



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

**STANDING COMMITTEE**  
on  
**PRIVILEGES**  
and  
**ELECTIONS**

**31-32 Elizabeth II**

*Chairman*  
*Mr. A. Anstett*  
*Constituency of Springfield*



MG-8048

**VOL. XXXI No. 8 - 2:00 p.m., TUESDAY, 6 SEPTEMBER, 1983.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**

**Tuesday, 6 September, 1983**

**TIME — 2:00 p.m.**

**LOCATION — Winnipeg**

**CHAIRMAN — Mr. Andy Anstett (Springfield)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Parasiuk, Penner and Storie

Messrs. Anstett, Brown, Harapiak, Lecuyer,  
Nordman, Sherman and Graham.

**WITNESSES:** Mr. Eric Maldoff, Alliance Québec

Mr. Léo Letourneau, Fédération des  
francophones hors Québec

Mr. Maurice Prince, Association des Pro-  
Canadiens

Professor Donald Bailey, Private Citizen

**MATTERS UNDER DISCUSSION:**

Proposed Resolution to amend Section 23  
of The Manitoba Act.

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**MR. CHAIRMAN:** Committee come to order please. Gentlemen, we have a quorum. When we adjourned at 12:30, Mr. Doern had the floor and was asking questions of Mr. Maldoff.

Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, I just wanted to repeat a question. Mr. Maldoff went on at some length, but I wonder just in brief again whether he could indicate whether it is an accurate impression or not that while the Provincial Government of Manitoba is putting forward proposals that will move the province towards official bilingualism, that the Quebec Government appears to be moving towards unilingualism. Did he not confirm that is, in fact, the case?

**MR. CHAIRMAN:** Mr. Maldoff.

**MR. E. MALDOFF:** A short answer to that question is that, as you know, we have a government in Quebec which is committed to independence. It believes that the Quebec society and the state of Quebec must function for the benefit of French-speaking citizens. Consequently, it has been moving forward with a policy, trying to render the province and its citizens increasingly unilingual. This has been seen in measures and administrative practices taken by the government. It has also been seen in legislative provisions adopted under legislation such as Bill 101.

However, what we see in the Province of Quebec is that in spite of the dedicated and concerted efforts to

turn Quebec towards unilingualism, the population of Quebec has not been carried along with that. The population through all opinion polls is showing great evidence of recognizing the importance of both languages and the status of both languages in the province.

I finally cite the current leadership campaign for the Quebec Liberal Party, the only real opposition in our province, where all three candidates are campaigning on platforms to restore increased usage of the English language in the Province of Quebec and a much more balanced view of our future as a country and as a province, which has always functioned in two languages and respected the two linguistic communities.

**MR. R. DOERN:** Is it also your argument or contention that the passage of this legislation will, in fact, help your cause or help English-speaking Quebecers?

**MR. E. MALDOFF:** One of the strong cases which the Parti Québécois has made since its inception is that the history of Canada provides a long list of evidence of the fact that French-speaking Canadians can never feel at home, secure and respected in this country, and can never really be first-class citizens. They cite on repeated occasions things like The Official Language Act of Manitoba of 1890 and various other unfortunate incidents which have occurred through the history of Canada.

To the extent that we see the proposed amendment move forward in a spirit of generosity and respect for the nature of our country, it will benefit the case of those who stand against the separation of Quebec and stand for a Canada which respects both languages and both linguistic groups. To the extent that the amendment is blocked or is seen to have been rejected, by some sort of democratic uprising of the population, it will be used as modern day evidence that French-speaking people cannot feel at home in this country and that really the only place they can feel at home is in an independent Quebec with big walls and barriers built around that province, to keep out the nasty English of the rest of Canada and the terrible English influence of the rest of the North American continent.

**MR. R. DOERN:** Have you conveyed that message to Premier Davis or any other premier?

**MR. E. MALDOFF:** Yes, we have conveyed a message that leaders in Canada - if they are to meet the challenge facing Canada right now in terms of its future as a united country - must show that spirit of generosity and openness and a recognition of the two languages and duality of this country. We've conveyed that to Mr. Davis, we've conveyed that to his advisors. Also in the Province of Ontario, we note that significant improvement in the availability of the right to use French before the courts and Legislature of Ontario has improved considerably. There is movement now in the

area of allowing wills to be registered in the French language. Government is functioning and issuing most of its forms and documentation destined to the public in both languages, and Ontario is definitely moving in the right direction. We would contend that hopefully they will finally take the major step of recognizing what they are doing in practice, and we know there is a consensus among both political parties in opposition in Ontario for support of significant entrenchment of French language rights in the Province of Ontario.

**MR. R. DOERN:** Is there not some new education bill now before the Quebec Legislature that you would regard as harmful? I'm informed that in addition to Bill 101, etc., there is some new legislation now being debated or introduced that will help Mr. Levesque's cause and presumably not yours.

**MR. E. MALDOFF:** The government of Quebec has introduced legislation - or let me start a little earlier - or brought forward a White Paper proposing to restructure the school system of the Province of Quebec. Right now in the Province of Quebec, we enjoy constitutionally guaranteed confessional school boards - Protestant and Catholic - across the province. The English-speaking community of Quebec, the children of roughly 50 percent of that population is within the Protestant sector, so therefore for about 50 percent of our population, we have constitutionally guaranteed control and management of our school system.

In the Catholic sector, however, we constitute a tremendous minority, since the overwhelming majority of Quebecers are followers of the Catholic faith, and consequently English-speaking Catholics find themselves in minority status in that sector, but at least for 50 percent of our community, through Protestant boards, they have control and management of the schools.

The government's initial proposal was one which would do away with the constitutionally guaranteed confessional school boards, which at least protect 50 percent of our community, and would have created unified school boards off the island of Montreal, which would have meant that in any area off the island of Montreal we would have been in a minority and therefore not in control and management of our school boards, and on the island they proposed the concept of three or five linguistically-divided school boards. There was a massive public outcry from the English-speaking population, but even more important, from the French-speaking population, who have always been very generous and respected our community and said that is absolutely absurd that the English-speaking population would lose control and management of its schools. That is a sine qua non of the future of the English-speaking community and we respect that.

There was tremendous unity shown across all language groups in the province and educational groups. As a result, the Government of Quebec has had to retreat from its original proposal and came forward with legislation that would create language school boards right across the Province of Quebec. Even in the Gaspé where we represent 14,000 people out of a much larger number of French-speaking people, we will have control and management not just of our

schools, but of our school system through school boards in that area.

The issues which are now on the public agenda in terms of school reform - and I should say, that's beneficial to our community and a significant improvement for our community. It means 100 percent of our community will have control and management of its entire school system, and we are very pleased with that development.

The issue which remains on the agenda is that our government has a tendency to believe in centralization of power and to do away with all those unpleasant little elected bodies called school boards and municipalities who may inconveniently disagree with our government from time to time on things like independence or other major issues. The consequence of that is that under the new proposal, there would be a tremendous centralization of power into the hands of the government, reducing the scope of decision-making by the new linguistic boards which we approve of. But what we find there is that, once again, Quebecers, English-speaking and French-speaking and across all lines and milieu, are rallying together, saying not only must there be linguistic boards, but there must be meaningful boards with real powers and real decision-making power over pedagogy and allocation of resources and these types of issues. I think that the government, as it looks forward to public hearings which will commence a little later this month on this issue, can look forward to a very difficult time because of a huge consensus which exists in our province that there should not only be language boards which the government has moved to, but language boards with real powers.

So Quebec public opinion is working for a better Canada right now.

**MR. R. DOERN:** Mr. Maldoff, are you suggesting to us that the Levesque Government has its eyes on Manitoba, and that it will decide on what legislation to introduce and pass, depending upon what happens here in Manitoba; that their eyes are on Manitoba and, if we do something, they'll do something; and if we don't do something, they won't do something?

**MR. E. MALDOFF:** I am not suggesting to you that it's quite that kind of blackmail or the word that's so common in Quebec, chantage, which is going on right now. What I am suggesting to you is that we have a government whose primary objective is independence. Virtually every policy and initiative it takes is oriented towards independence. It uses every piece of ammunition and every piece of evidence that it can find to further and promote that case.

Therefore, the Government of Quebec is not looking to Manitoba with a view to saying, well if they give in, we'll give more to the English-speaking community or be more conciliatory. They are looking to this with a much more cynical partisan, political orientation, saying, if Manitoba misbehaves in this regard, you can be assured we will use that in the Province of Quebec.

It is the eyes of the people of Quebec, more particularly, which are on Manitoba right now as they are presented with options from the current Government of Quebec and the opposition as to the future direction

they should follow. Should they follow the direction to embrace Canada and try to make this country work or should they give up hope and withdraw into an independent Quebec with secure borders. The people of Quebec are looking at this very carefully and it will influence to a considerable extent their appreciation of what their role is in this country and what the role is of their French-speaking brothers and friends across this country.

**MR. R. DOERN:** Do you think that the P.Q. has any care of concern or interest in the fate or future of Franco-Manitobans?

**MR. E. MALDOFF:** I think the Parti Québécois is faced with a very serious dilemma when it comes to the question of French-speaking citizens of other provinces of Canada. They would love to try to convince the population of Quebec to write off those people, to forget them, it's over, they're dead, they're dying, they're diminishing and there is really no future for those people, because that kind of a model allows them to forget about the rest of Canada and deal very comfortably with just the French fact in the Province of Quebec. The unfortunate reality for them is that the population of Quebec has not written them off, that Lise Bissonnette is still writing editorials talking about the treatment of French outside of Quebec, that Lisianne Gagnon in La Presse is doing the same, that the Gazette is doing the same, that opinion leaders right across this province refuse to write off the French-speaking population outside of Quebec.

No, I don't think the Parti Québécois has great love or great affection for French-speaking people outside of Quebec. If they did, they'd probably come here and make a passionate plea that we would hope they would. But, the fact of the matter is that they also find themselves trying to write off that fact because it doesn't fit into their political equation.

**MR. R. DOERN:** Just a couple more questions, Mr. Chairman. Today's cartoon in the Winnipeg Free Press shows Robert Bourassa and Rene Levesque about to square off in the Quebec Election. Mr. Bourassa looks much larger, but he looks wounded with a cane and a cast on his leg. Do you anticipate that the Levesque government will be re-elected?

**MR. CHAIRMAN:** Do you have your crystal ball, Mr. Maldoff?

**MR. R. DOERN:** Because there are some who argue that the Levesque government is going out in the next election and that some of these concerns may disappear with them.

**MR. E. MALDOFF:** The next provincial election in Quebec is roughly two years away and that may even be wishful thinking. It's hard for me to predict precisely what will happen in that election, but I think that if there were an election today, the Parti Québécois would not gain power regardless of who ran for the Liberal Party of Quebec. As to what happens two years from now, perhaps events such as those which are going on right now in Manitoba will help influence that decision.

**MR. R. DOERN:** And will your organization play an active role in the next provincial election as in supporting a Liberal Party?

**MR. E. MALDOFF:** We didn't play a role in the last provincial election and we will not play an active role in the next provincial election. Our concern is to promote a certain type of society and our view is that we have to deal in a non-partisan way with whatever political party forms the Government of Quebec and forms the Government of Canada, and we will maintain our distance from government and maintain our bridges and our ability to communicate with all parties and all opinion leaders in our society.

**MR. R. DOERN:** Mr. Chairman, I'm looking at a copy of the Winnipeg Sun today and Mr. Maldoff is quoted as being concerned about people who are appealing to base emotions and the lowest common denominator etc., etc., and he talks about backlash, etc. I want to ask him whether he would not concede that in the eyes of many Manitobans, he is also using scare tactics. He's coming to our province and telling us that unless this legislation is passed, the country will fragment and Quebec will separate and, if that isn't a scare tactic as well?

**MR. E. MALDOFF:** I'd like to just set the context of our comments for one moment. We're not coming to the Province of Manitoba to scare Manitobans into moving forward with this amendment, far from it. We're coming to Manitoba because we believe that what the Manitoba Government has proposed is right, is fair, and is just and we're asking the people of Manitoba and the Government of Manitoba to move forward in the interest of justice and fair play and to display that kind of spirit of generosity.

We are aware, from time to time, that references are made to the treatment of our community in Quebec and references are made to the status of our community in Quebec and we feel that some of those representations are grossly inaccurate and we are here to clarify any misunderstanding in that regard. For example, statements by those who say that the Separatist Government of Quebec has wiped out the English-speaking population, so let's move to the two unilingual zone models of Canada. We're here to say no, that's not true. We're still strong and vibrant - a little bit under attack - but we're still there, a million strong and we're committed to staying there.

We hear people say that nothing should be done in the Province of Manitoba until the Quebec Government moves to correct the treatment of English-speaking people in Quebec and we're here to say to you - and this is in answer to arguments which have been raised here, not ones that we would have come and delivered on our own - we say that someone has to take the first step. We are saying that we are very concerned by cynical arguments which express grave concern for the status of minority communities elsewhere, but it seems those expressions of concern only arise at the time that majority groups are about to be less than benevolent to their own minority groups.

We're here to explain that this does have consequences within Quebec, not as a scare tactic,

but as people who live in Quebec and feel that the people of Manitoba and the elected decision-makers of the Province of Manitoba should be aware of the fact that there are implications to this that extend far beyond the borders of this province. This is not threats. This is not scare tactics. We don't urge you to do it and it would be a disappointment if you did it out of a sense of having been threatened into doing it.

I would refer you again to Lise Bissonnette's article in the *Le Devoir*, which expresses the sense more eloquently than I could ever express it, of the need to show that generosity and openness of spirit and that does not become a begrudging concession that is inflicted and begrudgingly given by a recalcitrant majority group.

**MR. R. DOERN:** Thank you, Mr. Maldoff and thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Parasiuk.

**HON. W. PARASIUK:** I pass.

**MR. CHAIRMAN:** Any further questions for Mr. Maldoff? Seeing none, Mr. Maldoff, on behalf of your organization and on behalf of the committee, thank you very much for being here today.

**MR. E. MALDOFF:** Thank you, Mr. Chairman. Thank you, members of the committee for the very warm reception we've received.

