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The Newfoundland Government have expressed considerable apprehension as to the extent of the jurisdiction which might be granted to the United States in connection with the lease of naval and air bases in the Island. The matter is of special importance in the case of Newfoundland in view of its present constitutional position. The self government formerly enjoyed by Newfoundland has had to be suspended until such time as the Island again becomes financially self supporting, and a system of Government by Commission has been substituted. It is essential that, while this regime is in force, no action should be taken which could in future years be represented as a surrender of sovereignty to the United States against the wishes of the people of Newfoundland.

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The question of jurisdiction arises also in those Colonies in which bases are to be leased to the United States, and the views of the Secretary of State for the Colonies on this question were contained in a telegram to His Majesty's Chargé d'Affaires at Washington No. 3073. A solution on the lines indicated in that telegram ought to cover satisfactorily the principal points raised by the Newfoundland Government. These were :-

(1) That a United States criminal committing a crime against a Newfoundland citizen (e.g. larceny, assault or rape) should not be tried by a United States Court on the basis of United States criminal jurisprudence with an appeal to United States Courts.

(2) That a Newfoundland citizen should not be handed over for trial by a United States national on a charge laid by a United States national.

Of these points, (1) is covered by the statement in telegram No. 3073 that "They /i.e. the United States/ might ask for jurisdiction over United States citizens for all crimes committed in the leased area but to this, in cases where the victim was not a United States citizen, I could obviously not agree".

As regards (2) telegram No. 3073 to Washington states that "It is possible that the United States Government might ask for such cases to be within the jurisdiction of their courts but I should not be prepared to agree except in regard to cases such as sabotage or spying. But even in these cases there would have to be a reservation regarding the death penalty". While the Newfoundland Government have not referred to a possible exception in the case of charges of espionage etc., it is reasonable to suppose that they would not in the last resort stand out against handing over for trial by a United States Court a person charged with having committed an offence of this kind within one of the leased areas, subject to the reservation proposed by Lord Lloyd as regards the death penalty.

The Newfoundland Government attach great importance to being associated, at the earliest possible stage, with any discussions with the United States on these questions, and to being able to put their point of view to the United States direct. On the assumption that these discussions will take place in London (the course which His Majesty's Government in the United Kingdom desire),

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the Newfoundland Government have been asked to send representatives to the discussions and have selected for this purpose two of the Commissioners (Mr. Penson and Mr. Emerson). They have been informed that if any other procedure for discussion proves necessary, it is intended that Newfoundland should have every opportunity for fully presenting her point of view. If therefore formal discussion in Washington should take the place of similar discussion in London, it would be necessary that the Newfoundland Government should have the opportunity of sending representatives to participate. This does not necessitate Newfoundland participation in the purely informal exploration of the jurisdiction question in Washington which is immediately contemplated, and this would in fact probably present difficulties. It is, however, important that the United Kingdom representative who takes part in this informal exploration should make it clear to the United States Government, who will themselves be putting forward their views at a later stage, though he has no reason to think that they would be prepared to agree to any proposals going beyond those described in telegram No. 3073.