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of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Friday, 30 September, 1983

TIME — 2:00 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Penner, Hon. Ms. Hemphill

Messrs. Anstett, Brown, Enns, Graham,
Lecuyer, Malinowski, Nordman, Scott, and Mrs.
Dodick

WITNESSES: Presentation by Dr. W. F. Shaw was continued.

Mr. Bruce Odum, Past President of the Welsh Society

Mr. Jerry Dorfman, Private Citizen

Mr. Martin Samoiloff, Private Citizen

Mr. A. J. Moreau, Private Citizen

Mr. Christian Schubert, Private Citizen

Mr. Edouard Vêroneau, Private Citizen

Mr. Ernest A. Wehrle, St. Boniface General Hospital

Mr. Baruch Rand, Manitoba Association for the Promotion of Ancestral Languages

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23 of The Manitoba Act

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MR. CHAIRMAN: Committee come to order. Gentlemen, we have a quorum. When we adjourned for lunch Mr. Enns had the floor.

Further questions, Mr. Enns?

MR. H. ENNS: Thank you, Mr. Chairman. Prior to the adjournment we were just beginning to discuss the question of the way the terms minority, or ethnic minority, are used in the context of this debate, and I am thankful, Dr. Shaw, that I think you, at least, understand and are making that point very clear that at issue here is the French and English language, and a clear constitutional understanding of their appropriate use in all parts of our country.

DR. W. SHAW: That's correct.

MR. H. ENNS: The reason why I ask that question, through you, Mr. Chairman, is that your organizations in Quebec, in seeking this appropriate and clearer understanding and just use of the language rights, do

you find yourself speaking for, or do you find other ethnic minorities, other than French and English, looking to your organizations as some sort of support for those in other ethnic minority - I don't like to use the word "rights" - but practices, cultural practices, whether they be the language or otherwise?

DR. W. SHAW: I would say very definitely that a large majority of the people who belong to our organization, and others like Quebec For All, are made up of non-Anglo-Saxons, if you wish, because they have come to feel that the English language is the North American language, it is their Canadian language, if you wish; and what is in jeopardy for them and their opportunities is their capacity to function using their choice of language.

I agree that there has been activity, I think, by the Federal Government, to divide off a third party in this, the difference being that in the French language-English language dilemma, if you wish, the Francophones are, essentially, racially French-Canadian, and Anglophones are everybody else. They would prefer that it was racially, sort of, pure Francophones being French-Canadians, and racially pure Anglophones being those of British Isles extraction. To suggest that the third party is not really a party to this conflict, is a bit of a shame because the reality is otherwise. The North American language is the English language for the majority of the people, and the French language is a language of people who are other than racially French-Canadian, as well. Yet, for some reason, they seem to be excluded from participation in organizations, for example, like the Franco-Manitobans, or in Montreal in La Societe Jean Baptiste. Anyway, I think, this is my attempt to answer your question. I think that this dilemma is basically a language one.

MR. H. ENNS: Dr. Shaw, what I was attempting to get at was that when those of us who are outside of Quebec hear about the, struggle if you like, for minority language rights in Quebec, is it correct to assume that we are talking about the minority English language rights in Quebec?

DR. W. SHAW: That is correct.

MR. H. ENNS: I raise that point with you because in Manitoba that is a little more confused situation because we pride ourselves and we talk about our cultural mosaic. We don't have a dominant cultural group; we have five or six groups. Well, the question that I'm getting at, Mr. Chairman, is that when Dr. Shaw presents arguments for minority language rights before this committee he is talking about English language rights in his presentation, and nothing else.

DR. W. SHAW: That is correct.

MR. H. ENNS: Well, Mr. Chairman, that is not to be confused with the privileges that we take for granted

that the many different people with their cultural backgrounds enjoy in Canada. I mean, I expect that my Greek Orthodox Ukrainian friends can continue to paint their lovely Easter eggs, with or without this resolution; Jewish mothers will feed their children chicken noodle soup if they are feeling under the weather, with or without this resolution.

MR. CHAIRMAN: Question please.

MR. H. ENNS: The question is the entire issue of protection of ethnic minority cultures is being confused in Manitoba with what is basically a very straightforward French and English language use rights that we are talking about, as you understand it in this issue?

DR. W. SHAW: I think so, and I can see that there is an attempt to try and confuse the issue by suggesting that the ethnic-based people whose original language is not English are really not party to the dispute and, in fact, they most certainly are.

MR. H. ENNS: Would you, in your opinion, and from your experience in Quebec, take that to be a deliberate policy on the part of the Federal Government to diffuse the figures, for instance, in terms of those persons seeking the language of their choice, access to the language of their choice, in this case being English, despite the fact they are not of English background?

DR. W. SHAW: Well, it certainly has been representative. For example, in Bill 22, before Bill 101 came on, the people who were neither English nor French had to take language tests for their children. That really classified them as the third-class citizen because they couldn't freely choose to associate themselves with one linguistic community or another, they had to demonstrate that they had a capacity to speak the English language, the children had to speak - can you imagine taking a 5-year-old, a pre-kindergarten child, and putting them before a third party who would determine the quality of their English so that they could be accepted into English schools? And there, unfortunately, was, and I'll be very candid, there wasn't enough response in English-speaking Canada to this third-class citizen treatment. Mind you, it didn't last long enough because in the next election the ethnic communities voted very very firmly against Mr. Bourassa, and helped to lead to his defeat.

MR. H. ENNS: Thank you for now, Mr. Chairman.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Dr. Shaw, at an earlier stage, prior to the luncheon break, you were discussing, in response to some questions, both the human tragedy and the economic loss arising from the exodus of a very substantial number of people from Quebec due to these policies of which you are rightly critical, and I think, it was your answer, was it not, that the amount of damage done, of the kind described, was increased really by Bill 101?

DR. W. SHAW: Repeat that?

HON. R. PENNER: The damage that was done to language rights, and its impact on people and on business, was heightened by Bill 101?

DR. W. SHAW: Most certainly.

HON. R. PENNER: Right. Bill 101, essentially, aims to create a unilingual province, doesn't it?

DR. W. SHAW: That is correct.

HON. R. PENNER: And you are critical of this attempt to create a unilingual province out of what, constitutionally, is a bilingual province?

DR. W. SHAW: Very true.

HON. R. PENNER: Right. You would see, would you not, an equivalent, I suppose, between The Official Language Act of 1890 here, which said that English was the official language, and Bill 101?

DR. W. SHAW: Clearly, and the Supreme Court has ruled that that was the case.

HON. R. PENNER: It is your case, is it not, that constitutionally, historically, Canada, Quebec, Manitoba are bilingual country and provinces, but you want that to be strengthened through the Supreme Court route, and that's your thesis?

DR. W. SHAW: I want it confirmed because of (a) the Appeals Court of the Province of Manitoba's decision that it was directory, rather than mandatory. I want it also confirmed because subsequent cases that will go before the Supreme Court can have even more significant impact. You must understand there were more non-Francophones in the Province of Quebec than there are people in the Province of Manitoba.

HON. R. PENNER: I understand that.

DR. W. SHAW: We are the 11th province without any representation at the provincial level that is really significant.

HON. R. PENNER: So that because this wasn't clear in the exchange between you and Mr. Doern, that the damage that's been done is a result of unilingualism, not bilingualism?

DR. W. SHAW: Of course.

HON. R. PENNER: Yes. One other question. Just for clarification, in your brief you say you are the immediate past member of the National Assembly for the Provincial Constituency of Pte. Claire, serving from 1976 until 1981; as a representative of what party?

DR. W. SHAW: I was elected as a member of the Union Nationale, and I resigned from the caucus because of a dispute with Mr. Biron about the question on the referendum and sat as an Independent for the last two years.

HON. R. PENNER: Thank you.

MR. CHAIRMAN: Further questions by honourable members? I had Mr. Lyon and Mr. Eyster, neither are here at the present time.

Mr. Lecuyer.

MR. G. LECUYER: If I understood you correctly, Dr. Shaw, this morning you implied that Alliance Quebec's membership was in the rough area of 3,000 members and when they were here they stated in their brief that they represented some 40,000 people in the Province of Quebec, and also indicated that in the last five months they had, in a fund-raising campaign in Quebec, raised \$650,000, and have stated that they represent a joint hospital institute, that they represent the Ville Marie Social Services, which is the only English social service centre in Quebec, they represent the provincial associations of the Protestant school boards and the provincial associations of Catholic English Teachers Association, the Association of the Directors General of English Catholic Schools, English for Social Action, Townshippers Association, which you mentioned, the Youth Alliance . . .

MR. CHAIRMAN: Question please?

MR. G. LECUYER: I'm coming. Others have had long questions. That 12 active chapters on the Island of Montreal, and the last three respectively are 3,000, 7,000 and 3,000 members?

MR. CHAIRMAN: Order please. Question please.

MR. G. LECUYER: My question to Dr. Shaw is, is this purely misleading, is it not true?

DR. W. SHAW: No, Alliance Quebec is a well-funded, well-organized operation, and it does, I'm sure, contain representation from all the groups that you've mentioned.

MR. G. LECUYER: In fact they say that the Provincial Association of Protestant School Boards' Chairman is also a member of their board.

DR. W. SHAW: That is correct, Dr. Sims. If you give me \$700,000 to run my organization I will show you a list as strong, at least, as that.

MR. G. LECUYER: Well, have you raised the comparative sum of money from among the public of Quebec?

DR. W. SHAW: Well, no we haven't. We have raised, though, over \$70,000 to fight the traffic ticket challenges; over \$50,000 for the Alan Singer case, and I don't know because I'm not the Treasurer of the operation, we have raised enough money to keep ourselves operating, in spite of no funding whatsoever from the Secretary of State.

MR. G. LECUYER: Dr. Shaw, has your general manager endorsed the brief that you are presenting to us today?

DR. W. SHAW: I was at a meeting on Wednesday night and 17 out of 17 members of the steering committee endorsed it unanimously.

MR. G. LECUYER: Am I correct, I've been told and it may be wrong, you might tell me if I am, that you sought the Liberal nomination in 1981 in West Montreal?

DR. W. SHAW: That's correct.

MR. G. LECUYER: Also, that a member of your organization ran as a candidate in Notre-Dame-de-Grâce area but only got 2 percent of the vote I understand.

DR. W. SHAW: We ran second in Notre-Dame-de-Grâce and we got 24 percent of the vote; but in the next provincial election I ran as an Independent and I don't think I got 2 percent of the vote,

MR. G. LECUYER: And yet in Notre-Dame-de-Grâce . . .

A MEMBER: It happens to Independents here, too.

HON. S. LYON: It will happen to others here after the next election.

MR. G. LECUYER: Am I right in stating, Dr. Shaw, that the Notre-Dame-de-Grâce area is among the overwhelmingly Anglophone district in Montreal?

DR. W. SHAW: It is about 60 percent Anglophone.

MR. CHAIRMAN: Order please. I'm a little unclear as to how this line of questioning pertains to the purpose of the committee in terms of clarifying the contents of the brief.

MR. G. LECUYER: Well, Mr. Chairman, I only did so because Dr. Shaw just established who he was and what he represented in the first part of his brief, and I think that is in order on that same basis.

MR. CHAIRMAN: Well, I think it may go a little beyond what we normally allow in terms of establishing credentials and the identity of the organization. I don't think election results enter into credentials.

MR. G. LECUYER: Fair enough. Mr. Chairman, through you to Dr. Shaw. On Page 6 of your brief you say, in reference to Bill 101, I presume that also applies to Bill 122 stating that it deliberately and vindictively denies the existence and legitimacy of an entire community, you are made to exist as second-class citizens by legislation, and so forth, and then you go on to say no French-Canadian in this country is subjected to this kind of legislated invasion of their rights. Dr. Shaw, when was Bill 122 passed in Quebec?

DR. W. SHAW: 22, I think it was in 1974.

MR. G. LECUYER: Dr. Shaw, are you aware that in 1890 we had legislation which also stated that the official

language of Manitoba was English, and nullified Article 23 of The Manitoba Act?

DR. W. SHAW: Yes, I do.

MR. G. LECUYER: Wouldn't you call that vindictive, as well.

DR. W. SHAW: Yes, but if it went one-third as far as Bill 101 I'd like to see examples how.

MR. G. LECUYER: Are you aware of the law passed in 1916 in Manitoba?

DR. W. SHAW: No, I'm not.

MR. G. LECUYER: This law declared that the . . .

MR. CHAIRMAN: Order please. Dr. Shaw is not aware of the law, it's not up to members of the committee to provide him with that information. Dr. Shaw is here for purposes of clarification.

MR. G. LECUYER: Mr. Chairman, in all fairness, previous questioners this morning have provided ample information in this debate. Are you aware that the law passed in 1916, Dr. Shaw, declared that the only teaching language in Manitoba was to be in English?

DR. W. SHAW: No, I wasn't aware of that.

MR. G. LECUYER: Would you call that vindictive?

DR. W. SHAW: Yes, I would. I also think it's a violation of the Constitution.

MR. G. LECUYER: That's right.

DR. W. SHAW: And I also know that at that time the Government of Canada could have acted to reverse that legislation if the case was taken before it under Section 93(3), as it was taken with the Manitoba Language Act of 1890; and I also know that it wasn't Anglophones that refused to turn that around, it was Sir McKenzie Bole who introduced legislation into the House to try and reverse the 1890 legislation; but it was Sir Wilfred Laurier who acted to defuse the situation in Manitoba so that he could prevent any issue being established that would weaken the autonomy of the provinces. Therefore, I think, to take a long issue on this is your choice, but . . .

MR. CHAIRMAN: Order please. Further questions, Mr. Lecuyer? Mr. Lecuyer, further questions?