**MR. CHAIRMAN:** The next name on our list is the Fédération des francophones hors Québec, No. 66, Mr. Leo Letourneau, Mr. Jean Bernard Lafontaine. We had agreed that we would hear this organization as well at the head of the list because they were from out of the province. I guess I have an old list - 66 on that one. Could you just bear with us for one minute, Mr. Letourneau, while the brief is distributed? Please proceed.

**MR. L. LETOURNEAU:** Thank you, Mr. Chairman. I'd like to wish a good afternoon to the Chairman and members of the committee.

I should like to preface my remarks, first of all, by saying that I should like to speak to the initial resolution that was agreed to by the few parties involved; that is the Government of Manitoba, the Federal Government, and the Société Franco-Manitobaine.

I'd also like to ask you, Mr. Chairman, if the amendments that were presented this morning, amendments which we've had very little time to look at or consider seriously, if they were to form part of a new agreement would we be allowed to present our position in keeping with those amendments?

**MR. CHAIRMAN:** Draft amendments which were circulated this morning were for purposes of information to those presenting briefs to the committee, and for consideration by committee members during the public hearings the committee is holding.

In normal process, when the Legislature deals with a bill, amendments are not distributed until after the public hearings, and no subsequent public hearings are

held. Unless the government were to choose to hold subsequent public hearings, after the consideration of amendments, upon return to the Assembly, there will be no further public hearings. No such second series of hearings has been announced by the government, or to my knowledge contemplated. Perhaps the Attorney-General may wish to speak to that.

Mr. Penner.

**HON. R. PENNER:** No, it's not envisaged that there would be a second set of hearings. That's why, in line with the statement made by the Premier on August 16th, it was deemed advisable to table at the outset of these hearings, the drafts that have been circulated would be up to organizations presenting briefs to make their comments both with respect, as they wish, to the resolution as it was originally tabled and they may wish to then comment on some of the specific amendments pro or con as they see fit, but that is something up to the organization. In brief, there is no second round that is contemplated.

**MR. R. DOERN:** Just a point of clarification. I assume, however, that the hearings will continue after the swing through the province and that if there are additional briefs or people who aren't heard in these four days, that they will in fact be heard towards the end of September or early October?

**MR. CHAIRMAN:** The committee, at its organizational meeting on the 18th of August, agreed to set aside twelve hearings on four days this week to hear briefs in Winnipeg. The committee also agreed to reserve the last three days of September to hear any additional delegations who wish to appear before the committee who are not heard by Friday evening of this week and that plan still stands. The committee has indicated no desire to change that.

**MR. R. DOERN:** And so the proposed amendments will be released at that point.

**MR. CHAIRMAN:** The amendments were released this morning, Mr. Doern, at 10:00 a.m.

**MR. R. DOERN:** Okay.

**MR. CHAIRMAN:** Mr. Letourneau.

**MR. L. LETOURNEAU:** In keeping with my position as President of the Fédération des francophones hors Québec, I should like you to note that I will be speaking in the two official languages of Canada. I think that members of the committee have the English translation to the French sections that I will . . .

Nous tenons à remercier les membres de ce comité parlementaire d'avoir bien voulu accepter que la Fédération des Francophones hors Québec (F.F.H.Q.) puisse venir discuter aujourd'hui de différents aspects de l'entente intervenue en mai dernier entre le gouvernement du Manitoba, le gouvernement fédéral et la Société Franco-Manitobaine concernant les dispositions de l'article 23 de l'Acte du Manitoba.

We are particularly honoured to be one of the first groups to be heard in your public sessions, all the more so since I am a Franco-Manitoban myself.

En tant que porte-parole du million de Canadiens d'expression française vivant à l'extérieur du Québec, la Fédération des Francophones hors Québec ose croire que les membres du comité comprendront qu'elle porte un intérêt tout particulier au débat qui actuellement cours au Manitoba sur la question des droits linguistiques. Cela, on le sait, peut avoir un impact considérable sur l'unité canadienne.

L'entente de principe intervenue en mai dernier a de quoi réjouir les Francophones du reste du pays. Cette entente est le fruit d'une négociation où la bonne foi du gouvernement manitobain et des représentants de la communauté francophone n'a pu, en aucun temps, être mise en doute. Le compromis qui en a résulté est de nature à assurer et à préciser l'envergure des droits reconnus à la communauté francophone de la province.

The proposed agreement provides a Manitoban solution for a Manitoban reality, but in a Canadian context where two official languages are recognized.

Therefore, we think that this general agreement is fair and reasonable. We see it as the continuation of various legislative measures, adopted by the Legislature in the last thirteen years, to preserve the rights of the Franco-Manitoban community. We refer here to modifications introduced in 1970, to The Schools Act which confirmed the official status of French as a language of instruction; we refer to the creation of the Bureau d'éducation française in 1975; finally we refer to the measures taken in 1981 and 1982 by the Conservative and New Democratic governments outlining a policy of government for services in both official languages, within the ministries which maintain close contact with the people, in the regions where there is a concentration of Francophones.

The various clauses of Article 23 will definitively confirm the evolution, which has been apparent in Manitoba over the last few years, ensuring fairer treatment for the Francophone community.

La Cour Suprême du Canada consacrait, en décembre 1979, le caractère originellement bilingue de la province. Cette décision est donc d'une portée historique considérable. L'entente de principe intervenue en mai dernier s'inscrit également dans le prolongement de la décision de la Cour Suprême et accorde au gouvernement des délais suffisants pour la traduction des lois et pour l'établissement de services dans les deux langues officielles.

Le Manitoba a donc une occasion unique de poser un geste historique qui aura des conséquences importantes non seulement pour l'avenir de sa communauté francophone mais pour l'avenir également des autres communautés francophones du Canada. Le Manitoba peut montrer, à l'instar du Nouveau-Brunswick, sa détermination à enchâsser les droits de sa minorité de langue officielle et à les protéger des aléas de la vie politique. La décision que prendra l'assemblée législative de cette province aura donc des répercussions nationales.

La communauté francophone du Canada représente 25% de la population du pays. L'acceptation de la proposition d'amendement de l'article 23 de l'Acte du Manitoba constituerait un pas de plus dans la reconnaissance effective de la dualité linguistique de ce pays et une contribution importante à l'unité canadienne.

Faut-il rappeler que la présence des communautés de langue française et de langue anglaise à l'échelle

du Canada est à la base même de la réalité de ce pays. Cette réalité ne saurait toutefois, à elle seule, refléter la complexité de cette entité politique que l'on appelle le Canada. La contribution inestimable de nombreux groupes ethniques a largement contribué à bâtir ce pays. Cette réalité est particulièrement présente au Manitoba où les communautés ethniques sont des composantes importantes de la société manitobaine.

Some people would have us believe that the official recognition of French would not be compatible with a pluralist and multicultural reality. On the contrary, the proposed agreement reinforces the complementarity between the official recognition of French and the protection of a multicultural heritage.

It is also important and revealing to note that the leaders representing the Ukrainian, Jewish, Métis, German, Portuguese, Italian, Chinese and Mennonite communities have given their support to the amendment proposal of Article 23 presented by the government.

Recognition of Francophone rights will consequently create a new climate which can benefit other ethnic communities.

This is also the message expressed recently by the representatives of various ethnic communities. The Manitoba Association for Bilingual Education, an organism that ensures co-ordination of groups such as Manitoba Parents for German Education, Manitoba Parents for Hebrew Bilingual Education and Manitoba Parents for Ukrainian Education, emphasized in a letter addressed to the Francophone weekly *La Liberté* which appeared last July 22, "that the rights of the Francophone community are indissociable from those of Manitoban minority communities (and) that the denial of these rights to a community prevents other communities from obtaining rights."

En tant que porte-parole des communautés d'expression française vivant à l'extérieur du Québec, nous tenons à rappeler que la question qui est étudiée par votre comité est d'une importance capitale tant pour les Francophones de ce pays que pour d'autres communautés culturelles qui cherchent leur juste place dans le Canada de demain.

Il est clair pour nous que les délais prévus au sein de la proposition gouvernementale pour ce qui est de la traduction des textes de lois sont des plus acceptables et ne devraient pas entraîner des coûts exorbitants pour la province étant donné qu'ils seront étalés sur une période de 10 ans. D'ailleurs, le gouvernement fédéral s'est engagé à verser \$2.4 millions pour la traduction des textes législatifs et l'on peut présumer que d'autres fonds pourront être alloués pour l'établissement des services dans les deux langues.

Certains opposants à la proposition gouvernementale s'objectent à l'idée que le droit à des services en langue française soit enchâssé dans la constitution.

For us, the commitment of the Manitoba government towards entrenchment signifies once and for all, that Francophones will benefit from basic rights beyond the hazards of political life and unforeseen circumstances. It is useful to recall that the Leader of the Opposition, Mr. Lyon, today objects to the entrenchment in the Constitution of the right to services in both languages. When he was Premier, Mr. Lyon agreed to the constitutional Accord in the name of the Government of Manitoba, as well as to the clauses relative to the Charter of Rights and Liberties. We therefore cannot

understand why Mr. Lyon would now reject the principle of including linguistic rights in the Constitution when he was a party to the general agreement in November, 1981.

We find it deplorable that certain politicians are using this debate to gain political ground by fostering fears liable to generate bigotry and discrimination.

Why not draw inspiration instead from the new leader of the Progressive Conservative Party, Mr. Brian Mulroney, who said a few months ago here in Winnipeg "that Francophones must be accepted as full-fledged citizens with the protections of a Constitution".

He also added on Monday, August 29, after his victory in Central Nova, "that in French Canada as well as in English Canada, the message would be the same and unequivocal. Together we are going to build a new country, a new Canada, more worthy, more tolerant and more prosperous." Beyond political allegiances, this is the challenge to which you must respond to build a better Canada.

The Legislative Assembly of Manitoba has a unique occasion to show the rest of the country its open-mindedness and its desire to treat its official language minority with justice and equity. Failure to meet this challenge can only support the claim that there is no future for French outside Quebec. The Legislative Assembly of Manitoba enjoys the historical opportunity to take a stand that will favour the unity and future of Canada.

Mesdames et Messieurs, comme vous l'avez constaté, nous ne sommes venus ici pour rappeler certaines injustices qu'ont eu à subir, par le passé, les Francophones de ce pays. Nous estimons qu'il n'est pas nécessaire de réouvrir de vieilles plaies. Nous sommes plus intéressés par le présent et l'avenir du Canada et par l'adoption de mesures qui assureront que l'idée de la dualité linguistique pourra se concrétiser dans les faits.

Nous souhaitons vivement que la proposition gouvernementale issue des négociations avec le gouvernement fédéral et la Société Franco-Manitobaine, soit adoptée incessamment par l'assemblée législative du Manitoba. Vous ne pouvez manquer ce rendez-vous avec l'histoire et c'est pourquoi nous réitérons notre appui ferme au projet.

Et si le gouvernement avait besoin de nos services pour la mise en oeuvre de cette entente, nous nous joignons notre composante, la Société Franco-Manitobaine, pour offrir nos services les plus empressés.

Thank you very much.

**MR. CHAIRMAN:** Thank you very much, Mr. Lafontaine.

**MR. L. LETOURNEAU:** Letourneau.

**MR. CHAIRMAN:** Oh, sorry, right, Letourneau  
Are there any questions for either Mr. Letourneau or Mr. Lafontaine by members of the committee? Mr. Lyon.

**HON. S. LYON:** A question to Mr. Letourneau, Mr. Chairman. With reference to his comments at the top of Page 7 of his brief, wherein he reflects a misstatement of the position of not only myself but the province, with respect to the Charter of Rights and Liberties included

in The Constitution Act, would he agree to an inclusion in the amendments to Section 23 of The Manitoba Act a notwithstanding clause or an opt-out clause such as the Premiers insisted on putting in the Charter of Rights in order to preserve the principle of the parliamentary supremacy?

**MR. L. LETOURNEAU:** I think that, if I may respond in this manner, given the essence of my presentation, that linguistic rights in this country ought to be viewed as a fact. It is not a question any more of whether or not we ought to provide linguistic services, French or English, to our various minority groups. I think that it is imperative now that, given the dynamism at the federal level, in terms of - and in all parties I would say - that they recognize that in Canada, today, there are two official languages, and I would be very reluctant to have a notwithstanding clause included in that agreement that might, at some stage, be more retrograde than an evolution of that concept.

**HON. S. LYON:** Well perhaps then Mr. Letourneau could explain what he and/or his group meant when they said, "We, therefore, cannot understand why Mr. Lyon would now reject the principle of including linguistic rights in The Constitution when he was a party to the general agreement in November 1981." Recognizing, as I am sure he must, that I was a party to the general agreement in 1981, which contained an opt-out clause, I ask the question again, would he agree to an opt-out clause being put into the amendments to Section 23 and, if not, why not?

**MR. L. LETOURNEAU:** I would have to respond in the negative and I explained why.

**HON. S. LYON:** But if a fundamental freedom, such as, the freedom of speech, which is in The Canadian Charter of Rights, if that is subject to a notwithstanding clause which can be used by the Parliament of Canada, or other Legislatures of the provinces, surely that fundamental freedom of speech suggests that linguistic rights, as well, might be, when constitutionalized at the provincial level, might benefit from the same kind of a notwithstanding clause in order to ensure that the representatives of the people have ultimate control over the policy that will be developed, rather than the courts, with no access by the people through their elected representatives, to correct any extensions that may be made to linguistic rights which are not in accord with the thinking of the people.

**MR. L. LETOURNEAU:** If my memory serves me right, I don't think that Section 23 is subject to a notwithstanding clause.

**HON. S. LYON:** Never has been. Mr. Letourneau says Section 23 is not subject to the notwithstanding clause. He is quite right, it never has been. But what is being proposed by the government is a vast extension of Section 23, getting into areas that were never contemplated by Section 23. In view of the fact that this is, at this moment, causing severe disruption and divisiveness within our province because of the intuitive fear, which is a genuine intuitive fear, of a large number

of Manitobans, that putting this kind of policy-making beyond the reach of the elected representatives, that is, government services in French, can lead to trouble, in view of that concern, would he not agree that, if he insists on having French Language Services extended and entrenched in the Constitution, that they should be made subject to a notwithstanding clause so that the Legislature can exert, if necessary, some control over the otherwise uncontrolled dimensions that the Courts could apply to their interpretations of these matters.

