain capitals, the Trade Commissioners there were given consular status, pending the appointment of full-time regular Consuls. The Canadian Trade

* This was the case, for example, with the Canadian Honorary Vice-Consulate in Portland, Maine.

(1) Minutes of Select Standing Committee on External Affairs. May 27, 1947, p.204.

Commissioner in Caracas, Venezuela, was Consul as well as Trade Commissioner, and also the Trade Commissioner in Lisbon, Portugal. "When a trade commissioner is operating in a dual capacity he is responsible both to the Department of Trade and Commerce, in regard to trade and work, and to the Department of External Affairs in regard to consular work. The two Departments work closely together." (1)

Toward the end of the Second War, Canada, closing the wartime Consulates in Greenland and in St. Pierre, began to extend its consular services. The New York Consulate General, as already indicated, had been opened in 1943.

On January 15, 1946, the Office of the Canadian Trade Commissioner at Lisbon became also a Consulate General, and Lester S. Glass, the Trade Commissioner, became Acting Consul General, with P.E. Morin, D.F.C., as Vice-Consul. Mr. Glass was also appointed Trade Commissioner to Spain, Gibraltar and Spanish Morocco.

On April 6, 1946, the Trade Commissioner's Office in Caracas, Venezuela, officially became a Consulate General, upon the arrival of the Acting Consul General, C.S. Bissett, who was accompanied and assisted at that time by M.T. Stewart, Canadian

(1) Ibid. p.204.

Government Trade Commissioner in Bogota, Columbia. Actual operation of the new Consulate was delayed until suitable office premises were located, furnished and equipped, and because of difficulties of staffing. Permanent office space was obtained in May.

Also, in 1946, a Canadian Vice-Consulate was opened in Portland, Maine. Mr. A. Lafleur, a Canadian resident of Portland, was appointed Honorary Vice-Consul.

In March, 1947, the Canadian Consulate at Sao Paulo covering the Brazilian States of Sao Paulo, Panama, Santa Caterina, Rio Grande do Sul, and the Trangulo Mineiro Zone of Minas Gerais, was opened by J.C. Depocas as Consul, who was also Trade Commissioner. Premises for the Consulate was obtained in April, 1947.

On November 3, 1947, the offices of the new Consulate-General in Chicago were opened. C. H. West, temporarily detached from the Consulate-General in New York, was in charge as Acting Consul until November 10 when Mr. Edmund Turcotte took over the duties as Consul General.O.D. Dier was appointed Vice-Consul. At the close of the first month's operation the Consulate-General was staffed by nine persons.

During 1948 a Consulate-General was opened in San Francisco, (July 1, 1948), and Boston,

(October 1, 1948). The two latter came under the general supervision of the Consulates-General at Chicago and New York respectively. On July 16, 1948, also, a Canadian Consulate was opened at Frankfurt, Germany.

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CONFIDENTIAL

21.

PROVINCIAL REPRESENTATION ABROAD

Provincial Representation Abroad

In Great Britain

Reference to the early history of provincial representation in Great Britain was made in Part I of this survey, ("Foreign Consular Relations"). It was outlined by F.C. Wade, Agent-General for British Columbia in London, in The Empire Review of October and November, 1919.*

A considerable number of Canadian colonies or provinces, Australian states, and other British colonies had, at various times, been represented in London by officials known as Agents-General. In the case of Canada, these included a Nova Scotia Agent-General from 1761, a New Brunswick Agent-General from 1786, an Agent of Upper Canada from 1794, and of Lower Canada from 1816.

Separate agencies for the Crown Colonies in London were abolished in March 1833, and were superseded by a single joint agency in London appointed by the Secretary of State for the Colonies and paid by the Colonies themselves. Among the Colonies represented by this joint Agency were New Brunswick, Newfoundland, New Zealand, New South Wales, and Western Australia. As late as 1872 the Crown Agents acted for Canada, New Zealand, and several of the Australian States.

In 1880, however, it was decided to terminate the connection between the Crown Agents and all Colonies possessing responsible government. With the disappearance

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* Vol.XXXIII. 1919. pp.324-328, 359-367.
See also Skilling: Canadian Representation Abroad. pp.85-86, 107-110.

of the Crown Agency as representative of the self-governing Dominions, the Provinces of Canada, like the States of Australia, returned to the original practice of appointing Agents-General to represent them in London. (Meanwhile in 1880 a Federal High Commissioner for Canada had been appointed to Great Britain). Nova Scotia appointed an Agent-General in 1885, New Brunswick in 1887, British Columbia in 1901, Prince Edward Island in 1902, Ontario in 1908, and Quebec in 1908. Agents-General were never appointed in London by Saskatchewan or Manitoba, and an Albertan agency existed only during the war and again after 1927. The main work of these Agencies-General was concerned with the promotion of emigration and of the export trade, although general work was done for other departments of the Provincial Governments.

During the post-Confederation period until about 1896 it appears to have been the view of both Galt and Tupper that the creation of the High Commissionership had not had the effect of destroying the ancient status of the provincial Agents-General or their existing right to confer directly with the British Government through the Colonial Secretary. As a result, the High Commissioner had continued to recognize the provincial representatives and to secure for them the facilities and privileges to which their office entitled them.(1) In the time of Lord Strathcona (1896-1914), however, this practice was abandoned both by the Canadian and British Governments and by Lord Strathcona. The view of the Colonial Office, expressed

(1) F.C. Wade. loc. cit. and Skilling op. cit. p. 108.

in reply to a communication from the Agent-General of Nova Scotia, was that any province "for the purpose of dealings with His Majesty's Government, is, with the rest of the Dominions, represented only by the High Commissioner", and that the Colonial Secretary could not "accord any official recognition to any person as a separate representative of Nova Scotia".

Over the years various protests to this ruling were made by the Agents-General of various provinces, but without avail. The British Colonial Office went only as far as placing the names of the provincial Agents-General on the Colonial Office List, and in later years of according them consular privileges but not immunities.

The Dominion Government, like Lord Strathcona, opposed the extension of powers and privileges to the Agents-General. Sir Wilfrid Laurier opposed it. The Borden Government in 1914 and thereafter opposed it.

An alternative to separate provincial representation abroad was suggested in 1911 by the Federal Government. The proposal was that the provinces should each nominate two officials for appointment to the staff of the Canadian High Commissioner in London; they would be paid and might be accommodated by the Federal Government. This proposal was not taken up by the provinces, either because of the lack of sympathy between the Agents-General and the then High Commissioner, Lord Strathcona, or simply because the provinces preferred to maintain independently their own representatives.

The result, subsequent to the First World War, has been that the Provincial Agents-General, of Ontario, Quebec, Saskatchewan, Alberta (from 1927), and British Columbia, maintained independent offices in London - for practical reasons of trade, emigration, information and publicity, and assistance to Canadian visitors with everything from hotel accommodation to theatre tickets and travel arrangements. Their relations with subsequent High Commissioners have generally been friendly and cooperative. Their approach to the Dominions Office and subsequent Commonwealth Relations Office was through the Office of the High Commissioner.

Mr. Larkin, Sir George Perley's successor as High Commissioner, was opposed to the arguments so strongly advocated by F.C. Wade, Agent-General for British Columbia, in favour of greater official status of Provincial Agents-General, and their claim to right of direct access to the British Government. He did, however, make an attempt to establish closer cooperation with the provincial representatives by associating them with him in the performance of some of his duties, having them represent Canada on the Imperial Institute, the War Graves Commission, etc. This was welcomed by the Agents-General, who hoped that it might prove a stepping-stone to the restoration of their right of direct access to the British Government in respect of provincial affairs.(1)

In the 1930's all of the Provincial Agencies in London, except that of British Columbia, were closed

(1) Skilling. op. cit. p. 121. Canadian Annual Review. 1923. p. 109.

and withdrawn. During the Second World War, however, Ontario and Quebec reopened their offices; and subsequently several of the other provinces did likewise.

In later times, the United Kingdom has recognized them on an official basis, and grants them consular privileges in customs matters and taxation. They do not have immunity from suit or legal process. The Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act passed by the United Kingdom Parliament in 1952, enables the United Kingdom Government, by Order-in-Council, to give immunity from suit and legal process, like the immunity accorded to consular officers, to the chief representatives in the United Kingdom of any state or province of any country to which the Act applies (i.e., to the Agents-General of the Australian States and the Canadian Provinces). Apparently, however, Canada House, on instructions from Ottawa, has refrained from including Agents-General in the list it gives the Commonwealth Relations Office of officials to whom this immunity should be accorded. (1)

In 1948 the Agents-General, after approaching the High Commissioner, got their Provincial Governments to take up with Ottawa the possibility of having them given privileges similar to those accorded senior officials at Canada House. The then High Commissioner, Mr. N.A. Robertson, advised the Department that it seemed to him the only ground on which this could be arranged would be if the Agents-General were nominally attached to the

(1) Departmental Confidential Memorandum (Miss M. McKenzie) June 8, 1954.

High Commissioner's Office, and that he doubted whether such an arrangement would be acceptable to the High Commissioners or their governments. The Dominion Government shared these doubts, and on being approached by the Provincial Governments indicated that the United Kingdom Government was already giving the Agents-General all the privileges it seemed disposed to accord them.(1)

It does not appear that any Provincial Government ever asked the Dominion Government to attach its Agent-General to Canada House. The possibility was, however, discussed in Saskatchewan. On August 2, 1950, a Regina lawyer, R.H. Milliken, K.C., informed the Secretary of State for External Affairs that he had written to the Premier of Saskatchewan suggesting that their Agent-General, Mr. Graham Spry, be associated in some way with Canada House. Mr. Milliken said Mr. Douglas had replied that he had discussed this question with representatives of other Provincial Governments represented in London and found them sympathetic to the idea. Mr. Douglas also said that the Government of Saskatchewan would be glad to have Mr. Spry attached to Canada House, and would be prepared to pay the costs of his activities there even if he were working under the direction of the Canadian High Commissioner. However, Mr. Douglas does not seem to have approached Ottawa on this matter.

In France

The Province of Lower Canada had Agents-General in Brussels, Massachusetts (1875), New York and the West Indies from early after Confederation times. They were concerned with trade matters and also with immigration.

(1) Ibid. In this memorandum, reasons for this attitude are enumerated.

From 1880 Mr. Hector Fabre, a former Senator, had been Agent-General for Quebec in Paris, but in 1882 the Canadian Government decided to utilize his services, and he was appointed concurrently, in 1882, Commissioner-General for the Dominion, a position he held for thirty years.

Apparently after the creation of an office of Commissioner-General for the Dominion, the duties and responsibilities on behalf of the Province of Quebec languished in desuetude, and the special position does not appear to have been financially continued by the Quebec Provincial Government.

In Latin America

At various times during and since the Second World War, Quebec expressed an interest in appointing provincial representatives to certain countries in Latin America, apparently with a view not only of trade promotion but of establishing cultural links. The proposal was privately adumbrated in 1941. In 1943 Mr. Drouin of the Government of Quebec delivered a speech in which he said that after the war Agencies of the Province of Quebec would be established in a great many South American countries, to promote cultural and commercial relations. These Agencies, he said, would be similar to those Quebec once had in Paris and London, and to the one they then had in New York. No further action, however, seems to have emerged from this proposal.

In Germany

Although going beyond the period of this conspectus,

it may be recorded that in 1953 the Government of Ontario considered opening an office in Düsseldorf, Germany, to assist German manufacturers who might wish to open branch plants in Ontario. On April 29, 1953, the Department of External Affairs in Ottawa instructed the Canadian Mission in Bonn that if it received enquiries from the German Government or elsewhere about the proposal, it should explain that provincial governments were free to establish such offices if they so desired, and that the office would in no way be connected with the Federal Government of Canada. In 1954, however, the Industrial Commissioner for Ontario in London, Mr. Richard Stapleford, told Mr. Starnes of the Canadian Embassy at Bonn that the Ontario Government were thinking of having their representative in Germany accredited as a member of the staff of the Commercial Counsellor of the Embassy, under the general supervision of the Ambassador. This would have raised quite a different question from the proposal to establish an independent office. No further action, however, appears to have taken place in this matter.(1)

(1) Departmental Confidential Memorandum. June 8, 1954.

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22.

THE FOREIGN DIPLOMATIC CORPS IN OTTAWA

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The Foreign Diplomatic Corps in Ottawa

The period that saw the rise of a Canadian Foreign Service and diplomatic representation abroad also saw the development of a foreign diplomatic corps in Ottawa, taking the place of the former small consular corps in the Capital which formerly had so frequently performed semi-diplomatic functions. It is generally customary for diplomatic representation to be based on the principle and so far as possible on the practice of reciprocity.

Journalists in due course began to speak rather metaphorically of Ottawa's "diplomatic row" since often in other capitals Embassies and Legations tended to converge and congregate in particular districts or streets, forming a small "colony" or "diplomatic row". This was scarcely the case in Ottawa at first; although it was true that the United States set up its first Chancery quarters in the Metropolitan Building on Wellington Street, and later built its handsome new Embassy on Wellington Street beside the Rideau Club, and in the Victoria Building at 140 Wellington Street Japan opened its Legation in 1928; France did likewise; Ireland opened its High Commissioner's Office in 1939, and Brazil took premises there in 1942. These offices were as near to the Parliament Buildings and the East Block and other government departments as possible, but in the course of time most of them, except the United States Embassy and Consulate General, moved to other districts. A new diplomatic centre grew up in certain streets in Sandy Hill, a popular residential district of former

Prime Ministers - Macdonald, Laurier, Borden and King, and other government dignitaries. Gradually, also, the beautiful Rockcliffe Park residential district along the Ottawa River attracted a number of foreign diplomats at least for their official residences.

There had, of course, been a number of foreign Consulates General or Consulates in Ottawa for a considerable period, before the Diplomatic Era. Reference to these has been made in a chapter in Part I of this survey. In 1925 there were six foreign Consulates General (Argentina, Belgium, China, Italy, Japan, and U.S.A.) in Ottawa. On routine matters, the Consuls did business with the Under-Secretary of State for External Affairs, Sir Joseph Pope, and afterwards Dr. O.D. Skelton. But on more political matters they had direct access to the Prime Minister; they consulted Sir Wilfrid Laurier and he consulted them, and also Sir Robert Borden in his dual capacity of Prime Minister and Secretary of State for External Affairs, and likewise Mr. Mackenzie King. In April, 1927, when Mr. King was asking Parliament to approve a position of a secretarial chief of the Prime Minister's Office, or executive assistant in the nature of a deputy minister, he told the House how, among his multifarious duties, he had to meet and consult with foreign consuls general in Ottawa, and also would soon have as visitors and consultants the anticipated United States Minister, the United Kingdom High Commissioner, and Ministers of France and Japan who would shortly be appointed reciprocally. By 1940, after the War commenced, this foreign diplomatic corps in Ottawa rapidly increased, and additionally included diplomatic

representatives of Belgium and the Netherlands, Ireland, Australia, South Africa and, in the next year, of Brazil, Argentina and Chile.

U.S.A.

The first of these foreign dipomatic missions to be established in Ottawa was the Legation of the United States of America.

Apparently the United States Government, while accepting the Canadian Mission in Washington, had not originally intended to appoint a Minister to Canada, and President Coolidge was reported to be unfavourable.(1) There had long been a resident United States Consul General, Mr. J.G. Foster, in Ottawa. Early in February, 1927, however, the decision was taken to reciprocate the Canadian action taken that month.

As first American Minister to Canada, a veteran diplomat, Mr. William Phillips, Ambassador to Belgium, was appointed, and presented his Letters of Credence to the Governor General in Ottawa on June 1, 1927. The appointment created satisfaction in Canada. Mr. Mackenzie King said: "The United States have recently appointed a minister to Canada. They have chosen as the minister whom they are sending to Canada a gentleman who held the high office of Ambassador to Belgium . . . implying as clearly as any words can imply that in the opinion of the United States

(1) New York Times, November 7, 1926. "When the appointment of a Canadian Minister to Washington was at length announced, the Coolidge Administration through the "White House Spokesman" at first denied that they contemplated reciprocal action, holding that the American consular service in Canada adequately covered their needs." (Dewey: The Dominions and Diplomacy. II. p.292).

File 1007-26 is said to refer to this, but has not been examined. K.P.K.

Government the post of minister in Canada is of more importance than that of Ambassador in Belgium." (1)

Mr. Phillips was assisted in the new mission by a Counsellor, Mr. Frederick R. Dolbeare, a Secretary, Mr. H. Dorsey Newson, a Commercial Attaché, Mr. Lynn W. Meekins, and a Consul General, Mr. I.N. Linnell (who in 1927 replaced Mr. Foster), and four vice-consuls.

Temporary quarters for a Chancery and Consulate were rented in the Metropolitan Life Building on Wellington Street, but later, as has been mentioned, a separate Embassy and Consulate was built on Wellington Street next door to the Rideau Club. The Ambassador's official residence was found on a high wooded elevation near Rockliffe Park overlooking the Ottawa River.

In 1929 Mr. Phillips left Canada in consequence of his resignation from the United States Foreign Service. Until the appointment of his successor, Mr. Benjamin Reath Riggs, newly appointed as First Secretary, acted as Chargé d'Affaires.

In 1930 Hon. Hanford MacNider was accredited as United States Minister, but he resigned in the following year, whereupon Mr. Pierre de L. Boal became Chargé d'Affaires for a considerable time.

In 1933 Hon. Warren Delano Robbins was appointed Minister, but two years later, on April 7, 1935, he died.

On August 7, 1935, his successor, Hon. Norman Armour, another career dipomat, presented his credentials to the Governor General.

(1) H. of C. Debates, April 13, 1927. p. 2471.

He remained until 1938 when he was briefly replaced by Hon. Daniel Roper, for a few weeks at the time of the Royal Visit. During the 1939 visit to Canada of Their Majesties King George V and Queen Mary, just before they crossed the border for their visit to Washington and New York, His Majesty formally received in audience the new American Minister in Ottawa. He also, in his historic visit to the Canadian Parliament, signed the latest trade agreement between Canada and the United States. Thus Mr. Roper, formally accredited to the sovereign in his capacity of King of Canada, had the unusual honour of presenting himself to the royal Head of State instead of to his representative, the Governor General.

Early in 1940 Hon. James H.R. Cromwell, then married to the wealthy tobacco heiress, Doris Duke, was appointed as Minister to Canada, but he was an aspirant for higher political office in the United States.

After three months, on June 13, 1940, Mr.Cromwell was replaced by another career diplomat, Mr. J. Pierrepont Moffat, whose wife was the daughter of the distinguished nestor of the U.S. Foreign Service, Hon. Joseph C. Grew; but Mr. Moffat died at his post on January 24, 1943, from a coronary embolism following an operation.(1)

(1) His diary and memoirs of his incumbency in Ottawa have been published in The Moffat Papers. (Harvard University Press, 1956).

United Kingdom High Commissioner

The appointment of Sir William Clark as High Commissioner for the United Kingdom to Ottawa was welcomed as a recognition of Canada's status as an equal partner in the Commonwealth, meriting a quasi-diplomatic representative accredited to it, of more ambassadorial status than Consuls General of other countries. It was a logical outcome of the decision at the Imperial Conference of 1926 to create a substitute for the role of the Governor General as the channel of communication between the Dominions Office of the United Kingdom Government and the Canadian Government. As the Governor General ceased to be more than a representative of the Crown, the appointment of a British Government representative in Ottawa became a necessity.

At the Imperial Conference of 1926, the following passages were included in the report of Proceedings:

> A special aspect of the question of consultation which we considered was that concerning the representation of Great Britain in the Dominions. By reason of his constitutional position, as explained in Section IV(b) of this Report, the Governor General is no longer the representative of His Majesty's Government in Great Britain. There is one therefore in the Dominion capitals in a position to represent with authority the views of His Majesty's Government in Great Britain.
>
> We summed up our conclusions in the following Resolution which is submitted for the consideration of the Conference:-
>
> The Governments represented at the Imperial Conference are impressed with the desiribility of developing a system of personal contact, both in London and

> in the Dominion capitals, to supplement the present system of intercommunication and the reciprocal supply of information on affairs requiring joint consideration. The manner in which any new system is to be worked out is a matter for consideration and settlement between His Majesty's Governments in Great Britain and the Dominions, with due regard to the circumstances of each particular part of the Empire, it being understood that any new arrangements should be supplementary to, and not in replacement of, the system of direct communication from Government to Government and the special arrangements which have been in force since 1918 for communications between Prime Ministers.

It is amusing, in view of the subsequent developments, to recall the adverse opinion of Professor Barriedale Keith, writing in 1927, on the proposal to appointed United Kingdom High Commissioners to the Dominions.(1) In the case of Canada, he conceded, it is easy to understand that it might be of real value for the British Government to be able by personal touch through a representative at Ottawa to attain a fuller understanding of Canadian views than through a Governor General. But in general he objected: "Apart from the utter waste of money involved by these appointments, it is perfectly clear that the diplomat would often have nothing serious to do save enjoy himself, and that Dominion ministers would prefer to receive their news direct from the British Government or through their own representative in London. . . Canada with a Minister at Washington and the British Ambassador in readiness can make no

(1) See Keith: Responsible Government in the Dominions. (2nd ed. 1928). p.915.

great use of a diplomatist at Ottawa whose chief function will be to beguile the exile of a Governor General removed from all useful interests and to keep him supplied with the information withheld by Ministers. . . Dominion

Governments are not at all likely to be permitted by their Parliaments to involve themselves in any idle apparatus." Professor Keith's opinion, however, was erroneous, and negatived by the action taken the next year, 1928, by both British and Canadian Governments in the appointment of a United Kingdom High Commissioner (Sir William Clark) to Ottawa.

