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of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

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Chairman
Mr. Phil Eyer
Constituency of River East



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Saturday, 28 January, 1984

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Phil Eyler (River East)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Anstett, Bucklaschuk, Lecuyer and Mackling

Messrs. Eyler, Kovnats, Filmon, Nordman, Harapiak, Scott and Enns

WITNESSES: Messrs. Abe Arnold and David Matas, Manitoba Association for Rights and Liberties

Mr. Maurice Prince, Association des pro-Canadiens

Mr. Dennis Epps, Private Citizen

Mr. Fred Debrecen, Private Citizen

Mr. Travis McCullough, Representing a Citizens Group in Carman

Written Submission: Ms. Blanche Tully, Private Citizen

MATTERS UNDER DISCUSSION:

Bill No. 115 - An Act respecting the operation of Section 23 of The Manitoba Act; Loi concernmant la mise en application de l'article 23 de la Loi de 1870 sur le Manitoba

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MR. CHAIRMAN: Committee come to order. We have a quorum. I'm told by the Clerk that we have someone who has to catch an airplane very quickly. His name is at the top of the list anyway so perhaps we should start now.

Mr. Abe Arnold.

MR. A. ARNOLD: Good morning. I'm not the one who's catching the plane but one of my colleagues is and I'm going to be calling on him to make the main part of our presentation.

I thought I would start with a little story; it will just take about two minutes. On the way down this morning I picked up a hitchhiker, and he was just leaving his home-care assignment in River Heights and going home to St. Boniface and he was English speaking.

I said, "How do you get along in St. Boniface? Is anybody trying to push French down your throat?" He said, "No." He's learning some French, he's not having any problems. In fact, he told me some of his English friends met with some French friends and they got into a singsong and they were both singing the same song, but one group in English and the other group in French,

and it didn't matter what language they were singing it in as long as they both had the same tune; and I think this is what we have to try and achieve here. We have to strive to find a consensus and say the same thing in either language and get the tune right and we're failing to do that.

I was listening pretty closely to yesterday's presentations, particularly in the afternoon, and I would hope that the members of this committee can distinguish between the rational reasonableness of the presentation of Mr. Gary Doer and the rampant rhetoric that we heard from the speakers that preceded him immediately and followed him immediately. We do need to have more reasonableness and the whole approach of our presentation all along, the MARL presentation - the Manitoba Association for Rights and Liberties - has been to try to achieve consensus. This is a parliamentary democracy and the government can't govern without the participation of the opposition and, while a lot of people may be opposed to a certain thing and the opposition can oppose it too, it seems to me it's up to the opposition to help in finding common ground in the solution to a problem and not just to oppose forever. Sometimes you have to come together and we have called for consensus on this thing and we're still calling for a consensus.

With these words, I'd like to call on my colleague, David Matas, to make the formal part of our presentation. I should mention, our new President of MARL, Dr. J.J. Van Der Krabben, is also here this morning. David has to leave at 10:30 and will be available for questions after the presentation. The presentation is not very long, Mr. Chairman.

MR. CHAIRMAN: Mr. Matas.

MR. D. MATAS: Thank you, Mr. Chairman. I'll read through it very quickly. As Mr. Arnold has said, it's not very long.

When MARL made its original presentation regarding proposed amendments to the Constitution dealing with services in the French language, it indicated its agreement with the principles set forth in the amendments. MARL did however, express concern regarding the process that the government had followed in bringing forward its proposals.

We felt, as it turned out correctly, that the process might lead to unnecessary confrontation. At that time, and since, MARL urged that matters in dispute between the government and the opposition should be settled by compromise and co-operation in an attempt to reach a consensus.

Such an approach seemed feasible for two reasons. First, because it was the example set by Parliament in Ottawa in reaching consensus and at times, near unanimity in dealing with matters; that all parties were agreed were in the national interest.

Secondly, it also seemed feasible because the opposition in Manitoba had already declared that it

was in favour of providing French language services. The opposition had in fact instituted some French services when it had formed the government. The Progressive Conservatives proclaimed that they were opposed only to the entrenchment in the Constitution of the right to those services. We were therefore pleased to note that the government accepted the opposition's point on this aspect. The French language services are now to be implemented through legislation rather than through entrenchment in the Constitution, thereby removing a major objection of the opposition to the original proposals.

MARL had originally questioned the lack of clarity in some of the definitions in the original amendments and it suggested that, for example, the clear definition of the head or central office which would provide services in French would help remove some of the controversy from the bill.

In Bill 115, the term now used is "principal administrative office," which more closely defines the situations in which French services would be delivered. Bill 115 also specifically excludes municipalities and school divisions, another area which appeared to cause concern to a number of people.

MARL had objected to the power given in the original proposals and to the courts to approve plans for changing the administrative policies in government agencies. MARL believes that it is inappropriate for the courts to be involved in what is essentially an administrative function.

In Bill 115, we are pleased to note that the power of the courts is limited to declaring rights and levying fines. The power to approve administrative plans has been removed.

MARL had also drawn attention to concerns expressed for other minorities in the maintenance of their cultures and language. We are pleased to note that Section 31.1 which says, "the act shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Manitobans," and Section 31.2, which protects the language rights of languages other than English and French. I noted as well that those provisions are also in the proposed amendment to the original submission or the original change for Section 23.

In some, virtually all of MARL's concerns regarding the original proposals have been met and seemed to us that in meeting these concerns the government has also met most of the concerns expressed by early opponents to the original proposals. The only notable exception is the failure to include in Bill 115, MARL's suggestion of a guarantee against discrimination in employment on the basis of language. We therefore urge the adoption of the bill.

We would like to draw to your attention a number of items which we believe might be ambiguous and therefore lead to misinterpretation and these are by way of drafting suggestions. On pages 2 and 3 in the definition of language service areas, the phrase, "at least 800 residents or at least 8 percent of the residences used," we feel that it should either be the lesser of or the greater of. It's not clear which it is.

In Section 16 and 17.1, the word "available" we're concerned might be interpreted to deny services which should have been available, but were not in that particular language area. Therefore, we just suggest deleting the word "available" where it comes up.

In Section 22.3, we suggest that the ombudsman be required to give reasons when he writes to inform the complainant or other interested party of the decision not to investigate a complaint.

In Section 28, we raised the question without providing an answer about whether there should be remedies beyond a mere declaration.

I conclude the formal part of this statement by saying that we should like to reiterate our support for Bill 115 and for the revised constitutional amendment which is now before the Legislature.

There is just one further comment I wanted to make before I try to answer what questions you may have and that is about the petition that was circulated and the covering letter from the Canadian Intelligence Publication signed by Ron Gostick.

MARL has supported this constitutional amendment and the bill, not only because we're concerned about French minority language rights - and we are - but because we're concerned with minority rights generally and we felt minority rights generally were an issue here, and I think that the letter from Ron Gostick reinforces our point. The Canadian Intelligence Publication's unit and Ron Gostick is notorious for its . . .

MR. CHAIRMAN: Mr. Anstett on a point of order.

HON. A. ANSTETT: Mr. Chairman, although I respect Mr. Matas' desire to make a presentation here on the bill, and while I may be sympathetic to the statement he started to make with regard to another organization that exists outside this province, I am not sure that it's appropriate for this committee to entertain submissions that amount to attacks on other groups which may or may not be making submissions to this committee.

MR. CHAIRMAN: Mr. Matas, perhaps you could confine your comments more specifically to the bill which is the subject matter of the committee.

MR. D. MATAS: Yes, I shall do . . . In that case, I have nothing further to say on the bill itself, other than what I have said.

MR. CHAIRMAN: Are there any questions for Mr. Matas?

Mr. Anstett.

HON. A. ANSTETT: Mr. Matas, on earlier presentations to the government and to the committee, an extensive brief to the government in August and a presentation to the committee in September, you had listed the membership of the committee of your organization which was responsible for the presentation of the brief. Has that membership changed in any way? Are the same people involved? Could you tell us who they are?

MR. D. MATAS: Perhaps Abe Arnold, who's executive director, is in the best place to answer that question.

MR. CHAIRMAN: Mr. Arnold.

MR. A. ARNOLD: Mr. Chairman, this brief was prepared on the instructions of the board, MARL. There are a number of new members elected to the board and

various of them were present at the board meeting where the instructions were given. The brief was discussed with a meeting of the Legislative Review Committee and I think I can only say that the board and the committee includes representatives that come across the board from all elements of our community.

I don't want to commit any one to any particular one point, but let's put it this way, we haven't had any defections or any resignations because of the position we've been taking.

HON. A. ANSTETT: Mr. Chairman, the only reason I asked the question was, on the previous submissions there had been some names tagged on to the end of the people who headed up the committee that had prepared the brief and those names were absent here; but if there's no change, I'll assume the same names and the same people are involved.

MR. A. ARNOLD: Right.

HON. A. ANSTETT: Thank you very much. The next question relates to Section 16 and 17 and the use of the word "available."

Mr. Matas, is it possible that if the word "available" were left out, as you suggest it should be, that the government could be required to provide services on an administrative basis, regardless of language, in areas where, for administrative reasons, it chooses not to provide those services now? For example, if it's chosen to provide, in my department, assessment from Steinbach, for the southeast region rather than St. Pierre, would it be possible for someone in St. Pierre, if the word "available" was not there, to demand that the assessment service for that region be provided out of St. Pierre?

MR. D. MATAS: First of all, I point out in Section 17, which says that basically every person has the right to receive available services where they are available and that's seems particularly infelicitous drafting. That's basically a summary of the way I read it. But when we get to Section 16, it just says "available," but our concern there is that all a government has to do is say the services are not available and there's no right there whatsoever and I assume that that is not the intent of the bill; that the intent is to grant some right rather than just say you can have what is available, which is really no right at all.

The concern that you expressed, I understand, would be dealt with by the qualification of "principal administrative office" so that the right relates to the principal administrative office rather than the sub-offices.

HON. A. ANSTETT: I take it then you would not urge the same change in Section 18, particularly in view of my question?

MR. D. MATAS: We didn't mention 18 in the brief.

HON. A. ANSTETT: It has exactly the same language.

MR. D. MATAS: Now, again it's my understanding that the intent of the bill is to provide services in those areas

rather than to give a government an administrative option. To say "available services" really just says whatever the government wants to put in at the time, and I assume that the intent of the bill - and certainly that is what we are advocating - is that there be a right to services rather than a right to use whatever services the government decides to provide or not to provide.

HON. A. ANSTETT: My next question relates to the ombudsman. Mr. Matas, do you consider it necessary, if the ombudsman considers a complaint frivolous or vexatious or without substantiation in any way, to require the ombudsman to communicate that? Wouldn't you think that would automatically be done as it is done now by the ombudsman of the province? It's not stated in The Ombudsman's Act. Why would it be required here? That's what is automatically done.

MR. D. MATAS: The "Refusal to investigate" section has two parts to it. One is that the complaint is frivolous or vexatious, or was made in bad faith, or concerns a trivial matter; and the other is that the circumstances of the case do not require investigation.

If the reason is the first one - frivolous or vexatious - I suppose that's a reason in itself, and I think that the ombudsman can say so. I think, at the very least, he should indicate which category it is - frivolous or vexatious - or the circumstances of the case do not require investigation; but I would go beyond that. I would say when he is of the opinion that the circumstances of the case do not require investigation, I think that he should say why, in those circumstances, they do not require investigation.