**MR. L. LETOURNEAU:** First of all, the agreement that was reached is a compromise between three parties and that, in my estimation, is an expression by the representatives of the people of Manitoba and, in that sense, I have to accept the agreement as being quite legitimate. In another order, I would have to say that I don't find it divisive. Why is it that every time a minority asks for particular rights that members of the majority would invoke divisiveness as a means of not doing anything. It seems to me that, given the basic principle that I have enunciated, the fact that we have two official languages in Canada; given that basic fact, if you accept it as such, then I don't think that it ought to be divisive and that we ought to work in terms of implementing that basic fact. Now perhaps if you do not agree with this kind of reading of that fact, as I call it, then perhaps you might wish to tell me how you view linguistic rights in Canada and indeed in Manitoba.

**MR. CHAIRMAN:** Order please. It's not appropriate to ask members of the committee questions, Mr. Letourneau.

**MR. L. LETOURNEAU:** I'm sorry, Mr. Chairman. This is my first presentation before such a committee.

**MR. CHAIRMAN:** Mr. Lyon.

**HON. S. LYON:** Mr. Chairman, in the second paragraph of Page 7 of the brief, Mr. Letourneau and his group state, "We find it deplorable that certain politicians are using this debate to gain political ground by fostering fears liable to generate bigotry and discrimination." My question to Mr. Letourneau is, would he mind naming who those politicians are?

**MR. L. LETOURNEAU:** I read the papers as everybody else does, and it seems to me that in expression of some of these reports that certain politicians, who remain unnamed, are creating this kind of situation where it becomes not an issue of - it is not a question of trying to look at how we could come about in resolving this particular issue, but it's more in keeping with, well it's rather divisive, and so on and so forth. Every time you talk about language issues that the language issue is bound to divide the citizens of the province.

I don't care to name any politicians. I think they have done an extremely good job of identifying themselves.

**HON. S. LYON:** Mr. Chairman, we have before us a group that is presumably a legitimate group who make a statement in the course of their brief to this legislative committee that they "... find it deplorable that certain

politicians are using this debate to gain political ground by fostering fears liable to generate bigotry and discrimination." That's a serious statement. I want Mr. Letourneau to name the politicians; otherwise to withdraw the comment.

**MR. L. LETOURNEAU:** In order not to belabour the point, I'll withdraw the comment.

**HON. S. LYON:** Thank you. Now, Mr. Chairman, can Mr. Letourneau, as the spokesman for Francophones outside of Quebec, advise the committee as to whether or not his organization receives, directly or indirectly, support by the taxpayers of Canada or the taxpayers of any of the provinces of the country?

**MR. L. LETOURNEAU:** Mr. Chairman, I should like to note that I don't think that the question is highly relevant to the discussion on the amendment or the resolution presented by the government on which I wish to speak. So, therefore, I am not going to answer that question.

**HON. S. LYON:** Mr. Chairman, Mr. Letourneau appears before us, as I said, purporting to represent a legitimate group who are here and quite welcome to be here to make a statement on behalf of a fundamental constitutional amendment that Manitobans are being asked to consider. I am merely asking whether this is one of a number of groups who have indicated readiness to come to speak to this committee who are, in part or in toto, taxpayer supported. I don't think there is anything illegitimate about that at all.

**MR. L. LETOURNEAU:** The Fédération is constituted in the following way. In 1976 I believe, the Francophone provincial associations of the nine provinces outside Quebec decided to form a federation, because they had common concerns. They wanted to work together to bring those concerns to bear upon the Federal Government and indeed on Provincial Governments through their provincial association. In that sense, they became recognized as a legitimate group by the Federal Government in a similar way that Alliance Québec is recognized as a legitimate group within the Province of Quebec.

We are being funded by the Secretary of State of Canada, and we draw our salaries from the same source as you do.

**HON. S. LYON:** Is the Federal Government, the office of the Secretary of State of Canada, the sole source of financial support for the Fédération, or does it receive private subscriptions from private citizens or from other Provincial Governments? Are taxpayers' dollars the sole source of revenue for the association?

**MR. L. LETOURNEAU:** Our provincial associations also provide some funds to the Fédération.

**HON. S. LYON:** Mr. Chairman, on Page 8 of the brief, Mr. Letourneau states, "The Legislative Assembly of Manitoba has a unique occasion to show the rest of the country its open-mindedness and its desire to treat its official language minority with justice and equity."

Is he trying to suggest, Mr. Chairman, that open-mindedness means accepting a bad agreement that

has been negotiated by a government which should not have been negotiated in the first place? If open-mindedness means accepting an agreement that the government proposes, does the opposition or does the vast majority, I suspect, of the people of Manitoba who oppose this agreement, are they being regarded implicitly by your statement as being narrow, mean, bigoted, discriminatory and evil because they don't accept this agreement?

**MR. L. LETOURNEAU:** The positive side of that statement does not necessarily imply its negative side.

**HON. S. LYON:** Good.

**MR. L. LETOURNEAU:** On the other hand, I should like to say that I don't consider the agreement to be a bad agreement. I think that's a relative issue. If you consider it to be a bad agreement, then that's your prerogative to state that. I find that it is a just and reasonable agreement.

**HON. S. LYON:** I don't want to be unfair in questioning. I don't know if Mr. Letourneau suffers from the background that some of us do, of having legal training, but could I ask him the question - if he chooses not to answer it, why of course I would have no objection at all. Does he or does he not agree with the counsel for the Government of Manitoba that the chances of Mr. Bilodeau succeeding in his case in the Supreme Court were infinitesimal?

**MR. L. LETOURNEAU:** Mr. Lyon, I really thought that the lawyers had their day this morning, and that I am not in the position - I don't have a legalistic training. I merely have a Ph.D. in Social Sciences, so therefore I cannot respond to your legal questions.

**HON. S. LYON:** In the same paragraph on Page 8, Mr. Chairman, Mr. Letourneau states, "The Legislative Assembly of Manitoba enjoys the historical opportunity to take a stand that will favour the unity and future of Canada." Could he tell us how the unity and the future of Canada are going to be served by great social divisiveness being caused in the Province of Manitoba?

**MR. L. LETOURNEAU:** You keep insisting on social divisiveness which I don't necessarily agree with. I told you in one of my initial statements that when you are building a country, you build it on certain kinds of principles. One of these basic principles that is coming to the fore as this country evolves is the question of recognizing two official linguistic groups in Canada. Now on the basis of those principles, it seems to me that Manitoba, more specifically its government, has an opportunity to show the rest of Canada some leadership in recognizing this fact, indeed, as New Brunswick did a while back in entrenching within their Constitution linguistic rights to their Acadian population. The Quebec Government also recognizes through 133 and, unofficially, the government in Ontario also recognizes this linguistic fact or these linguistic rights because they are providing some services in French. It's a question now of determining to what extent they'll go in order to legitimize that particular linguistic community

and so Manitoba is in that position to offer that leadership.

**HON. S. LYON:** Again, Mr. Chairman, not wishing to be unfair to Mr. Letourneau, may I put to him a question that I often used to put to Prime Minister Trudeau with respect to Charter of Rights matters and so on - are you, sir, more interested in the proclamation of a right than you are in the enjoyment of it?

**MR. L. LETOURNEAU:** Do you wish me to respond as Mr. Trudeau would?

**HON. S. LYON:** I would hope you would respond with more sensitivity and intellect than Mr. Trudeau did.

**MR. L. LETOURNEAU:** I think that it's one thing to have laws and to have the entrenchments of rights and so on and so forth but at some point along the line, those rights need to be applied so that people can enjoy these rights on a daily basis. Obviously, a community cannot maintain itself if all it has are laws that tell them or tell its people that it's got those rights but that the government is not in the position or does everything in its power to implement those laws. I think I agree with you that there is some degree between stating something legally and then implementing those laws. I think we've seen it in the past.

**HON. S. LYON:** As practical people, Mr. Letourneau, should we not be more concerned about the enjoyment of the right rather than its being chiseled in stone or its proclamation on a piece of paper? If, for example, the Governments of Manitoba in the past have been proceeding with extensions of French Language Services to the people of Manitoba, not only the Franco-Manitobans but others, why then is it necessary to proclaim and entrench, or to use the words of the spokesman this morning, to enshrine that in the Constitution when that very enshrinement may do prejudice to the enjoyment of the right that was previously being legislated by the government as a matter of policy?

**MR. L. LETOURNEAU:** Because it's my basic understanding of political life, although I'm a not a political scientist, that majorities have not a very good track record in respecting the rights of their minorities. Secondly, I would like to know why Premier Hatfield saw fit to entrench those rights. I suspect it was because of the fact that successive governments might indeed not respect those rights. It seems to me that here in Manitoba that perhaps if the Supreme Court - and this is purely hypothetical obviously but, since we deal with a lot of hypotheses - it seems to me that if the Government of Manitoba or rather the Supreme Court of Canada had not decided in favour of the Forest case, that perhaps the manner in which the governments have chosen to deal with those French services might not have come about.

In other words, what I'm saying is that the Supreme Court of Canada in reading the Constitution decided that indeed there were rights that had not been respected and they wanted to reinstitute those rights.

Now, would the Governments of Manitoba have given those services if the Supreme Court had not decided in favour of the Forest case? I agree that it's purely hypothetical but then, it's a question that needs to be asked. I'm not asking you to respond to the question because I'm not supposed to be asking questions.

**HON. S. LYON:** One suggestion I might make, Mr. Chairman, to Mr. Letourneau, is that the Supreme Court of Canada found that the Legislature of Manitoba in 1890 passed the law that was beyond its jurisdiction. It was dealing less with rights than it was with the vires, as the lawyers put it, of a law which the Supreme Court in 1979 found was beyond the jurisdiction of the Province of Manitoba to pass because it purported, in fact, to pass a provincial law which purported to amend a federal statute. So, we're dealing not so much directly with rights as we are with the jurisdiction of the Legislature of Manitoba in 1890 to enact a particular piece of legislation. Subsequently, in 1980, the Legislature of Manitoba conceded in response to the Supreme Court judgment and in conformity with adherence to the rule of law that the act passed in 1890 was, in fact, invalid. That is the history of the matter in Manitoba.

Let me bring your attention, Mr. Letourneau, to another statement you make on Page 5 of the brief, second paragraph, "Recognition of Francophone rights will consequently create a new climate which can benefit other ethnic communities." Now, given the fact that "Francophone rights" under Section 23 were found to be not invalid as the 1890 Legislature had purported to say they were, but that Section 23 was confirmed in 1980 by the Legislature of Manitoba as being in force and effect again and that really very little was required to give force and effect to Section 23 except the translation of statutes and a few other actions that the Government of the Day and subsequent government immediately undertook to do. What Francophone rights are you talking about that will create a new climate which can benefit other ethnic communities given the fact that Section 23 was restored by the Legislature of Manitoba in 1980?

**MR. L. LETOURNEAU:** I keep referring to the resolutions presented by the Government of Manitoba and it's the recognition of those rights that I'm talking about in terms of services that the government can provide to the Francophone population of Manitoba. Now, I agree with you that it goes beyond what you call the demands of Article 23, however, this was a compromise that was struck by the three parties involved that I mentioned initially. Now we can talk about services in the French language offered to citizens of Manitoba of the French language.

**HON. S. LYON:** Well, Mr. Chairman, not to worry the point that was made, I think, this morning, services in French language were given long before the Forest case in Manitoba and, indeed, after the Forest case the Government of the Day and the subsequent government announced extensions of French services through the public service in Manitoba. So, those rights were in being and are were being and are being today enjoyed without benefit of entrenchment. How will the

entrenchment of French language rights in the Constitution create "a new climate which can benefit other ethnic communities?"

**MR. L. LETOURNEAU:** Well, the offering of services to the Francophone population of Manitoba was, I think, referred to as a question of courtesy. I think what I'm talking about is a question of principle.

**HON. S. LYON:** What I'm talking about, Mr. Chairman, is the reality and whether Mr. Letourneau and his group are more concerned about the extension of French services in Manitoba, or whether they're more concerned about enshrinement of these words in some constitutional document with some, perhaps, prejudice being done to the enjoyment of the rights that he seems to espouse. If, in fact, French Language Services were being extended, as I can tell him they were, over a series of many governments in Manitoba, but particularly over the terms of the immediately last government and the term thus far of this government, without benefit of a constitutional amendment, how is that going to benefit other ethnic communities if French Language Services are entrenched? I don't see the connection.

**MR. L. LETOURNEAU:** Well, I think we're going around the same issue over and over again. It seems to me that when we talk about entrenchment of rights, it's essentially to prevent successive governments - of which we can only speculate - coming around and saying that those rights are not to be accorded to the French population in Manitoba and the entrenchment of those rights would prevent that kind of situation from happening. Now there may be very few people like you who were disposed to offer the services to the French population in Manitoba, but we can only speculate that not all politicians following you will have that same disposition.

**HON. S. LYON:** Mr. Chairman, not wanting to get again into all of the nuances of an entrenchment and so on, which are not the sole purpose of the hearings, may I remind Mr. Letourneau that the Supreme Court of Canada found, in effect, that Section 23 of The Manitoba Act was and is entrenched, and how did that benefit the Franco-Manitoban community over the 93 years of subjugation that we hear talk of? If, in fact, the entrenchment of Section 23 - until the Supreme Court ruled that the law of Manitoba in 1890 was not effective - if that entrenchment didn't save the Franco-Manitobans, how in heaven's name is entrenchment of further sections of Section 23 going to save - to use your term - save and preserve these rights in the future? Is entrenchment really the vehicle you're looking for? Is not enjoyment really what you want?

**MR. L. LETOURNEAU:** No, I'd like entrenchment and enjoyment - both. I'll be enjoying those rights if they're entrenched and knowing full well that they cannot be taken away from me . . .

**HON. S. LYON:** But Mr. Letourneau, by your own argument, Section 23 is entrenched, as indeed the courts have adjudicated.

