



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. Peter Fox
Constituency of Concordia



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnetonka	PC
BROWN, Arnold	Rhineland	PC
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CARROLL, Q.C., Henry N.	Brandon West	IND
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DOLIN, Hon. Mary Beth	Kildonan	NDP
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DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Viriden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
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MALINOWSKI, Donald M.	St. Johns	NDP
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McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Monday, 12 September, 1983

TIME — 10:00 a.m.

LOCATION — Thompson, Manitoba

CHAIRMAN — Mr. Peter Fox (Concordia)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Mr. Storie

Messrs. Ashton, Brown; Mrs. Dodick; Messrs.
Fox, Graham, Harapiak, Johnston, Lecuyer,
Nordman; Ms. Phillips

WITNESSES: Mr. Jack Brightnose, Private Citizen

Mr. Guy Lacroix, Société Franco-Manitobaine

Mr. Arvind Aggarwal, Manitoba 23

MATTERS UNDER DISCUSSION:

Proposed resolution to amend Section 23 of
The Manitoba Act.

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MR. CHAIRMAN: Committee will come to order. We have some resignations and replacements. Messrs. Sherman, Kostyra, Scott, Malinowski and Ms. Hemphill have resigned. Replacements are Johnston, Harapiak, Storie, Dodick and Phillips. Is that agreed? (Agreed) Thank you.

Our presentation this morning consists of five, and the first one is Jack Brightnose. Jack Brightnose.

MR. J. BRIGHTNOSE: Good morning.

MR. CHAIRMAN: Please proceed, Mr. Brightnose.

MR. J. BRIGHTNOSE: To the Legislative Committee, I want to personally welcome you to Thompson. Thompson, first of all, is considered as one of the most leading multiculturalism communities in Manitoba. In Thompson we have a centre that's a hallmark of this achievement from the community. I want to say this because it's very important to us and it has some effect on what is happening with the bilingualism issue or the French bilingualism issue in Manitoba.

First of all, I'd like to perhaps give a background of exactly why, on the issue of the referendum - the reasons why it won't work. We believe, from the Native community in Thompson, from the people that I have spoken with in the last two months since this controversial issue has been discussed over the media; many of us believe that this is a Metis issue or it was the Metis people in 1870 that began some of the developments around Manitoba here, the towns and the cities that you see now, were the results of the original government that was started back in 1870 when

Manitoba was still called Assiniboia. The issue at the time, as you may be aware, was that the French along with the Native people at that time organized themselves and had their own government and it was primarily a majority of French-speaking people, so the results of that particular government, at that time, constituted a majority that were known as the French-speaking people or the Metis people of Manitoba.

So when we take a look at the broad perspective of this issue, we realize in the history of context, that it's really an issue of the Metis people. In coming here this morning, I'm thinking to myself that the thing that should be discussed here perhaps is not the issue, as to whether the French-speaking people of Manitoba have a right to have language services in French, but rather a right to other minorities. I think that the issue here should be in a context of human rights, as maybe we should be deciding what recognized language should be used in Manitoba, Cree, Dene, Saulteaux or Sioux, because these are the fundamental and primary languages in the history of this continent that were first here in Manitoba.

Now we have come to the age, or we've come to a threshold where that particular statute is challenged today. We take a look at it and we discover there are things that are going to happen if a referendum is successful in dealing with this particular issue. A referendum, to me, is appropriate when we are looking at the community wherein a person is going to establish perhaps a gambling casino or perhaps a massage parlour and that type of thing. We have referendums on a reserve where alcohol is the issue. But when we're dealing with inherent rights and in particular with statutes, with rights that the English people here in Manitoba have equal rights to the French people as it is in the Constitution, then it becomes more than a referendum.

If we take a look at the context of our society today - and I've taken the liberty of making some analysis of the people here in Manitoba or, in general, in Canada - for example, and I want to make reference to this, in the United States the political rhetoric grows out of the melting pot concept, which means the ethnic and cultural homogenization of the people. While Canada's political rhetoric is based on a mosaic, which means separate ethnic and cultural identity. Paradoxically, however, the legal theory and practice of the United States tends towards the development of a culture, an ethnic mosaic. It's very unique. Canada, on the other hand, has a legal theory and practice that supports cultural and ethnic homogenization. When we talk about homogenization, a blending of a whole society which, at all possibility, remains the same.

We had a recent case here with Canada Safeway. This not only pertains to minority people; it pertains to people who refuse to be homogeneous. We had a case in Safeway where a guy was wearing a beard; he was told that he would be fired if he did not shave his beard, and it became a controversy. The point here I

want to make is that we are dealing with the characteristics of a public that is affected by the homogenization of Canada, meaning that we all want to be the same.

There is a tendency toward homogenization, and many difficult things in this area, for instance, in homogenization, affirmative action becomes impractical, while in the United States it becomes very practical because of their mosaic practice and their legal theory and practice of their concept. So, when we talk about referendum, somebody said to me that it's illegal for people to take the law into their own hands, and the referendum places the responsibility to the public, in general, who has limited concepts, who in some cases are suffering from egocentric perception.

What I am saying about egocentric perception is the fact that they're sitting in one position and they've been orientated to the development and process of their own culture, are not able to see the other aspects of what is happening in the areas of rights to minorities. It's likened to a Rubik Cube. A guy puts it together and it looks good on one side, but on the other side, it makes no sense at all.

From the perspective that I'm in, as a minority, a treaty Indian person who has been forced to cross many unknown bridges, and to cross those unknown bridges and have to go through the agony of not realizing what is in the future for me, as a minority, and in discovering that there are meaningful things happening within my own personal experience because I have walked and crossed the path of these unknown bridges to an expansion and development of my own culture.

When we're talking about the bilingualism issue in Manitoba, we're talking about a right and a statute that's already been in existence. That particular statute that gives rights to the minority group, which is the French people in Manitoba, is the same statute that gives rights to the English-speaking people of Manitoba. If that's the case, if a referendum is required, if there is a call for a public referendum in Manitoba, then I think it would also be appropriate that the same happens to the English-speaking community, public of Manitoba because English is not, to many people, the best language.

Now, in discussing this, I believe in a case that I am talking about here, in 1979, the Supreme Court of Canada ruled that the French and English still have equal constitutional status in Manitoba despite The Official Language Act of 1890.

So, ladies and gentlemen of the legislative committee, if you were to be in a position like other minority groups today, who have aspirations and hopes that one day something like a treaty, an aboriginal rights title would be entrenched into the Canada Constitution; and then you are watching the controversial issue of bilingualism that is going to place the responsibility on the public as to whether they decide that particular group should have that right under the Constitution, it puts the other minority groups such as the treaty people, the Metis people, the non-status Indian groups, who have not yet even begun to be seriously regarded as having those rights under the Constitution, I say to you, where is the system of justice in this country?

If we are allowed to allow a public referendum which has no principles of justice, conceivably can ignore the

principles of justice, can ignore the principles of equality in this country, then I think that we are setting a precedent in this country that is going to plague us for years to come. In a public referendum, I believe and I support bilingualism, not because of the French language issue but because of the principle that the minority groups here in Manitoba, if in fact the outcry of the public can indeed alter the content of the rights to minority groups as the French people in this country, and then I say we have no chance in the future as a minority group who have inherent rights and historic rights and constitutional rights here in Canada.

The treaty people, for example, have the rights to land entitlement. We have the rights to the treaties as they were originally interpreted back in The British North America Act of 1879, and we are anticipating and hoping that the day would come that we, too, will be at the threshold of realizing a new era of freedom and rights in this country.

Therefore, in conclusion to my remarks, the Native people, in general, the people who know the ramifications and the effects of this amendment, believe that it should be up to the Supreme Court, who has the tenets and the principles of justice and rights in this country and should be dealing with this issue, because in the referendum we're going to be dealing with the characteristics that are undefined. We will be dealing with fears of the unknown. We'll be dealing with, primarily, limited visions of what the future is for the people of Canada who are multicultural and mosaic in this country.

If I have any further remarks this morning, I'd like to say that the Native people in majority that I have spoken with are for the French people to be given the right to this particular statute in The Manitoba Act. If I can say anything further I would like to say this - and the press can quote me - I want to say, come on Manitoba, where the hell are your guts?

Thank you.

MR. CHAIRMAN: Wait a minute, just in case there are any questions. Are there any questions of Mr. Brightnose? Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Mr. Brightnose. Mr. Brightnose, I want to thank you for appearing this morning and giving us the benefit of your thoughts. You made considerable reference to a referendum. I don't believe that there are too many members of this committee that are advocating a referendum but there has been some talk of a referendum, but I want to assure you that - maybe I can't speak for every member of this committee - but it's my belief that there aren't too many members in this committee that believe in the process of having a referendum on this issue. So I just wanted to maybe allay your fears in that particular direction to start out with.

A second issue that you raised was the issue of the aboriginal rights and, quite properly, you are concerned about them. The Legislature is dealing mainly with a constitutional amendment. I want to say that there are three proposals that have been put forward in this past Session dealing with constitutional amendments, but so far we're only dealing with one of those. The issue

of aboriginal rights has not been referred to this committee nor has the third one which was dealing with property rights. That, to my knowledge, has not been . . .

MR. CHAIRMAN: Mr. Storie, your point of order.

HON. J. STORIE: The Legislature has dealt with the other constitutional amendment. It was passed in the past Session.

MR. CHAIRMAN: Mr. Graham, on the same point.

MR. H. GRAHAM: This is what I was saying. It has not been referred to this committee for . . .

HON. J. STORIE: But it has been passed.

MR. H. GRAHAM: It has been passed.

MR. CHAIRMAN: Proceed Mr. Graham.

