

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS**  
**Monday, 19 January, 1981**

**Time — 10:00 a.m.**

**CHAIRMAN — Mr. Warren Steen (Crescentwood)**

**CONSTITUTIONAL REFORM**

**MR. CHAIRMAN:** Gentlemen, would you come to order please. First item is, I have a letter from Mr. Einarson saying that he is unavailable for today and therefore resigning from the Committee. In favour? Approved.

I am open for a nomination for a replacement for Mr. Einarson. Mr. Hyde would you like to nominate Mr. Filmon?

**MR. LLOYD G. HYDE (Portage la Prairie):** Mr. Chairman, I would be pleased to nominate Mr. Filmon to take the position vacated by Mr. Einarson.

**MR. CHAIRMAN:** Is it agreed that Mr. Filmon will replace Mr. Einarson? Pass.

**MR. SAMUEL USKIW (Lac du Bonnet):** Mr. Chairman, there is only one question that comes to mind and that is whether or not we are in order at all in accepting resignations and introducing substitutions, given the fact that the House is supposedly in session. I think that is a question that does come up. I am not sure if it is within the rules. (Interjection)— You're saying there is no question, Jack?

**MR. CHAIRMAN:** Under normal conditions, Mr. Uskiw, it would be quite in order, but the House is what, recessed or adjourned?

**MR. USKIW:** I don't know.

**MR. CLERK, Jack Reeves:** It wouldn't be possible for the House to deal with it immediately, so I am assuming that the procedure that we have followed may not be strictly according to hoyle, but I don't know of any other way we could get around it.

If you read the rules dealing with that section I don't think it makes any reference to whether — any member of a Standing or Special Committee, who is unable to attend the business of the committee may be replaced by a vote of the committee. It does not say whether the House was in session or not. The practice has been when the House is actually sitting or is able to deal with it, the House will do so, but since the House is adjourned until the 3rd of February I would think it would be in order, since this doesn't make any specific reference to the fact that the House is adjourned.

**MR. CHAIRMAN:** Further to what Mr. Reeves is saying, to Mr. Uskiw, we have just been receiving delegations and their comments and so on. I am sure that procedure will be all that will be handled today, so we haven't to date, as long as this committee has gone, I don't think we have had a vote yet. We get along very well.

**MR. USKIW:** Mr. Chairman, if the committee agrees that we can proceed then I wish to submit two resignations, one from Mr. Parasiuk and one from Mr. Schroeder; and in replacement we have Jim Walding and Brian Corrin to add to the committee, if that's acceptable.

**MR. CHAIRMAN:** Agreed? (Agreed) Would you give those two letters of resignation to the Clerk please?

All right, to the members of the committee and to those in attendance, I have a list of persons in front of me that indicated, prior to Christmas, a desire to appear before this committee. I should think that maybe I would be wise if I went through this list and we found out who was present today and who is still interested in making representation to the committee.

The first name is Alice Richmond; Henry Elias; Brenda Scarcella; Lawrence Peterson; Chief Lyle Longclaws from the Four Nations Confederacy; Professor R. A. Gallop; Muriel Smith. She did appear. (Interjection)— She was speaking to the committee at 5:00 p.m. when we adjourned at our last meeting and I think she did leave her prepared notes. She was about three-quarters through and she may wish to continue on or she may feel that she has completed her presentation. Kenneth Emberley, Kenneth Emberley is present; Mr. T.P. Walker; Mr. J.M. Froese of Winkler; League of Life of Manitoba Incorporated; Barry Vincent; Janet Paxton; Manitoba Parents for Ukrainian Education Incorporated; the Winnipeg Board of Jewish Education; the Honourable James Richardson; E. Evanuk; Charlie Constant of The Pas Indian Band; Walter Kucharczyk; Richard Stonyk; Professor A.R. Kear, he did make one presentation but I understands he wants to make a second one; St. Norbert NDP Constituency Association, Ruth Pear; Craig Johnson; Ken Narvey and Arthur Cramer. I've read the names of those that have indicated a desire. Is Kenneth Emberley the only one present?

Mr. Desjardins.

**MR. LAURENT L. DESJARDINS (St. Boniface):** Mr. Chairman, I only wanted to mention something that I think we should spend some time and determine, because if we start a precedent we could be in trouble. You mentioned somebody that already made a presentation that wanted to make another one. I think that's unusual. If we allow that, people then might be answered or might find that somebody will attack him when they speak after them. They will want to come back and there will be no end. So I've never heard of this in the time that I've been here, where people have been allowed to make two presentations on the same subject. There is no change. They should be ready for the first time and I find it very unusual.

**MR. CHAIRMAN:** On that same subject, Mr. Mercier.

**HON. GERALD W.J. MERCIER (Osborne):** Yes, Mr. Chairman, firstly, I would just make one point. The

advertisement, as I understand it, indicated that the committee would meet at 10:00 and 2:00 today and if necessary tomorrow. So I would expect if we don't have a sufficient number of representations this morning to keep us occupied until 12:30 that we would come back at 2 o'clock in any event because of the way in which the meeting was advertised.

On the point raised by Mr. Desjardins, I would, with respect, disagree with him with respect to the subject of this committee, Mr. Chairman. Since the committee last met, the federal government through the Justice Minister has introduced further amendments to the proposed resolution of the federal government before the House of Commons and Senate Committee. I think it might be that there may be people who wish to amplify or make further comments with respect to those proposed amendments, Mr. Chairman. So if Professor Kear shows up, I would suggest, due to the difficult nature of the subject we're dealing with and changing circumstances almost from week to week, that we would allow him to make further comments to the committee.

**MR. CHAIRMAN:** Mr. Uskiw.

**MR. USKIW:** Mr. Chairman, I'm somewhat bewildered as to the method that this committee is going to employ throughout the course of the final part of these hearings, because if the indication to a few of those that have asked to make presentations has been that they can make more than one, then I think it's our responsibility to inform everyone that has already appeared that they are entitled to make a second presentation. Now I don't believe that we ought to encourage that kind of thing in this kind of a committee because that will provide for presentation, rebuttal, counterproposal, counterrubuttal, on and on ad infinitum, Mr. Chairman, and there is no way that this committee could then conclude its work, keeping in mind the deadlines that have to be met and keeping in mind that we do have to ultimately present a report to the Assembly.

So it seems to me either we open it up all the way and allow everyone to make another presentation or we should not allow anyone to make a second presentation.

**MR. CHAIRMAN:** Mr. Mercier.

**MR. MERCIER:** Mr. Chairman, I would suggest that it's not an issue we have to deal with right at the moment in any event. Professor Kear is not here, Mr. Emberley is here and I don't believe he has made a previous submission to the committee so perhaps we could simply hear him for now and see who else shows up.

**MR. CHAIRMAN:** Mr. Desjardins.

**MR. DESJARDINS:** Mr. Chairman, I believe that it is something that we have to decide because this could be reported and some of the people might come in. You don't want to have them come in if you're not going to listen to them. I don't think the point made by Mr. Mercier is valid. He's referring to something that happened at another level of government which has nothing to do with what we're doing here. There

was an awful lot of leeway, the people that appeared in front of us were let free to discuss the whole situation and I don't think that if there is some change in Ottawa it's because of some of the representations that were made to that committee, and gentlemen, I think that we should think of that very seriously. It's not only this committee, it's what's going to happen in the future. We've had debates such as Autopac and other debates like that and some of them have been quite political and you're opening a can of worms. Even what we're doing now in these committees is not done in all other provinces. If you're going to let them come two or three times and if you do it today you're establishing a precedent and I think that you should think very seriously about that before you allow that.

**MR. CHAIRMAN:** As Chairman of the Committee, I'm open to the general membership of the committee as to how they wish to handle this matter.  
Mr. Walding.

**MR. D. JAMES WALDING (St. Vital):** Mr. Chairman, Mr. Desjardins has mentioned the setting of a precedent. If you would like a precedent that might help you in this instance, I do recall a few years ago when there was a bill before the House to reform the Optometric Act. The solicitor for the optometrists appeared at the committee meeting and spoke to the committee on behalf of his client, on the bill, knowing that there were other people there to speak. He said that he wished to reserve the right to speak to the committee again in rebuttal to what else had been said. I believe that there was a clear consensus by the committee at that time that this was not the purpose of those hearings and it was decided then that anyone had the right to speak to the committee; but once, not to come back and make arguments and counter arguments. That was the precedent at that time if you wish to refer to it.

**MR. CHAIRMAN:** Any other discussion on this matter?  
Mr. Kohnats.

**MR. ABE KOVNATS (Radisson):** Mr. Chairman, I have seen people who have been involved in dual presentations inasmuch as I recall one solicitor making remarks that he was speaking on behalf of a group but it wasn't necessarily the remarks of his own personal feelings. But I think that we have gone through the procedure where we have allowed people to speak and they have spoken on behalf of a particular group and I think that they should be entitled to speak on their own behalf or on behalf of another group if they so desire, and therefore, I don't see how we can limit. I know the expression of opening up the floodgates to allow more presentations but I don't see how we can possibly limit if they want to make a presentation on behalf of another group or on behalf of themselves because we have gone through the procedure of asking them who they represent when they do make their presentations, and if they have another group that they would like to represent I think that they should be entitled to do so, and I would have to support allowing them to speak a second time

**MR. CHAIRMAN:** Any further discussion? If not, would one side or the other make a motion and let's deal with this matter.

**MR. MERCIER:** Mr. Chairman, if that's the kind of procedure you wished followed I have a motion for your guidance from the committee. I think because of the very nature of this subject and the changing circumstances that take place, in view of amendments introduced by the federal government on the resolution, I say through you Mr. Chairman to Mr. Desjardins that it is indeed the action of another level of government which has caused concern among a number of people and I think this committee, for one, should allow full debate. As an aside I would suggest that the amendments introduced before the federal committee should allow those committee meetings to be reopened so that there could be presentations made again to the committee on the subject of those amendments.

So I would move, Mr. Chairman, that this committee allow individuals or organizations who have made one presentation to this committee to make a further presentation to this committee, if they so wish, on the basis of circumstances which have changed since the date of their last presentation.

**MR. CHAIRMAN:** Mr. Uskiw, speaking to the motion.

**MR. USKIW:** Well yes, Mr. Chairman. If it is the intent of the committee to reopen the discussions and allow people to make a second presentation then it would seem to me that there's an obligation on the part of the committee to inform the general public, and in particular those that have already made a submission, that they are entitled to make a further submission if they wish and that there ought to be general publicity given to that fact through the standard procedure, through the media, so that we are not limited only to the hearings that have been scheduled for today and tomorrow. Because obviously people are not aware, some people are not aware, that they are entitled to make a second presentation and if they were, they may have been here. If it is only at the request of one or two individuals that we are yielding ground then I think it's highly unfair. So we would have to schedule another meeting in order to facilitate those people, who would have to have some notice of their entitlement to make a second presentation, if we are going to be fair, Mr. Chairman.

**MR. CHAIRMAN:** Any further discussion on Mr. Mercier's motion? Seeing none and hearing none, all those in favour of Mr. Mercier's motion please indicate by raising your hand?