**MR. L. LETOURNEAU:** That's a recent court adjudication, though.

**HON. S. LYON:** Yes, but it sometimes takes courts a long time to come to a particular point of view.

**MR. L. LETOURNEAU:** And indeed, in political context, it's been modified quite extensively since 1890.

**HON. S. LYON:** Well let me use the example, Mr. Letourneau. In 1916, another Liberal Government purported to take actions with respect to the Franco-Manitoban community which abolished - according to the current history writers - certain of the rights of Franco-Manitobans at that time. How does your organization feel that entrenchment is going to prevent governments of good will or ill will - however you wish to describe it - from taking certain actions that they wish to take if these actions are not questioned in the courts? That, in effect, is what happened with respect to the law of 1890. It was questioned in only one court and thereafter, until Mr. Forest came along, it ceased to be questioned. It was taken as a given that the Legislature had that power to do what it did; nobody questioned it. That's why the matter persisted, so far as we can judge, for about 93 years. The so-called entrenchment of Section 23 did not help the Franco-Manitobans over that long period of time.

**MR. L. LETOURNEAU:** I think that I'd rather take my chances with the entrenchment of rights than on the benevolence of governments to provide me with those rights.

**HON. S. LYON:** Let's get back then to really the point of my question. "Recognition of Francophone rights will consequently create a new climate which can benefit other ethnic communities." Isn't it a fact, Mr. Letourneau, with respect to education, at least education in languages other than English and French, that until the law passed in 1978 by the Legislature of Manitoba came into being, permitting heritage language instruction in Ukrainian, in Icelandic or in Polish or whatever the language that was permitted by the Legislature of Manitoba, that such courses were not given in Manitoba. Right? I don't want to be unfair, if you're not aware of that, you can say so.

**MR. L. LETOURNEAU:** No, that's fine.

**HON. S. LYON:** That act of conferring educational rights upon different groups within Manitoba in order to preserve heritage languages at the educational level was accomplished without any amendment to the Constitution, was it not?

**MR. L. LETOURNEAU:** I responded.

**HON. S. LYON:** And that act continues in full force and effect today, Mr. Letourneau?

**MR. L. LETOURNEAU:** Yes.

**HON. S. LYON:** Again, I don't want to be unfair, but have you noticed any disposition on the part of any of

the political parties in Manitoba, the two represented in the Legislature or those not represented, to chip away in any way at the educational rights that were conferred, I think in a spirit of generosity by the Legislature of Manitoba back in 1978? Has there been any attempt to chip away at those rights at all, by anybody?

**MR. L. LETOURNEAU:** You're talking about educational rights. I'm talking about rights which would allow Franco-Manitobans to deal with their government in a number of service areas in the French language. I think it's more wide-ranging than in the educational system. I agree with you - and it may well be that because that the rights accorded to the Francophones in education, precipitated government to seriously consider offering linguistic rights to other minorities of the province. But if those minorities feel that they ought to have those rights then that's their concern and they'll bring it forth to their government. I'm not a spokesman of other minority groups. What I'm saying is that the rights we're talking about are based on the agreement that was reached between this government and the Société Franco-Manitobaine, which provides linguistic services in a variety of areas other than education; the basic premise being that a community cannot survive strictly on educational rights, that it needs to be serviced as other clients are by their government in their language and that's the basic argument that we are putting forth.

**HON. S. LYON:** Mr. Chairman, to Mr. Letourneau. Isn't it a fact, as you acknowledge in the course of your brief, to refer for a moment to French educational rights in Manitoba, that over the period of some three or four governments, these rights have gradually been restored in Manitoba without the benefit of any constitutional amendment, without the benefit of Mr. Trudeau, without the benefit of The Canada Constitution Act, without the benefit of any amendment to Section 23 of The Manitoba Act? They have been restored by generous - to use your words - generous, understanding, sensitive acts by the Legislature of Manitoba; that indeed a report commissioned, I think, in the middle '70s which was published - and I'm sure you're familiar with it - showing the effect of immersion courses and the degree of success of such courses in education and French across Canada. Manitoba ranked about fourth in the numbers of students and the time of that report in the successful immersion courses that were being offered by the Province of Manitoba, strictly as a result of laws passed by a succession of governments without any constitutional enshrinement or anything of that sort at all. Do you find anything wrong with that process of the improvements that have been made in French education?

**MR. CHAIRMAN:** Mr. Letourneau.

**MR. L. LETOURNEAU:** On the contrary, I would say that it merely demonstrates how this country is evolving, and that initially I think with the passage of Bill 59, I believe it was in 1967 or 1966, if my memory serves me right, Francophones in Manitoba were allowed to teach in French up to 50 percent of the instructional time, and from then on it has expanded, and indeed

as you say services have been granted. Is it not time now, in view of the fact and in view of what's happening at the national level, and in other provinces, that those rights now be entrenched in the Constitution providing a legitimacy to both linguistic communities? I think it's a natural evolution, and that perhaps we're at that crossroads where that legitimacy ought to be entrenched within the Constitution.

**HON. S. LYON:** Surely, Mr. Letourneau, you're not suggesting that a law that is passed by a Legislature, and enjoyed by a vast number of people in the province, is illegitimate merely because it isn't entrenched?

**MR. L. LETOURNEAU:** No, the positive side of an argument does not necessarily imply its negative side. I keep referring to that. If I say that what the successive governments have done in Manitoba has been very positive, let's view it in terms of an evolution and extension of those rights. If we agree that it's a legitimate right, then let's place it within the Constitution.

**HON. S. LYON:** But to come back then, Mr. Chairman, to Mr. Letourneau, to come back to the point that I've mentioned before, if the placing of those rights in the Constitution will prejudice the enjoyment of the right, would you not favour leaving them alone as they are?

**MR. L. LETOURNEAU:** I don't know what you mean by, if those rights are placed within the Constitution that they would prejudice the enjoyment of those rights. Could you be more explicit please?

**HON. S. LYON:** Yes, I will be explicit. I come back to your quote on Page 5, "Recognition of Francophone rights will consequently create a new climate which can benefit other ethnic communities."

The amendment presented by the Government of Manitoba, 23(1), states that English and French are the official languages of Manitoba. Period. The question, of course, is hypothetical at this stage, but if a court in interpreting that section were to say that English and French were the only official languages in Manitoba, and that ergo, as a result, Heritage language courses, education courses, being offered in Manitoba were to become unconstitutional because of that amendment to Section 23, would you still favour the amendment to Section 23, and would that confer, as you say here, "a new climate which can benefit other ethnic communities."

**MR. L. LETOURNEAU:** I don't think that you can argue that if you have English and French entrenched within the Constitution that it necessarily implies that other languages are unconstitutional. I don't think that you can draw that conclusion.

**HON. S. LYON:** Well, Mr. Letourneau, are you familiar with the amendments that the Attorney-General laid before the committee this morning?

**MR. L. LETOURNEAU:** I told you, and I prefaced my remarks this afternoon by saying that I had not been made fully aware of the consequences of those amendments, nor have I read them closely. I was following the debate this morning.

**HON. S. LYON:** Mr. Chairman, perhaps I could bring to Mr. Letourneau's attention this particular amendment that the Attorney-General brought to light this morning.

On Page 2 at the bottom - add a new Section 23.9 "Nothing in Section 23, and Section 23.7 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this amendment with respect to any language that is not English or French."

Mr. Chairman, may I ask Mr. Letourneau if the statement in 23.1 that English and French are the official languages of Manitoba, if that statement had not created this doubt in the mind of the Attorney-General and his advisers, why in heaven's name are they putting that amendment in, which would appear to try to protect other languages in Manitoba from the overriding effect of 23.1?

**MR. L. LETOURNEAU:** Mr. Lyon, I don't think that I necessarily appreciate being placed as a mediator between yourself and the Attorney-General of the province. I think that's a matter that needs to be resolved between the both of you. I came here to discuss the amendment as was initially presented. I told you, and I repeat, that I had not looked at the amendments. I will not react to them until I've had the time to study them.

If you wish to make comments to the Attorney-General, I'm not going to act as mediator.

**HON. S. LYON:** Well, Mr. Chairman, I certainly don't want to place Mr. Letourneau in a position in which he feels uncomfortable in responding to questions. I'm merely trying, as much as possible, to get him to respond and to explain certain statements that he made in his brief. I take it that people who present briefs to a Legislative Committee are responsible for the words that appear in their brief. The words that appear in this brief are "Recognition of Francophone rights will consequently create a new climate which can benefit other ethnic communities." What does that mean?

**MR. L. LETOURNEAU:** It means that when you start recognizing that ethnic communities are part of the social fabric of this nation, and more specifically of this province, that the recognition of the rights of one group is bound to be helpful to the recognition of rights and services to other groups. That's always been our position, and we certainly would not wish to be given rights in a way that would remove rights from other people. I think that if other ethnic groups have been given the right to teach in their own languages, well then I applaud that. That's essentially my response.

**HON. S. LYON:** And if it were found that 23.1 as presently worded represented a threat to other ethnic communities teaching in Heritage languages of their choice, would you agree that Section 23.1 should either be amended or withdrawn?

**MR. L. LETOURNEAU:** You're basing your argument on a hypothesis that indeed that's what would happen. But I could say if a court has to look at it, my suspicion would be that those languages would not be affected given the social fabric of this particular province, that

the court would not decide against those Heritage languages. My hypothesis is as valid, it seems to me, as yours.

**HON. S. LYON:** Mr. Chairman, just by way of comment, because I don't wish to put Mr. Letourneau in an embarrassing position. If the so-called hypothesis that I am expressing is only a hypothesis, the question that one of these times the Attorney-General will be answering for us, I presume, is why this new 23.9 amendment is being added to the proposed amendments of the government if there was implicit in 23.1 a possible threat to other ethnic languages in Manitoba. If that threat wasn't implicit, why then are we being faced with an amendment to it which says that with respect to any language that is not English or French nothing in 23 or 23.7 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this amendment?

It's not fair, I understand, to ask that question of Mr. Letourneau and I won't. But he will see, I think, from the series of questions that I have put to him that the situation I have outlined is more than a hypothesis, not only in my mind, but now obviously in the mind of the government which is moving an amendment to that effect.

**MR. CHAIRMAN:** Do you have a further question, Mr. Lyon.

**HON. S. LYON:** Mr. Chairman, Mr. Letourneau states on Page 5 of his brief, "It is also important and revealing to note that the leaders representing the Ukrainian, Jewish, Métis, German, Portuguese, Italian, Chinese and Mennonite communities have given their support to the amendment proposal of Article 23 presented by the government."

My question to Mr. Letourneau is, does he know this personally, as a fact, or is this just a reflection of what he reads in the newspapers or in government propaganda?

**MR. L. LETOURNEAU:** I'll just comment, Mr. Lyon, that I feel quite at ease in responding to your statements.

In response to your question, I would just like to note that yes, indeed, I read the papers like everybody else and people are quoted. Then you meet other individuals also and you discuss these particular issues and it becomes apparent that there may not be all that divisiveness that you allude to, because certain groups have indeed come forward supporting the amendment and supporting the compromise that was struck by the three parties involved.

So, yes, I read the articles; yes, I speak to people, and yes indeed some of these groups, all of these groups have come in favour of the amendment.

I should note that representatives of these groups are in support of the amendment. Those are the people I talked to.

**HON. S. LYON:** So you're saying, in effect, that it is certain representatives of these groups, rather than the groups themselves, that in your mind appear to favour the amendment.

**MR. L. LETOURNEAU:** Indeed, as I represent various provincial associations, I respond as their spokesperson to your committee. As you indeed represent a constituency of people, I suspect that you represent that constituency of people. You will note later on perhaps, that these particular groups will come forward and present their views to you.

**HON. S. LYON:** Or the leaders of them.

**MR. L. LETOURNEAU:** We're all leaders of something, aren't we?

**HON. S. LYON:** Thank you, Mr. Chairman. I have no further questions for the moment of Mr. Letourneau.

**MR. CHAIRMAN:** Mr. Penner.

**HON. R. PENNER:** Mr. Letourneau, in referring to Page 7 of your brief and its reference to Mr. Lyon and the Constitutional Agreement of November, 1981, Mr. Lyon said, ah, but we were wise enough to put in a notwithstanding clause. I direct your attention to Section . . .

**HON. S. LYON:** I never said that was wise.

**HON. R. PENNER:** Expedient . . . to Section 33 of the Charter which, in fact, contains the notwithstanding clause, limits that notwithstanding clause in fact to Sections 2, 7 to 15 and does not apply to Section 16 through, which are indeed the sections with contain the references to the official languages. Are you aware of that?

**MR. L. LETOURNEAU:** No, not specifically.

**HON. R. PENNER:** Well, you now are.

**MR. L. LETOURNEAU:** I am, thank you.

**HON. R. PENNER:** So in fact, Mr. Lyon was wise enough to recognize that these are sections, as contained in the Charter, which should not have a notwithstanding clause attached to them.

**HON. S. LYON:** They never have had. They've always been there.

**HON. R. PENNER:** Well, we've only had the Charter since April.

**MR. CHAIRMAN:** Order please. Please direct your remarks to the witness.

**HON. R. PENNER:** Which witness are you referring to?

**MR. CHAIRMAN:** Mr. Penner, do you have a question for Mr. Letourneau?

**HON. R. PENNER:** Yes indeed I do, Mr. Chairperson. I'm sure that you will allow me to ask them uninterrupted.

Again just one final question of a similar kind, reference was made by Mr. Lyon to my document tabled

by myself on behalf of the government earlier today containing that Section 23.9, nothing in Section 23, etc., "abrogates or derogates." Are you familiar with Section 29 of the Charter which contains the identical terms?

**MR. CHAIRMAN:** Mr. Letourneau.

**MR. L. LETOURNEAU:** No.

**HON. R. PENNER:** But you now are.

**MR. L. LETOURNEAU:** I am, thank you.

**HON. R. PENNER:** No further questions.

**MR. CHAIRMAN:** Mr. Lecuyer.

**MR. G. LECUYER:** Monsieur Letourneau, I wonder what the Leader of the Opposition, in . . .

**MR. CHAIRMAN:** Would you please use the microphone, Mr. Lecuyer?

**MR. G. LECUYER:** . . . in referring to what he called, chipping away at rights and stating that through the years gradually these rights were restored without constitutional amendment or without the intervention of the courts.