HON. A. ANSTETT: So I take it if an amendment were to be made to 22(3) to add after the final word "decision", "and the reasons therefor," that would address your complaint?

MR. D. MATAS: Yes, completely.

HON. A. ANSTETT: That's all the questions I have, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions?
Mr. Enns.

MR. H. ENNS: Thank you, Mr. Chairman. Through you to Mr. Matas, I take very seriously the advice given by MARL, and particularly by Mr. Arnold in his opening statement about the need to arrive at consensus on this kind of question. It was very similar advice that was given to this committee some four months ago by Mr. Arnold, I believe, and at that time Ms. Sybil Shack, if I recall.

Throughout your short brief, you do indicate that your position with respect to the proposals now before us meet with greater approval from your organization when you have lines such as, at the bottom of your first page paragraph, "MARL had objected to the power given in the original proposals to the courts," etc; changes the proposals now before us.

The point that I'm trying to ask, Mr. Chairman, from the representatives of MARL is, the proposition that you spoke to and supported in September and

chastised, particularly the Conservative opposition for their obstruction or their opposition to it, now in your opinion has resulted in a better proposal?

MR. D. MATAS: I should say I wasn't here for the legislative presentation, but I was part of the committee that signed the brief.

Our position then was that we felt there was room for compromise and room for improvement. Now it wasn't our object to chastise the NDP or to chastise the Conservatives. I suppose it's fair to say we found fault with both, that we found fault with the government proposals and we found fault with the Conservative opposition, but that wasn't our purpose and we weren't there to chastise. We were trying to suggest a compromise and within our own organization to assemble people from different parties to work out a microcosm of what might be a compromise. I would say that what exists now is an improvement, but I think just as it would be wrong to blame one party before, it would be wrong to give credit to one party now.

MR. H. ENNS: Thank you, Mr. Chairman. I wasn't really looking for either credits or allocation of blame, but again, not in your written submission but in the introductory remarks of Mr. Arnold to the brief, he referred specifically to the fact that he had heard a reasoned presentation by one Mr. Doer, President of MGEA, and of course Mr. Doer in his presentation to us makes the comment that we believe that the government's decision to deal with the provision of French language services by means of provincial legislation rather than by means of constitutional entrenchment, which was then before us in September, is the correct approach.

I take it, alluding to Mr. Doer's presentation by Mr. Arnold indicated that, yes, there is a recognition on the part of MARL that the path the government now is pursuing is (a) considerably different, and in the opinion of MARL and in the opinion of reasoned people like Mr. Doer, more correct or considerably better. Is that a reasonable interpretation of your comments, Mr. Arnold, in introducing the brief and your organization, Mr. Matas?

MR. D. MATAS: No, I'll let Mr. Arnold follow up on what I have to say, but I could respond to that.

The position of MARL has not been, entrenchment is bad and the bill is good. We noted that the conservative opposition focused on entrenchment. We felt that consensus was valuable, and we thought this was a means of achieving consensus.

If the conservatives had not opposed entrenchment, we certainly would not have ourselves. Our suggestion of legislation simply is a means of cooling temperatures or finding a more conciliatory approach, rather than on a point of principle.

MR. A. ARNOLD: I think I agree substantially with Mr. Matas, but the point was that the way in which it was presented previously had engendered considerable problems, considerable difficulties, and we felt that we wanted to see a consensus approach. There's usually more than one way of solving a problem and it seemed to us the best way of solving it would be by a consensus

approach, and if we could reach consensus through part legislation and part entrenchment, then that was the way to go. It seemed to us that the government has moved towards - or tried to move towards - consensus and we still have to achieve it.

MR. CHAIRMAN: Are there any further questions?
Mr. Enns.

MR. H. ENNS: Just a further question. It's precisely because of some of the actions taken by the government that places the Official Opposition in its position that they're called upon to oppose, but when does opposing become obstructionism and when does it become refusal to seek consensus?

The proposals before us today, January 27, are so vastly different from those that were before us and which you addressed yourselves as an organization to in September. They've been described as a 90 degree, 170 degree turn on the part of the government. The very strong feeling - and I'm seeking for some comment by MARL - in the fact that we have had to do that, perhaps on the part of some of us regrettably, with the kind of vigorous opposition indeed, or described by the media as stalling tactics . . .

HON. A. MACKLING: On a point of order, Mr. Chairman.

MR. CHAIRMAN: Mr. Mackling on a point of order.

HON. A. MACKLING: I don't want to interfere unnecessarily with reasonable dialogue, but what the Honourable Member for Lakeside is really asking MARL to do is to reflect on the position of the opposition and comment. I don't think that's specifically provided for in the brief. There is reference to it, but if the honourable member wants to say, you think we should develop consensus, what further should we do or whatever, but to ask for the spokesman to comment on the past technique or attitude of his group, I think is unfair.

MR. H. ENNS: Just speaking to the point of order for a moment, Mr. Chairman. I think it's particularly appropriate to ask this presentation, the Manitoba Association for Rights and Liberties, to express themselves on it. The Conservative Party of Manitoba does not take lightly the suggestions or the charges that we are being obstructionists for purely political reasons or others on this question that deals with minority rights, that deals with Francophone rights, and deals with these matters; but the admonition to us four months ago by these same spokesmen, Ms. Shack and Mr. Arnold, was pass the proposal that was then before us.

My suggestion is that they are coming back to us four months later and acknowledging that the proposal now before us, from their point of view, is considerably more acceptable, so surely it's not unfair to seek, yes, seek some recognition of the fact that the opposition that was mounted to the original proposals had some validity to them and if they, in effect - these are still not acceptable to me - but that, in their official position, are more acceptable today than they were last September.

Mr. Chairman, I'm satisfied I've put those comments on the record. I invite comment from representatives

of MARL on that position, but I am satisfied, Mr. Chairman, in my own mind that we are forcing this government to their senses slowly, and bit by bit we are coming up with better or more acceptable pieces of legislation.

I'm glad and I am happy to see MARL officially endorsing that in the brief they presented here this morning, that what is before us today, in their opinion, is different and more acceptable than what was before us and that they were encouraging us to pass with consensus last September.

MR. CHAIRMAN: Order please. Mr. Matas, do you wish to respond to that - I believe a question?

MR. A. MATAS: I'm sure, Mr. Chairman, the questioner doesn't really expect me to say anything different, but just in case he does, let me make it clear that we are not, in this brief, endorsing the Conservative Party or any party, that what we're trying to do is to put forward our position. Our position is a combination of one of principle and also one of suggesting that attempts be made to reach a compromise.

When it came to entrenchment, we felt that what was really important was the substance of the matter, the provision of services. We weren't in principle opposed to entrenchment. We didn't feel that entrenchment was the basic issue though. The issue was the provision of services and we feel that the present provision is acceptable in terms of provision of services. It also is hopefully more acceptable because it meets some of the objections that have been raised. But we can't say that because this comes closer to the conservative position, it represents more our position, because in a sense that's using the opposition position to justify itself. If that opposition position had not been there, we would not have suggested the need for compromise that arose.

That's all I have to say to answer that question.

MR. CHAIRMAN: Are there any further questions for Mr. Matas or Mr. Arnold? Seeing none, I would like to thank you for coming here today.

Mr. P. Hildebrand; Mrs. V. Friesen; Mr. Ivan Merritt; Mr. R. Baessler; Mr. Merle Hartlin; Mr. Grant Russell; Mrs. Linda Archer; Mr. Ian MacPherson; Mrs. Una Johnstone; Mr. Maurice Prince.

MR. M. PRINCE: Mr. Chairman, members of the committee, on Monday the 23rd of January, L'Association des pro-Canadiens Manitoba held a meeting and adopted a resolution concerning the proposed constitutional amendments to Article 23 and Bill 115 presently before this committee.

Bill 115 is in essence the sum total of what this government is ready to enact in order to expedite its constitutional amendment to Ottawa. The bill before you for study has no permanency and is dependent on the whims of tomorrow's legislators.

With your kind indulgence, I will read into the record the resolution adopted by our association:

"Whereas a proposed amendment to Article 23 of The Manitoba Act 1870 by the Government of Manitoba, without a legal interpretation of Article 23 by the Supreme Court of Canada, will take away from

Manitobans the constitutional right to the official languages of their choice; and,

"Whereas the official languages of Manitoba and Canada are not the property of a government, a people or an organization; and,

"Whereas the official languages of Manitoba, both English and French, are enshrined in The Manitoba Act of 1870 and The Canada Act 1867, and are to be enjoyed by all citizens; and,

"Whereas the proposed constitutional amendment to Article 23 of The Manitoba Act 1870 cannot be realized without amending Article 133 of The Canada Act 1867; and,

"Whereas an amendment to Article 133 of The Canada Act 1867 affects the official status of both the English and French languages in Canada; and,

"Whereas Article 23 of The Manitoba Act 1870 and Article 133 of The Canada Act 1867 were inherent to the conditions set forth for the entrance of the Northwest Territories in the Canadian Confederation;

"Be it resolved that L'Association des pro-Canadiens du Manitoba take appropriate action to defend and protect the constitutional rights of Manitobans and that the surfaces of a competent constitutional legal advisor be retained to defend the constitutional rights of all Manitobans."

Mr. Chairman, during the month of October '83, I had the occasion to hear a debate on the Manitoba language and services question. The debate took place at the Winnipeg Convention Centre. The participants were Mr. Russell Doern, MLA; Mr. Georges Forest, businessman from St. Boniface; and Mr. Claude Morin, university professor and one-time Minister in the P.Q. government of René Lévesque.

Mr. Morin had, in my estimation, a clear picture of what this government intends in the way of language rights and services. His observations and remarks were to say the least astute.

Mr. Morin had in his hand a coloured pamphlet that was distributed by Canada Post to all Manitoba homes. The title, "The facts about French language services." Holding the pamphlet in his hand Mr. Morin said, "What the Government of Manitoba is proposing is negative. The Government of Manitoba is telling Manitobans what it will not do." You have there a comment that sums up in honest terms the net worth of Bill 115.

Mr. Chairman, we received a letter from the Premier of Manitoba dated December 30, 1983. This letter appears to have been sent by the Premier to all persons who took part in the legislative hearings on the amendments to Article 23. What the Premier has to say is proof positive of what is in store for Manitobans who use the French language as an official language of the province and who anticipate services that should normally flow from an official language of Manitoba.

Let me apprise you of two objectives listed in his letter: (1) A made-in-Manitoba solution rather than a solution imposed by nine judges in Ottawa; (2) A Manitoba Act which reflects the political consensus of the 1980's rather than that of the 1870s.

Mr. Chairman, we can't help but wonder if the nine judges of the Supreme Court of Canada are lacking in wisdom, less intelligent or honest than the Premier and his government, and then the Supreme Court of Canada belongs to Ottawa and has no say in the constitutional rights of Manitobans.

On Page 2 of the letter, the Premier states, and I quote: "The present use of other languages will be protected. At the same time, our government will continue to develop multilingual services for all major ethnic groups in Manitoba."

Mr. Chairman, and members of the committee, it is quite obvious that in the eyes of the Premier - Premier Pawley and his government - some major ethnic groups are more deserving than other ethnic groups. The Premier's views expressed in this letter rejects the political consensus and the Constitution of Manitoba 1870, and clearly embraces the political stupidity of 20 years later with the 1890 law, making English the only official language in the Province of Manitoba with minority language rights and services which divided Manitobans in the past because some are more major or deserving than others, and at a cost - mark my word - that will far exceed official bilingualism in Manitoba.