Sir William Clark spoke of the office as being necessary not only to provide a channel of communication in place of the Governor General but also to meet other practical needs, such as trade.(1) Mr. Mackenzie King welcomed the move taken by the British Government in appointing a representative in Ottawa.

In April, 1927, he said: "There has developed more and more a tendency on the part of our respective Governments to deal with each other through personal representation rather than exclusively by despatches; I think all Governments have found that in the long run it saves a great deal of misunderstanding if a Government can communicate with its own agent, have that agent interview the other Government and report back. Where communications are left entirely to written despatches, very frequently those despatches are drawn as much for the purpose of concealing as of revealing what is most desirous to have expressed."(2) In January, 1928, he elaborated thus: "The Imperial Conference (of 1926), composed of those members of the several governments within the Empire who have to

(1) See United Empire, Vol.24, 1933. pp.25-34; Empire Club of Canada, Addresses. 1929. (Toronto 1930). pp.20-34.

(2) H. of C. Debates, April 13, 1927. pp.2465-6.

do for the most part with communications passing between different parts of the Empire, were agreed that the time had come when there should be not only direct communication as between government and government but also greater opportunity provided by way of personal contact and personal consultation, as a supplement to the written words of a despatch exchanged between governments. . . Among other subjects discussed by Mr. Amery when passing through Ottawa was this very question of a representative to be appointed from Great Britain to this dominion. The Secretary of State for the Dominions made it clear that it was the intention of the British Government to appoint a representative who would reside at Ottawa. What his designation will be or who will be chosen, is a matter for the British Government to decide. .. Whoever is sent by Britain to represent the British Government will receive a very cordial and warm welcome to this Dominion."(1)

Sir William Clark, K.C.S.I., K.C.M.G., took up his duties in Ottawa on September 24, 1928. His staff included Mr. (subsequently Sir) Robert H. Hadow, M.C., as First Secretary, of the Foreign Office, and Mr. (subsequently Sir) Percival Leishing, of the Dominions Office. It became customary to have in the Office of the High Commissioner for the United Kingdom a representative of each of those British Departments of State.

In a speech of welcome to Sir William Clark on November 4, 1928, Mr. Mackenzie King said in part: "The

(1) Ibid. January 31, 1928. pp.58-59.

representation in Canada of the interests of the Government of Great Britain is not the only responsibility of Great Britain's High Commissioner in our Dominion. He will have another and perhaps even greater responsibility, that, namely, of promoting consultation and co-operation between the Governments of Great Britain and Canada in all matters which are of mutual interest or concern. That consultation and co-operation will relate not alone to questions of trade, immigration, and finance, but also to these all-important matters which arise out of inter-imperial and international relations. Here let me say that especially in large matters of this kind, where consultation is all essential and where decisions frequently have to be reached without delay, too much importance cannot be attached to the value of personal contact. To my mind despatches between Governments should be the last and not the first work in important negotiations. An understanding of the exact meaning and intent of the other party, and of the atmosphere in which he lives and moves and has his being is all-essential to an appreciation of what may or may not be possible in any given situation at any given time. This can be made known to a Government by its own representative, resident at the seat of Government elsewhere, as it can never be made known

by correspondence between principals.*

"Nowhere more than in intra-imperial and international relations is it true that 'the letter killeth but the spirit maketh whole'. To see from my office window on the adjoining side of Parliament Square a building which I know to be that of the representative of the

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* It is interesting to note the somewhat contrary opinion of Mr. R.B. Bennett, leader of the Opposition in commenting on the Prime Minister's announcement:

> He spoke of Sir William Clark as the British High Commissioner in this country, and said that his appointment might facilitate the transaction of business between this country and Great Britain. It must not be forgotten that whatever difficulties there may be with regard to notes and despatches passing between the government of the motherland and the government of Canada, in the ultimate analysis, either by cable or by written communication, the High Commissioner of Great Britain must send his messages to the government which accredits him. And so it has always been. The written word sometimes is much more reliable and avoids misunderstandings to which conversations sometimes give rise. I recall reading not long since an account of what took place in 1891 at Washington, when a misunderstanding arose between Mr. Blaine and two of His Majesty's commissioners from Canada as to what had been said, and it brought about considerable difficulty. Conversations in diplomacy have caused difficulties, and any member of this House who has read what transpired in connection with the Great War will realize the different views given by German statesmen and British statesmen as to certain conversations that had taken place, and volumes have been written about such misunderstandings. So recourse is had to despatches, to written communications, as the ultimate authority upon which nations rely to govern and guide their policies. While the introduction to Canada of a British High Commissioner may serve a useful purpose for parole communications, yet in the end written communications must govern. (H. of C. Debates, May 28,1928, Vol.3, pp.3483-4).

Government of Great Britain, with whom, at a moment's notice, I can confer, or who, at a moment's notice, can confer with me; to know that we are known to each other, and that he, resident here, can learn for himself at first-hand some of the considerations and problems of which the Government of Canada has to take account, and interpret tham to his own Government in words which it would be impossible to place in despatches, and that all this can be effected without directly or indirectly involving the Crown or its representative in any possible difference of opinion or controversy, cannot, as I expressed it in a conversation with Sir William Clark yesterday, be other than deeply comforting to one charged with my responsibilities, and not less an advantage to the Government whose interests it is his/high privilege to represent." (1)

In 1934 Sir William Clark was appointed High Commissioner in Basutoland, Bechuanaland Protectorate and Swaziland, and High Commissioner to the Union of South Africa. He was consequently replaced by Sir Francis Floud, K.C.B., in 1934.

In 1937, referring to the consultations over the Abdication, Mr. Mackenzie King said in the House of Commons: "I should like to say a word of appreciation of the services which were rendered to our Government at the time of this crisis, so called, by the Dominions Office in London and by Sir Francis Floud, the High Commissioner of the United Kingdom in Ottawa, and members of his staff. Most of the communications from the Prime Minister of

(1) Montreal Gazette, November 5, 1928. Cit. in R.M. Dawson: The Development of Dominion Status, pp.356-7.

Great Britain came to our government from the Dominions Office and nearly all communications from the governments of other self-governing dominions of the Commonwealth came through the Dominions Office. All reached us through the High Commissioner for the United Kingdom resident in Ottawa. Throughout the entire period covered by the correspondence the High Commissioner's staff was on duty night and day. I cannot imagine work being more promptly and efficiently performed in every detail than was the case with the work as carried out in this matter by the Dominions Office in London and by the High Commissioner and the members of his staff in Ottawa." (1)

This makes it quite clear that the Office of the High Commissioner for the United Kingdom had wholly and successfully replaced the diplomatic role of the older Office of the Governor General.

Sir Francis Floud was succeeded in 1938 by Sir Gerald Campbell, K.C.M.G., but a few years later, when Lord Halifax was appointed British Ambassador at Washington, Sir Gerald Campbell was transferred and appointed as British Minister under him. Mr. King said: "I cannot express too warmly the appreciation felt by my colleagues and myself of the exceedingly helpful as well as very pleasant personal relations which existed between Sir Gerald and ourselves throughout the whole of the time he held the office of High Commissioner for the United Kingdom in Canada. . . We are fortunate, indeed, that Sir Gerald Campbell is to be succeeded by a High Commissioner who comes to us not as a stranger but as a friend. The Government was particularly gratified to learn of the appointment of the Right Hon. Malcolm MacDonald, as the new tenant of Earnscliffe."

(1) H. of Commons Debates, January 18, 1937. p.45.

Mr. Malcolm MacDonald, the son of the former Prime Minister of the United Kingdom, and a former Minister in the British Cabinet, proved decidedly popular in Canada. He married an Ottawa lady, and this strengthened his ties. He was an indefatigable traveller in Canada, and having bird-study as one of his many hobbies, wrote a book The Birds of Brewery Creek.

After initial establishment of offices on Wellington Street, the British Government acquired in 1930 "Earnscliffe", on the high bank of the Ottawa River. This fine old house was erected by Hon. Thomas MacKay in the early fifties of the last century. He built it for his married daughter, Mrs. John McKinnon. MacKay was said to have given it the name "Earnscliffe" but it is also claimed that Sir John A. Macdonald so called the property when he rented it. The city directory of 1870-71 makes no mention of "Earnscliffe", but the Canada Directory of 1871 gives the residence of Sir John as "Earnscliffe", Metcalfe Square.(1) According to Mrs. Desbarats, Sir John was responsible for the name even before he lived there. The Reynolds family were debating what name to give their new home; they had decided on "Eaglescliffe" when Sir John came in. About the name, he said, why not call it "Earnscliffe", "Earn" being the Scottish name for "eagle".(2) Thomas Reynolds, superintendent of the Ottawa and St. Lawrence Railway, acquired it from Thomas McKinnon,

(1) Ottawa Citizen, July 12, 1958.

(2) Lilian Desbarats: Recollections. p. 50.

and for a short time it was used as a military hospital. Sir John A. Macdonald purchased the property in 1884, and lived in it until his death in 1891. From 1891 to 1900 his widow, Baroness Macdonald, rented it furnished, generally to officers who were sent from England to command the Canadian Militia Forces, while she herself went to live in England; but in 1900 Earnscliffe was sold to Dr. and Mrs. Charles Harris who lived there for about thirty years, until the doctor's death in 1929. In 1930 it was purchased by the British Government as the official residence of their High Commissioner to Canada.

Japan

Japan, in accordance with the arrangements for mutual representation, agreed, in 1927, to establish its Legation at Ottawa the following year, (opened on July 20, 1928), almost simultaneously with the opening of the Canadian Legation in Tokyo. Mr. Shuh Tomii, who had been Consul General in Ottawa, was appointed First Secretary and Chargé d'Affaires pending the appointment of a Minister. The former Japanese Consulate General in Ottawa was abolished. Temporary offices were established in the Plaza Building, and soon afterwards the Chancery moved to the Victoria Building at 140 Wellington Street.

Mr. Kiyoshi Fukui, Attaché to the new Japanese Legation, was appointed Vice-Consul in charge

of consular affairs. However, the Dominions Secretary, in a "personal" telegram to Dr. Skelton, dated July 26, 1928, commented:

> With reference to the proposal in telegram from His Majesty's Chargé d'Affaires at Tokio to the Canadian Government, No. 152 of the 30th June, to give additional Consular status to one member of the Japanese Legation staff at Ottawa, it may be useful for you to know that the experience of the Foreign Office is that it is very undesirable to have on the diplomatic list persons who whilst nominally on the staff of the diplomatic mission, are engaged mainly or exclusively on duties of a consular nature. Foreign Office points out that if it is desired to bring an action in courts against such a person, plaintiff is likely to be much aggrieved on finding he is debarred from legal remedy by claim to diplomatic privileges in favour of person whose status he believes to be really consular. Foreign Office suggests that it might be well to press for consular work to be done by a consular staff.(1)

What adjustment was made is not clear, but on April 9, 1929, Mr. Fukui, formerly Attaché, was appointed Third Secretary of the Japanese Legation,* while continuing to act in the capacity of Vice-Consul.

The first Minister Plenipotentiary of Japan was Hon. Iyemasa Tokugawa, son of the distinguished and venerable leader, and President of the House of Peers, Prince Tokugawa. He presented his credentials to the Governor General on October 21, 1929.(2) (Hon. Herbert Marler, the Canadian Minister to Tokyo, presented his letters of credence to the Japanese Emperor on September 18th). His private residence was 306 Metcalfe Street.

(1) File 610-28C.

(a) Notwithstanding the above views of the Foreign Office, the Canadian Government in 1940 gave consular status and powers to the Canadian Chargés d'Affaires in Paris and Tokyo, and have given certain diplomatic officers concurrent Consular status and powers subsequently in many other Missions

(2) File 610-28C.

~~diplomatic titles that when a consignment of spirits was addressed to the Minister, it was delivered at the church.~~

On January 15, 1935, Mr. Tokugawa left Canada on his appointment as Ambassador of Japan at Istanbul. He was succeeded by Hon. Sotomatsu Kato, who presented his Letters of Credence on June 26, 1936, - the same week that Sir Herbert Marler left Japan prior to his appointment as Minister to Washington.

On May 25, 1938, Baron Tomii succeeded Mr. Kato, and on October 28, 1940, he was replaced by Hon. Seijiro Yoshizawa, who presented his credentials on that date.

Later the Japanese Minister rented as his residence a house at 192 Daly Avenue in Sandy Hill. It was built by Robert Allen who, with his family, lived there for a number of years, until he sold it in 1920 to Mr. and Mrs. Norman Wilson. Mr. and Mrs. Yoshizawa rented it and used it as the Japanese Legation until Pearl Harbour, December 7, 1941. The house was then rented by the Soviet Russians and used for a school for the children of their various officials. After that, it was sold by Senator Cairine Wilson and became a social centre for New Canadians, especially those from Holland; it was renamed St. Willibrod's Hall, after an Englishman who is said to have brought Christianity to the Netherlands.(1) After the War, when diplomatic relations were resumed, the Japanese Legation moved its offices to the new Commonwealth Building on Metcalfe Street and its Ambassador's residence to Clemow Street.

(1) Lilian Desbarats: Recollections.

France

In reciprocity of the Canadian decision to raise its agency in Paris to the diplomatic character of a Legation, the French Government agreed to open a mission in Ottawa in supplementation of its Consulate General in Montreal.

The first French Minister Plenipotentiary to be appointed was M. Jean Knight, who presented his credentials to the Governor General on November 16, 1928, less than a month after Mr. Philippe Roy had presented his new letters to the French President in Paris. Monsieur Knight's staff included a Secretary, M.Henri Coursier, a Secretary-Archivist, and a Commercial Attaché. There was no French Consul in Ottawa.

In 1930 M. Knight left Canada, consequent on his appointment to a high position in the French Foreign Ministry, and M. Coursier acted as Chargé d'Affaires.

In 1931 M. Charles Arsène Henry was appointed Minister and took up his duties in Ottawa.

During his incumbency, the new French Embassy was built and completed in 1933 at 42 Sussex Street on the cliff overlooking the Ottawa River, beside the Rideau River. This imposing modernistic building, designed by a French architect and exquisitely furnished, was the first specially built diplomatic mission in Ottawa, and has never ceased to impress Ottawans and visitors by its splendid location, its beautiful grounds and lawns, and its spectacular interior design and decoration. It overlooks the river where Champlain, in the service of the

French Court, broke trail for all the adventurers and explorers, coureurs des bois and missionaries who travelled La Grande Rivière.

In 1934 M. Henry was appointed Minister at Copenhagen, and left Canada. His successor, Mr. Raymond Brugère presented his Letters of Credence as Minister Plenipotentiary on October 16, 1934.

He was succeeded on December 9, 1937, by Count Robert de Dampierre, and three years later, just as the Vichy Government came into office, M. René Ristelhuber presented his credentials on June 3, 1940. There was a moment when M. Ristelhuber believed that the Canadian Government was about to hand him his passports and break official relations, as the United Kingdom had done; but this alarm was misplaced. Mr. Mackenzie King preserved the connection, and explained his action to the House of Commons. Mr. Hazen said: "I should like to ask what is the present relation between the Canadian Government and the representative of the French Government in Ottawa?" Mr. Mackenzie King replied:

> There has been a certain severance of relations but not a complete severance. I understand the Consuls-General of France are all at the present discharging their duties normally in the United Kingdom as they have hitherto done. As far as Canada is concerned, our position has been to permit the minister who has come to Canada from France to remain. He understands that the situation is a delicate one and that he is here with a view of assisting our government to meet questions as they arise, rather than do anything directly or indirectly which would serve to embarrass the government. The position as far as our relationship with France is concerned is well known and understood in the United Kingdom. I believe we are helping to meet the desire of the United Kingdom government in not severing diplomatic relations to the extent of asking the present minister to retire. I believe a similar attitude is being taken on the part of South Africa towards its representative from France.

Mr. Hazen interpolated:

What I had in mind was this. The French Government today is apparently under the domination of the German Government, and there must be communications passing from the French representative here to the French Government in France, which communications must be available to the German Government. Is there any control over the communications that pass from the French representative in this country to the French Government? Is the French representative free to send any communication he likes, which would be available to the German Government?

Mr. King replied:

If there were the slightest reason to believe that the present French representative was able to obtain any information that is not common information, that might be of the least help to the German Government, I imagine he would not himself wish to stay for an hour, and certainly this government would not permit him to stay. But I have every reason to believe that M. Ristelhuber, the present Minister, is a very honourable man and certainly in his relation to the administration with respect to the different and difficult questions which have come up he has given us every reason to believe that his sole desire is similar to our own, namely, in the existing very painful situation to do all he can to help relieve difficulties rather than add to them.(1)

Belgium

Shortly before the Second War, in fact as early as 1937, Belgium had expressed a desire to establish a Legation in Canada, and negotiations led to a reciprocal agreement.

The first Belgian Minister to Canada, Baron Silvercruys, presented his Letters of Credence on January 11, 1937, more than two years before Canada took reciprocal action in Brussels.

The first residence was that of the Belgian Consul General, Mr. Maurice Goor, who later went to Ireland as Belgian Ambassador, and decided to spend the rest of

(1) H. of C. Debates, August 6, 1940. pp.2531-2.

his days there. This house was at 240 Daly Avenue, previously occupied by Sir Charles and Lady Fitzgerald until he was appointed Lieutenant-Governor of Quebec in 1918, and then by Mr. and Mrs. Norman Wilson, (later ~~parentsxxx~~ the Hon. Senator Carine Wilson.)In 1930 it ~~was~~ was bought by the Sisters of the Holy Cross as a children's school.(1)

In 1940 the Belgian Legation acquired for its official residence and chancery the fine old house at 395 Laurier Avenue, in Sandy Hill, known as Stadacona Hall. It was built in 1871 by Mr. Mather, a contractor for John A. Cameron, who was in the lumber business. In about 1875 it was rented to Joseph Cauchon, who later became Lieutenant-Governor of Manitoba. On his departure for Winnipeg, Sir John and Lady Macdonald moved into the house and lived there for a few years. The present dining room was Sir John's office and the present kitchen the office of his secretary, Joseph Pope. It was Sir John who named the house "Stadacona", after a men's club in Kingston to which he belonged. The Camerons and their large family of eleven children then occupied it for some years. Sir Frederick Borden and his family made their home there when he was Minister of Militia in Sir Wilfrid Laurier's Cabinet. In 1912 it was occupied by Mr. and Mrs. W.H. Rowley. When Mr. Rowley died,Mr. and Mrs. MacNider became tenants of "Stadacona" when he was United States Minister. Then the French Minister, M. Raymond Brugère and his wife rented and occupied it until Mrs.

(1) Lilian Desbarats: Recollections.

Rowley sold it to the Belgian Government as a Legation, and later Embassy, residence.(1) In 1943 the Legation was raised to an Embassy, and Baron Silvercruys became Ambassador.

Following the departure of Baron Silvercruys in 1944, Mr. A. Paternotte de la Vaillée was appointed Belgian Ambassador, and presented his credentials on July 20, 1945.

Netherlands

The Government of the Netherlands established its Legation in Ottawa some two and a half years later than that of Belgium. The first Minister, Mr. F.E.H. Groenman, presented his Letters of Credence at Rideau Hall on October 18, 1939. The following year, 1940, he established his mission at 18 Range Road.

Early in the War, H.R.H. Princess Juliana with her children made their temporary home in Ottawa, where her third daughter was born. A special dispensation in the form of an Order-in-Council designated a maternity room in the Ottawa Civic Hospital as extraterritorial, in order that, should the expected royal child be a male heir to the throne, he would not have been born on Canadian soil. The house "Stornaway" occupied by Princess Juliana was in Rockcliffe, and is now the official residence of the Canadian Leader of the Opposition.

Mr. Groenman was succeeded in 1944 by Jonkheer J.W.M.M. Snouk Hurgronje, then by Karl Schurmann, whose

(1) Ibid. p.49.

brother was conductor of the Residency Orchestra at The Hague; and then by Mr. Herman Van Roijen, formerly Under-Secretary for Foreign Affairs and Minister for Foreign Affairs.

Dominion High Commissioners

Meanwhile, the precedent established by the appointment of the United Kingdom High Commissioner to Canada in 1928 was extended by mutual agreement of reciprocity, at the commencement of the Second War, by the arrival in Canada of High Commissioners representing each of the Dominions except New Zealand.

In 1938 the Government of the Union of South Africa opened an office in Ottawa, the first "Accredited Representative" - subsequently entitled High Commissioner- being Mr. David de Waal Meyer, who arrived in April of that year. He established his office at 56 Sparks Street.

In August, 1939, Mr. John J. Hearne was appointed first High Commissioner for Ireland in Canada. He opened his office in the "diplomatic building" at 140 Wellington Victoria Street.

In 1940 the Australian Government appointed Major-General Hon. Sir William Glasgow, K.C.B., as first High Commissioner for the Commonwealth of Australia.

New Zealand, either for reasons of lack of diplomatic personnel or because of financial limitations, postponed opening a High Commissioner's Office in Canada for several years.

Other Allied Missions

Mr. Mackenzie King stated in the House on February 9, 1942: "Perhaps I may say a word with respect to

legations to be opened shortly in Ottawa. I notice in the press of this morning reference to Norway opening a legation in the city. I might say that there have been requests from Norway and from Poland and Yugoslavia to have legations established in Ottawa. Requests have been received from other countries, but I mention these three in particular. Careful consideration has been given to the requests, and the government has decided to accept them. We are pleased to have in the capital of Canada diplomatic representatives of these countries which have been playing such heroic parts in the present great world struggle.

"The first legation to be opened will be that of Norway. The Norwegian Minister will be Mr. Daniel Steen who has been Consul-General of Norway in Canada for many years.