MR. H. GRAHAM: So we are dealing mainly with a proposal that is being put forward now to this committee and we're holding public hearings, dealing not with the issue of French and English language rights because that was re-established in 1979. What we have before us now are amendments to that which rather than enlarge it, seem to, in my opinion, put restrictions on the field of activity where French language rights would apply. There are certain amendments which would restrict rather than enhance the use of the French language in the province, and I was wondering if you would like to comment on whether or not you see restrictions as being beneficial in this particular field.

MR. J. BRIGHTNOSE: First of all, the fear - just to back up on some of the remarks that you made, Mr. Graham - the basic fear that we have is that we are in a relatively isolated situation, wherein we're not involved in the actual controversies that take place, as day-to-day occurrences within the Legislature or within other government institutions. Our information primarily is based on what is happening with the City of Winnipeg Mayor and Council which are discussing the possibilities of a referendum. We're also in fear of the fact that, according to the press and the media, that Russell Doern has made substantial headway that might, in fact, indicate that the general public is requiring a referendum.

On the rights, we believe and I believe sincerely that we have a system in place in Canada as well as within the Provincial Legislature, a mechanism in a way that we need to deal as to whether we need to water down the particular clauses or the tenets which are written in those rights. I cannot place myself in the position to say whether these things are limited. If I'm in a position of arguing with treaty and aboriginal rights, the issue of treaty and aboriginal title, I would argue for the maximum benefits under that particular right; if that is so, then I believe our only concern is to support that particular group which is the French people who are greatly affected by this particular statute or amendment, amendment 23.

We believe and support them that they have a better vision of their future, a better concept of what they

require in their community and their society. Therefore, my stand is supporting that group to pursue their rights to the maximum under amendment 23.

MR. CHAIRMAN: Any other questions of Mr. Brightnose?

Mr. Graham.

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Brightnose. We have heard I think, 22 or 23 presentations so far when we held hearings for four days in the City of Winnipeg, and we heard many presentations from various groups in the French community and I have to say that there was a difference of opinion within the French community itself as to which was the proper way to go.

We heard the man who really caused all of this to happen, Mr. Georges Forest, who successfully won the case in 1979, and that was what re-established Section 23. Mr. Forest believes that this present proposal should not be adopted, but the Franco-Manitoban Society is in favour of this particular proposal, although there was a time when I think they had some reservations about it. I believe there is a difference of opinion prevalent today in the French community as to whether or not this is the best proposal that should be put forward. I was wondering if you had heard in this community, any concerns expressed in that particular direction?

MR. J. BRIGHTNOSE: Well, the character of the amendment as it stands, we have not directly involved ourselves in the strength and character of that amendment. The basic concern that we have in the Native community, as I mentioned before, is the fact that there is mounting pressure in this province, as you may be well aware of, and has even reached the City Council of Thompson itself that the people are calling for a referendum. The basic concern that we have is that this process would not be adequate, not within the framework of legislative statutes, nor within the existing laws or the principles of rights and justice in this country. That is primarily what we're discussing. We don't have any opinion other than that as far as my discussion with the people of this community.

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Brightnose. Your number one concern is that we do not have a referendum on this issue, is that right?

MR. J. BRIGHTNOSE: Yes.

MR. H. GRAHAM: No further questions.

MR. CHAIRMAN: Thank you, Mr. Graham.
Mr. Storie.

HON. J. STORIE: Thank you, Mr. Chairman. Mr. Brightnose, I'd like to thank you for a very eloquent presentation, and you have issued some interesting challenges to the people of Manitoba. You made an excellent point with respect to the referendum, and I might choose to quote you from this point on in the respect that a referendum is much like a vigilante committee, that it takes the law into its own hands without due respect for the intricacies of the issue involved.

I think if I could perhaps try and sum up what your position is and give you a chance to respond to my interpretation of it, I would say that your major concern with respect to the entrenching of the French language rights is that, given the record of respect that governments have had in regard to the rights and obligations that they have toward aboriginal peoples, that there is a necessity for entrenchment, there should be a recognition of both the historical and the legal rights that obtain to the aboriginal peoples and to the French-speaking people of this country, and that by way of entrenching it in the Constitution, there is a greater certainty that those rights will be met, that those obligations that we have toward those peoples and the fulfilling of those obligations will be met. Is that substantially what your position is?

MR. J. BRIGHTNOSE: Yes, in a broader context, some of the arguments that we received is the fact there is an enormous cost in providing the French language rights to the people. In looking at this perspective in terms of high cost, the problem that is suffered today by the Native people of Manitoba and Canada as well - and I'm not going to go into details of the causes and effects of what has happened in history - but the reality is that it's costing the government \$94,000 a year to maintain a family of 10 on social assistance. It's costing the government \$29,000 a year to incarcerate a person a year in Manitoba. Over 50 percent of North of 53 are represented in the prison population here in Manitoba.

In the area of education, it costs the government \$200,000 to educate 10 children. Now according to a study that was performed by Department of Indian Affairs called "Indian Conditions, A Survey" in 1980, the statistics revealed that five will end up in the criminal justice system; two will be processed within that five I'm talking about; two will be on warrant, they'll be chased and one will be incarcerated, which makes five; two will die and two will end up on welfare and one will succeed, offering a \$20,000 return investment on the government absorbing the \$180,000 loss in return on investment. These are astronomical costs that seem to escape the statisticians who are making these arguments.

The basic problem that we face is the fact that there is an underlying fear of what may be in the future. Basically, what we perceive is because of this fear, many Manitobans are unable to see the outlines of a new cultural development in Manitoba.

HON. J. STORIE: Thank you, Mr. Chairman. I have no further questions.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Brightnose, for what I think is a very concise and very good presentation. You stated that - again, this refers back to the question of referendum - as far as you understand the statutes, they were giving the linguistic rights in Manitoba, or guaranteeing in at least the legal and the Legislature the rights of Francophones or of French and English linguistic rights. When you say - just to clarify - if one is going to be put to the test, then on the basis of

what's in the statutes, now, both have to be put to the test, is that what you have said?

MR. J. BRIGHTNOSE: Yes.

MR. G. LECUYER: My second question has to do with the other point you made which had to do with, if I heard you correctly, you stated that you abhor the putting of a question like this to public sentiments because it is not based necessarily on the historic facts, or a decision can be based on all kinds of things that are not necessarily relevant. If that were to happen, then as far as you are concerned, as a Native person with treaty rights, that puts you in a position where you have to fear for the future or, at least, you have to count the future as being in a great deal of uncertainty. That is my question. First of all, have I interpreted that correctly; and, secondly, is that one of the things that leads you to believe that these rights should be entrenched?

MR. J. BRIGHTNOSE: Yes, just to clarify my statement. In a referendum, there are no bases or principles that can be - particularly in the principles of rights and justice and freedom - if they are there, they are there because of the consciousness of individuals who are involved in a referendum.

In the courts, we have a set of rules which can be either by rights, justice, or the principles of freedom as was set down in the original Constitution in The BNA Act, and I am assuming that we do have these principles at work within our justice system. In the courts, we would have these principles and there would be basis of critiquing and presenting arguments, rather than having a sporadic opinion from every direction and no one knows exactly what basis these particular concerns are being placed.

My belief is this, that I, certainly - and I'm sure that any English-speaking person in here would not allow the Indian people to decide what their rights should be and their own preferences of what they view to be the most important in their life. I believe that that would constitute a real fear if the Indian people were to be given the right to vote as to whether English-speaking people in this country would have that right. Now, you reverse that role and it becomes a very threatening thing if we allowed the people. I am not saying that the people are not competent. I believe that we have a lot of people in Manitoba, as well as in Canada, who are conscious of the legislations in the province, the rights and justices. There are people who are advocating the rights for the handicapped; there are people for the rights of the elderly who have no recognizable format from which they can address their concerns.

Basically, what I am saying is the fact that the referendum, it really is ludicrous to place the hands of such an important issue that will affect the people not only today, but in the future of Manitoba.

MR. G. LECUYER: Thank you very much.

MR. CHAIRMAN: Mr. Brown.

MR. A. BROWN: Thank you, Mr. Chairman. First of all, I would also like to congratulate Mr. Brightnose for the

excellent presentation that he has made. He has certainly brought to our attention that there is a great concern among the Metis people, especially, on this particular issue.

I would like to ask Mr. Brightnose if he can tell me how many of the Metis people have retained the French language in Manitoba. Could you give me an estimation of how many are still speaking French?

MR. J. BRIGHTNOSE: I have not made any personal statistical survey, nor have I made any attempts to find out how many people have retained the French language. However, I don't believe that should have any bearing on the issue at all as to whether how many people, in fact, do retain their French language. There are some languages within the Native community that have both the French integrated. There is a Native community, for example, in Ste. Rose that has a language that is integrated from Saulteaux and French. So you would have a majority, if you were to go there, you would have a very strong opinion as to the effect that the French language has on that particular group of Native people.

MR. A. BROWN: The reason, Mr. Chairman, that I was asking this question of Mr. Brightnose was this. I was trying to determine whether he would like to see the French language retained as well as the English language, as well as the Native language, in whatever area these aboriginals would be coming from, which would mean that they would then, of course, be trilingual, and there's nothing the matter with that, but whether he sees this as a bit of a problem, or whether he sees this as a desire on behalf of the Metis people to become trilingual.

MR. J. BRIGHTNOSE: Well, for one thing, the majority of the Native people in Manitoba are already bilingual and they have retained their language. Their first language has been Native and the second language has been English. As far as the fact that it would have any effect on us, I don't think that there is anything that Canada can throw at the Indians that the Native people will not be able to survive.

I think we've survived the utmost attack on our society where, in 1950, as I was growing up and going to school, not only was I not allowed to speak my language but I was punished. There was corporate punishment for speaking the Indian language. Today, because of those experiences, painful experiences, I believe that the Native people today, although they have not been given the rightful recognition, have emerged as a strong society, having a strong vision and a strong consciousness of others who have come here, particularly those recent immigrants who also should have rights under existing Constitution statutes here in Manitoba as well.