MR. G. LECUYER: Yes, Mr. Chairman. In effect, this law, as well, Dr. Shaw had an impact on the other minorities in Manitoba. Would you better understand why the minorities of Manitoba, the other minority groups in Manitoba, perhaps feel an affiliation with the present amendment proposal?

DR. W. SHAW: I really can't speak to that Mr. Lecuyer because you're asking me to make a judgment on how people respond to a piece of legislation that was passed

almost 50 years ago, more than that, so, therefore, I really can't say. But I'll ask you a question, if I may. Are you proud of being a French-Canadian with a law like Bill 101 in place?

MR. CHAIRMAN: Order please.

MR. G. LECUYER: I can't really answer the question, the Chairman will not allow me, but I'll ask you another question, perhaps provide you the answers in the process. In effect, all I wanted to draw, Dr. Shaw, to your attention is the ill-effects of Bill 22 and Bill 103, which I deplore as much as you do, were also similar laws which were passed in Manitoba.

DR. W. SHAW: Les "détorts" ne sont jamais justifier par les torts.

MR. G. LECUYER: My question was going to be exactly that one, merci, and you have answered it already, thank you. Two wrongs don't make a right, that is correct. A wrong situation, we should always seek a remedy to correct. In the same way that you suggest, Dr. Shaw, that the 400 people Anglophone, or English-speaking citizens of Quebec, have left the province of Quebec, you should also be aware, or perhaps, are you aware that, although numbers were nowhere in the same numbers, the proportion was perhaps just a great, in terms of Francophones who, especially the professionals who had graduated from universities and colleges, had to seek elsewhere if they wanted a job from Manitoba, and this also explains why, for instance, all of the class of which I graduated only six are left in Manitoba.

MR. CHAIRMAN: Do you have further questions of clarification Mr. Lecuyer?

MR. G. LECUYER: Yes, Mr. Chairman, I do. Dr. Shaw you say that the Federal Government is morally and constitutionally mandated to apply the Constitution in Canada, and it has the powers and the means to intervene. You have just agreed that it had that same power to intervene in Manitoba and never did, in fact, this was not corrected until the 1979 decision of the Supreme Court, as you are aware.

You are aware, Dr. Shaw, that this does not happen only in Quebec, but happened, as well, in Manitoba.

DR. W. SHAW: Oh, I know, we're not in disagreement on that.

MR. G. LECUYER: Later in your brief, Dr. Shaw, you state that the Quebec Government will proclaim that Manitoba - perhaps I have go give you back some of the previous sentence. Manitobans are justly incensed that the government is making concessions while Quebec has law 101. The Quebec Government will proclaim that Manitoba is only doing what Quebec already does, and that Manitoba accepts Quebec's right to decide our own language policy. But, whereas Quebec is proceeding in the direction whereby it is restricting Anglophone rights, Manitoba is proceeding in the direction where it is extending them, so do you still see that as being in the same direction?

MR. CHAIRMAN: Order please. The question is clearly debating with the delegation. Do you have a question for clarification of the contents of the brief?

DR. W. SHAW: Can I answer that question . . .

MR. G. LECUYER: Mr. Chairman, I will rephrase my question. Dr. Shaw in that statement are you implying that Manitoba's direction in this proposed amendment is in the same direction that Quebec is presently following?

DR. W. SHAW: Certainly not.

MR. CHAIRMAN: Thank you. Mr. Lecuyer.

MR. G. LECUYER: That is why I had difficulty in understanding why you think, and you might explain that to me, why you think that the direction that Manitoba is following then gives leverage for Quebec to follow the opposite direction?

DR. W. SHAW: Let me explain that. In other words, if Manitoba proceeds via the resolution, Rene Levesque will say, as he has been saying, that Manitoba is pronouncing on its right to intervene in the area of language; and it will also say that it is doing what Quebec is already doing for its Anglophones. It has always said it complies with the *les exigences de la 133*, it complies with the requirements of 133, because they are reading 133 as being terribly narrow. I gave you the example of a person being divided into a moral person, a natural person, has no precedent in law, there's no place where there's a constitutional decision that has separated companies from individuals, but they do that and, until such time as there is a clarification, they'll say, we're complying with 133, Manitoba is complying with 23, but Manitoba has demonstrated, *cette aux provinces, le pouvoir linguistique*. And I am suggesting that is exactly the opposite of the intent of this resolution. I think that the intent of this resolution is to demonstrate to Quebec that Manitoba wants to be open to the French language and the French-Canadian people, in the hope that Quebec will turn around and show some openness to the English-speaking Quebecer. And I am saying there is no possible way that that should be correlated because there is no evidence to date that that is the direction that has been taken.

MR. G. LECUYER: I know you stated this morning, Dr. Shaw, that the intent of Section 133 and 23 implied that English and French were the official languages of Quebec and Manitoba, but do you not agree that that, even if this case goes to the Supreme Court, the Supreme Court is not going to pronounce itself on anything but what - and that has been frequently stated by the Leader of the Opposition - but what is in front of a court currently and, therefore, will not pronounce itself on that particular clause?

DR. W. SHAW: I addressed that this morning, and I think it is up to the Department of Justice of the Province of Manitoba to continue asking the Supreme Court to make the clarifications until they have the guidelines that are necessary. That's what Quebec did when the original *Blaikie* decision came down, and they could have gone back and back and back until they got a clarification necessary to function with. The narrowness of the decision of the Supreme Court does not obviate

the necessity to go back again and get more clarification, if necessary.

MR. G. LECUYER: That might imply additional court cases on that particular issue.

DR. W. SHAW: Well, I suggested that the Province of Manitoba can take this initiative, and it is not required to the individual. I think the tragedy of the Trudeau period is that the individual has been forced to take the initiative, including *Forest*.

MR. G. LECUYER: But then you agree that that is not necessarily what would come out of the court pronouncement on the *Bilodeau* case?

DR. W. SHAW: I don't understand that question.

MR. G. LECUYER: That the officiality of the two languages would be clearly defined as a result of the . . .

DR. W. SHAW: Well, that is a possibility, and if it isn't clear I suggested that if this resolution were deferred until after the Supreme Court of Canada had ruled, there is nothing that prevents this Legislature from acting to get further clarification, or to press for a resolution if that is the necessary track to be taken.

MR. G. LECUYER: What you are stating, Dr. Shaw, compels me to state that, to me, this sounds as being analogous to a bystander to an accident — (Interjection) — I'm going to ask a question in a minute, don't worry. As a result of that accident the parties agreeing to settle out of court, and you, as a bystander, recommending that they proceed to court.

DR. W. SHAW: Under no circumstances, Mr. Lecuyer, can you compare an individual with a government; under no circumstances can you make that comparison, in fact, I cannot see how a government can make any deal out of court when it comes to a constitutional issue. Frankly, this should proceed to the courts anyway.

MR. G. LECUYER: The laws passed in 1890, 1916 in Manitoba, trying to be generous, I'll call them accidents of history and that's how I see it being analogous. What you're saying now is that we should go to court, rather than to settle this issue.

DR. W. SHAW: What I am saying is that you have those laws passed in spite of 23 being entrenched in the Constitution. We have had Bill 101 passed in spite of Section 133 being in the Constitution, and I am saying that if we want to prevent this from recurring we should be going to the Supreme Court and getting clarification so they do not recur.

MR. DEPUTY CHAIRMAN, D. Malinowski: Mr. Lecuyer.

MR. G. LECUYER: Dr. Shaw, are you saying that the Government in Quebec, today or in years to come, after the next election supposing there were to be another government, another party in government, that if it were prepared to sit down with you and say, look

we are prepared to make amendments to Section 133, whereby we will clearly recognize the officiality of English and French in Quebec; that you would then turn around and recommend to the people you claim to represent that this is not a good deal, that we should go to court instead?

DR. W. SHAW: Yes, because you're again getting back to the principle. Where are my rights guaranteed, at the capriciousness of a provincial legislation which can, or cannot, be changed at the will of the various changes of government; or in a basic set of rules that have been set out for my country?

MR. G. LECUYER: I understand you correctly when you say that in spite of the uncertainty that might come out of a Supreme Court decision, that you would urge Manitobans to go that route of a Supreme Court decision now?

DR. W. SHAW: Most definitely.

MR. G. LECUYER: Are you suggesting, or perhaps am I misunderstanding, that your position is that, in view of reaching the end goal, which is doing away with the unjust laws which currently exist in Quebec, and expanding the English language services in Quebec, that you would suggest that if that be required it would still be better to go through multiple court cases, rather than arriving at a one-time negotiated settlement which would provide you with the same solution?

DR. W. SHAW: I want to give you an example. You are suggesting that multiple court cases will be required; I am suggesting that the very fact that the Constitution will be proclaimed as mandatory is a major step. We have, for example, before us in Quebec Bill 40, and Jean Chretien, two days ago, stated he felt that Bill 40 was constitutional, and Bill 40 is going to abolish the Protestant and Catholic school boards in the Province of Quebec, the last institution in the province which is administered by a majority English-speaking community. Now, if we lose the mandatory aspect of 93, 3, and 2, and 1 because it is in escrow, hung up in the courts, and with the only jurisprudence in Canada being a decision of the Manitoba Court of Appeals, then Mr. Levesque and Mr. Laurier will abolish our school system, and we will take four or five years to try and defeat him in the courts, and by the time we win in the courts the system will be destroyed and, like Humpty Dumpty, you'll never put it back together again.

MR. G. LECUYER: Well, you have the control of your school boards in Quebec, which we don't, of course.

MR. DEPUTY CHAIRMAN: Question please.

MR. G. LECUYER: And, also, your own universities and hospitals and other services . . .

DR. W. SHAW: Well hospitals belong to the government.

MR. G. LECUYER: There are 13 English hospitals in Quebec, right?

DR. W. SHAW: But they don't belong to the English-speaking community, they belong to the ministère des Affaires sociales, and they've clearly stated so.

MR. G. LECUYER: Yes, I agree, hospitals do not belong to individuals or to X number of peoples, as such.

DR. W. SHAW: No, but they used to belong to boards of management that raised the funds and built the hospitals and administered them, like St. Mary's, like The Royal Victoria, like the Lakeshore General Hospital; but recent legislation, the Government of Quebec said that property that belongs to the people belongs to the Crown and took back all those properties, so they no longer belong to the English-speaking community, and they are no longer effectively English-language hospitals because, as of January 1, 1984, they have to be declared as French-language hospitals; they have to communicate with each other in French.

MR. G. LECUYER: Yes, we also read in the newspaper where you made allusion to a case where somebody had to die in French, and we also had a report in the papers soon afterwards of one who had to die in English, so I suppose it's a similar situation, and that is not correct in either case.

Dr. Shaw, on Page 14 of your brief you say a recent study shows that Anglophone enrolment in the Quebec school system will drop by 45 percent in the next five years. Dr. Shaw, you are aware of a recent Gallup Poll which was reported in our Free Press yesterday entitled "Quebecers enthusiastic on language."

DR. W. SHAW: Yes I am aware of that, 88 percent voted in favour of English-language education in the schools.

MR. G. LECUYER: Okay, 88 percent of the people of Quebec voted in favour of compulsory English teaching in all grades of the public school system in Quebec. Do you not agree, Dr. Shaw, that that is an indication that, perhaps, whether the Quebec Government wants to or not that it will have to bring about changes in Bill 101?

DR. W. SHAW: Oh, I agree, I couldn't agree more. I don't think it is the people of Quebec that are inflicting Bill 101 on us. It is a certain group of politicians who have been misusing the people, and I think this is one of many signs that the general feeling amongst French Canadians is that there is something shameful about that bill.

MR. G. LECUYER: So, Dr. Shaw that implies to me that you can look forward to some changes in the ill-treatment that is provided under Bill 101. Whereas Manitoba is now looking at an amendment proposal to the Constitution to provide similar services to Francophones in Manitoba, but still you would recommend to Manitobans, instead of justice now, go to the Supreme Court and wait for later.

DR. W. SHAW: I'm suggesting that if you get justice now you don't have it; I'm suggesting that if you go to the Supreme Court you will. If you introduce a piece of legislation that goes into our Constitution, in whichever form it's taken, because Section 133 is also entrenched, and you have a situation where a bill is in place, in spite of that entrenchment, where are your guarantees, where are they? I mean, we have Bill 101,

in spite of Section 133 being entrenched in the Constitution. So, I think, that if you really want that protection let's get the court decision to show that it is there.

MR. G. LECUYER: Yes, Dr. Shaw, but you, yourself, agreed a while ago that the Supreme Court may not necessarily, in fact, very unlikely, pronounce itself on a clause which is not within it right now, that is, within Article 23 - that French and English are the official languages of Manitoba.

MR. CHAIRMAN, A. Anstett: Order please. This has very clearly become a debate with repetitive questioning, getting the same answers. If there are questions for clarification of the brief I'll certainly entertain them, but pursuing this further is only going to lead to a debate between the witness and one of the members and is not going to expedite the business of the committee.

MR. G. LECUYER: My last question, Mr. Chairman, can I get an answer.

MR. CHAIRMAN: Do you have a question for clarification?

MR. G. LECUYER: Well I ask, again, because Dr. Shaw stated in his brief, implied an intrinsic part of Section 133, and seeing Manitoba's Section 23 is the same wording, that French and English were the official languages of Quebec. I am asking Dr. Shaw, does he expect that kind of clarification, or decision, coming out of the Bilodeau case?

DR. W. SHAW: Yes I do. As a matter of fact, I can't see how the Supreme Court could rule otherwise, but if it chose not to, this committee, and this Parliament, is empowered to continue with the resolution in the track that it is presently on.

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: I have no further questions, thank you, Mr. Chairman.

MR. CHAIRMAN: Okay. Mr. Doern.

MR. R. DOERN: Mr. Chairman, following some of Mr. Lecuyer's questions. Are you familiar with the statement that Premier Levesque made a few days ago, saying that Franco-Manitobans are a lost cause.