"The first Polish Minister will be Mr. Victor Podoski, who came to this country as Consul-General of Poland at the outbreak of the war. Both these gentlemen, now raised to the rank of Minister Plenipotentiary in the service of their respective countries, are held in high regard and esteem by the Canadian Government and all those who have had the pleasure of meeting them.

"I may add that the first Minister of Yugoslavia to Canada will be Dr. Isidor Cankar, who has had a distinguished career in the diplomatic service of his country and is at present Yugoslav Minister to the Argentine Republic.

"Perhaps I should mention also that Greece has indicated a desire to have a Minister resident in Ottawa

and that request is being considered at the present time. With respect to the reciprocal appointments of ministers to other countries, it is understood that the matter of reciprocation will stand over until the end of the war."(1)

Mr. Steen presented his credentials as Minister of Norway on April 2, 1942; and took up his residence at 25 Cartier St.

The Polish Minister, Mr. Victor Podoski, presented his credentials on March 27, 1942, and occupied 333 Chapel St. He had formerly been Polish Consul to Canada, and then served in London during the early part of the war.

The Yugoslav Minister, Dr. Cankar, presented his credentials on May 15, 1942, and established himself at 292 Laurier Ave., East.

In addition, during the same year, a Minister of Greece, Mr. George Depasta, was accredited on June 5, 1942. He resided at the Chateau Laurier.

The first Czechoslovak Minister, Dr. Frantisek Pavlasek, presented his credentials on August 14, 1942, and took up his residence at 171 Clemow Ave.

China

On November 6, 1941, Mr. King announced that "the Chinese Government had nominated and the approval of His Majesty had been signified to the appointment of Dr. Liu Shih Shun as Minister from China to Canada. Dr. Liu has had a lengthy experience in the foreign service of his country and since 1931 has headed the European and American divisions of the foreign ministry in China. It is not known

(1) H. of C. Debates. February 9, 1942. p.401.

how soon he will reach Canada. In due course, the Canadian Government will appoint a Minister to China."(1)

Dr. Liu Shih Shun presented his Letters of Credence to the Governor General on February 26, 1942, and set up a Legation including a Counsellor, a First Secretary, a Second Secretary, and four Attachés. He established his Legation at 201 Wurtemburg St. This house had been Sir Robert Borden's historic home. After his death it had been jointly occupied for a time by his nephew, Henry Borden, K.C., and R.A. Henry.(2)

Latin America

Several countries of Latin America had, for a few years prior to the War, been pressing Canada to exchange diplomatic missions and to accept representatives of their republics in Canada. These requests were based partly on considerations of mutual trade; partly on a desire to be associated for political reasons, with a North American country additional to the United States, possibly to counteract that great nation's predominance. There were also felt to be cultural affinities between the European-minded Latin Americans and the latinity of French Canada. Canada was not a member of the Pan-American Union of Republics, and it was thought that direct diplomatic relations with Canada might form a useful substitute. On the outbreak of war, Canada was at first the only major country in the Western Hemisphere

(1) H. of C. Debates, November 6, 1941. p.4123.

(2) Lilian Desbarats: Recollections.

(other than the British West Indies) which was actively engaged as a belligerent, but several of the countries of South America, such as Uruguay and Brazil, were sympathetic to the Allied cause, and sought to have closer contact with the Dominion which at first was the principal defender of the Western Hemisphere. The interruption of trans-Atlantic commerce also led to increased commercial intercourse between the South American and North American countries. Argentina had a large British population (as well as German) which took an active interest in the Allied war-effort, and many Anglo-Argentines came to Canada to enlist and take air-training. The relations between the South American countries and Canada thus became more close.

On a reciprocal basis, therefore, during the first years of the war, it was agreed to exchange diplomatic Missions with the major republics of South America; and when in 1941 Canada decided to open Legations in Brazil, Argentina and Chile, those countries, which had long been pressing for such steps, were prompt to open their Missions in Ottawa.

The first Minister of Brazil to Canada was Mr. J.A. Lins de Barros, who presented his credentials to the Governor General on May 15, 1941. He was replaced by Mr. Caio de Mello Franco who was accredited on August 28, 1942. His staff consisted of a First Secretary, a Commercial Counsellor, a Second Secretary, and an Attaché. The Legation was established at 140 Wellington St.

The first Minister of the Argentine Republic, Dr. Pablo Santos Munoz, presented his Letters of Credence on June 3, 1941. He established his Legation at 18 Rideau St. During his absence in 1942, Dr. Raul Rodriguez Araya, First Secretary, was Chargé d'Affaires.

A Chilean Minister, Dr. Eduardo Grove, was accredited on September 15, 1942, and located his Legation at 480 Manor Road, Rockcliffe. His staff included a First Secretary, a Military Attaché, and a Press Attaché.

U.S.S.R.

On October 21, 1942, the first Soviet Minister, Mr. Feodor Gousev, presented his credentials and set up his Legation at 285 Charles Street. He had a fairly large staff, consisting of a Counsellor, First, and Second and Third Secretaries, a Commercial Attaché, and three Attachés.

Official Exiles in Canada.

Although not in the form of official representation in Canada, it may be mentioned that some of Hitler's victims of an official character came to Canada during the War. "Both exiled royalty and governments-in-exile were allowed to establish quarters in Canada. The first to come was an international exile, the International Labour Office, which was given temporary accommodation at McGill University.(1) Before the end of the second year of the War, parts of the government of both Luxembourg and Yugoslavia had been established in Canada, although

(1) H. of C. Debates, February 17, 1941. p.817.

suites. The federal authorities in Ottawa knew these, but Ottawa was not a Federal District like Washington and Mexico City, but was a double town, of Ottawa on one side of the river, in Ontario, and of Hull on the other side, in Quebec province. Partly through ignorance and partly in exercise of provincial "states rights" regardless of federal or "national" rules of conduct, the provinces, and even the municipal authorities, were reluctant to grant any exceptional immunities, such as taxation or licenses, to the foreign diplomats. Privileges and immunities as regards traffic offences, customarily recognized in other countries, were not willingly granted; C.D. automobile licenses and identification plates were scarcely honoured, and ordinary provincial car licenses had to be purchased by the diplomats according to their place of residence and registration. Provincial and municipal taxes were undiscriminatingly levied. Even the local dog-licenses had to be purchased; the so-called taxes paid. To the diplomats' protest, over this non-immunity, the Dominion Government, failing to overrule the provincial practices, had to advise the diplomats to pay their taxes and licenses, and then by way of compromise, undertook to reimburse the diplomats their costs, out of federal funds; the Federal Government alone recognizing the customary immunities under international law and convention. Thus, for example, the anachronism followed that the foreign diplomats paid their taxes to the municipality or province, while the Federal Government, through

(1) The departmental files are replete with correspondence on this subject of claims and reimbursement for costs of dog taxes paid by foreign consuls and diplomats.

the official centre for these administrations remained elsewhere. A number of royal exiles had also taken up residence in Canada, including the Princess Juliana of the Netherlands ~~Holland~~ and her two children, and the Empress Zita of Austria."(1)

This review of the development of foreign diplomatic missions in Canada, mainly during the period under present review, is of interest because it is the counterpart of the expansion of Canadian diplomatic representation abroad. It was evidence that Canada was now being recognized as a sovereign state. Requests for agréments, and subsequently presentation of credentials, were made to the Governor General acting in the name of the King of Canada, and were approved by the King on the advice of his Canadian Ministers through the viceroy Governor General. The influx of foreign diplomats to Ottawa threw new burdens on the Prime Minister acting as Secretary of State for External Affairs; and also created new work for the Department of External Affairs, in matters of consultation, correspondence, information, connections with other Canadian Government departments, and local protocol (for which a special Diplomatic and Protocol Division soon had to be set up in the Department).

Privileges

The Canadian provinces, especially Ontario and Quebec, were slow to understand the traditional privileges and prerogatives long established in international law and convention, of foreign diplomatic representatives and their

(1) Dawson: Canada in World Affairs, 1939-41. p. 270.

the Department of External Affairs, paid them back from national funds. Where this occurred, almost annually after 1924, in respect of "dog taxes", questions were regularly asked in the Dominion Parliament, and the Prime Minister had to explain the peculiar arrangement. In certain cases he pointed out that in some foreign countries in which Canada had diplomatic Missions, the same arrangement was made: the foreign government reimbursed to the Canadian Minister or Ambassador whatever dog tax or other local dues he was obliged to pay. The provincial and municipal fiscal and tax laws ordinarily did not include an exemption clause for diplomats, and hence could not be initially avoided.(1)

In other respects, within the capital, Ottawa, the foreign diplomats enjoyed the traditional privileges and immunities; and to a slightly less degree the foreign consuls de carrière also enjoyed customary privileges and immunities, except invitation to the Drawing Room.(2) Most of these privileges and immunities were based on reciprocal action in other countries. Regulations covering those applied in Canada were ultimately drawn up, for the information of the foreign diplomatic and consular corps and other interested parties, such as police and provincial authorities.

These problems were the business of the subsequently-organized Diplomatic and Protocol Division of the Department of External Affairs.

(1) The departmental files are replete with correspondence on this subject of claims, and reimbursement, for costs of dog taxes paid by foreign consuls and diplomats.

(2) See Chapter on "Foreign Consular Affairs" in Part 1 of this Survey.

CONFIDENTIAL

23.

GENERAL APPRAISAL OF THE "SKELTON EPOCH"

Appraisal

This survey of the so-called "Skelton Epoch" of the Department of External Affairs has in certain places overrun the date of 1941, the year of Dr. Skelton's death; because certain processes and aspects of organization which had been initiated - especially in the opening year or two of the Second War - came to fruition in the years following his demise. It had been thought reasonable, in certain instances, to "follow through" his initiatives into the ensuing period, rather than to break the continuity by a rigid cut-off date.

Nevertheless, an effort has been made to limit so far as possible the present survey to the period of Dr. Skelton's tenure as Under-Secretary of State for External Affairs, i.e., 1925 to 1941, a period of nearly sixteen years, matching the preceeding "Pope Epoch", i.e., 1909-1925, also of sixteen years.

Constitutional Changes

As has been indicated in the introductory chapter, the Pope Epoch had been characterized by the foundation and internal consolidation of the small new Department and its administrative structure, as an extra apparatus of government. If it seemed static, it was a germinating seed. In that period it had almost no policy-guiding significance. Foreign policy of the Dominion was still largely controlled in London, notwithstanding the fruitful efforts of Sir Robert Borden

in promoting the autonomy of the Dominions, and in gaining separate representation at the Peace Conference and in the League of Nations, the influence of Mr. Meighen on British policy over the Anglo-Japanese Alliance, and Mr. Lapointe's signature of the Halibut Treaty independently for Canada.

The ensuing Skelton Epoch saw the completion of a number of changes in imperial constitutional evolution.. The Department of External Affairs which he headed, commenced to have gradually a more prominent role to play in the way of policy-guiding.

After 1926, the centre of control and machinery of Dominion foreign policy shifted from London to Ottawa. Incidentally, in London itself, changes in the imperial machinery were also taking form. The Dominions Office was created out of the Colonial Office (1925); the role of the Governor General as a channel of official communication was abridged (1926); and he no longer represented the British Government in Canada, but only the Crown. The British Government appointed as its agent a High Commissioner to Canada (1928), and the Canadian Government enhanced the role and status of its High Commissioner in London, later exchanged High Commissioners with each of the fellow-dominions in the Commonwealth, and, in 1927, initiated its diplomatic representation abroad independent from the British diplomatic service. These were imperial constitutional changes, a remodelling of imperial

machinery, which affected the Department of External Affairs and, by imposing new tasks and responsibilities, stimulated its development.

Expansion

Partly consequential to these constitutional changes, necessarily came the need of strengthening and expanding the Department of External Affairs in Ottawa, especially after the opening of Legations abroad. Under Dr. Skelton, there was a general expansion of clerical staff, and an increase in the officer strength from three to fourteen.

The expansion was limited, and barely adequate for the growing needs. There were several reasons for this. Dr. Skelton personally preferred to overwork himself than to delegate tasks to extra staff. He preferred a small compact Department rather than a large and possibly unwieldy one. Both Mr. King and Mr. Bennett were in politics economical-minded, and wished to avoid requests for parliamentary appropriations for departmental expansion. Growth was retarded for five years (1930-35) because of the economic depression. There was little public interest in external affairs generally or toward the Department, except perhaps in the novelty of Canadian Legations abroad. After the first enthusiasm for the League of Nations, and over Canada's independent membership and active participation, there set in a period of relative

apathy, growing disillusionment with the League, and continental isolationism paralleling that in the United States. As public and parliamentary interest in foreign affairs was relatively apathetic, the responsible Department was still somewhat neglected by the public and parliament. It therefore developed slowly.

Nevertheless, it was better geared for further expansion than in the static days of Sir Joseph Pope. The competitive examination system for foreign service officers was introduced in 1925. Thereafter a few new officers were appointed year by year after passing examinations. The nucleus of a professional career service was thus created. The inside or "home" service and the foreign service were made interchangeable, so that officers and clerks came from abroad back to Ottawa, ripened in diplomatic experience, or went from Ottawa, departmentally trained, to man the several new posts abroad. Thus the new service began to be built up, at first by improvised methods, but soon more systematically regulated; and a group of well-qualified and able young men was gradually recruited, as well as a larger staff of clerical personnel.

Training

Pope had envisaged the creation of a corps of men trained in international affairs; but he barely realized this wish. Dr. Skelton achieved it by recruiting and training some fourteen officers of high

ability. As Mr. King said: "The late Dr. Skelton, having held at one time the position which he did at Queen's University, having taken the interest that he did at all times in students, made a point of endeavouring to discover young men in different parts of the country who would be well suited to the Canadian public service. He did what he could to encourage the best of them to try the examinations, and, as far as he could, enlisted their services subsequently." (1)

So well selected and so successfully trained were they, that Dr. Skelton, before his death, had the satisfaction of seeing several of his officers attain the topmost positions in the diplomatic career. Jean Desy became Minister to Belgium and the Netherlands in 1939; Loring Christie became Minister at Washington in 1939; H.L. Keenleyside, and E.D. McGreer, were Chargés d'Affaires in Tokyo; P. Dupuy had been Chargé d'Affaires in France, and to the Allied Government-in-exile in London; K.P. Kirkwood in 1940, having been Chargé d'Affaires in the Netherlands at the time of the German invasion, became first Canadian Consul in Greenland. J.S. Macdonald was Acting Under-Secretary from April to July, 1937; Norman Robertson, well-groomed by Dr. Skelton, stepped into his place immediately on his demise.

(1) H. of C. Debates, February 25, 1941, p. 1009.

These were some of the fruits of the guidance and training undertaken by Dr. Skelton during his sixteen years, which he was able himself to see. Others of his officers subsequently rose to be High Commissioners, Ambassadors, Ministers and Consuls-General. His was a fructifying influence.

Internal Organization

Although the Department, prior to 1941, was still too small for much functional sub-division, which took place later, some specialization developed, - the germ of functional and political and administrative divisions. A Legal Adviser, John E. Read, was appointed to replace Loring C. Christie. A Counsellor was assigned to specialize on League of Nations work. Another officer attended to the increasing matters of local diplomatic relations and protocol. A reference library took shape, and information work was undertaken as a specialized activity. The Passport Office already had a separate cadre of staff. The administrative work resulted in the rise of a special section. The duties of registry, records and files became better organized. Coding and communications were transferred from the Governor-General's Office to the Department. Thus, there grew up the nucleus of a Department of various sections or future divisions, a "house of many mansions" which was to take more formal shape in the years subsequent to Dr. Skelton's

death. The process of organization, it is true, was still necessarily improvised, and was largely on an ad hoc basis, in those formative years; but a pattern began to take shape.

Representation Abroad

The Department's widening role and functions ran parallel with, and was influenced by, the extension of Canadian diplomatic representation abroad. When Dr. Skelton took office in 1925, there were commissioners in London and Paris, and an "advisory" officer established in Geneva. There were no Canadian true diplomatic posts, and no consular posts.

When Dr. Skelton's tenure was cut short in 1941, there were, besides the High Commissioner's Office in London and the Office of the Permanent Delegate in Geneva, Legations in Washington, Paris, Tokyo, Brussels, The Hague, in all the British Dominions, and, a few months later, in three major countries in South America. There were also two wartime Consulates, and consular status had been given to officers in Paris and Tokyo. This growth in representation abroad, developed during the sixteen years of Dr. Skelton's tenure, was soon to expand even more rapidly in consequence of the Second World War; and this extension was built with comparative ease on the foundations of the diplomatic service which had been developed with greater trial and tribulation, and experiment in the Skelton period.

Personal Influence of Dr. Skelton

Certain aspects of the Department and its overseas proliferations and diplomatic service were undoubtedly attributable to the character and personality of the Under-Secretary, Dr. Skelton. First, a former professor and dean, he personified scholarship, and most of the officers recruited into the Department by him were also of scholastic temperament. Indeed, there was a tendency, occasionally criticized, to be over-academic; for most of the new officers - a priori university graduates - possessed advanced degrees and several had taught in universities. The intellectual and scholastic level of the upper ranks of the Department, under Dr. Skelton, was exceptionally and conspicuously high.

Secondly, Dr. Skelton personally was modest and self-effacing; and this character and manner made their impress on the group of departmental officers who served under him. The showy side of the diplomatic profession was eschewed; personal publicity was decried; diplomatic uniforms and "gold braid" and conventional trappings of older European ceremonial were discouraged; official social life was kept within reasonable bounds in keeping with Canadian moderation and simple taste; and the emulative flamboyancy of more ancient diplomatic life was almost non-existent

in the Canadian service. The salary, living and representational allowance structure was made adequate but not excessive; the officers were not required to be men of high social status or private means, in order to fulfil social duties, as was so often the case in the European, Latin American and United States diplomatic service.* Thus, the Canadian diplomatic service, under Dr. Skelton's influence of modesty and moderation, avoided the evils of exhibitionism, escaped the epithets cast elsewhere against "glamour boys", striped pants diplomats and "cookie-pushers"; and the Hollywood character of the panoply and ceremonial of the old-style diplomatic profession based on aristocracy and wealth was avoided.

Dr. Skelton, fond of wearing a cloth cap, was as democratic a person as any in Canada, and this preference for simplicity and informality permeated the Department, where plain living and high thinking, so characteristic of their chief, also characterized his associates. The quiet humbleness and modesty of the scholar and Under-Secretary made their impression on all his co-workers.

In the Commons shortly after Dr. Skelton's death, Mr. King, referring to his "modesty, his

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* The few exceptions to this generalization included High Commissioners to London like Lord Strathcona, Mr. P.C. Larkin, and Mr. Massey; and Ministers to Washington like Mr. Massey and Mr. McCarthy. Generally speaking, however, appointees were Civil Servants of academic rather than aristocratic of wealthy background and resources.

kindliness, and the example he set and created for the young men who grew up with him in the diplomatic service of the Department of which he was the permanent head," said further: "He believed that men in the public service could best carry on their work by remaining in the background of anonymity and retiring from the light of public favour. He hated notoriety, publicity, and everything that was blatant or garish. He knew that the great things in life are wrought in the stillness and solitude of the mind of man, and that reflection and silence become a trusted servant of the people far better than speech and the glitter of the limelight. By his own modest acceptance of these high traditions of the public service, which he did so much to create, he fashioned the pattern of the Department of External Affairs. The result of Dr. Skelton's example and influence is that today in the Department of External Affairs, in London, in Washington, and elsewhere throughout the world, this nation is served by men who, thinking nothing of public acclaim, of personal distinction, or of public reward, have laboured without ostentation, steadily and silently, for the great cause which has been entrusted to their hands." (1)

(1) H. of C. Debates, February 17, 1941, Vol.1,p.818.

Advisory Role

Finally, the Department, under Dr. Skelton's direction, began to play a role, hitherto almost negligible, of an advisory agency to the policy-framing Prime Minister and Cabinet. Dr. Skelton was not only, like Sir Joseph Pope, a departmental administrative head; he became, with the assistance of some of his counsellors, an adviser on foreign policy and external relations. Because of his endowments and personality, that advisory role grew and extended. As a corollary, the Prime Minister, as Secretary of State for External Affairs, came to lean more and more heavily on the Department ("inextricably interwoven" with his own Prime Minister's Office) both for advice, and for professional services of its staff.

To a large degree, the Department, in this advisory role, ontinued to be a one-man organism. There were, until the Second World War, relatively few senior personnel in the Department at home. Dr. Skelton himself was temperamentally disinclined to delegate work to other staff, and tried, with ever-increasing strain on his health, to keep departmental affairs in his own hands. He became so much the key man, and so personally influential, that he was sometimes described as the "deputy prime minister". In the organizational arch he was the indispensable keystone. In his advisory capacity, he was consulted

not only by his own chief, the Prime Minister, but by many other Cabinet Ministers and departmental heads, and by foreign diplomats accredited in Ottawa. He thus, through his personality, his position, and his intellectual power, left an impress - although difficult to define or precisely measure - on the government's policy-framing. During Sir Joseph Pope's regime, Prime Ministers framed policy alone, or within their Cabinet; though they were to some degree advised on protocol matters by Pope and on legal and constitutional matters by Christie. In the later epoch, Prime Ministers relied more deeply on the advice and learning and acumen of the Under-Secretary to supplement their own work of policy-framing. Much of this helpful advice, naturally, was given in private oral consultation and discussion, and thus does not appear in the available records; but the recollections of statesmen, political leaders, and the press bear witness to the invisible influence which Dr. Skelton personally contributed to the shaping of Canada's external relations, especially in the years 1925-26 of great Imperial constitutional change and devolution, and in the first critical years 1939-1941 of the Second World War.

