



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



MG-8048

VOL. XXXI No. 25 - 2:00 p.m., FRIDAY, 16 September, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossburne	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Friday, 16 September, 1983

TIME — 2:00 p.m.

LOCATION — Ste. Rose, Manitoba.

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Adam and Bucklaschuk

Messrs. Anstett, Ashton, Brown, Eyer,
Graham, Kovnats, Lecuyer, Nordman, Scott

WITNESSES: Mr. Gus Arnal, Private Citizen

Ms. Alice Saquet, Private Citizen

Mr. Ronald A. Simard, Private Citizen

Father Tessier, Private Citizen

Rev. Jack McLaughlin, Private Citizen

Sister Mona Lewandowski, Private Citizen

Ms. Isabelle Archambault, Private Citizen

Mr. Arthur Milette, Private Citizen

Ms. Gisele L'Heureux, Private Citizen

Mr. David Grey, Swan River Indian and Metis
Friendship Centre Inc.

Mr. Louis Saquet, Club d'Âge d'or de Laurier

Ms. Rose-Anne Verley, Private Citizen

Mr. Roy Laycock, Private Citizen

Mr. René L. Maillard, Village of Ste. Rose.

Mr. Gilbert Rioux, Commissaires d'écoles
franco-manitobaines

Ms. Claudette Savard, Commissaires d'écoles
franco-manitobaines

Mr. G. Wachsmann, Private Citizen

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23
of The Manitoba Act.

* * * *

MR. CHAIRMAN: Committee come to order. First name on our list is Mr. Gus Arnal. Mr. Arnal please.

MR. G. ARNAL: Monsieur le Président, membres du comité.

Il y a présentement beaucoup d'intérêt de la part de nombreux parents de la Province du Manitoba pour que leurs enfants soient éduqués dans une école où le français est offert comme langue d'enseignement. On n'a qu'à écouter les nouvelles ou lire les journaux pour constater cet intérêt grandissant et le grand nombre de commissions scolaires qui doivent faire des changements et souvent des changements drastiques afin de satisfaire les demandes des parents.

Dans notre propre communauté de Ste-Rose, par exemple, nous avons un autobus qui voyage chaque jour à Laurier où les étudiants assistent à une école française et je dois souligner que la majorité de ces étudiants sont des foyers où l'anglais est la langue de conversation.

Je comprends que la même situation existe dans toute la Province et que la compétition est grande en ce qui concerne l'enrôlement d'étudiants dans les écoles françaises.

Cette décision des parents cause sans doute beaucoup d'ennuis et demande de nombreux sacrifices de la part de tous et je suis certain qu'ils espèrent quelque chose de retour pour leurs efforts.

Je crois que l'article 23 offre une certaine garantie que ces efforts et sacrifices ne servent pas en vain et qu'une plus grande opportunité sera offerte à ces étudiants plus tard dans la vie où ils pourraient faire usage de ce qu'ils ont appris.

Ce genre de support et encouragement sera sans doute un confort pour les minorités leur offrant plus grande assurance de la protection et de leur coutumes.

Le Manitoba se tient fier de son Folklorama et de le voir disparaître au bénéfice du concept de toutes les races englouties dans le "melting pot" serait une tragédie.

Il semble exister grande acrimonie en certains milieux quand on discute du fait français.

Les sept points énoncés dans la proposition des services en français laissent certainement ample liberté là où les organisations autres que le gouvernement provincial sont concernés. Comme citoyen, ancien employé du provincial, je suis certain qu'aucun gouvernement aurait la témérité de placer le bilinguisme comme critère d'emploi au dépens de la compétence et de l'efficacité. Ce serait une politique négative et Dieu sait que le gouvernement n'a pas besoin de plus de critiques qu'il en reçoit maintenant.

Les propositions semblent très libérales et tout ce qu'il nous manque est un peu de bonne entente entre tous les partis intéressés.

MR. CHAIRMAN: Merci. Questions for Mr. Arnal. Mr. Lecuyer.

MR. G. LECUYER: Merci, Monsieur le Président. M. Arnal, si je comprends bien, vous appuyez l'entente telle qu'elle était convenue le 17 mai et vous appuyez la proposition d'amendements à l'article 23, n'est-ce pas?

MR. G. ARNAL: J'appuie premièrement la proposition du 17 mai, mais aussi j'endosse en partie les amendements qui ont été suggérés dernièrement.

MR. G. LECUYER: Merci.

MR. CHAIRMAN: Further questions? Mr. Arnal, thank you very much for appearing here today. I think there was an additional question.

Mr. Brown.

MR. A BROWN: Mr. Chairman, through you to Mr. Arnal, you mentioned that there already is a great movement in Manitoba towards Anglophones learning another language and being involved in French Immersion classes. Now, all this has been done without entrenchment, so far; and I think there is a genuine desire, and you mentioned this, on behalf of Anglophones also to become more involved with the French language. You also mention your concerns as far as government employees are concerned because you were a former civil servant yourself, is that correct?

MR. G. ARNAL: Pardon, I didn't understand.

MR. A. BROWN: That you were a former civil servant yourself?

MR. G. ARNAL: That's right, and I lived through it, yes.

MR. A. BROWN: Was this a provincial position or a federal position?

MR. G. ARNAL: Provincial position.

MR. A. BROWN: Are you aware that the Manitoba Government Employees Association is opposed to entrenchment as it appears in Bill 23?

MR. G. ARNAL: No, not as such. I've read it in the papers but I'm not connected with them anymore so . . .

MR. A. BROWN: Okay, that's fine.

MR. CHAIRMAN: Further questions? Once again, Mr. Arnal, thank you for being here today.
Alice Saquet?

MS. A. SAQUET: Monsieur le Président, membres du comité. Je suis originaire de la France. Lorsque je suis venu au Canada, je croyais arriver dans un pays bilingue. Je dû vite constater qu'il en n'était pas le cas. Inutile de vous dire la déception que cela représente pour moi.

Et aurai-je cru à l'époque où je suis arrivé dans ce pays qu'un jour je serais devant un tel comité pour défendre ma langue natale, langue que je croyais jouissait d'un statut égal à l'anglais au Canada.

J'ai peine à comprendre comment un pays bilingue a pu permettre des législations telle celle de 1890 qui abolit le français dans la législature et dans les cours.

Mais encore plus alarmant, Monsieur le Président, est la législature de 1916 qui abolit le français dans les écoles. Là, c'était une véritable attaque aux jeunes que l'éducation doit préparer pour l'avenir. Heureusement qu'en 1970, le gouvernement déclara à nouveau le français comme langue d'enseignement par l'adoption de la loi 113.

Avec tous ces affronts, la langue française au Manitoba a beaucoup souffert au point où aujourd'hui, faute de nombre, l'on n'a parfois pas accès à l'éducation en français pour nos enfants. Tel est le cas à Laurier.

Après la neuvième, nos enfants désireux de poursuivre leur scolarité en français doivent quitter la famille pour rejoindre les grands centres où ils peuvent bénéficier d'une ambiance et culture françaises.

Monsieur le Président, je crois que les gouvernements successifs dans l'histoire du Manitoba ont contribué à créer de telles situations. Le gouvernement actuel a négocié une entente relativement à des amendements de l'article 23 de l'Acte du Manitoba. J'appuie cette entente, de mai dernier, qui a été négociée dans l'esprit de rendre justice aux citoyens manitobains d'expression française.

Par ailleurs, Monsieur le Président, je crois que ces droits constitutionnels que le gouvernement s'apprête à restorer ne doivent pas devenir l'objet d'un vote général. Cela n'est pas la façon juste de faire valoir les droits d'une minorité, et d'ailleurs, quand ces droits furent enlevés en 1890, jamais la population ne fut consultée par le gouvernement du Premier ministre Greenway de l'époque.

J'appuie donc la résolution telle que négociée en mai dernier entre le gouvernement du Manitoba et la Société franco-manitobaine.

Permettez-moi finalement de dire que je crois que la Société franco-manitobaine a agi et a négocié dans le plus grand intérêt de tous les francophones dont elle est la représentante officielle. Merci.

MR. CHAIRMAN: Merci, Madame Saquet. Questions please? There being no questions, Madame Saquet, thank you very much for appearing here today, on behalf of the committee. Next on my list is Alvier Brunel. Mr. Brunel? Ronald Simard?

MR. R. SIMARD: Mr. Chairman, members of the committee.

MR. CHAIRMAN: Could you wait one moment please, while copies are distributed. Please proceed.

MR. R. SIMARD: Thank you. Mr. Chairman, members of the committee.

I expect that during the course of these public hearings that you will repeatedly hear that amendments to Article 23 of The Manitoba Act will create a heavy cost to the public purse. May I take this opportunity to place this objection in its proper perspective.

The proposed amendments are seen as costly, simply due to the fact that the number of dollars involved is always equated to the number of people who will apparently benefit directly. Many opponents imply that to spend a large sum of money on approximately 5 percent of Manitobans who are Franco-Manitoban is extravagant and disproportionate. This opinion limits itself only to dollars and cents which is not the issue, and simply ignores the moral and ethical considerations involved. Justice and fair play should not be items with a price tag attached. The "money-first" approach does not acknowledge the Franco-Manitobans' contribution to the birth of this province. It does not consider the cause and effect relationship between the small French-speaking population of today and the laws abolishing French rights in the past. Had the rights of Franco-Manitobans been respected in the past, would we be an "endangered species" today? These are questions

of justice and fair play, not questions purely of finance and costs.

It appears that the government is trying to correct an injustice committed nearly a century ago. Manitobans should rally behind this action to demonstrate to all that respect for minorities is still alive in our province.

In closing, it is my hope that the resolution negotiated last May to amend Article 23 of The Manitoba Act will be unanimously accepted by the Legislature, for their importance transcends simple dollars and cents, but is a matter of justice and fairness to all. Justice and fairness are the cornerstones of a truly democratic society, and it would be terribly sad for Manitoba to consciously erode the foundations of our system of government.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Simard. Questions? Mr. Ashton.

MR. S. ASHTON: Yes, I would like to thank you for your brief. I think you raised a very interesting point about the question of dollars, because I know if you use the argument that some people do that it might cost some money, you could say, well for example, we shouldn't hold elections because they cost money. I'm sure that we wouldn't agree with that.

I am wondering too whether you consider it really to be that much of a costly thing. Since 6 percent of Manitobans are French-speaking, I don't think any figures have shown that there will be vast numbers of people who would be required in the Civil Service, for example, to speak French with the programs. I am just wondering really if what is going to happen is that the 6 percent of French-speaking Manitobans are going to get service for the tax they pay. I am wondering if you might consider that as to be another aspect of it too. Perhaps it isn't going to cost that much money at all really.

MR. R. SIMARD: The costs involved, as far as I'm concerned, are not the issue. Your comments on how much money is spent for that, you know, that's fine. I just feel that what you are talking about here is really not restricted to dollars and cents. As I have stated, you are looking at basics of democracy. If everything was equated only to simple dollars, there would really be no purpose in having these hearings or anything like that. If you're only looking at dollars or other points which are not mentioned in my submission, simply that it would probably cost you an awful lot more to do it if the Federal Government did, in fact, legislate it upon you and all the statutes have to go. I mean, that's been put in the newspapers and other arguments. It is not a subject that I would like to address.

MR. S. ASHTON: Basically, you're arguing for looking at the justice of the situation and asking for a more tolerant view than has been expressed by some.

MR. R. SIMARD: A much more tolerant view. The French-speaking group are a minority in this province particularly - well not as much as in other provinces - they are not a minority group in its truest sense in Quebec, shall we say, but the effect on this minority

could be applied, let's say, to any other minority which you care to bring up. The Ukrainian group to the west of this town is fairly large. They do have rights of a kind, and there are other groups who are minorities that do have rights. This is in the same sense that you just do not in a democratic society simply eradicate those rights.

MR. CHAIRMAN: Further questions for Mr. Simard? Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Through you to Mr. Simard, I would like to refer to the second-last paragraph on the first page of your submission where you state, "It appears that the government is trying to correct an injustice committed nearly a century ago." Are you aware, Mr. Simard, that the Section 23 of The Manitoba Act which was declared invalid in 1890 was reinstated by the Supreme Court in 1979, and reaffirmed by the Manitoba Legislature in 1980?

MR. R. SIMARD: The injustice that was committed was the abolishment of it. Yes, it has been reinstated. What I was referring to is the intent of this government to go further than to simply correct a legality. An injustice is not simply something that is, you know, a legal thing only. The injustice in itself was the removal or, shall we say, restriction of the use of French. There, my opinion is that the government is attempting to correct the injustice also, not only the strict legalities involved. The legalities, as you mentioned, arose from the Supreme Court rulings and other actions of this government.

MR. H. GRAHAM: On that very issue then, could you tell me, Mr. Simard, what it is that the government is trying to do with the proposed resolution before us now then?

MR. R. SIMARD: It is attempting to provide service to the French community in areas which clearly have a demonstrated need due to the population involved. I do not see it as an action which automatically forces every single individual municipality, town, city or group in Manitoba to provide service in French. I see it as an attempt to allow those areas, and where there is a defined need, to have such services in French.

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Simard, it has been suggested by some that the present move of the government was to avoid a Supreme Court ruling. Would you think that would be a proper, sufficient grounds for a change in the Constitution, as has been suggested by this amendment?

MR. R. SIMARD: If I understand your question correctly, you are saying that the government is doing this to avoid a legislated imposition. Can you clarify?

MR. H. GRAHAM: No, Mr. Chairman. I have said, it has been suggested by some, that is the reason the government is using to change this. Would you think that would be a proper reason for changing the Constitution and the laws of Manitoba and of Canada?

MR. R. SIMARD: What other people think of what the government is manipulating - you're talking of the

Government of Manitoba to use this forum to change the laws. Governments do what they feel is correct. What others imply and take and make comment on what they do is their right to comment. Do I consider the government using this type of format to review its decisions?

The government is free to do what it wishes in this sense. If it wished to simply leave it in as an act to be discussed simply in the Legislature, there is nothing that I could personally do about that. To go this route is an opportunity for the government to obtain, I feel, an opinion from the people of this province.

MR. H. GRAHAM: I want to thank you, Mr. Simard, for giving us the benefit of your opinion on this. I want to also suggest that it was mainly the opposition that persuaded the government to have these public hearings so that the people could be heard on it.

MR. CHAIRMAN: Further questions? Seeing none, Mr. Simard, thank you very much for your presentation here today.

Next on our list, Mr. Gilbert Rioux. Mr. Rioux.
Father Tessier.

FATHER TESSIER: Monsieur le Président, Membres du Comité,

J'aimerais souligner quelques points au sujet du débat qui fait rage depuis que le gouvernement de la Province entend amender l'article 23 de l'Acte du Manitoba.