DR. W. SHAW: Yes I am, and Mr. Godin.

MR. R. DOERN: No, I'm quoting Premier Levesque, I'm quoting the news media. I'm familiar with Mr. Godin, I'm saying that Premier Levesque said this.

DR. W. SHAW: To unilingualists anyone who lives anywhere else than Quebec is a lost cause. To most French Canadians, being Canadian is a privilege and they are pleased to be part of this country. But for those people like Rene Levesque, and Camille Laurin,

Geral Godin, they have that kind of opinion, that's most certainly.

MR. R. DOERN: Are they making some sort of a general statement in the sense of anyone who is French speaking should live in the Province of Quebec, or was he making some sort of a detailed remark about Franco-Manitobans, in particular?

DR. W. SHAW: In fact, amongst that group of thinkers, anyone who doesn't live in Quebec in his "vieille souche", old guard "québécois" is an "assimilé". They are already "perdus". It's unfortunate because that's a "piquiste" phenomena.

MR. R. DOERN: I'm unclear about something that comes out of the P.Q., and that is, are you saying that they do not care about the French-speaking populace outside of Quebec, but that they continually appear to use them for political purposes?

DR. W. SHAW: Unquestionably, they are using this as a Catch 22 situation where they win if they lose, and they win if they win. For example, if they can make media out of the fact that there is a delay in the passage of this resolution they will say: "Ici voilà à l'extérieur du Québec on a pas des droits." And if you pass it, they'll say: "Voilà, à l'extérieur du Québec, ils ont démontré que nous avons le droit d'agir dans le domaine de langue." In other words, they win both ways. This is their game, they're communicators, they're propagandists, and so this is the reason why I say it is very important that the fundamentals are protected in this thing so that we don't end up having thrown out the bird with the bird bath.

MR. R. DOERN: Dr. Shaw, are you saying that the Premier of Quebec is speaking with a forked tongue. I mean we hear this every now and then, that in Manitoba there have been 93 years of injustice, and then the argument is sometimes used that, well, Quebec can wait another 60, 70, 80 or 90 years to catch up, in other words, we can have injustice for that long. Have you ever heard that argument, because we've heard it?

DR. W. SHAW: Yes, we've heard it, yes.

MR. R. DOERN: And similarly that, on one hand, he will say that there is a direct connection between what happened in Manitoba, and what is happening in Quebec, he's saying on one hand; and on the other hand he's saying that every province is independent in regard to language policy.

DR. W. SHAW: Well, that's what I tried to explain when I feel that he does have this Catch 22 position, which is very favourable to him. He can't fail but to gain some press from it. This is one of the reasons why I think it's very important for the result of the decision that is taken to demonstrate that the people of Manitoba respect their obligation to the historical right of French Canadians to be recognized as an official language in this province. But the vehicle that is used to get there has to demonstrate in a much more secure fashion

that these rights exist, and I suggest the only truly secure fashion is to allow the courts of Canada to pronounce themselves.

MR. R. DOERN: Just on that point. I believe you are saying that the Supreme Court can, or should, confirm the principle, but that it cannot administer the province, or it cannot apply the principle. That's what I'm making of your remarks. I don't know if I'm . . .

DR. W. SHAW: I think that that is realistic.

MR. R. DOERN: For instance, it has been alleged that the Supreme Court might rule, well might bring down a judgment that would result in legal chaos, and would institute a fuller degree of bilingualism than envisioned or proposed by Mr. Penner and Mr. Pawley. For example, maybe they will order the entire Civil Service to become fully bilingual and then we'll really have a problem. Is this what you're talking about when you're saying that they cannot make such a judgment, cannot administer the province, or apply the . . .

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

HON. R. PENNER: Mr. Doern has attributed a remark to the Premier and myself which neither of us have ever made, and I want it clear, and clear to this witness so he's not mislead, that no one in the government, in any event, has suggested that the Supreme Court would order that the entire Civil Service be bilingual, there has never been a suggestion of that.

MR. CHAIRMAN: That's not a point of order, it's a use of a point of order to become involved in a debate but, obviously a debate is going on.

HON. R. PENNER: Yes.

MR. CHAIRMAN: Dr. Shaw, do you have an answer to that debate?

DR. W. SHAW: If I might have the question repeated because I've forgotten.

MR. R. DOERN: Perhaps I'll phrase it in a manner that would be more palatable to the Attorney-General.

HON. R. PENNER: No, more palatable to the truth.

MR. R. DOERN: The two are not identical, sir, I assure you.

HON. R. PENNER: No, not in your mind.

MR. R. DOERN: The question is this, Dr. Shaw, it has been suggested by many people, including myself, that this is a bad agreement that the government has, that it is far more severe than is necessary, and the government has suggested, to counter that, that the Supreme Court may go further than the government's proposals and extend a greater degree of bilingualism, official bilingualism, throughout the province. Are you saying that that couldn't happen because they would only make a very limited judgment, or a ruling in

principle, and they would not say all positions must be bilingual, or designated bilingual, or more positions, or hundreds of jobs, or whatever?

DR. W. SHAW: I really feel that is a good question because I suggest that the Supreme Court would have to rule in such a way that what its rulings meant for Manitoba would potentially mean the same thing for Quebec. Can you imagine if they brought down such a severe ruling what this would have, in effect, in the Province of Quebec? Can you imagine making the Province of Quebec fully bilingual, for example, at the level that the Federal Government is? The cost would be absolutely astronomical. So in my opinion, I don't think the Supreme Court can bring into its judgment a situation which would be so draconian.

MR. R. DOERN: So taking the two extremes, you're suggesting, or I understand you to say, that on one hand they won't enact legal chaos, which would be a contradiction and, on the other hand, they won't bring in measures that say, in the extreme, would introduce a greater degree of bilingualisation or bilingualism in the Civil Service than the government is proposing; that they just won't get into that.

DR. W. SHAW: Well their experience to date is that they move very carefully. They have moved very carefully in the Forest decision. They have moved extremely carefully in the Blaikie decision. I would think that they would want to demonstrate fundamental principles and allow the provinces to take the steps necessary to achieve those principles. That's why I feel that the Supreme Court would rule that the Forest decision was mandatory, and it would provide for an accommodation period to that decision.

Now obviously, the Government of Manitoba will have to eventually live with a decision of that type anyway because, with the Constitution being the way it is now and with the jurisprudence being that our Constitution is truly directory and not mandatory, sooner or later there will have to be a decision that proclaims that the Constitution is mandatory. Mr. Lecuyer suggested that sooner would be better, and it might be that sooner would be better if the court decides sooner.

MR. R. DOERN: You made reference on Page 7 of your brief to the fact that the Prime Minister suppressed on official report from the federal Department of Justice showing that Bill 101 was unconstitutional. Do you have a copy of that report?

DR. W. SHAW: I have a copy of the press release.

MR. R. DOERN: I wonder if you could make that available to the committee at some point, if that's possible.

DR. W. SHAW: I'll deposit that, if you wish, Mr. Chairman. This is the report. The written report in the paper was in the Globe and Mail of October 7, 1977. The headline reads, "Ottawa says Quebec's Bill 101 is illegal," and attached to it is the position of the Federal Government with regard to Bill 101, the Charter of the French language, which was part of the press

conference at the time that this particular article was published. I think that it speaks for itself.

I further say, that report has been made unattainable or unavailable to the public.

MR. R. DOERN: Just to check your figures on Page 7, you mention that the Federal Government has provided over \$70 million to lobby and pressure groups fighting for the expansion of French language rights across Canada. Is that right?

DR. W. SHAW: Yes, that's right. I haven't got the figures here, except I have a copy of an article from the newspaper that shows these figures. But I have the Secretary of State's expenditures over the last five years to show the patterns in that area.

MR. R. DOERN: You said that about \$3 million went to Anglophone lobby groups in Quebec.

DR. W. SHAW: That's correct.

MR. R. DOERN: That's almost a 25-to-1 ratio, and yet there are - what? - 1 million Francophones outside of Quebec, and 1 million English-speaking people in Quebec. Yet the ratios are out of whack.

DR. W. SHAW: A little double standard.

MR. R. DOERN: You also mentioned that there were ads taken out by the Federal Government during the debate on the Constitution assuring French-Canadians that nothing in the legislation would weaken law 101. Now that's at the back. I wonder if you could translate the relevant section, or perhaps read it in French and in English.

DR. W. SHAW: It says, under the second paragraph of this add, it says: "La Charte ne s'attaque pas au fond de mer de la loi 101 et ne changera pas la statut du français comme langue officielle du Québec." I'll read the first sentence if you choose: "Enfin les droits des francophones hors du Québec à l'école, français sera garanti par la Charte au même titre que celui des anglophones au Québec."

That is also true. The Charter does guarantee French language rights, except they don't mention in this their Section 59 in the new Charter that doesn't oblige Quebec to abide by the language of education provisions of the new Charter.

MR. R. DOERN: In English, that means?

DR. W. SHAW: In English, that means that the Charter will not attack the fundamental aspects of Bill 101, and that it will not change the status of French as the official language of Quebec.

MR. R. DOERN: Another question, you used some pretty strong language on Page 10 in the middle. You say that the Federal Government "... is knowingly allowing heinous legislation to remain as a statute of a Canadian province in order to blackmail the rest of Canada into extending more French language rights to Francophone minorities in the rest of Canada."

So are you saying that they deliberately and in a calculating manner have left Bill 101, and then they use that as a lever against us and against everybody else. They have no intention of taking that off. They have an intention of leaving it there in order to lever Manitoba, then Ontario, Alberta and Saskatchewan and so on.

DR. W. SHAW: That is how it appears to me. Certainly with the suppression of the article that was produced by the Minister of Justice concerning the illegality of Bill 101, why is this not made available to Canadians in general? Then when they publish an advertisement in a newspaper, and that was a Government of Canada advertisement paid by the Government of Canada not the Secretary of State, saying that they will protect the Charter of the French language and the statute of French as the official language of Quebec. There has to be some question raised as to their intentions about the future of the non-Francophones in our province.

On the other hand, the evidence of all the monies that have been spent by the Secretary of State and the activities, not only of the Secretary of State but other departments, shows quite clearly that pressure has been exerted on all the provinces to entrench French language rights. I happen to feel that these language rights should be entrenched, but they should be done on a reciprocal basis with entrenched language rights in the Province of Quebec.

MR. R. DOERN: You also quote Mr. Godin who was on a Montreal talk show, and we are familiar with this talk show in the sense of the results that came out of it. He apparently said, and you quote him as saying, "We might have to squeeze the Anglos a little more." How at this point in time can they do that? Tougher laws? Drive people out? I mean, how are they going to do this?

DR. W. SHAW: This is in the character of GERALD Godin. He almost enjoys threatening the Anglophones in the English language on the English media. I can't speak more to it than that. I think it's sick, but that's the way he is.

MR. R. DOERN: You say also at the top of Page 12, "It's clear that the government won't intervene in Quebec, the Federal Government." Can you explain that in political terms? Is this because the federal Liberals want to help the provincial Liberals, or how do you see that politically?

DR. W. SHAW: I think that there are two facets of this, if you're asking for my opinion on this. No. 1 is that they are extremely upset, having lost the last election to the Parti Québécois. They really felt that, in 1981, they would have knocked them off and easily won the election. In spite of having won all the by-elections and won the referendum, they went out on election day and René Lévesque was re-elected, no split in the vote, re-elected with a larger majority.

The Liberal Party now feels the reason why they are winning, that is, the Parti Québécois, is because they have been able to harness the emotion of nationalism in the province, the Federal Liberal Party or the

Provincial Liberal Party, it's not in their interest to do anything that would soften their nationalist support. So therefore they will, very carefully, avoid anything to do with softening Bill 101 or taking any other steps that would strengthen the rights of the English-speaking Quebecer. I think this is borne up, even in our present leadership race between Mr. Bourassa and Mr. Johnson and Mr. Parody. Even the most open of them, Mr. Parody, continues to say that we have to maintain French as the language of work and we'll still have to maintain Bill 101, so he doesn't want to take a position which would be construed as softening the position against the English-speaking Quebecer. I think it's a mistake but that happens, in my opinion, to be the reason why they are avoiding, at all costs, any implication with Bill 101.

MR. R. DOERN: Do you see any hope in the position of Brian Mulroney for the Anglophone Quebecer?

DR. W. SHAW: Well I hope that Brian understands that the Quebec Caucus of the Liberal Party will not be running the next Government of Canada and that he has to respect the opinions of Conservatives across this country in taking positions. I think the Conservatives across this country are in favour of national bilingualism, but they want it in a reciprocated way. If Mr. Mulroney is entrapped into taking the position espoused by Mr. Trudeau, I think he'll only weaken his long-term position, but his short-term position won't make any difference because people don't vote for somebody in election, they vote against them.

MR. R. DOERN: You were quoted in a Montreal weekly and you challenged this vigorously, a headline that you wanted Manitoba to drop French language rights, and you said nothing could be further from the truth. Could you give us, in a nutshell, what your view is, in regard to what Manitoba should do?

MR. DEPUTY CHAIRMAN: Dr. Shaw.

DR. W. SHAW: Well obviously I couldn't, as an English-speaking Quebecer and someone who believes in the fundamental principle that you do unto others that what you would they would unto you, suggest anything less than entrenched language rights. I think that's a fundamental aspect of our country and there is no way we're going to change it. It is a reality, it's a marriage that we have to live with. I also feel that this has to be done with justice. I think that we do not have that justice in Canada today and, because of this lack of justice in its application at the federal level, the whole approach to what bilingualism could mean has been jaded and that's why I really believe that the villain in this entire period is, not the Rene Levesque, it's not the Robert Bourassa, but it's Pierre Elliott Trudeau.

MR. R. DOERN: On second point, again trying to force you to be brief, you would not entrench services or the detail of the delivery of services in the Constitution?