If you take a look at the history, it's always been the character of the Indian people to share. I believe it was one of the downfalls of the characteristics of the Indian people in always having the ability to say you have that right. So, again, going back to your question, I don't think that in the Indian people it would not matter anymore. It would be something that would be very very minimal as far as affecting us in our own

development of society among other cultural groups in Canada.

MR. A. BROWN: The major issue of this agreement between the two parties that are represented on this committee over here today are not really as to how much of the French language we would like to have in Manitoba. I believe that we can all pretty well agree as to the amount of French which is required in Manitoba at the present time. French and English already have been recognized as official languages in the statutes of Manitoba. This was as a result of the 1979 Georges Forest case. As a result of that, the Supreme Court came down with a ruling and the government of that day, the Lyon Government of that day, proclaimed both French and English to be official languages in Manitoba; but at the present time, we are very concerned about entrenching of the French language. This would mean really, in essence, Mr. Brightnose, that the amount of French, or where French was going to be used, would be placed in the hands of the Supreme Court and taken away from the Legislature.

In other words, if a court case - and there will be a lot of court cases, we know this, they will be continuing - it would be the Supreme Court that would be ruling whether some community - and it could be primarily an English-speaking community - would be forced to have their bylaws, the municipal bylaws, for instance, in French or whatever.

This is the major concern, the major difference between the two parties in Manitoba. We, on this side, believe very strongly that that power should be within the hands of the Provincial Government, so that if a frivolous case comes forward such as a traffic ticket, let's say, in one of the English-speaking communities and somebody complains that this was not in French and so on, this again would be going to the Supreme Court and the Supreme Court handing down a decision on this.

We feel that if we can reach agreement on how much French we should have in Manitoba, then it really is the Provincial Legislature who are elected representatives. They are elected by the people that can best deal with situations such as that. I wonder if I could have your comment on that particular issue. Do you see this as a problem, that if all these issues were to be decided by the Supreme Court, do you think that they could deal with this better than what the Legislature could?

MR. J. BRIGHTNOSE: Well, the Legislature, being composed of elected people, they have some measure of vulnerability to their decision-making. What I am saying is we have a classic case of Mr. Doern; there may be other opinions within the current legislative committee that is in a seat today. I believe, because of that, that the people have some power of influence over the Legislature.

However, if one is to decide on the basis of court, it takes it out of the way of the political arena because the political arena is comprised of many things. It has a broader spectrum; it has a broader area in which issues are dealt with as it happens every day when the Legislature is sitting. There was continuous opposition

and there was even, in some cases, a wavering of a particular decision because of the forces that are at work in a Legislature.

When we're dealing with the laws in courts, it takes us outside of protocol. We have a classic case wherein the Indian people put in an argument before the courts of England on the stopping of patriation, and the context and the base of the argument was within the human rights of the people. In the courts, the arguments were very strong and they were sound and they were practical in every legal sense. However, when it got down to the brass tacks of making a decision, the courts of England were not able to make a decision because they had to also respond to protocol.

Now, in a case of a Legislature, when we have an issue that has so much meaning to a certain group and not only to a certain group but groups that may be affected on a similar amendment, there is always a tendency or there is always a possible weakness wherein the Legislature will respond to protocol rather than responding to the principles of rights, justice, freedom, etc. But within the courts, we have a set of rules wherein it can give us a better handle as to even what degree one might want to have French language rights in Manitoba.

MR. A. BROWN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Ms. Phillips.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. Mr. Brightnose, I would like some clarification in terms of what we're doing here with this amendment to the Constitution in terms of entrenching these rights in the Constitution versus your seemingly advocacy for leaving decisions up to the courts.

It's my understanding that the courts then interpret, when someone makes a complaint, as to whether the legislation or the Constitution is being upheld and the obligations under that constitutional requirement are being met. What we are doing here is following the legislative procedure for an amendment to the Constitution to entrench those rights that you agree are very important, to be fulfilled; and by entrenching those rights in the Constitution, then it is left up to the courts in future individual cases as to whether the Government of Manitoba is fulfilling their legal obligations to a certain party on either a small issue or a very major issue in terms of providing services.

I guess I want to know, when you talk about leaving it up to the courts, because of their decision-making process, whether we should be proceeding with this amendment to entrench these rights in the Constitution, or whether we should allow the case that we are now faced with to proceed to the Supreme Court and have the court then interpret to what extent services should be provided in Manitoba. Do we go ahead with entrenching these rights in the Constitution and then having the courts interpret in the future whether we are fulfilling our obligation, which is the issue before us, or do we leave it up to the courts to interpret for us at this point in time?

MR. J. BRIGHTNOSE: Well, there is already - I guess the word I want to use is, there is already an organic

or inherent right to the English people which is riding upon the same statute; and the problem arose from the fact that the English-speaking people, communities of Manitoba in fact found it difficult to accept those same rights entrenched into the Constitution.

By rights, the entrenchment of this amendment should have proceeded, but because of the controversy now, the fear of the Native groups again, if it should go to a referendum, like I mentioned before, there have been indications that it might, we are looking at the next most alternative way of deciding or making a stronger decision as to whether that amendment will in fact proceed to be entrenched in the Constitution.

MS. M. PHILLIPS: A supplementary, Mr. Chairperson. I guess the clarification I'm looking for, and based on one of the questions from a member of the opposition who say that there are political differences in the way to proceed, by bringing this amendment in to the Constitution which, in essence, entrenches what was promised in The Manitoba Act, in the new Canadian Constitution, and our position of saying it should be taken out of the political arena and shouldn't be tossed back and forth with the political winds over the next hundred years as it has over the last hundred years, that it should be entrenched in the Constitution and then left up to the courts in future to interpret whether we're living up to those obligations, in fact, would make it more difficult to remove those rights or change those rights, depending on political winds, than it has been in the past hundred years.

I guess I want to know, in terms of leaving it to the courts at this point, whether that is the route we should be going or whether we should proceed - and I'm not interested in referendums for a subject like this; I believe we have legislative responsibility, as courts have responsibility - to entrench it in the Constitution so that it's taken out of the hands of different changes in public mood and is much more difficult to change; the rights or more strongly protected, and then left up to the courts to decide; or whether we should leave it to the courts at this point to decide what kind of services should be provided in the Province of Manitoba in 1983.

MR. J. BRIGHTNOSE: Yes, my opinion on that would be that the government has a legislative responsibility to proceed and entrench that amendment.

MS. M. PHILLIPS: Thank you.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Thank you. Mr. Brightnose, I'd like to compliment you on your presentation and especially compliment you on your knowledge of this subject; but you mentioned, at one point during your presentation, sir, the word "alter." You are aware that the 1870 Manitoba Constitution is now law. It protects the rights of English and French equally in the courts, in the Legislature and in the writing of the laws of Manitoba that are passed by the Legislature and it is presently entrenched into the Constitution of Canada and cannot be reversed by the Manitoba Legislature. You are aware of that? Then what we're speaking of is an expansion to the Manitoba Constitution which entrenches two

languages, English and French, as the official languages of the province when, at the present time, we don't have technically an official language in the Province of Manitoba; so you realize this is an expansion of the present Constitution of entrenching two languages. Are you aware of that?

MR. J. BRIGHTNOSE: Yes, I realize that an amendment is that.

MR. F. JOHNSTON: If we have an entrenchment of two languages in the Province of Manitoba, I know your feeling at the present time is that if we don't protect the minority rights of one group, the rest of them may not be protected either; but it would not stop the Legislature of this province of expanding languages in schools, which has been done; it would not stop the province from eliminating.

This particular piece of legislation does not really refer to human rights. The human rights of the province will be decided by the Legislature or the Parliament of Canada, referring to the human rights of people. You're aware of that? Then the entrenching of two languages as we presently have it before us is something, I should say, that will probably create or could create a lot more court cases from the point of view that once you say, as we do in 23.1, that English and French are the official languages of this province, we then are in the position of somebody proceeding with a court case or you could have many court cases if the province or municipality or schools or anything wanted to take the present legislation to court. We would be open for more. Do you not agree we could be open for more court cases under the circumstances that are being put forward?

MR. J. BRIGHTNOSE: Your question is, would we be open more to more court cases than we are currently confronted with?

MR. F. JOHNSTON: I should word the question this way. Do you agree that we would be open to more court cases than we have been before?

MR. J. BRIGHTNOSE: I just want to have a clarification on the question. The question is, more court cases using the French language?

MR. F. JOHNSTON: Because of it.

MR. J. BRIGHTNOSE: Because of it. It's hard for me to determine that because of my own limited discipline on the subject. However, again if we are looking for a catch-22 as to why we should not proceed with the amendment to the Constitution, then I would seriously consider as to why should a question like be raised when we already have quoted the immense court costs and other costs that are seemingly overlooked by people who are cost conscious or conscious of the fact that there is an exaggerated amount of other court cases and costs subsequent to this introduction of this amendment.

However, I will say this that because of the entrenchment of the amendment 23, we would then have - I want to put it into this context as to what

benefits it would have, not before the entrenchment, but after the entrenchment - a society in Manitoba that would be recognizable as two groups of people. If you take a look again - I keep referring back to the United States where you have two languages, the Spanish language and the English language - what I observed in that area is that you have two opposing bodies or entities that are developing in such a manner where the virtues of one another are being sharpened because of the existence of one or the other, and because of the underdevelopment that we experience in Manitoba. In Manitoba, for example, we have 266,000 square miles of land, the area is 266,000 square miles; there's 112,000 square miles of fresh water. We have one seaport, and there are 1 million people living here, and unlimited resources.