In his letter, the Premier says that other languages will be protected and the government will continue. Note: "The government will continue to develop multilingual services for all major ethnic groups in Manitoba." Mr. Chairman, it is obvious this government has no intention to legislate to protect language and services to major ethnic groups.

We ask: Why Bill 115? Bill 115, Mr. Chairman, is designed to limit, to control, to prevent the normal evolution of one of Manitoba's two official languages. The Supreme Court of Canada, in its judgment in the Forest case, was accepted by all Manitobans without causing divisiveness. The Bilodeau case, pursued to its logical conclusion, would settle once and for all the whole issue. Is this government afraid of a judgment by the highest authority in the land, the Supreme Court of Canada?

What has happened is simple. The Bilodeau case is a put-up job by the SFM and this government to put in the hands of a few complete control over the normal evolution of one of Canada's and Manitoba's official languages.

Thank you very much, gentlemen.

MR. CHAIRMAN: Order please.

MR. M. PRINCE: If you have any questions, I would be only too pleased to answer if it's in my power to do so.

MR. CHAIRMAN: Have you completed your presentation, Mr. Prince?

MR. M. PRINCE: Yes, I have.

MR. CHAIRMAN: Are there any questions for Mr. Prince?

Mr. Enns.

MR. H. ENNS: Mr. Chairman, through you to Mr. Prince, were you by any chance here yesterday to hear the presentation by Mr. Green?

MR. M. PRINCE: No, I wasn't, Mr. Enns. I was unable to get down here.

MR. H. ENNS: I am hesitant to ask questions because these fellows here will rule you out of order so quickly,

but I want to just explore for a moment with Mr. Prince, it was Mr. Green's contention that . . .

HON. A. MACKLING: Mr. Chairman, point of order.

MR. CHAIRMAN: Order please. I think the Member for Lakeside knows that it's not really appropriate to be referring to other people's statements and asking witnesses to comment on those statements.

Mr. Enns.

MR. H. ENNS: Mr. Chairman, one of the reasons why we take these matters out of their more formal setting of the Chamber is to be able to, in a less formal way, informal way, exchange information with the persons making presentations, as indeed with ourselves as members, as we deal with this bill at committee stage. I find the attitude on the part of honourable members opposite out of keeping with what in fact has been the practice around these committees. However, I will rephrase my question, Mr. Chairman.

MR. CHAIRMAN: Before you do, I might correct a statement you made. The purpose of the committee is not to exchange information. It is to receive information from the public, Mr. Enns.

MR. H. ENNS: Well, Mr. Chairman, I appreciate that that advice comes to you from a good source. However, it would be presumptuous for me to correct that source, but I will anyway, because surely when we are dealing, as we must, clause-by-clause on this bill, a great deal of information back and forth between members has to be exchanged as we attempt to bring in amendments, as amendments are argued, reasons for amendments or positions of the amendments are being put forward, all that kind of exchange of information between members does take place at these committees.

MR. CHAIRMAN: Between members; not between members and the public, Mr. Enns.

MR. H. ENNS: Is it your contention, Mr. Prince, that it is wrong to make an arrangement, whatever kind of an arrangement it is, with an official group representing a language group such as the SFM society to be the party to which all future arrangements or dealings are then funneled through as spokespersons, if you like, for that language group?

MR. M. PRINCE: I don't believe that any one group or organization can fairly represent the wishes of Manitobans or Canadians which adopt the French language as a language of their choice. How can one organization - I will give you an example - an immigrant comes to Manitoba from Indo-China, from Algeria, from Senegal, and that immigrant speaks French, and he chooses to have the French language as his language because it is a constitutional language of this country. Must he be dependent on an organization?

There is such a thing as an official language. It's official or it isn't. If it isn't official, then possibly an organization can look after the well-being of that particular group; but if it's an official language, it's not the business of a society, an organization, or even a

provincial government. It's not their business; it belongs to the people. If they want to use it, they can use it. If they don't want to use it, they don't have to use it. Nobody is forcing them, but it is an official language.

Does that answer your question, sir?

MR. H. ENNS: Yes, I think it does to some extent. A further question, Mr. Chairman.

You, Mr. Prince, obviously believe that the resolution to these kind of challenges to the use of an official language, from time-to-time, are better dealt with at the Supreme Court level.

MR. M. PRINCE: Would you kindly repeat that. I just don't . . .

MR. H. ENNS: I say that challenges to the use of or the lack of availability of services of one kind or another from time-to-time in an official language - and I don't use the words, French language because in other jurisdictions it could be the other way around as it is in Quebec - but that these kind of challenges, in terms of clarity, in terms of abiding by Canada's Constitution, are better dealt with at the Supreme Court level rather than entering into arrangements with organizations outside of the court structure?

MR. M. PRINCE: Yes, I honestly believe that. I honestly believe that the judgment of the Supreme Court is readily acceptable to all and would not be divisive in any way.

As I pointed out, the Forest case was a typical example of Manitobans accepting, without question, the judgment of the Supreme Court; and in the case of the Bilodeau case, I will say to you that whatever the Supreme Court judges on the matter, we will accept completely, entirely, without question, because it is the highest authority in the land and no politics are being played in the Supreme Court of Canada and Canadians accept the Supreme Court of Canada.

MR. H. ENNS: Thank you.

MR. CHAIRMAN: Order please. Mr. Filmon.

MR. G. FILMON: Mr. Chairman, I wonder if I could ask Mr. Prince, I heard a number of different statements contained within his brief and I'm just trying to clarify his meaning in some of those statements.

At one point he referred to a preference for the natural evolution of the rights for the use of French language in Manitoba, and in another point he referred to the Supreme Court decision being preferable. I'm wondering if he can tell me whether or not he would prefer to see the use of the French language within the public service in Manitoba done on a natural evolutionary basis as preferred to any attempt to legislate their use in public service as we have in Bill 115, or is he saying that a Supreme Court decision might interpret the existing Section 23 to confer more rights on French-speaking Manitobans than is contained in the current solution, which is Bill 115, plus the constitutional amendment.

MR. M. PRINCE: Mr. Filmon, since 1890, it's obvious that the French language was held back in Manitoba

- French language and services were held back in Manitoba - and there's catching up to do, there's no doubt about it and I think that the natural evolution that would have taken place from 1890 on with the French language has been stopped; so I'm sure we cannot go back 93 years and say, we'll right this completely in one lock, stock and barrel right now and that's it. I'm sure that even the Supreme Court of Canada, in its wisdom, will be considerably smarter than that and judgment by the Supreme Court of Canada will only ease the burden that this province is experiencing.

I have every faith in the Supreme Court of Canada. The Supreme Court of Canada is not a big stick that is going to beat us over the head. The Supreme Court of Canada is going to take into consideration the effect that this is going to have on our province, and not only on our province, on the rest of Western Canada and Canada as a whole.

That, Mr. Filmon, as far as I'm concerned, I'm sure, is the goal, is what every Manitoban and every Canadian is looking for. We're not looking, we never wanted, we're not asking for this divisiveness that is taking place presently in Manitoba.

MR. G. FILMON: You're saying, Mr. Prince - correct me if I'm wrong - that you feel that a Supreme Court decision would provide us with a wiser, more rational approach to the restoration or the enhancement of rights that was stopped or the evolution that was stopped between 1890 and 1979, than this sort of negotiated, made-in-Manitoba approach which essentially is negotiated between the government and the Societe franco-manitobaine.

MR. M. PRINCE: I honestly believe so. If we look at what has been happening since the Forest case, it didn't take long that this province recognized what happened. We also see New Brunswick immediately pulling in line for the simple reason that Article 133 of The Canada Act was over their head and they knew it; the writing was on the wall. It was quite obvious and it's obvious that whatever is happening is going to be a very normal evolution. The Supreme Court of Canada is not going to turn around and say, hey, you've got 4,000 laws that are going to be thrown out the door, and this I feel strongly. What this government has done, it has said to the people of Manitoba, hey, we're going to find ourselves tomorrow with no laws. Yet this government has forgotten to tell Manitobans that there's only two laws that are before the Supreme Court in the Bilodeau case; it's The Highway Traffic Act and The Summary Convictions Act, and only those two laws can be found ultra vires, only those two laws, not all the others. You would have to contest each and every one of the 4,000 laws. Simply, this is a put-up job to scare the people of Manitoba and I resent this kind of thing from this government.

This is what all that divisiveness is about; this is how it started. You dangled 4,000 laws in front of everybody and said, hey, look how much this is costing. You know that I honestly believe that the money that has been spent to date is more than what it would have cost to translate those 4,000 laws.

MR. G. FILMON: Mr. Prince, you referred earlier to the possibility of challenges.

MR. M. PRINCE: Would you kindly repeat, please?

MR. G. FILMON: You referred in your presentation to the possibility of additional challenges and I'm wondering if you're alluding to - as has been alluded to by others in this debate, I think Mr. Green, I think Mr. Forest has said so publicly that despite the implementation of this bill and the constitutional amendment, it is still open to anyone to say, to challenge, all the way to the Supreme Court, whether or not there could have been other rights under Section 23 that went beyond what is being agreed to here. So despite all the money that's been spent, despite all the legal fees, despite all the negotiations, despite all of the hassle and convulsion that Manitoba's been put through over this, we still don't, in any way, cut off the prospect for somebody to go back to the Supreme Court, like Bilodeau, and say, well, it doesn't matter what you've done in the interim, I still had other rights under 23 that you haven't addressed. Is that your position?

MR. M. PRINCE: We honestly believe that you cannot amend a constitutional act without knowing its full intent. This is sheer stupidity to start amending something when you don't know what you're amending and this is what's being done right now.

Of course, as a Manitoban and a Canadian, I can assure you that we're going to contest this to the Supreme Court of Canada, yes sir. We're not going to stop, we're going to find a way. This is a fight that doesn't stop here I can assure you.

MR. G. FILMON: I wonder if I could ask Mr. Prince if he finds anything in Bill 115 that commends it to Franco-Manitobans as being something better than what they have.

MR. M. PRINCE: Personally, is there a service that's defined in Bill 115? I didn't see one. There's nothing defined in Bill 115. Whatever this government chooses to do according to Bill 115 that's what it will do. If it chooses to do nothing, it won't do anything and it's as simple as that. It's a put-up job, that's all it is. It's got to get this done with and push the constitutional amendment to Ottawa and that's it - hey look, we did something - this is it.

MR. G. FILMON: So just as it's evidenced by the fact that the government still has not yet implemented a policy that was accepted in 1981 that senior civil servants or others in government service voluntarily could have taken French language training through the government - and they still haven't even brought that in today - you're saying that this kind of bill that purports to provide services, that defines nothing is empty without the government's commitment to something and we don't know what the government's commitment is, is that what you're saying?

MR. M. PRINCE: That's correct. As a matter of fact, I can add something to that. Since 1980, I think that there was something like - correct me if I'm wrong - I think there was something like 308 statutes that were passed by the Legislative Assembly. Out of those 308

statutes - if my memory serves me right - I think there's only 73 that have French translations, and of those 73, I don't know how many have actual official translations. I think that in itself shows the good will of this government. You have the picture right there. I don't know what Article 23 really means to this government.

When you present the bill, you're presenting it in both the official languages of the province. This is what this government is afraid of when it goes before the Supreme Court of Canada. It's going to be rapped over its fingers because it sat on its rump since 1980. It hasn't really done anything.