This personal impact of Dr. Skelton had its counterpart in the increasing prestige and usefulness

to the government of the Department which he represented and headed, for it was men whom he had recruited and trained, like Robertson, Wrong, and Pearson, who later stepped into his shoes as Under-Secretary and carried forward his initiating influence. The aura of Dr. Skelton in the history of the Department of External Affairs long outlasted his lifetime.

Department and Parliament

It stands to reason that Dr. Skelton's close advisory relationship to policy-making Cabinet Ministers should affect also the Department's relationship with the Cabinet and legislature in various ways. It has already been indicated that, from many years back, officers and other staff of External Affairs were frequently seconded to the Prime Minister's Office, until the two bureaus became intimately connected. As the Prime Minister was also Secretary of State for External Affairs, this integration was natural and inevitable. From the beginning of Dr. Skelton's incumbency, new officers in the Department were from time to time loaned to the Prime Minister's Office for special tasks. A number of clerks, stenographers and file-clerks were likewise loaned or transferred.

There was also created, in March, 1940, a Cabinet Secretariat. As R. Barry Farrell later

remarked: "Because of the obvious advantage of close relationship between the Cabinet Secretariat and the Department of External Affairs there has nearly always been at least one officer of the latter department seconded to the Secretariat. There has also been very close contact between the Department and the Cabinet Secretariat since the appointment of a Secretary to the Cabinet in 1940. One obvious reason for this is the large volume of questions coming before the Cabinet which involve Canada's external relations. This close relationship will no doubt be further enhanced as a result of the appoinment of the former Secretary to the Cabinet, Mr. A.D.P. Heeney, as Under-Secretary of State for External Affairs and the appointment of Mr. Norman Robertson, formerly one of Canada's senior career diplomats, to fill Mr. Heeney's former post of Secretary to the Cabinet." (1)

The role and status of the Department not only received recognition in this manner in connection with the Prime Minister's Office and the Cabinet Secretariat, but also emerged into fuller light in connection with Parliament. The experiment of a Parliamentary under-secretary of external affairs, innovated during the First War, and resumed for a year in 1921, lapsed into desuetude during - and until

(1) R.B. Farrell: "The Planning of Foreign Policy in Canada": World Politics, Vol.1, No.3, April, 1949.

long after - Dr. Skelton's period of office. The Select Standing Committee on Industrial and International Relations, a parliamentary organ, operated spasmodically during the period, but was bifurcated and revived as a Standing Committee on External Affairs after some years of quiescence. It served as a growing link between Parliament and the Department; and in this way the Department and its work came to be better known to the public and more directly known to Parliament.

General Summary

In the Introductory Chapter of this part of the historical survey of the Department were quoted the words of Dr. Skelton summarizing the "instruments of international action", and the character of the Department in 1930, - five years after he had taken charge of it as Under-Secretary of State for External Affairs.

> It is growing, not as fast as those connected with it would like to see it grow, but its equipment for its tasks is being increased, so far as staff and organization are concerned. . . Development has been rapid, but it has not yet progressed far enough. I do not think, either, that anyone who has looked into the facts will say it has involved undue burden on the country. (1)

Eleven years later, another summarization was given by Mr. Mackenzie King, Prime Minister and

(1) Minutes of Select Standing Committee on Industrial and International Relations, March 25, 1930, pp.10-12.

Secretary of State for External Affairs, in reference to the Department in 1941, - a month after the death of Dr. Skelton:

> The matters of high policy, which in the imperial war council of the last war were considered around the council table by the heads of the several governments of the British empire, are today discussed between them by direct communication. The means and agencies of communication, in the intervening years, have alike been materially improved. The cable has been supplemented by the wireless and the transatlantic telephone.
>
> Each dominion has today a Department of External Affairs efficiently organized and in a position instantly to supplement the information essential as a background to the discussion of any problem.
>
> Not only is each government represented in London by its own special agent - a high commissioner - but the British government is also represented by a high commissioner in each of the dominions. . . We are fortunate in having in our capital at this time distinguished representatives from all of the other dominions with the exception thus far, I think, of New Zealand. In those countries we are also represented by our high commissioners.(1)

The Prime Minister may have been pardonably optimistic in this picture, in the context of an argument against an Imperial War Cabinet. It is true that the Department of External Affairs was by 1941 larger, more active, and more efficient than it had been in the Pope epoch.

Three years later, - still in the war-period - Professor Skilling summarized the character of the Department and its overseas offices, virtually as Dr. Skelton had bequeathed them, in the following words:

(1) H. of C. Debates, February 17, 1941, Vol.1. p.812.

"The Canadian diplomatic service is still small in numbers and facilities; only the foundations have been laid in this first period of growth. Missions abroad are few; the service at home is still not of sufficient size fully to cope with the responsibilities suddenly thrust upon it. The relative newness and smallness of the service have had advantages and disadvantages. There is no long line of distinguished secretaries of state for external affairs; the point has not been reached when the portfolio of external affairs has been held separately from the prime ministership. Control over Canadian external relations has been too recently achieved to give the diplomatic service a sense of intimate familiarity with and a deep knowledge of diplomacy and foreign affairs. The members of the service are young in years, and some of them, in experience. On the other hand, no rooted and rigid traditions have been established and preserved by the permanent officialdom of the Department of External Affairs, and its members are characterized not only by considerable ability and a freshness and originality of outlook but by the absence of the less attractive features usually attributed to diplomats. The practice common to the diplomatic service of most

European as well as other countries of drawing the personnel from a narrow social caste has fortunately not been adopted. Abroad the representatives of Canada, untried in the arts and practices of diplomacy, have had to overcome their own inexperience as well as the ingrained unwillingness of many a foreigner, and some British, to recognize the diplomatic independence now attained by members of the Commonwealth. Moreover, until the outbreak of war, Canada's representatives lacked that most significant asset of the diplomats of the great powers - military and naval forces to back up their utterances and make them meaningful, and suffered from a lack of a positive and distinctive foreign policy as a framework for their own actions and statements. At home the foreign service has been confronted with a public relatively uninterested and uninformed in foreign affairs, accustomed to rely on British agencies and institutions for the formation and execution of foreign policy, and unaccustomed to complete Canadian independence in this sphere. There has been consequently no keen public awareness of the policy, organization or personnel of Canada's "Department of State" or "Foreign Office", thus sparing it so far the sharp and often salutary public criticism to which the

corresponding American and British institutions are subjected, and depriving it, too, of the prestige, authoritativeness and public support enjoyed by those more venerable and influential agencies of government." (1)

The foregoing comments perhaps give both the gains and the deficiencies of the Department as it progressed under Dr. Skelton's aegis during the sixteen years 1925-1941. The next four years of War, and the crowded post-war years, with the United Nations in being, saw a much more rapid further development, - in functional specialization, in premises, in staff expansion, and in influence, - which in many respects were the fruition of the seeds planted by Sir Joseph Pope, and of the small growing plant nurtured during the tenure of Dr. Skelton. A chief feature of all this growth was the personal imprint of Dr. Skelton, which left its enduring impression on the Department long after his death. This was the more remarkable because of his unassertiveness, modesty and self-effacement.

(1) H.G. Skilling: Canadian Representation Abroad. (1944), pp.IX-X.

It has been made clear in Part I and Part II of this survey that during the ~~war~~ years of the First World War, the Department of External Affairs, relatively new and still embryonic, was scarcely a serious affair except as a necessary and useful coordinating bureau; in the intervening years between the two Wars, its activeness gradually developed and its value became more appreciated, and it became, both in the home office and in its foreign service abroad, a real department of government; and the Second World War brought a greater reality into its duties and into Canadian-United Kingdom relations based on a genuine partnership. During this latter period, the old problem, virtually an incubus, of status and imperial relationships, which had burdened and handicapped Canadian freedom of foreign policy-making and the role of the Department, was at last sloughed off; and with its new independence of function, the Department became a "foreign office" of recognized competence and distinction.

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APPENDIX I.

PARLIAMENT AND EXTERNAL AFFAIRS

Parliament and External Affairs

Parliament and External Policy

The role of Parliament in the control of Canadian external policy has been irregular and ambiguous. In theory, Parliament is powerful, being the responsible body in the government of the nation, exercising control over the executive branch. In practice, it has often been weak and inactive, abdicating its power to the executive branch of the government, i.e., the Ministry.*

Allowing for difficulty of Parliament, as an institution in which more than one House exists and more than one Party exists, Parliament possesses powers of control over its own executive, the Cabinet or Ministers. It can exercise this control in a number of ways. Itcan ask questions, which the Ministers are expected to answer. It can introduce resolutions, or amendments to government resolutions. It can request statements by a Minister of the Crown, which it can query. It can debate issues of foreign policy

* There is a considerable literature on the role of democracy, public opinion, and parliamentary organs in the direction and control of foreign policy. One of the latest and most succinct studies is Max Beloff's Foreign Policy and the Democratic Process, (Johns Hopkins, Baltimore, 1955), being one of the series of Albert Shaw Lectures on Diplomatic History given in 1954. Beloff quotes many other American and British authorities, but entirely omits Canadian references and examples. The Canadian aspect is dealt with in the present review.

such as treaties and conventions, before their ratification, or administrative proposals such as departmental matters at home or representation abroad. It listens to periodical reviews of international affairs by the Prime Minister or Secretary of State for External Affairs. It openly discusses those matters, both in general terms and in more immediate application to Canada's national affairs and status. It approves, or challenges, or withholds consent to, proposed expenditures for departmental or external purposes. It can, and on rare occasions it does, reject an external policy of the Government and force the Government's resignation. In these respects, Parliament, as an entity, may exercise its sovereignty over the executive branch.

The major functions of the House in relation to Canadian foreign policy appear to be fourfold. First, it passes on proposed legislation and government finances. Secondly, it educates the country and its own members on matters of foreign affairs. Walter Bagehot referred to the English Parliament as the political schoolmaster of the nation. His comment is equally applicable to the Canadian Parliament. The debates of its member bodies are reported throughout the country by means of the press and radio and through the efforts of Members of Parliament themselves. Foreign policy is thus brought before the attention of the common man and information and arguments

are provided for his consideration. At the same time, in the course of Parliamentary and committee work, legislators are exposed to large quantities of information and discussion and those who are interested may thereby obtain better intellectual means of judging government policies. Thirdly, the Parliamentary bodies, as forums for debate, may provide the Cabinet and the Department of External Affairs with very useful ideas in developing foreign policy. Quite often legislators make suggestions which are the positive value to the analysis of particular problems. Finally, and perhaps most important, Members of the House of Commons, and in a secondary manner Senators, provide negative limits on the planning and execution of government policies. They force the government to justify its actions and the official to act in such a way that his action can be justified. They remind the planners of policy that they are the servants of the country and not its masters. The legislators make known what they think are the broad configurations of public opinion and point out the controversial areas where the policy-makers must walk warily.(1)

Parliamentary Control: Illustrations.

Some illustrations of the role and influence

(1) This summary is paraphrased from R. Barry Farrell: "The Planning of Foreign Policy in Canada". World Politics, Vol.1, No.3, April, 1949.

of Parliament in Canadian development may be given.

(a) Going back to the summer of 1899, there arose the problem of the war in South Africa. Some suggestions were made that Canada should offer troops to the Transvaal. Both the public and Parliament were slow in reaching a decision. (Although the British Government, with Joseph Chamberlain as Colonial Secretary, angled for promises of aid, Lord Minto, the Governor General of Canada, was himself opposed). Laurier was reluctant to take any action. On July 31 he introduced a resolution in the House of Commons expressing sympathy with the British Government in its attempt to secure equal rights for British subjects in the Transvaal; but some public opinion felt that this was not enough. J.S. Willison, then editor of the Toronto Globe, bluntly told Laurier that he would have to send troops or go out of office, a conclusion with which Laurier was reluctantly forced to agree before long. Parliament at the time was not in session. On October 14 a Privy Council report said:

> The Prime Minister in view of the well-known desire of a great many Canadians who are ready to take service under such conditions is of opinion that the moderate expenditure which would be involved for the equipment and transportation of such volunteers may readily be undertaken by the Government of Canada without summoning parliament. . .

When Parliament met in February, 1900, the Government had on its own authority sent two contingents. The debates in both Houses were prolonged and sometimes impressive. While the Government enjoyed an almost unanimous support on principles, criticism was not lacking. One test of the Government's policy came in the general election of 1900, an election largely fought on that policy. The results of the polling were somewhat striking; in Ontario the Government lost 14 seats, and in Quebec it gained all but seven.

This was a case not in which Parliament guided or directed policy, but in which post facto it made its influence felt. The original steps were taken without Parliament, which was not in session.(1)

(b) Questions of reciprocity or other tariff relations with the United States necessarily were extensively debated in Parliament, as having a bearing on domestic affairs and as a crucial political issue. It was perhaps in reference to this economic field more than any other that Dr. Skelton was justified in saying, in 1922, "To a considerable extent foreign policy is simply a

(1) See Glazebrook: A History of Canadian External Relations, pp.277-280.

projection of domestic policy."(1) It was indeed on the controversial question of reciprocity that public opinion, through Parliament, forced the Laurier Government to resign in 1911; and this was as much a foreign relations issue as it was a domestic issue.(2)

(c) In the Naval Service Bill discussions in 1910, there was a great opposition to Laurier's proposals for a Canadian navy. Some opponents wanted none of it, being a thing of warlike intent, and as Laurier wrote: "There is among the farmers no enthusiasm for the organization of naval defence; your general ground is derived from the fact that you do not believe in armaments."(3) Others wanted a contribution of money to assist the British Imperial Navy; others wanted to donate a dreadnought or other vessels, Canadian-built if possible, to the British navy as a colonial gift and a token of loyalty and support of the protective mother-country. Laurier wished to have a small Canadian defensive navy maintained and staffed by Canada. The Conservative criticisms were divided. "Mr. Monk denounced the bill as a surrender of Canada's autonomy, a victory of

(1) Address, Canadian Club of Toronto, 1921-22. January 30, 1922. p.145.

(2) See Glazebrook: Canadian External Relations, pp.190-192.

(3) Skelton: Life and Letters of Sir Wilfrid Laurier, II. p.331.

Chamberlainism; the label 'Canadian' on the fleet could not conceal the fact that it was a disguised contribution to the imperial navy, a pledge of Canadian participation in all British wars, an assumption of all the consequences of a policy in which Canadians had little interest and over which they had no control. Other Conservatives attacked the government's proposals as a useless waste, a strategic heresy, a declaration of independence, the beginning of the break-up of the Empire, a weak concession to French-Canadian disloyalty: 'one flag, one fleet, one throne' was their ideal".(1)

Dr. Skelton summarizes this important issue in these words: "The debate ranged wide. There were many notable utterances. Never before had Canada's relation to the Empire or her place in the world been discussed so thoroughly in parliament. Yet there was an inability to find common ground, or a haziness and uncertainty of view, that prevented a very helpful or definite conclusion. The debate made evident how imperative was the policy Sir Wilfrid Laurier advocated, of emphasizing Canadian nationhood and at the same time seeking to reconcile nationhood and Empire. British racialism and French racialism, imperialist and nationalist, were alike barriers to Canadian unity. . . The debate also made evident how difficult this policy was to work out in practice, how ambiguous was Canada's international situation,

(1) Ibid, p.329. (Skelton).
See also Glazebrook: op. cit. pp.281-2.

how uncertain it was where nation ended and Empire began."(1)

It may be noted that in these parliamentary debates emphasis was concentrated on Canada's status and relationship in the imperial framework; they had paid little, if any, attention to the real reason for Canadian naval armament, i.e. the German Naval Bill of 1898 and the growing naval menace of Germany in the 1909-1912 period. Glazebrook has commented that there were some in Canada who minimized this remote threat, and there were others who continued to believe that naval defence was a British and not a Canadian responsibility. The effective majority, however, accepted the proposition that the threat was real, and that Canada must lend aid to combat it; but from that point the debates were on the form of that aid, and controversy and disagreement became acute on the implications of colonial responsibilities and status.*

In the outcome the Commons passed Borden's Naval Aid Bill. The Senate rejected it, and on the outbreak of war in 1914 Canada had virtually no ships. Parliamentary opposition to governmental policy was sufficient to negate the policies of both Laurier and Borden.

(1) Ibid. pp.329-330. See also Glazebrook, op. cit. p.282-6, 293.

* Glazebrook: op. cit. p. 281.

(d) On the outbreak of war in 1914, public opinion accepted without question Canada's involvement, as a British colony, in the situation where the Crown was at war. Although Canada still had the right to decide the degree and form of its participation in the overseas war, the country unanimously felt it to be its duty to participate actively in the defence operations of Great Britain and its European allies overseas. Parliament was not in session, and the Government acted expeditiously, with a formal declaration of war and the organization and preparation for despatch of contingents, before Parliament could meet. As soon as it assembled, however, Parliament gave an enthusuastic support of the Borden Government's measures. The War Measures Act, passed promptly in the special session, confirmed these early steps and gave extraordinary powers to the executive considered appropriate in time of war.(1) *

During the war years, Borden and his Cabinet, with the help of various wartime Cabinet committees,

(1) Glazebrook, op. cit. p.294.

* In Great Britain's entry into the war in 1914, Sir Edward Grey claimed that it had been sufficient to consult Parliament only in the final crisis, and the extent of Britain's prior commitments was not fully known either to the putative enemy, or to the British Parliament itself. (Beloff, op. cit.).

dealt with the developments overseas, as well as at home, under broad powers granted by Parliament, but without much dependence on the cumbrous machinery of discussion in the Senate and House of Commons. Nevertheless, Parliament kept an alert and critical watch over the activities of the government concerning the war effort and Canadian operations in the theatre of war.

(e) When in 1917 the controversial and decisive question of the Military Service Act and conscription came up, the Government, under public and parliamentary pressure, had to save itself by a reconstruction into a Coalition or Union Government. While this was mainly a phase of domestic politics, it had its origin in a foreign war in which Canada was deeply committed; and Parliament had the overseas crisis as much in mind as the domestic problem.

(f) After the First War was over, Parliament took relatively little direct interest in the Peace Settlements, which were mainly European, or in the ensuing arrangements, both inside and outside the League of Nations, for European "security". These matters were apparently remote from direct effect on Canada, and were of a diplomatic nature beyond the understanding of

the majority of members of parliament.

Although the debates in both Houses were extensive, they were in fact devoted once more very largely to the constitutional implications. Discussion was less on the problems of Europe, as on Canada's position and status in the Imperial peace-making machinery and in the League of Nations. Its right to "a voice" in foreign affairs was of greater concern than the foreign settlements arranged at Versailles themselves.(1)

It seemed necessary to remind Parliament of its responsibilities and duties.

(1) See Glazebrook, op. cit. p.316. See also Glazebrook: Canada at the Paris Peace Conference, pp.111-112.

Dr. Skelton, in 1922, while he was still at Queen's University, told the Canadian Club of Toronto that Parliament should take a more positive role than it had been doing in matters concerning foreign policy. He said:

> Our parliament has not had much need or much training in the discussion of foreign affairs in the sense of foreign affairs in which the centre of gravity lies across the ocean. Some may say it is out of the question that our parliament should discuss with intelligence matters of European politics. Well, that is true. We can never probably bring the same consideration to bear on matters affecting Poland for instance as we can on affairs relating to the United States. But the broader line should be stated that more interest should be exercised than before the war. If there is any question of foreign policy upon which our Canadian parliament is not or cannot be made competent to discuss, that is a question, I think, on which no parliament should bind us. If parliament does not know enough about a problem to discuss it, it does not know enough about it to sign an agreement concerning it. It is a safe practice in politics as in business not to sign any notes the terms of which you cannot read. In some way then, possibly by the formation of foreign affairs committees, by discussions in the House on the results of conferences in which Canadians participated, whether at Geneva, Washington or London, our parliament will have to take a more systematic, more responsible interest. . .
>
> It is not merely with parliament that that duty rests; it rests on every individual; if foreign policy is not to go the way in English-speaking countries that it is in many continental countries, if our interest is to be intelligent, if real responsibility is to develop, then private citizens must do more in the way of study, in the way of discussion of the broader issues.(1)

Nevertheless, there were some signs of an awakening consciousness of foreign problems, which, as the recent war had shown, might have unimagined

(1) O.D. Skelton: "Canada and Foreign Policy", January 30, 1922, Addresses: Canadian Club of Toronto, 1921-22, p.153.

repercussions in Canada. In the next few years there was a slight increase of public interest. The League of Nations had been established at Geneva; some Canadians were on its permanent secretariat; Sir Herbert Ames became its financial director-general for seven years, (September, 1919 to August, 1926); and each year there were appointed strong Canadian delegations of Ministers and Members of Parliament to the Geneva Assemblies. In 1921 the League of Nations Society of Canada was launched with an impressive list of officers, and spread through numerous influential branches across Canada. The Canadian Clubs had eminent speakers on foreign affairs; the Canadian Institute of International Affairs, Institute of Pacific Relations, and Institute of Public Affairs, were established. In the press, in the universities and schools, and in various clubs, could be seen reflected the growing realization that treaties and diplomacy were not just remote matters belonging to an older and outmoded world, but were matters having more direct repercussions on Canada itself in its international position and relationships and foreign commerce.

This view of responsibility was from time to time re-asseverated in Parliament itself, as well as outside. A few members of Parliament took a very keen interest in the subject of foreign affairs. Mr. King repeatedly declared that in major issues Parliament must be informed and consulted, and must

even give its sanction to government policy involving the national interest or involving issues of war and peace. ~~even though the final centre of policy lay in London and not in Ottawa.~~

Parliament was, in fact, to some extent becoming more informed and consulted, and a certain amount of debate followed. On the other hand, there were innumerable instances of omission of this desirable practice.