**MR. CLERK:** 4

**MR. CHAIRMAN:** Opposed?

**MR. CLERK:** 3

**MR. CHAIRMAN:** Mr. Mercier's motion carries.  
All right. Can we get on with our presentations?  
Mr. Uskiw.

**MR. USKIW:** Before we proceed, we have now made a decision that we will allow a second presentation on the part of the people that have presented briefs to this committee. Can we now have a decision on whether or not there will be an

opportunity for all other people who have already made presentations to appear before this committee? Because if we are making that decision we ought to have that publicized most fully so that they may indicate their intentions and that we might be in a position to set another date for a meeting.

**MR. CHAIRMAN:** I would think, Mr. Uskiw, that since the motion has been carried that if any persons wished to make a second appearance before the committee we would therefore permit them to. Whether we would buy a block ad in the newspaper again and publicize it that way, I'm not sure. But certainly there are a number of persons from the media present this morning, they can carry the message to the best of their ability.

Mr. Uskiw.

**MR. USKIW:** Mr. Chairman, we have a situation here where at least one individual wishes to make a second presentation and presumably has made the request and has been given some indication of the government's feeling on it. That has not taken place with respect to all of the other people who have made presentations, so therefore they're not in a position to know that they have this opportunity. The meeting is held today, people have made presentations not knowing that they had a second chance; did not indicate any desire to be here today and to make their views known, pursuant to the changes that were made at the federal level according to our Attorney-General, so therefore it seems to me, to do justice, that there ought to be publicity and that we have to have at least one more meeting so that we don't pre-empt those people that may feel that they should have been given that opportunity very much the same way as those that have already requested it and who have been approved by this committee.

**MR. CHAIRMAN:** Just for information for members of the committee and for those in attendance, the persons names that I read off earlier, they were not telephoned about today's meeting and perhaps tomorrow's meeting for the simple reason that many people do phone in and wish to have their names on the list but do not leave an address or a phone number that the Clerk's office could return a phone call. So anybody that does make a presentation today or tomorrow, if necessary, will be knowing of the meeting through the advertisement that was placed in the Free Press a week ago Saturday, and the various other forms of media that have let the public know of today's hearing.

Mr. Uskiw.

**MR. USKIW:** Mr. Chairman, yes, I appreciate that there has been some publicity as to this particular meeting but there has been no indication in that publicity that people who have already made submissions can do so again, and therefore, I think, Mr. Chairman, to redress that situation we have to at least provide one more opportunity at another date to give those people who wish to appear again a chance to put together another submission. I don't believe it's fair to suggest to them here this morning that if they wish they can run in this afternoon and present a second brief. I mean that's hardly a serious proposal, Mr. Chairman.

**MR. CHAIRMAN:** One way we could, in my opinion, get around it is set a time for next Monday morning, one week today, and that this committee would be again recalled to hear any persons that aren't heard today and tomorrow, and particularly those who wish to have a second run. Is that agreeable to members of the committee?

**MR. MERCIER:** That would be agreeable to me, Mr. Chairman.

**MR. CHAIRMAN:** I see some heads nodding a favourable approach so . . . All right, we will carry on as advertised today and if necessary tomorrow, but we will sit again next Monday at 10:00 a.m. for persons who wish to make a second appearance or anyone who found that today was inconvenient.

**MR. DESJARDINS:** That could be set tomorrow.

**MR. CHAIRMAN:** Well, if necessary.  
Mr. Emberley, can we proceed with you, sir?

**MR. KENNETH EMBERLEY:** Mr. Chairman, members of the committee. I appreciate very much the opportunity to appear before you. You have had copies of my brief since December. My brief consists of 12 main papers, which I spent between 40 and 48 hours preparing. I'd like to have two or three, maybe four minutes, to run through each of the 12 papers quickly and summarize several main points and then I ask your permission to read my main introduction which I feel is the most crucial and important part of my presentation.

The Minimum Disturbance Social Change is a paper prepared by Clive Simmons of the National Research Council, one of our wisest thinkers — we don't have those many today, we have so many people who are busy — and he has prepared a paper suggesting there are ways to make changes. Those of you who have heard of Mr. Toffler and Future Shock know that we've been going through drastic changes in the last 20 years, each year more swift. Changes in our lifestyle, change in our government forms, changes in our business structures, and in many cases our reactions to the changes is up to 10 years behind schedule. We haven't found a way to make the changes even moderately peaceful or moderately efficiently, and this paper discusses in detail methods that can be done and I have added a one-page reaction to it because I feel that the main point is not that the government must make wise decisions on how to make our changes, but that the 1 or 2 percent of wise people in the government, the one or two percent of wise people in the bureaucracy, and the one or two percent of wise people scattered throughout every section of the community, who have innovative and imaginative ways to improve things, there must be some way structured to allow them to have input into the system, and there's very little of that kind of structure at the present time.

In my paper Public Concerns about the Canadian Constitution, I have been one of those lucky people who have attended a number of meetings over the past four months with Federal Cabinet Ministers who have come out to talk to us about their Constitution. Three of these papers are a restructured letter that I sent personally to the Cabinet Minister after the

meetings. I am one of those that has political interests and political leanings but I'd like to think I'm not one of those subservient line party followers. I find it very hard to know just how to apportion the blame between the political parties and the various political and religious and economic philosophies.

I believe I mentioned on Page 1 here that people had a right in the most advanced democracy in the world to have had annual public seminars to debate the issues and spot the flaws to stop the sham and hypocrisy and the greed of some of the 11 leaders and gradually over a 10 year mutual education process to come closer to a consensus. If Mr. Trudeau's plan is so good, or if the provincial premiers' opposition is so sound, then public opinion will force concessions. I think the most constructive event to take place maybe in the last eight or 10 years is the televising on cable television of the public hearings of the Joint Senate Commons Committee on the Constitution. That is educational television; that is democratic citizen education and participation in their Constitution.

I have a paper on the new Constitution, "Indians, Whites, Metis and Inuit". I think this is one of our most important things because there hasn't been too much talk generally in public and in the country about Canada's niggers. Those of you who can remember way back in history will remember there was a man called Paul Robeson and a fellow called Martin Luther King and Little Rock Arkansas. We got a nigger problem in this country and we ain't doing nothing about it. We are doing almost nothing to help our native peoples to advance into a position of moderate equality where they have the political power, the financial power to help themselves. Do you know that when they first drew up the first treaties for the first Indian reserves the federal government engineers were instructed to study the locations and make sure there were no power sites in the reserves big enough to allow the people to operate grist mills? If there were any grist mills they were going to be operated with water power resources, it should be white people operating these things. The situation hasn't changed today. You just have to go and look at the largest self-contained Indian community, founded, self-supporting in Manitoba at South Indian Lake and see what the enemy did to them.

We have a Garrison Diversion Project. Now some of you people will remember the Second World War when the Germans in France were building their buzz bomb launching platforms to shoot at London. Now the United Kingdom government did not wait until the buzz bomb platforms were constructed and completed and ready to launch before they started attacking and bombing them. The Garrison Diversion Project is a cannon pointed right at our hearts here in Winnipeg, at our safety and sanitation of our water supply and our fish resources on Lake Winnipeg. We should be engaged in active, fierce efforts to stop that. We have a new Governor in North Dakota who is dedicated to building that Garrison project and our governments are doing very little to stop it. But worst of all, the people that know, the people that are deeply involved in the environment and know the harmful effects of that cannot get any financial support or permission from the government to do the government's job to fight the Garrison for the

people of Canada and Manitoba. The federal government and the provincial government are providing very little leadership but somebody has suggested the real reason is that Manitoba has its own Garrison diversion project. Why do you think we have Manitoba Hydro, except to destroy the northland for the native peoples? And if the citizens ever get funding and a problem and a help to fight the Garrison Diversion Project fighting Manitoba, they are going to ask for a chance to help stop the Manitoba Hydro from destroying Manitoba's environment.

I have a paper here, "Island of Woe", the story of the destruction by chemical wastes of the native peoples in St. Regis Reserve, the story of the pipelines going forward in the north country. Manitoba is hoping and dreaming of a pipeline to come through from the north country. Do you have any idea of what that means? In here I have a paper on Alberta and Alberta's rights and Alberta's strong moral position. On Page 1, I mention innovation, alternatives, change, less fierce competition, greater caring for your neighbour, greater care for nature and animals, a joyful forward look into a world of modest prosperity and sharing our great hope for a peaceful survival in the next 10 years. These ideas sound like a Communist plot, morally, politically and economically and totally unacceptable to many of the leaders in Alberta. Yet these very events are happening all over the world and some of our most learned and sensitive future thinkers warn us our whole nation will follow Chrysler Corporation unless we make modifications in our structures, our lifestyles and our business attitudes and that is all determined by our Constitutions. Alberta is like the Yukon in 1898, drunk on an orgy of GNP growth, profits and power.

I won't go into details on the energy efficiency. I hope to have a presentation for our regular government later on when they have a budget on energy because this is the problem that underlies the Constitutional fight over resources. You see, if we can continue to waste our resources, 40 percent of everything we burn in this country we waste our energy. If we can continue to waste them at the present rate we can have a high GNP growth in Alberta and the resources are important. The second we adopt a serious energy conservation program, the second we adopt a serious energy conservation program, resources become less important because we can get along with a small energy consumption growth during the next 20 years. Resources become less important and the power of the provincial government in Alberta to destroy our nation, the need to dig up and consume resources becomes much less important, but these things cannot be discussed in public hearings of the National Energy Board of the Manitoba Hydro. You have structured these functions of government so that the people cannot question the standard policies that have been going on for 40 years which have produced inflation and unemployment on a grand scale.

Continued escalation in a straight line growth is not going to solve our problems; that's the way we've been going for 10 years. It is creating the disaster but our government leaders in their discussion of the Constitution have not even begun to consider the necessity for allowing the people to

participate in the control of their government and their business institutions. We haven't even begun to advance to the stage of a mature democracy like they have in Europe or the United States where the citizens have far greater control in many ways over their governments and over their business institutions. The record of civil rights is incredibly weak in this province.

Those of you who have studied political science and things like that, although most of our political science is taught by United Statesers who are taught that if you have a Queen you live in a slave country, most of our professors in political science are United Statesers who are raised in a republic. But if you ever stop to think, what civil rights do we have here in Manitoba? I have in my files at home the records of a 1962 conference on the chemical industry of Manitoba and of the hundreds of new jobs and the GNP growth we can get if we will advance the cause of the chemical industry in Manitoba, and they did; but 18 years later, we're 50 years into the industrial age, we have no waste disposal system for the chemical poisons they produced to put in our rivers. Our government wants to go up and blow out a bit of chemicals, blow them up in the air, and scatter them around in somebody's back yard.

We have no civil rights to our health and our sanity. I have people who are in the Patient's Rights Organization. What rights have they got? What rights have they got? We have a Constitutional debate going on, but that Constitution and the way it's set up is going to determine my standard of living for the next 20 years and my children's, and my freedom, my freedom to control my life.

