

5. The commission was charged with considering the cases of sixty-two veterans with respect to whom Mr. Kirchner had made representations. Subsequently, in giving his evidence at Vancouver, Mr. Kirchner presented one additional case in which it was understood that he had become interested only very recently.

Hon. members will find that on page 214 of No. 6 of the minutes of proceedings of evidence of the special committee on veterans affairs 1948. I think the first thing hon. members will be interested in is that there is not a single word of mention of the falsification of documents or of the work of the psychiatrists.

What does it mean to be appointed as a commissioner under part I of the Inquiries Act? Let me read from that act, which is chapter 99 of the Revised Statutes of Canada, being an act respecting public and departmental inquiries. Part I of the act reads as follows:

1. This act may be cited as the Inquiries Act.
2. The governor in council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof.

3. In case such inquiry is not regulated by any special law, the governor in council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted.

4. The commissioners shall have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

5. The commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

It is quite clear that the commissioners had all the powers necessary to inquire into any problem whatsoever. It is also quite clear that they were appointed by the governor in council and consequently were called upon to perform an exceedingly solemn task and were charged with an exceedingly solemn responsibility before this house and this country.

I should like to examine into some of the aspects of the proceedings of the McCann commission as recorded in return, reference 159, dated June 24, 1948, mover Mr. Low. I quote:

26th November 1947.

It was agreed that the commission would examine the files of the cases in which Mr. Kirchner had made representations and the other evidence at hand and would recommend to the Minister of Veterans Affairs whether he should sponsor further inquiry, or action.

Let us comment on that remarkable statement, and it is a remarkable statement, which [Mr. Blackmore.]

appears in their own words or in the words of the people who prepared this report for presentation to the House of Commons.

At that first meeting several things were agreed to. The commission assumed authority to recommend to the minister whether he should sponsor further inquiry or action. Where did this commission receive instructions, or how did they obtain the discretion to do any such thing? Where does such authority appear in the terms of reference or in the discussion in the House of Commons on July 16, 1947.

Later in the document follow some statements with regard to December 3 and December 4, 1947, which are quite interesting. I quote:

3rd December 1947.

The commission met at 10 a.m. Examination of the files continued.

Mr. K. C. Rappell, departmental solicitor of the legal division, D.V.A., was heard during the afternoon and questioned as to the meaning, in law, of certain of the charges made by Mr. Kirchner in connection with the case of 86684, John Thom.

4th December 1947.

A draft comment on one of Mr. Kirchner's charges, which had been prepared by Mr. Rappell on the instructions of the commission, was considered and approved.

Mr. COTE (Matapedia-Matane): May I ask a question?

Mr. BLACKMORE: Let me finish and then ask your questions.

There is not one word about the charges made by the hon. member for Acadia on July 16, 1947, with regard to the falsification of evidence. The pension commission's legal personnel had accepted as evidence false evidence in making decisions upon pension claims. Mr. Rappell, departmental solicitor of the legal division, D.V.A., would conceivably be one of the very gentlemen against whom Mr. Kirchner's charges would be levied. The McCann commission had authority to call before it the ablest independent legal talent in Canada or Great Britain to study the evidence, to weigh its import, to give unbiased judicial opinion upon it and upon the decisions based upon it.

The commission could have gone out to the men whose cases were being studied. They could have got all the evidence from those servicemen. They could have called all witnesses involved and heard them in detail. They could have called in Mr. Kirchner and had before them all the evidence of every kind suggested by that well-informed gentleman.

Then, having heard all this evidence in support of the prosecution they could have called for an exhaustive presentation of the case for the defence. Then they could have submitted the whole case to one or two judges of the