One of the problems that we have is, one might ask we don't have a problem in Manitoba, what we have is opportunities. One of the things that we have had is because we have not had another group that this country, or Manitoba, could refer to use to sharpen up their own virtues and develop greater initiatives or, in fact, give greater creativity for greater development for such a rich resource land as Manitoba.

The other thing is that in the entrenchment of language rights we have, in the Charter of Rights, the mobility rights which would conceivably bring an increase of population in Manitoba which, I believe, is required for any future significant developments.

MR. F. JOHNSTON: Mr. Brightnose, you mentioned in your comments the mosaic in Canada and the "homogenization," I believe is the word you used, in Manitoba, and referring to your statement just now of the reference to a great future, could you agree that the great future of Manitoba could be better accomplished by homogenization of working together with all cultures in the Province of Manitoba seeing that the human rights of all cultures of Manitoba are guaranteed, rather than entrenching two languages?

I say to you, Mr. Brightnose, I guess I could be called English or WASP, but I don't agree with the entrenching of the English language or the French language. I'm saying to you, do you not think the mosaic of Manitoba can be better accomplished through the efforts of human rights and working together to the homogenization that you're speaking of?

MR. J. BRIGHTNOSE: Well, I mentioned before that the political rhetoric of Canada tends toward the mosaic, and the political rhetoric of the United States, I repeat again, tends toward the melting-pot concept which is the ethnic and cultural homogenization. However, in the practical and legal theory of Canada, although it embraces the mosaic concept, its practice is contrary, it's homogenization. What I mean by homogenization is the equality of everything, it's a blending of everything; actually what it is, is a melting-pot concept. The Canadian theory is a mosaic, but the practice is the melting pot and, because of the melting-pot concept, and the reason why the Indian people in general, because of our intrinsic inability to become homogenized, have not been able to participate into the mainstream of the flow of ideas and development of Canada because of the theory of homogenization

but, at the same time, we are told, we embrace the theory or the concept of mosaic.

Now, because of this practice in theory that has been prolonged within the development of Canada and Manitoba, with particular reference to Manitoba, in the last hundred years this has been a part of an organic thought of the community-at-large. Now if we are, indeed, going to have a political theory that is based on a mosaic, then I believe that we need to start recognizing statute that does give that particular concept of mosaic, and the concept of a mosaic gives a pronounced concept, not only in theory, but in practice, to give language rights to the English as well as the French, rather than saying, English only, as it was in The Official Language Act of 1890.

MR. F. JOHNSTON: The Official Language Act of 1890 was overturned, as you know.

MR. J. BRIGHTNOSE: Yes.

MR. F. JOHNSTON: Both languages have the same equal right at the present time, and that's entrenched in our Constitution and in the Canadian Constitution. Do you not think that the mosaic is better protected by working together to have equality of all cultures and recognition of all languages, as much as we possibly can in this province? In other words, you're not suggesting that we entrench all languages, are you?

MR. J. BRIGHTNOSE: No, I'm not suggesting we entrench the right. What I'm suggesting is that the existing statutes of the rights, under the statute of 1870, be entrenched. Your reference to equal rights - the term "equal" is not open to much misinterpretation. However, again when we put it in the context of legal theory and practice, it becomes controversial, because if in fact the French language had equal rights to the English language, then we wouldn't have a problem; but we do have a problem and "equal" there has been watered down very very much.

MR. F. JOHNSTON: Mr. Brightnose, you just mentioned that we should entrench the rights of 1870; they are entrenched. Do you not agree?

MR. J. BRIGHTNOSE: Yes.

MR. F. JOHNSTON: When you say the word "equal," I guess we would all have to agree that English has sort of become the language of the Province of Manitoba, I don't know whether by accident or what. Nobody controlled the immigration to the province and certainly, when you mention aboriginal, which I would like to you a question on after, that to me means the original people. But do you not agree that presently, the way the 1870 Constitution was written, which is in power today, entrenches - the original agreement is entrenched in the Constitution of Manitoba and in the Constitution of Canada so those rights of both languages are there, as they were in 1870.

Just on the aboriginal rights, the question was asked of you - and I think that it has a small bearing on what we're talking to today but not too great - the aboriginal rights, do you not agree that it's another question and

we have been dealing with it in the Manitoba Legislature and the Government of Canada will be dealing with aboriginal rights? In other words, I'm saying to you, you're not placing aboriginal rights, the people of origin, in the same position as English and French, are you?

MR. J. BRIGHTNOSE: In fact, I'm putting it in that context. If, in fact, my people or the people are sitting in a land which has been identified as their land and suddenly some resource or other valuable mineral is found in that land, according to the mood of the day in Manitoba, seemingly people would change their minds and perhaps put forth an argument as to whether that in fact was Indian land, if we did not have any rights protected under the Constitution. That is, in effect, what I'm saying.

If you have a right that has already been entrenched in the Constitution and it's creating great public outcry and agony and this is only a matter of language, what are we going to have if we found gold in Cross Lake, and so forth?

MR. F. JOHNSTON: Mr. Chairman, I'm in the position of agreeing with Mr. Brightnose but I'm in the position of asking him, is that not a different issue than the language rights, because even if this resolution was passed and the Government of Canada saw fit to pass it, it wouldn't change the situation of aboriginal rights. Aboriginal rights will be decided in another concept entirely; it won't change that position.

MR. J. BRIGHTNOSE: I guess the underlying thing is the rights and does a group have a right, whether that be aboriginal title, the handicapped - do they have a right? The elderly, do they have a right? And the list goes on.

MR. F. JOHNSTON: Again, I'm put in the position of agreeing with Mr. Brightnose that there's no question that minorities, people with disabilities, etc., have rights; but then we refer to human rights which will be legislated regardless of this resolution being passed, entrenching languages, either for better or for worse, but they will be legislated. It won't change the powers of the Legislature by this resolution.

I would just ask you, on the referendum, Mr. Brightnose, I'm not completely in favour of referendums. I was a municipal councillor before I became a member of the Legislature and I believe that you're elected to do a job. But as far as referendum is concerned, one of the people, Mr. Green, who made a presentation to the committee, didn't agree with referendums either, but he did say that a fundamental change - or this is basically what he said - a fundamental change to the Constitution of the Province of Manitoba which would entrench two languages and possibly change the future of many people or have an effect on the future of many people, should be something that is made known in an election campaign, so that the people have the opportunity to decide how to vote if they so choose to vote for somebody that presents this or somebody that doesn't.

In other words, shouldn't there be some way for the people, in a democratic way - and I'm saying through elections platforms - to make their opinions known on this subject?

MR. J. BRIGHTNOSE: Certainly, I think there is a process in how people need to have their concerns known to the elected authorities. However, when we're dealing with a matter as crucial as the amendment that is discussed here this morning, it becomes another issue. It's not a matter of a democratic process which has overtones, which has connections to similar characteristics to a referendum which is put before a public vote.

I believe that certainly we require a democratic process. I think that those are the things that are very important to the people of Canada as well as Manitoba, but when it comes down to dealing with the particular rights - and I keep mentioning the rights of the French language as it was entrenched - then I don't see any use in calling a referendum or even the legislative elected people respond to their particular protocols.

MR. F. JOHNSTON: Mr. Brightnose, do you agree - the opposition has been accused of all kinds of things, of being opposed, but basically we wanted the people to have the opportunity to bring forward their views and the constituted committee of the Legislature appeared to hear you and to ask questions. Before this resolution is finally passed, do you agree that the hearings will be of benefit in this particular case, referring to this resolution?

MR. J. BRIGHTNOSE: I certainly think that the hearings do have their value; one is it sensitizes the community and it enhances the involvement of individuals who may have particular concerns in those issues. Another matter, when we're discussing the rights of democracy, I had a very bad experience within the Lyon Government in 1979-80. We were demonstrating for equal employment in the Legislature and trying to put forward a plan, a stabilization work force plan up in the Manitoba area at that time, to stabilize the work forces that were experiencing high turnover rates here in Northern Manitoba within the mineral industry. Because of the intensity of the controversy that we presented at that time, I was fingered out as one of the culprits behind the movement, and I was subsequently fired. Now, that shouldn't happen, and I believe, today, that the people who are under those funding programs are not here today because they fear that if they have a voice of concern that might go against the grains of any government that is in power may, in fact, suffer some negative reciprocities. I am here as a citizen who is not working under any federal or provincial program, and so I have taken the liberty of presenting my views, for what they are worth.

MR. F. JOHNSTON: Mr. Brightnose, I don't want to comment on the last statement of your own position. As I mentioned, entrenching the languages wouldn't change the decisions of any government at the present time, now or in the future. I'd like to thank you, Mr. Brightnose, for your presentation, as far as I'm concerned, and I think you have to be complimented, as I said, with your knowledge of the subject and your interest that you're taking in the subject. It has been a pleasure, as far as I am concerned, having you here.

MR. CHAIRMAN: There being no further questions on my list, thank you very much, Mr. Brightnose, for your presentation.

Next presentation is Bill Slamand.

A MEMBER: He's unable to be here.

MR. CHAIRMAN: Arvind Aggarwal, Manitoba 23. I'm sorry, I am just informed by the Clerk I should ask for Guy Lacroix first. By mutual agreement, they decided to switch.

Ms. Phillips on a point of procedure.

MS. M. PHILLIPS: Yes, I just wondered if we were going till 12:00 or 12:30.

MR. CHAIRMAN: 12:30 p.m. is the time set for committee, and a return at 2:00 p.m.

Mr. Lacroix, proceed.