Premièrement, je ne sais pas si les médias en sont responsables, mais il me semble qu'on est en train de faire beaucoup de bruit pour peu de chose. Les manchettes des journaux, les éditoriaux, les lettres aux rédacteurs, les pamphlets, les pétitions, voir même des audiences publiques. Pourquoi tant de bruits devant le fait qu'on veut rendre justice à la population française.

Que vise l'amendement de l'Acte du Manitoba, sinon un certain épanouissement de la vie française au Manitoba. Je ne vois pas comment cet épanouissement chez 5 pourcentage ou 6 pourcentage de la population puisse menacer la majorité.

Deuxièmement: au sujet de ces audiences publiques, je ne crois pas qu'elles soient en elles-mêmes un bien. Une injustice a été commise et elle doit être rectifiée. On ne demande pas l'opinion des gens au sujet d'un déjà tranché par la loi. Pourquoi veut-on sonder l'opinion manitobaine avant de trancher une question avant tout légale.

"Le français et l'anglais sont les langues officielles du Manitoba", n'est-ce pas?

Troisièmement, je souhaite que l'on remarque surtout les points positifs d'une province manitobaine officiellement bilingue. Cela aiderait certainement le Canada à demeurer le beau pays tel qu'il est. Et puis, quel signe encourageant pour les nombreuses minorités du pays de voir que la minorité officielle du Manitoba a gain de cause dans le rétablissement de ses droits.

Tout cela pour dire que j'appuie la résolution négociée au mois de mai pour amender l'article 23 de l'Acte du Manitoba.

Merci.

MR. CHAIRMAN: Thank you, Father Tessier. Any questions for Father Tessier from members of the

committee? Seeing none, thank you very much Father, for appearing here today.

Next on my list is Ray Murray. Mr. Ray Murray. Mr. G. Wachsmann. Reverend Jack McLaughlin. Reverend McLaughlin. Please proceed.

MR. J. McLAUGHLIN: Mr. Chairman and members of the panel. I want to speak this afternoon just a few words here in what I believe will set some way of bringing a deeper understanding, I believe, to the issue that is before us.

I'd just like to quote, as I often do, and I'm sure Father Tessier does, a Biblical quote: One is "that the lion will lay down with the lamb", and this is a quote that comes from almost 3,000 years ago, and I want you to note that this is really talking about the end of time. I want you also to note that there will be, not just one lion or one lamb, but there will be a lion and a lamb and both will be together in the Kingdom. So I think, even in this basis of scripture there is some evidence that there can be differences, even in the Kingdom itself, and that they are both accepted.

As I have listened, also I hear, under a lot of the reasoning and rationale that goes on, fear. I am reminded of one of my own experiences where I spent a fair amount of time on a little island called "Curacao" off the coast of Venezuela, and I asked a young child on the street directions. The child replied to me in the local language of Papiamentu (phonetic) and then switched to Spanish, and then realized that I didn't understand Spanish, switched to Dutch - which is the official language of the island - then trying all those three realized that I still didn't understand, switched to English. Now I was amazed, myself, and thought how great the richness of this island, and what resources they have within language, and how I could covet such abilities within our own country. And when I were to return and to find that, well often as Anglophones, we were very upset by their being other expressions of the language, that it has continued to amaze me.

I suppose this point was driven home for me when I spent some time with Project North and I was in St. Paul, Alberta and accidentally found myself in the French community there, and we began to talk about the language issue. One friend, who I have come to respect deeply, really cried out in pain that he lived in a country where he at least couldn't express himself in a few words of his own language, or that language couldn't be acknowledged. It has allowed me to reflect on language, and I believe, it affects our language is an expression of who we are, it is very deeply rooted within us. I think, as an Anglophone we don't really recognize that, we think that everyone, though they speak in different languages, really thinks in English. But a language, I believe, is akin to a person's skin, it is deeper than that, it is akin to their very existence as a human being, and it is rooted deep within their history.

I also believe that languages are a means of door into treasure houses, and they are other ways of seeing the world. I think if languages are not supported within Manitoba and within Canada, as a whole, then we will become much impoverished because we will be cut off from the treasure houses of history and of other countries and of our own culture and backgrounds. I

know from even translating languages from one to another, as I am involved in that in a small way from time to time, that much is lost.

So if I can say anything today I would like to call on us to remember our history, that we have a solemn agreement of 1870, and let's not panic in fear or pull all of these arguments down from the rafters. I believe that we must be a people who keep our word. I have been deeply involved with Native people for some time and they have reminded me of the word that we have spoken in covenant and in agreement, and often we have broken that repeatedly.

Then I think we owe a great deal to the French people of Manitoba. I am one who discovered that I am in debt to Louis Riel. I don't believe there would be a Manitoba here if it were not for him and his own integrity and a history, I believe, that we have yet to really discover here in Manitoba. So I believe that he has pointed towards justice and we have a rich heritage of justice that we need to call on. And to remind ourselves that we are not living in the last ten years. I believe the issues before us are so fundamental that there is no need for referendum, or even as it's been mentioned, for hearings. They are basic rights. I can't really - or can we decide that a person shouldn't speak in their language and their culture.

In closing I would like to say, remember the Native people, the Ukrainian people, the many other languages of this country that will not make us poor, but will bring us great richness and great resource, and I think will enable us to be held up before nations as not a small country or a thin country, but a great country of courage and a place to live and be.

I thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Rev. McLaughlin. Questions for Rev. McLaughlin from members of the committee? Mr. Ashton.

MR. S. ASHTON: I'd like to thank you for what I thought was a very thoughtful presentation. You obviously have had the opportunity to travel and I've had some opportunity myself. I was wondering if you found what I have often found, that people in other countries, view Canada in terms of our many cultures and our many languages and that sometimes perhaps that vision exceeds our own vision of ourselves. I found in Europe, for example, people have a very high opinion of Canada in that context and that perhaps sometimes we could learn from the opinion other people have of ourselves?

MR. CHAIRMAN: Rev. McLaughlin.

MR. J. McLAUGHLIN: Yes, I have discovered other people will approach me in another language because I come from Canada. Also, I have had some contact with Laotian people who have come to this country and have, as they arrived in the middle of the night discovered that they could communicate in a language that they knew. Some of the families that we've been involved with spoke four languages but, yes, found that they could communicate. Also that some of the legal documents were in French which was a great asset to them.

MR. CHAIRMAN: Further question for Rev. McLaughlin? Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Rev. McLaughlin. Rev. McLaughlin, I want to say I appreciated very much the advice that you gave to our committee and the scholarly way in which you bring us back to some of the scriptures that are really the foundation of laws in the very beginning. But, we're sitting here as a committee that is dealing with a very particular question and the question is whether or not the present Constitution of this province and of this country should be changed. I would like to seek a little more advice from you and your wisdom on whether or not you think it should be changed? If so, in what manner?

MR. J. McLAUGHLIN: Are you meaning that the Constitution be changed as to not be bilingual to clarify?

MR. H. GRAHAM: At the present time the Constitution says that English and French can be used in the Legislature and in the courts and the Statutes and records shall be in both languages. Now we are proposing to change that by this proposed amendment, that only some of the statutes shall be translated and adding a few fields in the services and limiting the service to the people in certain fields.

MR. J. McLAUGHLIN: I would basically agree with that as it encourages and supports those services in Ste. Anne and other areas of Manitoba. I can see that to translate all of the statutes, for example, even some that had been out of date would be not all that helpful, but to use the resources in this way, I, in my opinion, would be a better way to go.

MR. H. GRAHAM: Rev. McLaughlin, do you see any implied problems that might occur when you entrench in a Constitution only certain services by implication? Does that omit any further services in the language field?

MR. J. McLAUGHLIN: As I understand your question, I think it by its implication will be limited, but also, where services or rights are defined by law, that also gives freedom. I can tell you a story, Mr. Chairman, of a coloured person, who was just recently at the World Council of Churches, related that he a number of years back was in an airport. He went to a restaurant where it was apparently only white. The waitress who came to him was flustered. She didn't know what to say; she didn't put down a menu; she went and got the manager. There was conversation he could see going on. Eventually, he was allowed some kind of service. In a few years following, it was by law that all persons were to be served. He found himself again in the same restaurant and by some accident the same waitress came to him, put down the menu, stood there and never blinked an eye. The law had an effect on the change of attitude and the response that was received.

MR. H. GRAHAM: Thank you, Mr. Chairman. We also find in the Province of Manitoba that there have been changes made in the services in the French language that have occurred through all governments of whatever political stripe. There have been changes that occurred. But when you do that by statute, then succeeding

governments can add to it, or change it, and change can occur much easier. If you entrench it in a Constitution, then you are saying that the present-day government has the right to make that decision but no future government can have the right to change it. Do you see a danger in that type of procedure?

MR. J. McLAUGHLIN: Moving into an area of law, and I can't say that I am fully proficient in that area by any means. I can see where another government, yes, would move it back if it were set out in that way. Where changes are made and where that encourages development within people of new understandings and new awareness, then it maybe becomes not possible to change those back. Because, for example, as French Immersion grows and that becomes a common thing and people begin to be excited about another language and new discoveries, then that becomes a very positive thing and one that cannot be turned back because people have found the benefits from it.

MR. H. GRAHAM: You mentioned the French Immersion Program, I believe that was not brought about by any change in the Constitution but by the enactment of Statutes in this province. That is the very point that I was trying to bring out. If, by changing the Constitution, we limit services and exclude specifically municipal and school boards, what would the implication then be on future education and future municipal government by specifically excluding them from what we constitutionally hold as being sacred in this province?

MR. J. McLAUGHLIN: I think you're going to have to clarify your question more. You're dealing with another field and maybe you can put it another way.

MR. H. GRAHAM: Mr. Chairman, what I'm trying to bring out probably is, there is a great deal of difference between statute law and constitutional law, and I'm not a lawyer either, but what we put into a constitutional law is one that is very very difficult to change at some time in the future. What you put in statute law can be changed and can be readily changed by succeeding governments of whatever political belief they may be to adapt to the constant changing needs of society. But if we put into constitutional law the services that shall be provided as we are attempting to do by this very amendment, limiting the services to certain fields and excluding specifically municipal and school boards, would it not have a detrimental effect in the future to increase services in the French language here in the Province of Manitoba?

MR. J. McLAUGHLIN: As I understand you, it sounds like the most positive route would be the constitutional method but, in my understanding, that's as much as I can comment on it.

MR. H. GRAHAM: I want to thank you very much for the benefit of my views on it, Rev. McLaughlin, and thank you very much for being here today.

MR. CHAIRMAN: Further questions for Rev. McLaughlin from members of the committee? Seeing none, Rev. McLaughlin, on behalf of the committee, thank you very much for appearing today.

Next on my list is Willis Ayers. Mr. Ayers, please.

Reeve Nestor Slonowski, R.M. of Ethelbert. Reeve Slonowski, please.

Dave Dohan, R.M. of Ethelbert. Mr. Dohan, please.

Sister Mona Lewandowski. Sister Lewandowski, please. Please proceed.

MISS M. LEWANDOWSKI: Mr. Chairman, members of the committee, it is with strong concern that I have decided to address you at these public hearings. Manitoba is known for its multicultural heritage. Its diversity is an example of tolerance and understanding. People of various origins live and work together side by side in respect of one another's cultural heritage. The fact of these public hearings indicates that the harmony of our cultural heritage is being threatened.

The rights of Francophones were guaranteed by The Manitoba Act and through this act all ethnic groups have been able to bring about the cultural diversity on which Manitobans pride themselves.

That, Mr. Chairman, is my deepest concern. We have an obligation to reinstate the rights of the French-speaking Manitobans which have been denied for 90 years. Manitoba owes it to itself to do so promptly and proudly so that the unity among cultural groups may continue and flourish rather than deteriorate. By doing so, Manitoba can set an example for other provinces and for peoples throughout the world who are fighting for basic human rights.

It is with forceful conviction that I support the resolution to amend Article 23 of the Manitoba Act as agreed on the 17th of May, 1983. It is my hope that the members of the committee share my views.

Thank you.

MR. CHAIRMAN: Thank you, Sister Lewandowski. Questions by members of the committee, Mr. Brown.

MR. A. BROWN: Thank you, Mr. Chairman. Sister Lewandowski, on your third paragraph you say, we have an obligation to reinstate the rights of the French-speaking Manitobans which have been denied for 90 years. Do you realize that this already had been done in 1980?

MISS M. LEWANDOWSKI: I'm aware of that, yes.

MR. A. BROWN: That they had been reinstated? Do you think that we should go further now and entrench those rights at the present time with all the implications that come along with entrenching?

MISS M. LEWANDOWSKI: Yes, I do.

MR. A. BROWN: How do you perceive that other ethnic groups are going to receive any guarantees by entrenching the French language when it is only the English language and the French language that have been recognized as being official languages in Canada?

MISS M. LEWANDOWSKI: I think when you give the rights to the people that they originally had, that others can profit from it also. It seems to me in Manitoba - I'm not sure if all the other nationalities have received rights because of that, I'm not sure - but it seems to

me that because French have the right, others have gained from it too.

MR. A. BROWN: Do you think that by entrenching the language that this is going to give added benefits to other minorities?

MISS M. LEWANDOWSKI: I'm not sure what is going to happen, but my feeling is that it will.

MR. A. BROWN: Thank you.

MR. CHAIRMAN: Further questions, Mr. Lecuyer.

MR. G. LECUYER: In the line of the same question as the last posed, would you not agree, Sister, that after the passage of Bill 113 in 1970 that Manitoba also saw a revival of the teaching of other modern languages and other ethnic languages in Manitoba which by law had disappeared along with the French language in 1916?

MISS M. LEWANDOWSKI: I just recall briefly Bill 113, but certainly in the last 10 to 15 years I have seen immersion courses where I never thought there would be and Ukrainian languages taught and it seems to me it has certainly blossomed for other groups, the languages have been allowed to be taught and spoken.

MR. CHAIRMAN: Thank you. Further questions by members of the committee? Seeing none Sister, thank you very much for being here today and making your presentation to the Committee. Isabelle Archambault?

MS. I. ARCHAMBAULT: Monsieur le Président . . .

MR. CHAIRMAN: Would you wait one moment please while it's distributed.

MS. I. ARCHAMBAULT: Ceci est ma présentation. Aucune question s'il-vous-plait.

Monsieur le président, membres du comité.

Je désire énoncer quelques idées dont on devrait tenir compte lorsqu'on décide si l'on doit appuyer ou non les amendements proposés à l'article 23 de l'Acte du Manitoba.

Premièrement, il faut retenir le fait que la loi qui a interdit l'usage du français devant les tribunaux et au gouvernement a été déclarée anticonstitutionnelle. A partir de ce fait, je ne peux pas m'expliquer toute l'hésitation du gouvernement et l'opposition d'une grande partie de la population. Je ne peux comprendre que l'on refuse de rectifier une loi "illégal". L'opposition que l'on manifeste dépasse les bornes du raisonnement. Si l'on n'élimine pas les lois "illégal", quelle valeur notre système judiciaire peut-il avoir? Si l'on continue à reconnaître cette loi qui n'est pas légale, on doit remettre en question notre société, notre gouvernement et toutes nos institutions. Il va de soi que les fondements de notre civilisation elle-même s'écrouleraient. La gravité d'une telle situation fait peur. Il faut régler chez nous les problèmes de langues officielles et il nous le faut faire sans plus de délais.