In 1925-1926 Canada's position in the British Empire, newly called the British Commonwealth, was radically changed. Its dependence on the Colonial Office, the successor Dominions Office and the Foreign Office, its reliance on the channel of the Governor General, were abandoned. Autonomy in foreign affairs was extended. Henceforth Ottawa, not London, directed the foreign policy-making of Canada. This threw greater responsibilities on both the Canadian Government and the Canadian Parliament than theretofore.

Nevertheless, during the 1930's and 1940's parliamentary interest in affairs beyond the North American continent still remained largely remote and academic. The Turkish-Greek crisis, the Italo-Abyssinian War, the Spanish Civil War, the "Manchurian incident", the successive aggressions and invasions of Hitler prior to Munich, the Japanese war in North China - these were debated in Parliament, mostly post-facto; but Parliament took little part in directing the

government's attitude and policies on those connections. The work of the League of Nations, gradually being undermined by secessions, was perfunctorily scrutinized and debated, and a few leading members of Parliament attended the annual Assembly sessions at Geneva. Slowly there grew up a body of members more informed on foreign affairs. Through the improvements of press and radio news coverage, and better editorial expression, public information and opinion was becoming deeper; and this was reflected in Parliament. There were ever-increasing demands by Members of Parliament themselves for foreign affairs reviews and debates; Parliamentary Standing Committees on External Affairs occasionally met; a few Parliamentary Under-Secretaries for External Affairs were appointed in an attempt to provide a closer liaiason between Government and Parliament. On major issues involving the possibility of war, the Mackenzie King Government adhered to the principle that invariably Parliament must be consulted and "Parliament will decide".

When the Chanak crisis arose, and Mr. Lloyd George tentatively invited Canada's co-operation in possible hostilities, Mr. King replied asking if the situation required the summoning of Parliament to consider a decision; but events made this unnecessary.

When Hitler's mechanized army rolled into Poland in 1939 thus automatically committing Great

Britain to war, Mr. King hastily summoned Parliament before declaring a state of war with Germany, although such a proper formality had not been followed in 1914 by Sir Robert Borden. The speech from the throne, calling for a declaration of war, was followed by a brief and sober debate. Opposition was insignificant and agreement was reached without a division; but, as Mr. King had postulated, it was Parliament which decided.

Deficiencies in Parliamentary Control

Notwithstanding these manifestations of the increasing interest and influence of Parliament in foreign affairs and imperial relations, there was much that was lacking. Some of the reasons for earlier parliamentary apathy or indifference, prior to 1914, may be enumerated:

First, both the public and its representatives in the Chambers were, in that earlier period, not well-informed. The international press agencies were still in a rudimentary stage; there was no radio or television to enlighten the public. The Cabinet rarely gave out to Parliament the information - often confidential - which came officially into its possession, mainly from London through the Governor General. The liaison between Cabinet and Parliament through the agency of Parliamentary Under-Secretaries or of Standing Parliamentary Committees had not yet been adopted.

In the second place, the conduct of foreign relations must often be done in secrecy and on a confidential basis in which Parliament could have little intimate knowledge or which Parliament could not or should not publicly discuss until negotiations were completed.

In his comments on "The Planning of Foreign Policy in Canada", R.B. Farrell emphasized "the obvious difficulties of secrecy. Apart from fiscal policy there are few areas where secrecy restrictions are so stringent. In the name of Canada - policies may be developed and carried to a stage where it is difficult to turn back before they can be revealed to the public."(1)

Thirdly, until the mid-twenties, a great part of Canada's external relations had been conducted, not by Ottawa but by London, a relic of the colonial status and a constitutional procedure in the period of imperial centralization and British responsibility. So long as the Home Government exercised this authority, there was little occasion for the Canadian Parliament to intervene. The colonialistic tradition was still paramount, despite the restless murmurings of the autonomists and nationalists; and the Canadian public had been, on the whole, reasonably content to leave matters of foreign policy to the more experienced Motherland, its Colonial Office, Foreign Office, and diplomatic machinery, so long as Canadian interests were not

(1) Loc. cit. p. 370.

disregarded or impaired. This situation changed during the 1920-30 decade.

Fourthly, the Parliamentary apathy toward questions of foreign affairs - other than relations with the United States - was partly based on the elementary facts of geography. The international problems of the world beyond the North American continent impinged but slightly, prior to 1914, on the outlying parts of the Empire. Great Britain was a part of the European system; Canada was not. Canada felt herself secure behind the screen of the Monroe Doctrine and the British and United States navies; it was secure by virtue of the wide moat of the Atlantic on one side and the Pacific on the other, with the vast Arctic zone almost uninhabited, inaccessible, serving as an insulator in the north. The threat of American annexationism had virtually passed, and the "century of peace" along the border was well along its course. The First World War proved how illusory was this confidence in Canada's geographical isolation and security; a Serbian political feud and a shot in Sarajevo had plunged Canada into a four year war in Europe; and after that revelation, more Canadians began to take a more concerned interest in world affairs in remote parts of the inhabited globe and to take a more direct and active interest, through the League of Nations and in other respects, in the world's foreign affairs.

Fifthly, Canada had no diplomatic machinery

of its own, barely adequate informational sources, and scarcely any policy-guiding body of experts at home, before 1927.

During the First War, Sir Robert Borden had conducted Canadian foreign and imperial policy through frequent personal visits and conferences in London, with little reference to Parliament sitting in Ottawa. By virtue of necessity in war-time, policy had to be concentrated in the hands of the Executive; and wide emergency powers for this were granted by Parliament. Periodical reviews were given, and debates followed, in parliament; but control was retained by the government of Sir Robert Borden and his Ministers.

After the war was over, matters of foreign affairs were largely European, and so complicated that they became the business of experts, rather than of private members of Parliament. Despite President Wilson's aspiration for "open covenants openly arrived at", diplomatic negotiations, especially concerning European affairs, were often confidential and not for uninformed public debate.*

Professor Dewey has pointed out that the tendency toward greater parliamentary discussion of foreign policy matters, however admirable it may be on general democratic principles, made Dominion participation in Imperial Conference activities or

* Sir Harold Nicolson pointed out that Wilson himself was swift to realize once he got to Paris that he could not keep literally to his idea that "diplomacy should proceed always frankly and in the public view". Wilson took the view that only the publication of the conclusions reached was essential. (Harold Nicolson: The Evolution of Diplomatic Method. pp.85-86).

even Empire war activities difficult and tended toward decentralization within the Empire. "Clearly the more trammelled governments are by expressions of opinion in parliament, by conventions limiting their discretion in external relations, the less free are they to secure popular approval after the event by recourse to reasons of State and an attitude of Olympian aloofness, and the wider becomes the area which must be persuaded beforehand. Backbenchers and their constituents are apt to be less interested than members of the Government upon such issues, - more provincial, it might be said, in their outlook, and the mobilization of co-operative activity be retarded in consequence."(1)

Lord Bryce, writing his chapter on "Democracy and Foreign Policy" in 1918, published in Modern Democracies in 1921, drew a distinction between ends and means; and concluded that in the execution of foreign policy, the role of the executive government could not easily be diminished or that Parliament could take a more direct role. "The Means", he wrote, "used for attaining the Ends sought cannot be safely determined by legislatures so long as our international relations continue to be what they have heretofore been, because secrecy is sometimes, and expert knowledge is always, required."(2)

(1) A.G. Dewey; The Dominions and Diplomacy. Vol.1, pp.353-4.

(2) Lord Bryce: Modern Democracies. (London 1921). Vo. 2, p. 420.

See also Pearson footnote next page.

This aspect of prior agreement and unity in matters of foreign policy was restated by Mr. L.B. Pearson, Leader of the Opposition, in January, 1959, in reply to the Speech from the Throne:

> As has so often been said in the House, these over-riding questions of peace and war must, if we can possibly bring it about, be discussed and decided in this House on as non-partisan a basis as possible. That does not mean that we shall not have disagreement because we shall. But we must always at least try to agree, and I am quite sure that we shall be able to agree on objectives even if we are not always able to agree on methods.
> (House of Commons Debates, January 19,1959).

One of the reasons why the government leaders kept matters of foreign concern so largely in their own hands and avoided parliamentary discussion, as has been intimated, was the complex nature of Canada itself. As shown at the time of the South African War, and during the naval debates in 1911 and 1912, and during the first War, and, during the post-war years, with the League of Nations, the challenge of the Chanak incident, and the Geneva Protocol, public opinion was likely to be divided, with resultant political tension. Therefore public debate was to be avoided as much as possible. Sectionalism and cross-currents were dangerous threats to the essential unity of Canada, and even to the stability of government. The leaders therefore sought to avoid statements or discussions which might accentuate those divisions of public opinion - often geographical or racial - that existed. Consequently the government, which alone was in possession of the full information required in framing external policy, chose as far as possible to keep such intricate matters from the precarious forum of less informed parliamentary debate.

In a country where party politics strongly subsist, and a government rests on party majority in the Lower House of Parliament, foreign policy has to operate, so far as possible, free from party dissensions; and consequently must seek to be free, in some cases, from controversial parliamentary

discussion.* This general statement may be made without particular illustrations, some of which will, however, appear in these pages. Mr. Mackenzie King was a master of conciliation, and in avoiding contentious issues in open debates; and in matters of external affairs he apparently sought to evade discussion or debate in parliament of diplomatic matters which might arouse party dispute. His procrastination in appointing a Canadian Minister to Washington after the way to do so had constitutionally been cleared, was attributed to this caution in action and restraint of discussion in Parliament, as well as division in his own Cabinet. On the other hand, it was sometimes the practice to win over beforehand by consultation, press and platform statements, public opinion and the support of opposition parties in parliament on foreign policy before the question came up for debate in the House. Thus, there has usually been a fairly wide support given to Canadian foreign policy by the opposition political parties. Open clashes are avoided by trimming policy to the mood of the public and estimating the acceptability of any particular proposed policy before any commitment.(1)

* Lord Strang has commented on this dangerous result of discussion over government foreign policy. "Once foreign affairs are brought into the arena of party politics, two things are likely to happen: genuine divergence of outlook, corresponding more or less to the internal political pattern, will be liable to manifest themselves as loudly-expressed differences of opinion concerning the best foreign policy to pursue; and, in addition, the parties not in power will be under strong temptation to oppose merely for opposition's sake, using the complex of external affairs as a sort of stalking-horse for their internal manoeuvres. . . Few people would wish to dispute that in general the broadening of democratic control is at once a necessary and a welcome thing. Nevertheless so far as foreign

(cont'd)

(1) See page

In connection with the Peace Settlement at the close of the First World War, public comment, while not unintelligent, showed a lack of background of parliamentary discussion and of informed interest. This was largely because at the end of 1918, the settlement to be reached was largely a European one, not touching the Americas except indirectly. Likewise, in the United States, although President Wilson played a powerful role in the peace negotiations, the Americans soon retreated from any active concern in the resultant League of Nations; an era of "isolationism" commenced. When the Peace Treaties were signed and brought back to Canada, there was manifested a somewhat similar unwillingness of parliament to give any serious consideration to the terms of settlement as such. "The debates in both Houses", Glazebrook comments, "appear long, but they are in fact devoted very largely to the constitutional implication. The ministers, who as plenipotentiaries had gone through the educational experiences of the Paris conference, did their best to place before Parliament the character of the treaties themselves,

(Con't) policy and its diplomatic execution are concerned it certainly makes for weakness unless the public is really well-informed, logically and emotionally consistent, and will ing to allow its official servants to do their work with as little interruption as possible. And it is not easy to see how these conditions can even be fully realized in practice." (Lord Strang: The Foreign Office, p.45.)

but with very little success, to judge by the substance of the debate. By September 4th, the Senate, and by September 11th the Commons, had passed the resolution approving the Treaty of Versailles, and little comment was made on the subsequent treaties as the same procedure was followed by each in turn".(1)

In another passage, Glazebrook remarks: "Throughout the generations parliament had indeed spent a good deal of time in deliberating on certain aspects of external relations, and more than once a question of commercial policy had been decisive in elections. Yet it was a far cry from reciprocity or the progress of autonomy to the point of view of a legislature responsible for passing on decisions on high policy, and keeping an eye on the independent place of the country in relation to the world scene. Despite their length, the debates in the Commons on the Treaty of Versailles show little evidence either of knowledge of the subject or appreciation of the advantages and obligations involved. The minister completely failed to dissipate the atmosphere of an academic debating society." (2)

Moreover, there was in the decade or so following the end of the First World War, a general lassitude and isolationism in Canada as well as in the United States; and this public indifference toward European and distant foreign affairs was

(1) Glazebrook: A History of Canadian External Relations, p.364.

(2) Ibid. p.346.

reflected in parliamentary indifference, and even in government leadership. Professor MacGregor Dawson, in his official biography of Mr. Mackenzie King, based on the King papers, has pointed this out. "Isolationism - hitherto a relatively rare phenomenon in Canada outside Quebec - had now become an integral part of the opinions of a large section of English-speaking as well as French-speaking Canadians. The defection of the United States from the League of Nations drew the League even further away from Canadian interests and sympathies, and inevitably increased the distrust which Canadians felt for what they felt was an alien body. Canada had desired membership in the League of Nations as a recognition of her nationhood, but the ink on the Covenant was scarcely dry before she began to dread the responsibilities which that membership might entail. . . As the Leader of the Opposition, his /Mr. King/ attitude toward the League was one of studied neglect. He ignored the League in Parliament, and he failed to make anything of it in the election of 1921. . . King's coolness towards the League was, in fact, shared by most of his contemporaries in public life. Thus, Meighen's attitude, if judged by his participation in the debates of parliament, was even more indifferent than King's, and the Progressive leaders were equally silent. . . The truth was that most members of parliament were not interested in what the League of Nations was doing, and there

was consequently little demand for discussion in the House."(1)

Failure of Parliamentary Control: Illustrations.

A few other particular cases in which the government failed to take Parliament into its confidence on questions of foreign relations may be referred to as illustrating the deficiencies in parliamentary control.

(a) In 1920, while Mr. Mackenzie King was Leader of the Opposition, he objected to the withholding from parliament the details of the Meighen Government's preliminary discussions with London over the proposal for separate Canadian diplomatic representation at Washington. The announcement of the agreement concluded was made simultaneously in London on May 10, 1920, and in the House of Commons in Ottawa by the Acting Prime Minister, Sir George Foster.(2) Mr. King declared:

> My purpose in rising now is not to refer at the moment particularly to the far-reaching and important step the government has taken but rather to express surprise that Parliament has not been acquainted with the correspondence in reference to this matter before the whole matter was finally concluded. If I understand the announcement which my right hon. friend has just made, it is to the effect that the whole transaction is finally settled between the Government of Great Britain, the Canadian Government and the United States Government, and parliament has had no opportunity whatever

(1) W. MacGregor Dawson: W.L. Mackenzie King, Vol.1. cit. in Ottawa Citizen, November 26, 1958, p.36.

(2) See reference next page.

> of giving any consideration to the matter in its far-reaching inter-Imperial and international bearings. I think that is not the course which the Government should have taken. Parliament should have been fully apprised of and given opportunity to discuss the essential matters relating to this far-reaching step before the Government came to any final decision in connection with it.(1)

Mr. Fielding also demanded full information respecting the negotiations, moving an amendment in supply on May 17th.(2) A considerable debate ensued, and Mr. Fielding's motion was defeated by a small majority. The subject came up again upon the consideration of the estimate for representation at Washington on June 20, 1920; a debate ensued, and Mr. Mackenzie King moved to reduce the amount by $30,000; the motion was negative by 57 votes to 32.(3)

On May 10, Sir George Foster had replied that "all papers in connection with the negotiations will be brought down as quickly as possible and presented to the House." Apparently, however, this was not done. In the following year, Mr. Meighen asked Christie, his Legal Adviser, to ascertain what copies of correspondence could be brought down, and Christie advised that none should be released, as they were privileged and involved three governments. On April 21, 1921, Mr. Meighen told the House of Commons that the correspondence could not be tabled.(4)

(1) House of Commons Debates, May 10, 1920, III, pp.2177-8.

(2) Ibid, pp.2422-4.

(3) Ibid, Vol.V, p.4533.

(4) Ibid, April 21, 1921, p.2490.

(b) Mr. Mackenzie King, soon after he became Prime Minister, had to make a crucial decision on the Chanak crisis in 1922 without Parliament, though in this case his reserved reply was based on the principle that in any positive commitment Parliament would have to be consulted, and it was not then in session. He asked Mr. Lloyd George whether it should be summoned, and was informed that this was no longer necessary. Mr. King's action, however, was regarded as tantamount to an equivocal refusal to underwrite Britain's foreign policy - a decision made by the Administration without Parliamentary participation. He was afterwards taken to task for this by Mr. Meighen, who spoke for the Opposition, who re-asserted the Laurier policy of no commitments without Parliamentary sanction, but who apparently broke this principle by his own impromptu "Ready aye ready" without prior consultation of either Parliament or his own party. Mr. King could perhaps justify his own action of evading an Imperial involvement, after consulting with only the few Cabinet Ministers who were in town, by arguing that as a Prime Minister and Cabinet are presumed to command a working majority in Parliament, and that leadership is presumed to be expected and actions presumably will be endorsed by the parliamentary majority, when submitted for approval, the Government was acting on behalf of Parliament, during its recess. Replying to Mr. Meighen's subsequent criticism, On February 1, 1923,

Mr. King reasserted that "If the relations between different parts of the British Empire are to be made of an enduring character this will only be through a full recognition of the supremacy of Parliament, and this particularly with regard to matters which may involve participation in war. It is for Parliament to decide whether or not we should participate in wars in different parts of the world." (1)

(c) After the Imperial Conference of 1923, at which important positions of Imperial decentralization were adopted, Mr. King made no effort, on his return to Canada, to explain them to Parliament. "Until 1926", comments Professor Corbett, "none of the resolutions of the 1923 Imperial Conference had been laid before the House, and then only that relating to the negotiations and signature of treaties was submitted. Curiously enough, it had a clause tacked on to the original text providing that 'before His Majesty's Canadian Ministers advise ratification of a treaty or convention affecting Canada, or signify acceptance of any treaty, convention or agreement involving military or economic sanctions, the approval of the Parliament of Canada should be secured.' The treaty resolution was passed after some rather enlightened discussion but without a division.

(1) H. of C. Debates, February 1, 1923.

(d) The Canadian Treaty regarding the Pacific Halibut Fisheries was signed by a Canadian Minister, Mr. Lapointe, (under a commission issued from London), and was approved in Ottawa by a government resolution in 1923; but it was not formally approved by the Canadian Parliament until June 21, 1926, ex post facto.

(e) When, in 1924, an ardent effort was made to achieve moral pacification in Europe by means of the Protocol drawn up by the Assembly of the League, the Canadian Cabinet made its decision without reference to the body to which it was theoretically responsible. Subsequently it brought down to Parliament a copy of the letter by which it had refused to adhere to the Protocol.

(f) Parliament fared even worse when it came to the report of the 1926 Imperial Conference. This highly important constitutional arrangement was not submitted for approval. Mr. King's stated reasons for not asking parliamentary approval were (1) that this was not being done in Great Britain or the other Dominions; (2) that a debate along party lines would display disunity, very undesirable in relation to a decision which had commanded unanimity in the Conference; and (3) that the country was in any event not bound by the Report. (1)

(g) The matter of economic sanctions against Italy

(1) Corbett, loc. cit. pp.4-5. (See next page).

during its aggression against Abyssinia in November, 1935, was dealt with by the government (led by Mr. Lapointe as Acting Prime Minister in Mr. King's absence, and also/Acting Secretary of State for External Affairs), when the proposal to extend the sanctions to include petroleum, informally made by Dr. W.R. Riddell while awaiting instructions from Ottawa, was repudiated or at least disavowed. The affair was debated in Parliament only after the negative decision had been made by the government.(1)

These are a few of the more outstanding cases of the disregard of Parliament in the government's decisions respecting external policy. To some extent this was inevitable, since Parliamentary members were not sufficiently trained to deal with matters of this kind, and also since some of the issues came up with sudden urgency and called for prompt decisions, sometimes while Parliament was not in session.

"It is a familiar fact", observed Professor P.E. Corbett in 1931, "that the popular control of government policy began later and has made less progress in foreign affairs than in any other department. Nothing else was to be expected, for international politics have been too remote from the knowledge and interest of the general public."(2)

(1) H. of C. Debates, 1936. 92 ff. Riddell: World Security Conference.

(2) P.E. Corbett: "Public Opinion and Canada's External Affairs". Queen's Quarterly, Winter, 1931, p.6.

In the discussions of the Select Standing Committee on Industrial and International Relations in 1930, on the subject of education on international affairs and promotion of peace, Dr. Skelton, who with Professor Corbett was a participant, warmly concurred in the belief that public opinion should be encouraged along these educational lines, but held that this should be the task of voluntary or non-official agencies, and that government agencies should stick closely to their main task. "I think the main contribution of the Dominion parliament, and the federal government, must be through their direct activities in carrying on their own job of contact with other governments and dealing with practical international problems. I think that the task of training public opinion, the task of training the people to deal with these affairs is one which under our present distribution of labour falls in the main to other agencies."(1)

These examples illustrate the manner in which the government and Cabinet took the initiative in the formulation and conduct of its external relations, and often ignored Parliament. There were, as has been indicated, practical reasons; and there were domestic political reasons, for this. The Cabinet was better informed, and had the services of the departmental advisers and certain of its own representatives, or

(1) Minutes. pp.15-16.

British envoys. The business was intricate; and often had to deal with secret diplomatic matters. Parliament in general was not very well informed, and sometimes could not be taken into the government's confidence. Members were representatives of their varied constituencies; there were economic, regional or racial cleavages, not to be accentuated by controversial debate; there was sectionalism of one kind or another, and always party factionalism. Canada's international relations must be kept free from such domestic tension. Parliament was by-passed or only perfunctorily consulted. In consequence, debate was restricted, and relatively small parliamentary interest was shown.