Here we have two comparisons in the headlines in Friday's and Saturday's paper. The petrochemical industry in Alberta, for a billion dollars, is going to create 345 permanent jobs. That is a cost of 3 million per job. And in Manitoba here, a bunch of federal grants came through from the federal government to help local industry and for 4 million, 4.5 million, which will create one-and-a-half jobs in Alberta, we are going to create 87 permanent jobs in Manitoba's small free enterprise industry. That's the whole push and slant of our lifestyle. We have to be allowed some control over our lifestyle, and one of the key philosophies behind this new Constitution, Mr. Trudeau says that we can build a better Constitution if we make it 22 percent or 45 percent a Republican-style Constitution. But he didn't come out and say that in the first page. Maybe that's what we need, but it should be debated.

We have here, my whole lifestyle in my province is going to be determined by whether the Premier decides on a 500 million aluminum plant or a 2 billion limestone plant to burn up all our capital in the province and if they suck all the capital in the province into these two grand projects to win the next election, we won't be able to provide employment for the people of Manitoba, or jobs. The NDP wants to do the same thing but they want to have the government run it. So how are we going to be better off?

I have here a documentary report — 20 percent of the university students in the University of Florida, the male students, are sterile. They've developed a solution to the population problem. You put herbicides and pesticides into the people's semen

through their water supply and you stop having children. Now they're doing that through the whole of North America. and we're doing it here in Manitoba. We have a love canal under construction in Manitoba, all over Manitoba, and is that included in your discussions and your thoughts and your concerns on the Constitution, because the way you structure the Constitution, the way you set your institutions to interpret the Constitution, those are all the things that determine my life, and it's just my life, my children's.

I listened to a lady telling just last week on the phone how she heard about her doctor committing suicide a week after she was in to see him with her husband. What is our medical association doing to help our health problem? At a time when people want to form small associations and groups of people, small groups of people to help themselves to improve and control their lives, we have giant bureaucracies structured by our government and our major professional associations for their benefit. And how can we change that? Our chiropractors are fighting for a right to be treated as medical professionals in the province with full equality.

Doctor Owen Donald Schwartz, I don't have to tell you who he is, he wants to bring better health care to the people of Manitoba, an alternative health care system based on small community clinics, possibly based on people's total health care, including diet care. What is our high technology medical system based on our high technology hospitals and high technology doctors' union doing? They're trying to destroy him, with the help and approval and the permission of a medical doctors' union, Constitution approved by the Legislature.

You know in the Weekend magazine on Saturday, they told about a little group of old ladies. Imagine a bunch of dumb old women, 65 years old, they're smart enough to build senior citizens' housing out in Alberta, and they have decided that giant 15 storey structures are not the ideal, because you know most old people are a little bit blind and from the top floor of a building they can't see nothing downstairs. They're isolated from the community. They can't see and focus their eyesight, most of them, on the buildings outside, and the people walking along the street. They're building little six apartment suites, scattered throughout the communities, and in Manitoba we have pretty nearly a rule that the only kind of building that can be built because of the financial structure of our system is a giant senior citizen tenement house.

Is that included in our Constitution? You see, it's our lifestyle is determined by our Constitution. I've got right in my shopping bag there a story of the 900-year development of the British Constitution, 900 years, and it slipped forward and it slipped back in the most stumbling, bumbling way you ever saw. But you know, many people think the Constitution reached its peak in 1917 when a group of 244 wise men gathered in Ottawa to tell us how to run our lives, and a group of 30 or 40 wise men gathered here to tell us how to run our lives, and to help us, and to lead us, and to control us. But if you had attended the investigative newspaper's reporting conference at the University of Winnipeg on Saturday, you would have had, I've got a pile this thick of the list of disasters from the results of our

rigid old style structured system, of disasters. Gentlemen, I ask you, I don't notice the ladies here this morning, but gentlemen, I ask you, there are some ladies but not in official positions of power, I ask you, gentlemen, in your Constitutional discussions and thoughts think of how you can enhance our democracy, how you can permit the people to become more involved in their government.

I have written to the people in Ottawa and told them that the most unique structure in the government system of Canada is the Law Amendments Committee of the Manitoba government. This is a unique and magnificent institution, and we're so proud of you for having it and permitting it, but how are you going to allow people to take part in running your country in the future?

The Manitoba Hydro is most out-of-date, out-of-style, out-of-touch institution, the nature, and it's supported by the full power of this Legislature. Manitoba Hydro can't solve any of our problems the way it's structured and the way it's running. I don't think you made one single improvement when you jazzed around with the structure of the leadership. You see electric energy is twice over-produced for the needs of our province and electric energy in North America is priced at between 35 and 100 a barrel for oil. That's what it costs us to produce our electricity in North America, between 25 and 100 a barrel when you include all the capital costs and all the wastes and all the subsidies and all the concealed subsidies and all the other things that go into it. Giant hydro projects with their intense capital activity can only produce unemployment. All they can do is produce unemployment net effect by sucking and drawing off scarce capital for a few hundred or a few thousand temporary jobs for an industry, a construction industry that's out-of-date. The consumer society is gone, the construction industry is over-developed, it's just like Chrysler.

Now, are you going to structure your Constitutional plans so that the people can have an input into our energy planning so that we can discuss five alternatives to the energy plans of the hydro. You see I don't think the energy and the Constitutional discussions have even got down to the nitty-gritty of the issue because the people haven't been thoroughly permitted to be involved soon enough. Now I know, I've heard and I've talked and I've watched the Cabinet Ministers telling us about how the people have been involved over the years but the people have been involved very minutely, very minutely regardless and now that we have an official bill laid out on paper they tell people: Okay three months, two months, you give us a . . . go on give us your answer.

Almost every second professional group of the most knowledgeable intelligent people that have appeared on television at those hearings of the Joint Committee on the Constitution said, we didn't have time to prepare a proper brief.

How many of you know Carson Templeton, the brilliant engineer in Winnipeg that owned his own construction company. He's a rare gem, he's a brilliant engineer but he was in university, he met hippies, he met philosophers, he met environmentalists and he's a human engineer. You

know, there are only 1 percent of them being produced today out of our university, an engineer concerned with human beings and the environment. He's the new type of person for the future. He and his friends were down at the House of Commons when they were debating Justice Berger's business and most of the MPs didn't even know what it was about after two years of public discussion on the television with all the media exposure Justice Berger managed to manoeuvre.

Now, how can we discuss things like the Constitution and energy when the people aren't involved deeply in the thing so that we can develop a consensus. It is in that point that I ask you to examine your attitude on the Constitution, we are a primitive democracy.

Now, I will try — I have taken 25 minutes I know, I am sorry but I have been waiting for two months for an opportunity to tell you this story and I think it's terribly important because you're not always hearing this point of view on your Constitution and it's our lives. It is not easy to prepare a brief and a summary of the concerns of a layman concerning as complex and technical subject as the new Constitution to serve us for the next 100 years. I believe patriation alone has a moderately high priority after reducing the federal budget deficit to less than 10 percent. But how can you reduce a federal budget deficit when the provincial government revenues have been increasing 20 percent faster than federal revenues for 20 years? And the provincial governments go down every week begging for more federal money. Let's think about that and the division of powers and economic powers.

If you're going to have a Constitution we shouldn't even allow the Provincial Premier and the Prime Minister sit down and talk until they decide the first thing in that Constitution is we're going to take 10 percent of the provincial powers and 10 percent of the tax-gathering revenue and 10 percent of federal powers and 10 percent of federal tax-gathering revenue and we're going to give it to the cities because they're the people that are doing the really important work in the country and they haven't got the money and you know it. You're sending the money but you tie all kinds of gimmicks on it, and for heaven's sake, don't think that I think that Bill Norrie knows how to spend. He doesn't even know how to patch up the streets on Portage Avenue, been falling apart for 16 months on the south side of Portage between Maryland and The Bay, Bill Norrie and his crew don't know how to run it. But maybe we can get better structures in our city government in a Constitution too. But there's a division of economic and political power that should be the first and top priority. The cities are strangled in this country for economic and financial power. They're not even legally supposed to be talking to the federal government. Can you imagine a jackass arrangement like that? Mr. Trudeau says I hate going hat in hand to that foreign government it hurts my ego. What about the cities going hat in hand to the provincial government to ask permission to deal with the federal government? We've got the same problem here in our own province.

The public has been denied for far too long in their legitimate right to require both sides to publicly put their proposals, objections and explanations in

writing for all of us to examine. Next the counter-proposals and new objections must be answered in the second set of public seminars, hearings and workshops such as you've been discussing this morning.

My concern is the trend in all law to increase nitpicking legalistic court cases. The old concept of basing a judgment on the general intent of the law is being eroded and steadily replaced by legalistic manipulation of the law as technical loopholes involving ridiculous technicalities and interpretations of the dictionary meanings of individual words completely negate the sound concept of a law and its basically sound legislation.

I want to be sure of two things — the Constitution does not become the victim of this trend and that the Constitution does something to reverse this trend in law. It must be very good law and it must tend to improve the law from the layman's viewpoint. If there's anything that makes the layman sick in our country it is the operation of the law and the operation of the country by the lawyers. Now you and I all know some pretty wonderful lawyers, some of the finest people in the country, many our business leaders, our political leaders and our leading thinkers but collectively together the law is a pitiful institution and the way it functions.

In our City Council in St. James we found out when they added one lawyer it took an hour longer for City Council Meetings. When they added two lawyers it took two hours longer, and the Mayor said if we get three lawyers I'm going to resign because we won't be able to function. Now, you can't say that to a nice lawyer because so many of us know so many nice lawyers are so wonderful. But when they get paid 60,000 a year or 100,000 a year and they get paid by the word they don't mind listening to their own words but they get bored at other people's simple explanations.

We have a right, I want to see the emphasis on my country regaining a place as a world leader, not as a leader of a Vietnam War munitions supplier or a GNP leader; I want my country to become a leader showing others in the world the joy and the deep contentment that can come from working a little harder and spending a little less by creating a more compassionate human and co-operative nation, fighting to increase democratic citizen participation, greater civil rights for all citizens and looking after our cities and towns and farms and farmlands and the lakes and rivers and all their inhabitants.

We have a right to demand of our leaders that they individually and their governments and our nation set a good example like the Queen and Prince Philip, Ed Schreyer and Bud Jobin. The bombastic behaviour and deliberate exaggeration and confrontation of our leaders makes me ashamed.

We just have to read the headlines in the Globe and Mail by some man called Hatfield down east, who said he wants people to buy guns and get ready for civil war because he's going to destroy the monarchy if he doesn't get his own way.

We've got Premier Lougheed in Alberta, that says we're rich and I like it that way, and we got all the oil and natural gas in Canada. They're on strike out there and they say if you don't increase the prices more, we are not going to give you nothing.