Monsieur le président, membres du comité, j'accorde mon appui à la résolution négociée au mois de mai

pour amender l'article 23 de l'Acte du Manitoba. Je ne peux pas faire autrement. Merci.

MR. CHAIRMAN: Thank you, Ms. Archambault, for your presentation to the committee today. Arthur Milette. Is Arthur Milette here? I would point out to members before Mr. Milette speaks that his name was misspelled on the list, as a few others have been. It's M-I-L-E-T-T-E, Milette.

MR. A. MILETTE: Merci, Monsieur le Président.

MR. CHAIRMAN: One moment please.

MR. A. MILETTE: Comme mon gamin me dit souvent . . .

MR. CHAIRMAN: Please proceed.

MR. A. MILETTE: Monsieur le Président, mon nom se prononce Milette.

Monsieur le Président, membres du comité. Mon bref aujourd'hui ne porte pas plainte ni condamnation à n'importe qui. Pour ceci, je ne répondrai pas de questions après mon bref. Je veux seulement présenter mon bref et retourner à l'ouvrage. Merci.

Je viens vous exprimer mon appui à la résolution négociée au mois de mai 1983 entre le gouvernement du Manitoba et la Société franco-manitobaine pour amender l'article 23 de l'Acte du Manitoba.

Si j'appuie l'entente telle que négociée, c'est que je crois qu'elle représente une juste reconnaissance des droits des Franco-Manitobains, droits qui ont été négligés depuis 1890. Par ailleurs, j'appuie également la Société franco-manitobaine et le gouvernement de cette province qui ont négocié cette entente. La Société franco-manitobaine est le représentante officielle des Franco-Manitobains en autant que le gouvernement est le représentant de la population de cette province.

Il est tout-à-fait à-propos, Messieurs, que votre comité tienne des audiences dans cette région du Manitoba. Sachez que les villages de Ste-Rose-du-Lac, Makinak, Laurier, Ste-Amélie, Toutes Aides et McCreary représentent un véritable îlot de l'est du Manitoba qui fut colonisé par des Français. Heureux seraient-ils de constater aujourd'hui que le gouvernement manitobain s'apprête à restorer les droits des francophones de cette merveilleuse province qu'ils ont si vaillamment contribué à construire.

Le fait a toujours été une réalité au Manitoba. L'histoire de la région de Ste-Rose-du-Lac en est un témoignage.

C'était l'époque de l'entraide. La famille Spence, la famille Neault, la famille Sutherland, la famille Ritchoy, ou encore la famille Riel, elles avaient toutes le même but - construire un chez-nous, une province, un pays. Si les gens ont voulu doter leur pays d'une constitution fidèle à leur différente réalité linguistique, c'était par respect mutuel.

Ce respect mutuel que nous enseignent nos ancêtres doit continuer. Le projet d'amendement de l'article 23 est l'expression concentrée de ces respects et ne peut donc qu'être applaudi.

Monsieur le Président, membres du comité, je vous remercie d'avoir choisi Ste-Rose-du-Lac comme endroit

pour ces audiences publiques. Encore une fois, je réaffirme mon appui au projet d'amendement de l'article 23 tel que négocié au mois de mai dernier entre la Société franco-manitobaine et le gouvernement du Manitoba. Respectueusement vôtre.

MR. CHAIRMAN: Merci Monsieur Milette. Next on my list is Gisèle L'Heureux. Please proceed.

MS. G. L'HEUREUX: Monsieur le Président, membres du comité.

Je suis heureuse de me présenter devant vous aujourd'hui afin de vous exprimer de vive voix mon appui à la résolution pour amender l'article 23 de l'Acte du Manitoba, telle que négociée au mois de mai.

Je tiens à vous dévoiler et à vous faire partager la fierté que je ressens à vivre dans une Province qui enfin reconnaît le français comme l'une des langues officielles de celle-ci. Depuis mes premiers pas, j'ai eu à me battre pour sauvegarder la langue que mes ancêtres m'ont transmise. A leur arrivée au Manitoba, ceux-ci ne se doutèrent certainement pas que leurs descendants se verraient dans l'avenir défavorisés dans leur langue et culture et amoindrir la joie et la fierté d'appartenir à l'un des peuples fondateurs. Certains ont eu plus de difficultés que d'autres à combattre l'assimilation et ont ainsi perdu langue, culture et richesse d'un passé fort glorieux. Heureusement, malgré bien des lois établies ne nous favorisant pas dans l'entêtement que nous avions de sauvegarder notre langue et la richesse du patrimoine, plusieurs ont su faire front et imposer la fierté d'être francophone alors que de tous côtés, les structures d'un avenir se voyaient attaquées et démolies. Je suis bien . . . de constater que les amendements à l'article 23 de l'Acte du Manitoba vont, dans un avenir rapproché, rétablir les injustices faites aux francophones de cette province. Ainsi, ceux-ci pourront profiter de services et de droits qui leurs ont été refusés lors des trois dernières générations, lesquelles, je le souligne, ont aidé à construire le Manitoba. Aussi, je suis heureuse de pouvoir penser que mes descendants pourront jouir de vivre dans une province qui savent respecter leurs droits et serais fière de leur dire que nos luttes n'ont pas été vaines, puisqu'enfin un gouvernement responsable a su voir dans l'histoire de cette province, la nécessité de rétablir les injustices passées. Enfin, Monsieur le Président, membres du comité, je réitère donc mon appui à la résolution pour amender l'article 23 de l'Acte du Manitoba, telle que négociée au mois de mai. J'aimerais mieux pas répondre de questions.

MR. CHAIRMAN: Thank you very much, Madame L'Heureux. Next on our list, Sister Hélène St-Amant. Sister St-Amant please. Ovide Pelletier. Hervé Molgat. David Grey, Indian & Métis Friendship Centre. Mr. Grey, please.

MR. D. GREY: Mr. Chairman, members of the Committee, I would start out by deviating slightly from the written text and thanking you for allowing me the opportunity to speak. I would also apologize for our inability to present this at the hearings which were heard in Swan River. Unfortunately, they were trapped in a memory typewriter.

The Board of Directors of the Swan River Indian & Metis Friendship Centre supports the original proposal of the Government of Manitoba with respect to the accord reached between the Province of Manitoba, the Government of Canada and the SFM. We do not expect, or for the most part, feel that the amendments - here we speak of the amendments to the accord - as proposed, either significantly benefit or appreciably clarify the accord. We feel strongly that the province is legally, logically and morally bound and obligated to proceed with due dispatch to rectify the problems that have been created in this longstanding misunderstanding. The only amendments to the accord we specifically support are in the giving of special recognition to existing rights or privileges other than those for English or French languages. In addition, we urge the committee to continue to search for consensus on the issue of a definition for "significant demand."

The Swan River Friendship Centre has the history as set out, and is involved in assisting Indians in adjusting to urban life and create mutual understanding between people of Indian descent and others; to inform the community of the problems of Indians; and to carry on these objectives without political or pecuniary gain.

One might reasonably ask what the Friendship Centre, being a non-political institution, is doing making statements on what has now become a highly political, partisan issue. Simply put, we do not believe that any persons making this a partisan issue are acting appropriately to the situation. We feel the issue is, as we have previously stated, a legal, logical and moral one. We are fully cognizant of the expressions which delineate politics as being any activity which tends toward the order of society. We are, and will remain, prepared to be political in that sense. We are not, and will not be prepared to favour or denounce any partisan group or individual whether in municipal, school board, provincial or federal political contests. No comments herein should be interpreted in this way.

The long suit, if you will, of our presentation, is moderation. For this committee to be effective, neither end of the spectrum must be allowed to prevail. It is apparent, from the public controversy that has ensued, that our society is already of two minds on this issue. On one extreme are the individuals who feel that there should be no change in The Manitoba Act and/or that the French language services should not be delivered. On the other hand are the individuals who ask for instantaneous recognition, measures to correct all wrongs of 80 years, and entrenchment for all, no matter what the cost. The Committee should remember that even if it were to hear 1,000 presentations, each presentation would have to speak for 1,000 individuals to say that each Manitoban had been fairly represented herein. We say that this decision is too important in any event to be decided on partisan issues, "popular" compromise (as was done in 1896 and thereafter), or giving in to extremists' views. We urge the committee to decide on the basis of equity and fairness, not on votes and radicalism.

We view this issue in the same way that we view the intrusion or lack thereof by this and other governments in the daily rights of minorities or individuals. John Stewart Mill in "On Liberty" said:

"The will of the people, moreover, practically means, the will of the most numerous or the

most active part of the people; the majority, or those who succeed in making themselves accepted as the majority: the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this, or against any other abuse of power. The limitation, therefore, of the power of the government over individuals, loses none of its importance when the holders of power are regularly accountable to the community, that is, the strongest party therein. This view of things, recommending itself equally to the intelligence of thinkers and to the inclination of those important classes in European society to whose real or supposed interests democracy is adverse, had had no difficulty in establishing itself; and in political speculations the tyranny of the majority is now generally included among the evils against which society requires to be on its guard."

With due respect to the opposite view, we respectfully concur with his remarks. In looking at philosophical founders for the Western thought, one naturally returns to Plato and Aristotle. From them through Augustine, Hobbes, Rousseau, Mill, to Skinner at present, people when discussing society have relied upon nuclear units as a substantive determination of societal direction. It is true that Skinner attacked the family and reinserted the colony therefore. The essence, nonetheless, of his remarks, remains very much a nuclear unit.

In a family, at least, we submit, in a healthy family, if one member chooses to express differences it is, we would submit, an unusual occurrence where the family would either expel the member or demand a change in the expression of difference. The obvious exception to this is if the acts or expression are unhealthy or harmful. We submit that no case can, in this larger unit-Manitoba, be made for the restriction of French language services. We feel that entrenchment of all fundamental rights is an important step needed to protect and buffer groups, and in particular in this instance French-speaking Manitobans, from the capricious whims of the majority.

In "The Social Contract" by Jean-Jacques Rousseau, he said:

"To speak of a man giving himself in return for nothing is to speak of what is absurd, unthinkable, such an action would be illegitimate, void, if only because no one who did it would be in his right mind. To say the same of a whole people is to conjure up a nation of lunatics; and right cannot rest on madness."

He goes on to say, several pages later:

"If then we eliminate from the social pact everything that is not essential to it, we find it comes down to this: 'Each one of us puts into the community his person and all his powers under the supreme direction of the general will; and as a body, we incorporate every member as an indivisible part of the whole.'"

The emphasis has been added. At this point, I would indicate that I juxtaposed that with the remarks of Mill previously, and would indicate that I feel - and I'll go on to read. If we allow the theory that society is based upon mutual accord through an original contract, we can see protection of the rights as originally determined

by members of that society as fundamental to the health of that society. We feel that the provisions of The Manitoba Act presently lawfully require certain actions from the Province of Manitoba and that, since 1890, the province has breached several fundamental covenants on this agreement. The time is now to end this unwarranted action. As Louis Riel said to Dominion Surveyors, by his action, erosion of fundamental rights must be stopped at the starting point. We say that if time goes by, once the wrong is recognized, corrective measures must be taken.

We feel the Province of Manitoba should not be allowed out of its bargain any more than one would expect Deiter Brock to be. Our position is not based upon direct need in our Friendship Centres to provide the services. In the area which we serve, the Swan River area, we will probably fall far short of the significant demand called for in the original proposal. Few of our constituents use French as a primary language, if at all. Nonetheless, we see it incumbent upon us to speak out on these moral issues.

We view society, more particularly Manitoban society, as a rare fabric woven from many distinguished cloths, and we feel that the deletion of any cloth or any part thereof is not only uncalled for and unnecessary but should be and is an unpopular view in totality. We have a "larger view" of society as well. We do not, however, view Manitoba as a province which can or should be based upon absolute rule by majority. It is rule by and for one million individual minorities. We are not tilting at windmills. We are asking for a recognition of fundamental rights.

While it is not within the purview of this committee, we feel that certain other actions by the Governments of British Columbia and Manitoba fall into the same category as failing to support entrenchment of French language services. In particular, the rationales are similar. It is the decision of the Province of British Columbia in depriving its citizens of long-established and hard-won rights vis-a-vis labour relations and the recent decision in Manitoba to impose mandatory seat belt and helmet legislation. The reason we view them the same is that all the main arguments for all propositions revolve around economic issues. We do not see society built thusly.

We see society and the rights of each individual in society as of far larger significance than economics. Certainly, we don't mean to be interpreted as saying that economic considerations are not important. However, if we allow economic consideration to dictate the parameters of our discussion, we lose much of the societal strength that exists in the democracy. The essence of our societal strength, we submit, is flexibility, tolerance and diversity. We view arguments which limit those considerations with some skepticism. In short, we're speaking out because our idea of Manitoba is made up of these individual minorities. It is incumbent upon each of those minorities to guard particularly against the tyranny of the majority.

We feel the major concern of this committee is not whether or not to entrench these guarantees. This, it is submitted, in the present state of affairs, is self-evident. We feel that the committee can have a large impact in determining upon whom the onus rests to show whether or not the significant demand for French services exists. We agree, probably with most, that

French language services are not and should not be provided when there is no real call for them. However, we feel the onus should be upon the government to show that no demand exists in any particular area since it, by far, has greater monetary and human resources to determine same.

We further feel that the term "significant demand" cannot be simply a percentage. Nor can necessarily one person be or not be a sign of "significant demand." There must be a balancing of all factors to determine where such a demand exists. In the case of legislation or court services, one person may be a significant demand. In the case of education, the number may be one or 20. In the case of providing a bilingual service from the Civil Service, perhaps the test should be on a percentage of requests in French.

We are not able to suggest to the committee what specific components should be. However, the committee should look, *inter alia*, at these factors: the percentage of the population with first tongue of French or demanding French; what individual or class of individual would be harmed by failure to deliver the service; what effect would that failure have upon the individual; what effect could that failure have upon our cultural fabric; the timing required; and, lastly we would submit, economic considerations.

Much ado has been made about the economic issues arising herefrom. We submit there are three main areas of concern: firstly, the cost of these proceedings; secondly, the cost of delivery of services; and lastly, the cost of future appeals. We submit the first and last considerations are moot. Now the decision to hold these hearings has been made, to subject to scrutiny the costs of same are an affront to the legislative/committee process. Certainly these hearings should be expeditious, but we welcome, notwithstanding the cost, the chance to speak to you. Of the last, I can only say that we cannot say if there will be future appeals, what the costs will be, or how these costs compare in relation to the costs if we make no change. We feel this argument might be made for any piece of legislation or constitutional amendment.