DR. W. SHAW: I don't think that this is what is entrenched in Constitutions, this is the administrative prerogative of the province. The province has to raise

the money to pay the bills to deliver the services and that's the way . . .

MR. R. DOERN: And if our government - I'm looking at Page 13 - you say again that if, on the other hand, you proceed to initiate legislation concerning language rights, you will confirm the precedent that Quebec has set in introducing Bill 101, that the province has the right to determine language rights in spite of constitutional guarantees. Are you saying, in effect, that whereas Mr. Maldoiff argues that our actions, the actions of the government, would help the English-speaking minority, that you are saying, in effect, that it won't help them, but it'll help the Separatists in Quebec.

DR. W. SHAW: That's correct. That's correct because, as I've said, the presumption by Rene Levesque will be, and is now, that the province has the right to enact primary legislation in the area of language. It has done so, but so has the previous government with Bill 22. If you act to enact and to pass this resolution, he can simply say there's the precedent; Manitoba made the decision as to what direction it would go on language. In spite of the fact that this direction is a positive direction, as opposed to the negative direction of a Bill 101, it will still nevertheless be the precedent. If the court is allowed to pronounce, and the Province of Manitoba then proceeds to accept and implement this decision, that, in my opinion, is the most effective way of protecting French language rights in Manitoba and also keeping our options, our constitutional options in the Province of Quebec open.

MR. R. DOERN: And on your final page, Page 15, you say at the top, "Our Federal Government has allowed language to be divisive and promoted the environment of abuse and confrontation," and so that to me sounds like, again, that you're saying that in a sense or in every sense they are doing more damage to Canada than the Separatists of the P.Q?

DR. W. SHAW: I believe that because they could have acted and didn't. I think that the attitude in Canada in 1970, was so pro-bilingual from coast to coast, as was demonstrated by the Victoria Charter Agreement that wasn't ever signed by Quebec, if that period had been allowed to progress, then we would have institutionalized bilingualism from coast to coast. Instead, Quebec opted out of that agreement and then when they proceeded to enact language legislation beginning with Bill 22, the Federal Government stood by, as if it was the fault of the rest of Canada that the Victoria Charter wasn't signed.

MR. R. DOERN: Is Stephen Scott active in the language debate in Quebec, Professor Stephen Scott?

DR. W. SHAW: I only know Professor Scott as a teacher of constitutional law at McGill and one of the contributors to the Gendreau Report.

MR. R. DOERN: Are any of his clones active in Quebec? We have one who just sprung up the other day here.

HON. R. PENNER: On a point of order.

MR. DEPUTY CHAIRMAN: Yes, Mr. Penner on a point of order.

HON. R. PENNER: Gratuitous insults to someone who has appeared here, came as did Dr. Shaw, all the way from Montreal to present a point of view and was engaged in an interesting discussion with the Leader of the Opposition, and he didn't insult him, is really beneath the dignity of this Legislature and ought to be noted on the record that I, for one, find that intolerable. No one has insulted Dr. Shaw and I wouldn't expect anyone later to say some clone of Dr. Shaw, that kind of thing is insufferable.

MR. DEPUTY CHAIRMAN: The point of order is well taken.

MR. R. DOERN: It's well taken but not a point of order.

MR. DEPUTY CHAIRMAN: I believe the Chair will make the decision, not you.
Mr. Doern.

MR. R. DOERN: Could you again reiterate or indicate your costs. You said you had spent substantial amounts of money, either personally or through your organizations for nine traffic ticket challenges. Could you possibly quantify the amount of funding that was required?

DR. W. SHAW: It's about \$70,000 to date.

MR. R. DOERN: And no federal contributions?

DR. W. SHAW: There are federal contributions with the MacDonald case to date, but all of the other traffic ticket challenges had no federal contribution.

MR. R. DOERN: Do you have estimates of how much the Forest ticket challenges cost, or the Bilodeau traffic ticket challenges cost?

DR. W. SHAW: Well they are strictly estimates. It is our understanding that the total cost of the Forest case was in the neighbourhood of \$105,000.00. The Federal Government was involved at about \$89,000.00. The Bilodeau case, I'm sure the figures aren't all in, but just by calculation of what's happening, our attorneys tell us that the costs should run around \$200,000 or more.

MR. R. DOERN: And who's putting up that money?

DR. W. SHAW: I believe it is the Secretary of State.

MR. R. DOERN: So that's another illustration of the double standard?

DR. W. SHAW: Most definitely.

MR. R. DOERN: Thank you, Dr. Shaw. I'd like to thank you for coming here and making a significant contribution to the hearings.

DR. W. SHAW: Thank you very much.

MR. CHAIRMAN: Father Malinowski.

MR. D. MALINOWSKI: Thank you, Mr. Chairman. I have several questions, but some of them were covered already by the questioning of the Attorney-General, but still I have one question yet. I would like to ask you, Dr. Shaw, on what basis the Province of Quebec was asking to have air navigation in French language only, which was a great deal of disturbance, not only domestically, but internationally as well?

DR. W. SHAW: Well, what happened was the air traffic controllers were asked to communicate bilingually. That is, that the French speaking pilots could communicate with towers, certain air traffic centres in Quebec, in the French language. It was initially introduced on what is known as VFR, visual flight rule, and tested in a number of airports and the IAPA had recommended that they didn't proceed, it only confused the air space, etc., but nevertheless under a lot of pressure from Serge Joyal who was at that time the attorney for "des gens de l'air," the government finally came up with a solution, which seems to be working now except for one thing, and that is, and I really feel the reason why there is so much pressure for bilingualism in the air, is that all the jobs of air traffic controllers in the Province of Quebec now are basically held by Francophones and those Anglophones who couldn't speak French had to be transferred to other parts of Canada.

MR. D. MALINOWSKI: Thank you, Dr. Shaw.

MR. CHAIRMAN: I have one question, Dr. Shaw, I'd like to ask Father Malinowski to take the Chair so I can ask it.

HON. R. PENNER: You have leave to ask the question from the Chair unless somebody has direction.

MR. CHAIRMAN: Do I have leave to ask the question? (Agreed)

Dr. Shaw, during the translation of the federal ad from the referendum campaign in Quebec, and earlier this morning when I looked at the underlined section under linguistic rights, I wasn't sure whether the meaning of the last phrase meant that French would be officially recognized as "an" official language or "the" official language, and so when you read it in French I listened to the translation and they said: an official language. When you translated it you said: the official language. Could you clarify for me because from the French it's certainly not clear? It doesn't say un; it doesn't say la.

DR. W. SHAW: That's good, we have a translation difficulty, can you imagine?

MR. CHAIRMAN: I'm not suggesting that the translation is more official than your interpretation. I'm wondering if either interpretation is possible, I guess, I'd just like that clarified.

DR. W. SHAW: Well it says: and does not change the statute of French as the official language. It doesn't say "the" because there is no "the." It says comme

langue officielle. In other words, it's not comme la langue officielle, but a change. What is the interpretation in my mind is that right now, at the time of Bill 101, the official language of Quebec is French. So the translator is correct in saying that it doesn't say "the official language of Quebec." It says, "and will not change the status of French as official language of Quebec." As official language. So he has the right to put the official language or an official language. Do you understand what I mean, because neither word is in the French text?

MR. CHAIRMAN: So, if I may, you would, in terms of clarifying that then, you would say that both interpretations are possible?

DR. W. SHAW: Both interpretations are possible.

MR. R. DOERN: It's in the eye of the beholder.

DR. W. SHAW: That's right, it's in the eye of the beholder.

MR. CHAIRMAN: Thank you very much.

DR. W. SHAW: You're welcome.

MR. CHAIRMAN: Further questions by honourable members for Dr. Shaw? Seeing none, Dr. Shaw, thank you very much for a very challenging and informative presentation today.

DR. W. SHAW: Thank you very much for having me.

MR. CHAIRMAN: Before we call the next witness . . . Order please, order please. Members of the gallery are aware, as are members of the committee, that displays are not permitted at any time.

The Clerk has received the resignations of Mr. Eyer and Ms. Dolin. I understand the replacements are to be Mr. Scott and Mrs. Hemphill. May I have a motion to that effect? Thank you, Father Malinowski. Is that agreed? (Agreed)

Return to our list where we left last night, No. 93, Mr. Henry Huber, Mr. Huber, please. No. 94 has been removed. No. 95, Mr. Jack Froese. 96, Bruce Odium.

MR. B. ODLUM: Well, after the last presentation this is going to be a bit more like a matinee.

I don't represent an organized view from the Welsh Society; I represent the distillation of a large number of conversations which the members of the Welsh community who I socialize with have expressed. It is my wish to bring this information before the committee because of the difference there is from a Welsh point of view on this issue, mostly because the Welsh population has a language problem which is really quite similar, and many people compare the differences in the Welsh language struggle and the French language struggle; one in Britain and the other in Canada.

Before I start on that, I should say that many of the members of our community are immigrant; first generation Canadians, my children are Canadian. I was born in Wales, I speak Welsh, my wife speak Welsh. I wish my children spoke Welsh.

However, our position is that this situation in Canada is a political, judicial problem. At social and cultural levels, the issue would have a totally different integrating focus as far as society is concerned, if only we would care to look at it like that. I think the fact that the present position here places the NDP in a constitutional position really shows that it's lined up with something that is also political in its design.

We should also recognize that the best deal which the NDP have made is as the result of inheritance. When they were elected part of the deal was already in progress. From my reading of the literature - and unlike the previous gentleman, I am not able to enter the legalistic discussion which he was able to handle - it seems to me that this issue is so concatenated with different political biases through time that it's preventing Canadian society from making the sort of progress that it could.

As a member of the Welsh community, we support the idea of bilingualism and multilingualism because it provides us, as Welsh immigrants, the best opportunities to keep our culture going, and to maintain our ties with the country we left.

I think also that the opportunity for people to reduce their sense of powerlessness through integration, through differentiation, is a very important opportunity. It makes people feel as though they are officially welcome, even if they are different. I believe the humanistic, tolerant socio-cultural approach would allow Canadians to make a better sort of contribution as individuals, as families, as groups, if there was less politics played with an idea about what is taught in a school or in a Sunday school.

A Welsh community once left Wales in order to establish an ideal community in South America. They chose Argentina, and it wasn't very long before their ideal Welsh community was, all of a sudden, an all-Spanish community. You should be interested to know that many of those people who formed that colony there left Argentina and formed an extremely successful colony at a place called Bangor in Saskatchewan. They have been very successful there ever since, in fact, many of them have achieved very prominent positions in Canadian society, and made really outstanding contributions.

I wouldn't like to see any force exerted that would prevent people from bringing their ideals with them and allowing them to live them. I think it's quite important that in the work of this committee and these hearings, the point of view we have represents a respect and restrained point of view with regard to the many people we wish to have come live here; and that the opposite is prejudice and racism which we would not like to see happen.

I have no more to say.

MR. CHAIRMAN: Any questions for Mr. Odium from members of the committee? Seeing none, thank you very much for your presentation, Sir.

J. Dorfman.

MR. J. DORFMAN: May I just preface introducing myself by suggesting that just as restaurants in Winnipeg now have to have set aside smoking sections, it might not be a bad idea for this place — (Interjection) — Oh I mean them, particularly.

My name is Jerry Dorfman. I have been a school teacher in Manitoba for 35 years, and I am very privileged to have the opportunity to express to you my support for the entrenchment of French language rights in the Constitution. I am sure I don't have to say too much, because I would imagine all the arguments, pro and con, have already been given to you. So at this stage of the game, there's probably nothing much new that you can hear. So I'll just sort of tell you what I think, and I'm sure I will be repeating things that other people have said.

I know that everybody seems to be, when they're interviewed on television, in favour of French language rights. There seems to be some problem about entrenching those rights. Well it seems to me that leaving such a fundamental thing like language rights to the whims of a Legislature is not correct. We all know that, historically, the pendulum swings from one side to another, and a right that can be taken away after a specific election, or during some national crisis, is not really a right at all. Rights are really rights when they're established and can't be taken away.

I need only remind you of the fact that in Canada the rights of Canadian citizens, of Japanese Canadians, were taken away during World War II, a right that those Legislatures at that time are probably pretty darned ashamed of themselves now for having taken away.

I would also suggest that some people say this issue is divisive. I think if the bill doesn't go through, it will, in fact, be divisive. I haven't been divisive with any of my friends particularly about this. It seems to me that a month, two months after this issue has been settled and the bill has been passed, there will be no newspaper headlines, it will not affect the daily lives of most people one way or another, and, in fact, life will go on as normal and the issue will be quickly forgotten and buried. So I do not see any divisiveness there.

For the French community, it would be a tremendous symbolic victory and really at little cost to the rest of us, to all of us in Manitoba. So I think that it will be divisive if it isn't proceeded with, and not divisive if it is, in fact, passed and becomes part of the Canadian Constitution.

If we don't pass it, it seems to me, I fear for the good name and the reputation of the Province of Manitoba. After all, what will people in the rest of Canada, in the rest of the world think who, I understand, are watching this issue here very very carefully.

It would also be catastrophic in another sense, and that would be that it would play directly into the hands of Rene Levesque and the people of his ilk in Quebec who would dearly love, I'm sure, to see this bill not go through. It would give them ammunition for their separatist point of view and the results of another referendum in Quebec would not perhaps be the same as it is now, or was just recently. I would suggest that those people who are opposed to this bill, whether they realize it or not, are jeopardizing the very existence of our country.

Now these are political considerations, I know, and they're important, but more important to me is the question of simple justice. I think it is proper and fair for Manitoba to redress a historical wrong. It is proper and fair to recognize the French fact in Canada and in Manitoba, and I would urge this committee to support entrenchment of French language rights in the Constitution.

That's all I have to say. Thank you very much.

MR. CHAIRMAN: Thank you very much, Mr. Dorfman. Questions by members of the committee?