MR. G. LACROIX: Before getting into the substance of my presentation, I wish to state that my brief has been prepared in French for, hopefully, obvious reasons. As I represent the Société Franco-Manitobaine, it is a matter of principle and of record that it be done in this manner. It was my hope that translation services would be available; however, I am told that is not the case. For the sake of the committee and the audience, I am nevertheless willing to answer questions or paraphrase some of my comments in English should I be so requested. It is my hope that you appreciate the spirit of this decision. It is of the heart of the issue being debated here today.

Monsieur le président, membres du comité:

Je suis Guy Lacroix, membre du Conseil d'administration de la Société franco-manitobaine. Comme représentant officiel de la communauté francophone, la Société franco-manitobaine est le porte-parole de tous ces gens qui ont choisi de demeurer francophone au Manitoba, francophone par la langue et par la culture. Permettez-moi de brosser un bref aperçu historique des événements qui ont mené la province à la situation actuelle.

La présence de la culture française au Manitoba remonte à plus de deux siècles et demi, alors que LaVérendrye découvrait en 1734, l'emplacement qui devint Winnipeg.

En 1870, à l'entrée du Manitoba en confédération canadienne, Louis Riel, chef du gouvernement provisoire à la Rivière Rouge exigea des garanties pour la langue française sur le nouveau territoire manitobain. C'est ainsi que l'intention et l'esprit de l'Acte du Manitoba rendaient le français et l'anglais les langues officielles de la nouvelle province. L'Acte établissait deux systèmes d'éducation à fondement à la fois linguistique et confessionnel et prescrivait en plus des exigences spécifiques dans certains domaines précis.

Dès cette époque et pour les prochaines deux décennies, le cachet multiculturel du Manitoba commençait à se dessiner. Les nouvelles communautés voulaient s'établir dans cette jeune province avec la croyance de pouvoir y vivre pleinement leur langue, leur culture et leur foi.

Hélas, certains ont vite constaté que les promesses faites par le gouvernement du Canada en matière d'éducation étaient sans fondement et n'avaient que pour but de les attirer dans ce pays. L'éducation étant de juridiction provinciale, les autorités de la nouvelle

province du Manitoba ne tardèrent pas à empêcher la réalisation des promesses du gouvernement fédéral.

De ce début d'intolérance surgit la première crise constitutionnelle du Manitoba: le projet de loi sur les langues officielles de 1890. Par une simple législation provinciale, unilatérale, le gouvernement du Manitoba décréta que la langue officielle du Manitoba était l'anglais. Un second projet de loi fut adopté en faveur d'un système d'écoles non-confessionnelles.

La minorité française, s'appuyant sur l'article 23 de l'Acte du Manitoba et sur l'article 93 de l'Acte de l'Amérique du Nord Britannique, se défendit mais n'obtint aucune satisfaction dans les cours de justice, ni au Parlement. Loin de trouver sa solution, le conflit prit des dimensions politiques.

En 1896, la question des écoles confessionnelles au Manitoba devint un des éléments importants de la campagne électorale fédérale. Suite à une victoire électorale du parti Libéral, un accord qui devait porter le nom de "Compromis Laurier-Greenway" fut accepté par les gouvernements aux deux niveaux. Une clause de ce règlement prévoyait l'enseignement bilingue, là où dix élèves parlaient le français ou une langue autre que l'anglais.

Mais avec l'arrivée de nombreux groupes d'immigrants au Manitoba de 1890 à 1910, la composition ethnique de la province changea rapidement. Ces nouveaux arrivés se prévalurent de la clause bilingue du règlement "Laurier-Greenway". Ceci engendra une réaction immédiate de la majorité anglophone en vue d'abolir les écoles bilingues.

En 1916 le gouvernement libéral de T.C. Norris adopta la loi Thornton qui abolissait les écoles bilingues et faisait de l'anglais la seule langue d'enseignement au Manitoba. Ce geste de la majorité anglophone imposait une société monolithique, uniculturelle et unilingue aux diverses communautés du Manitoba.

Les conjonctures socio-politiques créées par ces mesures draconiennes déclenchèrent un long processus de persécution qui s'échelonna sur une période de plusieurs décennies. La langue française fut réduite à un simple moyen de communication dans les foyers. Le caractère unilingue de la province obligeait tous les citoyens à communiquer en anglais avec les institutions gouvernementales.

En limitant ainsi les sphères d'usage de la langue française, le gouvernement contribuait au courant assimilateur qui décima la communauté francophone. Le petit nombre qu'est aujourd'hui la communauté francophone est en partie le résultat des actions posées par les gouvernements du Manitoba de la fin du 19e siècle et au début du 20e dans leur complot pour anéantir le fait français dans cette province.

En dépit de ceci, certains regroupements d'individus parvinrent à saufer, dans des conditions difficiles, la langue et la culture française. En 1970, ce mouvement trouva gain de cause dans la loi 113 passée par le gouvernement Schreyer qui établit le français et l'anglais comme langues officielles d'enseignement au Manitoba.

Cet événement fut un moment décisif qui cristallisa chez les francophones une volonté collective de vivre en français au Manitoba.

Ce désir collectif incita la communauté à revendiquer son statut.

En 1979, la Cour suprême du Canada reconnaissait le français comme une langue officielle à la législature

et dans le système judiciaire. Depuis cette décision, la communauté cherche à élargir la sphère d'usage de sa langue, d'où ce désir d'obtenir, mais surtout garantir, des services français des institutions gouvernementales.

Voilà donc Monsieur le président l'esprit dans lequel la communauté francophone du Manitoba, par l'intermédiaire de la Société franco-manitobaine, entreprit il y a plusieurs mois les négociations pour amender l'article 23 de l'Acte du Manitoba. Nous avons négocié en toute intégrité avec un souci particulier pour le respect des droits de la communauté francophone. Jamais il fut question d'enlever quoi qu'il soit à autrui.

Monsieur le président, l'entente conclue le 17 mai 1983 est équitable, raisonnable et juste. La communauté francophone ne peut accepter d'y apporter d'autres changements. L'élément fondamental de l'entente demeure la clause qui déclare que les langues officielles du Manitoba sont l'anglais et le français. Pour nous cette clause est irrévocable.

Monsieur le président, l'entente conclue au mois de mai reflète une société nouvelle pour le Manitoba: une société fondée sur un mosaïque culturelle dans une province bilingue et tolérante. Nous constatons que cette vision va à l'encontre de la conception de ceux qui s'opposent à ce projet d'amendement, mais quelle société veut-on léguer aux générations de l'avenir?

Monsieur le président, la communauté franco-manitobaine demande que justice soit faite.

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

MR. CHAIRMAN: Thank you, Mr. Lacroix. Are there any questions? Mr. Lécuyer.

MR. LECUYER: Merci, Monsieur le président. Mr. Lacroix, in the second paragraph, for the benefit of those who may not have understood, I will paraphrase that and say that it was the intention, after having stated what happened in 1870, you say it was the intention and the spirit of The Manitoba Act which gave this province an official English and French linguistic character. Is that not correct?

MR. G. LACROIX: Yes.

MR. G. LECUYER: And you added to that, as well, a multi as well as an official bilingual character, you added, in the next paragraph, with a multicultural facet. Now this falls, basically - in relation to comments made just a few moments ago in the previous presentation - you stated that what follows that quickly disappeared with actions of 1890 and 1916. As a result of these actions the Manitoba Society was imposed a monolithic, unicultural, unilingual character which was, in a sense, forcibly by these acts forced upon the other cultures of Manitoba. Is it not a fact that, as a result of what developed in Manitoba, in terms of not only the courts, because that fell; and the Legislature, which also fell; and the laws of Manitoba, which also fell with 1890, but for the 93 years that follows, therefore, a service is provided to the community of Manitoba fell along with the fact that it was no longer a recognized official language of Manitoba and, therefore, it was no accident; is that how you interpret it?

MR. G. LACROIX: Yes. The interim leader at the time Louis Riel, who is an historical figure in Manitoba history,

entered Confederation on those terms, only that Manitoba would be an officially bilingual province. The statement that I made following that statement dealt with the multicultural beginning, or the multicultural nature of the province as it took root. The various other ethnic groups, or ethnic groups that came to settle in Manitoba at the time, did so under the belief that they would be guaranteed freedom to practice their language, their religion, their culture and so on. Now I think it is a known fact that many groups left the province as a result of the political events of 1890 and 1916 and so on. I think we can just take for example the Mennonites who immigrated out of the country to South America, as a result of this change in the laws.

So I think the basic premise is there, that the laws that were guaranteed at the time - I think at this time I'll venture forth and mention, I know the question will be forthcoming so I will deal with it at this point in time - that the Manitoba Act of 1870 is in force at this point in time, and the question of entrenchment I'm sure is a question that will be directed at me later.

The point I would like to make is that 1870 was a different time, that the amendments are not strictly in favour of people wanting French rights. Of course, the advantages are there for everyone because we live in a different century, the times are different and, for example, we are all aware of the threat, we don't want to use it as a threat, but the Bilodeau case where the Supreme Court ruled in our favour, for example. The French community does not want the government to go through the expense of translating all the laws that would be declared illegal that have been . . . the last 93 years. So the negotiations were done in a spirit of good will wanting services that were reasonable and just. We want the laws that apply to us, that French Manitobans use, to be translated; we don't want all the laws translated, I believe that French possibly 10 percent. So we want The Manitoba Act, as negotiated, to make it more applicable to a late 20th century situation.

MR. G. LECUYER: So you state, as well, that in reestablishing the impact of 1870 legislation with the Supreme Court decision of 1979, what you are seeking is to re-establish the services which never came about or never were followed through for 93 years and were long and slow into coming, even though some of them were provided gradually, but in so doing, you do not seek to take away anything that anybody else has.

Then you go on and say, well, this agreement that you refer to, of May 17, 1983, you find is just, equitable and reasonable, and the French-speaking community sees no need of bringing and, in fact, does not wish to see any changes brought to it, specifically to Clause 23.1, which you say is one of those changes that you cannot accept.