First of all, we do not agree that if these rights were restored, that obviously they must have been pretty badly chipped away at, at one time previously. Would you not agree?

**MR. L. LETOURNEAU:** Yes, I would agree, Mr. Lecuyer.

**MR. G. LECUYER:** Would you say that when the Leader of the Opposition refers to the restoration of language rights in education, that this restoration deals or had to do with the outlawing of teaching of French in 1916?

**MR. L. LETOURNEAU:** I agree with you.

**MR. G. LECUYER:** And to your knowledge, when that was done, was it done through an amendment to the Constitution? Was it done through the intervention of the courts?

**MR. L. LETOURNEAU:** No, it wasn't.

**MR. G. LECUYER:** Would you agree also, Mr. Letourneau, that to view the proposed amendment as causing or bringing about divisiveness and to constantly repeat that statement, has the effect of perhaps causing that very fact of bringing about the divisiveness; that it might have that effect?

**MR. L. LETOURNEAU:** It may indeed cause that. If you insist, for example, and people are misinformed about the agreement - but this again is purely hypothetical, you know.

I suspect that the divisiveness does not exist to the extent that Mr. Lyon has suggested. Now that's my reading of the situation. Having lived here all my life, it seems to me that the divisiveness does not necessarily

exist, but who can say? It may be that there are ways of finding that out, and we will find that out eventually.

**MR. G. LECUYER:** Would you also agree that the alternative, or the opposite, that if people in a position of leadership strive to help people understand that such an amendment is right, is fair, is just, will create better understanding and greater harmony, that the opposite effect might result and that the people will have a better understanding and that it might create greater harmony?

**MR. L. LETOURNEAU:** When invoking the fact that certain groups have come forward in support of it, it seems to me that your statement has some truth to it.

**MR. G. LECUYER:** Thank you.

**MR. CHAIRMAN:** Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, has your organization made any other submissions in any other provinces, for example, in New Brunswick prior to New Brunswick being declared officially bilingual?

**MR. L. LETOURNEAU:** No, I believe the Government of New Brunswick took it upon itself, did not need the help of anybody else, to come to that kind of a decision.

**MR. R. DOERN:** Do you intend to go to other provinces? For example, it's been suggested that Saskatchewan and Alberta have legislation, similar phrases, in their original act of 1905 that could lead to them becoming officially bilingual provinces. Do you have any plans to visit them?

**MR. L. LETOURNEAU:** As I said initially when I began my presentation, we are a national federation and we respond to our provincial associations and, indeed, if the provincial association of Saskatchewan or Alberta or British Columbia, or any other province for that matter, asks us to present or give a submission to a committee similar to this one, we certainly will abide by their demand.

**MR. R. DOERN:** So you were invited and encouraged to come by the Franco-Manitoban Society?

**MR. L. LETOURNEAU:** Yes, indeed.

**MR. R. DOERN:** Now you talk on Page 2 of your brief about a Manitoba reality, and the Manitoba reality is that there are, in fact, other large ethnic groups or language groups or cultural groups in addition to the Franco-Manitoban group, and a large and sizeable German and a large and sizeable Ukrainian Canadian group. Do you think that in the context of a Manitoba reality, that some consideration or recognition has to be given to those facts, or are your eyes totally focused upon the French Canadian groups in all the provinces, regardless of whether there is 1 percent, 10 percent or 30 percent of them?

**MR. L. LETOURNEAU:** Mr. Doern, I base my submission on the fact that in Canada there are two official linguistic

groups; and as I said to Mr. Lyon a while ago, the other ethnic communities will certainly be presenting briefs and we'll find out what they think about this agreement.

What I am suggesting, in fact, is that there ought to be some degree of parallelism between what goes on at the federal level and what goes on at the provincial level. I insisted in that statement that the agreement provides a Manitoba solution for a Manitoba reality. Now I suspect that agreement will be discussed at great lengths in order that it does, in fact, reflect the Manitoba reality. I certainly am not suggesting that what is happening at the federal level ought to happen at the provincial level. I am merely saying that within the context of Manitoba, given its social and political composition, that a solution that takes into account two official linguistic communities will be arrived at.

**MR. R. DOERN:** So that the Quebec reality, namely, the second largest linguistic group in Quebec is English and the second largest linguistic group in New Brunswick is French, and the second largest linguistic group in Manitoba is German and then Ukrainian and then French; all of these must be considered in a final determination?

**MR. L. LETOURNEAU:** With the basic understanding that we have in Canada a recognition of two official linguistic groups within a multicultural society.

**MR. R. DOERN:** Would you like to see official bilingualism in the sense of French having official status in each and every province of Canada at the provincial level?

**MR. L. LETOURNEAU:** Why not?

**MR. R. DOERN:** Would you like to see our municipal governments officially bilingual across Canada?

**MR. L. LETOURNEAU:** I think that given the agreement, the municipalities have been taken out of the agreement. However, I would suggest to you that that level of government is extremely important in the offering of services on a daily basis to its citizens. Now, if you have a large concentration of Francophones in a particular geographical area that is coterminous with a particular municipality, it seems totally reasonable that that municipal group ought to be able to offer certain services in the French language. That's what I mean by a specific solution to a specific situation.

I think it would be absolutely absurd to argue that there does not exist any Francophones in a particular municipal jurisdiction, that all services ought to be available in French. I don't think that is what we have been saying. I keep insisting that given the flow of people in various geographical areas, if indeed there is an important Francophone element, then it seems reasonable - and I do insist on that particular word - it seems totally reasonable that the municipal officials be in a position to offer French services to that population, and only that situation will be capable of determining what numbers are important, and so on and so forth.

That's why it becomes extremely difficult to put numbers on significant demands or on significant

numbers of people. I think those jurisdictions, given the nature of our politics - we live in a democratic society - that those things will be resolved at that level; indeed, with school divisions in the same way. If you deal with a population that is 95 percent Francophone, why shouldn't the school division or school board be responsive to that group of people?

**MR. R. DOERN:** Well, if Manitoba becomes officially bilingual, how long would it be before a citizen could go to any municipal government in the province, regardless of population and demand, that as long as he lives there or does business there or passes through there, that he is being deprived of his rights as a citizen because he lives in a bilingual country and in a bilingual province and that he cannot speak French or receive documents or publications in the French language? How long would it be? How could a municipal government deny that person that request?

**MR. L. LETOURNEAU:** Mr. Doern, if I were a seer; in other words, if I could foretell the future, I suspect that everyone in this room today would be kneeling before me asking me what the hell's going to happen tomorrow morning. I cannot reasonably offer you a response to that statement on the basis of ifs and conjectures. I just don't know.

**MR. R. DOERN:** Are you familiar with the speeches and the person of Serge Joyal?

**MR. L. LETOURNEAU:** I've heard him speak on a number of occasions, yes.

**MR. R. DOERN:** Do you share his view that it is essential that municipal governments be bilingual as well, because of the day-to-day contact and the importance in a person's life that they tend to first deal with their municipal government, and then perhaps with the province and perhaps with the feds?

**MR. L. LETOURNEAU:** I think, Mr. Doern, that I need not speak for Mr. Joyal. He can do that very well himself. What I had to say about municipal governments, I think I said, and I think it would be strictly repeating myself to tell you that where there are important concentrations of Francophones, that a municipal government ought to be in a position to respond to that reality. I'm sure Monsieur Joyal would not even want me to respond for him.

**MR. R. DOERN:** You attempt to argue, in this paper, that the legislation that's being proposed by the Provincial Government will in some way help other multicultural groups and there are others who believe that the opposite will happen, that if you, in effect, raise up the French-Canadians that this will, in effect, mean that the other ethnic groups will go down in comparison and that, whereas some people now feel they are equal to everybody else, they will become second-class citizens; and where some people from other language groups feel they are now second-class citizens, that they will become third-class citizens. Do you not recognize that there is some real concern on the part of other cultural groups about making French an official

language in the Province of Manitoba, that this, in effect, will harm them, as opposed to help them, or have no effect?

**MR. DEPUTY CHAIRMAN, P. EYLER:** Mr. Letourneau.

**MR. L. LETOURNEAU:** Well, again, you say some groups support it because they feel that in the recognition of one group the chances of being recognized as another ethnic group are greater, others would argue the opposite. My position has been, in this paper, to argue for the former rather than the latter. It seems to me that the recognition of one may enhance the recognition of other groups.

**MR. R. DOERN:** Mr. Chairman, I also want to point out what I regard as an inaccurate statement, or one that needs to be clarified, in the brief, reference made to the leaders of various ethnic organizations supporting the amendment, and then there's a list, including Ukrainian, Jewish, Metis, German, Portuguese, etc. Is the speaker familiar with the fact that the two largest German-Canadian organizations, namely, the German Society of Winnipeg and the German-Canadian Business and Professional Association both said that they do not support the government's legislation?

**MR. CHAIRMAN, A. ANSTETT:** Mr. Letourneau.

**MR. L. LETOURNEAU:** Well certainly, Mr. Doern, if I made a mistake I'm quite prepared to retract on that. The point is, however, that a particular German group, I think, as was reported, had supported the amendment. Now, it may be that other German groups representing other kinds of constituencies came out against it, that may well be, but if I did make a mistake, and I do say "if", I do stand corrected on it.

**MR. R. DOERN:** Mr. Chairman, my point is that there are many groups from the different ethnic organizations and the fact that one person, or two people, of a particular ethnic background support something does not, in fact, in any way represent all of those people, and I simply point out that the two largest organizations, in fact, are on record as not in favour. So there may be one or two individuals who have taken a contrary position, but this hardly represents the German community.

The other question I wanted to ask was that the Franco-Manitoban Society, I gather, as of a year or so ago, received \$650,000 annually. I wanted to ask again, in terms of the funding of your organization - I think Mr. Lyon asked you this question, but I don't know whether you answered specifically - as to how much money you have in your annual budget and how much of that is federal?

**MR. L. LETOURNEAU:** Are you asking me what our budget is?

**MR. R. DOERN:** Yes.

**MR. L. LETOURNEAU:** Oh, close to \$500,000.00.

**MR. R. DOERN:** \$500,000 - how much of that comes directly from the Federal Government, and how much comes from the provincial associations?

**MR. L. LETOURNEAU:** I have to ask my director-general because he's in charge of the money matters. I deal essentially with policies and politics most of the time. If you'll excuse me for a minute.

My director-general tells me that about 70 percent comes from the Federal Government and the other 30 from other sources.

**MR. R. DOERN:** And what is the total amount, what is the 100 percent? Oh, sorry, \$500,000 is the budget; 350,000 comes from the Federal Government. Sorry, does the rest come from the provincial associations or does it come . . .

**MR. L. LETOURNEAU:** Some of it does, yes.

**MR. R. DOERN:** And some comes from individuals, or what?

**MR. L. LETOURNEAU:** Yes.

**MR. R. DOERN:** So that the Franco-Manitoban Society would also contribute to your organization?

**MR. L. LETOURNEAU:** To some extent, yes.

**MR. R. DOERN:** I was wondering whether this point might concern you because it does concern me. The Franco-Manitoban Society receives \$650,000 annually. The German Society of Winnipeg, as I understand it, receives zero from the Federal Government. They receive a few thousand dollars for a language program, but their organization directly is self-sustaining, and I believe that many of the Ukrainian organizations, etc., are in fact self-supporting. I simply wish to ask you whether you have some concern that, with such substantial public federal funding, that the Franco-Manitoban Society and other organizations are relying too heavily on the Federal Government and may be too heavily influenced by the Federal Government?

**MR. L. LETOURNEAU:** Well, Mr. Doern, I don't wish to bifurcate the question. However, I should like to say that if there are questions concerning the Société de Franco-Manitobaine, it might be better to ask those people, than myself, to respond to that question; or, indeed, to ask your question to the Minister of Multiculturalism and determine why this situation exists the way it does.

**MR. R. DOERN:** You also mention in your brief, you talk about fostering fears that are liable to generate bigotry and discrimination, and I think all of us are concerned about that. I want to ask you whether you read *La Liberté*?

**MR. L. LETOURNEAU:** Yes, I read it once a week.

**MR. R. DOERN:** Do you ever have any concern that they are fostering bigotry and discrimination?

**MR. L. LETOURNEAU:** It hasn't been my experience to read *La Liberté* in that particular way, no.

**MR. R. DOERN:** Have you ever looked at their political cartoons?

**MR. L. LETOURNEAU:** I have, yes.

**MR. R. DOERN:** Well then, I would suggest that you look at them again.

**MR. L. LETOURNEAU:** I'll do that, Mr. Doern.

**MR. R. DOERN:** The other question I would like to ask you is, you mention on Page 8, discussion on official language minorities and how this is a historic opportunity for the province, etc., etc. My question there is that it has been argued, and I think effectively, that the rights of Franco-Manitobans in 1870, that were guaranteed in the Constitution, have in fact, or are in fact, or will in fact, be restored when the right to speak French in the courts, and the right to speak French in the Legislature, and the translation of statutes is guaranteed. I simply ask you this question: if The Manitoba Act of 1870 was, in fact, ensured, would that be satisfactory to your organization, or do you think it has to go far beyond that?

**MR. L. LETOURNEAU:** No, I think it has to go far beyond that and the amendment that is before us does that, in fact. So, therefore, I would much rather support the amendment than the restoration of 1870, and the present amendment is part of a compromise and that's what I accept.

**MR. R. DOERN:** So, isn't this whole exercise a question of degree, on one hand some would argue that, let's say, everything should be bilingual, and others would argue that certain things should. So it is a case of where you draw the line. Isn't that the whole debate? Where do you draw the line? How far are we obligated, or how far should we go to ensure special rights or privileges, or restore historic rights or privileges to Franco-Manitobans? Isn't that what this is all about?

**MR. L. LETOURNEAU:** I personally do not draw lines, but I am also cognizant of a reality such that I insisted in my brief that there must be some Manitoban solution that is in keeping with the social fabric of this particular province in light of what is happening at the federal level.