The cost of delivery, we believe, is a factor in determining "significant demand." It doesn't cost, however, any more to hire a bilingual citizen than a unilingual person. We support the concept of all citizens eventually being bilingual or even (heaven forbid) multilingual. While it is not moot, it is a lesser factor than may be urged. We would point those who say their costs are oppressive to an analogy of taxations. If one were not to pay one's taxes for 80 years, it is doubtful that any government would allow that person to not only not pay the 80 years of back taxes but not to pay his or her taxes in the future. Once can scarcely imagine a taxpayer who, being given the opportunity to pay 10 percent of his back taxes and to simply pay his future taxes, would refuse on the grounds, look how high my taxes are now.

While we support the concept of minority rights, we believe this issue has both a philosophic and pragmatic point of view. We are urging this committee to suggest to the Legislature that it pay its 10 percent share of taxes. We remind the committee of the historic reasons for inclusion of French in The Manitoba Act and while Constitutions and arguments may not be the end results (they may be merely tools), one should not change

goals so quickly in midstream. Our society is not static, but no case has been made to show that sufficient change has taken place to change the Constitution of the Province of Manitoba.

In conclusion, we feel that legally the province has obligated itself to the terms of The Manitoba Act, and this view is vindicated by the Supreme Court decision in *Forest*. In logic and in common sense, one is led to the inexorable conclusion that the majority does not necessarily mean the right. We remember that the important discoveries in history have been brought about, for the main part, not by the majority but have been provided by extra-ordinary individuals. If we give in to the tyranny of the majority, we lose that capacity. Morally, The Manitoba Act represents a legacy of unkept promises which should not be allowed to stand. Because of the neglect of past generations, this generation of French-speaking Franco-Manitobans has been asked to accept less than they or their forefathers have and had a right to expect. We reject this request. We support the entrenchment of the rights set out in the accord in the Constitution.

MR. CHAIRMAN: Thank you, Mr. Grey. Are there any questions for Mr. Grey from members of the committee? Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman. Mr. Grey, there seems to be some contradictions in some of the things that you have said. You said at the very last, and it's not on here, that you support the changes, the amendments. Yet, in your second-last paragraph, the last sentence, you say, "Our society is not static, but no case has been made to show that sufficient change has taken place to change the Constitution."

Now that seems to be a completely opposite point of view. Can you tell me which one you really support?

MR. D. GREY: The contradiction is more apparent than real, Mr. Chairman. The fact of the matter is that The Manitoba Act delineates the purview of Manitoba at this time. We support entrenchment in the Constitution absolutely. We do support the accord. The writers of this were indicating at that point that they did not believe that reduction of the services provided would be appropriate.

MR. H. GRAHAM: Well I won't pursue that any further. I think you have told us where you stand on that.

We'll go back to, I believe, it's Page 4 of your brief. In the second paragraph, the last sentence, you state, "However, we feel that the onus must be upon the government to show that no demand exists in any particular area since it, by far, has greater monetary and human resources to determine same." If we put forward or move forward and entrench in the Constitution the proposals that are put forward in this motion, then we would be taking away from the government the right to determine what services should be in place and should not and that decision would then be left to the courts.

Could you elaborate on that, please?

MR. D. GREY: With respect to that, the honourable member is correct that indeed entrenchment will take

away from governments the type of service that will be provided. The word, "area" therein does not refer to the type of service. It refers to geographic locations.

MR. H. GRAHAM: Mr. Chairman, the proposal that is put before us by the government, and it's a proposal to change Section 23 of The Manitoba Act and leaves a field - and I notice you have addressed it later on and before - with the area that, wherever significant demand is prevalent. But the resolution before us very specifically lays out a proposal and a format for that to be resolved. It says, where anyone feels that he has been aggrieved, he can apply to the courts, and the courts can then make a declaration and so on and so forth.

That seems to be at variance with the brief that you have put forward to us. Are you suggesting then in your brief that proposal be changed and, the area for significant demand is requested by any individual in society, that decision be left with the government rather than with the courts?

MR. D. GREY: Mr. Chairman, I'm afraid I am going to have to ask for clarification of the question.

MR. CHAIRMAN: I didn't follow the question either. Mr. Graham, could you try again please?

MR. H. GRAHAM: Mr. Grey, you say that the onus should be upon the government to decide, to determine where this significant demand is. Yet, the proposal before us very specifically leaves that decision with the courts and not with the government.

MR. D. GREY: I understand the question now, Mr. Chairman. The concern that you have, I believe, is addressed properly by the active verb in the phrase, "to show," and it is my intention that the government would be, of course - if the matter were taken to court, it would seem apparent that it would be the Government of the Day that would be acting in opposition to the application.

MR. H. GRAHAM: Mr. Chairman, just to clarify a point, it's not my concern. It appears to be the concern of your group that is presenting this brief. I just wanted a further clarification of what your concerns are, and what direction you would like this to go, whether it should be the government or whether it should be the courts that make the determination.

MR. D. GREY: Mr. Chairman, the paragraph in total and particularly the last phrase refer to an evidentiary onus.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: First, Mr. Grey, I would like to say that I was indeed very impressed with your brief. I think it is the fruit of a great deal of research and effort.

My question relates to the last sentence of the second last paragraph where you say, "Our society is not static, but no case has been made to show that sufficient change has taken place to change the Constitution." I believe I understand what you're wanting to say, but

I just want to make sure that is the case. Are you saying by that, that we should not be changing or introducing this amendment, or that we should not be repealing the existing clause of the Constitution?

MR. D. GREY: I am saying that entrenchment, as I concluded in my paragraphs, of the accord is what we are in support of, both on economic and all the other grounds. We do not support, and this is what the paragraph particularly refers to, absolute repeal of Section 23.

MR. G. LECUYER: Thank you very much. That's what I had understood.

MR. CHAIRMAN: Further questions? Seeing none, Mr. Grey, thank you to you and your centre for being here and being represented today.

Lois Dumont. Lois Dumont, please. Alfred Dressler, the Grandview Town Council. Mr. Dressler. Hélène Montsion. Alvier Brunel. Irene Lecomte. Louis Saquet. Please proceed.

MR. L. SAQUET: Monsieur le Président, membres du comité.

Les aînés de Laurier d'origine française qui ont toujours parlé leur langue maternelle et travaillé à la promotion du français, supportons la résolution qui a été négociée au mois de mai dernier pour amender l'Article 23 de l'Acte du Manitoba; article qui rétablit le français et l'anglais comme langues officielles et définit la responsabilité du gouvernement à offrir des services en français aux francophones du Manitoba.

Nous les aînés, désirons être assurés d'obtenir des services en français dans le domaine de la santé, des hôpitaux, les foyers pour personnes âgées, les bureaux de la municipalité, de l'impôt, les bibliothèques publiques, les services téléphoniques, hydro, police, chemin de fer, etc . . . Le besoin de ces services que je mentionne ne va pas cesser de croître vu le nombre toujours croissant d'écoles d'immersion et d'élèves qui apprennent le français. Donnons donc à la jeune génération les moyens de pratiquer la langue qu'ils apprennent sur les bancs d'école.

Est-ce qu'en 1890, la population du Manitoba a-t-elle été consultée pour les changements opérés à ce temps-là? Pourquoi donc aujourd'hui en 1983 faut-il en référer au public?

L'Article 23 ne doit pas être une question de politique, mais une question de justice. Nous demandons donc au gouvernement avant de poser des gestes irresponsables de bien réfléchir sur la portée de leurs décisions.

Monsieur le Président, membres du comité, comme porte-parole du club d'âge d'or de Laurier, je vous remercie de m'avoir donné l'occasion de faire connaître notre point de vue sur la résolution. Merci.

MR. CHAIRMAN: Merci Monsieur Saquet. Any questions from members of the Committee? Hearing none, . . . Mr. Lecuyer.

MR. G. LECUYER: Merci le Président. Monsieur Saquet, dans votre avant dernier paragraphe, quand vous lancez un avertissement au gouvernement de bien

réfléchir avant de poser des gestes irresponsables, est-ce que par là, vous voulez dire, en vue de ne pas apporter de nouveaux amendements, ou si vous voulez tout simplement lancer cet avertissement pour assurer que l'amendement proposé soit passé.

MR. L. SAQUET: Si nous revenons à l'article première, premier paragraphe que nous supportons la résolution qui avait négociée au mois de mai dernier.

MR. G. LECUYER: Je comprends. Merci Monsieur le Président.

MR. CHAIRMAN: Any further questions by members of the committee. Seeing none . . .

MR. L. SAQUET: Est-ce que vous me permettez, Monsieur le Président, que je cite une petite anecdote qui m'est arrivée à propos d'hôpital, sujet à la langue encore?

MR. CHAIRMAN: Please proceed.

MR. L. SAQUET: Il y a quelques années, je me trouvais à l'hôpital St-Boniface, c'est-à-dire dans l'hôpital comme patient, ayant subi une intervention chirurgicale. Un jour, un interne, médecin, est venu me demander de servir d'interprète parce qu'il devait donner des, faire subir des tests à une dame qui était malade. Alors, si il faut en référer aux patients pour pouvoir communiquer avec, entre les médecins et patients, il y a quelque chose qui ne fonctionne pas. Un autre incident à propos de langue, encore, c'est qu'il y a quelques semaines, mon épouse, un dimanche soir, voulant aller à Winnipeg, prendre le train Canadien National. C'était les dix, onze heures du soir. Elle téléphone à Winnipeg. A Winnipeg, l'employé ne pouvait pas communiquer en français, donc il l'a référé à un employé à Montréal. Naturellement, un employé de Montréal ne pouvait pas savoir à quelle heure un train passerait sur notre petite ligne. Ni quel jour . . . C'est voici les lacunes qu'il y a actuellement dans les services de langues françaises. Maintenant, je veux bien croire que les services du Canadien National n'ont aucun rapport avec ce que nous discutons aujourd'hui, mais vous me permettez, Monsieur le Président et membres du comité . . . ceci est une remarque que je fais à titre personnelle. J'ai donné les sept meilleures années de ma vie et une partie de ma santé dans le dernier conflit mondial pour sauvegarder la soi-disant liberté et justice. Donc, par conséquent, il est inconcevable qu'il y est des politiciens qui s'opposent à ce que justice soit rendue au peuple canadien-français de la province du Manitoba. Merci.

MR. CHAIRMAN: Thank you Mr. Saquet for your presentation here this afternoon. Next on our list is Rose-Anne Verley. Please proceed.

MS. R. VERLEY: Monsieur le Président, membres du comité.

Les habitants du Manitoba sont consternés depuis que le gouvernement manitobain parle d'amender l'article 23 de l'Acte du Manitoba et d'ainsi restituer les droits des Franco-Manitobains.

Cette consternation me dépasse. Je ne peux comprendre, je ne comprends pas que l'on puisse s'opposer avec tant d'acharnement à une loi qui se veut de réparer, je dis bien réparer, un tort terrible commis il y a 90 ans. A bien y penser d'ailleurs, quelle loi pourrait redonner ce que les Franco-Manitobains ont perdu pendant 90 ans? Il me semble que la réponse est évidente à tout homme de bonne volonté.

Monsieur le Président, le présent gouvernement néo-démocrate tente de donner un second départ à la vie française dans la province, et il a raison. Car, aucun gouvernement, aucun parti politique, aucun individu, d'un pays civilisé, n'a le droit d'empêcher que justice soit faite aux francophones de la province du Manitoba. Les Franco-Manitobains ont été tenaces pendant tout ce temps. Nous ne devons pas les laisser tomber.

Je le répète, j'appuie la résolution qui a été négociée au mois de mai pour amender l'article 23 de l'Acte du Manitoba. J'espère, Monsieur le Président, membres du comité, que vous n'hésitez pas à vous prononcer en faveur de cette résolution. Je vous en fais confiance.

MR. CHAIRMAN: Thank you Mrs. Verley. Any questions by members of the Committee? Mr. Scott?

MR. D. SCOTT: Dire simplement merci pour ton présentation et je crois que c'est à cause de la personnes comme toi qu'on a encore ici au Manitoba la langue française. Merci Madame.

MR. CHAIRMAN: Any questions from members of the Committee. Seeing none, Madam Verley, thank you very much for your presentation today.

Next on the list, Mr. Roy Laycock. Mr. Laycock, please.

MR. R. LAYCOCK: Mr. Chairman, members of the committee, fellow citizens. It is with regret that I find myself compelled to speak out in regard to an issue which is serving no other real purpose but to divide a province, as well as many small communities. We, as Manitobans, over the past 100 years, have come a long way and it has been mainly due to the working together of people of all ethnic groups, working towards a common goal, making this a better province in which to live.

The issue which we are discussing here today has been brought to the fore by one man challenging the validity of legislation passed in 1890. The Supreme Court ruling on this case is at issue here. Just because the courts decided that the legislation passed in 1890 was illegal does not necessarily mean that this legislation was wrong or without merit. We have to use common sense in situations.

I have no arguments with the amendments as such, except the one extending services in government. It is the court ruling and us, as Manitobans, being forced to comply with this ruling which is as outdated as the horse and buggy. This legislation may have made some sense in 1879 but it is not feasible today.

If it is the intent of the government to make this province a truly bilingual province then I would suggest that they start where it would be more fruitful in yielding results, mainly the education system, taking the funds that they are no doubt going to spend on implementing this archaic law and using it where it is sadly needed in the education system of our province.

French Immersion is one good example of this. Let our legislators get together and do something which will make sense today, not fight over what was done over 100 years. If you wonder why a person would not welcome this legislation being resurrected to its original intent, I have one reason in particular. There undoubtedly will be a few jobs in the province which will be designated as bilingual as to limit the people who would be eligible for the position.

I have a son, now in university. He does not have a second language. He will not be eligible for some of these jobs. I then contend that mine as well as his rights as Manitobans have been violated, because the government has not made adequate monies available to the school boards to offer people courses to make our children truly bilingual. Then, and only then, would this legislation make any sense. To carry this a step further, if we could achieve the bilingual goal, there would, in fact, be no need for the legislation and then we could print our laws and Minutes and tax notices in either language and have them understood.

Common sense, gentlemen, common sense. Let's all try to use a little of this.

I could name a number of wrongs that were committed in the last 100 years. Let's not waste time and tax dollars doing things that don't really accomplish much, except to satisfy a few egos. Let's come up with some good alternatives that would fit the times we live in.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Laycock. Any questions please, Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. Mr. Laycock, you refer to an archaic law and wasting funds on an archaic law. I don't know if you realize, Mr. Laycock, I presume in stating this - and you correct me if I'm wrong - you are stating perhaps that in implementing the law of 1870 today as it was passed then, even though this was not abided to for almost 100 years, that we would be spending a lot of funds, for instance, in the translation of laws and statutes, even some that have no bearing today. I hope you realize, or do you realize that if the Accord that has been referred to is passed, that by far the large majority of these will not be required to be translated.