How many of you saw Bruce Wilson's new book on the energy squeeze? If you want to do something to

improve your minds you read that book. Every time we raise the wellhead price of oil 1.00, we increase the value of the gas and oil reserves in the ground in Alberta that were mostly discovered five or ten years ago, we increase those reserves 18 billion every time we increase the wellhead price 1.00. The 10.00 increase in the last seven years has cost you and me 180 billion in inflation. And then you try and wonder where inflation and unemployment comes from, it comes from greedy, selfish people like Premier Lougheed. I am not one that says the federal power should smash the provinces, but don't ever let yourself be fooled that Premier Lougheed wants anything except all the fat and wealth he can get and if he destroys the nation and if we destroys our environment in the process, he couldn't care less. That's what I think of his strong, legal moral stand, and I've got documentary evidence to support it.

It takes far less money, energy and minerals to make a satisfactory quality of life. The whole slant of our new Constitution must be to further greatness but people must be allowed far greater rights to choose and to develop their own self-help structures and personally-arranged lifestyle. I beg of you to allow your structures of government to permit change. Ninety percent of the time when we want to make a change, whether it's for solar energy or a group of little people to get together to found a medical clinic or to do something else, it's forbidden by federal and provincial laws and regulations and the institutions that they created.

You see, you have been telling us, our wise leaders, forgive me if I include you collectively, our wise leaders in government and business have been telling us for 40 years you must change, you must change. That's what the future shock is all about. We have been changing, but the change is always in one way, towards giantism and centralization. The people are fed up to here with that. We must begin a gradual trend towards decentralization and human scale activity, and the way you put your Constitution down is going to determine that. Because if you write your Constitution in such a way that only the federal cabinet and the provincial cabinet have the power, and the federal cabinet and the provincial cabinet institutions, have the power to do the important things in the nation, we are going to get more Chrysler Corporations; we're going to get LNG gas terminals in the St. Lawrence River; we're going to get half a billion dollar aluminum plant in Manitoba; and a 2 million Limestone plant to pump down more electricity to sell at half price to the United States to make money. Come on. We're selling it at half price to the States to make money.

The way you structure your Constitution is going to determine our lifestyle and I've heard distinguished gentlemen right in this building talking and saying, I'll never allow a Freedom of Information Act in this House. What do you think they are, do you think they have any right to know what their government or businesses are doing? Who do they think they are? We're running the world for them, we know what's good for them. Chairman Mao told me that, Adolf Hitler told me that. I don't need a distinguished fine gentleman in Manitoba to tell me that. I don't need my Honourable Pierre Elliot Trudeau to tell me that. If we're not allowed to enhance and modernize our democracy and our structures in your Constitution so

that we begin to have the same democratic power that the citizens in Europe and the United States have to influence their business in government, then forget it. Forget it, we'll go home. And in five or ten years the people, the concerned people that want democracy, will have to start buying bonds and guns and forming cells. It's that simple.

Do you think that they're going to allow another ten pipelines to go through the Indian people's country without starting to negotiate with the people overseas on how they can get a rocket? Do you think that the Negro people of the United States 30 years ago wanted to become violent to ask for their civil rights? What civil rights have the native people in Manitoba got?

Manitoba is the richest province in the world. We've got resources running out of our ears. I know you don't think so, but there's sunshine coming right in that window. The sun shines so bright they've got to shut it off, because the heat will suffocate us and the light will ruin their cameras. We've got all the hydro power we've got coming in. We could supply 20 percent of all the hydro power needed in Manitoba through local solar energy. But if your structures don't permit it, if your structures don't allow it, what are we going to do?

**MR. CHAIRMAN:** Mr. Emberley, before we carry on any further, you've been addressing the committee now for 40 minutes. Can you give us an indication of how much more time you need?

**MR. EMBERLEY:** I don't think I need more than one minute more, sir, if you wish to have time enough — maybe if you'll be lucky enough you'll allow me to answer any questions.

Competing lifestyles is the final part of my summation. It will take me one minute to explain that the Canadian Petroleum Association is the finest group of the finest richest people in the country working for the biggest and most powerful companies in the country, and they're Peter Lougheed's friends. As the petroleum institute has the power to flood the media with their version of the truth and the people have no financial backing in public hearings to present their version of the truth, we will never, ever solve any of our energy problems.

You have created a structure that permits large corporations to use tax deductible dollars, and I've been in public hearings for ten years, and you walk into the public hearing and you see some guy sitting in a sweater that's been working at home nights, some guy making 15,000 or 20,000 a year, in his spare time trying to present a brief, and sitting at a table there will be a row of four or five silk-suited lawyers making 100 an hour, all paid with tax-deductible dollars, presenting their side of the story and the poor little guy is trying to present his side of the story fighting for the people. The way you structure your Constitution and the way you structure your institutions of government doesn't allow the truth to come out. The truth started to come out in Mr. Justice Berger's hearings, but did you ever hear the beefs that went on from the different provincial governments and energy resource organizations over funding for citizen groups.

Thank you, Mr. Chairman, I appreciate the honour of addressing your committee. I have sent a copy of my full brief to my Queen and to Mr. Kershaw's



committee in the United Kingdom Parliament, and when I was in Ottawa, I delivered a copy of it to the East Block. I appreciate very much the opportunity to appear before you. I am deeply grateful for the privilege.

**MR. CHAIRMAN:** Thank you, Mr. Emberley. Are there any questions to Mr. Emberley from members of the committee?

Mr. Mercier.

**MR. MERCIER:** Just one question, Mr. Emberley, I think this is correct and you probably just want to indicate in the affirmative, but your comments in brief I think clearly indicate that you are opposed to unilateral federal action within the time limits that have so far been indicated.

**MR. EMBERLEY:** Mr. Chairman, I believe that's a correct statement of my views. I believe that Mr. Trudeau has no right to try and solve a problem that desperately needs to be solved in the wrong way. I believe that the Constitutional Hearings of the Joint Senate Committee should reconvene later in the spring, after the House has done some of its main business, and should carry on for many months. I believe your group here has a primary duty to take some of the money that it would take to finance one construction worker on a Hydro project in the north country and you help your local television people to be sure that every single one of the briefs presented to this committee is broadcast on radio and local television and maybe rebroadcast on radio and television so that some of it goes on in the daytime and some of it goes on in the evening time, so that the people of Manitoba can be informed. You have had some brilliant briefs here, some absolutely brilliant briefs here presented. And how are the people going to become educated if all they read is the truth they see on Page 3 of the Free Press or a brief commentary on the news media? They try and do the job but they can't and I ask you, sir, to try and help. I desperately think we need a Bill of Rights. You've heard me say this morning that the Prime Minister is right to try and say that we must have a Bill of Rights but it's got to be a heck of a lot better, and we must have a proper public debate on whether we are going to gradually change our Constitution to be 23 percent a Republican Constitution or 27 percent a Republican Constitution. Thank you, sir.

**MR. CHAIRMAN:** Any further questions to Mr. Emberley? Mr. Mercier.

**MR. MERCIER:** I'm sorry, you have just used a phrase, Republican. Could you explain what that means to you?

**MR. EMBERLEY:** We asked a Federal Cabinet Minister at a place — I don't know whether you know it, it's over here on Roslyn Road — we asked him what would be the similarities between the Federal Constitution of Canada and the Federal Constitution of the United States at the present time and the proposed Constitutional changes, what would be their net effect? Would we make it more similar to the United States or more similar to the United Kingdom Parliament? I consider a very fine

gesture that the gentleman sent me a comparison compared two years ago for a House of Commons committee evaluating eight constitutions in the world in their constitutional structure, but I didn't get as detailed an answer as I would like.

You see, in the United States they have been talking for 20 years about improving the United States Constitution and the operational efficiency of the Houses of Congress. Do you know what they want to do? Copy the guys in Ottawa. And the Americans are enraged because they are trying to restructure and improve the House of Congress in the United States and they want to make it a little bit more like that stupid monarchy in the north country where the people are the slaves of the Queen of England. And here we are, we are trying to restructure our Constitution and we find that some of the institutions we need to add are the institutions they use in the United States. But isn't that what's going on in all the world? Isn't that what's going on in all the world? We are a capitalist free enterprise country, everybody agrees on that, don't we? But there are little pieces of socialism all through our country, government created institutions created by the Conservative Party, by the Liberal Party and by the NDP Party. In Russia they have free enterprise creeping in and they are going crazy. But I just say that when we do modify our Constitution, sir, and make some of the institutions so that more of the laws are interpreted by the courts, like the United States rather than by the Legislature, that we should know to what extent that's going to be. Because I say, my God, if the lawyers are going to get a hold of it, how the hell can that be an improvement, sir? How in heavens can the poor people get any justice when all we have is the lawyers looking after it? Now, if there is a structure where there is a citizen place where the people can go and there are government servants helping the people to interpret the Constitution more favourably, that might be different.

**MR. CHAIRMAN:** Mr. Mercier.

**MR. MERCIER:** Sir, in the future then — well, you have indicated you disagree with unilateral federal action to amend the Constitution — I take it then that you would agree that a proper amending formula for the Constitution should involve the widest possible discussion in the federal Parliament and in all the provincial Legislatures. And, further, I think you would go further that public hearings should be allowed in each individual province as well as through a federal committee.

**MR. EMBERLEY:** I do agree to the extent that a greater consensus should be developed and the consensus can only come when large scale, well-publicized public hearings take place where the people can become informed. You see, when the people finally became properly informed on what Mr. Justice Berger was talking about the federal government couldn't ram through what they had planned to do. They were going to build that damn pipeline. Well, they are starting to build it now, they are planning to build a little 400 million pipeline from northern Alberta but they couldn't quite get through. But what they did do is they got their lawyers to go to court and you will notice a very neat little thing in here, in my comments on the Indian peoples, you will

find out that what did our federal government do? They took two Supreme Court Justices, Mr. Justice Berger and Mr. Justice Morrow and what happened when they decided that the Indian people should have some rights? They took it to court and on a minor legal technicality a judge said the Indians aren't human, they've got no rights; they don't own the land they've lived on for 10,000 years because when they came here 10,000 years ago they never got a sheet of paper from a lawyer saying they own the land. Now if the Indians had been smart and got a sheet of paper from the lawyer 10,000 years ago saying they own that land they could own the land, but the Indians owned the land in community. Do you know they have a document prepared by an Ambassador of France that addressed the Iroquois nations 300 years ago and he said that when he wanted to travel across Europe he had to have six armed escorts to protect him and get five passports to travel 400 miles through Europe, and when he wanted to travel 400 miles through the heathen Indian country and the Iroquois country they gave him a wampum belt, and the wampum belt guaranteed him safe conduct and free transportation through the lands of five Indian bands and when he got to the fifth Indian band, he says, I want to buy your land; they said, we can't have it. This land belongs to God and we can only use it as long as we don't ruin it.

**MR. CHAIRMAN:** Any further questions?  
Seeing none, thank you, Mr. Emberley.

**MR. EMBERLEY:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** I've been told that Mr. Elias, Henry Elias, is present. Perhaps before Mr. Elias starts his presentation we can find out from other persons in attendance and they could notify the Clerk in the navy blue jacket just who they are. At the outset of the meeting this morning I read through the list of persons indicating that they had a desire to appear before the committee and perhaps if there are others present you could quietly tell the Assistant Clerk when he's completed handing out the briefs for Mr. Elias.