**MR. R. DOERN:** Do you believe that a constitutional amendment should have widespread public support?

**MR. L. LETOURNEAU:** If a constitutional amendment ought to have wide . . .

**MR. R. DOERN:** Yes. We are amending our Constitution. The question is, should there be a broad consensus in Manitoba prior to or in conjunction with any such amendment?

**MR. L. LETOURNEAU:** Mr. Doern, one political fact that we have to live with is the fact that we live in a representative democracy. For some of us who believe in that, these representatives are, in fact, capable of deciding for their constituents. In a sense, I think we accept their collective wisdom in determining the future of their particular lives. In that sense, if the elected representatives of this particular province were to

decide to entrench the rights we're talking about, then I suspect that the majority of people have to abide by that kind of decision, who live in that kind of democratic society where we accept representative government.

**MR. R. DOERN:** Are you arguing that there should be bipartisan support or just government support?

**MR. L. LETOURNEAU:** I am saying that if a majority of the elected representatives of the people of Manitoba were to decide that this is what is best for Manitoba, I suspect that you have to abide by that decision.

**MR. R. DOERN:** Would you favour or support the concept of a referendum to test public opinion?

**MR. L. LETOURNEAU:** Again, Mr. Doern, if the representatives of this particular province were to decide that a referendum is important in order to determine what the people of Manitoba think about the issue, I think then that we would have to accept it. However, I would have the following caveat; that they would be, I think, in their wisdom, better to look at the experiences of other governments that have used referenda in the past and see if indeed that provides you with the kinds of information that are pertinent to the issue.

**MR. R. DOERN:** If 17,000 Manitobans or any large number of Manitobans said that they were opposed to such legislation, would you pay any attention to that?

**MR. L. LETOURNEAU:** I think you always pay attention to opposition, and failing to recognize that opposition, I think, is liable to create problems at the next election. So, indeed, you have to take that into consideration.

**MR. R. DOERN:** If the government was defeated because of this legislation, would you accept that as some evidence as well?

**MR. L. LETOURNEAU:** Well, this is purely hypothetical. I can't answer that, if the government's going to fall because of this or because of some other issue. Issues tend to be very time specific. It may be that in two years from now, I don't know how the people of Manitoba are going to react to the entrenchment of rights, if indeed it happens. It is purely hypothetical; I can't answer that question.

**MR. R. DOERN:** I guess my final question, Mr. Chairman, is this. In this process, again a constitutional amendment, do you concur with the view that there should be widespread public involvement, education, discussion, debate, public hearings, etc., prior to the adoption of any such proposal and its amendment or withdrawal? There should be the widest possible consensus brought about by every opportunity for the public to have some input and dialogue with the government.

**MR. L. LETOURNEAU:** I thought this was the purpose of what we were doing this afternoon and what is going to be done for the next month; that, in fact, people are going to come before your committee to express their views. That, I think, is quite legitimate.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. R. DOERN:** Thank you, Mr. Chairman.

**MR. L. SHERMAN:** Thank you, Mr. Chairman, through you to Mr. Letourneau. Mr. Letourneau, on Page 9 of la Fédération's brief, the concluding paragraph says that, "... if the government should need our services for the implementation of this agreement, we join our provincial member, the Société Franco-Manitobaine, in readily offering our services." I would like to ask you, Mr. Letourneau, is that just a general gesture of goodwill, or do you contemplate some particular initiative in that respect?

**MR. L. LETOURNEAU:** No. It's obvious goodwill is certainly part of it, but given the fact that we are of a national character, we are well aware of what goes on in other provinces. If at some point, the Société Franco-Manitobaine would call upon our services in order to help and explain what goes on in other provinces in order to help what is happening here in Manitoba, certainly we would be most disposed to do that. If the government sought our - how shall I say - expertise in that particular area, we would be quite prepared to offer it.

**MR. L. SHERMAN:** Would that extend, Mr. Letourneau, to the provision of financial support and the provision of manpower and womanpower support in terms of convening public meetings and in terms of carrying out public canvasses, etc., etc.?

**MR. L. LETOURNEAU:** Well, we'd have to wait and see what the demand would be. I can't be explicit on that.

**MR. L. SHERMAN:** Mr. Chairman, through you to Mr. Letourneau. Mr. Letourneau, perhaps unfairly, the Fédération's brief suggests to me that the Fédération is really saying that any opposition to this proposed constitutional amendment, any questioning of it by representatives of the people of Manitoba either at the Executive Council level or at the individual constituency level or at the local parish level, and that any dissection of it by Manitobans which in any way raises some criticisms and some questions either of the subject matter of the proposed constitutional amendment or the manner in which the Provincial Government proceeded with it, is unpatriotic and somehow un-Canadian and somehow destructive and divisive. It may be unfair of me to say that, but that certainly is the inference that I draw in the main from the message in la Fédération's brief.

I would ask you whether that really is the position of the Fédération; that reasoned dissection and responsible, accountable analysis of this government proposal is unpatriotic, divisive and un-Canadian? If so, where do you stand, and where does the Fédération stand on the accepted, conventional institution of free speech?

**MR. L. LETOURNEAU:** Obviously, I fully accept the fact that some people are going to oppose the amendment and others are going to be in support of

it. Our brief has been in support of it. Now, I don't think, from your reading of the brief, that you can make those particular kinds of conclusions that we, in fact, think that it is unpatriotic.

What we are saying is that there is a movement in the whole of the country towards the recognition of those rights, and that it ought to be considered very seriously in the context of Manitoba. We are saying that given the two official linguistic groups in the country, that Manitoba can offer a leadership in that direction. I don't think that we stated that it's unpatriotic to be opposed to it; but when the opposition, however, if it is perceived that the opposition is using that to create some divisiveness, then I think that is a questionable opposition. If it's, as you said, a reasonable dissection of the issue at hand, then I fully support that; indeed, I would.

**MR. L. SHERMAN:** I appreciate that response, Mr. Chairman, from Mr. Letourneau. Mr. Letourneau, I certainly congratulate you on the withdrawal of that particular paragraph on Page 7, alluding to "fostering fears liable to generate bigotry and discrimination," because I think that had that passage remained in your brief, it would have created an unfortunate atmosphere for consideration of this brief and of this whole subject.

But if I might just refer you to Page 8 of your brief, Mr. Letourneau, and reference has already been made to a comment at the top of Page 8, in which the Fédération says, "The Legislative Assembly of Manitoba has a unique occasion to show the rest of the country its open-mindedness . . ." Also, the paragraph at the bottom of the page, which I wish to quote in a minute.

I have to ask the question as to whether or not the thrust of the Fédération's approach is precisely that which I have suggested; a thrust which is designed to quiet the critics, to silence the analysts and to muzzle the legitimate commentators.

At the bottom of Page 8, your brief, sir, says and I quote, "We sincerely hope that the government proposal resulting from negotiations with the Federal Government and the Société Franco-Manitobaine is adopted immediately by the Manitoba Legislative Assembly. You cannot fail this rendezvous with history."

I would just hope, and I'll put it in the form of a question, Mr. Letourneau, that the Fédération would agree that the way to resolve the problems of the challenges of the future of this country and Canadian unity is through open, frank, reasonable, fair and honest discussion; not through overloading an argument on one side in such a way as to make anybody on the other side of the argument appear to be somehow divisive and unpatriotic. Would the Fédération subscribe to that position?

**MR. L. LETOURNEAU:** Certainly, our position has been to support the amendment that was presented and, obviously, I'm going to present to you arguments that favour the amendment.

Now, other people have suggested around this particular table that to accept the amendment would be divisive. I'm merely suggesting that not to support it would be divisive. I fully accept the fact that people are going to be opposed to the amendment, and that these particular positions ought to be aired in the public

form of this nature; but I am doing my best to convince people that it ought to be accepted, and ought to be accepted as immediately as possible. Why shouldn't I? Because I fully support the amendment. People that are in the opposition to it have been suggesting that we ought to be waiting for some length of time to make sure that everybody has aired their position on it.

**MR. L. SHERMAN:** Mr. Letourneau, on Page 5, your brief refers to a statement apparently contained in the *La Liberté* issue of July 22nd to the effect "that the rights of the Francophone community are indissociable from those of Manitoban minority communities." I presume that in the context in which the *Fédération* presents that quotation in its brief, it is subscribing to that contention. I find that extremely difficult to square with the kinds of arguments that you have advanced before this committee and the kind of position that's contained in the *Fédération's* brief.

Do you really believe, and does the *Fédération* really believe, that the rights of the Francophone community are indissociable from those of Manitoban minority communities? Because if so, I would say that the argument contained in this brief for recognition of French language rights and French Language Service rights are completely undermined by that statement.

**MR. L. LETOURNEAU:** No, no, I don't agree with you. I think that giving rights to a particular group does not necessarily prevent other groups from gaining rights. There's no logic in that, it seems to me; but it may well be, however, that denying one group certain rights, then at that particular point you start seeking uniformity in the kind of society that you're going to develop. I think what we are suggesting is that diversity may be a better way to go, and that the recognition of one group's right does not necessarily remove other groups from having rights. In fact, it may indeed help other groups in gaining rights.

**MR. L. SHERMAN:** Well, if that's the case, Mr. Letourneau, then you are saying precisely what I am suggesting is the inference that one would expect from a brief from your organization, *la Fédération*; that the rights of the Francophone community are vividly distinguishable from those of other Manitoban minority communities, and that it is not correct and it doesn't represent the *Fédération's* position to say that those rights are indissociable from those of Manitoba minority communities.

**MR. L. LETOURNEAU:** Well, the Canadian Constitution recognizes, I think, two official language groups and the multicultural nature of the nation, and our brief supports that particular perspective.

**MR. L. SHERMAN:** Mr. Letourneau, on Page 6, you and your *Fédération* say that you want to remind us in Manitoba that the question studied by this committee is of paramount importance as much for the Francophones of this country as for other cultural communities that are seeking their rightful place in the Canada of tomorrow.

Could you tell me what you mean by that? What is the rightful place of these other cultural communities

in the Canada of tomorrow or indeed the Canada of today; and to what extent, in your view, have those cultural communities, which make up our mosaic, been denied their rightful place in Canada? To what extent do they fail to enjoy their rightful place in Canada? Is Canada not a mix and a mosaic of all those cultural communities from which all of us in our individual ways come?

**MR. L. LETOURNEAU:** Yes, indeed.

**MR. L. SHERMAN:** Well, what is their rightful place in Canada and the Canada of tomorrow? Do they not enjoy their rightful place in Canada already?

**MR. L. LETOURNEAU:** The notion, I think, of two official language groups and the multicultural nature of this country, I think is a fairly recent definition of what Canada is all about. I think that that definition is starting to concretize itself in fact. I think if you go across the country, you will find that the multicultural nature of this country is being expressed in a great variety of ways and indeed the bilingual nature of the country is also being expressed across the country.

What we are suggesting, in fact, is that we are reinforcing that particular perception of Canada.

**MR. L. SHERMAN:** One final question, Mr. Chairman. Mr. Letourneau, is the *Fédération* then saying that it will support entrenchment of language rights and services for other cultural groups in Canada should those requests come forward?

**MR. L. LETOURNEAU:** I'm sorry. Could you repeat the question, please?

**MR. L. SHERMAN:** Is the *Fédération* then saying that it is prepared to support a variety of entrenched language rights and language service rights in Canada; that it's prepared to support entrenchment of language rights and services for other cultural groups in the country?

**MR. L. LETOURNEAU:** What I am saying is that our position is for the entrenchment of linguistic rights and the recognition of the multicultural nature of the country. That's what I am saying.

**MR. CHAIRMAN:** Further questions, Mr. Sherman?

**MR. L. SHERMAN:** No, I think, Mr. Chairman, that I would conclude my questioning on that point. I must say that I am having some difficulty with Mr. Letourneau's concept of the Canadian mosaic, although he may be having difficulty with my questions and my concept of it. So I'll grant him that we are probably even there.

If Mr. Letourneau and the *Fédération* were saying that they want this initiative and that they support this proposal because Francophone Canadians, French Canadians deserve it, I could accept that much more easily than the way the argument seems to be coming forward, clouded and sugar-coated with a whole lot of rationalizations about legitimate rights and rightful places for other cultural communities in Canada

because the implication in that kind of an approach is, that other cultural communities in Canada are somehow not being given the opportunity to achieve and enjoy a rightful place.

I just want to know from him what miracles he sees transpiring, and indeed what miracles are necessary for other cultural communities in Canada that can be achieved through the adoption of the proposed resolution in front of us.

**MR. L. LETOURNEAU:** I don't necessarily believe in miracles, Mr. Sherman, but I do believe in man's capability of socially constructing his social environment. The statement that I quoted on Page 5 from *La Liberté* is an expression coming from other ethnic minorities in the Province of Manitoba and I'm sure they will do a much better job than I can in defending their particular position with respect to multiculturalism in Canada.

I am saying, however, that I abide by the definition that is coming forward, that is perhaps achieving greater legitimacy in this country about the recognition of two linguistic groups within the multicultural society, and it's within that particular perspective that we feel the Manitoba Government ought to decide the kind of society it wants for Manitoba.

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

**MR. L. SHERMAN:** Mr. Chairman, just one little point at the end there. The kind of society that it wants for Manitoba, or the kind of society that Manitobans want for Manitoba?

**MR. L. LETOURNEAU:** Yes, but obviously you don't live in a vacuum. You live in a country called Canada. It is within that context that decisions have to be made. You cannot - how shall I say? - strictly consider the elements within a provincial perspective; you have to look at the provincial perspective obviously, and it may be the most important one to look at. But in constructing this country we call Canada, the provincial situation needs to be viewed within the wider context of Canada and that's what I'm saying.

**MR. CHAIRMAN:** Further questions by members of the committee.  
Mr. Lyon.

**HON. S. LYON:** It's not a question. Earlier Mr. Letourneau, Mr. Chairman, wanted to ask my view of Franco-Manitoban rights, and I am merely as a courtesy to him giving him a copy of my speech of July 12 - I'm sure he'll find it interesting reading.

**MR. L. LETOURNEAU:** Thank you, Mr. Lyon.

**MR. CHAIRMAN:** There being no further questions, Mr. Letourneau, Mr. Lafontaine, thank you very much for being here today and presenting the views of your association to this committee.