Mr. Enns.

MR. H. ENNS: Mr. Dorfman, did you believe it to be proper and fair on the part of the Sterling Lyon Conservative Government to accept the judgment from the Supreme Court that was handed down in 1979 that, in fact, recognized the illegality of the bill passed in 1890, and restored, reinstated all of the original French language rights that were assured to the Francophone community at the time of Confederation in 1870 for Manitoba.

MR. J. DORFMAN: May I answer it this way? I saw Mr. Lyon on television the other day, and he talked about, well we did extend - I don't want this to be a political issue really - French language rights. But it's kind of like, we're doing them a favour. I think it is rather sort of demeaning that, well we'll do you a favour now and give you a few rights, but we don't want it in the Constitution.

MR. H. ENNS: Mr. Chairman, through you, I'll ask the question again. I am trying to use your precise phraseology. Was it proper and fair of a duly-elected Government of Manitoba to respect the judgment of the Supreme Court in 1979, and introduce the subsequent act to the Manitoba Legislature which was brought in in 1980.

MR. J. DORFMAN: Not only proper and fair, but also, in fact, that's what you have to do. You have to obey the law, and a government is expected to obey the law.

MR. H. ENNS: So it wasn't a question of anybody doing anybody a favour. It was just an appropriate, a proper and fair reaction . . .

MR. J. DORFMAN: I am just talking about the interview I saw on television that Mr. Lyon had the other day.

MR. H. ENNS: Mr. Chairman, what did the people - you seem to imply, the rest of the world - think of Manitoba a year ago or two years ago.

MR. J. DORFMAN: Well obviously people have no opinion of issues that are not in headlines in the paper, and that aren't constantly on television or on radio. But obviously, this has been spread across Canada. The newspapers that I read across Canada have really made a great deal of this particular issue with editorials from coast-to-coast. There are Canadian friends of mine who don't live in Canada now who have heard about it, and are watching what goes on in Manitoba with great interest.

I would assume that the perception would be if, in fact, the language rights bill did not pass, that somehow or other Manitoba is not being just to the French fact and the French citizens of this province.

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

MR. CHAIRMAN: Further questions by other members of the committee? Seeing none, Mr. Dorfman, thank you very much for your presentation.

Mr. Peter Thiessen, Peter Thiessen; Martin Samoiloff.

MR. M. SAMOILOFF: Thank you, Mr. Chairman and members of the committee. I could speak from several different capacities. I am a Professor at the University of Manitoba; I am a member of the University Grants Commission; I am a registered New Democrat; I was once a registered Conservative.

What I would like to address to the committee is an aspect of the issue that I don't think has yet been addressed. I am supportive of the legislation, and I am supportive for a number of reasons. I won't comment on the legalities, I won't comment on the politics, I won't comment on the social or educational aspects of the legislation.

I'd like to speak in the capacity as a consultant for a Manitoba corporation that is attempting to sell the technical skills of Manitobans in the rest of the world. It's a corporation that has been receiving some attention in the world, and it is a corporation that was set up by a group of people with one of its basic understandings being that this corporation would be capable of carrying on business in five different languages. I submit that if we are, in fact, to carry on business in the world we have to do it on a basis other than English only.

My submission, primarily, is that if, in fact, the Province of Manitoba is to shine in international trade one of the ways it will shine is as a multilingual, or bilingual province respecting the language rights of especially those historically entitled groups within the province.

Thank you.

MR. CHAIRMAN: Questions for Mr. Samoiloff? Seeing none, thank you very much for your presentation.

Ruth Pear; Al Wexler; Judy Flynn; A.J. Moreau.

MR. A. MOREAU: Good afternoon. I appreciate the opportunity to say a few words at this hearing, I'll give you a little background. My father is a Canadian of French descent; born in Simcoe County which is a very predominant French county in the Province of Ontario. He is completely bilingual; he is voluntarily bilingual which I feel is very important. My mother is Irish-American; her father moved to Northern Alberta at the turn of the century when farm lands were being developed there; the family subsequently moved to Winnipeg in 1929. I was born on Arlington Street in 1930 and I am still there.

The main theme of my comments to you today are that I am in favour of Canada and the Province of Manitoba being unilingual anything, unilingual anything. I also want to point out that without the people any institutions do not exist - government, any level of government, the Supreme Court, the legal profession, etc., etc., etc. - and let us not forget that.

Another point that I'm trying to prove today, that in trying to avoid discrimination we - and I say the word "we" because this is a partnership, this is a complete partnership, let's not deal with the public, the citizens, at arm's length, that's too far away - in trying to avoid discrimination, we may be fostering it in the long run. The deceased do not stand to be affected by what we do now, so please don't bore me with events of 1870,

1890 and 1916. I don't care if those events are in favour with my thinking, or they're not.

The passing of laws won't stop challenges, you have to champion those who elected you and who you represent, not outsiders like individuals, societies, the Federal Government. Let them challenge us, and if you stand fast and listen very intently all you will hear is a whimper as they disappear into the shadows. This challenge from the outside is really very weak, and so makes a thinking Manitoba citizen - and there are a few of us around - suspicious why you would recognize it in the first place. And how do you like the pitch put out by the so-called coalition of ethnic groups. They say, let the government install French language rights and then the other ethnic groups will be recognized; and, if not, the opposite will result. This is a very childish recommendation and reflects the thinking passed down from their ancestors who came from totalitarian states. That prediction cannot be substantiated either way, it's a poor gamble; participatory government is a cornerstone of democracy and not mother-child relationship is not a cornerstone of democracy.

My opinion of bilingual Manitoba has nothing to do with tolerance or bigotry. This labelling and attempt to pigeonhole combatants is simplistic and presumptuous. My opinion has everything to do with resisting outside influences. Now in May and June, when Prime Minister Trudeau was in Winnipeg and he addressed the Laurier Society he made a comment, which some people refer to as a slip of the tongue, that Manitoba is going to be an officially bilingual province; it was denied in many quarters. But you can't deny where Mr. Trudeau's sympathy lies with what's going on in Manitoba.

Why are you holding this hearing anyway? You are going to attempt to do what you want; you act as if you are open and prepared to respond to logic and overwhelming opposition. I am giving you a few observations of my own, but sheer numbers alone should be enough for you to get the picture.

I notice an awful lot of obstinance on the part of the government on a lot of bills, not just this one. You hear so often from the government, we're not backing down completely on this thing, just as though they were talking to children or a bunch of subordinates. You are elected to lead us, not dominate us. But being this way is not entirely the government's fault; the public, as a group, has left you alone for so long that you have been unable to resist the temptation to look upon yourself as rulers, instead of servants.

I don't want to hear from groups because groups don't represent anybody; they think they do, and the people that they represent are going to serve the leaders of those groups, the leaders of those groups aren't going to serve anybody. I would like to hear what the average Quebecer in Quebec has in mind for Manitoba, the ones who form the majority; not joiners, not joiners, I'm talking about Quebecers that are involved in family life, in commercial life, with maybe some religious affiliation, because I am convinced in my heart that what they have in mind for Manitoba on the French question is nothing, n-o-t-h-i-i-n-g. I have travelled extensively in the Province of Quebec, in rural Quebec, and you won't find nicer people in the world, and dominated people are nice, dominated people are very nice. The Americans are not nice people because they are hard to control, as are the Greeks hard to control,

as are the Irish hard to control; the Russians probably are the nicest people in the world.

The Quebec leaders don't recognize the Supreme Court, they have unilingual French as an official language of business, complete with an army of linguistic inspectors. We should become limited bilingual in order to influence Quebec? Nonsense, it won't work. The commitment is too heavy for such a longshot.

Bilingualism was a dormant idea refostered by the Federal Government for their own purposes. It did a lot more for the government than it did for the country.

What goes on in Ontario and Quebec, if I had my way, would stop at the Manitoba border. No tail like the Federal Government, the courts, or radical associations, should be allowed to wag the Manitoba dog, and neither side in this debate can refer to the Canadian Constitution for answers because it is suspect. The Canadian Constitution is suspect and, therefore, doesn't apply. Right now it is easy to pass this bill, or reject it, but it will be difficult to take it out and impossible to stop the escalation.

We've heard a lot of talk about entrenchment. While we're talking about entrenchment let's consider entrenching non-escalation; have you thought about that, about entrenching non-escalation?

Do you think the proponents of this bill will be satisfied with its passing? This is just a toehold for them. And, to repeat my opening remarks, in trying to avoid discrimination you are unwittingly fostering it in the long run.

I think you find this a novel and hampering idea that the people have got something to say about this; all this trouble just to ward off a pending Supreme Court decision on such a minor issue. You don't know what the decision is going to be; deal with it when it comes. One of the things you can do with complete safety is to ignore it. Without voluntary compliance their hands are tied.

You know, the legal profession and a lot of these institutions, they think that life can go on, click, click, click; I'm sorry, in reality it doesn't work that way. This bill is misdirected energy. I'm glad that you're being called on it, except that I happen to know that Manitoba has a history of holding public hearings, and I recognize that and I appreciate that. Your time would be better spent concentrating on improving issues that are of greater importance to Manitobans. I can think of three: the budget; cost of operating - borrowing the money is out of the question; Medicare - this is a perfect example of one of the flaws in party politics. Various levels of government in different degrees drift further and further from the people to a point where they think they are above the people and their beginnings are forgotten.

A lot of opposition is going on right now about the plebiscite that the City of Winnipeg is holding. The City of Winnipeg is real democracy; City government is real democracy.

A MEMBER: Hear, hear.

MR. CHAIRMAN: Order please.

MR. A. MOREAU: My estimation is that 50 percent is a distance where the Provincial Government is

concerned, and the Federal Government is so far away from the people that it doesn't even - out of sight.

The temptation not to involve the electorate in decisions is very strong. Those groups - now here's, I think, a very important point - who tried to influence the government on issues that are not for the common good are insulting a responsible government, and a responsible government is allowing themselves to be insulted; it has to be for the common good.

There is a large tract of land north of the 49th Parallel in North America. Let me describe it to you. It has absolutely no identity and no goals. It is a branch office for every country in the world. It's referred to as "Folklorama of the North," where many are being dictated to by the few, like government services, in yet another language, with all its intended cost, so 14 people can make use of it.

Ulterior motives predominate with leaders north of the 49th Parallel. Yugoslavia has three official languages. The people are free and happy there? You have to be very careful when you try to correct discrimination and domination or else you will just transfer it or make it worse. Those thousands of French descendants living in Vermont are spared the benefits of forced benevolence.

This country should be unilingual anything. Legislating language use is like trying to stop cream from coming to the top.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Moreau. Questions by members of the committee for Mr. Moreau?

Seeing none, thank you very much for your presentation.

MR. A. MOREAU: Thank you.

MR. CHAIRMAN: Order please. I advised members of the gallery before that displays are not permitted.

MR. H. ENNS: Ask them to sing instead.

MR. CHAIRMAN: You're not helping, Mr. Enns. Mr. Derwyn Davies, Derwyn Davies; Ruth Rannie, Ruth Rannie; Christian Schubert.

MR. C. SCHUBERT: Mr. Chairman, and members of this committee. By the way, I'm assuming that you folks are beginning to get weary after all these hearings, so I shall try not to take up too much time.

I have no written submission for you, sir. I'll simply give it to you, short and sweet, my own thinking about this resolution that is before you, and then if anybody wants to ask me questions, and I think they're justified, I'll answer them.

I might give you a bit of a background of myself, Mr. Chairman. I came to Canada on June 1, 1921 - that's 62 years ago - and after 7 years in Saskatchewan I got my naturalization papers, so I have been a naturalized Canadian for 55 years, so I'm not just a junior around here.

I might also say that before I left the old country I was very well versed and knew about the history of Canada taught in the high school that I went to at home, and that was, of course, that Canada is a bilingual

nation of two official languages, English and French, and that, of course, through The BNA Act; further than that now, it is also, of course, in the Canadian Constitution.

I might say also that I have spent 45 years here in Winnipeg, as my latter years, so I know what goes on around Manitoba as well. I'm well aware that in 1870 Manitoba joined the Confederation with two legally recognized languages. Of course, in 1979 (sic), after Premier Greenway had made the turnaround and said that English was the only language that ought to be official here in Manitoba, the Supreme Court turned that around in 1979.

Now, as a law-abiding citizen, I believe in that, of two official languages. As a matter of fact, the French were here even before the English, as you all know, and, of course, all these other nationalities, like my own, came way later on. Anyway, as a law-abiding citizen, I believe in that and, therefore, I'm in favour, fully, of this resolution as proposed by the government, the amendment to Section 23 of The Manitoba Act regarding French services within the Legislature and the courts, and that it should be entrenched in the Constitution as well.

This idea that it's status, or courtesy sake, as Premier Davies likes to say in Ontario and what have you, is not good enough, sir. It should be entrenched, once and for all and, in my opinion, is belated, it should have been done a long time ago. There is no question about that.

So now we have others coming along, which is their privilege of course, and saying that there is not too many French anymore around. We're twice as many, populationwise as they are, and why all this fuss about it, and why? I tell you, sir, we're not in a population contest, this is a serious matter, and this is a matter that belongs to the French, the language rights that were given to them and, therefore, should be entrenched, once and for all.

I might also say that others that came later on, and the English, too, I mentioned that a short while ago, as far as other nationalities are concerned, they have no problem. If there are enough of them that wants to get their language taught in the schools they can get it taught, there's nothing stopping them from that and it's done. I might say, one of the my daughters who works for the administration of the school board, she tells me that the Immersion of French is very very popular, and I have a daughter where I live, out in Westwood, says the same thing. So what's all the fuss about French being the recognized language the same as English? I don't understand that and it just won't wash.