The Supreme Court of Canada is something that belongs to Ottawa. It's got no blasted business in Manitoba. This is what the attitude this government has taken. Now it's going to twist everything to make things right for themselves. This government says Ottawa, we don't want any part of it, we'll run our show our way. Well, as a Canadian, a Manitoban, I can assure you I can't accept that. This is why what is being done here by this government can only be solved by the Supreme Court of Canada and whatever the Supreme Court of Canada's judges say, we will accept and we will abide for and we'll be satisfied with the judgment of the Supreme Court of Canada.

MR. G. FILMON: No further questions, Mr. Chairman.

HON. A. MACKLING: Mr. Prince, I take it by your answers that you are agreeing to the suggestions that are made in the Leader of the Opposition's questions, that this bill that you're commenting on now doesn't go far enough to protect French services in Manitoba?

MR. M. PRINCE: What I'm saying is that bill doesn't say anything, this is what I've said, this bill doesn't say anything. I didn't see anything in that bill that says what it's going to do. Is there a service that's defined in that bill? That bill says what it is not going to do in my mind.

HON. A. MACKLING: So, in effect, Mr. Prince — (Interjection)—

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

MR. G. FILMON: I just want the record to be corrected to not indicate that I was suggesting that this bill doesn't go far enough.

HON. A. MACKLING: Oh, yes you were.

MR. G. FILMON: Oh no, Mr. Chairman, I was not. We'll let people read Hansard and interpret what I was saying without Mr. Mackling putting words in my mouth.

HON. A. MACKLING: Well, Mr. Chairman, on the point of order. Obviously, the Leader of the Opposition is not realizing the questions he's putting, the answers he's getting.

Mr. Chairman, I will ask a further question of Mr. Prince. Mr. Prince, your objection to the bill that is before us is that you say it's too vague and doesn't spell out enough definition of the services to be provided, and that your view is that the Supreme Court

of Canada would provide greater definition to what is required.

MR. M. PRINCE: I honestly believe the Supreme Court of Canada would give greater definition, and if it's to the detriment of Bill 115, I accept it wholeheartedly because it came from the Supreme Court of Canada.

HON. A. MACKLING: I understand. So, Mr. Prince, you say that this bill is too weak; it doesn't specify enough services; the Supreme Court would be a better institution to define for the citizens of Manitoba what the obligations should be in respect to providing services to Francophones in Manitoba. Correct?

MR. M. PRINCE: What I'm saying is, what this government is doing it's doing on its own interpretation of what it feels that Article 23 stands for. What I'm saying is, Article 23 has to have a clear definition by the Supreme Court of Canada. How can you define, or give a service, or do this for that without knowing what you're doing?

HON. A. MACKLING: Well, Mr. Prince, could you endeavour to answer my question because I'm saying that you are objecting to this Legislature endeavouring to put into Bill 115, by statute, a definition of services. You say that's inadequate and you would rather have the Supreme Court spell out for us what those services are to be. Is that right?

MR. M. PRINCE: What I'm saying to Mr. Mackling, through the Chairman, what I'm saying is very simple. You don't need Bill 115 for the government to give services to the people of French expression. This is just something that flows out normally from this government. The government has proved it itself, it has sent us bilingual registrations for automobiles. It's done a few things like that without enacting any laws. Why, all of a sudden that you have to enact laws. You know perfectly well that when you enact the law, you're limiting something. This is what's happening and this is what we object to. To do what the government wants to do it doesn't need any laws and the proof is in the pudding. The Premier of the province in his letter, dated December 30th, clearly states that he's going to give multilingual services and all kinds of things and there's no question of any laws that are going to be enacted. So how come we're singled out with a statute? This is my question.

MR. CHAIRMAN: Are there any further questions for Mr. Prince?
Mr. Enns.

MR. H. ENNS: Mr. Prince, I don't recall, I wasn't a member of the committee at all times last September, hearing from you making a presentation to the committee at that time, and so my questions may be repetitive; but we are more familiar with spokespersons of the SFM appearing before this committee and in many parts of Manitoba at the time the hearings were taking place in different communities. Could you tell us a little bit more? I am not familiar, personally, with the group that you are associated with here. You have

beside your name, Association des pro-Canadiens. Could you tell us a little bit more about that organization?

MR. M. PRINCE: Well, to sum it up, Mr. Enns, our organization is an organization that saw the light of day when our so-called patriotic society decided to support a separate Quebec when it said "yes" to the separation of Quebec. Automatically, there was a number of our people who knew how we individually felt, got together and said, hey, are we going to leave this the way that it stands, or are we going to oppose this?

We decided to immediately do something. In a matter of a couple of weeks, we had a petition of over 5,000 names that went to Claude Ryan; and I, personally, brought the petition to Mr. Ryan, indicating that this was not the voice of Manitobans of French expression. The voice of Manitobans of French expression want a united Canada; we don't want a separate Quebec.

Does that answer your question, sir?

MR. H. ENNS: Yes, thank you.

MR. M. PRINCE: And from there on, well, we have always met possibly informally, if you wish. We've had annual meetings, so on, and elections. It's like this time, well, we decided again to come out and have our say, and here we are.

MR. H. ENNS: Thank you, I appreciate that answer, Mr. Prince. Our reason for asking these kinds of questions, of course, is to . . .

MR. CHAIRMAN: Order please. Mr. Enns.

MR. H. ENNS: Mr. Chairman, on a point of order, any person or organization that makes a presentation before us, it is, again, a long-time practice that we try to establish some credibility of that person, that organization that they represent and whom they represent, and I am trying to - we have difficulty in this committee in dealing with this issue - to fully appreciate and fully understand who is speaking for who. I have a very personal, vested interest in this question. I happen to be the MLA for Lakeside, which includes such communities as Elie, St. Eustache, St. Francois Xavier, St. Laurent. I have a . . .

A MEMBER: His speech is out of order. His speech is out of order, Mr. Chairman.

MR. CHAIRMAN: Order please. Order.

MR. H. ENNS: Mr. Chairman, I am speaking on a point of order, and I want to find . . .

MR. CHAIRMAN: Order please. The Member for Lakeside is speaking on a point of order.

MR. H. ENNS: . . . I want to find out whether Mr. Prince's representation, I want to have some idea of the credibility, some idea of the weight that I should be attaching to his presentation, and that is certainly in order.

MR. CHAIRMAN: Mr. Lecuyer to the same point of order.

HON. A. MACKLING: I want to speak to the point of order.

MR. CHAIRMAN: Mr. Mackling to the same point of order.

HON. A. MACKLING: Mr. Chairman, I will fight, I will talk at great length to protect the rights of members - including the Member for Lakeside - to ask questions, to clarify the position as finely as it can of those who come before the committee and make presentation of their views.

However, I will fight just as hard to ensure that we don't have speeches by members, reference to the person who has made a presentation and ask them to confirm that, because that is abuse of my privilege and it is abuse of those who are waiting to make presentations to this committee. I insist that the honourable member ask questions for clarification of the views that have been presented by the presenter of a brief, and that only.

MR. CHAIRMAN: Mr. Enns to the same point.

MR. H. ENNS: To the same point of order, I would ask you, Sir, to refer to the records of this committee as of last September and, indeed, throughout the hearings that took place last September, when virtually that was a standard question accepted by the then-chairman of the many groups and organizations, the instant groups and organizations that came and appeared before this committee. It was a standard question to want to know, when a group presented a brief that claimed to be speaking for concerned Mennonites, I wanted to know, as a member of that group, just precisely who they were speaking for, and we determined that it was a membership of 14 or 23 people that we were talking about.

When Manitoba 23 came before us, we were concerned and we asked specific questions as to what constituted Manitoba 23; who are they, who do they represent?

I am simply asking Mr. Prince because we have, as I say - this committee has heard a great deal from representatives of the SFM on this question - I personally have not had the opportunity of hearing the kind of presentation that we have heard this morning from Mr. Prince, and I think, Mr. Chairman, it is appropriate for me to ask, particularly in the sense that he is not appearing as a private citizen, although I think to some extent he is, but he has attached to his name an association that he is representing.

Mr. Chairman, I appeal to you that that surely is totally in keeping with the practices of this committee to try to understand a little better from what position and from what base and for whom Mr. Prince is speaking.

HON. A. MACKLING: Mr. Chairman, on the point of order, I have no objection to the honourable member saying - asking questions about the organization - but the honourable member started out - and you can check Hansard - the reason we are asking these questions,

etc., etc., etc., making a statement, making a speech. If the honourable member says Mr. Prince, would you confirm the nature of your organization; would you confirm the number of members; would you confirm that your brief was presented to a group that reviewed it, etc.; all of those questions are in order, and I will fight to ensure that the honourable member has the right to put those questions.

But to make speeches - speeches are out of order here by members.

MR. CHAIRMAN: Mr. Enns to the same point.

MR. H. ENNS: Mr. Chairman, it has been presented to us that the Conservative Party of Manitoba is totally out of touch with what in fact some of the ambitions and wishes of the Francophone community are on this question. We have been painted in that picture and that light by the media and, to some extent, aided and abetted by representatives and spokesmen of the SFM.

Mr. Chairman, when I have an opportunity of asking a responsible citizen of Manitoba to explain to us that that indeed may not be the case - I am certainly not asking him for any endorsement of the Conservative Party of Manitoba - but I want to know when there are people that are obviously concerned about the French language services, French language rights in Manitoba, that there is a different point of view prevailing out there in Manitoba other than the one that we have been officially getting at this committee time and time again.

MR. CHAIRMAN: Order please. Mr. Prince's time is rapidly expiring and it is being worn out by points of order. I would hope that we will not infringe on his time more than is necessary. I will be allowing extra time to make up for this intrusion.

Mr. Enns, do you have a question for Mr. Prince?

MR. H. ENNS: One final question to Mr. Prince.

Mr. Prince, is it your view that some of the views that you have presented to us in your presentation this morning are indeed as representative of many people who are as concerned as you are about the language question as, for instance, the views that have been presented to this committee time and again by representatives of the SFM?

MR. M. PRINCE: If the facts were known, the SFM would not exist, and I will tell you why. At every one of their meetings, and I attended the meeting of January 15th, the meeting of May 24th and the meeting of the 17th where they adopted what was presently being done. To give you an idea how they operate a meeting, the last meeting, the chairman, who was a well-known lawyer, told everybody how the meeting would be run. Here is what he said, and I stand to be corrected. He said, "You will be permitted to ask questions and then you will be given three minutes to speak, and on that three minutes we will warn you when you have only 30 seconds left."

MR. H. ENNS: That's what these people are doing to us all the time.

MR. M. PRINCE: This is exactly what the SFM has been doing. They do not represent Manitobans of

French expression. If Manitobans of French expression knew completely, totally' what the SFM stands for, the SFM and the Federal Government wouldn't stand any chance here in Manitoba with French Canadians in Manitoba. They wouldn't stand any chance.

MR. H. ENNS: Thank you, Mr. Chairman, I think I . . .

MR. CHAIRMAN: Are there any further questions for Mr. Prince? Seeing none I would like to - Mr. Scott can you make it a quick one?

MR. D. SCOTT: Mr. Chairman, I am just wondering when he's talking about the expression and the realization in feeling he has of the Francophone community in this province; I wonder if it's in order to ask how many people were at the meeting where he passed the resolution and the recommendation that they hire a lawyer? How many did you have in comparison to the SFM, which had a very large crowd and a fairly overwhelming acceptance of their position of some 600 people?