I wonder if you could elaborate just a little bit on that and, also, in how you see this as perhaps limiting the further expansion of the sphere of services that you were referring to?

MR. G. LACROIX: The first amendment that Mr. Lecuyer referred to is one that we have discussed at length, and I am not a lawyer by training and will submit that my formation with professional training is in the area

of education. However, we have discussed the matter in committee, and it is a question of principle. We feel that the statement has to be clear and simple and to the point. I do not have the text before me, but any addition to it, we do not see the need for it. We see it possibly as being interpreted, at one point in time, as limiting the intent of the negotiations. Now I do not have the expertise to actually interpret this, indeed, but I'm sure that it could be provided from the SFM, should you so request.

MR. G. LECUYER: Merci, Monsieur Lacroix.

MR. CHAIRMAN: Mr. Brown.

MR. A. BROWN: My first question, Mr. Lacroix, is this. Unfortunately, I was not able to follow your brief. I am trilingual, but none of those languages happen to be French. Had you notified this committee that you were going to make your presentation in French?

MR. G. LACROIX: We had registered as a delegation, but the language had not been a specified issue.

MR. A. BROWN: It was my understanding, Mr. Chairman, that if anybody notified the committee that they were going to make their presentation in French, that we then would have translation available. Is that correct?

MR. CHAIRMAN: Yes, Mr. Brown, and I have to apologize to the committee, but I have to indicate that I, as Chairperson, was not informed there would be a presentation in French and consequently proceeded without bringing the services along.

MR. A. BROWN: Mr. Lacroix, you reside in Thompson, do you?

MR. G. LACROIX: No, I do not.

MR. A. BROWN: That was my question, whether the Society of Franco-Manitobans had an outreach arm operating in Thompson or not, but you are from Winnipeg?

MR. G. LACROIX: I am from Lorette, Manitoba, my home, which is approximately 15 miles south of Winnipeg. If I may add, our organization does not operate on the basis of local chapters. We have a provincial body and that is it. We do not have local chapters or branches in different communities across the province.

MR. A. BROWN: Thank you.

MR. CHAIRMAN: Ms. Phillips.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. Mr. Lacroix, I can read French. I can't speak it, unfortunately, so I'll have to ask my question in English.

I would like to get back to your second-last paragraph. Your declaration re the amendment to Section 1 is very strong, and I'm not a lawyer either, but my understanding of the proposed amendment only lays

out an outline for provision of the services that the whole amendment is addressing, and that the intention of the whole amendment was provision of services and how they would be provided. So, by adding, as provided for in Section ta-da-ta-da-ta-da-ta-da, outlining that under the statement that French and English will be the official languages, should not limit it. That's my understanding.

I guess I'm concerned about your statement about your position, not having that subamendment being irrevocable and your position on that, and how you feel that this is limiting it, when once you make that statement, the first statement that English and French are the official languages, and then we go on in the other sections to delineate how they will be provided; by saying that, in the original statement, they will be provided in these following sections, when those sections are still there, it should not change matters any.

MR. G. LACROIX: I will attempt to answer that question. Although I do not have the legal training, as I mentioned earlier, I am led to believe that any words in any statute or constitutions are put in with the intent of having a meeting, that words usually are not added superfluously, and the original statement, as negotiated, read simply English and French were the official languages of Manitoba.

If the proposed amendment adds words to that, even though it refers to that Article 23, offhand, not being an expert, as I read it, I thought that it would not have any bearing on the whole issue. However, our legal counsel has been that if the wording is added, it is superfluous, and the fact that it is superfluous makes it unnecessary.

MS. M. PHILLIPS: Mr. Lacroix, my understanding of putting that in there was for clarification in terms of some misunderstandings or misconceptions, that by saying French and English are the official languages, there are some people in Manitoba don't understand that the word "official" means the language of official business, such as courts and laws in the province, and felt that meant everyone would have to be bilingual. To clarify that, those words were added to say they are the official languages, as outlined here in this total amendment, which the society had agreed to. Those were the areas that they wanted to have the services in.

So I am concerned with you, as a representative of the society, not having been present when the society made their presentation in Winnipeg, what your view on that is in terms of if it's superfluous, then it's meaningless; if it's clarification, to say this is what we wanted, this is what we have; or if it's restricting.

MR. G. LACROIX: We are of the opinion that the clearest statement is a short statement.

MS. M. PHILLIPS: Somebody told me that once too.

MR. G. LACROIX: And making a simple statement more complex, then we are then talking about a third official language which I call "legalese" . . .

MS. M. PHILLIPS: Yes, I've heard of it.

MR. G. LACROIX: . . . and I think the average Manitoban is not in a position to interpret all the implications of legalese and, I think the average Manitoban is not in the position to interpret all the implications of legalese as they call it.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. I would just like to carry on from where Ms. Phillips left off. It's the same paragraph that I am quite interested in, Mr. Chairman. Mr. Lacroix, I believe, you're the first person that has come forward to our committee so far who is speaking as one of the administrative people of the Société Franco-Manitobaine.

MR. G. LACROIX: I am.

MR. H. GRAHAM: I would just like to ask, for clarification. Is this brief that you're presenting, is this the official brief of the Société Franco-Manitobaine?

MR. G. LACROIX: The official brief? I think you will find that there will be more briefs, but it is an official brief of the Société Franco-Manitobaine.

I am the author, in part, of this brief but I have discussed it with other board members, with our administrators and so on. I am speaking on behalf of the Société Franco-Manitobaine and I am espousing the Société's point of view.

MR. H. GRAHAM: Mr. Chairman, again, my knowledge of French is purely academic. I don't speak French; I did at one time take French for several years in school and I'm not too sure if my interpretation of some of the words is absolutely correct. When you say, in the last sentence - for this clause is irrevocable - is that a French word or is that an English word?

MR. G. LACROIX: It's both.

MR. H. GRAHAM: It's the same interpretation of the word, is it?

MR. G. LACROIX: It is.

MR. H. GRAHAM: Well that does cause me a certain amount of interest, Mr. Lacroix because there are amendments proposed. At least at the present time, we, on this committee, have been given notice by the Attorney-General who listed several amendments to that particular section and, I believe, I have it written down correctly where the Attorney-General is interested in proposing an amendment to Section 23.1, which states that English and French are the official languages of Manitoba, and he is proposing an amendment which says, "as provided for in Section 23 and Sections 23.2 to 23.9 inclusive." I believe that it is those Sections 23.2 to 23.9 inclusive are the ones that cause you all the concern; is that correct?

MR. G. LACROIX: Yes. Maybe as a point of clarification. That sentence where we use a word - I won't attempt that in the English pronunciation - it deals with the sentence prior to that one which says - the one starting

with L'élément fondamental . . . Attempt to translate that, is that the essence of the agreement remains the initial clause or the initial sentence that declares that the official languages of Manitoba are English and French. For us this clause is irrevocable. Okay, that we are referring to that clause, that word refers to that clause.

Now we'll possibly be open to some amendments to the original negotiated amendments, providing they are merely cosmetic in nature and where they will add to our position, of course. There is one that we do not question, that is, the last one dealing - I do not have the text before me - but the last one dealing with the guaranteeing of price for all other ethnic groups, that this does not remove anything from the other groups as they have at the present, because this was the intent of the original negotiations.

MR. H. GRAHAM: Mr. Chairman, as far as I'm aware and, of course, again, as being just one member of the committee, I don't believe there are any members of the committee are, as far as I'm aware, I don't think there's anybody - I can't speak for Mr. Doern - but I believe that most members of the Assembly are quite prepared and, indeed, desirous of having English and French as the official languages in Manitoba. That's a belief that I have and I can only state that as one member, but it's when you start entrenching in a Constitution some of the services that will be provided by that statement, that is where I happen to have some differences. I think its the enshrinement in a Constitution should deal only with a principle, and when you start enshrining in a Constitution some of the services and the limitations of services, because we all know in society that services change from time to time. The services that are maybe necessary today, may be insufficient 10 years from now or 20 years from now or may become redundant in one field, but the emphasis has changed.

That's why I have trouble with the entrenchment of services in a Constitution, as opposed to the entrenchment of a principle. So if you have any concerns of a similar nature dealing with the provision of services and the enshrinement of that in a Constitution, I would be pleased to hear your views on that particular matter.

MR. G. LACROIX: Certainly. I think we have no reason to disbelieve or mistrust the opposition - and I'm not referring to official opposition party, I'm just referring to the opposition, to anyone - who would oppose the entrenchment of the amendments that we are proposing.

However, though we may have all the trust in the world and the people who are actually in positions of authority at this time, we have no guarantee that this will be the case in future years. Our history, as a group in Manitoba, has been that we can trust - I regret having to say it - but we can trust the outcomes of the courts more than we can trust the outcomes of the Legislature.

The court rulings in the past have been favourable to us; legislative outcomes have not always been the case. We've been providing these services, but always as result of court cases and as a result of possible court outcomes. We feel that if we want to leave something for our children, for future generations, we

have to have a provision that is more stable than the philosophy and policies, and practices of the Government of the Day. So that's what we feel, and at the same time, I think we must recognize, and that's what we're talking about now, that constitutions can be amended as well. If the needs change 15 to 20 years down the road, it is possible to amend it once again. The only thing that we are saying is that it makes it more difficult and we want it to be more difficult so that the changes that are brought are done with proper consultation. I refer to The Official Languages Act of 1890 which has been repealed, of course, thank goodness, but no one was consulted at the time; we weren't as a community.