MR. R. LAYCOCK: That's with the amendments.

MR. G. LECUYER: That's right.

MR. R. LAYCOCK: The amendments that are proposed.

I said I have no quarrel with the amendments. The thing that I'm getting at is the original law. Now, it can stay on the books as far as I'm concerned. It can stay, it can be passed, or put on, it's the implementation of such that I'm concerned with. We're going to spend money implementing these laws. Like you say, if you don't get these amendments through, we have to go through the whole shmeer, all of us. It's going to cost us a bundle. Why not spend that money where it'll do more good. Make our children truly bilingual. Is that not the point? Is that not the concern of all these people?

Let's forget about the wrangling political end of it, let's get down to brass tacks. We have a Federal Government pumping money in to promote this very thing in the province. Let the Federal Government, if they want to kick some funds in, kick them in where they will do the most good - in education. I would like my son to have a second language. In the school division we're in, it's just not possible, the funds aren't available. You can't have a qualified French teacher in a school the size the Rorketon has.

Beside the point, the courses that are taught from junior high, I don't know if you're familiar with them, they are not really that good at making people bilingual. The courses have to be changed. That's getting off the subject.

MR. G. LECUYER: Mr. Laycock, what you're saying then, if I understand you correctly is: yes, you agree with the amendments proposed, but what you would also like to see is monies used perhaps to a greater degree or to a better degree in terms of providing better bilingual education?

MR. R. LAYCOCK: Yes, but the one point with the amendments that I took exception to was putting it into more government offices. That will deprive my children of jobs, I feel. I feel that I am being unjustly treated, I really do.

MR. G. LECUYER: Thank you, Mr. Chairman. Well, I can understand your point of view there, but what you're saying is that in designating certain government service positions as bilingual, you have a certain objection there because you see that would not allow you the same opportunity, or would not allow your son who is already out of the school system the same opportunity. But would you not agree by the same token that if you support providing better bilingual education that it will give that much greater opportunity for those who are to come and who will receive that better bilingual education?

Also, would you not agree that by the time the provision for services come into effect in 1987, according to the school projections that I have seen, at that time the projections are for 30,000 students coming out of the Francais and Immersion programs, 20,000 students coming out of the Core French Pilot Program and 60,000 students in the Conversational French Program, do you not think that there will then be the kind of population that you are talking about to fill in these positions to provide the services which you agree with?

MR. R. LAYCOCK: Just an extension of the disparity between urban and rural centres; that is all you are promoting with that. Your rural areas are the places that don't have the opportunity to get the bilingual courses offered. Now, if I lived in the City of Winnipeg I could probably find bilingual services offered in schools.

Another thing is, if things were equal, I wouldn't have to pay to keep my son in Winnipeg at the university, but they are not. Equality doesn't exist in the Province of Manitoba.

MR. G. LECUYER: I think what you're saying then, Mr. Laycock, is you want greater opportunity and what I've

heard, many people ask, greater opportunity of equality. What you are saying is, or perhaps would you not agree, that in providing greater availability of services that this also greater availability or accessibility into the rural area might be one of the effects that will come out of it.

MR. R. LAYCOCK: By government services being extended, do you think that it would . . .

MR. G. LECUYER: What I'm asking is: will this not perhaps have an effect on providing greater accessibility in bilingual education throughout the province?

MR. R. LAYCOCK: Not in my mind, no. I think that after the smoke has cleared, it'll be swept under the rug and forgotten all about. The real problem, not being a totally bilingual province, will still be there. The only way we're going to get a bilingual province is by educating the children bilingually.

If you want a bilingual province and you're really serious about it and not trying to make political points, that's the route you will all go. Don't you as legislators have the power to change laws or to take monies and have them channelled into certain areas? That's what you're there for. I'm sure you'll find that the majority of the people in the Province of Manitoba will probably agree that we don't need all these laws and everything else. All we need is bilingualism, as such.

MR. G. LECUYER: I want to assure you, Mr. Laycock, that I have no disagreement with you on that score. All I can say, and all I feel that has happened is that in the last 10, 13 years, there has been a great deal of progress in terms of accessibility and availability of bilingual education. I guess all I can conclude with is sharing the same hope that you have expressed that this will continue so that it can become available and accessible everywhere in the province.

MR. R. LAYCOCK: You see, you don't have one problem that I have. All I've heard is how we treat minority groups, and we don't treat them very well. I consider myself a minority. When I go into offices, be it the Unemployment Insurance office looking for job or if I go into the post office and I flip through leaflets, half of the jobs I'm looking at say, bilingual. That's one of the criteria for the job, you have to be bilingual, which I am not. So that's a strike against me right there. It is against a lot of young children from mainly rural communities that don't have this opportunity. If a person really and truly has the opportunity to get a good French language and then blows it, then they have no quarrel, but people can't get it and don't. So I think we're the ones who are really being hard done by when it comes right down to it.

Thank you.

MR. A. BROWN: Mr. Laycock, we do not have a copy of your brief before us but, if I remember correctly in one of your opening statements, you made the statement that we are here today because of the activities of one man who challenged the validity of a law passed in 1890, that was the law to make Manitoba unilingual, is that correct?

MR. R. LAYCOCK: That's right.

MR. A. BROWN: Were you referring to George Forest?

MR. R. LAYCOCK: Yes, I was.

MR. A. BROWN: Were you aware that in the brief that George Forest presented to this committee that he is opposed to the amendment that is now being presented because he says by going entrenchment we are going too far and that this was never intended? Were you aware of this?

MR. R. LAYCOCK: Yes, and I agree with him to that extent.

MR. A. BROWN: If I read your presentation correctly, or I have listened to your presentation correctly, then you really are in favour of the amendment, but you are opposed in the way in which it is being implemented, is that correct?

MR. R. LAYCOCK: Yes, I'm opposed to the way it's being implemented and just the idea behind it because I really think that it's serving no real purpose. As I say, all this is doing is helping to divide the province and I don't think we need any more of that. I think we have to start working together and if bilingualism is going to work and if we want to be bilingual, if we truly do, most people say yes, but then they don't. If we truly want to be bilingual, the only way to do it through the education system. You and I will never be bilingual, probably.

MR. G. LECUYER: Mr. Chairman, I just want to correct for the record that Mr. Brown's understanding of what Mr. Forest has said is certainly not my understanding of what he has said. I don't know if that is in order, Mr. Chairman, to do so, but when Mr. Brown says that Mr. Forest's point of view is that he is not in favour of the entrenchment of these amendments because this is going too far, this is definitely not what I have heard him say. He would prefer the court to settle the matter and stop with the first clause which says: French and English are the official languages of Manitoba. He says that covers all, but that is far from saying the same thing as Mr. Brown has just stated.

MR. CHAIRMAN: Thank you, Mr. Lecuyer.

I would caution members that when we bring in additional material, rather than just seek clarification, then these differences occur. I would say, Mr. Lecuyer, you probably were out of order but, at the same time, the matter having been raised, we do run into the difficulty then of dealing with additional material that was not part of the brief.

Further questions for Mr. Laycock, Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman, and through you to Mr. Laycock, really it's not a question, I just want to thank Mr. Laycock for presenting what I think is probably a very forthright and different view than has been expressed by most of the people we have heard so far. It's through expressions of opinions such as yours that we get a broader perspective of the

whole Manitoba mosaic and I want to thank you for putting forward your views here today.

MR. CHAIRMAN: Mr. Laycock, thank you very much. I think Mr. Graham has expressed the sentiments of the committee.

Next on our list Claudette Gingras, Claudette Gingras.

David Dunning, Mr. Dunning, please. Are you Mr. Dunning?

MR. D. DUNNING: That's right.

MR. CHAIRMAN: Okay, would you like your copies returned that you supplied to the Clerk then?

MR. D. DUNNING: Okay, fine.

MR. CHAIRMAN: That completes, ladies and gentlemen, the first run-through on the list. I'll now ask if any of those who were absent earlier are present this afternoon. Is there a representative here from Manitoba 23?

Mayor Maillard, Village of Ste. Rose.

MR. R. MAILLARD: Mr. Chairman, honourable guests, ladies and gentlemen. On behalf of the residents of Ste. Rose, I wish to extend a hearty welcome to our visitors. De la part des citoyens de Ste-Rose, je souhaite la plus cordiale bienvenue à tous nos visiteurs.

After consulting numerous people from our village, council wishes to express the following feelings felt within our community.

There is no question in our minds that the French language rights should justly be recognized, and that right has been denied since 1890.

However, by amending The Manitoba Act and attempting to designate certain departments or various agencies or even providing language services where there is significant demand does not clearly define the rights of French-speaking people. Either the province is bilingual or not, where both languages enjoy the same status.

It was interesting to learn through the media that Ste. Rose was chosen as a designated community and, with this designation, \$400,000 in federal funds would be made available to participating communities in order to extend French services. It is hoped that these communities taking advantage of this program will not translate by-laws, which in many cases should be brought up-to-date or Minutes or correspondence, etc., just for the sake of obtaining a grant. Communities participating should be willing to contribute also towards these costs. This would, in effect, place an onus on the municipality to make it more directly responsible to its ratepayers as to how far they wish it to participate.

Ste. Rose at one time had bilingual signs. However, by-laws and Minutes were always transcribed in English. Our secretary-treasurers were always bilingual, and quite able to assist in translation. In speaking with former mayors, presentations to council by individuals have never requested more French services within our community. If municipalities do participate, will the Provincial Government contribute also towards these costs, because up to now only federal funds are available? It is my understanding that \$690,000 has

been spent to date to translate 25 provincial laws, or an average of \$27,600 per document. What if all 28 participating communities requested the translation of their by-laws? The federal funds would quickly be disbursed. Then there would also be the ongoing costs to these municipalities to continue any program put into effect.

One wonders why all municipalities are not given an opportunity by way of incentives to offer some French services, regardless of French population. This would promote bilingualism throughout the province, instead of attempting to segregate certain areas.

We quite agree with some of the remarks that the government's proposals are creating tensions. This is especially felt in smaller communities where you have various ethnic groups.

Funding for expansion of French in schools would do more for bilingualism, as it would slowly evolve from understanding. Our children through this education process would then be in a position to benefit not only from the government programs, but because by knowing both official languages, Canada as a country will be richer.

The Société Franco-Manitobaine and the Provincial Government should withdraw this agreement, and let the Supreme Court rule on the Bilodeau case. Then the Government of Manitoba, knowing what its legal responsibilities will be from this court decision, could then through the legislative process gradually proceed to extend French language services as required. This would in the interim diffuse the animosity and misunderstanding from a well-intentioned attempt by this government.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Maillard. Questions? Mr. Brown.

MR. A. BROWN: Mr. Chairman, first of all, I would like to say that we very much appreciate being in your community today. We are very impressed by the number of people that are in attendance, that have been in attendance and by the quality of briefs that we have received. We know that there is a genuine concern in the community, and we share that concern. I want to thank you for a very comprehensive brief, and we have no questions on that.

Thank you.

MR. S. ASHTON: In your brief, you indicated that there had never been requests for more French services within your community. Would you say, however, that if there was an extension of such services under the voluntary program which forms part of the amendment, such demand for those services might expand?

I recall, for example, an earlier brief when somebody said that if and when increased services are provided, they will certainly be used. I am just wondering if you feel that the same situation will apply or that there will be more use of the services.

MR. R. MAILLARD: I think, as far as talking from the various people in the community, if they had wanted services, we would never have denied them whether they would have been asked 10, 15 or 20 years ago.

There was never a question of whether grants or X number of dollars would make any difference.

MR. S. ASHTON: The reason I'm asking though is because the impression might be taken from your brief that there isn't a demand for such services, but an earlier individual indicated from this area that he certainly would want to be able to use those services in French.

MR. R. MAILLARD: If presentations had been made to our council, then we would have been made aware of it. I am sure that if they were within reason, whether we would have had grants or not, we would have implemented them.

MR. S. ASHTON: Another question I have is, in your brief you state that you feel the amendment should be withdrawn and the case should go to the Supreme Court, if I understand you correctly. Is that because you oppose the French services portion, or you oppose entrenching or both? Which aspect of the amendments don't you agree with?

MR. R. MAILLARD: I agree with the first part of Section 23, where it states that Manitoba is a bilingual province. In the manner in which it is going to be implemented as far as, let's say, Section 23.7, I agree with some of the statements on it, but I also disagree with some of the statements as far as, let's say, Subsection (2) where it is going to be "significant demand" that's going to determine. I am in agreement with portions of the government's stand, portions of the Franco societe stand. I feel that in some cases, it's not going far enough and in some cases it is going too far by entrenching it.

As to Section 23.7, we are leaving a lot of other matters which could also have been brought in. At the same time, by entrenching it and letting the courts decide what is a significant demand is too ambiguous. I think the people of Manitoba through the legislative process should be able to determine this.

MR. S. ASHTON: Mr. Chairman, I should mention as a point of information that the Premier has indicated and has the Attorney-General, that specific part of it - the significant demand portion - will be defined in amendments which will be coming down later. So if that could be defined to your satisfaction, would you say generally that you would support the other sections, or would you feel perhaps that they don't go far enough, or they go too far?

MR. R. MAILLARD: No, because how can you define a percentage of population: 1 percent, 2 percent, 3 percent? How can you carve this in stone? I don't think it should be left to the courts to decide. I think the people of Manitoba should decide.

If you have, let's say, a community that feels that they would like to have it, regardless if there are only 1 percent or 2 percent, and there is opposition to it, it shouldn't be the court to decide it.

MR. S. ASHTON: So it should be left up to the local areas.

MR. R. MAILLARD: I think it should be, the legislative process and the Government of Manitoba and the people that are elected.

MR. G. LECUYER: In reference to the same point made in your brief, Mr. Maillard, you state, the government "... should withdraw from this agreement and let the Supreme Court rule on the Bilodeau case."

Now the Supreme Court already having ruled in 1979 on the constitutionality of the act passed in 1870, what would follow then is the translation of all past laws since 1870 and all the statutes; whereas this current agreement proposes to translate only some of these. I notice that you make a particular point of the cost of translating laws. Do you then not agree that it is better to negotiate an agreement which is relevant to 1983 rather than negotiate an agreement which was passed, or let the courts decide on the basis of an agreement of 1890, which would force us to translate all past laws, whether they are still in effect or not and all the statutes?

MR. R. MAILLARD: Well, first of all, I'm not going to preclude any judgment that would be handed down by a court decision because I don't know exactly what would happen. I would disagree if the court would ask that we would have to translate a lot of antiquated laws or laws that would not be possibly applicable. However, we can't go both ways, I either have to agree with the Franco Societe's request, which I don't, because I think the entrenchment is not the right way to go. I don't agree, also, with the government's position. So, I can't amend what the Franco Societe is proposing, not on my behalf, but on their own behalf. So, it's either one or the other.