MR. CHAIRMAN: Order please. Mr. Prince.

MR. M. PRINCE: The resolution was adopted - you notice I said "adopted" by the executive, but there is a general meeting that will be held Friday coming for the actual hiring of a lawyer - of its membership.

MR. D. SCOTT: Thank you, Mr Prince.

MR. G. FILMON: They were allowed to speak as long as they need to, not just three minutes.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please, order please. Mr. Prince's time has expired. On behalf of the members of the committee, Mr. Prince, I would like to thank you for appearing here today.

MR. M. PRINCE: I would like to thank you for the privilege of being able to express our views.
Thank you very much.

MR. CHAIRMAN: The next person on my list is Mr. Joe Beer. Mr. Joe Beer.
Mr. Dennis Epps.

MR. D. EPPS: Mr. Chairman, anybody listening? Good. Mr. Chairman, ladies and gentlemen, I am Dennis Epps. I want to speak on Bill 115. This bill is a result of Mr. Trudeau and his gang. They say that they want to protect the French culture and language, but on all Trudeau's ravings and Levesque's mumblings, I've never heard anybody define what culture and language are.

If you look back into recorded history, you will find that all over the world people of different cultures and language have mixed and fought wars. The empires were built on countries that were invaded. In time these empires faded. They were either assimilated, assassinated or withdrawn. The Mongol hordes under Genghis Khan invaded China; Japan invaded China; China invaded Korea and Vietnam; the Romans spread

over the known world. In the Mediterranean, the tribes mixed and fought, boundaries changed. England was invaded by Vikings, Celts, Normands and Romans. The original Englishmen were annihilated. They were known as the blue men of England.

Is anybody listening to what I'm saying here?

A MEMBER: Yes.

MR. D. EPPS: That's nice of you. You're well-mannered gentlemen, I can see that. It's nice of you — (Interjection) — I know you too, I've seen you in the bushes.
What is known . . .

MR. CHAIRMAN: Order please.

MR. D. EPPS: You know what I'm talking about.

What is known as France today was a group of warring tribes. They were overrun by Moors and Romans and many others. In every case, the culture and language of both conquered and conquerer grew and was changed. That is what culture is.

Every passing day language and culture change and will continue to do so. No law or act of this Legislature or any other government can stop it. Even this disunity brought on by this act is having an effect on all cultural and languages. The question is why in these hard economic times when we cannot afford hospitals, we can't afford police protection, we can't afford medical research and a million other things that would benefit all people both Francophone and Anglophone, so why do we consider spending millions and billions of dollars over the next hundred years or so, because when this Constitution goes through there is no way you're going to get it out for at least a hundred years? This money is being spent to appease just a very few people, who can speak English - hopefully better than I can - but who want to try and live in the past.

It is a fact that English is the language of the vast majority of Manitobans and Canadians. It is the language of a large percentage of the world population and a second language of many millions more. It is the language of world trade and science, therefore it only makes sense that English be the official language of Manitoba.

We were told by Mr. Anstett who is my representative - God help me.

A MEMBER: You're a lucky man.

MR. D. EPPS: I sure am, I didn't vote for him.

We were told by Mr. Anstett and the Pawley Government that the people of Manitoba will be heard, we're the government that listens. How many times must they be told that the vast majority of Manitobans do not want bilingualism?

Mr. Anstett tells us that this is a made-in-Manitoba solution. Why then is Ottawa pouring millions of our tax dollars into one small society to force bilingualism on us? It will not give one dollar to any other ethnic group or cultural centre.

Further, Mr. Roberts does not speak for the Francophones in Manitoba. His membership is small in comparison to the number of Francophones in this province. I know many people of French descent and

none of them are in favour of Bill 115. If you think it will bring unity, you only have to look at the school in Lorette, Manitoba where the children of each race are not allowed to speak or play with each other.

Now let's get down to Bill 115, Section 21. The Act provides for an advisory council. In part it spells out that there will be two members to represent the small French element and an equal number of just two to represent the vast number of non-French.

Section 27 - offence and penalties. Now you're going to read that. Every policeman in the country would sure like to have that power. When a policeman locks somebody up, he has to tell him to keep his mouth shut and get a lawyer to lie for him. But this thing says that you can't lie, you can't resist - boy, that's really giving somebody some power. If the police had that power, there would be a lot more convictions and a lot more unemployed lawyers.

If this government is sure that all is right, I challenge it to resign and let the people have their say. I have already written to Mr. Anstett and offered to run against him on an election issue. He doesn't answer that of course. He's too superior. I think if my dog ran in that municipality, he'd beat him.

The NDP haven't got the courage, but they have two ways to get out of this if they had the guts and the common sense. No. (1), they could tell Mr. Bilodeau that the government will not yield to his blackmail and will take no further action until he either drops his threat or goes through with it, and No. (2), they can tell Ottawa that the deal that they made with them has been defaulted, because Ottawa promised to keep out of the affair and leave it to Manitoba, but they continue to pour money into the Franco-Manitoban Society. What you're doing, in effect, if this thing goes through, you're creating another Ireland. The French people should actually be here by the millions if they really knew what was going on, because they're going to end up in ghettos, and what happens with ghettos? Some day some non-French person will go into one of those French ghettos to see a girl and he'll get beat up, so the next day he'll come back with a bunch of his buddies . . . Mr. Mackling, am I boring you?

HON. A. MACKLING: No.

MR. D. EPPS: I don't want to take your time.

HON. A. MACKLING: Mr. Chairman, I've been listening to the insults that . . .

MR. D. EPPS: You insulted me - no you didn't insult me. Actually you called me a redneck yesterday, but if I'm a redneck I'm proud of it because any remark from you doesn't mean anything to me anyway, because I know you.

MR. CHAIRMAN: Order please.

MR. D. EPPS: I know you way back. I was a policeman for 30 years.

As I was saying, somebody's going to get beat up. Then he's going in with his gang to clean up the town and then somebody's going to get killed. The next thing you've got a war going just like they've got in Ireland.

That's all it takes to get going - Well I quit, Mr. Mackling's not interested anyway and this side of the House aren't listening. That's my presentation.

MR. CHAIRMAN: Are there any questions for Mr. Epps? Do any of the members of the committee have any questions?

Seeing none, I'd like to thank you, Mr. Epps, for coming here today.

Mr. Fred Debrecen.

MR. F. DEBRECEN: My name is Fred Debrecen. I must say, Mr. Chairman, that I stand here with some trepidation and a feeling of some intimidation. Not wanting to fault the Minister present, a Minister of the Crown, but as some of you might know, I have been a New Democratic, I had been a New Democratic for many years and worked very hard for the party, working in the last Provincial Election for one of the members of this committee, particularly on election day — (Interjection) — Did somebody address me?

MR. CHAIRMAN: Could you raise your microphone a little bit, speak a little closer to it.

MR. F. DEBRECEN: I worked particularly on election day of the last Provincial Election for the Minister here, as a zone captain. I might say we won every poll except for one which was a well-known Conservative stronghold and we only lost that by five votes.

I guess I'm not a New Democrat now, and the last time I appeared here at the language hearings was September 28 and I raked them over the coals to the extent that Roland Penner got up and walked out, as did another member or two other members, and I have since filed a complaint with the Human Rights Commission. I suspect that Dale Gibson is a political appointee, being Chairman of the Human Rights Commission, and my complaint has been swept under the carpet, at least for the time being, because I'm sure he comes under the direct jurisdiction of Roland Penner, the Attorney-General. That dismays me somewhat, but I do stand here, as I say, with intrepidation and some amount of intimidation because it is difficult to lash out at people that I have known rather closely. I did it last time, but in very general terms; there was nobody here with whom I had any terribly close relationship, but anyway I am here to speak on your Bill 115, but I'd like to let the committee - because there are new faces here - know my own stand on the issue of bilingualism.

I didn't take any time this time to prepare anything special. I did last time and it had resulted in seven pages in Hansard, so it wasn't exactly a short presentation and I recall I had to speed through it. Some people weren't even able to understand what I was saying because of the speed with which I read my presentation.

I have the feeling that this has never happened before in Canada, that so few people in the NDP Government here have fooled so many, one million people in Manitoba, and that so few people have had such extreme control over so many people and arrogantly so, not wanting to listen to what the people say in this province, even though they promised us at election

time, and even since, that they were a party that would listen to the people.

It's tough for me to take this, because I have very strong feelings about bilingualism in our place in this Canadian society, the place that my grandfather and his family assumed would be available to me and it isn't here now. This country has been taken over by the French, and I don't care, those of you say that I am talking about some idea of some fantasy land idea. It isn't so; it's recorded, the men who sat in Quebec City and in Montreal planning the takeover of English-speaking Canada, Pelletier, Trudeau and Marchand, and Levesque earlier; and we know what's happened. You can say what you want, but they have used the language issue as a vehicle, a device to do this, and this is not a language issue here in Manitoba; it is not a language issue in Canada; it is a racial issue, a racist issue, and let me point out to you why I feel that is so, because there has been created in Canada a myth of two founding races and it is a myth.

As a matter of fact, yesterday at supper break I was talking to Premier Pawley in the rotunda below and I confronted him with that, a myth, and he pushed his face into mine and said, "Myth?" Yes, I said, myth. Let's suppose that for the purposes of the point I wish to make, that it is a fact of history, that it is a historical fact that there were in fact two founding races.

Can you tell me that the implementation of two official languages, the English language and the French language was a coincidence, that it was not because they were the languages of the two founding races, and if that is so, that they were implemented as official languages because they are the languages of the two founding races, then is not our Constitution a racist document, and I said to him, should not that racist document be taken to the United Nations Committee on Human Rights, and he said, "I wish you would do that. I wish somebody would take it there." That's what Premier Pawley said to me; that was his response. I don't know if he really feels that or if that was just a way of closing that little debate to my argument.

I feel that strongly, and I remember when Pierre Elliott Trudeau proposed his constitutional changes, how he spoke and he made a proposal of a preamble to a new Constitution. It spoke of the French first and it spoke of the English second and then he proposed the Aborigines, the Eskimos and the Indians and then he talked about the ethnics as welcome guests.

I was born in this town; I don't feel like I'm a guest. Do you understand? My grandfather came to this land and pioneered in Saskatchewan with the promise of peace and prosperity in a common language, English, not two languages; nor was he told he would have to give up his own for another language to him which was foreign.

I am a fourth-class citizen in this country by virtue of that Constitution, by virtue of the words that were spoken prior to its implementation.

I remember the day that Constitution was signed. Mr. Chairman, I happened to be out chasing around at garage sales in St. James, north of Portage Avenue, and I had the radio on and I listened to the ceremony that Trudeau had spent millions trying to tell us we should celebrate the repatriation of our Constitution, a Constitution we never had, that sat in London as an English Act of Parliament, not as a Canadian

Constitution anyway. I was listening to this and at the moment of signing I couldn't help it, my eyes were tearing and I had to pull over. I thought, the death of Canada, and I was in that part of town where I thought about a little Japanese lady there - I was near her home - and how her family and friends had been treated during the Second World War by Canada. I thought about the French who refused to go to war, and I thought then, and now more so of all the reports that are coming out about French collaboration with the Nazis against our own people over there during the war. I realize that this creature, this pig from Quebec that we have to call Prime Minister, has subverted this country and taken it over for the French; legally sure and in a democracy. It happened in Germany, Hitler did it in a democracy. You think it can't be done in a democracy; it was done, and it has been done, and is done. You people think it is a language issue.