One comment possibly I'd like to add, relative to that, is that it's true it's a matter of trust, I suppose. We are asked, as a community, to trust the government and to believe that the government will always be positive and will always grant the services. At the same time - and I'm possibly here replying to questions that were asked of the gentleman that was speaking prior to me - I think it's a question of mutual trust; it's a two-sided coin and I think we can trust the Franco-Manitoban community as well not to be ridiculous in their demands and not to, for example, request that the summons given to them in a predominantly or a totally English area will be given to them in French, this sort of thing.

What I'm saying is that you have to trust us; you cannot say that we do not trust you not to do that but you have to trust us to provide the services. We must admit that what has happened in the past have been test cases and, as test cases, we have won them so I think that speaks for itself.

MR. CHAIRMAN: Mr. Nordman.

MR. R. NORDMAN: Thank you, Mr. Chairman. I just want to thank Mr. Lacroix for his presentation. I don't understand French; I can follow it fairly well, but I appreciate his forthright answers.

Through you, Mr. Chairman, I would like to ask him how far is Lorette from here.

MR. G. LACROIX: Lorette is about 15 miles from Winnipeg. It would be exactly 500 miles, in that case.

MR. R. NORDMAN: I would just wonder why you would not make your presentation in Winnipeg where we have the translation facilities there for you to make your presentation, and have it all there instead of coming all the way here.

MR. G. LACROIX: I could say I couldn't get in before the end of the year.

MR. R. NORDMAN: Then, second to that, could I ask you, did the Société Franco-Manitobaine fund your presentation?

MR. G. LACROIX: There are two facets to that question. First of all, as I mentioned earlier, we are a provincial organization and do not have local chapters. I was elected to the board of directors, not to represent a particular area, I was elected at large. All our members

are elected at large at the annual general meeting and I chose to come to Thompson for the simple reason that other members of our board of directors are going to other hearings. So I think I'm very candid there, that you will be hearing from us elsewhere as well and the rules of the game are that one person cannot speak at two different places, so that's why. I'm not the president, I am speaking in Thompson. Our president will be speaking elsewhere.

MR. R. NORDMAN: I appreciate your candid answer.

MR. G. LACROIX: And the reason that we want to go out and speak is for the benefit of the assembly here, the committee, but also we feel that we have a duty to the Société Franco-Manitobaine to come out in the eight areas and have our points of view clarified for the benefit of the people in those areas as well.

MR. R. NORDMAN: I'd like him to comment on the fact that you comment that you won't trust the government to stand by its legislation and yet you turn around and say then that we should trust you. I would like just a comment on that. It's good for you; it's good for us, is it not?

MR. G. LACROIX: Really, what I said is that you ask that of us. You ask us to trust the government's good will but a statement made earlier, stated that you feared that this would be close to the ridiculous. What I'm saying, you have to trust us as well.

MR. CHAIRMAN: Any further questions?
Mr. Brown.

MR. A. BROWN: Mr. Lacroix, do you feel that you are speaking on behalf of the majority of French Canadian Manitobans, French-speaking Manitobans, I should say?

MR. G. LACROIX: The issue at hand is one really - what we have suffered in the past and I mentioned it in my presentation, is the assimilation and it would be an untruth for me to state that a large number of Franco-Manitobans have not been assimilated. So to say that I'm speaking on behalf of all Manitobans who have French names and so on, no, I cannot say that.

However I can easily say that I am speaking on behalf of all Manitobans who have an interest in preserving their language and culture and that is a large number of Manitobans, and we have the mandate. I think you referred to a dissenting voice a while ago, you referred to Mr. Forest this week who spoke at the hearings, but I would like to clarify also that Mr. Forest did - if I've been advised properly - mention at those hearings that he recognizes the Société Franco-Manitobaine as being, to use his words, the government of Franco-Manitobaines. Of course, this is a political issue and within our ranks we have conflicting political points of view, but I think the fundamental principles are the same for everyone. We agree on the fundamental principles that we, as a people in Manitoba, want services in French from the Provincial Government and the various - I don't think there are arguments on that point. The types of services, to what extent, of course, any group will have conflicting issues within the lines.

MR. A. BROWN: Are you aware that Mr. Maurice Prince, who is the President of the Association des Pro Canadiens du Manitoba, claims that you have only got six-tenths of 1 percent of the 86,000 Manitobans of French expression in Manitoba and that he, as the president of that particular association, is opposed to this particular amendment.

MR. G. LACROIX: Yes, I'm aware of that, though I'm not in agreement with his figures. At this point, I'll dare venture out into an area where I feel more comfortable, that is, in the field of education, for example. I'm an educator by training and my dealings in the past as a school administrator have dealt with many parents. I've been principal of Français programs, French immersion programs, English programs; I'm presently principal over a French immersion in an English school and I have the opportunity, by virtue of my employment, to discuss the matter of bilingualism and French education and so on and French services with a large number of people, in our area especially, and serving on provincial committees in different areas, EFM and so on. I have the occasion to discuss this with people from outside my school division as well. The general feeling is very positive, and of course we do not pass out surveys, we do not believe in referendums and so on, so we do not have a figure to give you today, but we are convinced that we are speaking on behalf of the large majority of Franco-Manitobans. As I mentioned earlier, we do not claim to have every single Franco-Manitoban in our back pocket; we never said that.

MR. CHAIRMAN: Any further questions?
Mr. Graham.

MR. H. GRAHAM: I have one question. I realize that it has nothing to do with the brief that you put forward, other than the fact that you state that you are a member of the Franco-Manitoban Society, Mr. Lacroix; and the Société Franco-Manitobaine in 1980 supported the yes vote in Quebec. Were you a part of that decision that was made at that time?

MR. G. LACROIX: I must admit that the SFM's position at the time to support the yes vote caused a lot of consternation within the French community and the intent at the time was to make a point, but I will agree that, for example, at the present they were talking about 1980; but in this year, 1983, for example, the SFM is on record as having defended the Collier case in Quebec. We have Alliance Quebec as one of our allies in this issue, and the Collier case, for the benefit of the people that aren't familiar with it, is a case where a person was given a summons in French only, and we supported that person in the courts on the grounds that that person was denied her rights as a minority group in that province. So our political activities at this time are not all around the yes referendum.

MR. CHAIRMAN: Thank you, Mr. Lacroix, for your presentation on behalf of your society.

MR. G. LACROIX: I thank you for your attention.

MR. CHAIRMAN: Our next presentation is Arvind Aggarwal.

Proceed, Mr. Aggarwal.

MR. A. AGGARWAL: Good morning, Mr. Chairman, and the members of the committee.

I'm speaking on behalf of Padam Bhartiya Cultural Club and the Sikh Society of Thompson. We are members of Manitoba 23, a group formed in August, 1983, in response to the need for public awareness of the proposed resolution extending French Language Services in our province. Within its ranks are members of Manitoba's ethnocultural associations as well as representatives from labour, business, religions and professional organizations.

Manitoba 23 reaffirms its commitment to the extension of French Language Services to French-speaking Manitobans as negotiated by the government and the Société Franco-Manitobaine. We view the issue as a matter of justice, not as a political question.

The French community has been involved in the evolution of our province since its creation. This involvement has not, so far, been easy for the Franco-Manitoban community. It has been gradually assimilated and is in danger of losing its cultural identity. It has, however, managed to maintain its long-standing position on the need for the preservation of its culture and language. History has shown that this legitimate claim has not been fulfilled. Given the Franco-Manitoban contribution to our history, we believe that its surviving minority is justified in seeking constitutional entrenchment.

We believe that the solution is the only one possible if these linguistic services are to be guaranteed for future generations. This responsibility cannot be left to the hearts of the ruling majority, for this issue deals with the essence of the Franco-Manitoban cultural identity.

Also, from a national perspective, we, as Canadians, take pride in our identity which is rooted in official bilingualism and multiculturalism. Though we are a young nation, we have already begun to accept and appreciate the richness and value of our social mosaic. We have been encouraged by the cultural developments within the last decade, which have resulted in a negotiated agreement between the Société Franco-Manitobaine and the Provincial and Federal Governments.

Our support for this agreement is based on the knowledge that the aspirations of all minorities are essentially linked to those of the French minority. We, therefore, urge the speedy passage of this agreement which would reaffirm the linguistic rights of the Franco-Manitoban community. Thank you.

MR. CHAIRMAN: Thank you, Mr. Aggarwal. Are there any questions of Mr. Aggarwal?

Mr. Lecuyer.

MR. G. LECUYER: Mr. Chairman, thank you, it's not to ask any questions. I think your brief was very clear to me, anyway, and your opinions and ideas are clearly stated. I just wish to thank you.

MR. CHAIRMAN: Anyone else?

Mr. Brown.

MR. A. BROWN: Yes, Mr. Aggarwal, are you a resident of Thompson?

MR. A. AGGARWAL: Yes, I am.

MR. A. BROWN: The Manitoba 23, then, as you stated, is an arm of the Society of Franco-Manitobans, right?

MR. A. AGGARWAL: Well, it's a group formed to look after the interests of the minorities.

MR. A. BROWN: Did I understand you to say that you thought that the rights of all the minorities would be affected by this resolution?

MR. A. AGGARWAL: Well, sir, if you see that the French community is the biggest minority in Canada and if they are not guaranteed their rights, I don't think we stand a chance.

MR. A. BROWN: These rights actually have been guaranteed before, and I think that in the amendments that the government is proposing in there - I don't have them before me right now - but I believe that it is stated in there very specifically that the rights of other cultures or ethnic groups are not going to be affected through this resolution.

MR. A. AGGARWAL: As you yourself said, these rights were guaranteed once before, then they must have been taken away at some time, and the question of guaranteeing them today is arising again. What guarantee is there that they will not be taken away from any other minorities in case they already haven't in the first place?