Mr. Elias, are you representing yourself or are you representing a group?

**MR. HENRY ELIAS:** No, I'm only representing myself.

**MR. CHAIRMAN:** All right, sir, you may proceed please

**MR. ELIAS:** First of all, I wanted to thank you for allowing me to appear before you. My submission should not be longer than about ten, fifteen minutes.

My submission has to do with a very narrow area and is mostly of very personal matters, but that is what it all comes down to in the final analysis, to each one of us as an individual person.

Notwithstanding all of the eloquent arguments against it by most of the Premiers and by others such as Sidney Green, I am nevertheless strongly in favour of the proposed resolution provided that certain amendments are made to it, and included below are some of those amendments which I recommend to be made to the proposed resolution,

although not only those, there are many other people that would like other amendments to be made.

Anyway there are some amendments I would like to recommend together with some of the reasons as to why I am so strongly in favour of including a Charter of Rights as soon as possible in our Constitution.

During my lifetime I have several times been arbitrarily deprived of what I considered to be some of my most fundamental rights and this happened right here in Manitoba, the province of both my own and also of my father's birth and lifelong residence. These violated rights are as follows: Firstly, the right not to be arbitrarily deprived of my physical health at a relatively early age by the negligence of persons in high places of authority in our society. My subsequent investigation, and I've spent ten years investigating these matters, has convinced me that there are many other persons as well who have also, quite unknowingly as to the causes, been deprived of their health by such negligence. This negligence is the allowing of the contamination of our public water supply. That's only one of the things. And of course, the food that is prepared with such contaminated water. The contamination of our public water supply by a number of very poisonous and harmful substances; namely lead, arsenic, cadmium, fluoride, asbestos fibres, and other harmful and poisonous substances. Despite provincial and federal statutory sections expressly forbidding the contamination of the public water supply by poisonous and harmful substances, such contamination is allowed by these negligent persons in high places.

I have lobbied, to no avail, the Manitoba Legislative members and the Manitoba government regarding one such substance, only one, fluoride, because it is being added very deliberately and knowingly to the public water supply, despite its being very poisonous to many persons, a small percentage in our society. It is very poisonous to a small percentage, in the amount of one part per billion as it is added, per million, I should say, one part per million as it is added. I can give you the specific enzymes that are inhibited by one-third of one part per million, but I don't want to go into that because that's of a more specific nature. I just want to cover general areas.

However, this is a chronic, subclinical poisoning and persons suffering from it are usually not aware of the cause, but clearly the said provincial and federal statutory sections are being violated, as any poisonous substance is included in those sections. I can refer you to The Food and Drug Act, the federal Act, and also The City of Winnipeg Act and The Water District Act, and there are other Acts where it specifically forbids, I'm not going to give you the sections, I haven't got them here.

Now with respect to lead, arsenic and asbestos, the situation is almost as bad. I have a report of a household here in Winnipeg where the lead content was seven-and-a-half times the level allowed by the Canadian Water Standards, six times as much arsenic. Well, asbestos, you've all read that in the newspapers and cadmium was 2.2. I haven't got that in here. Anyway, with respect to lead, arsenic, and asbestos, the situation is almost as bad. These substances are knowingly allowed to be used in the construction materials of the public and household

water distribution system, and consequently dissolve or disperse in the household drinking and cooking water, and also in the foods and beverages prepared with such contaminated water. Here again, the poisoning is a chronic, subclinical, surreptitious, very gradual poisoning, with the victims quite unaware of the cause.

The fundamental right of such persons not to be deprived of their health by these poisonous substances, this right is clearly being violated. However, this right not to be arbitrarily deprived of health, this appears to be protected in Section 7 of the proposed resolution by the following words: "... the right to the security of the person and the right not to be deprived thereof."

Secondly, the second of my fundamental rights that was violated is the right not to be arbitrarily deprived of being together with my wife under the normal circumstances of life when we both desire to be together. I was at one time, some years ago, arbitrarily and deliberately, and without lawful cause, deprived of this most fundamental right. This was done by a medical doctor in a hospital at the normal birth of our child. I eventually took this matter to court myself, after being unable to retain any reputable lawyer to take the case to court, where, of course, I lost, due in large part to my inexperience in court procedure. Again, I won't go into the details of this.

Well, I was angry about it then and I am still angry about it now, many years later. I believe it was my fundamental right to be together with my wife during the normal uncomplicated natural birth of our child even though it took place in the hospital, provided only that she wanted me there, which she did.

I can refer you to two books if you want. One of the books is *The Rights of the Pregnant Parent*, whose author is Valmai Howe Elkins of Montreal. She has many years of experience in this and she will confirm what I am telling you here. The other book is by a medical doctor, Dr. Robert Bradley, the title of whose book is "Husband-coached Childbirth" and I refer you all to that book. That was broadcast or telecast over the CBC many years ago.

Now, the point which I am trying to convey to you with all this is that I have tried both ways, both lobbying and litigation, I have tried them both to secure my fundamental rights, but were to no avail. The ordinary person cannot secure his or her rights either way, either because of the high cost, which I haven't got in here, or because of the high position and the callousness of those persons who are usually the very persons who deprive the ordinary persons of their fundamental rights. A Charter of Rights might correct this situation to some extent. Therefore, I believe it is worth a try, it may not succeed but I believe it is worth a try. That is why I am in favour of a Charter of Rights as soon as possible.

It is further my opinion that those who are opposed to it are mostly such callous people who want to continue their power trip. I have reason to believe that the great majority of ordinary persons are in favour of a Charter of Rights in our Constitution as soon as possible, notwithstanding the recent poll. The results of polls depend on what type of question it is, the way the question is framed, and the framing of the question in this last poll was framed in such a way as to get the majority of "no" answers.

Anyway, therefore in order to be constructive, I recommend that several sections or subsections be added in the appropriate place to the Charter of Rights with the wording somewhat as follows: "Every husband and wife have the right to be together with each other during the normal circumstances of life, provided they both desire it, and they shall not be arbitrarily deprived thereof without lawful cause". Now there are circumstances where a person is a criminal or whatever the case may be that there is a lawful cause, but if there is no lawful cause, that should not be done.

And also the following: "Every person has the right not to be deprived arbitrarily of being together with his or her parent or child under the normal circumstances of life, provided they both desire it, and they shall not be deprived thereof without lawful cause". In my opinion the inclusion of those two sections would strengthen the family in our present society and remedy an injustice long arbitrarily perpetrated by persons in high positions, such as doctors and nurses in hospitals.

The third of my fundamental rights which was violated was the right not to be arbitrarily harassed by the police. This is not adequately covered in the proposed Charter of Rights and should be included in a separate section or subsection in the appropriate place. I would suggest the wording to be somewhat as follows: "Everyone has the right not to be arbitrarily harassed by the police without reasonable and lawful cause". I myself have been the victim of such police harassment for an extended period of time without any reasonable or lawful cause so I know what it means from firsthand experience.

The fourth of my fundamental rights which was violated was the right to obtain bail without undue delay after being arrested and charged by the police. Now I have nothing against the police arresting me and charging me, but being unable to obtain bail is another matter, without undue delay that is. I myself have several times been arrested by the police on false information and false charges. Of course, they believed them to be true but it later turned out that they weren't. On one occasion of such police detention I was unable to obtain bail for three full days. My arrest was deliberately staged to take place on a Friday on each occasion, another form of police harassment. One such occasion, it was a long weekend and no judge was said to be available in Winnipeg that weekend, so no bail application could be made by my lawyer. So I was detained from Friday morning till the following Tuesday noon. The police waited as long as they could before laying charges, which I understand is 24 hours, so if it's Friday morning, of course, it will be Saturday before they have to lay the charges. So the police waited as long as they could before laying charges, which I understand is 24 hours, in order that I could not obtain bail on the Friday because I had not yet been charged. Therefore, I recommend the words "without undue delay" be added after the word "bail" in Section 11(d) of the proposed resolution.

The above, which I have related to you, that's part of the police "bag of dirty tricks" which they use when "they have it in" for a person they are out "to get" in one way or another. By this Friday arrest tactic they can keep him or her in jail for a few days

over the weekend, even though he or she may not be guilty of anything and has been arrested and charged on false information. This police tactic is a form of false imprisonment, even though it may appear to be technically lawful. The second time that the Friday arrest harassment tactic was used against me by the police, the second time I decided to "fight back" come hell or high water. Eventually, after two years of "fighting back", I received a token redress in an out-of-court settlement in the form of a "grudging" letter of apology from the RCMP and payment of 700 damages. I also took my complaints to the police privately, to the then Winnipeg Police Commission and to the Royal Commission investigating the RCMP which was before the present McDonald Commission — they held their hearing in the Winnipeg Inn at that time, that's some years ago — because I did not want to "sully" the then good reputation of the RCMP whom I had highly respected before all this harassment. I realize now that I should have made it public then; I had asked that the press be excluded at that time.

Now in addition to the above necessary amendments, I also recommend that Section 1 of Part 1 of the proposed resolution should include only the words "The Canadian Charter of Rights guarantees the rights and freedoms set out in it" and it should omit all the qualifying words after that; namely, the words "subject only to such reasonable limits as are generally accepted in a free and democratic society with a parliamentary form of government". Now that is a way out to get out from under it. It should be unqualified, these rights should be unqualified, there should be no qualifying words after that because who is going to decide what are reasonable limits and what is generally accepted. It is my opinion that the rights and freedoms in the proposed resolution, particularly those in Sections 2 and in Sections 6 to 15 inclusive, that these should be absolute rights and not subject to any such arbitrary qualifications whatever.

Now to allay the fears of those Premiers who are opposed to the proposed resolution I recommend further that the words somewhat as follows, and I don't have the right words — I heard Judge Samuel Freedman state them a number of times at the court hearings but I don't have the exact right words but I recommend that the words — somewhat as follows be added or amended to the appropriate section or subsection, "and nothing in this Act shall be interpreted to change or to reduce the legitimate powers and rights of the provinces or their Legislatures". I believe that it is right and proper that this proposed resolution should be very carefully scrutinized by Her Majesty's Loyal Opposition parties and by the provincial Legislatures and its members and by other interested citizens. However, I deplore and I am very disappointed in all the political "grandstanding" which is taking place by the present Premier of Manitoba and by the Premiers of the other provinces, except those of New Brunswick and Ontario. After over 50 years of being unable to come to mutual agreement I recommend getting on with the job before it is too late to save our Canada. Our governments are there to "serve us", not to "boss us". Most government "officials", including many elected representatives forget this as soon as they are appointed or elected. In Manitoba many of them will soon have to remember this again.

A final point I want to convey to you all is that if those persons who are elected and who also form the various governments, both provincial and federal, persons who are then charged with the duty of setting our collective house in order, our country that is, if these persons cannot come to an agreement soon regarding our Constitution, then it is right and proper that the ordinary Canadian voter make these decisions by referendum as proposed in the resolution.

So my recommendation is to get on with the job while you are still able to do so because before very long it may be too late for you to make your contribution. That is my submission. Thank you for your patience.