In recent years a new factor seems to come into play which affects the role of Parliament as the centre of discussion on foreign policy matters. In earlier times, Parliament served as the government's forum, sounding-board, and the body representing the national electorate. In latter times, the government leaders often address the body politic of the nation more directly, over the radio and on the television screen. They can announce their political programmes, declare policy, participate in panel discussions, and explain external as well as domestic affairs. Foreign policy speeches and statements are now made by government leaders over public address systems more often than in the House. This direct approach to the public,

as in the ancient Greek-city agora, has a tendency to by-pass Parliament, the authentic, elected legislative and voting body, except only where "supply" must be voted by Parliament.

Another substitute for Parliament is possibly found in the Assemblies and Councils of the former League of Nations or the present United Nations; at these conferences Canadian spokesmen declare to the world, and to their own people listening at home, Canadian foreign policy often more fully than is declared on the floor of the House of Commons. Such platforms in some measure take the place of the Parliament in Ottawa. Often Parliament is subsequently informed by ministerial statements.

The Role of Cabinet

This review would seem to show the usurpation of the executive over the role theoretically belonging to the people's forum, Parliament. But this could be attributed, not only to the inadequacies of Parliament itself, and deficiencies of interest or knowledge, among its members, but also to the general trend toward delegation of power to the more competent executive branch, the Cabinet. This tendency, in a highly specialized and intricate field and in an era of specialized division of labour, was inevitable. Max Beloff, for example, refers to "the general tendency of all modern political societies to centralize power in the executive", and adds, with respect to the United States that "What executive officers are always hoping for is that Congress should enact general principles and

leave them with the details."(1) Echoes of this attitude were to be found in Canada, where Parliament at times expressed a general mood or desire in foreign policy but allowed the Cabinet, as the executive branch of the government, to make detailed arrangements with foreign governments.

In part due to lack of parliamentary knowledge of the intricacies of foreign affairs, lack of information on confidential negotiations or remote crises, and an apathy toward matters not visibly of direct concern to Canada, parliament to some extent abdicated its powers and responsibilities in external affairs, and left them to its ~~delegated~~ representatives in the Ministry and their expert advisers. The corollary to this was that the government, with some degree of justification, arrogated to themselves those powers and responsibilities. Whether rightly or wrongly, Mr. R.B. Bennett attempted to justify this attitude in 1938, after he had left the Premiership. He asserted:

> Parliament never makes foreign policy. His Majesty's advisers make the foreign policy of the country and parliament approves or disapproves. Parliament says yea or nay. That is the old constitutional practice, a practice as old as the hills themselves. Ever since our institutions have developed to what they are now we have provided that His Majesty's government, always with a majority in the Commons, shall initiate and formulate policies - foreign policies. It is not given to me nor to any private members of this House to indicate the foreign policy of Canada. . . You can express your views, as I am expressing mine; you can offer your criticisms, as I am, but the declaration of external policy in this country must

(1)Max Beloff: Foreign Policy and the Democratic Process. p. 75.

> come from His Majesty's advisers, the government, the Crown in reality. You will find the matter much discussed in the speeches that took place in the time of Palmerston. It is the Crown's policy. The Crown no longer speaks as the sovereign; the Crown speaks on the advice of the ministers of the Crown, and the policy is the policy of the government of the day. . .
>
> You cannot escape the responsibilities of government whether you would or not. For the Crown must take the action and the Crown is advised by the government. The government places its life at stake in the House of Commons of the day. . .
>
> Let us recall what happened in 1914. At the time the government of the day took appropriate steps to offer to defend this country abroad and to raise a contingent for this purpose. Parliament had not assembled when Sir Robert Borden sent that cable. He thereupon called Parliament to meet at once. Parliament met and many of those who were present will never forget the unanimity which parliament approved of the action taken by the government.(1)

The view of the executive responsibility in matters of high policy in foreign affairs and defence, adumbrated by Mr. Bennett in 1930, seems to have been accepted and reiterated by Mr. Mackenzie King and Mr. L.B. Pearson, both Liberal Leaders.

Prime Minister Mackenzie King told the House of Commons in February 1941 that by means of contact through modern communications rather than by an imperial war council,

> the Prime Minister of each of the dominions is afforded an opportunity of discussing immediately with his colleagues in his own cabinet all aspects of every question raised. This expression of view, when given, is not his alone - it is the expression of view of the cabinet of which he is the head. It is an expression of view given by the cabinet in the light of its responsibility to parliament. It is, moreover, an expression of view given in the atmosphere not of London, but of the dominion itself.(2)

(1) H. of C. Debates, May 24, 1938, pp.3196-3197.

(2) Ibid. February 17, 1941, p.812.

Likewise, many years later, Mr. L.B. Pearson, while Leader of the Opposition, in referring to government defence policy, declared in the House of Commons:

> The sole responsibility for the policy decision in this matter, as in defence policy generally, remains in the hands of the government. That is the tradition of British parliamentary government and we on this side do not wish, as we did not wish when we were in office, to depart from it in favour of making policies through parliamentary committees.
>
> Nevertheless, decisions made by the government have to be submitted to parliament for approval or disapproval. Every member has his own responsibility in this regard and, not least, members of the Opposition.(1) We of the House of Commons cannot take that responsibility even if we desired to do so. . .

It may be noted that a year before Mr. Bennett's exposition, his principal adviser, Dr. Skelton, had already expounded that view, in an address to Westminster College at Fulton, Missouri, in 1937:

> The movement toward concentration of power in the executive and in the head of the executive, while at its maximum in dictator countries, is marked also in the democratic countries. Increased state intravention in industry has meant increased activity by the executive rather than the legislative branch. State control is essentially executive control. The legislature may lay down broad lines of power and policy, but the actual operation, the daily contact, the determination of the margins of activity, fall to the administrative agency. And in some cases, though not in all, the trend to concentration has given the head of the administration a more outstanding position. The growing need

(1) Ibid. January 19, 1959, p.47.

> for speedy decision, and for decision when the legislature is not in session, throws new duties on the chief executive. National power is more easily symbolized in a man than in a chamber. Press and radio reveal or build up colourful figures. There has been little formal amendment of executive powers. In Great Britain the growth of the power of the Cabinet and the increasing recognition of the prime minister as the leader of the administration have come about without deliberate planning or legal recognition, merely as the result of the pressure of necessity, the growth of executive tasks, and the speeding up of business. Gone are the late nineteenth-century days when a British foreign secretary could discharge his duties by coming up from the country to the Foreign Office once or twice a week. On this continent also the change has come about by the more vigorous use of existing powers, the influence exerted over the legislature by the assumption of party leadership, and the skilful focusing of public opinion.(1)

This seems rather a shift of attitude from Dr. Skelton's views expressed in 1922 in favour of greater Parliamentary control and effectiveness, (quoted on page 10).

(1) O.D. Skelton: Our Generation, Its Gains and Losses. pp.76-78.

Parliamentary Participation

In the discussions on education for international affairs, held by the Select Standing Committee on Industrial and International Relations in March-April, 1930, Mr. Graham Spry, at that time National Secretary of the Associated Canadian Clubs, commented on the retarded public and parliamentary interest in such matters. Although he pointed out that the Standing Committee had been in existence for some five years, he understood that this was the first reference of any international subject to the Committee.

> What are the weaknesses? Why have Canadians failed to exert the influence which, possibly, might have been exerted in the sphere of international relations? It is certainly not because of the amount of cable news received, or our want of information, and it is certainly not because of any weakness in the Department of External Affairs. The fundamental weakness lies in Canadian public opinion itself. . . May I suggest that possibly more attention might be paid, and more time might be devoted, in the House of Commons, to the discussion of international questions. . .
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> May I ask, for example, has there been any expression of the policy of the League of Nations of Canada in the Council with respect to the European minorities? Has there been any debate on that excellent body, the International Labour Office at Geneva? And another thing one notices - a lack which one regrets, namely a scarcity of public papers on international relations. For example, is there any public paper setting forth the policy of Canada at Geneva on this question of minorities? It is a question of course which hardly stirs this country, but it is still a great question in Europe. . . There was no guidance in the debates of the House of Commons on that question.
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> There are the two points; the brevity, or

shall one say the infrequency of discussion on international questions which directly concern Canada, and to which Canada is directing more attention at international conferences, and the fact that public papers are singularly infrequent and not always very helpful. It may be said with proper respect, the question that one asks oneself in this: can Parliament give the lead to Canadian public opinion on international questions which, in many respects, the country is prepared for, and which the amount of cable information received should tend to prepare the public of Canada to understand and welcome?

Mr. Bourassa: Do not forget that we are living in an age of democracy, and Parliament must not lead, but must be led.

Mr. Spry: Mr. Walter Bagehot, in his book on English Constitution, deals with that general point, and says that Parliament should not only be led, but should also lead; should educate. Quoting from a speech delivered by the Prime Minister [Mr. King] on March 14, 1930, page 631, "There is the necessity of an administration having the backing of public opinion before it can effectively take any steps whatsoever. It sometimes takes a little while for public opinion to ripen sufficiently to make itself felt throughout the country." (1)

Two days prior to Mr. Spry's remarks, however, Dr. O.D. Skelton had addressed the Committee in a somewhat more optimistic vein. Referring to a recent debate on international matters in the House of Commons, he said:

In reading the report of that debate, I was, in fact, struck by the large proportion of members of the House who indicated such a vital interest in the subject of international affairs, and who evinced such distinct and independent opinions, and all this in spite of the fact that I do not think one of them had ever been exposed to a professor of international relations or held a scholarship of international travel. However, I suppose there is nothing good that cannot be made better. . .

(1) Minutes of Select Standing Committee on Industrial and International Relations, March 27, 1930, p.29.

> When you consider how much of this development has occurred in the last thirty years, the last fifteen years, that also brings home the suddenness with which we have been thrown into this international arena. It is therefore quite conceivable that we have not been fully prepared for the place that we were to take, though I think the really surprising feature of the development has been the way in which Canadians individually, in organized effort, and through their governments have risen to the challenge and tried to meet the new conditions.(1)

For decades a recurrent complaint in Parliament was that so little time and opportunity were allowed by the government of the day, for a discussion of foreign affairs generally and Canada's external relations. Every year this theme was repeated. Even though the majority of members may not have been interested in or familiar with foreign affairs, there were always a few who did take a lively interest and sought discussion and debate. Gradually this number increased, with wider information and often actual experience in conferences abroad. The apparent neglect of discussion irked these groups.

Mr. Massey pointed out that in 1935 fewer than 150 pages of Hansard, which recorded the deliberations of the Senate and the House of Commons of Canada, out of about 5,000, were related to the subject of world affairs; and even as late as 1947, out of 6,827 pages of Hansard, not more than 450 were related to this important field.(2)

Another analysis of the time devoted to the discussion of foreign affairs in the Canadian House

(1) Ibid. pp.2-3.

(2) Vincent Massey: "On Being Canadian", pp.88-89.

of Commons in the critical years 1936-39, is instructive. In 1936 foreign affairs were debated on two separate occasions in the House totalling six hours in the session February to June; in 1937 on three days - a total of 9½ hours from January to April; in 1938 twice, making a period of 7½ hours in the session from January to July; and in 1939 three days (representing a span of 18 hours) were set aside to their discussion for the first session January to June. These times do not include debates regarding defence or questions of foreign policy [i.e. reviews of the world situation] in the House.(1)

R. Barry Farrel painted a somewhat brighter picture in 1947 and 1948:

> Legislative bodies provide some external controls on those who plan Canadian foreign policies. The most important bodies are the House of Commons and the House of Commons Committee on External Affairs. The concern of the House of Commons with foreign relations has increased steadily in the past fifteen years. A few years ago a Member of Parliament remarked that at the time of one of the world's great crises, in 1936, the House devoted twenty-seven minutes to external affairs and over eight hours to a tariff on asparagus. In the 1948 session of Parliament, discussions of international problems fill about five hundred and fifty pages of House of Commons Hansard and this count does not include references to foreign affairs in the debate in reply to the speech from the throne. As a matter of fact before 1947 full-dress debates on foreign policy were infrequent; foreign affairs came to the attention of the House largely in debates on treaties and other international obligations. Department of External Affairs estimates were commonly presented late in the session when time for discussion was short. In 1947 a general debate on foreign policy took place on July 4. This was preceded by a short statement by the Secretary of State for External Affairs. In 1948 the general debate came much earlier, on April 29, and extended for four days. The Minister's statement was longer and far more thorough. Eighteen members participated in the 1947 debate while thirty spoke in 1948.

(1) Nicholas Mansergh: Survey of British Commonwealth Affairs 1931-39. p. 120n.

> The 1948 debate seemed to be of a higher oder than that of the previous year because most participants appeared to know more and to have thought more deeply about a broader range of problems. As is quite common in the Canadian House of Commons the majority of speakers in both debates were members of opposition parties. These general debates on foreign affairs took place after a motion had been made that the House go into Committee of Supply. Other discussions on more specific matters of foreign relations normally occur at various times during each session of Parliament when the House is asked to approve treaties and legislation and pass on departmental estimates. Reflecting the pre-eminent role of the Cabinet and parliamentary limits on procedures in financial matters, discussions on appropriations in the Canadian House of Commons are generally cursory. The House hears from time to time, as well, short government statements on items of foreign policy. Like every other topic of government, the conduct of foreign affairs is the subject of many questions in the House.(1)

This writer went on to speak of the other Chamber:

> Discussions in the Senate chamber itself on foreign affairs have been rare and brief. For example, when in 1947 the government introduced legislation respecting its powers under Article 41 of the United Nations Charter debates in the Senate, from the introduction of the bill to its passage after third reading, occupied a total of five pages of Senate Hansard as compared with forty pages on the same bill in the House. On foreign relations the main functions of the Senate and its External Affairs Committee have been to defer to the House on matters of policy and politics but to provide secondary amendments and attend to matters with which the House has not time to deal.(2)

Parliament and the Department

It follows that since, on balance, Parliament as such played a relatively indifferent role in foreign policy, which as Mr. Bennett claimed was normally the prerogative of the executive or "government",

(1) R.B. Farrell: "The Planning of Foreign Policy in Canada ", World Politics, Vol.1, No.3, April,1949,pp370-1.

(2) Ibid, p.373.

Parliament would naturally take an even less interest in the administrative machinery involved in the conduct of foreign policy. It had little knowledge of the internal defects of the Privy Council machinery, to which Joseph Pope drew attention in 1907. It participated but little in the brief debate in 1909 on the setting up of a new Department of External Affairs, and in both the Senate and the Commons the Bill passed smoothly and without much controversy or even discussion. The same was true in the passing of the Amending Bill of 1912, by which the Department was placed under the Prime Minister as Secretary of State for External Affairs. The same was true when in 1946 a new Bill was introduced taking the Secretaryship of External Affairs out of the hands of the Prime Minister. These were administrative matters of machinery which did not interest Parliament except as regards the financial implications. Nor did it conceive of that Department being a dynamic policy-guiding organ; it was conceived of as purely an administrative bureau and centre of information and professional "expertise". An individual member, like Christie or Skelton, connected with that Department, might have some advisory influence with the Cabinet regarding foreign policy; but the Department was not considered as a policy organ, or as possessing the weight of the Foreign Office in Great Britain. In Dr. Skelton's epoch, as in Sir Joseph Pope's epoch,

the Department, in the eyes of Parliament, remained relatively obscure, as a mere functional bureau of administration, but not a power-house or dynamo.

There was one exception. A greater parliamentary interest was recurrently displayed in the matter of independent Canadian diplomatic representation abroad, from 1926 onwards. This may have been due to three factors. First, Embassies and Legations, Ambassadors and Ministers Plenipotentiary and Extraordinary, had always possessed a certain interest in the eyes of the general public; history, memoirs and fiction had given this field of public activity an intriguing lustre, glamour and interest, which the ordinary Civil Service at home never possessed. Secondly, Canada's entrance into this new field necessarily involved ever-increasing expenditure, on what often superficially seemed like luxury or trappings of traditional aristocratic diplomacy; and Parliament, jealously guarding the public purse-strings, scrutinized carefully and critically the value of the expenditures called for. Mr. Bennett, for example, had to persuade first himself, and then Parliament, that Legations had a financial justification on account of the commercial benefits they attained. Mr. King was reluctant to over-expand the Canadian diplomatic representation because of the economy-minded parliamentary critics

and opponents. Parliament exercised its powers as a brake on enthusiasm or diplomatic excess. Mr. King, who in 1940, allegedly thought that Pearson and Robertson wanted "to go too fast" (1) himself moved fast enough in diplomatic expansion after the outbreak of the Second War; but then Parliament had abdicated some of its power, and the government was more free to act and expand under the blanket power of the War Measures Act, and by war appropriations, and by Orders-in-Council that did not have to be debated.

The third cause of Parliamentary interest in the Canadian external affairs service and diplomatic service lay in the fact that these adventures and innovations involved the always-interesting questions of status - within the old imperial framework, which was disintegrating, and internationally. The old struggle between unity of Empire and unity of foreign policy (a "single voice"), and the decentralization of the empire into a commonwealth of autonomous and independent units, expressed in the Balfour Report of 1926 and confirmed in the Statute of Westminster of 1931, and in subsequent developments like the end of appeal to the Privy Council and House of Lords, had its reflection in the growth, during the earlier stages, of an independent Canadian diplomatic

(1) Moffat Papers.

service. This fascinated the Canadian Parliament, ever interested in questions of international status.

This parliamentary interest in the new policy of Canadian representation abroad generally, was manifested in numerous speeches after 1921, when in particular Sir Robert Borden made a lengthy address (based on a memorandum prepared by Loring Christie) on the whole history of the question, on April 21, 1921. Discussions concerning the proposed Washington Legation, in particular, took place for example in the Senate on the following dates: 1926 - December 14: Buchanan, Casgrain; 1928 - January 31: Ross, Dandurand; February 1, 2, 3, and 7: Pope, Foster, Belcourt, Robertson; April 18: Dandurand and others. Discussions took place similarly in the House of Commons on the following dates: 1925 - February 20: Leader; April 27: Euler, Evans; April 30: Leader; June 2: Drayton; June 11: Leader, Robb; 1926: May 14: Lovie; May 18: Wilson; December 13: Auger, King; December 14: Church; 1927 - February 14: king; February 17: Church; February 23: McMillan; February 25: Evans; March 1: Jacobs; March 29: Motherwell, Cahan, King; March 31: Evans; April 13: Guthrie, Cahan, King, Church; 1928 - January 30, 31: King, Bennett; February 1, 2, 3: Woodsworth, Church, Garland, Thorsen, Perley; February 17: Edwards, Smith; February 20: Harris; March 26: King; March 28: Hocken; April 11: Church; May 28: Bourassa, King, Thorsen; May 29: Church.(1)

(1) Letter dated April 10, 1929, from Dr. Skelton to S.P. Owens, University of Ottawa. (File 603-19C, Part 2, 1926).

Apart from these expressions of interest in Canadian representation, which was concerned as much with questions of constitutional status as with actual diplomatic and commercial necessity, Parliament took relatively little interest in the Department of External Affairs and its Civil Servants. The introduction of Parliamentary Under-Secretaries apparently had little importance at least in External Affairs; and for a long interlude was discontinued. On matters of detail - either on broad foreign policy or in the more intriguing matters concerning Legations abroad - the Select Standing Committees on External Affairs, composed of members of Parliament of all parties and representing a cross-section of Parliament in both the House of Commons and the Senate, permitted a closer parliamentary interest and scrutiny, and served an increasingly useful purpose in notice of the Department's activities year by year, especially after 1940.

The Department of External Affairs, like most other government departments, was, and is, a Civil Service organ to assist the executive government; It possesses no direct relations with Parliament. The only bridge is the Minister of External Affairs, who is both Departmental head and a member of Parliament; and in certain instances, the Parliamentary Under-Secretary of State for External Affairs. Informational services emanating in the

Department filter up to Parliament, through government white papers or similar documentation, at the discretion of the government, and in the form of annual reports submitted to Parliament. But otherwise, except in the Standing Committees, the Department remains invisibly or obscurely in the background, with no direct connection with Parliament. The corollary of this is that, apart from fiscal matters, Parliament interferes not at all in the Department of External Affairs, and, while taking an interest in appointments, it delegates even this task to the government of the day under powers of Order-in-Council rather than by parliamentary statutes.

The foregoing reference to the relation of Parliament to the Department of External Affairs is made here only to emphasize the negligible role it played in matters bearing on the Department itself.

APPENDIX II.

SEPARATION OF EXTERNAL AFFAIRS PORTFOLIO

Separation of External Affairs Portfolio.

From the time when, in 1912, the Department of External Affairs, then a small bureau, was placed in charge of the Prime Minister, there were moments when it was felt that, despite all the advantages of integration and collaboration, the double burden was inconvenient to the ~~burdened~~ Premier and not in the best interests of the Department's own administration. Borden had favoured the combination, but according to Mr. King, Bennett at first favoured a divorcement but acquiesced in the joint control. During Mr. King's regime, the Opposition urged the divorcement, but Mr. King resisted this steadily until 1946.

The ultimate measures taken to establish a separate portfolio of External Affairs, under a separate Minister, belong to a period beyond the present survey, but the action taken may be described here as an Annex.