**MR. L. LETOURNEAU:** Mr. Chairman, I should like to express my deepest thanks to the committee for having

received us and listened to us. I keep insisting that we came before your committee with a national perspective, and I am just saying that it ought to be considered within your deliberations. Thank you.

**MR. CHAIRMAN:** Thank you. Ladies and gentlemen, the next name on our list is Mr. Maurice Prince, the Association des Pro-Canadiens.  
Mr. Prince.

**MR. M. PRINCE:** Members of the Legislative Committee on the proposed amendments to Article 23 of The Manitoba Act.

Mr. Chairman and members of the committee, my name is Maurice Prince. As President of l'Association des Pro-Canadiens du Manitoba, I hereby wish to present a brief in opposition to the amendments proposed to Article 23.

You will recall, Mr. Chairman, our organization reacted strongly and openly in the spring of 1980 when at that time, la Société Franco-Manitobaine, an organization totally funded by government grants, pronounced itself publicly in favour of an independent Quebec. Our Association at that time gave a voice to Manitobans of French expression who do not recognize la Société Franco-Manitobaine as the mouthpiece of our people.

This brief is the position of l'Association des Pro-Canadiens du Manitoba, shared by a vast majority of Manitobans of French expression, who do not and cannot accept la Société Franco-Manitobaine as representing the true identity of the Canadiens.

Mr. Chairman, it is important that the legislative committee, all Manitobans and Canadians know and understand why la Société Franco-Manitobaine cannot and does not represent our people.

La Société Franco-Manitobaine is the direct product of the meddling of a foreign power in the internal affairs of Canada, and this in 1968 when Philippe Rossillon, a secret agent of André Malraux, Minister of Culture in the Cabinet of Charles De Gaulle, came to Manitoba to inform a select gathering at St. Pierre, that Quebec was on an irreversible course towards independence, and that French minorities outside Quebec would quickly be assimilated unless remedial action was taken immediately to protect the French language and culture outside of Quebec. Rossillon's plan was straightforward - identify all French Canadians outside of Quebec as French immigrants to Canada, and France, with its expertise, will help set up structures to protect and help French immigrants in Canada. The die was cast; la Société Franco-Manitobaine was born.

It followed that through the educational system and the media a new terminology was introduced to impose the "Quiet Revolution" - one must remember, Philippe Rossillon helped prepare Charles De Gaulle's visit to Quebec in 1967. The designation Canadiens or Canadiens-Français disappeared and were replaced by the terminology "Franco," while in Quebec the term was replaced by Québécois. The separatists recognized the importance of imposing the term Québécois if the two-nation concept was to be used to destroy Confederation. Then followed "la piece de resistance." The term and the organization "Francophone hors Quebec" came into being to foster the separation of Quebec. The expression

"Francophone hors Quebec" is an inference that Canadians of French expression belong to Quebec and are not at home in Canada.

Mr. Chairman, this terminology is plain unadulterated garbage, financed by the Secretary of State for Canada. Are we, Canadiens, forced to have recourse to the Bill of Rights to prevent government financially supported organizations from identifying one of the founding peoples of Canada as strangers in their own country? It is obvious someone is playing political games at the expense of Canadian unity.

Mr. Chairman, l'Association des Pro-Canadiens du Manitoba presents this brief to the Government of Manitoba in English only because it is important for us all Canadians to impress on the committee the full meaning of the proposed amendment 23.7.(2) to Article 23 of The Manitoba Act, The Constitutional Act that created Manitoba in 1870, when in 1869-70 the Provisional Government of Louis Riel set the conditions for the entrance of the Northwest Territories in the Canadian Confederation.

Now, with your kind indulgence, I will quote from the Manitoba informational publication that emanated from the Department of the Attorney-General for the Province of Manitoba, the Honourable Roland Penner, titled "Constitutionally Speaking," Edition July 1983. First page, first paragraph, "In 1870 Manitoba entered Confederation as a bilingual province. Its status in that regard was the same as Canada and Quebec." On Page 3 titled "Manitoba is not going bilingual." "French language services offered in limited and specified areas only."

I refer the last question on Page 3 to the Honourable Roland Penner. Question: "Quebec language laws discriminate against English-speaking citizens, so why are we improving the situation of French here?"

The Honourable Roland Penner: "The English minority in Quebec and the French minority in Manitoba are in the same legal and historical position in Canada. Section 133 of the Canadian Constitution is word for word the same as Section 23 of The Manitoba Act and imposes the same obligation on Quebec and on Canada. The Supreme Court of Canada has ruled that English language rights in Quebec must be recognized and protected - the same ruling made with respect to French language rights in Manitoba. In fact, a decision by the Quebec Superior Court just a few weeks ago struck down as invalid a tremendously important Quebec law because part of it was in French only, when it should have been in English as well. Anyone who supports the rights of the English in Quebec should recognize that the French in Manitoba have an equally valid claim to their language rights. The major English language organization in Quebec have thanked Manitoba for setting an example which will help them ensure English language services in Quebec."

The Honourable Roland Penner concludes his answer by stating that Alliance Quebec thanked Manitoba for setting an example which will help them ensure English language services in Quebec.

What the Honourable Roland Penner does not say to Manitobans and Canadians is that the proposed amendment 23.7.(2) to Article 23 of The Manitoba Act removes the status of the French language as one of the official languages of Manitoba, and in the process this amendment sets a precedent that will remove from

the English language in Quebec its official status as one of the official languages of Canada, thus making the French language (Bill 101) the only official language in that province, and thus sacrificing 750,000 citizens in Quebec to the mercy of a separatist government and without recourse to the courts to uphold their constitutional rights.

The Minister says the agreement will save Manitobans \$1.5 million. To the Minister we ask, are the constitutional rights of Canadians of English expression living in Quebec worth only \$2 a head? And what about the rights of all Canadians, their rights to the use of both the official languages of this country?

What the Minister does not say is that Alliance Quebec, a recently formed organization with Eric Maldoff as President, and Mr. Michael Goldbloom, Vice-President, are bartering "quid pro quo" meaning "one thing for another," rights for services, namely, the constitutional rights of 750,000 Quebecers who use English because it is their language and their constitutional right for services that will depend on the good offices of the government in power.

In a special article to the Winnipeg Free Press dated August 5, 1983 by Eric Maldoff and Michael Goldbloom of Alliance Quebec, I quote the second paragraph of the said article. "When the issue touches on Canada's linguistic duality there is no room for traditional political partisanship. It is a fact of Canadian history. Parents in every province, including Quebec, are asking that their children be enabled to learn the second language and to learn it well."

It is indeed difficult, Mr. Chairman, to understand the position of Alliance Quebec when it gives tacit approval to the Amendment 23.7.(2) proposed by the Attorney-General for the Province of Manitoba, when this amendment limits, in a permanent way, the use of French to areas where numbers warrant and, at the same time, establishes a precedent to limit the constitutional rights of the English population in the Province of Quebec. We can only suggest to the Minister that Alliance Quebec does not represent the English in Quebec, but rather represents neo and first generation Canadians that have settled in the Province of Quebec, because Alliance Quebec ignores totally Article 133 of The Canada Act which guarantees rights of the English in that province.

The Honourable Roland Penner says this is a made in Manitoba deal. We beg to differ. This deal was made in Quebec by the lofty brains of the P.Q. Party and its pawns - la Société Franco-Manitobaine. At the meeting held by la Société Franco-Manitobaine at St. Boniface College on the 24th of May, Victoria Day, the most edifying event of the evening was, without a doubt, the emotional and spontaneous outburst of a large segment of the audience which sang "Gens de mon Pays." Mr. Chairman, "Gens de mon Pays" is the unofficial anthem of the Separatist Party of Quebec. We did not hear "O Canada" or "God Save The Queen." Need I say more?

L'Association des Pro-Canadiens du Manitoba question how this government can recognize and accept as a negotiating partner a society that could only muster 576 votes out of a population of 86,000 Manitobans of French expression. The statistics of 86,000 is taken from the Government of Manitoba publication, "Information Manitoba." Mr. Chairman, 576 voices represent only 6/10 of 1 percent. Surely, one can hardly

accept this as being representative of Manitobans of French expression. What about the other 99.4 percent? Have they no say in matters that concern their constitutional rights? Is this democracy?

Our people, the Canadiens, were the first to colonize this country. Our people were the first to call themselves "Canadiens." Our people brought to the west exploration and civilization with all its social amenities; i.e., religion, schools, hospitals, senior citizens' homes, orphanages, geriatric centres, etc. Our people gave to Canada its national anthem.

The amendment, 23.7 (2), prevents the normal evolution of our people. We ask this government to respect our constitutional rights contained in the constitutional act of this province, namely Article 23, as written. What Article 23 of The Manitoba Act of 1870 does not give us, we do not want. The Supreme Court of the land is there for all Canadians who wish to defend their constitutional rights. We ask you: Keep politics out of our constitutional act.

In closing, Mr. Chairman, we wish to quote the inscription on a memorial plaque to commemorate the centenary of the birth of Louis Riel, the father of Manitoba, installed on the north tower of the ruins of the St. Boniface Basilica written in both of the official languages of Manitoba.

"A la Mémoire de Louis Riel; Né ' Saint-Boniface le 22 octobre 1844; Chef du Gouvernement Provisoire de 1869-1870; Champion Des Droits De l'Ouest Canadien.

"To the Memory of Louis Riel; Born in St. Boniface October 22, 1844; Head of the Provisional Government 1869-1870; Champion of the Rights of Western Canada. "Ses Compatriotes Reconnaissants; le 22 octobre 1944."

Thank you very much, gentlemen.

**MR. CHAIRMAN:** Thank you, Mr. Prince.

Order please. Are there any questions by members of the committee for Mr. Prince?

**MR. M. PRINCE:** Mr. Chairman, I had only four copies with me, unfortunately. We are not blessed with the manna from heaven, like certain groups, but anyway it'll be my pleasure to bring you more copies if need be.

**MR. CHAIRMAN:** The Clerk will make other copies for members of the committee. Any questions by members of the committee for Mr. Prince?

Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, I want to commend Mr. Prince for his courage and for his brief. I wonder if you could just refresh my memory in one regard, and perhaps other members of the committee as well, and that is that you did take a stand in 1980. As I recall it, the Franco-Manitoban Society executive backed separatism in Quebec, and you took a position against, and then there was some kind of a vote which your side won. I wonder if you could just explain the mechanics of how that occurred?

**MR. M. PRINCE:** Well, we've always had, Mr. Chairman, a loose - how would I say? - organization of our people that didn't go under a name, but we were there. We

always had contact between one another, and we have never been able to identify with the Society, as I pointed out. At the time of the Quebec referendum, which I think, if my memory serves me right, the Society pronounced itself in favour of Quebec's separatism roughly about three weeks before the referendum.

Well, what happened is we just held a meeting. Through phone calls, we held a meeting. We said, "Hey, are we going to leave this thing just like that?" So, we said, "No." Now, what do we do? We sat down and said we'll reach our people by whichever way we know how and find out how they feel about this thing. What resulted in the inside of about two and a half weeks, we had over 5,000 signatures of people who did not follow the wishes of the SFM.

Since then, we have always met and we've organized ourselves a little bit better. Our organization is not - I can save you a lot of trouble because I know you'll ask me these questions - we are not funded either by the Provincial or the Federal Government; we are strictly funded by our own people. So, in other words, if you ask me, do we have a budget? We have a budget when we have something to look after. We make sure that we have a budget.

Does that answer your question?

**MR. R. DOERN:** Mr. Prince, some people feel that this legislation, which the government thinks will help Franco-Manitobans, will hurt them. I thought I heard you say that. Did you actually use that expression? Do you believe that although some people may have the best of intentions and may think that by passing these proposals through the Legislature this will help Franco-Manitobans, that it will have the opposite effect and that it will hurt them, or do you feel there is no effect either way?

**MR. M. PRINCE:** This government has proven that there is no need for amendments. When it came time to send out my driving permit, I noticed that no laws were passed and, by God, it was in both the languages of Manitoba.

Now, I know perfectly well, with the normal evolution, there is certainly no necessity for amendments to Article 23, because these things will come in time. There's no doubt about it. We're patient; we can wait. We've waited for 93 years. What's a few other years? You know, whether it takes another 10 years, big deal. I'm still going to keep on living, I hope, and I'm still going to keep on speaking French. I don't think that's going to change anything in my way of life.

**MR. R. DOERN:** Mr. Prince, some people feel that if this legislation passes that there will be quite a backlash; that people will feel threatened in their jobs; they will feel that they are compelled to learn French; they will resent the amount of money that would have to be spent on this type of a program; and they will resent the fact that, in their judgment, special privileges will be given to Franco-Manitobans. As a Franco-Manitoban, are you concerned about that kind of a backlash?

**MR. M. PRINCE:** First of all, I'd like to make the point that I've never considered myself a Franco-Manitoban.

I'm Canadian and I'm very proud of it. You know, three-and-a-half centuries in Canada, I can assure you, did not make a français out of me, but still we've been around this country for three-and-a-half centuries on both sides of the family.

To get back to your question, I think that the normal evolution will look after that. I don't think this backlash, without a doubt, happened. If there's an amendment that is forced on the people I honestly think that you're going to have some backlash, there's no doubt about it, you have to have backlash. People are built that way. But if things just progress normally, well, you won't have that backlash and everybody'll get along. That's been how I've been getting along for my 58 years.

**MR. R. DOERN:** So in your judgment, there has been progress, particularly in the last few years and this is not the great leap forward that some people are suggesting it is.

**MR. M. PRINCE:** If I remember right, the Conservatives gave us the first French school. This was elaborated upon by the New Democratic Party and since then we've never cried for amendments to The Constitution Act of this province. We know that these things are coming. We're going to get them and we know that there's a normal evolution. We know that you can't do everything the same day. We know that it takes funds to do it.

**MR. R. DOERN:** I'll also ask Mr. Prince for clarification here. Do you feel that the fact that the Franco-Manitoban Society receive \$650,000 annually is something that is to be deplored in the sense that it may indicate that the community is weak and requires a great deal of federal funding, and that it also may rely too heavily on the Federal Government and be influenced too heavily by federal politicians and federal objectives?