MR. G. LECUYER: Perhaps I did not make myself clear. The point that I was referring to is that in your brief you seemed to be stating quite strongly that you do not favour the over-expenditures in the area of translation of laws and statutes and by-laws; rather you'd prefer to see the money applied into areas where they are going to be of more use to the citizens who speak French. Yet, you say that the matter should go to the Supreme Court, which would have no choice but to pronounce itself, as it did and already has in 1979 and as it has since on the Blaikie case in Quebec. Therefore, the likely result would mean the translation of all these antiquated laws and statutes which would represent many millions of dollars. Therefore, again, I come back, do you not see any sort of contradiction in those two statements?

MR. R. MAILLARD: There is a contradiction from one point. If I could have done the negotiating with the province and ask that only 400 by-laws be changed, fine. Now, from my understanding the past government has started translating some of the laws.

MR. G. LECUYER: This is so. Some of the laws are still in effect and some of the laws which are currently being passed are being translated. But what would inevitably happen would be also the laws passed since 1870 would have to be translated without that kind of an agreement, do you not agree?

MR. R. MAILLARD: Yes, but I think if you go back to 1890 to the decision that we made when we entered Confederation, that we are now placing a cost at that time compared to what I am saying, let's say, of the amount of the 25 provincial laws which have been translated to date. I was referring to the amount of money that it could cost the municipalities if they were asked to translate documents. What I'm saying is there has to be some reasoning behind the amount of monies that are going to be spent as far as the various municipalities that are going to be participating in the program.

MR. G. LECUYER: I am not sure that you have not opened another area and I'm not sure if you're saying that the municipalities will have to be translating by-laws. If that is the case, perhaps you're not aware of the . . .

MR. R. MAILLARD: I know they are not included in the brief, but I was referring back to the \$400,000 worth in grants that were being handed out to the municipalities, and I would hope that the grants haven't been squandered. That's the point I was making in the brief.

MR. CHAIRMAN: Further questions, Mr. Lecuyer? Mr. Bucklaschuk.

HON. J. BUCKLASCHUK: Thank you, Mr. Chairman. Through you to Mayor Maillard, I want to get back to the provision of municipal services in the French language. As you know, on September 6th, the Attorney-General did propose an amendment to our proposal that French Language Services, the provision of such, would not be mandatory on municipalities or school boards. But as you are aware in the initial proposal between the SFM, the Provincial and Federal Governments and Mr. Bilodeau and his lawyer, there was a provision that for approximately 30 municipalities, those that want to could provide services in the two languages. Now, you have indicated that there is potentially some abuse in that. Isn't that really a reflection on municipal officials, rather than on the agreement?

MR. R. MAILLARD: Possibly.

HON. J. BUCKLASCHUK: You have some figures in your brief that it has cost the Provincial Government some \$690,000 to translate 25 provincial laws. Could you provide us with the source of your information?

MR. R. MAILLARD: It was taken out of an article publicized in a magazine. The article was called "Reluctant Bilingualism" by Peter Carlyle-Gordge in Winnipeg. I don't know the name of the magazine, but I could provide provide you with the name of the magazine.

HON. J. BUCKLASCHUK: Now, does that particular article specifically indicate that the \$690,000 was used solely to translate provincial laws or is that part of the services that have been provided in addition to translation?

MR. R. MAILLARD: The article reads: "that since 1979 the province has been developing a voluntary program of translating English-only statutes into French. So far, it has cost \$690,000 and only 25 copies of French statutes have been requested."

HON. J. BUCKLASCHUK: The reason I question that is that it's my understanding and has been indicated on a number of occasions by the Attorney-General that the cost of translating a page is roughly \$100.00. Those figures that you provide us simply don't add up to the information that's been provided us.

Just one final question, you have indicated in your second final paragraph that we should virtually withdraw from the agreement and let the Supreme Court rule on the Bilodeau case. If this should happen, the Supreme Court, which as indicated by Mr. Lecuyer would in all likelihood require that all 4,500 statutes and laws that we have at the present time be translated into French.

MR. R. MAILLARD: You are precluding a court judgment. I can't answer that.

HON. J. BUCKLASCHUK: Well just on that, certainly provincial politicians don't act on their own. They do so with legal counsel and there is, from legal counsel that the province has, a likelihood that that might be the case. If the Supreme Court should make that ruling, would you, as a municipal official, be willing to share in the additional costs that particular decision would bring about on the province?

MR. R. MAILLARD: Again, you're precluding what the outcome - I can't comment on something that hasn't happened. You will have to wait to see what the Supreme Court does and ask me that question. I think we should take the chance in court. You are putting again a cost figure on something that I can't answer.

HON. J. BUCKLASCHUK: It's clear that Mayor Maillard is willing to take a chance. We, as a province, are leery of taking the chance, and we feel that with this agreement that we are probably being much more cost-conscious than taking the chance on the dice, or a gamble.

MR. CHAIRMAN: Further questions from members of the committee?
Mr. Scott.

MR. D. SCOTT: Mayor Maillard, I have just a couple short questions for you, if I could. First you have some problems with significant demand, and you want significant demand spelled out a little more clearly. In your brief, you stated that you did not have a great demand for services here. We have had people here before us today from the general area. I can't say whether they come from the Village of Ste. Rose du Lac, but in wanting more services.

I am wondering how do you as a municipality that at one time, I understand earlier, or it was maybe just the R.M. provided their Minutes and their debates in French. They have moved totally over to English now. How do you as an R.M. determine whether services

are going to be given in both languages? What kind of determinant do you use here, or is it all services given in English now?

MR. R. MAILLARD: No, our Secretary-Treasurer is bilingual at the moment. As far as the Minutes, they are in English. I don't recall since we have been in council having anyone - let alone asking to read the Minutes without them being in either language.

MR. D. SCOTT: You say that there are not people demanding services in Ste. Rose du Lac. Could the reason be that people are not demanding services is because they felt they didn't have any right to demand services, or that maybe they were afraid of being branded if they do come and demand services or ask for services being offered them in their native tongue?

MR. R. MAILLARD: I couldn't answer that. That would have been up to the individuals, whether or not they felt that service was required, but council is there. It's a small community, and I'm sure that any feelings felt within the community would be quickly related back to the people on council.

MR. D. SCOTT: Thank you.

MR. CHAIRMAN: Any further questions from members of the committee?
Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Through you to Mayor Maillard, Mr. Maillard, members in this committee quite often tend to try and ask questions supposedly for clarification if they find that they are in disagreement with somebody's particular stand. Maybe I can fit into that same category too.

I find that you have made a statement regarding the education that is remarkably similar to that, that we heard from Mr. Laycock who appeared just a couple of times ago. I would like to ask a question for clarification. Is Mr. Laycock a member of your council?

MR. R. MAILLARD: No, I thought for a while he had copied my brief.

MR. H. GRAHAM: Thank you very much.

MR. CHAIRMAN: Any further questions from members of the committee?

If not, I would ask for the committee's indulgence to ask a couple of questions from the Chair, or leave the Chair to have someone else take the Chair if I can ask a couple. Do I have committee's permission? (Agreed)

I only had two basic points I wanted to inquire about, Mayor Maillard. The second page of your brief makes reference to 25 provincial laws. Is it clear from the quotation from MacLeans, the article by Peter Carlyle-Gordge to which you referred, that is in reference to only 25 requests for copies of laws, rather than the cost of translating 25 laws which is what your brief says?

MR. R. MAILLARD: I'm sorry. You're right.

MR. CHAIRMAN: Thank you. The second question relates to your concern about entrenchment. You expressed a concern that we should be going by legislation, by gradual extension of services as was done by - I think it's a fair statement - the last three governments in the province; the Schreyer Government, the Lyon Government and now the Pawley Government. You're suggesting that, rather than entrenching these amendments to the Constitution, this should be done by a continuation of the process we have undergone so far. If that's a fair assessment of the thrust of your brief, I have a question that flows from that. Is that a fair assessment though?

MR. R. MAILLARD: What I have in front of me are two articles put out. One says, "In 1870, Manitoba entered Confederation as a bilingual province. Its status in that regard was the same as Canada and Quebec." I have another brochure here that was put out by the government that, "Manitoba is not becoming bilingual." Are we or aren't we?

MR. CHAIRMAN: I'm not sure that it's appropriate for me to answer your questions. The difficulty I have is being sure in terms of your brief whether you are saying that you are opposed to entrenchment. I read you as being opposed to entrenchment, but it doesn't come out that clearly, but in favour of the continued expansion of services from government. Is that what you're saying?

MR. R. MAILLARD: I am in favour of the continued expansion of services from government. I agree with Section 23.7, that any member of the public has a right to communicate, as stated in 23.7. I disagree with it from the point that it precludes as to Section (2) that anybody outside of this area will have to have significant demand to be provided with French services. Either we are bilingual, or we aren't bilingual.

MR. CHAIRMAN: Thank you very much. Any further questions for Mayor Maillard? Thank you, Mayor Maillard for your presentation here to the committee. Reeve Kurt Schmidt, R.M. of Glenella, is Reeve Schmidt here now? Mr. Marvin Prochyshyn, Ukrainian Folk Art Centre. Mr. Prochyshyn. Mr. Adelard Oumet. Geannine Archambault, Ste. Rose Cultural Committee. Gilbert Rioux, Commissaires d'écoles franco-manitobains.

MR. G. RIOUX: Bonjours Messieurs. Ca me fait plaisir d'être à Ste-Rose. Je viens au nom de l'Association des Commissaires de Langue française du Manitoba. L'Association des commissaires d'écoles franco-manitobaines regroupe tous les commissaires d'écoles d'expression française depuis 1918. C'est à l'occasion de la suppression de l'éducation française dans les écoles publiques en 1916 que les commissaires d'écoles d'expression française se sont regroupés sous une association. Il est claire que la raison de ce regroupement était de s'assurer, avec l'appui de l'Association d'éducation des Canadiens français du Manitoba, que l'éducation française soit maintenue dans les écoles qui regroupaient les francophones. Malgré les interdictions légaux, les commissaires d'écoles francophones, depuis 65 ans, ont dû constamment

lutter, épier, surveiller, négocier, consulter et quoi encore afin d'améliorer l'éducation française pour sa clientèle. Combien d'années de travail, d'acharnement et d'énergie ont été dépensées par nos membres afin de faire valoir le bien fondé d'une éducation française. Combien de réunions furent convoquées afin d'élaborer des stratégies pour permettre à nos jeunes francophones d'avoir une éducation française. Alors que nos collègues anglophones n'ont jamais eu à se battre pour ce droit fondamental à l'éducation dans sa langue.

Il n'est plus à point, ici, de vous brosser un tableau historique de l'évolution et la non évolution de l'éducation française dans cette province. Depuis le début de ces audiences, vous avez entendu des personnes plus compétentes, l'histoire des francophones et l'histoire de l'éducation française de cette province.

Combien de fois les commissaires d'écoles franco-manitobains ont dû conseiller les professeurs à agir même d'une façon illégale en donnant ordre de cacher les livres français lorsque l'inspecteur du ministère venait faire sa visite. Combien de fois les commissaires d'écoles franco-manitobains se sont senti sous pression par leurs collègues anglophones à abandonner leur lutte et à fonctionner à l'intérieur des désirs de la majorité. Il s'agit pour vous, messieurs, mesdames, de vous imaginer comment il est difficile d'oeuvrer à l'intérieur d'un conseil scolaire dont la majorité ne comprend pas ou ne veut pas comprendre les aspirations d'un groupe minoritaire qui désire s'affermir et qui croit toujours à ses droits fondamentaux d'être reconnus comme la minorité officielle dans cette province.

Je suis convaincu que vous connaissez les luttes scolaires récentes qu'a connu le Manitoba français face à la mise sur pied d'écoles françaises et cela malgré la loi 113 qui fait du français et de l'anglais les langues d'enseignement au Manitoba. Je pense aux écoles Taché, Noel Ritchot à St-Norbert, Précieux-Sang à Norwood et à la régionale française à Ile-des-Chênes. Ces luttes sont un reflet des problèmes qu'envisagent les parents, les professeurs et même les élèves à obtenir ce qu'ils veulent en matière d'écoles françaises et ça, je le répète, en dépit d'une loi qui fait du français et de l'anglais, les langues d'enseignement dans les écoles publiques du Manitoba.

Pourquoi est-ce que les autorités scolaires et gouvernementales ne semblent pas emboîter le pas devant la poussée des inscriptions scolaires dans les programmes d'immersion? Vous réalisez sans doute que les parents qui inscrivent leurs enfants dans ce programme désirent que ces derniers deviennent bilingues dans les deux langues officielles de ce pays. Il est tout-à-fait logique de croire que ces futurs citoyens voudront utiliser les deux langues officielles. Est-ce qu'on veut limiter l'utilisation d'une de ces langues à l'intérieur des foyers francophones et à l'intérieur des écoles françaises et d'immersion? Pourquoi ne pas envisager pour les futurs générations une province qui jouit de l'enchâssement des deux langues officielles dans la constitution? Pourquoi ne pas étendre les services en français de façon rationnelle tel que négociés au début mai 1983?

MR. CHAIRMAN: Mr. Rioux, could I ask you to follow through your brief at a slightly slower pace. Those of

us who are listening to the translation are noticing that the translator is having a little difficulty keeping up with your rapid pace.

MR. G. RIOUX: Pardon me for my French.

MR. CHAIRMAN: No problem. It's our problem, not your problem.

MR. G. RIOUX: Vous êtes sans doute, en mesure de comprendre maintenant pourquoi notre association a demeuré et demeurera toujours sceptique aux promesses et aux supposés garantis déclarés par les autorités. Notre expérience démontre qu'il est indispensable que les droits des francophones soient enchassés dans la constitution canadienne. Il est essentiel que les lois du pays protègent ces droits contre toutes autorités qui ne partagent pas les mêmes objectifs et les mêmes aspirations.

Qu'il soit donc bien compris et bien inscrit que notre association appuie l'entente négociée en mai 1983 entre la Société franco-manitobaine, le gouvernement fédéral et le gouvernement manitobain. Merci.

MR. CHAIRMAN: Thank you, Mr. Rioux. Any questions by members of the committee?

Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman. Through you to Mr. Rioux, Mr. Rioux, have you been made aware of recent amendments that the province proposed on the 6th of September to that agreement that was negotiated in May?

MR. G. RIOUX: Certainement, Monsieur.

MR. H. GRAHAM: Are you in favour then of exempting municipalities and school boards from the proposal that is presently before us?

MR. G. RIOUX: Je suis en faveur de l'enchâssement des droits à partir du mois de mai. Et au mois de mai, on ne parle pas de divisions scolaires et non de municipalités, alors je respecte les demandes qui ont été faites à ce moment.

MR. H. GRAHAM: Would it be fair then for me to assume that you are not in favour then of the exemption of school boards and municipalities from those provisions?