The separation of the Department of External Affairs from the Prime Minister's Office - a reversal of the arrangement brought about in 1912 under Sir Robert Borden - was repeatedly urged, both inside and outside of Parliament. But up to 1946 Mr. Mackenzie King, as Prime Minister, asserted the practical necessity of this combination of offices during war-time, but admitted the desirability of separation in normal times.(1)

(1) Skilling: (loc. cit. p.284, n.100) has cited the following references: Round Table, Vol.19, 1928-29, pp. 837-8; F.H. Soward, Canada's New International Responsibilities, (Contemporary Review, Vol.134, 1928, p.598); A.J. Toynbee, ed., British Commonwealth Relations, p.190; Hon. Vincent Massey, Proceedings, Canadian Club of Toronto, Vol.XXXI, 1933-34, pp.140-1; League of Nations Society in Canada, Report of Annual Meeting, 1934, pp.23-30, 59, 67; MacKay and Rogers, Canada Looks Abroad, pp.201-2,217-8; R.MacG. Dawson, The Development of Dominion Status, p.129; Toronto Globe and Mail, Nov.3, 1942, April 23, 1943, July 16, 1943. King: House of Commons Debates, July 12, 1943, pp.4670-1.

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Prime Minister's Retention of External Affairs

From 1912 until 1946 the Prime Ministers continued to hold the portfolio of External Affairs.

Sir Robert Borden, while head of the Unionist Ministry from October 12, 1947, to July 10, 1920, remained as Secretary of State for External Affairs.

The Rt. Hon. Arthur Meighen, as Prime Minister from July 10, 1920, to December 29, 1921, continued to follow Sir Robert Borden's precedent and kept the portfolio of External Affairs in his own hands. He took two oaths of office, one as Prime Minister and the other as Secretary of State for External Affairs.

In the first Ministry of Rt. Hon. W.L.Mackenzie King (Liberal), this arrangement was continued. During his tenure, Sir Joseph Pope, the chief architect and first permanent head of the Department, retired in 1925, worn out and in ill-health; and on April 1st of that year Dr. O.D. Skelton was appointed Under-Secretary of State for External Affairs, an office he held until his tragic death in January, 1941.

There was no change in the Prime Minister's dual position when in 1926 Mr. Meighen again became head of the Government for the brief period from June 29 to September 25, 1926. Mr. Meighen, in recommending his Cabinet to the Governor General, and acting as the Committee of the Privy Council, advised his own appointment as Secretary of State for External Affairs. He thereupon acted for three months with an "acting Cabinet", since

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none of his Ministers were sworn in.

The same/dual practice was again continued in the Fourteenth Ministry (Liberal), September 25, 1926, to August 6, 1930, under Rt. Hon. W.L. Mackenzie King; and in the Fifteenth Ministry (Conservative) of the Rt. Hon. R.B. Bennett (August 7, 1930 - October 23, 1935) who at the same time held for a while the additional portfolio of Minister of Finance and Receiver-General.

When the Bennett Ministry resigned on October 23, 1935, (Mr. Bennett thereupon giving up Canadian political life, retiring to England and receiving a peerage as Viscount Bennett of Mickleham, Calgary, and Hopewell), Mr. Mackenzie King headed the Sixteenth Ministry (Liberal) and resumed his role as Secretary of State for External Affairs, from October 23, 1935, to September 3, 1946.

Mr. King's Retention of Portfolio. (Views in 1936).

As, after 1935, international affairs became more and more pressing, and of concern even to Canada, which had by then its own diplomatic service in several major countries and was actively concerned in the problems before the League of Nations, Mr. King felt the increasing burden of them upon himself. Nevertheless, he continued to feel that he alone should bear the full responsibility for Canada's external affairs. He was not yet willing to give up the portfolio, though he foresaw the possible necessity of doing so in the future. He appealed to Parliament for a larger vote for "salaries" to enable him to obtain more assistance in his External Affairs Department. In the debate in the House of Commons on

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February 28, 1936, he said:

> I believe my right hon. friend opposite (Rt. Hon. R.B. Bennett) will agree that it is really impossible to carry on the business of the Prime Minister's office without more adequate and effective administrative machinery. Above all else it seems to me what is really needed is effective coordination of the work through the instrumentality of a high grade official who would occupy in the Prime Minister's office a position very similar to that of a deputy minister in the offices of other ministers. I need not point out that for years past, in addition to the work of his own office, the Prime Minister has been president of the Privy Council and responsible for the work of the office of the Privy Council and also for that of the Department of External Affairs, he being as well Secretary of State for External Affairs. The result is that these three offices continuously make their demands upon his time. In addition, the Prime Minister has his duties in parliament, and duties connected therewith. Hon. members know how considerable is the time which he must necessarily give to the work of parliament apart altogether from departmental duties, and obligations as the leader of a political party as well as those of Prime Minister apart altogether from parliament. There is need of some one or more persons in the nature of liaison officers to effect contacts between different departments of government and the Prime Minister as well as between parliament and the Prime Minister. These functions cannot be performed by private secretaries who have other important duties. I imagine the amount of correspondence to be dealt with and the number of interviews are far beyond the imagination of most hon. members. The work of correspondence alone has come now to where it has to be organized almost as a separate department of government. . . Not only has the correspondence more than doubled, (since I was in office five years ago), but the intricacy of the questions which have to be dealt with has increased to a degree that I had not believed possible.. .
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> The world has changed and countries too, in their relations with each other, and these changes have to be taken into account....
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> The third change, and perhaps the most serious of all, is the extent to which the Prime Minister, acting more particularly as Secretary of State for External Affairs, is taken up with all important External Affairs matters. I need only mention the correspondence that has come in during the last few months from Geneva, and from London; the correspondence that has developed with respect to the situation as it is in Europe. Whether one were himself Secretary

of State for External Affairs or whether that portfolio were held by a separate member of the Cabinet, I do not see how the Prime Minister could escape having to go through the despatches which deal with foreign affairs in a world of the character in which we live today. I notice there, as well, a tremendous change. Our country is being drawn into international situations to a degree that I myself think is alarming. That is something to which I hope, as we go along, we shall get a chance to give much more thought and attention.

Personally, nothing would please me more than to have one of my colleagues administer the Department of External Affairs as a separate department of government, and leave me with the office of Prime Minister and President of the Privy Council. When, however, I have discussed the question with my colleagues, and when I have thought it over myself, it really has seemed that in the long run less difficulty and possible confusion would arise and less time be lost if for a while at least matters were to be carried on as they are. However, so to do will require giving to the Prime Minister the right to obtain from time to time the services of men who have expert knowledge of these questions.

Following Mr. King, Mr. Bennett, who had himself recently been Prime Minister and Secretary of State for External Affairs, said:

One of my colleagues has suggested that it is his view that it would be in the public interest, in the long run, if the offices of Prime Minister and Secretary of State for External Affairs were separated. On the other hand, as it now reads the statute provides that, for reasons that are obvious, the Secretary of State for External Affairs shall be the Prime Minister. I believe that was the view accepted by all overseas dominions, and I think the reasons are quite apparent to all. . .

I do not know any method by which the Prime Minister can escape from reading the dispatches which come to the office of external affairs. I remember Mr. MacDonald, [Rt. Hon. Ramsay MacDonald], telling me that he frequently had to sit up until the early hours of the morning to read the dispatches from the foreign office, for he said that it was a rule that he had made, and which he believed his predecessors had followed, that the Prime Minister should read every dispatch that came through the foreign office. Great Britain sends us cables with respect to matters that affect the welfare of the overseas dominions and even with respect to matters in which they might be only indirectly interested. The result is that when they are decoded and prepared

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for submission to whoever happens to be minister for external affairs it takes a long time to read them, and one has to discuss them with his colleagues. It frequently happens that two or three matters all of first rate importance came to the attention of the minister in a single day. How on earth a man is going to be able to carry on the burden of first minister when he has at the same time to keep in mind everything affecting questions raised by cablegrams from various parts of the world, I do not know. . . It is true that the permanent officials of the department are excellently qualified for the positions which they occupy. One hesitates to say this in the presence of the Under-Secretary [Dr. O.D. Skelton], but he has had wide experience and an excellent training, and he brings to bear on all these questions an understanding which would not be that of the average man. Nevertheless the fact remains that he is overworked. . .

Compare conditions to-day with what they were not so very long ago. For instance, in Lord Salisbury's time he used to write very important dispatches with his own hand. It is recorded that the dispatch that was written on the Behring Sea matter to Mr. Blaine was written in Lord Salisbury's own hand. He used to write his dispatches at Hatfield over the week-end. Lord Curzon also wrote some of his dispatches. In these days the system is a very simple one. When a dispatch reaches the minister for foreign affairs it has passed through the hands of highly trained men; in fact, they know much more about the subject, apart altogether from questions of policy, than does their chief." (1)

Mr. Woodsworth added just a brief and final word before the proposed item was agreed to. He said:

I have sometimes thought that the Department of External Affairs, in the last year or two, has been called upon altogether too much to do all sorts of odd jobs, as for example on various commissions. We ought to have a very much larger number of men with wide economic training who would be capable of handling economic and international affairs. (1)

In a debate a few days later, on March 2, 1936, dealing with the League of Nations, Miss Agnes C. MacPhail said:

(1) H. of C. Debates, February 28, 1936, pp.654-658.

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I think if we are going to remain in the League we ought as a country to take the work of the League very seriously. We ought first to have a Department of External Affairs that is not headed by the Prime Minister. The Prime Minister (Mr. Mackenzie King), speaking on this matter the other evening said, and the leader of the opposition (Mr. Bennett) agreed with him, that he would have to know what went on in that department, and with that I agree; still if that department were headed by a person who specialized in international matters, his consultation with the Prime Minister would make it a stronger department than it could possibly be when headed by an altogether overworked man, as the Prime Minister of Canada must be. So I think we should have a Department of External Affairs with a minister at its head apart from the Prime Minister.(1)

Mr. King's Continued Retention. (Views in 1943-44).

Mr. King continued to retain the External Affairs portfolio, despite the heavy burden upon him, throughout the Second War. In justification, he explainedhis view, in the middle of the war period, on July 12, 1943, when the House of Commons was in Committee. He said:

May I take advantage of this moment to explain why, to put it in a direct way, I myself have retained the position of Minister of External Affairs while holding the office of Prime Minister at this time of war. I can assure hon. members ... that it has not been through any desire on my part to carry the extra portfolio. I would point out that in time of war nine-tenths of the Prime Minister's work is related to external affairs, and it would be making his task in some ways more difficult were he to try to assume the responsibility of the office of Prime Minister without being responsible as well for external affairs, when practically every decision of vital importance at this time, which has to be made by the Prime Minister, is one that is related to external affairs or would have to come as a recommendation from a minister of external affairs.

I am perhaps stating this in an exaggerated way, but it is impossible to separate the two at

(1) H. of C. Debates, March 2, 1936, p.679.

this time, and the more so in Canada for the reason that they have never been separated. The Department of External Affairs originated under Sir Wilfrid Laurier's administration, Sir Joseph Pope being the first deputy minister, and from that time to the present the two offices have been actually working together as one, so much so that the Prime Minister gets no appropriation from parliament and what he receives in the way of salary comes to him from external affairs. Matters of book-keeping and many other things of the Prime Minister's office are managed by External Affairs. The two have been carried on, on the business side, pretty much exclusively by the Department of External Affairs.

I could enlarge upon what I have said, but I hope I have made clear to the committee that at this time it would be practically impossible to separate the two offices. I think they should be separated, and I hope I may have something to do with seeing that they are; but so long as the war continues, I am afraid it will be necessary to keep them together.

The Prime Minister of New Zealand, Mr. Fraser, has recently telegraphed me that he himself will feel it necessary to hold the portfolio of minister of external affairs. I can understand that.(1)

Again, in the following session, in answer to a question by Mr. Graydon, Leader of the Opposition in the House of Commons, the Prime Minister returned to this subject in the following words:

I believe it was about a year ago I spoke about this matter, and indicated that, personally, I would greatly welcome having at an appropriate time the portfolio of external affairs held by another minister of the crown. But since the war began, it has been almost impossible to separate some of the questions which come before the government for consideration from the Prime Minister's office and the Department of External Affairs. It would have been very difficult for the Prime Minister from day to day to have done other than have most of his time taken up with matters relating to external affairs.

(1) Ibid. 1943, Vol.V., pp.4670-4671.

> For this reason I have assumed the burden, one which I believe is heavier than any one would wish to assume, unless he thought that in doing so he would serve some really helpful and useful purpose. Everything considered, I think it has been just as well not to have the change made at the present time. However, I do agree entirely with my hon. friend the leader of the Opposition that in a subsequent parliament whoever may have to do with these different positions would be wise, if he were to seek a minister to fill the portfolio of external affairs, with duties apart altogether from those of the Prime Minister.(1)

In 1945, during a debate on the United Nations Charter, Mr. Graydon declared:

> The Department is growing in size and in importance. If ever a department needed a separate Minister, it is the Department of External Affairs. I would point out that not only is there no separate Minister for External Affairs, but there is no parliamentary assistant for this great department which has developed so fast in recent years. It is not enough to have a Department of External Affairs which is a lean-to to the Prime Minister's House so far as parliamentary institutions are concerned. I want to emphasize to this House the importance of having the government so organized that this department shall be something more than it is today.(2)

(1) H. of C. Debates, 1944, Vol.V., pp.4940-4941.

(2) H. of C. Debates, October 16, 1945, p.1206.

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Decision to Separate Portfolio of External Affairs (1946)

By 1946 Mr. King himself found the war burden too great for him to carry the extra portfolio of External Affairs, and agreed to separate it by creating a separate Ministry.

It is said that coming events cast their shadows before. As early as 1909, when the appointment of an Under-Secretary of State for External Affairs was being discussed, certain of the objectors (e.g. Senator Sir MacKenzie Bowell and Senator Lougheed) feared that, as in previous instances, this would be the forerunner of the creation of a new separate Ministerial portfolio, of which, it was repeatedly contended, there were already too many in Canada. Senator Lougheed said "This looks to me to be the prelude to establishing another portfolio of departmental government, which, I have no doubt, in the near future will blossom into that of a cabinet portfolio and the appointment of an additional minister." Senator Ferguson said that the question of enlarging portfolio positions did not come up for discussion under this Bill, but added his opinion that "if the effect of this Bill would be that a man brought in now under political exigencies, and made an under-secretary, would, in a year or two, to help carry some constituency, be given full rank with the Secretary of State, it will certainly be injurious to the public service. I hope nothing of the kind is in contemplation." The views of Sir Richard Cartwright, sponsor of the Bill in the Senate, were asked for. He replied, somewhat guardedly, "All I can say is the intention of the government is as defined in the Bill. We

do not propose to create any new Department of State. . ." His opponents were not reassured. Senator Landry interposed:"For the time being"; while Senator Ferguson said: "My right hon. friend will remember there is a place paved for good intentions". Sir Richard said: "I do not undertake to predict what may occur in the future. Canada is a growing country, and no one can tell to what dimensions it may attain in a few years; but it certainly is not our intention to create a new cabinet minister."(1)

In order to make it legally possible to appoint a separate Secretary of State for External Affairs if desired, a bill was introduced into the House of Commons by the Prime Minister on March 15, 1946, to amend the Department of External Affairs Act by repealing the section that requires that "the member of the King's Privy Council for Canada holding the recognized position of First Minister shall be the Secretary of State for External Affairs".

The External Affairs Department Act Amendment Bill, No.6, was introduced in the House of Commons by the Prime Minister, and had its first reading on March 15, 1946,(2) its second reading in Committee on April 2,(3) and its third reading and approval on the same date.(4)

In introducing the Bill, Mr. King said:

(1) Senate Debates, April 27, 1909, pp.359-60.

(2) H. of C. Debates, March 15, 1946, p.23.

(3) Ibid. pp.477 ff.

(4) Ibid. p.494.

> I think I have made it clear from time to time that I was not over-anxious to carry the extra burden of the Department of External Affairs in addition to those of the Prime Minister. I certainly would not be carrying both portfolios at the present time if it were not that the questions which are uppermost in this and other countries today are for the most international questions which call for as much in the way of experience and knowledge as it is possible for one to command, and also for the fact that the two departments, the department of the Prime Minister and that of the Secretary of State for External Affairs, have been so interlocked for the past thirty or forty years that the separation of those two departments at a given moment is not something that can be very readily brought about.(1)

Even the often sharp-tongued critic, Mr. Jean François Pouliot, rallied to the support of the Prime Minister retaining the portfolio. "Now he is opening the way for the creation of another department. Everybody is enthusiastic for it. Well, I know there are some able men in the cabinet; but that is not enough. If we want Canada to be respected through and through by the other nations of the world, then the position of Secretary of State for External Affairs must be considered by the government of this country as the most important in the interests of Canada. The man who will be in charge of that deparment must have enough prestige to have influence within the cabinet, and to impose Canadian views upon his colleagues when they are about to jump the fence of sentimentality. If the Prime Minister made a success of his term as Secretary of State for External Affairs it was precisely because he was Prime Minister of Canada. . . The right hon. gentleman has the prestige of a quarter of a century or more as Prime Minister of Canada. He has the knowledge of the past, and the knowledge of the great men of the past. . . Without his learning, without his

(1) Ibid, p.489.
(2) Ibid, p.489.

sagacity, and had he not had the prestige of Prime Minister. . . he would not have succeeded half as well. Therefore we must be cautious. It is not a matter of the Prime Minister's letting any one get into his shoes as Secretary of State for External Affairs - although I know there are some able ministers. The point is that the next Secretary of State for External Affairs in Canada shall at the same time be the Prime Minister in spite of this legislation, so that he may control the destinies of this country throughout the world." (1)

The "enabling" Amendment Bill having been passed in April, there was half a year's delay in implementing it. Mr. King was apparently still reluctant to let go the reins with which he was so accustomed and skilful; presumably he also found difficulty in finding the right person to take competent charge of the External Affairs Department. At the end of August, the Leader of the Opposition, Mr. Gordon Graydon, once more adverted to this procrastinated matter. "I admit that last spring the government went part way in acceding to the suggestion which had been made so many times, and also may I say to the suggestion which has been appearing on the order paper in the form of a resolution. That was done when the bill was introduced. The government finally did come around at least to establishing the right of the government to appoint a separate full-time Minister of External Affairs. I regret exceedingly that when the bill was passed by parliament something was not done to

(1) Ibid. p.487.

implement the principle which had been adopted by parliament. I hope that we shall not continue any longer in Canada without a separate full-time Minister of External Affairs. . . I wish to say that the Prime Minister's position at the moment is the best argument we could have for a Minister of External Affairs. He is finding the burden heavy; he has not been able to be in the House of Commons more than a small fraction of the time this session; and even at this moment, on the closing day of the session, he is unable to be with us. He ought to be the first one - and the government - to admit that if ever there was a need for a full-time Minister of External Affairs it is now. I hope the government will not try to face parliament any longer in another session without a full-time minister in that department." (1) After criticizing the government for its procrastination in filling a number of vacancies in Canadian diplomatic posts abroad - the United Kingdom, Australia, South Africa, Ireland, and Chile - Mr. Graydon went on: "As to the Department itself, let me say that without having a full-time minister we are following a dangerous course. In the Department one finds public servants whose competence is unsurpassed by any others in the public service of Canada. I make no reflection upon them when I say that we cannot allow a department, even one with good men in it, to grow up like Topsy, without a full-time minister. Every one knows what it

(1) H. of C. Debates, August 31, 1946, p.5731.

means to have team-work between a full-time minister and those who serve under him. I suggest we cannot allow this default to continue, because a departmental reorganization is needed, one which would include a new Minister of External Affairs.(1)

Procrastination

Mr. King, although he had obtained the legislative authority to transfer the portfolio to a separate Minister, continued to make excuses for postponing action until September. On April 2nd he replied to Mr. Graydon's strictures by referring to his predecessor, Mr. Bennett. "If the measure is to be criticized for coming so late, my criticism would be that it did not come many years ago, and in particular that it did not come at the time when the then Rt. Hon. R.B. Bennett was Prime Minister of Canada and also Secretary of State for External Affairs. I am wholly right, I believe, when I say that when Lord Bennett became Prime Minister he had previously entertained the view that it would be desirable to separate the two offices, but he had been in office for only a very short time before he expressed quite frankly the view that it would not be wise to separate the two offices. He found that the Department of External Affairs was in many important particulars concerned with the work that the Prime Minister's office would have to undertake in connection with many of the questions that came up, and throughout the five years that he was in office he continued to hold the two positions. If those positions had been separated during

(1) Ibid. p.3732.

the term of Mr. Bennett's Prime Ministership of this country it would have meant that we would have had a separate Minister of External Affairs in 1935.

"I mention 1935 as a significant date because in the years immediately following, the question of foreign relations became a matter of grave concern not only for a Secretary of State for External Affairs but very much a matter of concern to the Prime Minister. Those were the years when we were approaching the possibility of war in Europe, and it fell to my lot to have the administration of both positions at that time. I should have found it perillous and indeed impossible to have separated those two positions at that particular time, and had they been separated I am sure that once we came to the period of the war, it would have been almost imperative for the Prime Minister to hold the position of Secretary of State for External Affairs as well as the office of Prime Minister. There otherwise would have been duplication of the work all the way through with resulting confusion. Through the period of the war the work of the two departments became necessarily more entwined than ever. . . If these offices were separated immediately a good deal of care would have to be exercised in untwining the threads that have formed so complete a strand uniting these two offices. If it were not for that difficulty I can assure hon. members that the severance would have been made some considerable time before this." (1)

Mr. King expanded his arguments at that time at considerable length; but on the whole the arguments for

(1) H. of C. Debates, April 2, 1946, p.490.

non-separation were along the following lines:

(a) The two departments were interdependent and were so interwoven, from an administrative point of view, that a separation seemed hardly feasible, and would be seriously damaging to the Prime Minister's Office.