**MR. M. PRINCE:** Personally I think any organization that cannot support itself financially should not exist. It has no reason to be.

**MR. R. DOERN:** So to that extent are you saying - perhaps you have said this already - that the SFM is artificial to that extent.

**MR. M. PRINCE:** Certainly artificial in my eyes, in our eyes.

**MR. R. DOERN:** Could you clarify something else? There's been a great deal of talk about the injustices of the last 90 years. People have said that the French Canadian community of Manitoba has been poorly treated, that the rights of 1870 were cut off and that there have injustices - historical injustices - and problems and so on and of course a lot of ethnic groups could say that as well. But as a person who has long family roots in the nation, in the country and in the province, when one talks about injustices to French-speaking Manitobans and so on, what do you think these were, in fact? Or do you not think there were any in particular?

**MR. M. PRINCE:** Personally, I feel that these - what I would call - trials and tribulations have only made a better Canadian out of me.

**MR. R. DOERN:** So you don't feel crushed or deprived as a result of this.

**MR. M. PRINCE:** No, and you can say this is the reason why I'm here today.

**MR. R. DOERN:** Mr. Chairman, I'd simply conclude by saying to Mr. Prince, that when he took a stand in his organization and the thousands of people who backed him in 1980 in regard to the referendum, I want to say that I admired his courage at that time and I admire his courage again in coming to this committee hearing today.

**MR. CHAIRMAN:** Thank you, Mr. Doern. Anyone else has questions for Mr. Prince? Mr. Lecuyer.

**MR. G. LECUYER:** Mr. Prince, would you tell me when you had your last annual meeting and how many people you had in attendance?

**MR. M. PRINCE:** We had an executive meeting. As a matter of fact, an annual meeting, we had one - I'd have to ask my secretary, one moment, please - the end of November last year.

**MR. G. LECUYER:** How many members were present?

**MR. M. PRINCE:** I think there was about 20 people there.

**MR. G. LECUYER:** Mr. Prince, would you say that the 5,000 signatures that you got on your stand when the SFM had pronounced itself for the referendum in Quebec, that many of those 5,000 were members of the Franco-Manitoban Society?

**MR. M. PRINCE:** I would venture to say that a goodly number certainly must have belonged to the Society - not that I checked on it - but I know what was said and I know how some felt about the Society.

**MR. G. LECUYER:** Mr. Prince, do you have other reasons for saying the Franco-Manitoban Society is artificial other than because of their financing?

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

**MR. G. LECUYER:** You said awhile ago in answer to a question of Mr. Doern, that it was an artificial organization because of their financing or they could not self-support themselves. Do you have other reasons for saying that?

**MR. M. PRINCE:** The reasons are in the brief. I've outlined them in the brief. I know what made the organization. I know how it came about and I know what it has done to my identity. I know that to preserve my identity I have to fight against that; my identity as a Canadian.

**MR. G. LECUYER:** Mr. Prince, were you present at the meeting which founded the Franco-Manitoban Society?

**MR. M. PRINCE:** No I was not at the meeting that founded the Society.

**MR. G. LECUYER:** Are you aware, Mr. Prince, that the Franco-Manitoban Society was simply a continuation of l'Association des Canadiens Français du Manitoba which was founded in 1916?

**MR. M. PRINCE:** What I'm more aware of is that the dissolution of l'Association des Canadiens Français du Manitoba was a direct result of the interference of Philippe Rossillon in the internal affairs of Canada and Manitoba. That I know.

**MR. G. LECUYER:** Well, that is an opinion which you have not substantiated. But do you agree that l'Association des Canadiens Français was founded in 1916?

**MR. M. PRINCE:** I agree that l'Association des Canadiens Français du Manitoba was dissolved in 1968 and some months after immediately Le Grande Elite was held and from that resulted l'Association des Franco-Manitobains.

**MR. G. LECUYER:** Are you sure that was in 1968 and not in 1967?

**MR. M. PRINCE:** Oh, I'm positive. I'm positive.

**MR. G. LECUYER:** I would perhaps suggest that you might check on that and that you might check also, seeing you were not present at that meeting, that it adopted a new name and perhaps there was not a dissolution and a refoundation.

**MR. CHAIRMAN:** Further questions? Seeing none, Mr. Prince, thank you for being here on behalf of your organization and presenting your brief today.

**MR. M. PRINCE:** Thank you very much for allowing me to be heard.

**MR. CHAIRMAN:** The next name on our list is Professor Donald Bailey.

Professor Bailey please. Professor Bailey, in view of the length of your brief, I may have to interrupt you at 5:00 p.m. to continue when we reconvene this evening; please proceed.

**PROFESSOR D. BAILEY:** Would you like me to start now or wait until the briefs are distributed? Actually I have a few remarks to make before I begin to read my brief, so perhaps I should . . .

**MR. CHAIRMAN:** There is a time limit of 40 minutes and, in view of the length of your brief, you may not want to make too many remarks before you start. It may be the will of the committee that, rather than proceed now, to reconvene at 7:30 so we can hear your brief at one time in its entirety; I leave that up to the committee to decide. Our normal adjournment time, in accordance with the timetable established for this committee, would be 5:00 p.m.

Mr. Penner.

**HON. R. PENNER:** I would suggest that we should make maximum use of all of the time that we have, that Professor Bailey should start with his introduction, proceed as far as he can, and then we will begin at 8:00 p.m. It may be, I don't know, that he might want to take part of the brief, as read, as l'Alliance did with some passages in its brief this morning.

**MR. CHAIRMAN:** Please proceed, Professor Bailey.

**PROFESSOR D. BAILEY:** Mr. Chairman, not to interrupt my time, what the Clerk of the Committee has passed around is what I will be reading for the most part, but as I went over it yesterday I made a few pencil changes, and I'm afraid there's only one copy that has been handed either to her or to the Chairman that suggest those changes, but they're not very major.

The other thing that I would like to say is I have timed it twice aloud, it will take 40 minutes almost exactly. I think that it would be easier to put it in the context, especially given what has been said and asked and responded to during today, to say that there are two basic principles I'd like to rest the brief on.

First, I would like to say, concerning the amendment to Section 23, that if we pass Section 23.1 - English and French are the official languages of Manitoba - we do not need the rest; and if that first section is entrenched in the Constitution, which I will argue it should be, then I think the rest of it will follow, either in the natural course of government or in the natural course of legal fights which will order the government, through the courts, to do everything else, including the things that the government now wants to try to remove, such as school boards and municipalities.

However, there's a second part to the agreement which has to do with the rate of translation, the choice of what's to be translated. That doesn't belong as an amendment at all, but it is part of a compromise that's urgent and important to agree to now, and it's too bad that it's become the matter of partisan politics.

The second point that I want to make is that when we're dealing with the embedding of rights in constitutions, I think we can divide these rights into two sections, one is the more or less agreed upon universally list of rights that come down to us from Plato, Cicero, the New Testament and the Western civilized tradition, and which not every country in the Western tradition respects or understands, but which have almost become universal now through the United Nations; these are rights to freedom of speech, the press, religion, and so on.

In addition to that, there are rights that are peculiar to every country, and I think that Canada has at least three here; (1) loyalty to the Monarch; Her Majesty the Queen. Many conservative historians have said that's the only thing which defines a Canadian, although Richard Burton, I think, defined a Canadian as someone who could make love in a canoe. I think one of the central things is that one respects the Queen, you can feel about that as you like, but that's part of the definition of being a Canadian.

The second part of the definition, of course, is the federal system. Unlike England, from which our parliamentary traditions come, we are a federal system,

more like the United States, Germany, a lot of other federal countries, and so that puts certain limits on the exercise of democracy again.

The third part of the definition of being a Canadian is that there are two official languages in Canada, French and English, which should have throughout the country in every possible way all reason access to government in every respect, and really to the society. My brief will be largely looking at those questions.

I could say more about that, but I think my brief in itself is going to say more about that. The point I want to make here, which in a way is a response to the question Mr. Sherman asked my predecessor, I believe, is that I think Canadianness, in addition to the universal rights of speech and freedom, and the press, and religion, are the Queen, the federal structure, and two official languages in Canada - French and English - which are recognized provincially, unfortunately, only in Quebec, Manitoba, and much more laterly, New Brunswick.

Would you like to adjourn now or interrupt me at some suitable point in the brief?

**MR. CHAIRMAN:** Please proceed.

**PROFESSOR D. BAILEY:** The constitutional amendment to restore and update Section 23 of The Manitoba Act is so long overdue, so historically just, and so economically reasonable that I am surprised that it is so controversial. The respectable motives for opposition seem to be three: (1) the French population in Manitoba has dropped over the past 110 years from about 50 percent to only about 6 percent, moving it from the largest ethnic group to the fourth in size; (2) translating laws and duplicating services appear costly; and (3) some unilingual public servants are concerned about the loss of their jobs.

The rational opposition of Mr. Sidney Green - and one might add Mr. Sterling Lyon as well - should be discounted in this context because it is not concerned with the French question as such, rather it derives from their thoughtful but minoritarian opposition through the entrenchment of any rights of a so-called Charter of Rights at all. All other motives for opposition seem to me to rest on ignorance of Canadian and Manitoba history, the constitutional facts of our country and province, and the distinctive nature of Canadian identity or on unworthy motives, such as, intolerance of different cultures if raised above the level of Folklorama. But the motives of ignorance and intolerance are important because they cloud the ordinarily rational processes of average people and make it difficult for them to recognize facts and to appreciate the intrinsic merits of the proposed amendments. Therefore, most of this paper will ignore the proposed amendment itself and will try to illuminate the larger historical, cultural, and constitutional context in which it is set.

Some things, after all, are facts. The formula H2O stands for water, and not for hydrochloric acid or carbolic soda. The United States is a republic, and not a feudal monarchy or a totalitarian regime. Similarly, Canada is a country which is historically and constitutionally composed of two nations. Stated differently, Canada is officially neither a unilingual nor a multilingual state. Of course, both its recent history

and its daily practice have known English as the predominant language and a rich variety of other languages as an intrinsic quality of our culture. The predominance of English and the abundance of other languages, however, give neither of those phenomena an official status in Canada. Anyone is free to hold an opinion wishing that some other legal/constitutional situation were so, and even to work for another arrangement through the parliamentary system, but in the meantime, Canada would be more unified if everyone recognized and accepted the founding principles of the country, and if political and cultural leaders worked vigorously to make the present historical and constitutional arrangements widely respected, readily available in daily practice, and adequately reflected in textbooks, the news media, and the national imagination.

First, do we need reminding that since 1759 Canada has had six Constitutions, and all of them have affirmed the dual nature of our nationality? Even the Articles of Capitulation of Montreal in 1760, considered more important than the Plains of Abraham for the British conquest of Quebec, protected the French language in Canada.

The French fact in Canada, however, was really forced on English Canadians by the simple fact of their significant presence in the country before the English and other peoples arrived, and by the authority of successive British governments in London. It was not something which Anglophones welcomed for the most part and over the past two centuries everything politically, legally, socially and economically possible has been done to transform the French into Anglophones; contain their rights within the Province of Quebec; frustrate their economic and social aspirations and make them feel, that although the French language and people had official status in Canada, it was really a secondary status begrudged in contempt by the predominant Anglophones.

Second, Manitoba's original and still current Constitution made the first new province to join Confederation only the second province to enshrine both French and English as official languages of its legislature, laws, courts and schools. I might say parenthetically, that the schools were in a separate act, and came to language through religion, but were nonetheless a closely related issue.

These contractual arrangements were not merely because at the time the Francophones were the majority in that province which it had also just been their initiative to create. It was also, some historians have argued, because the MacDonal-Cartier vision for Canada saw the Prairies as desirably open for migration from both Ontario and Quebec. This new frontier would offer opportunities for Québécois to live in their own language and culture while sharing in the building of Canada. Thus, when the rapidly acquired English majority tyrannically broke Manitoba's Constitution within the first generation, they also betrayed the vision of Canada's founders and helped create the ghetto of Quebec with all its tragic consequences.

The Government of Canada should have disallowed these amendments to The Manitoba Act, but was cravenly caught in a political crossfire between Ontario and Quebec. That the Manitoba press corps, professional historians, lawyers, teachers and clergy,

did not continue to denounce the governments on constitutional action, is something for which they should examine their consciences. Now, after 90 years, whatever the current numbers, amount of language retention, or even desires of Franco-Manitobans, the restoration of French rights in the province is an act of justice, good citizenship, and to Francophones everywhere in Canada, a pledge of good faith.

Anyone familiar with our history knows that, until very recently, this French side of Canadian society was ignored as much as possible. Across Canada and even in Quebec, the predominant English tried to push their language down the throats of Francophones. French was not originally available even on cereal boxes, or on television and in daily and easy practice, despite the legal rights to the contrary, it was not something Francophones could use in government, in the courts, or in the less formal but more important areas of committee meetings in business or government.

The unspoken assumption was that wherever eight or nine Francophones gathered with one or two Anglophones, even if the latter understood French, the language of the working or social gathering would be English. Thus, even though French has had official status in the definition of Canada and in certain judicial and parliamentary institutions, it has never actually had dignity and equality. It has only existed on sufferance, begrudged even by Liberals whose electoral successes, since Wilfred Laurier, have absolutely depended on French support.

The fact that English has been shoved down the throats of French Canadians for over two centuries and in every fashion, ranging from economic and political power to psychological and cultural subtlety, has done incalculable harm to Canada as a whole and not just to the Francophone minority. The first people to settle in Canada and to explore and settle even large parts of the Prairies, had in 1961 only the sixth highest socio-economic status of any long established ethnic group in the country. A country which prides itself on its educational institutions and its advanced culture is almost the only place in the world where university graduates, knowing only one language, have the impertinence to call themselves "educated." And a third area of damage is the recurrent animosity, economic costs of translation between two unilingual peoples, irrational passion, and even violence, which a usually peaceful society continues to invest in the French question. Let's look briefly at each of these areas of damage in turn. These three don't exhaust the list of possibilities, but under them we can group the main points.

**MR. CHAIRMAN:** I think that may be a convenient place to stop until 7:30, Professor Bailey.

The hour being 5:00 o'clock, committee is adjourned and stands adjourned until 7:30 this evening.