MR. G. RIOUX: Que nous sommes pas en faveur, vous demandez?

MR. H. GRAHAM: Of exempting school boards and municipalities from those provisions.

MR. G. RIOUX: Votre gouvernement en 1970, je crois, a permis l'enseignement du français dans nos écoles. Maintenant, ces droits sont acquis jusqu'à un certain point pour l'enseignement du français. Quand ça vient le temps de gérer nos divisions scolaires. Cela est très différents. Et par la demande des parents aussi . . . les parents ne sont pas satisfaits.

MR. H. GRAHAM: Mr. Chairman, I just wanted to know, since there have been amendments made to this, if your association has expressed any concern about the amendments that have been put forward that would exclude school boards from having their rights entrenched, as the suggestion of the Attorney-General would have a change made in Section 23.7.

MR. G. RIOUX: Depuis le commencement, qui a eu des ententes, que l'entente a été faite avec la Société franco-manitobaine, le gouvernement fédéral et le gouvernement provincial . . . depuis le commencement, les commissions scolaires étaient exclues et aussi les municipalités étaient exclues. Alors, nous sommes d'accord de l'enchâssement et de l'entente du mois de mai. Nous sommes pas d'accord avec les amendements proposés au mois de juin, mois de septembre. Nous ne sommes pas d'accord avec ces amendements. Alors, c'est tout ce que je peux vous répondre, Monsieur.

MR. H. GRAHAM: Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Graham. Anyone else on the committee have any questions for M. Rioux? Hearing none, I would like again to ask a question to follow up on the question asked by Mr. Graham, if I may have the indulgence of the committee.

M. Rioux, in terms of the question Mr. Graham has asked you, you replied, and I want to clarify this question with you, that you understood that the agreement between the Government of Canada, the Province of Manitoba, M. Bilodeau and the Société Franco-Manitobaine completely excluded school boards and municipalities. Is that correct, the agreement of the 17th of May?

MR. G. RIOUX: C'est une affaire entendue. C'est sous-entendu que ça excluait les commissions scolaires et les municipalités - sous-entendu. C'était pas rédigé dedans le texte.

MR. CHAIRMAN: Would you agree that it was understood by all four parties to the agreement that school boards and municipalities were excluded?

MR. G. RIOUX: C'était un point de concession, de négociation, de concession.

MR. CHAIRMAN: Since that was agreed to, why would you, following up from Mr. Graham's question, take exception and disagree with an amendment which is proposed to put that in the actual text so it is clearer for those who were not sure?

MR. G. RIOUX: Parce que vous avez changé le texte avec vos amendements au commencement du texte.

MR. CHAIRMAN: Madame Savard.

MS. C. SAVARD: Bien, la chose qui était sous-entendue, c'était que c'était un point de négociation - puis comme commissaire d'école, ayant été à plusieurs comité de concertation dans l'année dernière où j'étais présidente des commissaires, c'était tout le temps un

point qui avez été ramené. Puis l'explication qu'on a reçue à tous points, c'était que c'était un point de négociation. Maintenant, moi je vois ça . . .

MR. CHAIRMAN: Madame Savard, could you pull the microphone more closely to you? The interpreter is having difficulty. Could you begin again.

MS. C. SAVARD: Quand les négociations et que la concertation s'est faite avec les organismes franco-manitobains avec la Société franco-manitobaine, il y avait toujours le point . . . et les commissions scolaires . . . Bien dans le texte qui avait été négocié au mois de mai, c'est claire qu'il y avait des concessions et des points de négociation qui ont été faits. C'était une entente. Maintenant les municipalités, les districts scolaires, n'avaient pas été mentionnés soit dans le texte, hors du texte, même sous le sous-entendu, on s'avait fait dire qu'ils étaient pas inclus. Moi je vois la différence maintenant que depuis l'amendement du 6 septembre où il y a deux ou trois choses . . . la première, c'est du numéro 1 qui dit que c'est pas claire qu'on dit seulement que la province sera bilingue et aussi le numéro 7 où ça dit . . . remove the words pursuant to . . . et puis établir les choses . . . c'est des choses qui ont changé. Moi, je vois ça un petit peu différent maintenant. Les choses ont changé où il y a pas seulement que les mots exluant les divisions scolaires et les municipalités. Les mots ont aussi changé dans d'autres textes . . . qui change un petit peu l'idée ou l'idéal qui était l'entente. Et pour nous, une association, de se prononcer qu'on est pas d'accord avec les amendements et puis les éfricher de morceaux en morceaux, c'est vraiment pas juste parce que je pense qui faut regarder une entente au complet, et puis comme membre de la communauté francophone, il faut regarder les amendements comme une chose complète. Moi, de ma part, je trouve vraiment pas juste qu'on commence à dire . . . et bien, êtes vous d'accord avec cette partie-là ou cette autre partie-là. On est pas ici pour négocier une entente. On dit simplement qu'on était d'accord de l'entente du mois de mai et puis, on se tient à ça. Quand ça viendra à renégocier et puis on regardera au langage, on pourra en reparler.

MR. CHAIRMAN: Thank you very much. Further questions? Mr. Lécuyer.

MR. G. LECUYER: Merci, Monsieur le Président. Je ne sais pas si vous avez répondu à la satisfaction du Président. J'allais juste préciser si c'était pas encore claire, parce que je crois avoir compris clairement ce que vous avez dit. A mon sens, vous pourrez vous mettre d'accord avec ce que je dit ou vous demeurez en désaccord. Si j'ai bien compris, vous dites nous, ce avec quoi on était d'accord, c'était avec l'entente telle qu'elle était convenue au mois de mai. Ce n'est pas le fait d'y avoir ajouté uniquement l'exclusion des commissions scolaires et des municipalités qui vous met en désaccord avec l'amendement du 6 septembre mais c'est l'ensemble des sous-amendements apportés à cette date-là qui vous met en désaccord. C'est ça?

MS. C. SAVARD: C'est vraiment pas juste de prendre . . . moi, je trouve que c'est une entente, une audience

publique de même . . . juste prendre un petit mot ici et là, c'est vraiment, pour notre association, c'est vraiment pas juste qu'on fasse des commentaires sur ce point-là.

MR. CHAIRMAN: Further questions from members of the committee? Hearing none, Mr. Rioux, Madame Savard, merci.

Mr. Ray Murray. Mr. Murray? Mr. G. Wachsmann.

MR. G. WACHSMANN: Mr. Chairman, committee members, ladies and gentlemen, I am here today to address this committee meeting as a concerned taxpayer. The issue of French language guarantees has only come about because of some very inadequate responsiveness by a number of levels of government to us, the average Joe citizens.

I would like to begin at the earliest level of teaching. At school, I was taught and today's youth are still being taught that this province and this total country is a democracy, meaning ruled by the people. The question then arises, which people? It has been and is now the accepted tradition that the majority of the people make the decisions. At an election, any election, the victory is accorded to the person or the party receiving the most or the majority of the votes cast. Due to the apathy or to the diversity of candidates, the candidate may not always represent the total majority of all people, but he does in almost every instance represent the largest block of votes.

Once elected, the candidate or party is expected to govern in the best interests of the majority of the population; for example, town council on behalf of all town citizens, the MLAs on behalf of the entire province, and the MPs on behalf of the total country as a whole.

The benefits can be seen when money raised and collected as taxes is put to the benefit of all citizens respectively. In other words, taxes received by the government will be spent where it will do the most good to the greatest number of citizens.

For this freedom to elect, to choose our elected representatives and to have responsive government - and I emphasize freedom - we have gone to war at least twice in this century. My question then comes. What right does this government and its representatives who are sworn to uphold the law have to turn over the majority rule to a minute, miniscule minority?

This abdication of responsibility is what gave Hitler and Mussolini the opportunity to impose their limited, narrow, personal will upon the people of their country. The results, we all know. Today in this province, we are facing possibly a similar threat. A small segment of our population, namely - and I emphasize - a radical element of French ancestry is using threats and blackmail to obtain for themselves advantages not available to any other ethnic minority.

Since 1890, when the act was changed to make Manitoba a unilingual province, the Manitoba mosaic of nations has grown so that today the French heritage is a minority. That's a fact.

Today, those with that heritage in my opinion are not entitled to any greater privileges than those with a heritage from the many other countries that make up this province. Since when then does a government and in particular this government sworn to uphold the

democracy negotiate with blackmailers, in particular, with the Bilodeau case, where the government was faced with either signing an agreement or else we're going to take you to court. I call that blackmail. Why are the French the only nation in all our mosaics of nations so insecure in their heritage that they need guarantees to ensure it? These are questions that I have that nobody to this point in time has answered. Are we not all equal Canadians no matter what origin and what heritage we have?

The second argument, gentlemen, given for this legislation, is that it will create a greater sense of harmony within the French-speaking community, quite plainly hogwash. When bilingualism was introduced at the federal level many years ago, it was to indicate to the Canadians living within the Province of Quebec that we want them more than any other ethnic minority to feel accepted. Has that happened? Quite the opposite. Today we have a total French-speaking province where English is forbidden, literally, where national interests are ignored and where a small number of radicals espousing the violent overthrow of our national government, are worshipped as heroes, rather than prosecuted for treason. This has come about as a direct result of trying to appease a minority at the expense of the majority.

It is already apparent that this legislation has divided the population of this province very deeply where there was no division before. Official bilingualism has, rightly or wrongly, divided this country more than ever before. We don't need that division in this province.

The third reason for being in opposition to this legislation is that there is not real need for it. This province has for 90 years, since 1890, approximately 90 years, served as home to a kaleidoscope of nationalities. If anyone speaking French as his or her Native tongue has not been able to succeed, it is only because they fail to adapt to the standards around them. I am sure, however, that no one has gone hungry or failed to get accommodation or been refused service by our Civil Service only on the grounds that they do not speak fluent English.

Why go to the enormous extravagant expense to provide a service not necessary in most of our province? It is a fact that in many of our communities where there is a predominant French-speaking population, most, if not all, services are available in French. This is directly in order of the needs of the majority within that community and rightly so. It is totally irresponsible to indicate that that service where there is no need or request by a substantial segment of people. What then is our right? I have the right to demand that my government allocate its resources and revenues in a manner that will benefit all of the residents of this province to the greatest degree. I expect that my government will act responsibly in responding to the majority of its citizens. I feel it necessary that this government not abdicate its responsibilities to a court system that has established itself more concerned with the privileges of a few, rather than with the benefits of the many.

Mr. Chairman, members of the committee, to sum up:

The majority of citizens have the right to demand that revenues be wisely spent to the benefit of all. No individual should be permitted to gain from our

democracy more than his fair share or force upon all a system primarily established for his or her benefit. George Forest came to this hearing and got special treatment. At the onset this committee made the decision that where there was sufficient demand there would be simultaneous translation. I see we have it here today. I think there is sufficient demand to warrant it here. But at the time Mr. Forest requested it, he was the only one to do so. Immediately it was granted unto him. I think that's an example of flagrant abuse of whatever special treatment you would call that. I would ask you if an Italian or German or Ukrainian ancestry petitioner would come here, would you extend to him the very same courtesy?

Again, I suggest to you that we are all equal Canadians and proud of that fact. Special treatment to one group does not result in greater acceptance. Instead it creates divisions where no division is needed or wanted and that fact has been proven across the country. It results in discrimination against many to appease a few. We have lived in harmony within within this province for 90 years. No need vital to the existence of a person or persons has been demonstrated to warrant any further expenses of sums of money being spent to bilingualize this province.

In a tight economy which we are in at the present time, I feel it is the government's responsibility to allocate funds where it will be of benefit to the employment and the standard of living rather than to a duplication of needless services. We must all choose. Let us choose wisely to the benefit of all, not just to those of a few.

Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Wachsmann. Any questions? Mr. Ashton.

MR. S. ASHTON: One of the problems I think sometimes with the committee is that we tend to talk a little too much in the way of legalities. I'm not a lawyer and I'm sure most people here aren't, so perhaps let's talk in some basic terms which you mentioned in your brief and which, I think, are important to this particular issue.

You said that you feel this is an issue that should be decided by the majority, if I understand you right, correct? I wonder what you would say then, for example, in Quebec, what you mentioned with the English speaking minority where there is perhaps 17 percent speak English and the rest speak French. Do you think there that there should be services only in French or should there be services in both languages?

MR. G. WACHSMANN: Mr. Chairman, if I may reply. I do not believe that one should be exclusive of the other. I do not believe that one is exclusive of the other in this province at this present time. As indicated in this particular town here where we are right now, Ste. Rose, the Mayor has indicated if there had been a request he would have gladly provided it. I'm sure that in the French-speaking communities along the Red River, south of Winnipeg, where there is a demand for French services, it is being provided. As a matter of fact, we have many aspects of our government that is able to provide French-speaking services. I do not say

exclusively one to another, but I think it should be in ratio to the number of people within it. In other words, if there is a very strong - to answer your question directly, Mr. Ashton - if there is a community within the Province of Quebec that is unilingual or the majority speak English, then I would expect that town council or that city council to respond to the demands of the citizens to provide English services.

MR. S. ASHTON: But are you not aware that in the past that hasn't happened. For example, in Manitoba, even though both languages were official languages in 1870, the Legislature passed a law in 1890 which said that English was the only official language. What do you think should happen in a case like that? Don't you think we should have services in both languages if there is a demand for it.

MR. G. WACHSMANN: Within the requirements, yes, but not to the extent that it has to be designated by law. I think it should be left up to the individual to request it.

MR. S. ASHTON: Well for example, let's turn to Quebec and I'll put the shoe on the other foot. The English minority there have some significant problems with the use of English, getting English services as you're probably aware. You mentioned some of the legislation which restricts the use of English, for example, on signs. Now how are they supposed to get it? They are only 17 percent. How are they supposed to get those kinds of services? Right now, they're trying to go through the courts. Don't you think that is a fair way of doing it; that they have some protection as a minority, because they certainly can't get it through the votes? Seventeen percent won't get them too much in the way of seats in the Legislature.

MR. G. WACHSMANN: Mr. Ashton, perhaps what I disagree with is the initial concept of Bill 101 in French Canada, which prohibits English signs. We have no such legislation in this province. We do not prohibit anyone from speaking French; we do not prohibit anyone from opening up a business, and speaking French. If he wishes to advertise in a local newspaper that he is a baker and speaks only French and makes his sign in French and, as a result, gets entire French trade in that particular area, there is no law prohibiting that.

The question here is not one of allowing it. The question is prohibition, which is, in fact, in Quebec it is prohibited. Here in our province, we have the freedom to do. You as an individual could very well speak French only, and choose to speak French only to your acquaintances, to do so in business, to whatever trade or business you're in. If as a result of doing that, you fail to attract customers because the majority of your people around you are English-speaking, that of course is your problem. You would soon realize that and change your tune. Is that not so?