**MR. CHAIRMAN:** Mr. Elias, would you permit questions?

**MR. ELIAS:** Yes.

**MR. CHAIRMAN:** Mr. Mercier.

**MR. MERCIER:** Mr. Elias, during the course of your remarks, I believe you referred to the fact that the results of a poll were largely determined by the wording that was used. Was that correct?

**MR. ELIAS:** Yes, the nature of the questions.

**MR. MERCIER:** Yes. Yet in your last paragraph you suggest that Canadians might eventually should be called upon to decide this matter by referendum . . .

**MR. ELIAS:** If no other way could be found, right.

**MR. MERCIER:** Do you not think there would be — I think the logical argument, sir, from your previous comment is that the person who words the question in the referendum may very well be dictating the answer.

**MR. ELIAS:** Well it certainly should not be one person, it should be a committee of all parties and of all, you know, of representatives from the various interests. But then they might not be able to agree on the form of the question, that's another possibility. Now I may be wrong in that, I'm not infallible, I don't claim to be infallible but eventually, in the final analysis, it should be the ordinary grass-roots people that had the say because otherwise it's not a democracy. You can't have it both ways. You can either have it one way or the other way, but you can't have it both ways.

**MR. MERCIER:** Thank you, sir.

**MR. CHAIRMAN:** Mr. Filmon.

**HON. GARY FILMON (River Heights):** Mr. Elias, would you then suggest that if the all-party parliamentary committee couldn't agree on the question that you have a referendum to decide the question?

**MR. ELIAS:** Well, you could go that route ad infinitum. Maybe we should have a panel of judges or some independent panel that decided on the question, including psychologists and all that sort of thing that use these tactics to fool the people.

**MR. FILMON:** Who is independent in our society, Mr. Elias?

**MR. ELIAS:** Nobody is completely independent. We all have our personal likes and dislikes.

**MR. FILMON:** Mr. Chairman, I also would like to ask Mr. Elias if in his No. 3 fundamental right which he wanted to see in the Constitution or in the Charter of Rights, "everyone has the right not to be arbitrarily harassed by the police without reasonable and lawful cause". Does that suggest that there might be reasonable cause for police to harass someone?

**MR. ELIAS:** No, that does not, sir. The police have their likes and dislikes as well as anybody else. The police should not be above reproach. Nobody in our society should be above reproach.

**MR. FILMON:** Just a final question, Mr. Elias. You seem to feel strongly about including these four rights that you wish added to the Charter of Rights. If for some reason they were not included in the proposed Charter of Rights, would you still be in favour of entrenching a Charter without these rights?

**MR. ELIAS:** Not as much as I would be in favour if they were entrenched. I do not expect any one of them to be included quite frankly. You know, I don't think I have that much influence but I'm here to make the proposal anyway for what it's worth, I will put my two cents in.

**MR. CHAIRMAN:** Any further questions to Mr. Elias? Thank you, sir, for your presentation.

**MR. ELIAS:** Thank you.

**MR. CHAIRMAN:** Are there representatives present for the Manitoba Parents for Ukrainian Education, Incorporated? Is there also may I ask representatives for the Winnipeg Board of Jewish Education present? Are there others who are present that wish to make representation? All right, sir, would you give us your name.

**MR. TERRY PRYCHITKO:** Mr. Chairman, my name is Terry Prychitko and I am the President of the Manitoba Parents for Ukrainian Education, Incorporated.

Honourable members I'd like to present this brief on behalf of the Manitoba Parents for Ukrainian Education.

The Manitoba Parents for Ukrainian Education, Incorporated was founded in June 1980 with the objective of assisting in the development of the English-Ukrainian bilingual program in Manitoba's public schools and of other supplementary Ukrainian language programs in the province.

In July 1978, the government of Manitoba amended The Public Schools Act to permit the use of languages other than English and French as languages of instruction in the public schools. In that same year, the Minister of Education approved the English-Ukrainian bilingual program on a pilot basis, permitting the use of Ukrainian as a language of instruction for half of each teaching day.

The program commenced in September 1979 with 120 children enrolled in six classes. In the current

year of the program, its second, there are 268 children enrolled in 13 classes in Manitoba. As a partial immersion program, it is the only option available for children to acquire and develop language fluency in Ukrainian. Studies of a similar program in Alberta indicate that in all subjects both those taught in Ukrainian and those in English, students achieve at least as well as their unilingual peers while becoming effectively bilingual in a natural environment.

#### RIGHTS AND FREEDOMS IN THE NEW CONSTITUTION:

Members of the Manitoba Parents for Ukrainian Education endorse the need for a new Constitution which would accurately reflect the cultural diversity of Canada. The Manitoba Parents support the entrenchment of fundamental human rights and freedoms in order to ensure fair treatment for all peoples and individuals in Canada. It is our feeling that this new Constitution must govern the rights and freedoms of all individuals and the rights of groups on a national basis. In that some of these provisions may limit powers currently held by provincial governments, we feel that the intentions expressed in the proposed Canadian Charter of Rights and Freedoms are correct.

We are deeply concerned however that the proposed resolution repealing the Constitution of Canada does not define or recognize the reality of Canada's cultural diversity nor does it protect the full range of rights and freedoms of all Canadians, both as individuals and as groups.

Specifically, we are concerned that Section 1 of the Charter, which

"guarantees the rights and freedoms set out in it subject only to such reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government"

provides too much leeway in allowing the suspension of the charter. The internment of Ukrainian Canadians during the First World War was carried out by a government which apparently felt that it was acting in a manner consistent with "generally accepted" principles of Canadian society at the time. This unjust and arbitrary treatment of Canadians was repeated again during the Second World War with the Japanese Canadians.

Because the limitations clause in Section 1 is so broad in its implication and because it would do nothing to prevent a repetition of this kind of systematic abuse of the fundamental rights which the Constitution is designed to protect, the Manitoba Parents recommends that Section 1 of the charter be deleted.

#### CANADA: A MULTICULTURAL NATION:

On the 8th of October 1971, Prime Minister Trudeau announced that the government of Canada had accepted the recommendations of Book 1V of the Report of the Royal Commission on Bilingualism and Biculturalism. This was the clearest and only recognition to date of Canada's identity. The policy gave full and equal rights to all ethnocultural groups in Canada to develop in a Canadian environment.

The recognition of these rights institutionalized what was already fact: that cultural pluralism is the permanent national character which defines a

significant dimension of the Canadian identity and, secondly, that individuals as members of minority groups did not emigrate to Canada in order to assimilate into a homogeneous culture.

At the time of Confederation there were two dominant cultural and linguistic groups in Canada: Anglo-Celtic, comprising 64 percent of the population, and French comprising 31 percent of the population; 5 percent of the population spoke neither French nor English. The native population was not included. During the past 120 years the demographic picture of Canada has changed dramatically. According to the 1976 mini-census, the proportion of Canadians of non-Anglo-Celtic, non-French origins has grown to 28 percent, the Anglo-Celtic proportion has grown dropped to 44 percent and the French proportion to 28 percent. These demographic trends can be expected to continue for the following reasons:

- 1)the Anglo-Celtic group has a high proportion in the over-65 age group, while all others have high proportions in the lower age groups;
- 2)there is a small number of French-speaking immigrants landing in Canada; and,
- 3)while the Anglo-Celtic group forms one of the largest immigrant groups, their proportion of all immigrants is substantially less than their proportion to the current total population.

That cultural pluralism is a permanent feature of Canadian society is demonstrated by the 1971 census statistics which indicate that 76 percent of all Canadians were born in Canada. Ethnicity then is not a terminal process ending in assimilation. When we speak of minority cultures in Canada we are not referring to an alien, transitory phenomenon but rather an indigenous Canadian dimension.

Too often it has been argued that immigrants came to Canada having made a conscious choice to assimilate into a homogeneous culture. For many, the very reason they came was to escape cultural, social and economic oppression to which they were subjected in their homelands. Some groups negotiated what may be regarded as cultural and religious rights in their coming to Canada.

This was certainly true for the Doukhobors during their mass migration from the USSR as well as the Mennonites and other groups. One must also be aware of the fact that in the three prairie provinces there existed until 1916, numerous schools whose primary language of instruction were not English.

As a multicultural society there are three major objectives which the policy of multiculturalism was designed to promote in the development of a strong, unified, culturally plural society:

- 1)the development of an awareness and an acceptance of minorities as an integral part of the Canadian composite;
- 2)the development and encouragement of the entire Canadian community to act as a stimulant and as a catalyst in the growth and development of the minorities and creation of an environment for individuals to identify with these communities; and,
- 3)the provision of a mechanism for the articulation and appreciation of the needs of the minorities combined with a mechanism to enable the society as a whole to respond to those needs.

The Special Joint Committee of the Senate and the House of Commons on the Constitution chaired by

Senator Gildas Molgat and Mr. Mark MacGuigan recognized the multicultural nature of Canadian society, rejecting the theory "that Canada is divided into only two cultures", because that theory is "too confined to do justice to our reality as a people". The Committee suggested that the new Constitution should reflect

"what kind of a nation Canada is: a free people in a free society; a country characterized by rich diversity in linguistic communities, cultural heritages and regional identities; a country where individual fulfillment is the fundamental goal of society."

In *A Time for Action: Toward the Renewal of the Canadian Federation*, released by the government of Canada prior to the publication of its Constitutional Amendment Bill in June 1978, the government made the following clear commitment to the enhancement of Canada's mosaic of cultures in the future renewal of the Canadian federation, and I quote:

"For more than a century people of other ethnic origins have come to Canada and settled beside those of British and French ancestry. A large number of them have joined the English-speaking majority and others the French-speaking majority, without in the process losing their identity.

"With the sheer weight of their numbers it is natural that the French and British cultures occupy a major place in Canada. But there is no question of having only one or two official cultures; Canadian society must promote cultural diversity, clearly and explicitly.

"This diversity will only be protected if we ensure that Canadians of ethnic origins have equal opportunities and full protections against discriminations.

"Our French and British traditions have not been weakened by the multicultural character of our society. On the contrary, by good fortune this increasing diversity has helped reduce the old rivalry between them. They have also been invaluablely enriched and revitalized in all fields — from the arts and sciences to economics and politics. Our two principle cultures will in no way be diminished by their determination of new communities to preserve their own cultural heritage.

"We must therefore do more to develop and enhance all elements of the Canadian mosaic. We must also significantly increase exchanges between our cultures so that every Canadian has the chance to discover, appreciate and respect the heritage of his fellow citizens."

The British North America Act cannot be viewed simply as a document which is in dire need of updating. At its core the Constitution is a creed, a statement of our values and aspirations, a national inheritance for generations of future Canadians. Aside from defining freedoms, it has been distributing powers of decision-making and generally establishing relationships between citizens and governments, the Constitution must also elevate the common principles of the Canadian people. The heart of the Canadian experience has been the

mosaic of diverse peoples. Unless the new Constitution gives recognition to the multicultural nature and unless the rights of minority groups are guaranteed, then in the long run, the programs which have emerged over the last decade to promote multiculturalism serve much like morphine does to a cancer victim — it does just enough to take the pain out of dying and does nothing to substantially alter the conditions.