MR. A. BROWN: I don't think anybody can guarantee any rights even if they are in the Constitution. We have seen what happened during the war in the United States where everybody supposedly was protected by a Constitution, where they moved the Japanese away from the coast at that particular time and they displaced them in other areas. So, during a period of stress, it seems as if even if it is embedded in the Constitution, entrenched in the Constitution, that during periods of times such as that, and the period of time which we realized in 1916 and also in the Second World War in Canada, that really, at that particular time, Constitutions really don't mean all that much and governments are prone to move against some of the rights which have been given minority groups.

I would just like to make this point, Mr. Chairman, that this necessarily doesn't guarantee anything, but you would hope, I suppose, that the rights of minorities under this would also receive some recognition.

MR. A. AGGARWAL: That's correct, sir. I agree with that, because in times of, as you said, those specific occasions, and if they have to be taken away, they are taken away; but when the time for peace and a mood for consideration is there, I think certain people can demand their rights and they are not there for them.

MR. A. BROWN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Thank you, Mr. Chairperson. Mr. Aggarwal, the suggestion has been made that really it

doesn't matter whether rights are enshrined in the Constitution or not. If I might make an analogy or present a scenario with respect to what happened to the Japanese, if, in the context of present-day Canada, what happened to the Japanese during the war happened now, there would be some recourse for them through the Constitution to ensure that their rights were, in fact, protected.

If we put that against a legislated solution, even if the court said yes, in effect, we had violated some legislation that violated their rights, it would be within the power of the government to change that legislation so that we would not have to provide any kind of compensation.

So if we leave rights in legislation, then it leaves it possible for governments to change that legislation. We could use as an example, and we heard in Winnipeg a constitutional expert tell us that, in effect, the bill passed in 1980 by the Conservative Government did not live up to the requirements of the court as a result of the Forest case in 1979, and it did not live up to the spirit of the original intent of The Manitoba Act, and I gather that that's your point - that a legislative solution is not good enough.

MR. A. AGGARWAL: I think that what's the concern is.

HON. J. STORIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: I brought this up with Mr. Brightnose. Do you not agree that the 1870 rights are in the Constitution of Manitoba and in the Constitution of Canada at the present time, guaranteeing the two languages the same status in this province?

MR. A. AGGARWAL: I would just only say that, sir, if those rights are in the Constitution, why are we discussing this question of entrenching them in the Constitution then?

MR. F. JOHNSTON: That may be a good point.

MR. A. AGGARWAL: I would like to know, too. That means they are not.

MR. F. JOHNSTON: I can assure you that the only way it could be changed is if the - it is now in the Canadian Constitution - and anybody that wanted to oppose or change this in Manitoba, any Manitoba Government wanted to change this, would not be allowed to. If they did the same as what happened in 1890, the case could go to court because it is now entrenched in the Manitoba Constitution and in the Canadian Constitution at the present time.

MR. A. AGGARWAL: If that is so, then I don't see what the need is for these hearings or any discussion, even in the Legislature, sir.

MR. F. JOHNSTON: The basis for this hearing is that there has been a resolution presented by the Government of Manitoba to officially entrench two

languages, which extends the present Constitution further than it presently stands, or limits it.

MR. A. AGGARWAL: I don't see anything wrong with that, sir. In the country I come from, we work on a three-language formula in every province. We have to learn the national language; we have to learn the provincial language. One of the languages which most people choose is English because that was widely used in India, and every province has the constitutional right, even in a court of law, to use their own provincial language. So I don't see that why can't we expand? My personal feeling, as a citizen, is that it can only enrich our status as human beings rather than diminish it in any sense.

MR. F. JOHNSTON: I must say I'm not an expert of the law of the country that you came from.

MR. A. AGGARWAL: Neither am I.

MR. F. JOHNSTON: But this resolution before us does not become law because it's passed by the Manitoba Government. It's a resolution recommending to the Government of Canada to change The Manitoba Act, which would change the Constitution of Canada. Presently, the 1870 Act, as of 1979, is law in Manitoba and law in Canada.

MR. A. AGGARWAL: As I earlier said, sir, if that was the situation, then I don't see what all this fuss is about; and if it is not so, then I don't see any reason why it cannot be entrenched. Because, as you also said, there are no guarantees in any case, but then if it is not in the Constitution, there are no guarantees anyway. So it could be, I just hope, only a step in a positive direction rather than going backwards.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Mr. Aggarwal, have you seen and read the proposal that is being discussed here today?

MR. A. AGGARWAL: I have seen it, sir. I have read some of it, but not all of it.

MR. H. GRAHAM: Mr. Chairman, just in layman's language, perhaps it's fair to say the proposal that is being put before to us today is not to live up to Section 23 as it presently is, but to put limitations on it; to put limitations on the services that are required. As a result, if this amendment is passed, then Manitoba would not have to translate all the statutes, only certain ones, and this has put limitations on the use of the French language in the Legislature. Are you in agreement with putting limitations on the use of the French language in the Province of Manitoba?

MR. A. AGGARWAL: As I said, sir, I'm not really aware of all that it is, but basically I'm not in favour of any restrictions or limitations. I guess that's all I can say.

MR. H. GRAHAM: No further questions, Mr. Chairman.

MR. CHAIRMAN: Mr. Ashton.

MR. S. ASHTON: Thank you, Mr. Chairman. It's unfortunate that some of the questions tend to end up as being leading questions, in which members are trying to establish certain points, rather than questions for information. I must say that some of the lines of questioning are rather confused when . . .

MR. CHAIRMAN: If you're raising a point of order, Mr. Ashton, I have to concur with you. I have previously asked the committee members to try to discipline themselves to stay within the parameters of trying to elucidate or clarify the presentation, but I am still in the hands of the committee and I cannot discipline them myself. They have to discipline themselves.

Proceed, Mr. Ashton.

MR. S. ASHTON: I would just say, for members of the committee, that I feel members of the committee have ample opportunity in the Legislature to establish their point of view. I had understood the questions were really to get clarification of points raised in the brief, and were meant to be relatively brief questions at that, so I would, as a point of order, ask that the questions be more relevant.

MR. CHAIRMAN: Well, if you will assist the committee and do that, I would appreciate it.

Anyone else? Mr. Johnston.

MR. F. JOHNSTON: I have another question. In your brief, to satisfy Mr. Ashton, you mentioned the preservation of culture. Can you outline any time in the present with the legislations that have been passed in Manitoba to allow or to expand language training in schools, expand aid to private schools, the support of government to, say, Folkorama? Can you name some time that there has been ever any effort not to preserve the cultures within the Province of Manitoba?

MR. A. AGGARWAL: Well, sir, I cannot really pin down any specific events, but I know one thing, that with the change of the government, when it happened, when the last Conservative Government came in, we used to have English-as-a-Second-Language classes in this town offered through the Keewatin Community College, and under the previous NDP Government their departments were pretty flexible in a community like Thompson where we have more people coming in, refugees, and they cannot afford even a minimal charge, and we cannot have that many students to make a class of, let us say, 12 or 15 or 10 or 8. You have to be very flexible with the requirements. As I said, the previous NDP Government was when the Conservatives came in, to my understanding, through some of the people I talked to, being on the Board of Directors of the Thompson Citizenship Council, they brought it to our attention that the requirements of KCC have changed, that we cannot hold a class less than 15 students. I wouldn't quote the number, but the requirement was changed, and the number of the students to form one class was raised.

As I earlier said, it is not possible sometimes to have that many students, but at the same time, let us say there are five refugees sitting there who cannot speak a word of English, and they want to make room for

themselves to live in the society and make a go of it, they find it very hard. So, there have been instances when due to certain policies of governments in power at a certain time, that certain people have been to it as disadvantage.

MR. F. JOHNSTON: Well, there's a proposed amendment at the present time. Are you aware of the proposed amendment at the present time that says the following words "but not including any municipality or school board?"

MR. A. AGGARWAL: Yes, I have read that, sir.

MR. F. JOHNSTON: Could I ask you if you think that would be limiting?

MR. A. AGGARWAL: Well, we are talking on a general issue as a whole, not on particular clauses of it, and as I say, I'm not an expert already aware of all the details, so I really cannot say whether it will have any effect or not.

MR. F. JOHNSTON: Thank you.

MR. G. LECUYER: Following the same question as Mr. Johnston in reference to the comment that you made where perhaps cultures have been limited in their flourishing, I ask you, are you familiar with the provincial legislation that was passed in 1916?

MR. A. AGGARWAL: Not to its full extent. As I say, I've read some of the things, but not all of it.

MR. G. LECUYER: Thank you, Mr. Chairperson. It had the effect, of course, of limiting the teaching of other languages in the schools other than English at a time, not limiting, but outlawing the teaching of any other language. Fortunately, and Mr. Johnston in all fairness referred to that as well, that as time progresses sometimes some of these are changed.

Perhaps you know the contents of Bill 2 which is on the books still today, which is a bill which was passed for the operativeness of Article 23 of The Manitoba Act. It's a bill that was passed in 1980 after the Supreme Court decision the law of 1890 was pronounced ultra vires and re-established the constitutionality of Article 23 of The Manitoba Act. But that particular bill in itself and contrary what has been said that Article 23 completely re-established the status quo of the two languages, that bill which was passed says it was passed purposely to determine which one of the two languages would have prima facie force when it came time to interpret if there were any differing views on which wording in which of the laws of the French or the English version had the correct meaning, that law establishes that the English language would then be the one with the proper interpretation. In a sense, we do not agree that that does not fully re-establish Article 23 of The Manitoba Act in that it doesn't fully re-establish the equal status of the both languages.

MR. A. AGGARWAL: I think so.

MR. G. LECUYER: Thank you.

Monday, 12 September, 1983

MR. CHAIRMAN: Thank you very much, Mr. Aggarwal.

The hour being almost 12:30, I'm informed that our next presentation person isn't present but she will be back at 2:00 p.m. this afternoon, so I'll adjourn the committee until 2:00 this afternoon.