Now, I want to tell you further than that, if I am permitted, Mr. Chairman, and that is that the referendum that is now being spoken about and put on various ballots to the city and the province is, to me, almost a farce and I'll tell you why. First of all, I don't believe in referendums. I learnt that from home, never mind here, that if the elected representatives, as you folks are, cannot make the decision, you don't run around and say . . . tell me your office. Oh well maybe we should have a referendum of this or referendum on something else. It's very dangerous, you're setting precedents; that's No. 1.

The other one is as vicious and I'll tell you why it is. I have had the experience myself, I don't have to go

any further than that. It's splitting people - your friends, your neighbours - down the middle. I have friends, or they don't think they're so good friends anymore, well so be it, I could care less. I have my beliefs and that's what it is. I think to have that is dangerous and should not really be taking place. If you've allow that, and that apparently is how it has been, then what's to stop anybody in the Legislature to get up and tell us something that they shouldn't have, and someone says let's go and have another referendum. What kind of stuff is that? What are we electing them for? We elect the representatives to do and look after the bills, or whatever, in the province and if we don't like it we all know that when the next election comes around we can move them out again. But to come around here now and again and set the precedent of that is beyond me, absolutely beyond me. That's what I said before, that if you get the population, as some are saying, and I've heard that - Mr. Doern was one of them, by the way, if you have listened to him, and I have known him for a long time. He says, hold on, French is only about 6 percent and we are about 12, so why should they have all this. And some of my Ukrainian friends say the same thing. I'm telling you, sir, that what that really means is serious and this is the way I look at it. It means, in effect, that by population the larger majority is walking on the seniority, that's what it means, that's exactly what it means and such a thing as language has no place whatever in having a referendum and should never be allowed. However, they allowed it and I see two of the guys, and I happen to know them both well, the City Council seems to change their mind overnight. Well that is, of course, their privilege.

There's one thing I want to say about Mr. Lyon - he's not here. I've known him since 1969 when I met him and his wife in my neighbour's house in the last election at a coffee party and so on. He is at least consistent and he sticks by, he doesn't switch around very readily, but I can't say that about some of these other guys. I think we've got to give him credit for that. By the way, he hasn't changed a bit since because I remember, when I met him that time, he and I were in an argument in no time over Medicare and I would call that a draw between the two of us, and that was it, so I'm sorry he's not here, but anyhow.

I want to say just a little bit about my own country if I'm permitted, Mr. Chairman. In Denmark, when I went to high school they, of course, had to take English along with Danish. Now Denmark has two languages, Danish and English and they are required, by law, to take English alongside of Danish from Grade 1. On top of that, when you get out of school and get a job, ever so many jobs - especially downtown Copenhagen - unless you can speak English - and now that's bilingual by the way - and Danish of course as well, you just don't get a job. That applies to department stores; it applies to hotels; it applies to banks; it applies to the Danish Police; and it also applies to larger restaurants. By the way, while I'm talking about that, I must give this, too, Mr. Chairman, that when you go in a restaurant there you get a menu and you look at it and there's Danish on one side and it's English on the other, and yet I hear a lot of noise from some of my friends, saying we don't need that French, we're all English. Well I'm sorry for them, that's not what I believe in. The French are entitled to that right from the time that the BNA

Act was set and ever since, and it's been ruled as such and, as I said before, I'm a law-abiding citizen and that is it. I'm, therefore, 100 percent in support of the resolution.

Mr. Chairman, thank you.

MR. CHAIRMAN: Thank you, Mr. Schubert. Any questions for Mr. Schubert from members of the committee? Mr. Enns.

MR. C. SCHUBERT: I knew he wants to ask me questions.

MR. H. ENNS: Mr. Schubert, you expressed a very strong concern about the appropriateness of referendums on this kind of issue.

MR. C. SCHUBERT: Yes, I'm opposed to it and so is Lyon, too, by the way, you know that.

MR. H. ENNS: I want to assure you that I share that same concern Mr. Schubert.

MR. C. SCHUBERT: I really think it's dangerous.

MR. H. ENNS: Right. Are you aware that a year ago, or a little over a year ago, it was not possible for municipalities, including the City of Winnipeg, to hold these referendums? Are you aware that this government passed the law in the last Session making it possible for the City of Winnipeg to hold various referendum?

MR. C. SCHUBERT: Yes, but even if they did that and I know that, I'm aware of that. You know I follow things, I read and more now, since I'm retired than before, and I realize that, Mr. Enns, but I'll tell you this, whether that it is or not, that's no excuse for the City Council to vote the way they did and that's a fact.

MR. H. ENNS: I agree, except that certainly in this particular instance, having expressed those very strong opinions about referendums, that you would feel better right now if the City of Winnipeg didn't have the opportunity to even consider the referendum.

MR. C. SCHUBERT: Okay, time will tell whether that will be changed or not Mr. Enns, but I tell you this, that I hope that this resolution goes through and will be entrenched and that will set the speed and say what's what and whether they have to be French or not. The reason I'm agreeing to it, by the way, is because it goes in the procedure of the Legislature, as you know that Mr. Enns, and as well in the courts. That's it, nothing wrong with that. I can't see anything wrong with that. There's only one thing and, by the way, I can ask you now, since I was going to ask Mr. Lyon myself, that he's loyal . . .

MR. H. ENNS: By the way I'll pass on your comments to Mr. Lyon.

MR. C. SCHUBERT: You do that, don't forget to tell Sterling that, because he knows me. His relatives, they live in the block I live in, so we often chat. She's on

one side and I'm on the other, so one kills the other's vote, so that's okay, too.

What I want to tell you is that it seems to me that it has to be settled and should be settled once and for all. This situation, Mr. Enns, with the referendum - and I'm serious about that; I'm sure you know that - is going to be tough on people, it's going to split them down the middle. It's a very bad situation. It should not be allowed. People should use their own mind. If they wish to vote the way they want to, do it at election time.

By the way, I am a bit surprised incidentally that Her Majesty's Loyal Opposition, speaking through you, have taken the view that it should not be entrenched. Why?

MR. H. ENNS: Because it is . . .

MR. CHAIRMAN: Order, order please. Mr. Schubert, it's not appropriate to ask questions of members.

MR. H. ENNS: You can't ask me question, Mr. Schubert.

MR. C. SCHUBERT: Okay, okay. I'm sorry.

MR. H. ENNS: I'll have to come to come to your coffee party and . . .

MR. C. SCHUBERT: Yes, you better do that.

MR. CHAIRMAN: Further questions, Mr. Enns?

MR. H. ENNS: By the way, Mr. Schubert, you are also aware that your opening reference to the origins, particularly the population origins of Manitoba, you would be aware, I'm sure as a person that reads, that this part of the world known as Manitoba now, known originally as Rupert's Land and latterly as Assiniboia, was first run and operated and populated, sparsely I admit, by a group that calls themselves the Company of Adventurers, now known as the Hudson Bay Company, which was, of course, an English company and English-speaking.

MR. C. SCHUBERT: That's right. I'm aware of that.

MR. H. ENNS: Thank you, Mr. Schubert.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: And prior to that, of course, it was occupied by the Indians. Let's get down to basics here.

MR. C. SCHUBERT: Yes, I'm sure.

MR. CHAIRMAN: Did you have further Manitoba, Mr. Penner.

MR. H. ENNS: Yes, one further question.

MR. CHAIRMAN: No, Mr. Penner had a question. Did you have any further, other than that?
Mr. Enns.

MR. H. ENNS: At the time of the province's formation in 1870, there were considerable Native Canadians,

Manitobans who spoke and used Salteaux and particularly the Cree language. At the time when the Francophone community had a majority in population, there seems to have been very little done to preserve the language rights of those particular minority groups, the Salteaux and the Cree. They pretty well disappeared.

MR. C. SCHUBERT: I see. That could be. Anybody else who wants to . . .

MR. CHAIRMAN: Further questions for Mr. Schubert? Seeing none . . .

MR. C. SCHUBERT: What about you, Rurik?

MR. CHAIRMAN: Mr. Schubert, thank you very much for your presentation.

MR. C. SCHUBERT: See you again some time. Thanks a lot.

MR. CHAIRMAN: You're welcome.
Edouard Véroneau. Is it Véroneau?

MR. E. VÉRONEAU: Véroneau.

MR. CHAIRMAN: Véroneau.

MR. E. VÉRONEAU: I have brought come copies of the talk.

MR. CHAIRMAN: Could you wait, please, until the members have the copies?
Please proceed.

MR. E. VÉRONEAU: Mr. Chairman and members of the committee, before I begin to read the paper, I would like to make a few observations. I am proud to say that I am not a betrayer to the French race. Secondly, I am sorry to see that Mr. Lyon and Mr. Doern have left, because there are things contained in here that they would find very interesting.

Finally, my father was a French-Canadian, and he spent four years in Zhoda. They learned the Ukrainian language. Consequently, he spoke three languages: English, French and Ukrainian. He was proud of it, because he considered it an asset. Two of his brothers can also speak English, Ukrainian, French and German, living in the Steinbach area, and they consider it an asset. I will start with the brief now.

Although being of Franco-Manitoban descent, it is with heartfelt pride that I have elected to address you in the spirit of Louis Riel, and on behalf of my mother's ancestral race - the Metis Nation.

I have come here not to beg, nor to request, but to demand the return of my cultural heritage, treacherously stolen by usurpers who plundered the land in which the bones of my ancestors sleep, and from whose soil their blood cries out for retribution.

What has Metis cultural heritage to do with French linguistic rights, some of you may wonder? Well first of all, permit me to emphasize that any spoken language is a "vehicle of cultural expression." As such, the suppression of French language rights by the Greenway Administration of 1890 dealt a lethal blow to the Metis

and Francophone cultures, both of which were and are inextricably linked to each other by blood, language and religious convictions.

Although I deeply appreciate and support the current attempts of the Société Franco-Manitobaine in its efforts to regain our stolen rights, I nevertheless feel that the issue of bilingualism can best be defended from a Metis point of view, if it is to find justification within the hearts of our fellow Manitobans, as there is only one nation which can legitimately call itself the founding race in this province - the Metis!

Following are the reasons why I have elected to state this. To wit:

- (1. That the Metis are the founders of this province through the blood of their mothers, who were the original inhabitants of this land;
- (2. That, had it not been for Metis resistance to the Fenian raids of the mid-nineteenth century, Manitoba would most likely be an American possession; and
- (3. That it was the Metis who, under the leadership of Louis Riel, legislated equality of rights for all French-speaking citizens within The Manitoba Act of 1870.

In consideration of the fact that my ancestry consists of people who served on Riel's Provisional Government of Manitoba (1870), as well as the one in Saskatchewan in 1885, it would be remiss of me indeed to disassociate myself from an issue which concerns the preservation of my heritage.

I cry out for justice on behalf of Louis Riel, whose lips are forever sealed by the hangman's noose, and unjustly put to death because of political expediency.

I cry out for justice on behalf of Elzear Goulet, a well-respected member of the Metis Nation, stoned to death by Wolseley's Volunteers, while attempting to escape by swimming across the Red River.

I cry out for justice on behalf of Baptiste Lepine, brother of the Adjutant-General, Ambroise Lepine, murdered in the Davis Hotel by a Wolseley Volunteer, who struck him for behind.

I cry out for justice on behalf of Andre Nault, bayoneted by Orangemen, and left for dead on American soil.

Many other names could be mentioned, such as Isidore Dumont, August Laframboise, St. Pierre Perenteau, Joe Vandal, Joe Ouelette, aged 93 years old, as well as members of my own ancestral tree - namely Joe Vermette, Calixte and Elzear Tourond, who gave their lives at Duck Lake, Fish Creek and Batoche.

Had the statutes, as originally enshrined within The Manitoba Act of 1870, been honoured by the new Province of Manitoba, after Riel's exile, it is quite conceivable that the last group of Metis mentioned above would never have fled into Northern Saskatchewan, where they subsequently gave their lives while valiantly fighting the army of General Middleton during the Northwest Resistance. And I use the word "Resistance" not Rebellion.

Long live the glorious heritage bequeathed to us by our Metis forebears, and long live the virtues as exemplified by our Metis patriots who so unselfishly gave their lives, and whose names shall forever be cherished around every Metis hearth, whenever stories of valor and patriotism are related.

In essence, Mr. Chairman, and members of the committee, the point I wish to stress is that the Metis

have just reason for demanding full restoration of their linguistic rights from their native province, especially in view of the shameful wrongs that they have been subjected to since the time of Riel to the present.

To these misinformed and unknowledgeable individuals who fear that bilingual shall prove divisive to the citizens of this province, permit me to point out that to disregard Francophone rights will create a far worse division, the division of Canada.

I am warning those opposed to the reimplementation of bilingualism in Manitoba that they are inadvertently giving support to Rene Levesque's Separatist Government by justifying the notorious Bill 101, a repressive piece of legislation aimed at denying the English their rights in the Province of Quebec.

I accuse the Manitoba Conservative Opposition, along with Russell Doern, of creating disunity and dissension without our province and country by opposing Metis and Francophones in their quest for justice, and hence hampering the Federal Government's efforts at wooing Quebec away from its isolationist attitude, and drawing them back within the fold.

In my opinion, Mr. Lyon's attitude is reminiscent of the Conservative Administration of Sir John A. MacDonal, which adulterated the democratic process of justice by hanging Louis Riel in order to appease the Orange element in Ontario, thus forever alienating Quebec from the rest of Canada.

Alienating in what way, some of you may ask. My reply is the little known fact that Quebec was a Conservative province prior to 1885, but as a result of Sir John's betrayal, turned to Sir Wilfred Laurier's Liberal Government for support, and forever booted the Conservatives out of the province.

To our provincial government, the New Democratic Party, the following message:

I am mainly concerned with one aspect of bilingualism - the reinstatement of the French language in the school room; as to offer services in the courts and governmental offices is an exercise in futility without first preparing Francophone children to qualify for such services.