The proposed resolution respecting the Constitution of Canada does not explicitly recognize that Canada is a culturally and linguistically diverse country while much attention has been paid to English-French bilingualism. Bilingualism is but one dimension of Canada's linguistic and cultural policy, the other being multiculturalism. This slighting of multiculturalism is a serious deficiency in the proposed Constitution.

Many parents of the Manitoba Parents for Ukrainian Education proposes that the following addition must be made under the heading "Non-discrimination Rights as Section 15 (3):

"Everyone has the right to preserve and develop their cultural and linguistic heritage."

**LANGUAGE — THE KEY TO CULTURE:** Inherent to this discussion on the new Constitution and the guarantees of rights for minority cultures is the recognition that in order for minority cultures to exist and develop, their respective languages must also be protected; the Royal Commission on Bilingualism and Biculturalism consistently noted that language is the key to culture; to quote but one of these passages, and I quote:

"Language is the most evident expression of a culture, the one which most readily distinguishes cultural groups even for the most superficial observer. In terms of our mandate, this statement means that the problem of bilingualism and biculturalism are inseparably linked."

The Special Joint Committee in 1972 recognized this inseparable link between language and culture by accommodating a regional governmental recognition of languages other than English and French.

Sections 16 to 22 of the proposed resolution refer to English and French as the official languages of Canada with, and I quote

"equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada."

These sections recognize the linguistic reality of Canada, a country which is linguistically dominated by two territorially defined linguistic communities. French and English are the only two official working languages of Canada, acting as the common denominators of the many languages which are the expressions of Canadian identity.

We submit that in view of the pervasive use of the two official languages, Section 22 of the proposed resolution does not serve to protect the developmental rights on a national and equitable basis for the other minority languages. We note also that several challenges before the Canadian Radio, Television and Telecommunications Commission and

the Governor-General-in-Council of the Canadian Broadcasting Corporation's proscription on the use of languages other than English and French were denied in spite of the existence of Section 38 of The Official Languages Act, whose wording was almost identical to that of the proposed Section 22.

Unless concrete positive clauses are included in the new Constitution guaranteeing the linguistic rights of all minorities, then one cannot claim that this Constitution will guarantee the exercise of full rights and freedoms by minority groups in the face of the two majority cultures.

Majority languages are heard on the street, used in the educational systems, read in the newspapers, and brought into the home by the electronic media. The minority language stops being relevant as a language for daily use and becomes dangerously impoverished. The most serious consequence of this is the disenfranchisement of the minority language from the essential aspects of social reality. As a direct result, the culture becomes fossilized, the culture and language are considered anachronistic and there is an immediate flight by members of that group from their own language and culture and assimilation into the majority culture and language. In order to stem this tide effectively, elements of Canadian society must be at the disposal of those who desire them.

We submit that education is one of the most critical elements which can assist the minority groups develop their cultural and linguistic heritage. Having a child's mother tongue used in the school system may be the factor necessary to convince a child that his or her mother tongue and culture are not anachronistic elements of his or her life meant to be forgotten and hidden in a cupboard or visited in a museum. It is the stimulating factor which will actively encourage youth to use and develop an ability to understand and use languages other than English and French and to live the cultures which are an integral element of Canada.

A number of studies have stated that beyond a singular doubt the educational system plays a critical role in the development of a child's cultural orientation. Most notable among these studies is the report of the work group on multicultural programs by the City of Toronto Board of Education in 1975.

Another Canadian study dominated the educational system as the prime agent of linguistic retention and felt that the emphasis should be placed on the inclusion of minority language programs in the public school system as opposed to having parents organize and support supplementary and community schools. The supplementary programs were found to partially prevent children attending them from participating in normal activities with other children after normal school hours, creating resentment for the children attending the extracurricular programs directed against the community school and eventually against the culture. The study was K. G. O'Bryan, J. G. Reitz, O. M. Kuplowska, *Non-Official Languages: A Study in Canadian Multiculturalism* published in 1976.

Secondly, schools and language training are largely a matter of tax support. We are all taxpayers, without distinction being made between those who are of French descent or those of Anglo-Celtic descent or those of any other descent. It is an old

and accepted maxim of British Parliamentary democracy that there can be no taxation without representation. Since we pay taxes, we then have the right to decide where those taxes go. When the third portion of the population is soon going to be equal in number to the other two, there is no reason why they should not demand that their tax dollars be used not only for teaching in English and French, but in the other Canadian languages as well. The proposed resolution, however, has not taken into consideration these fundamental questions and has not provided for the future guaranteed exercise of rights by linguistic minorities.

Sections 16 to 22 of the proposed resolution entrench official bilingualism on a national basis. Section 23 appears to be a natural extension of official bilingualism. However, underlying this section are three unwritten assumptions:

- 1) language is the key to culture;
- 2) the educational system must fulfill its critical role as the vehicle in teaching languages; and,
- 3) without the guarantees of the majority in each province, together with the necessary support of governments, assimilation is inevitable for all cultural minorities.

These same assumptions also apply directly to all of Canada's non-French, non Anglo-Celtic minority groups. By singling out only the French minorities in nine provinces and the English minority in one province, the federal government has implicitly and explicitly granted second-class status to the other minority groups. Just as the BNA Act could not, in 1867, deny the cultural duality of Canada at that time, so today, the new Constitution, by granting educational rights to only two minorities, completely rejects the reality of Canada as a multicultural and multilingual nation.

We are deeply concerned that the Government of Canada has chosen to invade provincial rights in education on behalf of one minority in Quebec and another in the other provinces, while not doing so for the other minority cultures whose linguistic and cultural rights are equally pressing.

Manitoba Parents for Ukrainian Education proposes that if the new Constitution is to treat all individuals and all groups as equals and if the new Constitution is to guarantee minority language rights in provincial educational systems, then that guarantee cannot be confined to one linguistic combination, but must embrace all that are viable through the following provision of Section 23 of the proposed resolution:

"Citizens of Canada shall have their children receive their primary and secondary school instruction in the language of the majority of the population of the province in which they reside and in any other language or languages in accordance with the expressed desire of parents in any area of the province in which the number of children of such citizens is sufficient to warrant provision out of public funds of minority educational facilities in that area."

The above proposal renders Section 23(2) unnecessary and it should be deleted.

#### THE CONSTITUTION AND THE CANADIAN REALITY.

Canada's cultural minorities have never adequately shared in the distribution of powers, nor have they

received concrete guarantees for their survival and development within the framework of the British North America Act or any Act of the Canadian Parliament. On the contrary, despite their major contribution during a century of great development and growth of this country, these groups have been victims of nativist sentiments and of rivalries between the English and the French and of the regional elements of Canada. The sole concession to minority groups was the announcement of the policy of multiculturalism, recognizing the multicultural character of Canada.

In the present search for a new accommodation between the contending forces of Canadian society any concessions between the English and French sectors of our society, and between the provinces, must not be made at the expense of the minimal gains that have been achieved by the minority groups. The granting of full rights to non-English, non-French languages is not diametrically opposed to the needs of the official languages; rather they interact, enrich each other and guarantee that the entire population will create an environment for individuals to identify with these communities.

English-French bilingualism cannot stand alone because minority groups will not accept bilingualism, as defined in the proposed resolution, without provisions for multiculturalism. If forced to choose between the two elements they will choose the English, convinced that English-French bilingualism is only possible where the principle of bilingualism itself is honoured, and only a healthy respect for multiculturalism can ensure that.

In its second report, the Canadian Consultative Council on Multiculturalism stated, and I quote:

"It is the Council's firm belief that promotion of language learning will not only strengthen Canada's multicultural identity but will also render official bilingualism more acceptable. The broadening influence of knowing other languages can only lead to greater understanding of the need to guard against cultural annihilation on an English-speaking continent."

Too often the contribution of the minority cultures are thought of in terms of quaint old world customs and traditions carried to Canada to satisfy emotional needs and titillate Canadian audiences. Minority cultural groups' participation in Canadian life has tended to emphasize preservation. We are not interested in living in a historical museum. Preservation testifies to another mentality and another age. Minority communities are interested in development, a concept which is dynamic. This concept must be reflected in the new Constitution. Just as in the formative years of Canada, the changes were based essentially on bilateral arrangements in sharing and balancing the positions of power and the protection of interests between the French and English segments of society, so today, any change must be trilateral in nature, reflecting the reality of the present human composition of the Canadian population, which cannot be viewed in terms of English and French. Unless this principle is accepted the solutions to the problems of unity will be divorced from reality and the consequences will be detrimental to the future of Canada.

So, in conclusion, my recommendations are:



1) Delete Section 1 of the Canadian Charter of Rights and Freedoms.

And in its place if you will look at Page 2 of the Brief.

2) Add the following as Section 15(3) under "Non-discrimination Rights": "Everyone has the right to preserve and develop their cultural and linguistic heritage."

3) Amend Section 23(1) as follows:

"Citizens of Canada shall have their children receive their primary and secondary school instruction in the language of the majority of the population of the province in which they reside and in any other language or languages in accordance with the expressed desire of parents in any area of the province in which the number of children of such citizens is sufficient to warrant provisions out of public funds of minority educational facilities in that area."

4) Delete Section 23(2), rendered unnecessary by the proposed Section 23(1) in our No. 3.

That concludes the formal presentation of my brief, Mr. Chairman, and I should be pleased, along with Mr. Myron Spolski of our committee who is here to answer any questions that this committee may have.

**MR. CHAIRMAN:** Thank you, sir. Are there any questions from members of the committee?

Mr. Filmon.

**MR. FILMON:** Thank you, Mr. Chairman, I wonder if I could ask Mr. Prychitko if he could give us his views on the proposed change to the original proposal that came forward last week from the federal government, or are you aware of its wording?

**MR. PRYCHITKO:** I'm not personally aware of the wording, Mr. Filmon.

**MR. FILMON:** Perhaps I could read it for you and you could comment.

**MR. PRYCHITKO:** Mr. Spolski.

**MR. MYRON SPOLSKI:** That wording, basically all it does is recognize that Canada is a multicultural nation, it doesn't do anything to give any concrete guarantees to the existence of the groups. If there is going to be a guarantee then it must state explicitly that the groups have a right to develop their cultural and linguistic heritages and it must be followed up with a section under educational rights in order to give the full scope of power.

**MR. FILMON:** The reason I ask is it obviously doesn't address any of the specific proposals that you have put forward, it just merely says, "this Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians".

Okay then, my next question would be to either or both of you. Would you continue to be in favour of an entrenched Charter of Rights if it does not include any of these guarantees which you believe are very important?

**MR. SPOLSKI:** As a committee, as an organization, we really haven't dealt with the broader scope of the

proposed resolution and of the Charter, as individuals we have our own opinions. Where our interest as an organization is, you have the linguistic and cultural rights developed and as individuals we may have our own opinions on the other sections of the Charter.

**MR. FILMON:** I'm sorry, I thought that somewhere in your presentation it said that you were in favour of an entrenched Charter, Page 2?