For 10 years, I have been fighting this French takeover, writing letters across this nation to major centres, to the newspapers in those major centres and having letters printed right across this nation trying to advise people, tell people that this was happening, but people here in Manitoba still believe it's a language issue. It is not, language is only the device used. It will not be long before we will all be French, or have to be, or get the hell out, one or the other. It is a racist issue, it is not a language issue. Anybody that tells you that it is strictly a language issue, even that judge in Ontario who ruled that the complaint on our human rights racial issue was not probably because the issue was language not race. It's wrong. Somebody pointed out yesterday that it was a racial matter and not a language matter when he said where is the Anglo-Manitoban Society, where are they indeed?

Franco-Manitoban means French, French language in Canada means French. It does not talk about anybody who is not of French origin speaking French, it means the French people. So how can one side of this question be French people and the other side be English-speaking people? Do you see what's happened in this country, don't you see what's happening now? Don't you see what's happening in Manitoba? Howard said, well, would you'd rather that we have to spend the money translating 4,000 bills? I said I'd rather spend 10,000, trillion, zillion dollars translating those bills than having bilingualism entrenched. If it cost every dime I've got in my pocket, I'll put out every cent I own to do that if that's what the Supreme Court says we have to do. He says, yes, but you know as well as I do the Supreme Court is Liberal and I did say that in my presentation in September that no government of any political persuasion can be in for as long as the Liberals have without every institution in the land being of that persuasion. It's impossible, Hitler proved it to us. So they've been in too long and it's time for a change too.

But you know the situation that we're in now. The farce, as far as I'm concerned, being here, and I said it the last hearings is that what am I here for, and you people have said you're going to do what you're going to do regardless of what the people of Manitoba say, and here again it's a real farce because I'm here to discuss a bill that is the other end, the ultimate, the completion of a thing that I was complaining about and protesting previously. I have to discuss its points and say, well, we shouldn't do this but we might do that.

That's conceding, isn't it? I won't concede but I will discuss it, but I'm going to discuss from a viewpoint you haven't looked at before I'm sure. I think, as I say, it's a farce, the hearings are anyway.

Yesterday, Gary Doer made a presentation and today the MARL representative made reference to his presentation saying it was a rational one. I suppose to those who are listening to it, it was rational. Gary sat next to me back here, and I asked him, I said did you go to your general membership to ask for their approval to discuss this bill and to make recommendations to its change or to even suggest that it may be acceptable? And he says, no, our membership we know feels the same way the rest of Manitoba does, they don't want any part of it, but I'm trying to do the best with what we've got. So don't be fooled into thinking that the civil servants agree with you.

Another thing, not one representative has been here from a Crown corporation. Most people here think, and I'm sure the people out there think that the Manitoba Government Employees Association represents all employees of the Manitoba Government; it doesn't. You've got almost 10,000 employees, people employed by the two Crown corporations alone, Hydro and Telephones. Where did you consult them? Let me tell you that those people have not been present because they are intimidated, because the Boards of Commissioners that control those Crown corporations are political appointees and they would be if the other side of the table was in power too; but they are political appointees and the message has got through the executive offices and down through management, you just stay clear of that issue or else. Believe me, I know. They have not been represented here - 10,000 people - whose lives will be very much affected by this notwithstanding what this party says. I have read this, and I will tell you that that one Crown corporation in particular will be exceedingly affected by this bill, and so will all of its 4,600 employees.

I'd just like to say that I think the name of the bill should be An Act Disrespecting the Operation of Section 23 of The Manitoba Act.

You talk about language service areas, that means a municipality so I take it from that and I haven't got the map with me, I have seen it last fall, and I don't remember whether it was pink blotches or blue blotches. What was it? - pink. Can anybody tell me that? I take it that the use of the word "municipality" here under Language Services Area definition means that you have chosen to use municipal boundaries as your boundaries of language areas regardless of whether ethnic communities exist within that municipality or not.

You talk about 8 percent or 800, 8 percent of Portage la Prairie's population would be about 1,100 people, so only 800 of that 8 percent can make a decision for the whole Town of Portage la Prairie. If you had colonists from Quebec, as has been sent out to all of Canada, to agitate for French services and is presently doing so in Alberta, you could very well round up people there. Your act doesn't say how shall we prove that these people who have their language first learned in childhood and still understood, you shall give tests to 800 people that somebody brings forth to prove that there was a requirement and a demand for French services.

The composition of the council: 2 representatives from the Franco-Manitoban Society, no representatives

from the Anglo-Manitoban community, but instead it says two members of the public who are not members of the Franco-Manitoba community. Do you see again what it says? On the one hand, two members from a racist group, a racial group, pardon me. They are racist it's true, but from a racial group; and two members from, yes, the rest of us, whoever we may be, language wise, English speaking. You see here again, it keeps hitting home; one side is race, the other side is language. Can you be so blind as to not see it?

The advisory status only, no advice, decision or recommendation to the council is binding on the Minister or any other person affected by the advice, decision, or recommendation. What's the point of the council? I belong to an association now, I'm President of the Association of Manitoba at the moment that has a board of directors that has, as I found out in taking over the presidency according to our Constitution, no rights, no authority, no powers whatsoever, so I am proposing now that we do away with the board of directors. I don't like to waste all that fine expertise.

They're simply working with us on the executive committee, but nonetheless . . . (inaudible) . . . councilmen, isn't it? Make-work project, perhaps.

Conflict with a Civil Service Act - okay, so, it says that where there is a conflict with The Civil Service Act, the act here will override The Civil Service Act which means that there will be civil servants more equal than others. The ombudsman and all persons employed under the ombudsman are employees within the meaning of The Employees Superannuation Act but not covered by it - you can see the conflict. There will be Civil Servants that are more equal than others.

Communications and Services - every person has the right to communicate in English or French with and to receive available services in English and French from the principal administrative office of any department or the principal administrative of any Manitoba court, quasi judicial body of the government or Crown Corporation or industry of the government. You know of course that the Manitoba Telephone System has a building on Empress across from the Polo Park shopping centre which is called the administration building. Is that what you mean by administrative office? Manitoba Telephone System has many administrative offices and they have no one principal one unless you're talking about, as I say, the administration building on Empress, which houses the executive offices, the personnel department, the public relations department, the accounting department which all they do is paperwork - they don't even talk to the public, engineering groups, planning groups, computer groups - are these the people that you're talking about? Who are the people that you're talking about, when you refer to administrative office? You don't talk anything about regional.

Manitoba Telephone System divides the province up into four areas. Eastern, western, northern and Winnipeg. They have administrative offices in each of these areas. They have them even in Portage, Brandon, Dauphin, Flin Flon and Thompson, Steinbach, Morden, Selkirk - what shall you do there? We're not talking about services that Anstett has said about his department that offers assessment services, where somebody goes out and does an assessment I assume of a property. You're talking about a new age and that's why I want to address this question.

I wager there must be some of who who have not forgotten 10 years ago the talk of telecommunications and the talk of the wired city. In Manitoba we are beyond that, we are into the wired province from corner to corner, communications, telecommunications, data, voice, whatever, hard-paper copy from corner to corner there's no such thing as boundaries in a communications world. Do you not know that? Communications are transparent. Nobody goes out to their carriage house and hitches up the horses and goes down to a government office to do business face to face across the counter. They pick up their phone or they dial up on their computer terminal. That's what communications is today. How shall you then put little pink and blue blotches on a map to indicate bilingualism? Shall all of our employees be bilingual or shall all the employees of the Manitoba Telephone System be bilingual and of the Manitoba Hydro? For they are all over and they're available to all. Anyone in any one department can have his phone ring and pick it up and not know that he's being talked to by somebody in Ste. Anne, Ste. Rose or in Killarney.

What shall you do then when the party at the other end, the French agitator says, I want to be talked to in French? What shall you do? A wired province that is totally transparent, knows no boundaries. When people up in the North region in a non-French community pick up their phone to do business with the telephone system, they ask for Zenith number so-and-so and they're switched into Dauphin or to Brandon. Ste. Rose people want to be talked to in French let's say. We don't even know what phone is going to ring on what desk on what floor of the building. What are you talking about, bilingualism will be restricted to 4 percent or 400 people? That total of last fail. You're looking at hundreds maybe thousands of people! Don't pull the wool over our eyes!

If you institute this act that is what will happen - that is to say if you institute it and you enforce it; or if you institute it and the French demand it. Every person has the right to communicate in English or French with and to receive available services in English or French from any other office of the institutions referred to in clauses 16(a) and 16(b); where, by virtue of the nature of the office it is reasonable - what a lovely word. Reasonable - that communications with and services from that office be available in both English and French. That 17.1 totally makes 16 (a)(b) and (c) redundant. What are you trying to tell us that it will be restricted to principal administrative offices? And says it can be in any other office.

Don't try to make a fool of me. My God, I may not be a lawyer, but I bet on the law school admission test I got a higher score than most of you did.

Then we find that the office is included without restricting the generality of subsection 1, the right created by this section applies to the following offices - you talk about the French language services secretariat provision, the bureau even in French yet on the English side of the paper here. No English translation of that. It's something that I told you guys last time in September, what bilingualism means in Canada. That CBC French radio translates every English title into French but on the English radio they leave it in the French. On CBC-FM at Christmas did you not hear the President of CBC give you his holiday greeting in French

only? You know, you have no idea. You think it's a language issue. You're so naive.

The offices of translation services, cultural development branch and the office of the ombudsman; where's all the English bodies - where's the English language interpretation centre for people that are not of English or French descent that may have difficulty with the language. Where are these groups? What have you done? What has already been done? Even the old people on this other side on the right side, Mr. Chairman, have done the same by 1980 or whatever it was trying to extend French language rights. It's not French language, believe me, it's not. Look at what's happening to Canada and now look at what's happening to Manitoba. I'm not very proud anymore of Canada, I'll tell you, not of Canada.

The other night of the demonstration here in this building somebody suggested we sing "Oh Canada" and somebody said, "In the old words?" and we did and it felt rather good, I must admit. I was pleased that there was no Canadian flag because to me it's a symbol of the French takeover, Lester B. Pearson and his fair-haired boy Trudeau imposing a flag on us that we didn't need or want without debate, without referendum, without reference to what the wishes of Canada were, of the Canadian people and you're doing the same now.

Pawley said to me last night at the supper break, "well, what do you want, a decision made by the Liberal Supreme Court or a decision made in Manitoba; a made-in-Manitoba solution he called it. This is not a made-in-Manitoba solution - how can you say that a caucus can find a solution for Manitoba by itself without listening to the people of Manitoba one million of them. How dare you say made-in-Manitoba?"

I want you to pay particular attention to what I had to say about the wired province and it shall affect at least one Crown corporation. I cannot say much on that point because I'm sure there are those of you that understand that not too much can be said but I want you to consider it seriously.

Communications lines are transparent. You don't know when your phone rings at home, whether you're talking to some Frenchman in Ste Anne or in Paris. There's nothing to tell so you cannot control this kind of French services in Manitoba.

Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Debreceen?

Mr. Enns.

MR. H. ENNS: Mr. Debreceen, I don't happen to share your view that you expressed about Canada being turned into a French state, however I want to ask you one or two questions because I do understand why you and others like you perhaps make that assertion.