I desire to emphasize that I, along with many other citizens of kindred persuasion, am against the inclusion of such discriminative phrases as "significant demands" and "where numbers warrant", insofar as the recognition of French language rights is concerned. The pivotal question around which the legal and ethical aspects of bilingualism revolves is: "Are such legislative requirements likewise applicable to English language rights?" If not, then your government could well stand accused of being prejudicial towards French historical rights, with any "watered-down" amendments being quite foreseeably referred to the Human Rights Commission for their intervention. Additional to this this, if municipalities and school boards become exempt from having to provide French services - especially school boards - your administration will, in effect, be guilty of stifling our cultural growth at the grass-roots level, and thereby bringing the spirit and intent of bilingualism, as Louis Riel's Metis government initially established, into disrepute.

If I were Premier of Manitoba, and facing an issue such as confront us today, the last thing I would consider would be a referendum or plebiscite, as justice is not contingent upon the biasness and whims of the

populace - it is strictly a government responsibility. The custodianship of Metis and Franco-Manitoban interests lie in your hand; please stick to your guns, and do not betray our trust!

I wish to extend much praise to Mr. Leo Robert, and the Société franco-manitobaine, as well as a few words of caution, too.

Manitoba history reveals that the controversy between the Metis and French-Canadians over French language rights has been around for a long while - since 1916, in fact.

At that time, a rift occurred between L'Union Nationale de St. Joseph and L'Association d'éducation Française du Manitoba, an organization which represented French-speaking interests in the educational field. The issue at stake was the recognition of French as an official language, a right which the Metis, under Riel, had won in 1870, but lost over the Manitoba school question of 1890.

In consideration of the fact that I have come here to support the SFM, I will not elaborate any further except to state that French-Canadians were "dragged their heels" then, and will stand accused of doing the same thing today, unless they insist and ensure that school boards not be exempted from having to provide French instruction. If they should fail to do this, both they, and the NDP, shall go down in history as the "cultural executioners" of the French and Metis nations.

In 1870, when Manitoba entered Confederation, the French-speaking Metis numbered 5,757, whereas the English-speaking half-breeds numbered 4,083. Notwithstanding the fact that the Metis were in the majority, Riel's Provisional Government proclaimed equal rights for the English-speaking minority.

In 1983, it is the Francophones who find themselves in a minority situation, but as in the case of the English-speaking minority of "yesterday," we demand the same courtesy today.

Justice never changes, unlike the laws of man, and it stands to reason that equality for the English-speaking minority of yesterday must transform itself into equality for a French-speaking minority today. Failing to do less, the whole system of equality for our nation's two founding races shall forever be held in contempt and dishonour.

Mr. Chairman, and members of the committee, I feel very much ashamed and dishonoured at not being able to write French sufficiently well enough to address you in the language of my forefathers, and though 93 years of suppression has Anglicized my mind, it will never touch my heart, which forever will remain Metis!

Vivre la mémoire de Louis Riel!

Vivre les Métisse et Canadien Français - deux nation dans une!

Vive la justice aujourd'hui!

Madames and Monsieur, je vous merci beaucoup.

Thank you very much.

MR. CHAIRMAN: Questions by honourable members for Mr. Véronneau.

MR. H. ENNS: Mr. Véronneau, just so that there is no misunderstanding, your position then is that you cannot support the government in the resolution that they're presenting, with the changes that have been indicated

by the Attorney-General just a week ago, which exempts school boards, municipalities, or softens or waters down the resolution. Is that personal position.

MR. E. VÉRONEAU: As I have said in my speech, I am against the exemption of school boards and municipalities, for the reasons which I stated here.

MR. H. ENNS: Mr. Chairman, that wasn't my question. My question was that, as the resolution now stands with the amendments being suggested, you cannot support the resolution being proposed by the government?

MR. E. VÉRONEAU: I must admit to being slightly ignorant of the fine details, which consists of that. Could you please be more specific?

MR. H. ENNS: Well I think, Mr. Chairman, I will not argue with Mr. Véronneau. I think you have correctly understood and surmised the changes that are being contemplated; namely, the ones that seem to specifically concern you, that is the exemption of school boards from this resolution. I take it one step further than, ergo you cannot support the resolution as is being proposed by this government?

MR. E. VÉRONEAU: There could be other things within that resolution which I do support, so I'm not going to put on trial here.

MR. H. ENNS: Okay. Mr. Chairman, I'm certainly not attempting to do that. The purpose for asking questions is simply to make sure we understand your . . .

MR. E. VÉRONEAU: I wouldn't want to commit myself in an area of which I'm slightly ignorant of.

MR. H. ENNS: Mr. Chairman, Mr. Véronneau started one part of his brief off with, if he were Premier. Let me ask you a question. If indeed you were Premier, Mr. Véronneau, would you have changed the law as Premier Pawley did just a short year ago, that enabled municipalities to hold a referendum on such a sensitive issue?

MR. E. VÉRONEAU: As I mentioned before, I am not in favour of referendums or plebiscites.

MR. H. ENNS: But I was asking what you would do if you were Premier. Would you have changed the law that permitted municipalities to hold referendums on these issues? I'm giving you the opportunity to act as Premier for a moment.

MR. E. VÉRONEAU: Well, I'm a great socialist supporter, so there's no problem there.

MR. H. ENNS: Well, Mr. Chairman, just so that I understand the witness - so despite your concern that you expressed about the wrongness of holding referendums on this kind of issue, you would have done, as your Socialist friend Premier Pawley did last year, pass a law that gave the City of Winnipeg and the municipalities the right to hold these kinds of

referendums? They didn't have that two years ago. The municipalities didn't have that right under Sterling Lyon and the Conservative Government and the question of referendums didn't arise at that time.

MR. CHAIRMAN: Order please.

MR. H. ENNS: Do you understand what I'm saying?

MR. CHAIRMAN: Can you answer the question?

MR. E. VÉRONEAU: Well, surely Mr. Lyon had two years in which to act.

MR. H. ENNS: The question is on referendums. I happen to agree with you. I don't think a referendum should be held on this kind of an issue and during the time that we were government it was not possible to hold referendums. Mr. Pawley changed The Municipal Act to make referendums possible on subjects like this and ergo now we have many municipalities holding referendums.

MR. E. VÉRONEAU: I'll give you my idea on that. I can foresee that if, or rather I should say that when the referendum or plebiscite is held, I can foresee that the majority of people will be against it.

MR. H. ENNS: I think you would agree with me, Mr. Véronneau, that that's why referendums shouldn't be held on these kind of questions. The minority would hardly ever succeed in gaining recognition through a referendum on these kind of issues, right?

MR. E. VÉRONEAU: But as I stated in this here, justice does not concern the population. It concerns the government. They are the custodians of the interests of the people.

MR. H. ENNS: I agree, I just want . . .

MR. CHAIRMAN: Further questions Mr. Enns?

MR. H. ENNS: . . . to give Mr. Véronneau just one more opportunity to act as Premier. Would you have changed The Municipal Act to allow for referendums on this question?

MR. E. VÉRONEAU: I would not allow referendums.

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

MR. CHAIRMAN: Simple questions get clear answers. I hope all members will take a lesson from that. Mr. Penner.

HON. R. PENNER: No, my concerns have been answered.

MR. CHAIRMAN: If I can ask Mr. Malinowski to take the Chair. I have a couple of questions for Mr. Véronneau then.

HON. R. PENNER: You have leave to ask from the Chair.

MR. CHAIRMAN: Do I have leave to ask from the Chair? (Agreed) Thank you.

Mr. Vêroneau, in the brief you made reference to the question of school boards, in particular, rather than school boards and municipalities on Page 6 and it appears to me that you're concerned about the provision of instruction in the French language. Is it your understanding that the exemption of school boards in this resolution will prevent the continuation of instruction in the French language?

MR. E. VÊRONEAU: It depends what you mean by prevent. Do you mean limit?

MR. CHAIRMAN: Will this resolution that's before this committee, in any way affect the language of instruction in Manitoba schools?

MR. E. VÊRONEAU: I feel that it will.

MR. CHAIRMAN: Could you explain how it does that, in view of the wording of the resolution?

MR. E. VÊRONEAU: Presently, I have three children who take a half-an-hour of French in school and they can't speak French with me, except maybe count to 100 or name a few colours. What I am after is 50 percent French, equal - equality of languages. That is what I am after.

MR. CHAIRMAN: Is that a subject matter for this resolution or is that a subject matter for amendment of The Public Schools Act?

MR. E. VÊRONEAU: Obviously, I'm not as well versed as you are on the matter, so I . . .

MR. CHAIRMAN: I just want to clarify, sir, if this is something that is part of this resolution, if you perceive it as part of the resolution or as something which is really a separate issue. I'm not clear exactly how you see this connection between the exemption of school boards in the resolution and the provision of French language instruction under The Public Schools Act. That's what I'm trying to clarify - the second paragraph on Page 6.

MR. E. VÊRONEAU: Well, my feelings are that I would like to have French available to my children if I so desire, even though I may live in an area where the French are in minority.

MR. CHAIRMAN: Thank you very much.
Any further questions by members? Mr. Scott.

MR. D. SCOTT: Thank you. Following up on that point if I could, Mr. Chairman, through you to Mr. Vêroneau. The school boards - and I'd like to clarify just a little bit more - is it your perception that school boards which will not offer services in French, the likelihood that they will offer programs in French for students is substantially less. In other words, if they do not offer programs or any services in French from their school board offices, the likelihood that the school board would be providing French language education in the schools would be somewhat less.

MR. E. VÊRONEAU: Well, that's my understanding of it.

MR. D. SCOTT: Okay, fine. Thank you very much, sir.

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

MR. E. VÊRONEAU: Thank you ladies and gentlemen. Merci beaucoup.

MR. CHAIRMAN: No. 108 is cancelled for the information of members of the committee. No. 109, Earnest A. Wehrle. Mr. Wehrle please. Please proceed.

MR. E. WEHRLE: Thank you, Mr. Chairman. I appear on behalf of the St. Boniface General Hospital which has been part of the Franco-Manitoban community for more than 100 years. The hospital was founded and is operated by the Grey Nuns, who are Roman Catholic Sisters who came to Manitoba from Montreal. My clients, the Grey Nuns and the St. Boniface Hospital, are committed to the Francophone cause and the hospital is entirely supportive of the rights of French-speaking segments of our community. Nothing in this presentation should be taken as opposing the spirit and intent of those proposed amendments.

I go next, however, to some technical legal matters, because in these amendments there are provisions which may endanger the very existence of the hospital, and make its continued existence dependent on the Manitoba Legislature taking some positive action to re-enact our incorporating statute and amendments into both official languages. I refer particularly to Section 23.5(1) of the resolution.

It is a clear understanding from that, that by a certain date the hospital's act of incorporation and its amendments must be re-enacted, failing which the hospital will legally cease to exist. It follows as a matter of clear law that should such a corporation cease legally to exist, its property then passes by escheat to Her Majesty, the Queen, in right of the Province of Manitoba.

Now if it is one of the purposes to in fact ensure, that is, preserve the legality of these statutes and not the annihilation of the organizations created by them, then why is it necessary to potentially legislate us out of existence?

The hospital, being one of the more prominent elements of the Franco-Manitoban society, is faced with the ironic but also alarming situation of being threatened with potential extinction by a statute obviously intended to promote the better interests of Franco-Manitobans.

The combined effect of Section 23.3(2) and Section 23.5(1) would be, as I said, to extinguish the existence of approximately 90 or 100 organizations listed in the schedule to the resolution under the Schedule of Private Acts.

Section 23.3(2) saves all acts from invalidity by reason only of not having been printed and published in both official languages, but it excepts those who are covered by 23.5(1). Of course, 23.5(1) says, in effect, with respect to St. Boniface Hospital:

"Any private Act . . . that is referred to in the schedule, or any amendments to or Act

substituted for any such Act or statute, is of no force or effect after December 31, 1993 if it is not re-enacted in both official languages on or before that date."

Now there are some funny things about that section. First of all, the Schedule of Private Acts contains many acts which are already written in the French language - puzzling. It's difficult to see what purpose any re-enactment of such French language act can possibly contribute to the rights of Franco-Manitobans.

Secondly, we wonder why these statutes, many of which are not of particular importance to the general public, are singled out for such severe treatment. That is, why is it that these organizations are singled out and would be made to no longer legally exist unless they are re-enacted in both languages?

I have had distributed, Mr. Chairman, just by way of example, the act passed in 1879 called The Historical and Scientific Society. Now we haven't had a great deal of time to research this matter, but it's our present understanding that this particular organization was already incorporated by a statute passed in both the French and English language in 1879. Yet, if we accept the resolution as now worded, this organization which already exists in both languages would cease legally to exist if it was not re-enacted in both languages. It seems absurd.

Public general statutes are also, by Section 23.4(1), threatened with extinction but, with regard to them, all that need be done to keep them legal is that they be printed and published in both official languages. No act of the Legislature is necessary to ensure their continued validity. The Queen's Printer will simply have to reprint them in French and in English, if they're not already in English.

The same relatively lenient provision also applies by virtue of Section 23.4(2) with respect to the general revision of public general statutes. That is, they must merely be periodically republished in both official languages.

It's a different treatment for St. Boniface Hospital and approximately 90 other organizations. They apparently must each submit a new petition and re-enact themselves by an act of the Legislature. It's also strange, because many of those acts referred to in the schedule are not truly private acts. Some of them, in fact, begin with the words, "This is a public statute." It's puzzling why they should be listed under Private Acts.

Now we are well aware that The Federal Canadian Business Corporations Act, The Saskatchewan Business Corporations Act, and no doubt some other Canadian corporations acts have required in the past, and some of them today still require, that every business corporation incorporated under prior acts must continue itself by a certain date under the new Corporations Act. Typically, those acts go on to say, "If you fail to do so, then you cease legally to exist."