**MR. SPOLSKI:** That's right, in general terms we're in favour now as to, given all the qualifications that we've expressed further but we can't speak to specific articles of the Charter.

**MR. FILMON:** I wonder how you, and I think that your organization should address this, because Dr. Isadore Hlynka, when he was here on behalf of, I believe it was Ukrainian schools or Ukrainian education in some way some time ago before this committee, indicated that the proposed entrenched Charter would in fact have adverse effects and could rule against Ukrainian education in parochial schools and in many respects could diminish the opportunity for this to exist. And it seems to me that your organization should address the question of how it can support an entrenched Charter of Rights which does not guarantee rights which you believe should be protected and in fact, if entrenched, such a Charter would preclude you from having these rights in the future. I think that's, you know, the broad general question of whether or not you are in favour of an entrenched Charter of Rights has to address the specifics of which rights are being protected.

**MR. SPOLSKI:** There is a section in the current Charter, in the current part of the Charter, Section 22, which is similar to Section 38 of The Official Languages Act, which gives you broad rights without enumerating those rights. Now the problem under that is, although we would technically have rights, we would have to battle at every point on those rights. If that section were not there then we wouldn't have those rights at all. If you were to accept that the Constitution is exclusive and any points not enumerated in the Constitution would have to be dealt with on a . . . basis by the courts or by Legislatures or the Parliament. But Section 22 is broad in its application. The problem comes when it comes time to apply the provisions of that section. It's a problem that we currently face, and granted we have three provinces now who recognize the rights of linguistic minorities in education but the extent of time that it took to get those rights meant that we lost three generations in the process of assimilation and there is no way we should be faced with that kind of process. It's very similar to the problem the French are faced across the country in getting French immersion programs in the educational systems. There are general guarantees but the problem of translating the guarantee into action is just incredible and in the process you lose interest and you lose people.

**MR. FILMON:** Yes, but if those rights that you have succeeded in achieving in three provinces were now wiped out because they were not included in the entrenched Charter, would you be better off or worse?

**MR. SPOLSKI:** The rights are not being wiped out because of Section 22.

**MR. FILMON:** Dr. Hlynka's view was that, in fact, it was possible by legal interpretation that they would be diminished, if not wiped out, and he compared it to the existing situation in the United States in which, under an entrenched Charter of Rights, it was held by the courts that many of the rights that you now have in Ukrainian parochial education violated certain basic fundamental rights in the U.S. Bill of Rights.

**MR. PRYCHITKO:** I think that perhaps that may have been the case but there are recent studies where education is now happening in second languages in the United States because the educational systems have recognized the need to have children educated in a language that recognizes their cultural background in order that they may then have proper worth and esteem of themselves and to be able to then properly become members of society and, in fact, the improvement in their performance has just been outstanding in these programs. So, whether in fact that happens, Mr. Filmon, I really can't say.

**MR. SPOLSKI:** I think, Mr. Filmon, you are also speaking about the parochial schools which is a problem, an entire problem, which is different. It deals with a wide variety of rights, whether parochial school boards have rights to make decisions as to what kind of teachers they hire and so on. That's a totally different problem that we didn't ourselves to again.

**MR. CHAIRMAN:** Any further questions for the delegates? Mr. Walding.

**MR. WALDING:** Mr. Chairman, I'd like to ask a question arising from a statement on Page 1 that there are now 268 children in the Ukrainian partial immersion courses. Could you tell us, as a committee of parents, how that is working out?

**MR. PRYCHITKO:** It's working out exceptionally well and we were very pleased that the province of Manitoba and the government of the day has provided this program. We're finding where people that are into the program are not those who are what would be considered the main stream of the Canadian Ukrainian people; they are people who, as Mr. Spolski has said, we have lost two or three generations through this type of problem of not having an educational system and the children's parents, perhaps neither of them or maybe one of them has some fluency in the language. In most cases, I would say, that our studies have shown so far that probably the majority of them, the parents, have no fluency in the Ukrainian language and the children are doing very well. We have children now in kindergarten, Grades 1 and 2. I have a son personally in Grade 2 and am just personally tickled pink with his progress.

**MR. WALDING:** Thank you. The next question leads from that. We know that when the program came in it was limited to 50 percent of the time as instruction in that language. The Minister was questioned at the

time why that group wasn't given the same variation, up to 90 percent, as applies as far as French is concerned. Would you care to comment on that, whether you feel the 50 percent limit is proper and adequate or whether there should not be that limit placed on it?

**MR. PRYCHITKO:** I would suggest that personally and in speaking with a number of the parents that it's their belief that the 50 percent limit is a reasonable limit from the point of view that the 50 percent that's spent in instruction in the English language, or French, — the children are also taking French as a core subject — allows them the opportunity to be able to be mobile and it is a very mobile and transient society, as a whole, where people are moving not only within the city but being transferred out of the city and so forth. So it's the mobility that the bilingual program provides I think that has attracted a very large proportion of the people who have placed their children into the program. The 50 percent of the day spent in the English instruction provides that mobility. The children are on a par with their peers who are in a unilingual system of education. This is one aspect that has been developed and stressed by all the school divisions and in conjunction with the Department of Education.

**MR. WALDING:** We're told by people involved in the French immersion courses that the 90 percent limit still has the same effect, that the children do not lack any competence in English because they are in a 90 percent course. Does this bother you at all or do you feel quite happy with the 50 percent limit that's there? I mean how do you know that it's better than a 90 percent or . . .

**MR. PRYCHITKO:** We don't.

**MR. WALDING:** . . . it couldn't be improved as long as there is this limit put in there.

**MR. PRYCHITKO:** That's right, but it's been the experience so far, from our feedback from the administrators, from the teachers, the supervisors, from the Department of Education staff that are involved, that the 50 percent seems to be required at this point in time to maintain that full mobility so that the children are at exactly the same place. But the 90 percent immersion, it's our understanding and I stand to be corrected on that, that the level of fluency, and therefore, ability to transfer into a unilingual process or to transfer to a province or an area of a province where the program is not available only happens in about Grade 4 or 5, so that leaves the children making a commitment at an early age which perhaps may be a problem. I would like to see those studies that show that 90 percent and that, in fact, there is a total mobility between children at the same age and same grade level. It would be very interesting and it would certainly then be something that we might be interested in.

**MR. WALDING:** I think I just have one more question, it's just for clarification. The children, 268 of them that are in these 13 classes, is it a prerequisite that they must have some understanding of the language before they come in and/or must

they be of fully or partially Ukrainian background in order to?

**MR. PRYCHITKO:** No, there are no requirements. The program is available to all peoples. As a matter we have a student from a Philippine family in one of these classes and we have other children of many other backgrounds but it certainly is not a requirement and I would say that a very high percentage of the children have absolutely no knowledge of the language before entering the program.

**MR. WALDING:** Thank you. I appreciate that. Can I take it from what you said that that really is the basis of the change that you are recommending in Section 23(1), is to remove that requirement for a particular ethnic or linguistic background? Is that the way I read it?

**MR. PRYCHITKO:** No, I think that the reason that we're recommending the change is that the way we read previously the Section 23 was that the only language that was protected was one of the official languages when they were in a minority position. We were concerned with that and that is the reason that we have suggested that Section 23(1) be amended and that 23(2) be deleted because in reading Section 23 as it stood — I'm not certain how it stands now after Mr. Chretien's recent amendments — it stood, in our interpretation, that the only guarantees there were for classes of the official languages, being either English or French.

**MR. WALDING:** Thank you.

**MR. CHAIRMAN:** Any further questions? Seeing none, thank you very kindly, sir.

**MR. PRYCHITKO:** Thank you very much for your time.

**MR. CHAIRMAN:** Mr. Kucharczyk. As you said to me privately that you would only need about five minutes, is that true?

**MR. WALTER KUCHARCZYK:** That would be enough, you might be able to lay a charge against me after that.

**MR. CHAIRMAN:** Yes, but we've only got about a minute or two before it's 12:30. Would you like us to stay an extra minute or two and hear you for five minutes or would you like to come back at 2 o'clock?

**MR. KUCHARCZYK:** No, sir, perhaps you would be good enough and your members to dispose. It's only a little remark here.

**MR. CHAIRMAN:** All right.

**MR. KUCHARCZYK:** I am being guided by the fact that I appeared before you way back on The Landlords and Tenants Act and I'm not saying you directly, Mr. Chairman, but some of your members ignored me completely, maybe they had a reason. However, thank God that a knowledgeable young lady, and I don't want to insult her, I will spell her name, l-n-g-e-b-o-r-g; last name, B-o-y-e-n-s,

subsequently is an outstanding writer in the Free Press, not that I follow a similar pattern although I thought. She wrote a beautifully story about archaic laws, etc. Now obviously with her eloquence, knowledge, research, plus the First Minister's comments, it was taken seriously.

Now then, I thought this time since the matter is extremely important, the Constitution of the country, because some day somebody will be hanging you, although maybe your ghost only, the next generations, or maybe we'll praise you, I decided that with the capable people like we have here, they know how to analyse and condense various submissions, pick out the essence, what will be good for the country — not necessarily good for the political party of the day, provincially or federally, eh? I'm referring obviously to the experienced news media including for a change CBC as well because they don't give you a copy of what they say; you've got to remember.

Now then, Mr. Chairman, I suggest to you in a most serious way, and to your members, reading the submission and opinions expressed by double Honourable, Mr. Roblin, and I'm not making fun by saying double honourable, he has those two titles as a Privy Councillor and a Senator. I couldn't put it any better, of course, physical impossibility, maybe Russian, Polish or some other language but not in the English. The thought behind his submissions, and opposite party gentleman, Senator Molgat — I say to you that if you really want to be, and I'm not insulting you I hope by putting it poorly — if you really want to be a Canadian No. 1 and a member of your party too and a member of the Legislative Assembly, I urge you particularly to studies by those previously mentioned gentlemen to go through. Obviously there's some other people with the opinion. I won't go into details of suggesting one way or another.

There's only one thing that I would add in a paragraph or so. When you come to the natural resources of the country, perhaps it's a daydream today, but I predict to you and if you would have the guts, by you I mean in plural, somebody of you would say, Canada is one, natural resources should be of benefit for all Canadians, not Newfoundland, offshore, not Alberta/BC or Mr. Blakeney with the potash, uranium, oil low-key operation. Just in a nutshell, if you give a thought — why be parochial — why not be a Canadian? Then when you talk about Canada then look from one unit point of view. The country, the benefits, etc. When you talk about national defense, you talk about the national defense of Canada but not Quebec, Ontario or BC? And on that note I wish you all good health.

In conclusion, if you, Mr. Chairman, will permit me I want to congratulate the new Minister — it might be condolences I don't know — he would have to work hard but the choice, in my opinion, is right. Good luck, sir. I hope I live long enough to see you Prime Minister of this country. Thank you.

**MR. CHAIRMAN:** Thank you, sir.

The hour being just past 12:30 p.m., we will break for lunch and we will back at 2:00 p.m. in case there are further delegations.

Committee rise.