I refer you to a recent - not that old a speech made by a Federal Cabinet Minister, the Honourable Serge Joyal, who's as much my Minister here in Manitoba as Lloyd Axworthy or as anybody else - he's a Minister of Canada - speaking to people in Halifax on this occasion at a public meeting and he makes the statement that, everything I do and undertake, everything we are doing is to make Canada a French

State. He goes on further in his speech to say, you know the idea, the challenge, the ambition of making Canada a French country both inside and outside of Quebec.

MR. CHAIRMAN: Order please. Order please.

MR. H. ENNS: Mr. Chairman, I'm coming to my question. I want to know whether or not it is these kind of statements that obviously either you have researched yourself or have heard about having being made that bring you to that conclusion that you made or the assertion that you made that you fear Canada is being turned into a French State.

MR. F. DEBRECEN: Mr. Chairman, no, I have to say, no, that those are more recent remarks made by the French agitators from Quebec, the French conquerors if you will. I've been involved in this, as I said, for 10 years and I studied the documentation on the three wise men out of the east, what their plans were.

CBC - and I said this in September - the CBC produced a two-hour documentary on the "Three Wise Men from the East" from Quebec and what they planned to do and how they planned to do it and it was shown once and I'll wager it's been burned since. It was a beautiful production, told a lot. No, I know what those remarks are, that Serge Joyal - he gets it in English - Serge Joyal, it rhymes with loyal, it rhymes with royal. I heard what he said, I heard what he said in St. Boniface. "We, the French, built this country," he said. Last September I told you that the view from the office in Ottawa, across the Ottawa River to Hull, was the same as the view from my office right now in Winnipeg across the Red River to St. Boniface, tar paper shack town; that's building the nation? It was the immigrants that built the infrastructure and the super structures of this country. For one race of country to say, we built this nation, we founded it, we built it, you have to go out and look, and if I sound like a racist, it's because I am so full of hatred for what they are doing and have done already to this country. I will take you out in this province and I will show you Ukrainian centres that are industrious looking just by appearance, German centres neat and tidy and sturdy and I'll show you a French community and I say this not even in jest; tar paper shacks clustered around the foot of a magnificent spiral of a magnificent cathedral where they have served Rome, rendered unto Caesar when it was not Caesar, while the rest of us built and built and built; and it sounds racist but the proof is out there and it's ugly but it's true. Does that answer the question?

MR. H. ENNS: Thank you.

MR. CHAIRMAN: Are there any further questions for Mr. Debrecen? Order please. Once again I would like to remind the audience that expressions of approval or disapproval are not permitted in committee. I would appreciate it if you would co-operate with the Rules of the House. These Rules have been established and laid down for years and they embody the traditions of Parliament.

Mr. C. Morris. B. Holst. Mr. Winston Simpson. Mr. Travis McCullough.

MR. T. McCULLOUGH: I am tired. I didn't know whether I was to be here today or last night. Does the Legislature phone not work any more? I sat up last night too long. I wrote too many speeches. I don't have one that says what I want to say.

I spoke at Morden. At that time I asked Mr. Anstett, Mr. Penner and others to search their souls before they made this decision. I assume Mr. Penner took about five minutes to do that. Mr. Anstett is possibly still trying to locate his soul.

Now that the SFM and Quebec Alliance seem to have gotten their way with our Provincial Government whose collective motives are a puzzlement to me, it is time to pause and review another minority group that within our own lifetime made a name for itself. I speak of the Nazis in Germany, a rag-tag bunch of miscreants who succeeded by every devious means at their disposal to overthrow the majority government in Germany and lead that country and much of the rest of the world into perdition. Their means of gaining power are now horribly familiar to us, lies, deception, pressure tactics, even ironically, burning their own Reichstag and blaming it on their political opposites.

Whenever you have the majority succumbing to the minority, and I told them this in Morden, whenever you have the majority succumbing to the minority, the elitist group, you have tyranny; you have junta in South America; you have Nazis in Germany. I cannot think of a time in history when a minority was severely threatened by a majority - no. The Roman Empire in its height consisted of a minority of Romans leading the rest of the world around.

I understand that Mr. Pawley did not wish to appear to those of us who came to the Legislature on Thursday night. I understand that he refuses to speak to mobs. Why then does he listen to the SFM? A mob. There's a lot of people with one mind. This makes the SFM a mob. Yet he speaks to the SFM! Apparently, Mr. Pawley will only speak with some mobs.

I further understand that he would not speak to the group because he thought they didn't know what was going on. I contend that that group represented those who did know what was going on. They saw the emergency of a tyranny and endeavoured to stifle it. I charge that Mr. Pawley has shown himself completely unworthy of the position he holds. He has abused his prerogatives beyond the stretch of human tolerance. I contend that he has shamefully soiled the proud heritage of the Manitoba Legislature, and he wants to enshrine it in our Constitution. He has had henchmen - Mr. Penner and Mr. Anstett - and I don't know whether to hate these men or to pity them.

For certain, their political careers will be hazardous in another election. They have been used by Mr. Pawley to do a job that he himself lacked the courage to do. Mr. Anstett and Mr. Penner, you are not here. I can marvel that you could serve such a master. Do you not want democracy? You know you can't have it when you create and foster such an elitist group as you do with this bill, this 115. You are creating a tyranny. Is this bill 115 the result of your soul searching?

As for the rest of the NDP government, I really don't know who you are. I think Conservatives are here and NDP is there. I am not a political person. I don't think the Conservatives are completely forgivable either on this issue. This thing is a dragon's tooth planted by

the Sterling Lyon government, left for the NDP to pick up, and replanted to emerge again in 1987, at which time the NDP, I suppose, playing the political game, this, it will be maybe the worry of another party at that time. It's a dragon's tooth, and I don't think that 115 has any answer to it.

I am sure there are men of substance in the NDP and men of substance on the Conservatives. I urge you to stop this bill. It is an outline for tyranny.

I am going to endeavour to do something that I am not very good at. I am going to endeavour to take a look at the bill and I am only speaking as a layman. I would rather be a poet than a politician anyway.

On Page 2, at the very bottom, I read that "language services area" means a municipality in which the English language is a language first learned in childhood and still understood by at least 800 residents, or at least 8 percent of the residents, and the French language is the language first learned in childhood and still understood by at least 800 residents, or at least 8 percent of the residents, but does not include the City of Winnipeg, where 5 percent, I understand, is the makeup of people whose mother tongue is French in Manitoba.

The thing is you can move people around. The last speaker who was here before, a much better speaker than I - Mr. Debrecen - put it to you that this can go on and does go on. They move people in. You take a town like Carman, their population ratio, you don't need to move too many people in from Quebec to change the population ratio. Then you got a whole new ball game. I think that leaves a lot of tightening up.

Going on, on Page 3, "Manitoba court" means the Court of Appeal, the Court of Queen's Bench, and the Provincial Court; "Minister" means the member of the Executive Council - I assume that will be Mr. Anstett - well, whoever - charged by the Lieutenant-Governor-in-Council with the administration of this act. I find all the way through there a lot of powers in the Minister, whoever the Minister is, too many powers.

"Principal administrative office" as it relates to an institution means the main administrative office of the institution - Manitoba's provincial offices are spread around, you know. If I live in Carman, the nearest game officer, I think, lives in Altamont.

I don't know - what do you mean main administrative office of the institution? What does that mean? It could mean something far too far-reaching.

Advisory Council. There is hereby established a council to be known as the "Language Services Advisory Council" composed of not less than 13 persons appointed again by the Minister for such term as the Minister may designate. Makeup, 13 people: 2 senior officers from the departments; 1 senior officer from the Civil Service Commission; 2 representatives from the Franco-Manitoban community; and 2 members of the public who are not members of the Franco-Manitoban community.

Now, look, if 95 percent of the province does not belong to the Franco-Manitoban Society, you should have two members to represent the Franco-Manitoban community and 99 members who are not members of the Franco-Manitoban community. That's just basic racial proportion.

At the very bottom, "2 representatives of the Manitoba Government Employees Association." This group has already come out in support of entrenchment.

"Such other persons" - I'm on Page 4 now - "as the Minister" - again "the Minister may deem appropriate." What's the word appropriate mean? It's a vague word; "for the council to perform its function," its function is never really clearly defined, its function under this act. The whole thing is too internalized. "The members of the council shall elect a presiding officer from among themselves"; again elitism.

Down toward the bottom on Page 4, we have "No advice, decision or recommendation of the council is binding on the Minister or any other person affected by the advice, decision or recommendation." It doesn't even sound like limited democracy there, it's overwhelming power. Then we come to the language police here, the Language Services Ombudsman. This guy really scares me, it really is frightening.

Language Services Ombudsman, I'm on Page 4. "The Lieutenant-Governor-in-Council shall appoint a Language Services Ombudsman who shall exercise the powers and perform the duties and functions assigned to the Language Services Ombudsman under this act."

I still ask you what powers, what functions, what prerogatives? Nothing is clearly defined, the thing was made up too quickly as everything else has been done too quickly. Of course, "No person shall be appointed ombudsman unless the person is fluent in both the English and the French languages." We're talking about a Language Services Ombudsman. Three days ago, I phoned a home in Morden, I'm a teacher, I had to phone about a student. The mother couldn't speak English. I guess it was low German or something. I couldn't speak low German. Where are their rights here? Again, elitism.

On Page 5, "Subject to this section, the ombudsman shall hold office for a term of 5 years, and may be reappointed for subsequent terms." It's the permanence here.

8(4) on Page 5, "At any time the Legislature is not in Session, the Lieutenant-Governor-in-Council may suspend the ombudsman for disability, neglect of duty, or misconduct." What do they mean by "misconduct?" There's no itemization of these things. Too general, too open to abuse.

No. 9 of the same Page 5, "Where the office of the ombudsman is vacant, or the ombudsman is suspended under subsection 8(4), the Lieutenant-Governor-in-Council shall appoint an acting ombudsman to hold office until another ombudsman is appointed under section 6 or the suspension has been dealt with in the Assembly." That choice is not democratic enough.

They have so many things to do when the ombudsman is vacant or something here at the bottom of Page 5, they seem to be awfully nervous about not having this language policeman on duty 24 hours of the day.

The bottom of Page 6, 13(2), "Where any provision of The Civil Service Act or the regulations made thereunder conflicts with or is repugnant to any order, rule or regulation made under this act relating to or affecting persons employed under the ombudsman or to the supervision or control of those persons, the order, rule or regulation made under this act prevails." That sounds very draconian. Does that mean that this act overrules already existing prerogatives? Is that what it really means? If that's what it means, we can't have it. We can't have that and democracy.

This follow the ombudsman, Article 14 top of Page 7, "is not subject to The Civil Service Act, except Section 44 thereof, but is entitled to his privileges and" prerequisites - there's a misspelling there - "perquisites of office including holidays, vacations, sick leave and severance pay" etc., etc. In other words, he seems to enjoy all the privileges but none of the obligations of a civil servant. I forgive this spelling mistake. You made the thing in damn big a hurry anyway.

MR. CHAIRMAN: Mr. Anstett on a point of order.

HON. A. ANSTETT: It's a minor point, but I would like to advise the witness that there is no spelling mistake, the word is perquisites and it is specifically intended to be perquisites. There is no spelling error.

MR. T. MCCULLOUGH: Then what does perquisites mean? I thought it was prerequisites. I said when I came here, Mr. Anstett, that I came to speak as a lay person.