(b) The nature of the direction of foreign policy, especially during the war years, brought the roles of Prime Minister and Secretary of State for External Affairs into a fusion which was essential and inseparable. Like Mr. Borden, and allegedly Mr. Bennett, the Prime Minister was the formulator of external affairs and acted as his own "foreign minister" both at home and at high-level imperial and international conferences abroad. The head of government was obviously more responsible for external policy than any subordinate Minister could be.

(c) Applying this argument personally, Mr. King was aware of his own exceptional experience and qualifications. In earlier years he was a seasoned diplomat. He was a uniquely intimate friend of President Roosevelt and Mr. Winston Churchill. "May I remind my hon. friend, when he undertakes to tell me what should be done in the Department of External Affairs, that I have had experience in that department which runs nearly to twenty years. . . Twenty years experience with international affairs is worth a great deal more than one year, or a few months." Mr. King's supporter, Mr. Paul Martin, loyally endorsed this view. "During the war important conferences were held at Quebec and, recently, at Washington. Mr. Churchill

and Mr. Roosevelt conferred on extremely important matters. . . On two occasions these conferences were held in Quebec. The Prime Minister, representing Canada, participated in many of these discussions. Today he is perhaps the only living man at the head of a government who has had constant contact with these two great world leaders, one of whom is no longer living and the other no longer in power. The Prime Minister of Canada is the only contact of continuity, from one point of view, with respect to many of the matters discussed and decided at those important meetings. . . The undoubted fact is that the experience, the devotion and the far-sightedness of the present Prime Minister of Canada have made him, as no other man in this country now is, equipped at this particularly difficult period in history to be not only Prime Minister of Canada but to act in the capacity - I trust for some time to come - a minister of external affairs. Mr. Coldwell graciously acknowledged the great record of achievement of the present leader of the House as Prime Minister and Minister of External Affairs, that we have in the Department of External Affairs one of the best manned departments in the Government of Canada. . . . At the present time the Minister of External Affairs in South Africa is the Right Hon. Jan Smuts, the Prime Minister of that country. The Rt. Hon. Peter Fraser, as Prime Minister of New Zealand, still represents his country at important international gatherings such as that at San Francisco and at the first General Assembly in London of the United Nations. . ." (1)

(1) Ibid. April 2, 1946. pp.483-484.

(d) The final argument was perhaps more ambiguous. Mr. King had repeatedly professed to wish, in due course, to relieve himself of the double portfolio and to appoint a separate External Affairs Minister, and indeed at this date sponsored the enabling Bill making provision for this. But he still clung to the External Affairs portfolio, not only for the practical reasons mentioned above, but,also, in the view of some of his critics, for reasons of personel prestige and egotism. This is of course hard to prove. He was suspicious of the motives of his opposition critics. "I appreciate the solicitude of hon. members opposite for my health and strength and the rest of it that on occasion they have been kind enough to express. But I take all that with a grain of salt. I must say, I ask myself, why do they want me out of the office? I question a little what some of them, at least, may have in mind." I want to say this to my hon. friends opposite: I am prepared to accept from them as much in the way of advice as they may wish to tender and to consider it carefully. . . I have not found among my colleagues thus far a desire that I should give up this particular post at this particular time, nor have I found that wish among members of my party."(1)

(e) A factor which was not discussed but which was mentioned in passing during the debate on the Bill was that for the appointment of a separate Secretary of State for External Affairs, an additional salary, already provided for by statute, of $10,000, would have to be paid.

(1) Ibid. p. 492.

Mr. Coldwell said: "I understand that the salary provision becomes operative only if a separate minister is appointed for the Department." Mr. King replied: "That is right. The salary has been there for the last two years. I made the suggestion that it should be included a couple of years ago, hoping some one other than myself would get it; it will be there when a new minister is appointed."(1)

The Separation

Nevertheless, notwithstanding all this reluctance to make the change at that time, despite the introduction and passing of the enabling Bill, Mr. King repeated once again his intention to separate the offices at an appropriate moment. "I agree that as soon as matters can be properly arranged with due regard to the public interest, it is desirable that the two departments should be separated."(2)

Mr. St. Laurent (1946-1948).

It was not until September of the same year, 1946, while Parliament was no longer in session that, by Order-in-Council based on the Amendment Act, the transition was made. It was still a compromise, for the portfolio of External Affairs was transferred from the Prime Minister provisionally to the Minister of Justice, who for a time held the double portfolio.

(1) Ibid. p.493.

(2) Ibid. p.491

The portfolio was given to the Rt. Hon. Louis St. Laurent, Minister of Justice, (December 10, 1941 - December 9, 1946). He was sworn in as Secretary of State for External Affairs on September 4, 1946, and for the next three months held the dual positions. On December 9, 1946, he resigned as Minister of Justice, (Rt. Hon. James Lorimer Ilsley taking the portfolio from December 10, 1946, to June 30, 1948), but Mr. St. Laurent resumed the portfolio of Justice from July 1, 1948, to November 15, 1948. Meanwhile he continued to hold the External Affairs portfolio.

Mr. L.B. Pearson, (1948-1957).

Mr. St. Laurent, however, resigned as Secretary of State for External Affairs effective September 9, 1948,(1) and the Prime Minister, Mr. King, assigned that portfolio to a non-member of Parliament, Mr. Lester B. Pearson, who up to that time was a permanent Civil Servant, (as Mr. King himself had been a Deputy Minister of Labour), and who, like his predecessors, Sir Joseph Pope and Dr. O.D. Skelton, was Under-Secretary of the Department.*

(1) P.C. 4076, September 10, 1948.

* With the exception of Mr. King himself, who had proceeded from Deputy Minister of Labour, to the Cabinet as Minister of Labour in the Laurier Administration (in June, 1909), Mr. Pearson's "promotion" was the first time that a Civil Servant, an Under-Secretary, had been raised to a Cabinet Ministership. Subsequently Mr. J. Pickersgill, a senior Civil Servant in the Department of External Affairs and close political adviser to Mr. King, was nominated Minister in the Cabinet; and Mr. R.O. Campney, who had been first, a Private Secretary paid by External Affairs, and later a Parliamentary Assistant of National Defence, entered the Cabinet as Associate Minister and Minister of National Defence on the retirement of Mr. Brooke Claxton.

In order to legitimize his new Cabinet position, Mr. Pearson was elected (for Algoma East, by acclamation), to the House of Commons a month later by a by-election on October 25, 1948, which enabled his new position as Secretary of State for External Affairs in the Cabinet to be regularized and confirmed. He also became a Privy Councillor.

~~xxxxxxxxxxxxxxxxxx~~ This elevation of the former Under-Secretary to the Cabinet in Canada, although not an uncommon practice in England, raised some question in principle. R. Barry Farrell, for example, in 1949, wrote:

> It is, of course, very unusual under a Cabinet form of government to select the senior permanent departmental officer to be the Cabinet Minister for his Department. The literature on Cabinet government abounds with references to the political neutrality of the official and to the character of the Cabinet Minister as a political expert but an administrative amateur. If it were not for the fairly wide support given Canadian foreign policies by opposition political parties in Canada and Mr. Pearson's high personal abilities and popularity his selection might justify some apprehension. Though rare cases such as this one may be justifiable, it is doubtful if the same could be said if the practice of so departing from the conventional pattern of Cabinet government became common.(1)

Mr. Farrell omits to mention that Mr. Mackenzie King himself was elevated from a Civil Service position as Deputy Minister of Labour to the Cabinet as Minister of Labour, subsequently becoming party leader, Prime Minister, President

(1) R. Barry Farrell: "The Planning of Foreign Policy in Canada". World Politics, Vol.1, No.3. April, 1949, p.358.

of the Council and Secretary of State for External Affairs.

In the seventeenth Ministry, under the Rt. Hon. Louis St. Laurent, which succeeded that of Mr. King on the latter's retirement on November 15, 1948, Mr. Pearson continued as Secretary of State for External Affairs until the defeat of the Liberal Government on June 10, 1957. During this period, not only was Mr. Pearson a close Cabinet adviser to the Prime Minister and Cabinet in rapidly evolving issues of international concern, but he made a great personal renown as Canadian spokesman in numerous world councils, conferences, and organizations, such as UNRRA, the United Nations, (of which he became President of the Assembly. . .), the Security Council, the North Atlantic Treaty Organization, the Colombo Plan, and various conferences of Foreign Ministers. On October 14, 1957, he was awarded the Nobel Peace Prize.*

With the separation of the Secretaryship of State for External Affairs from the Prime Ministership, the wheel had turned full circle. In England

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* In the General Election of June 10, 1957, the Liberal Government was defeated, and the Conservatives under Mr. John Diefenbaker took office. In the new Government the Prime Minister provisionally reverted to the former practice and assumed for the time being the additional portfolio of Secretary of State for External Affairs; but finding this too onerous a task, and apparently also influenced by public opinion on the matter, handed over the latter portfolio, on September 13, 1957, to Dr. Sidney Smith, President of the University of Toronto, who thereupon had to be elected to the House of Commons and, on taking his Cabinet position, was sworn of the Privy Council. Mr. Smith retained the portfolio of Secretary of State for External Affairs after the Conservatives were re-elected on March 31, 1958.

Lord Salisbury and Mr. Ramsay MacDonald had been both Prime Ministers and Foreign Secretaries; but these were for relatively short periods. In Canada the experiment of combined portfolios had been tried from 1912 to 1946, a matter of thirty-four years under four different Prime Ministers, (Borden, Meighen, Bennett and King). It had been advocated by Earl Grey, and by Sir Joseph Pope, and even before he took office, by Sir Robert Borden, in the 1909 debates.

Now the ~~xxxxx~~ innovation was made of having a separate Minister of External Affairs, as was customary, with the above-mentioned exceptions, in British practice and in some of the other Dominions in recent years.*

Professor Nicholas Mansergh has expressed the view that the concentration of authority in external affairs in the Prime Minister and its inevitable burden and neglect, was a reason why, up to the Second War, dominion diplomacy was still

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* The Irish Free State established its own separate Department of External Affairs in 1922.

A Department of External Affairs with a Minister was established in New Zealand by an External Affairs Act, 1919, but the function of the Department was limited to the administration of New Zealand's island territories, foreign affairs being handled by the Prime Minister's Department with the Prime Minister as Minister of External Affairs until 1943, when a separate External Affairs Department was established.

The South African Department of External Affairs was constituted in 1927, and the Prime Minister was accorded the additional designation of Minister of External Affairs. (See E. Rosenthal South African Diplomats Abroad)(South African Institute of International Affairs, 1949).

The Australian Department of External Affairs was set up in 1901 as a part of the Prime Minister's Office. It became a separate functioning department in 1935-36. At first the Prime Minister held the office of Minister of External Affairs, but this was later allocated to a separate Minister. (Nicholas Mansergh: Survey of British Commonwealth Affairs, 1931-39, p.71).

largely left in the hands of the British Foreign Office. "There was another circumstance," he writes, "which increased dominion dependence on the United Kingdom in foreign affairs though it did not apply to them all with equal force. After 1926 when Dominion Departments for External Affairs assumed control of the foreign policies of their respective countries a cadre of experts was slowly built up. That was excellent so far as it went. But the growing expertness of officials was not matched by a growing interest or knowledge on the part of ministers or members of Parliaments, who remained for the most part little interested in the details of foreign policy. For this, one reason in particular may be suggested. Because foreign affairs and Commonwealth affairs were customarily dealt with by the same Department, and because both were considered to involve issues of great delicacy, it became the practice for the Prime Minister in most dominions to assume ministerial responsibility for the Department of External Affairs. In Canada, South Africa, and in the Irish Free State during Mr. de Valera's long period in power, this association of office became almost a convention of government. Yet its consequences were not uniformly helpful. Dominion Prime Ministers, by the very nature of their responsibilities, were inevitably preoccupied with domestic problems and rarely had the inclination or the time to make any thorough study of foreign affairs. This lack of interest or knowledge was a

handicap for which soundness of judgment and robust good sense could not wholly compensate. Its removal was conditional upon the appointment of separate ministers responsible solely for the conduct of external affairs, a step which was not generally taken till after the Second World War."(1)

(1) N. Mansergh: Survey of British Commonwealth Affairs, 1931-39, pp.431-2.

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The bibliographical sources referred to in Part I - "The Pope Epoch" - provide a certain amount of source material for this present Part II - "The Skelton Epoch".

To some degree a study of this period of 1925-1941 is handicapped because some of the most important personal records have not yet been made public.

The papers and diaries of Mr. W.L.Mackenzie King are under study at Laurier House by a specially appointed Committee, acting for his literary executors.*

The Borden diary remains in the possession of his nephew, Henry Borden, Q.C., of Toronto. Many of the Borden papers, however, are in the Public Archives.

The Meighen papers, apart from some which are to be found in the Public Archives, are said to be still in private hands. Mr. Roger Graham, formerly of Regina College, is writing an official biography.

The papers of Mr. R.B. Bennett, later Viscount Bennett of Mickleham, Surrey, are in the possession of the University of New Brunswick.

The private papers of Sir Joseph Pope are retained by Major-General Maurice Pope, of Ottawa, until the biography of Sir Joseph is published by

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* It is reported that the King papers, running to about 1,000,000 pages, will not be available to the public until July 22, 1975, the 25th anniversary of his death at Kingsmere. Mr. King's literary executors will exercise direct control of access to his papers until January 1, 1964, and limited control for the subsequent eleven-year period to 1975. (J.A. Hume, Ottawa Citizen, 1958, based on Public Archives report and inventory.)

the Oxford University Press about the autumn of 1959. His semi-official papers are in the Public Archives.

The private papers of Dr. O.D. Skelton are believed to be in private hands, although much of the official correspondence is scattered in Departmental files.

The note appended to the chapter on Loring C. Christie indicates that all his official papers were returned after his death to the Department, and after being sorted and indexed were broken up and separated into relevant Department subject-files.

Regarding the structure and organization of the Department during the period under review, use has been made of Departmental files and the annual Reports of the Department and of the Auditor General. A detailed review of its organization in 1931-33 is given in Gerald E.H. Palmer's Consultation and Cooperation in the British Commonwealth (1934) pages 32-41. This was brought up-to-date in the revision by Miss Heather Harvey, in Consultation and Cooperation in the Commonwealth, (1951), pages 179-186. A review of the structure in 1937 was given in Dr. Hugh L. Keenleyside's article on "The Department

of External Affairs" in Queen's Quarterly, Winter 1937-38, pp.483-495, and further references are found in Glazebrook's A History of Canada's External Relations, various articles by Professor F.H. Soward, and in several chapters of H. Gordon Skilling's Canadian Representation Abroad.*

Notes on staff expansion, and on premises, and on passport business, have been drawn mainly on Departmental files, with some additional contributions made orally by surviving members of the earlier Department staff. The lamented recent death of staff members such as Miss Marjorie McKenzie and Mr. J.J. Connolly, whose recollections of early days were invaluable, left a serious gap in source material. Principal officers like Christie, Skelton and Wrong have died; and other surviving senior officers such as Norman Robertson, T.A. Stone, Hugh Keenleyside and Lester Pearson have not yet had an opportunity of contributing their personal recollections. W.A. Riddell published some memoirs in World Security by Conference.

Specific references to source material are given passim in the footnotes. Department files and contemporary Parliamentary Debates have been extensively used. But the published literature on the Department during that period has not yet been extensive, and Skilling's book "A Canadian Representation Abroad", covering a period up to 1946, is still perhaps the most comprehensive on the subject, and has a detailed bibliography..

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* It is understood that Mr. Gladdis Smith, formerly of Yale and now lecturing at Duke University, has been writing studies of Loring Christie, and Mr. Barry Farrell, of Northwestern University, Illinois, is working on a doctoral thesis on the Department of External Affairs.

Besides material derived from miscellaneous files containg Dr. Skelton's correspondence and notes, the following references may be listed:

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Grant Dexter: "O.D. Skelton". Queen's Quarterly. Spring 1941.

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W.A.M.: "O.D. Skelton". Canadian Journal of Economics and Political Science. May, 1941. pp.270-8.

Ottawa Citizen, Ottawa Journal, January 28, 1941, and other newspapers of that date.

Grant Dexter had an article "Our Foreign Office" in the Winnipeg Free Press, August 12, 1941.

NOTE:- Since this study was completed, the following works have appeared:-

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MILLIONS OF WORDS

Papers From Past PM's Tell Story Of Canada

By J. A. Hume
Citizen Staff Writer

A preliminary 27-page inventory of about 2,500,000 pages of official papers of 10 of Canada's 13 prime ministers now on file at the Public Archives of Canada has just been published.

The papers constitute "a miniature history of Canada" since they highlight events in terms of the prime ministers concerned.

The papers of Prime Minister R. B. Bennett, 1930-35, later Viscount Bennett of Mickleham, Surrey, Eng., are in the possession of the University of New Brunswick.

It is expected that, in due course, the papers of Prime Minister Louis St. Laurent, 1948-57, will be placed in the Archives.

Prime Minister John Diefenbaker is known to possess a keen sense and appreciation of history and no doubt he, too, will give his files to the Archives in due course. The inventory notes that Mr. Diefenbaker was instrumental in having Mrs. F. Kayser, Peterborough, give to the Archives last year an address to Sir Mackenzie Bowell, prime minister 1894-96, relating to his title as KCMG (Knight Commander of the order of St. Michael and St. George) in 1394.

Valuable History Source

The Archives' collection of prime ministerial papers, the inventory points out, constitutes "probably the most valuable single source on recent Canadian history."

The personal diaries of two prime ministers — Sir Robert Borden and Rt. Hon. W. L. Mackenzie King, OM—were not given to the Archives with their other papers. The Borden diary remains in the possession of his nephew, Henry Borden, QC, Toronto. The Mackenzie King diary is in the hands of his literary executors. It has been made available to the three successive authors of the King official biography — the late Prof. Macgregor Dawson, Prof. Blair Neatby of the University of British Columbia, and Hon. John W. Pickersgill.

The Archives — just recently — secured microfilm copies of the papers of Prime Minister Alexander Mackenzie, 1873-78. The copies were obtained from Queen's University to whom the Mackenzie papers had been presented last year. This summer, Dr. W. Kaye Lamb, Dominion archivist and national librarian, was able in the United Kingdom to secure for the Archives the papers of the Earl of Dufferin, governor-general, 1872-78, which embrace extensive correspondence with Prime Minister Mackenzie.

The collection of prime ministerial papers at the Archives occupies nearly 1,500 feet of shelving. Most extensive are the papers of Sir John A. Macdonald, 123 feet of shelving, Sir Wilfrid Laurier, 195 feet, Sir Robert Borden, 141 feet, and Mackenzie King, over 800 feet.

Set Record

The King papers run to about 1,000,000 pages. He was prime minister for more than 21 years, a Commonwealth and world record in that regard. He headed three ministries. And, by nature, he retained more papers than any other prime minister or Canadian public figure.

Public access to the papers of Prime Minister Arthur Meighen is still restricted while Roger Graham, formerly of Regina College, is writing an official biography.

The King papers will not be available to the public until July 22, 1973, the 25th anniversary of his death at Kingsmere. Mr. King's literary executors will exercise direct control of access to his papers until January 1, 1964, and limited control for the subsequent 11-year period to 1975. As the gigantic task of sortation and cataloguing of the King papers proceeds, the literary executors may withdraw what appears "useless", but no document is to be destroyed without the consent of the Dominion archivist.

Parts of the prime ministerial papers, taken together with Archives papers of different governors-general, will prove specially interesting as to the selection of a prime minister on at least six occasions since Confederation.

These occasions concern, more particularly, Sir John Abbott, Sir John Thompson, Sir Mackenzie Bowell, Sir Charles Tupper, Mr. Meighen, after Borden resigned in 1920, and, of course, when Mr. King resigned in June, 1926, and Mr. Meighen became prime minister until he was defeated in the general election on September 14 that year.

"Letter Book"

In earlier times, prime ministers and otthers had copies of original letters kept in what was called a "letter book." It was not until 1898, under Laurier, that the method of keeping typed copies of letters, etc., was begun. Incidentally, Laurier's papers for the period 1912-15, while he was leader of the opposition, were lost when the Parliament Buildings were destroyed by fire in February, 1916.

Bowell had the most children, nine, with Tohmpson next with five. Bennett and King were bachelors. Laurier and Borden were married but they had no children. Prime Minister Diefenbaker, twice married, has no children.

Two prime ministers, Abbott and Bowell, were Senators when they held the office. Thompson was Commons leader under Abbott whom he succeeded as prime minister. Sir George Eulas Foster was Bowell's Commons' leader, but he never achieved the prime ministership. Bowell resigned his Senatorship in 1907, 10 years before his death.

Mr. Meighen was named to the Senate after he had been prime minister, as Conservative government leader in the Red Chamber, 1932-35, during the Bennett regime. He continued as Conservative opposition leader in the Senate until 1942 when he resigned in an unsuccessful attempt to be re-elected to the Commons as party leader in the Green Chamber.

Four Knighthoods

Knighthoods were conferred on four prime ministers—Macdonald, Thompson, Tupper and Laurier — before they were named members of the British (or Imperial) Privy Council with the designation, "right honorable."

One prime minister, Mackenzie, never was named an Imperial privy councillor though he held office for five years. Abbott was knighted in May, 1892, midway through his short term as prime minister from June, 1891 to November, 1892, but he was never made an Imperial privy councillor.

Laurier and Borden were given the French Legion of Honor and Borden also was given the Order of Leopold of Belgium.

Tupper was made KCMG in 1879, promoted to be GCMG in 1886, and a baronet in 1888, though he did not become an Imperial privy councillor until 1907. He was the last survivor of the Fathers of Confederation when he died in 1915 at the age of 94.

Three prime ministers — Macdonald, Mackenzie, and Laurier —were members of provincial legislatures before they were elected to Parliament.

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