So similarly in Quebec, if as a result of it being not illegal operate and you were to speak English and you attracted no French-speaking customers, I'm sure those particular businesses would soon change their tune and would change over to French in order to accommodate the citizens that they're serving.

MR. S. ASHTON: The reason I mention that is, don't you think that in Quebec, as in Manitoba, that the minority should be able to use their languages in an official way?

MR. G. WACHSMANN: No.

MR. S. ASHTON: So in other words, you don't think English-speaking people in Quebec should have the right to go to a court and speak in English?

MR. G. WACHSMANN: Not necessarily, no.

MR. S. ASHTON: Okay, so you're basically saying that there should be one language in Quebec and one language in Manitoba.

MR. G. WACHSMANN: The language to the majority, yes.

MR. S. ASHTON: Okay, that's where we disagree, I guess. I know some people argue both ways, so thank you.

MR. CHAIRMAN: Further questions for Mr. Wachsmann from members of the committee?
Mr. Scott.

MR. D. SCOTT: Thank you, Mr. Chairman. Through you to Mr. Wachsmann, I want to deal with the Constitution as it relates to majorities, sir, and with the rule by majority. One has a Constitution which is the basis of national law and the basis under which a government of a country is set up. What happens, in your opinion, when a government can disregard what is in its Constitution as regards to rights for individuals in that society?

MR. G. WACHSMANN: Mr. Chairman, in answer to Mr. Scott's question, I think what has to be raised there is, what are the rights in respect to the benefits of the majority? If the rights flagrantly of the individual are in contradiction to what is good for the majority of the population, then I don't think that the individual has that right. I don't think that I, as an individual right, have the right to impose my particular fondness of one or the other thing at the expense of someone else.

MR. D. SCOTT: I guess the most dramatic example that we've had this century, although there have been several since then, of a government which disregarded its Constitution was that of a person that you mentioned earlier that we went to war to fight, and that was Hitler and his government in Germany with the Weimar Republic where they disregarded the Constitution. They followed what was the majority feeling in the population, at least as expressed. They had referendums that were passed, and to take rights away. You ended up having a government that, in my opinion, followed through with the destruction of all human rights for any kinds of minorities. I'd like to know . . .

MR. CHAIRMAN: Mr. Graham, on a point of order.

MR. H. GRAHAM: Mr. Chairman, I don't believe that we are here to hear Mr. Scott's opinion. We're here to hear Mr. Wachsmann's opinion.

MR. CHAIRMAN: Mr. Scott, would you come to your question, please?

MR. D. SCOTT: Yes, my question is based, once again, on the impact and whether or not Mr. Wachsmann would reconsider the impact of what a government's power is to all minorities, to not just minorities but to anyone's rights when it flagrantly disregards the constitutional responsibility of that government towards, be it a particular group of people or a broader base in society.

MR. G. WACHSMANN: I'm not entirely clear on the question. I'm sorry, Mr. Chairman.

MR. CHAIRMAN: Well maybe if it were shorter the second try, you'd understand it. Mr. Scott, could you rephrase your question in less than 200 words?

MR. D. SCOTT: Okay, I shall try.

MR. G. WACHSMANN: I'm sorry, Mr. Chairman. I couldn't understand.

MR. D. SCOTT: That's quite all right.

MR. CHAIRMAN: It's not your fault.

MR. D. SCOTT: Would you agree then that if a government disregards the Constitution under which that government is created and the laws of the nation, what you end up with is no protection of any rights?

MR. G. WACHSMANN: Yes.

MR. D. SCOTT: What kind of protection for rights of minorities do you see that are presently protected in our Constitution if we continue to disregard the rights of the French-speaking citizens of this country and of this province in particular? What does that write on the wall for other minorities, be they Native, be they any other groups of people that have come into this country?

MR. G. WACHSMANN: Mr. Chairman, I personally believe that what is in the benefit of all is the ultimate criteria that we should be acting on or that the government should be acting on. In other words, the decisions that the government reaches should be to the benefit of the majority of the people and of the most people. That may, in fact, in some instances be in opposition to the rights of a few. That could well be the fact but, if it is beneficial to the majority, then I think it has the right to act on behalf of the majority, rather than on behalf of the minorities.

MR. D. SCOTT: That's sufficient, thank you.

MR. G. LECUYER: Mr. Wachsmann, you state that French services are in most cases not necessary. Where the large proportion of Francophones are located, French services are provided in most instances and always have been. Is that correct?

MR. G. WACHSMANN: That is what I have been given to understand. I can stand to be corrected if that is false.

MR. G. LECUYER: Mr. Wachsmann, do you realize that the reason why the French-speaking Manitobans are generally supporting and came to an agreement that was in favour of French services, because they were not being provided? These services that you think that are not being provided, obviously from what they are saying, are not being provided, have not been provided.

When you say that we have no such prohibiting laws in Manitoba, what would you say about the law of 1916 that was just referred to a few minutes ago? Wasn't that a prohibitive law?

MR. G. WACHSMANN: I am not . . .

MR. G. LECUYER: The law which forbade the teaching of French.

MR. G. WACHSMANN: I believe that law has been changed. I don't agree with any prohibitive law that prohibits someone from working within their particular culture, within their particular language. I disagree with the one in Quebec. I certainly would disagree with the 1916 law.

If there is a demand, if there's a need within a particular area to have French services, I think it ought to be provided. I think that this present government and any governments previous to this have worked towards that goal by making available services at the various government levels to those of French-speaking ancestry. I think the intent is there. I don't think we have to go any further and entrench it as a right, so that it can be challenged and interpreted by the courts.

MR. G. LECUYER: Well I've just heard you say, you don't agree with this law in Quebec. Am I right in understanding, therefore, what you're saying is that the English minority in Quebec has a right to fight to get that prohibitive law removed?

MR. G. WACHSMANN: Yes.

MR. G. LECUYER: Therefore, Mr. Wachsmann, do you then not recognize in the same sentence almost that what you're saying is you agree that the minority should have some rights protected?

MR. G. WACHSMANN: No.

MR. G. LECUYER: By what magical twist do you expect them to ever regain this right if it's absolute rule of the majority, disregarding rights of the minority.

MR. G. WACHSMANN: Mr. Chairman, I think the fact is that I was asked, do I disagree with the law? Yes, I do disagree with Bill 101, totally. However, and I think the English-speaking people in Quebec have the right to fight it. By the same token I still say that there is no such prohibitiveness in this province. Therefore, the rights of the French have not been violated to that extent. In other words, they have the right to speak French, they have the right to put up French-speaking signs. They have the right to French education where numbers warrant and that has been established and laid down in our provincial laws under the Minister of Education. We have those rights. They have not been violated. Therefore, in Manitoba, that is not the issue.

MR. G. LECUYER: They have not been violated, what you mean is they are not being violated now, but let's leave that aside, you still have not, I believe, answered the question I have asked because you say you do not agree with Bill 101. You agree that those whose rights are being infringed by that bill should fight to have it removed but, since you say and you seem to agree on rule of the majority, on what grounds do you ever expect them to have this right corrected? Because, if you say rule of the majority and right of the minority, how do you put the two together, is what I'm asking?

MR. G. WACHSMANN: I think the answer to that is very simple, I don't think that Bill 101 was ever the decision of the majority. I think if that had ever come up as a matter of legislation or an election fought on that particular issue or on that particular bill, I'm not certain that the P.Q. party would have gotten in because they did not have the mandate to do that type of legislation at the time of their election.

MR. G. LECUYER: But you also have said earlier in your speech that a party that is elected is elected by the majority, therefore, represents the majority, therefore, is entitled to pass whichever laws it wants to and represents the majority.

MR. G. WACHSMANN: Mr. Chairman, I challenge that the present government in this particular province - and I did not wish to make this a political campaign speech in any way - but I challenge that if the political party of this government at this present time were to go to the electorate of this province on this particular issue, they would not be re-elected because it is not the wish of the majority. They were not elected for the purpose of instigating those kind of amendments into our Constitution. That's the point that I'm saying. At this point in time and I think it's evident throughout whoever you talk to in the province that this is not the majority feeling of the citizens of this province that this be enacted. Therefore, I don't think they have the right. Similarly in Quebec, I think the same thing. They may have been elected, but if they had gone to the electorate on that particular issue, I doubt whether they would have been.

MR. G. LECUYER: Mr. Chairman, that is a matter of opinion which is not going to get us anywhere because I feel that I'm not getting answers on this particular question. Mr. Wachsmann, I will ask you a question in French.

MR. G. WACHSMANN: I do not speak French.

MR. G. LECUYER: Mr. Wachsmann, à votre avis, de service de traduction simultanique qui est fourni ici aujourd'hui, est qu'il et fournit . . .

MR. G. WACHSMANN: I'm sorry, I did not hear.

MR. G. LECUYER: Je reprend la question. Le service de traduction simultanique qui est prévu et fournit ici aujourd'hui, à votre avis est qu'il est fournit pour moi qui est capable communiqué à les deux langues et entendre à les deux langues si vous voulez bien me

parlé d'en ces deux langues comme est ce qu'il fournit pour M. Forest lorsqu'il a fait sa présentation où est ce qu'il était fournit pour les autres qui était là qui ne pouvait pas communiquer dans les deux langues comme il est fournit ici aujourd'hui pour vous et non pas pour moi?

MR. G. WACHSMANN: I think the answer is very plain. I think in a community where there are a large number of French-speaking citizens such as the community of Ste. Rose and I think that bilingual services and translation services are in order and are excellent. I think they're for the benefit of everyone, not just for my benefit and not just for your benefit, but for the benefit of everyone. I think I get more out of a meeting when I am able to understand what the person is saying. Similarly that those who speak French if it had been translated into French could have been able to get more out of it. I think that is very acceptable and a very good level of applied majority rule. We're in a community where the majority or where many people speak French or are predominantly French. I think that's the kind of service I'm talking about. I don't think we need to entrench it in order to give it.

MR. A. BROWN: Mr. Chairman, my question to Mr. Wachsmann is this: in Manitoba we have approximately 8 percent who are French-speaking Manitobans, 37 percent make up the Anglo-Saxon community. This gives us 45 percent. The other minorities consist of 55 percent of the population of Manitoba.

You mentioned in your brief that this resolution was discriminating against the minorities, yet you did not explain in which way. I wonder, could you elaborate on that?

MR. G. WACHSMANN: I think you've just made my point, 55 percent, by your figures, of the population of this province come from a background different from either English or French. If 55 percent of the population in this province, and speaking only of Manitobans, has had to learn basically English as it has been the standard accepted mode of communication in this province for the last 90 years, in order to obtain work, in order to obtain lodging, in order to obtain food and all services, then I feel that it is only right that the 55 percent or, actually more than that, the 92 percent of the population be given that opportunity.

Now, the other 55 percent that do not come from Anglo-Saxon background and do not come from the French background, they have their culture, they have their heritages. They come from Italian, from Portugal, from perhaps African countries, from southeast Asian countries. They all have their heritage and they are extremely proud of it.

In Winnipeg each year we have Folklorama which emphasizes the heritages of the various nations. Yet, none of them have extended to them any special services in their particular language or in their particular culture. I feel that if 8 percent of the population can demand special services then I think it leaves this government wide open to demands from the other 55 percent to have the same privileges extended to them in their culture and in their language.

MR. A. BROWN: Thank you.

MR. CHAIRMAN: Any further questions from members of the committee? Seeing none, Mr. Wachsmann, thank you very much for being here today.

MR. G. WACHSMANN: Thank you very much.

MR. CHAIRMAN: Gentlemen, the normal hour of adjournment having already passed, I understand there may be a disposition to carry on to perhaps 5:30, and come back a little earlier than the 7:30 hour this evening so that we can complete the business at hand. What is your will and pleasure? Is that agreed? Continue to 5:30? (Agreed)

We'll continue at the present time and then, at 5:30 or thereabouts, determine whether we have to reconvene this evening.

Mr. Willis Ayers. Mr. Ayers, please. Reeve Nestor Slonowski, R.M. of Ethelbert. Reeve Slonowski, please. Dave Dohan, R.M. of Ethelbert. Mr. Dohan, please. Sister Hélène St. Amant. Ovide Pelletier.

M. Molgat, would you please come to the microphone?

MR. L. MOLGAT: I know for sure, Mr. Chairman, these people are - when you look at Sister St. Amant, she teaches in Laurier and she couldn't be here until this evening. Ovide Pelletier and Hervé Molgat are in the store business. They promised to be here tonight after supper. So did Geannine Archambault, I know for sure because they told me.

MR. CHAIRMAN: Thank you, M. Molgat. I'll continue to call the balance of the list other than those then, and then the committee can decide how it wishes to proceed.

Hervé Molgat. Lois Dumont. Alfred Dressler. Hélène Montsion. Alvier Brunel. Irene Lecomte. Claudette Gingras.

The committee has been advised by Mr. Molgat that certain people, at least four, will be here this evening. What is your will and pleasure?

Mr. Scott.

MR. D. SCOTT: Mr. Chairman, I was wondering if Mr. Molgat could give us some indication of what time the people were planning to appear, whether it be 6:30 or 8:30 or 8:00 or 7:00. Then perhaps if people . . .

MR. CHAIRMAN: Mr. Scott, perhaps I could be of some assistance. The committee's scheduled reconvening time for this evening would normally be 7:30. It may be that if the committee wishes to adjourn now, it may wish to reconvene at, let's say, 7:00 this evening.

I think perhaps the question for Mr. Molgat would be whether or not he could reasonably expect those people to be here by 7:00, or if he would be willing to take on an obligation to contact them.

MR. L. MOLGAT: Yes, I would. By the way, you mentioned three names there. I don't know how it works, but these people, like you said, Alvier Brunel and Mrs. Montsion and three of them you mentioned there, they have their written reports handed over but they wouldn't appear.

MR. CHAIRMAN: They won't be making verbal presentations?

MR. L. MOLGAT: No, that's right.

MR. CHAIRMAN: Those three are Alvier Brunel?

MR. L. MOLGAT: That's right.

MR. CHAIRMAN: That will be written only?

MR. L. MOLGAT: Right.

MR. CHAIRMAN: Thank you. H el ene Montsion.

MR. L. MOLGAT: Right, and another one. There are three of them. Irene Lecomte.

MR. CHAIRMAN: Irene Lecomte. Okay, they will be distributed to the committee members and placed in the Appendix of the transcript, so that they will appear in the official record of the committee.

MR. L. MOLGAT: Thank you, and this other lady that you mention, Claudette Gingras, would be here this evening too.

MR. CHAIRMAN: She will be here this evening?

MR. L. MOLGAT: Supposed to be.

MR. CHAIRMAN: Thank you, M. Molgat.

Gentlemen, can I take it then as the consensus of the committee that the committee will adjourn now and reconvene at 7:00 this evening. Is that agreed?

Committee stands adjourned until 7:00 this evening.

(Translation will appear in Appendix at end of all committee hearings.)