Communication and services - every person has the right to communicate in English or French with and to receive available services in English or French from (a) the provincial administrative office of any department; (b) the principal administrative office of any Manitoba court. Now, does that mean a court in Carman, or a court in Killarney, or what does it mean? Or does it just mean the main court in Winnipeg?

Quasi-judicial body of the government - again I don't know what that means.

Crown corporation - does that mean that all post masters must be bilingual, French and English? I guess it does.

The office of the Chief Electoral Officer - is that a municipal thing?

Every person has the right to communicate in English or French with and to receive available services in English and French from any other offices of the institutions referred to in Clauses 16(a) and 16(b) where, by virtue of the nature of the office it is reasonable . . . Now this word "reasonable" is a dangerous word, because it is not - it's neither fish nor fowl - you're not spelling out exactly what you mean by reasonable.

On Page 8, Complaint. I think this whole business on complaints is far too subject to nit-picking. I can see many many parking tickets where this whole thing started coming out of this.

Again though 21, where the ombudsman has "reasonable grounds" - what do they mean by reasonable grounds to suspect - my God is this Orwell - that any person that has been denied a right provided by this act, the ombudsman may initiate a complaint. What have we got here, thought police?

I guess when the ombudsman hasn't got anything else to do 22(1) "Upon receiving or initiating a complaint, the ombudsman shall, subject to subsection (2), forthwith," now the word I wanted to hinge on is "initiating a complaint." If it's a slow day, what's he going to do, start a little trouble? Is that his purpose to go out and look for a fight? Hey, nobody's phoned in today to complain about language, we better start initiating one. "Initiating a complaint." Or "the ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba

Evidence Act" - I don't know what that is, but it's got to mean - "but sections 87 and 88 of The Manitoba Evidence Act do not apply to any investigation conducted by the ombudsman under this act." I might as well be reading newspeak out of Orwell. Some of this stuff is - you cannot put these kind of words to the ordinary person on the street. They don't know what you're talking about. I mean, I'm not a brilliant man but I'm no moron either. I don't know what all this means. You expect to enact that?

22(2) "The ombudsman may refuse to investigate or may cease to investigate a complaint where, in the opinion of the ombudsman, the complaint is frivolous or vexatious." Well wasn't Mr. Forest's parking ticket kind of frivolous and vexatious? In the first place the thing that apparently triggered this all off - or is it Bilodeau now - concerns a trivial matter.

On the bottom of Page 9 under Hearings, "For purposes of investigating a complaint, the ombudsman may hold hearings and hear or obtain information from any person and make such inquiries as the ombudsman thinks fit." Again more freewheeling power for this ombudsman. I think I've been through two or three pages now and I'm still talking about the ombudsman, the language policeman.

On the top of Page 10 again, "If at any time it appears to the ombudsman that there are sufficient grounds," again the word "sufficient grounds" is too specious, it's too vague. What do they mean by sufficient grounds for making a report or recommendation? It appears to mean that the ombudsman again is out there just to start fights. He's supposed to start fights. In a province where we are almost fighting now. I mean we're fighting in words, I'd hate to see the other. I don't know.

24(b) - again I think this is far too judgmental. The part of that 24(b) which reads, "any recommendations which the ombudsman considers appropriate," - the ombudsman considers appropriate. It's a one-man show. And then, "Notwithstanding anything in this act and for the purpose of resolving complaints, or potential complaints, informally and within the spirit of this act, the ombudsman shall endeavour to mediate between complainants or potential complainants", etc. etc. Would do they mean by potential complainants? Again what are they doing, picking their minds? It's thought police, it's not just language police, when you get down to the bottom line we're talking about how you can think, not just how you can talk.

At the very bottom of that Page 10, "Notwithstanding that no complaint has been filed, the ombudsman may investigate any matter relating to the proper administration or enforcement of this act." It's complete freewheeling power here. With jackboots. When no complaint has been filed, he's going to go and investigate. Again I speak as a layman and if I seem comic to you, that's too bad. This is the way I see it and there must be some laymen who are even less intelligent than I.

"Offence and Penalty." I'm on Page 11 now. I guess the whole thing is very Orwellian. "Every person who without lawful justification or excuse wilfully obstructs, hinders or resists the ombudsman or any other person in the exercise or performance of the other person's powers, duties and functions under this act; or without lawful justification or excuse refuses or wilfully fails to

comply with any lawful requirements of the ombudsman or any other person under this act; or wilfully makes any false statement to, or misleads or attempts to mislead, the ombudsman or any other person in the exercise or performance of the person's powers, functions or duties under this act;" Who judges this? Who is to make these judgments? One man - the ombudsman.

On Page 12, Article 30(2), I'm going to use some French because it's *carte blanche*, it's not a big word. *Carte blanche* for more power, that's what it is. "Nothing in this act limits the authority of the Legislature, or of any municipality, school division or school district in this province, to advance the equality of status or use of the English language and the French language." I mean at the very end they leave the cap off the bottle. They can add to their powers apparently whenever they want, more power.

"31(1) This Act shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Manitobans." I feel no differently now than I did at Morden about multiculturalism. I've drank tea and eaten bannock with the Indians in the North; I've eaten rabbit with the French; I've had Chinese friends who ordered food that I didn't know what it was, but I still do not believe - this is something I did as a person. You cannot legislate this sort of thing. You can't tell me that I have to regard myself as anything other than a Canadian. You can't tell any of us that. You haven't given the idea of Canada and Canadian time to develop.

You are envious of an older culture, older cultures in Europe and you look back to those countries and you say, Canada's drab and it lacks pizzazz or something. So then you divide us into little groups where we're supposed to put on a sideshow for all of you - Folklorama. It keeps us apart; it does. You have to give something Canadian time to develop; it will develop but it needs time.

The battle of the Plains of Abraham was fought by a French army and a British Navy and they both went home afterwards, and neither one of them particularly cared what happened in Canada anyway. They were here for the first and that was it. We who came later, the immigrants, I'm a long immigrant - I don't know, four or five generations - who cares? - or the guy that got here yesterday - we are the Canadians. Let's give ourselves something that is Canadian, not a new Europe created here or a new Middle East or something or somebody said, a new Ireland. We don't want that; we left that. There's not one of us that came over here - unless you were very wealthy - your ancestors didn't come over here because things were so great back in the old country, they came over here because they were starved or they were miserable or they were persecuted in their home country, and they came over here to be Canadians.

One language will unify. Two languages won't unify, especially when you have dozens of languages that probably maybe even make up the majority. I don't even know if the majority is even English or French any more. You have to have one language. Trudeau doesn't think so but then Trudeau - good God! Do I have to go to Machiavelli again with you people? You know what Trudeau has done. He couldn't control us as he does if he didn't have us all divided into little

groups fighting among ourselves. He wouldn't last. He could only control this group by putting it against that group, by putting it against the next group and playing it all against each other, and he sits in the middle. I don't want to get into Machiavelli again, but that is so true, so terribly true.

I'm on Page 13: "32 Regulations. For the purpose of carrying out the provisions of this Act according to their intent, the minister may make regulations ancillary thereto . . ." - now that means he again can add, I think it means, more rules as he wants them, more *carte blanche* here - ". . . and not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law." This is *carte blanche* for dictatorship.

My last appeal is to the Lieutenant-Governor, who isn't here I know, but I humbly beseech that she do something to stop this deplorable death of democracy.

MR. CHAIRMAN: Are you finished your presentation, Mr. McCullough? There are still a few minutes left. Mr. Anstett, do you have a question?

HON. A. ANSTETT: Yes, just one short question that flows from the presentation today, but also to Mr. McCullough's presentation in Morden. Mr. McCullough, you have made quite a few references to one language for all of Canada during your presentation. What language do you think that should be?

MR. T. McCULLOUGH: English.

HON. A. ANSTETT: Didn't you at one time suggest it should be Esperanto?

MR. T. McCULLOUGH: I said if we had to have both languages, I prefer Esperanto, but I said I thought we should have English first.

MR. CHAIRMAN: Are there any further questions for Mr. McCullough? Seeing none, on behalf of the committee, I would like to thank you for coming here today.

We have now passed the normal hour of recess for dinner, and we will recess until 2:00 p.m. this afternoon.

WRITTEN SUBMISSION PRESENTED BUT NOT READ

Submission by Ms. Blanche Tully

Presentation to Government, January, 1984

My name is Blanche Tully - 375-6537.

Up until now, I have been proud to be a Manitoban; proud to live in a democratic country where governments were elected by a majority of the people to serve those people. But actions by our Manitoba Government this past week has shown me that things have changed. Our government has not listened to delegations or briefs or petitions. This week, they invoked closure on the Legislature because they seem determined to tell us (the people) "through hell or high water, we'll do as we wish."

Ladies and gentlemen of the government, do you not realize that actions like this could end democracy

as we have known it for 114 years? We have a government that will not listen to the people and are even allowing a minority group such as the Franco-Manitoban Society to foist their wishes on the majority of Manitobans. I am sure you must be hoping that the next election will be won by the fewest votes at the polls.

You, the government, are always talking about a "Made-in-Manitoba" solution to our language problems. Well if you were really concerned, you would be listening and consulting with all legislators instead of playing politics and trying to lord it over the opposition and voters alike. Why can't you act on behalf of Manitoba? We criticize the Russians for their stance in the armament race, but this NDP Government is acting in the self-same manner. I'm in command, so I'll do as I please - you like it or lump it.

I am not a lawyer, but I am fairly familiar with Manitoba's history. I have lived in Manitoba all my life, got my schooling in Manitoba schools and taught in Manitoba schools. In fact, I also had a certificate to teach French. Lately, I have served as school trustee for a number of years. So I know what it's like to give and take. I know what can be accomplished by clear thinking and dedication accompanied by consideration, tolerance and reason. Many times, the results are much better than expected. But anything is better than closure.

The people of Manitoba feel very deeply about the present language problem. Never before have we seen so much interest and conversation on government action. We are also deeply aware of the Federal Government in this case. They really have no business funding the Franco-Manitoban Society, and you had no business dealing with them on the language issue either. You are there to serve all the people.

We know The Manitoba Act of 1870 was passed when the population was about 50-50, 50 percent English

and 50 percent French, so it may have been fair then to use both languages even though many of the French people lived nomadic lives. Then the province was very small, stretching from Oak Point to the U.S. border, and from west of Portage la Prairie to the Whitemouth River in the east. None of the remainder of today's Manitoba was included in the 1870 province. This new part was not and is not French today. One only needs to review the place names to understand this fact.

We know that the Manitoba Legislature is already committed to two official languages. This occurred in April, 1980, after the Forest case. Now we are simply asking that English be our official working language in Manitoba so that it is not necessary for all companies, offices and business to offer bilingual services. Taxes are rising steadily to meet the costs of Medicare, schools, etc., even with cuts in service, yet we will be forced to spend millions on needless bilingualism for approximately 3 percent of the French population, most of whom understand English anyway.

Sooner or later, we must take a stand. Mr. Joyal, Secretary of State for Canada, has publicly stated that he intends to make Canada a French state. Unless you, the Manitoba Government, work with and for your people, this creeping francification will continue year after year. We do not want or need anything entrenched in our Constitution or written in stone.

Society changes and so do people. People have to have the will to obey, or changes in rules make little difference. So please, we beg you, overcome your haughtiness. Control your tempers, and listen to the people who are desperately trying to tell you what they want and also trying to prevent you from committing political suicide. We, the people, will not forget at the next election.

We do not want or need overall bilingualism leading to French-only at a later date. This is only the beginning of the fight.