So that's not new in our legal system, but what we point out is that in every case all the corporation has to do is file what is known as a continuance document. There is not the slightest scintilla of legislative or administrative power in any official to reject or refuse any such continuance document. It is fair then under those acts, if any corporation fails to continue itself, it has only itself to blame. If it goes out of existence, tough luck.

We suggest that more care could have been taken in preparing the wording of Section 23.5 and in preparing a Schedule of Private Acts, if indeed it were felt necessary to have such a Schedule.

Now we understand that 23.5 and the Schedule were prepared as a result of some bargaining between the Society Franco-Manitoban, the Federal Government and the Government of Manitoba. We don't understand how it is that the purposes of the agreement will be furthered by threatening these organizations with extinction. It is a matter of supreme irony that in the Schedule, there is listed none other than An Act Respecting The Society Franco-Manitoban.

So it means that in 1992, '93 or whenever, some Legislature, made up of people who favour a backlash or a reverse or whatever, could see to it that the Society Franco-Manitoban legally ceases to exist, and its assets are expropriated by the then Government of Manitoba.

Now St. Boniface General Hospital would prefer that this 23.5(1) be altered so as to delete any reference to private acts, and the alternative, we would like to be dropped from the Schedule of Private Acts. The further alternative, we have no objection whatsoever to the Government of Manitoba being required to republish, to reprint these acts in French and in English. Indeed we would welcome that. But why is it we object? We think it is wrong the resolution should read as it now does that, if this is not done, then this organization shall cease to legally exist.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you very much. Any questions from the members?

Mr. Penner.

HON. R. PENNER: Just by way of preface, first of all, I want to thank Mr. Wehrle for having brought to the committee's attention something that he has in fact brought to my attention a little bit earlier, and just to advise him that that concern has been passed onto legislative counsel. I now have a legal brief that I will be forwarding to you to deal with that particular concern.

Just one or two questions, however, so that the committee has some information from you to clarify at this particular stage. You referred to 23.5(1) - at least I thought you did - as if it pertained only to private acts. It does, does it not, refer to private acts or public municipal acts or any public general statute not of the kind normally included in the general revision? It's fairly broad.

MR. E. WEHRLE: Yes, Mr. Chairman, but we feel that the effect of failing to re-enact any of those other public general statutes, should that happen, it becomes a problem for the Legislature of Manitoba, the Government of the Day, the people of the province, but they then are not selective execution acts if you like for particular corporations. And we know, for example, that the Bilodeau case itself today represents some danger to the laws of Manitoba. But those dangers are shared generally by all the people of Manitoba.

HON. R. PENNER: We'll all die together? You just don't want to die alone.

MR. E. WEHRLE: I don't want to be executed, Mr. Chairman, in order to supposedly say . . .

HON. R. PENNER: Well just on that ultimate scenario, or worst case scenario, would it reassure you and your client or clients if all of these particular statutes, most of which are very short, were giving some priority in translation, and translated by 1990?

MR. E. WEHRLE: No, that would speed up the execution date if there was one.

HON. R. PENNER: No, not necessarily, with a 1993 sunset clause still being . . .

MR. E. WEHRLE: Yes, Mr. Chairman, I'm glad that was raised because our rating of this is that the St. Boniface Hospital will itself have to translate and present by way of petition to the Legislature a re-enactment. We would much prefer if the resolution simply required the government to do that and for the hospital to do nothing.

HON. R. PENNER: If it were to be the case that there was some sort of provision of that kind or assurance, and it happened that by January 1st, 1990, one or more of the very special statutes were not translated and being translated, re-enacted, would it not possible, let's take St. Boniface as the particular example, under modern company law for St. Boniface simply to incorporate under the new provisions of The Companies Act and maintain its existence by virtue of an act of incorporation.

MR. E. WEHRLE: Mr. Chairman, no, it wouldn't, because the creation of some new corporation is well and good, assuming we can comply with the then Corporations Act, but there will be no authority for St. Boniface General Hospital on the day before extinction to simply pass its assets to another corporation. That could be considered some breach of trust insofar as the purposes of the original corporation are concerned.

HON. R. PENNER: I could see that happening the day after extinction, but I don't see why that would necessarily follow the day before extinction.

MR. E. WEHRLE: Well, it would be a traumatic gesture to have St. Boniface Hospital transfer all its assets and operations to some new corporation.

HON. R. PENNER: No doubt, but at least it would save it from extinction.

MR. E. WEHRLE: The corporation which has existed for more than 100 years would still be extinguished.

HON. R. PENNER: My final question is, you know that the Legislature is passing private acts and reconstituting some of these private corporations by new acts at their request, continuously we're dealing with these things every session. Do you know of any instance in which the request of a private corporation or institution for obtaining its legal status by virtue of a private act has been turned down?

MR. E. WEHRLE: Yes.

HON. R. PENNER: Could you give me some examples?

MR. E. WEHRLE: I prefer not to, Mr. Chairman. A partial answer is that St. Boniface General Hospital, some several years ago, considered applying for an amendment to its Charter and the amendment requested was not favourably viewed by the then Government of the Day and the application was in fact not made. I'm also given to understand that these re-enactments are typically done by way of private petition and therefore there could be a filibuster by any member of the Legislature to effectively kill any such re-enactment.

HON. R. PENNER: So you don't find present history to be reassuring, but you do, if indeed these acts listed in the schedule or any of those with which you are concerned were translated and re-enacted with some years of grace?

MR. E. WEHRLE: As long as it was the government that had to do it.

HON. R. PENNER: Yes, that's what I mean, rather than St. Boniface doing it.

MR. E. WEHRLE: The mere printing and republishing, we would welcome that.

HON. R. PENNER: One final observation if I may, Mr. Chairman. You have indicated, and I thank you for that, that at least to your knowledge there is at least one of these acts contained in the schedule which already exists in the French language, not only exists in the French language but was enacted in the French language. And I just thank you for that information. If you have any other such instances, please pass them along. I just say to you that research has been done so that by the time this matter comes before the Legislature, if there are such acts, they will be identified.

MR. E. WEHRLE: Mr. Chairman, the acts are listed chronologically and I think that anything prior to 1890 would have been enacted in French and in English, I think. However, some of these acts may have had subsequent amendments in English only and so they may still need to be addressed.

HON. R. PENNER: That's part of the problem.

MR. E. WEHRLE: Yes.

HON. R. Penner: Thank you.

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

MR. E. WEHRLE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Charlie Washington, please. No. 111 is cancelled. 112, Jesse Vorst. Ken Morley. Taib Soufi. Mr. Vic Savino. Linda Archer. Mary-Ann Adams. Reverend W.J. Hutton. Dr. Vedanand. Claire Toews. Juliette Blais. Kenneth Emberley. Bohdanka Dutka. Michal Kiedyk; Neil MacDonald.

MR. N. MacDONALD: Mr. Chairman, with the permission of the Chair, Manitoba 23 wishes to give

its position to No. 74, the Manitoba Association for the Protection of Ancestral Languages. We have already notified the Clerk.

MR. CHAIRMAN: Well the Chair has certain reservations about the transferring of positions on the list because of what that might incur in terms of other people who are waiting on the list, but the Chair is at the will and pleasure of the committee. Do you wish me to call No. 74?

Mario Santos, Chairman, Manitoba Steering Committee on Heritage Languages. Mr. Baruch Rand, Manitoba Association for the Promotion of Ancestral Languages.

MR. B. RAND: Thank you, Mr. Chairman. The Manitoba Association for the Promotion of Ancestral Languages replaces the Steering Committee that has been preparing that association and I am submitting the presentation on behalf of that association.

The Manitoba Association for the Promotion of Ancestral Languages has a membership encompassing parental and professional organizations involved in the promotion and operation of community and publicly-sponsored linguistic programs. The objectives of the association are to represent the common needs of heritage language groups before all levels of governments, institutions and agencies, to ensure the provision of a wide variety of professional development and community services of common interest to all language groups, and to facilitate inter-agency communication with other umbrella organizations dealing with linguistic concerns in Manitoba and other provinces.

The steering committee which did the preparatory work for the association which was practically founded last Saturday, September 24th, had established a clear supportive stand on the proposed amendments to Section 23 of The Manitoba Act.

The rationale of the steering committee for its position was:

No. 1, it believes that proposed amendments are concerned with the reinstatement of linguistic rights that the Franco-Manitobans were deprived of in 1890.

No. 2, it believes that the restoration of these rights is essential to the development of a firm Canadian identity rooted in official bilingualism and multiculturalism.

No. 3, it feels that the aspirations and rights of the Franco-Manitoban community are intrinsically linked to those of Manitoba's other communities and that the denial of rights to one minority constitutes a denial to all other.

No. 4, it believes that a responsible government must recognize the legitimacy of the proposed amendments to Section 23. We, therefore, congratulate the Provincial Government for its courage in introducing this amendment.

The board of the newly formed association did not yet have the opportunity to thoroughly discuss the entire amendment. As you notice I present it on behalf of the steering committee. It is, however, clear that we, representatives of 32 language groups in Manitoba, cannot be indifferent in face of the injustice committed to one minority group by revoking linguistic rights that

were bestowed upon them in The Manitoba Act of 1870. The precedent of the unilateral revocation of rights of minorities could endanger the entire structure of our society. We believe that the treatment of its cultural minorities is a testing stone of justice in each enlightened country.

While the Manitoba Association for the Promotion of Ancestral Languages is concerned with the restoration of justice violated by The Manitoba Act in 1890 - which violation has been recognized by the Supreme Court in the Forest case in 1978 and 1979 - it is also concerned with restoration of justice, which was violated in 1916 when the rights to instruction in French, Ukrainian, German and Polish were unilaterally denied. Since justice is indivisible we demand the restoration of all rights denied.

The Manitoba Association for the Promotion of Ancestral Languages particularly recommends an amendment to be numbered 23.1(2) which would state that: "This Act shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of the residents of Manitoba."

To give practical expression to this important concept, the Board of Directors of Manitoba Association for the Promotion of Ancestral Languages unanimously resolved at its meeting of September 29, 1983 to request the inclusion of Section 23.10 in The Manitoba Act to read as follows:

"Every resident in every school division in Manitoba shall have the right to receive his/her primary and secondary education in English and/or French and in any other language, provided, however, that the right to receive his/her education in a language in addition to English and/or French shall only occur when there is a sufficient number of students located in a school division which warrants the provision to them, out of public funds, of such education, including the necessary educational facilities and transportation."

This amendment, Mr. Chairman, the wording of which is still tentative, will reflect the multicultural character of this province and firmly entrench the rights of each language community to educate students in their ancestral languages, in addition to English and/or French for no more than 50 percent of instructional school time. Nothing in this section detracts from official bilingualism and no government services are required in ancestral languages.

In summary, the Manitoba Association for the Promotion of Ancestral Languages is opposed to the perpetuation of injustice to any language group in Manitoba and demands constitutional guarantees for all cultural minorities in Manitoba to education in their ancestral languages.

I respectfully submit this brief on behalf of the board of the association.

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

Mr. Graham.

MR. H. GRAHAM: I realize, Mr. Chairman, that the time is very short before we adjourn, but Mr. Rand your association is just a newly-formed association. Am I correct?

MR. B. RAND: In a way, yes. The association was founded on September 24th, however it was working

in an unofficial manner for some year-and-a-half right now.

MR. H. GRAHAM: In that year-and-a-half, were the same 32 groups mentioned here, involved for the last year-and-a-half or have they only been involved in the last four or five days?

MR. B. RAND: No. During the steering committee period, let's call it that way, there were 11 to 12 language groups involved in the preparation of the conference, however, there was a strong support for the association voiced from all the groups already in March and April of 1983, during a special conference that was held by the Minister of Education and the intercultural council by Mr. Kostyra's initiative.

MR. H. GRAHAM: You mentioned by Mr. Kostyra's initiative. Could you explain further?

MR. B. RAND: By Mr. Kostyra's initiative an intercultural council was established in Manitoba in April 1983.

MR. H. GRAHAM: And who are the personnel on that council?

MR. B. RAND: Our association is not a part of that council, we are working in conjunction and in co-operation with the council, but we are an independent association formed by the ethno-linguistic groups, not by Mr. Kostyra or not by Ms. Hemphill.

MR. H. GRAHAM: When did you form your association?

MR. B. RAND: Formally, it was founded on Saturday, 24th of September.

MR. H. GRAHAM: That was last week?

MR. B. RAND: That's correct.

MR. H. GRAHAM: Mr. Rand, it amazes me that you can work that fast in just five days, and I think there must be an awful lot of credit given to your members,

they must have worked day and night to do everything they have done in that last five days. Or is it possible that these suggestions were formed long before and have been put forward through the instrument of your organization, which has just been formed?

MR. B. RAND: As I mentioned in my brief, the resolution regarding amendment 23 was passed by the steering committee, and has not been passed by the board of the newly-formed association. The only part that was passed by the board of the association was the proposal for amendment 23.10, which we had time to go through the regular process of democratic vote.

MR. H. GRAHAM: So it has not been passed by the board?

MR. B. RAND: The proposal for 23.10 was passed by the board.

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

MR. CHAIRMAN: Further questions by any other members of the committee? Mr. Enns.

MR. H. ENNS: Mr. Chairman . . .

MR. CHAIRMAN: Mr. Enns, perhaps before you begin I could ask if you have a long series of questions or just a short number, in view of the time. I can ask Mr. Rand if he can come back at 8:00 p.m., but if you do only have a short number, we could maybe finish up now.

MR. H. ENNS: Perhaps, Mr. Chairman, it would be best if we adjourned.

MR. CHAIRMAN: Mr. Rand, are you able to come back at 8:00 p.m.?

MR. B. RAND: Sure.

MR. CHAIRMAN: The hour being 5:00 p.m., the committee is adjourned and stands adjourned until 7:30 this evening.