



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



MG-8048

VOL. XXXI No. 9 - 7:30 p.m., TUESDAY, 6 SEPTEMBER, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Tuesday, 6 September, 1983

TIME — 7:30 p.m.

LOCATION — Winnipeg, Manitoba.

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Storie, Parasiuk and Penner
Messrs. Anstett, Brown, Eyer, Graham,
Lecuyer, Nordman, Santos and Sherman

WITNESSES: Professor Donald Bailey; Private Citizen

Mr. Terry J. Prychitko, Ukrainian Community Development Committee

Mr. Danny Waldman, Manitoba Association for Bilingual Education

MATTERS UNDER DISCUSSION:

Proposed resolution to amend Section 23 of The Manitoba Act

* * * *

MR. CHAIRMAN: Good evening. We have a quorum, thank you for waiting.

I have received the resignation of Mr. Harapiak from the Committee.

Mr. Lecuyer.

MR. G. LECUYER: I nominate Mr. Eyer to replace Mr. Harapiak.

MR. CHAIRMAN: Mr. Eyer's been nominated. Is that agreed? Agreed and so ordered.

Professor Bailey, please. Would you continue with your presentation.

PROFESSOR D. BAILEY: Mr. Chairman, a personal remark I might have added this afternoon was that I'm a Professor of European history and the strength of my brief, I think, is partly to bring to bear the experiences of Europe over 2,500 years on what we are doing to ourselves in Canada, so the examples are almost richer from Europe; but I've tried to get the Canadian facts straight with some care, and to present them to the best of my ability and I hope they will continue to be cogent. But the spirit of the brief really is to help everybody get some background and some perspective on this; I know everybody else will be dealing with the more directly cogent issues.

When we stopped at 5 o'clock, I had just said that there were three major points I would like to speak to. One is socio-economic circumstances of the French in Canada; one is the almost educationally scandalous

situation of people thinking they're educated when they're monophone - most countries don't do that, whether they happen to be unilingual or quadrilingual; and thirdly, the whole hodge-podge of things dealing with irrationality and feelings of distrust in a community. So I'm starting now with the first of these at the top of Page 5 of the brief that the members of the committee have before them.

Socio-economic status is a strange and subtle thing. At least two factors, I think, lie ultimately behind the sorry circumstances of the French in Canada. Parenthetically let me insert that I am ignoring the responsibility of the church and of education in Quebec which was not, until about 1960, seen to change for the better. That is French Canada's problem and I am here concerned mainly with the responsibility which we Anglophone Canadians have for the current situation.

The first factor in the socio-economic circumstances has been all the ways in which the Anglophone establishment, consciously and unconsciously, has worked to shut the non-Anglicized French out of the opportunities of Canada. Of course, all ethnic groups in Canada have suffered in similar ways, including even recently arrived English and other British ethnic groups, but for reasons to be discussed below, the French have suffered most.

Working in legal, economic and even genteel and civilized ways, this English predominance has employed or passively benefited from all the subtly conservative means enjoyed by established hegemonies throughout history. To detail the history of English Canada's ungenerous treatment of its French compatriots would be a long and difficult business and would take me too far from the purpose of this article, but the power mongers will continue to deny it out of self-serving interests while the "innocent" Anglophones suffer from what can best be called the Auschwitz syndrome, that is, from the tendency of comfortable, ordinary people to deny that the genocidal prisons are located in their very own neighbourhood.

The second reason interrelates with the first, but can best be seen in contrast with the fortunes of the other ethnic groups in Canada. What is most frequently asserted, with Canadian pride, about them? That they left conditions of hardship or oppression in the old country in order to build new lives in Canada and that often after a generation of economic and geographical/climatic hardship and of suffering under ethnic prejudices from at least some native-born Canadians, the newcomers survived, assimilated and prospered.

What is equally true, but almost never said about these people? That, unless their original language was English or French, they knew they were immigrating to a country with one or two foreign languages which they would have to learn if they wished to realize the dreams which brought them to Canada.

Now, my point here is not to repeat that the other languages have no official status, even though they are an integral part of Canadianess and are nowadays

generously treated by the Multiculturalism Branch of the Secretary of State, relative to what most, but not all other countries do for non-status minorities. Canada isn't a leader in its generosity, but it's not bad.

Nor is my point to deny the tremendous significance for the settlement of especially Western Canada of the immigration of the other peoples. These points have been made often enough and are crucial for the Anglo-French ethnic groups to remember, but these points are not a justification for denying the actual historical and constitutional reality of Canada.

Rather, my point is to contrast this situation with that of the French in Canada, who have lived for two centuries in a country which they were told was theirs partly by birthright - they lived here four centuries, but I mean two since the British conquest - where their language had official status. It is one thing to be, say, a Ukrainian or Italian Canadian and to know that if you wish to participate fully in Canadian life, you have to become fluent in English or, but not really, French.

It is another thing to be a French Canadian and to know that if you wish to participate fully in your own native-born country, you have to learn the other language. It is one thing to choose to hold onto your own foreign language as a cherished tie with your birthland or with your ancestors' culture. It is one thing even to resist learning English and to choose thereby knowingly to compromise your chances of full participation in Canadian society. In either case, you suffer from no illusions about the official place of Ukrainian or Italian in Canada; but it is quite another thing to choose to hold onto French, an official language even more native to Canada than is English, and then to suffer all the indignities of an immigrant speaking a condemned, second-class language which your are told has official status, but which you can't use in 8.5 provinces, hear butchered by officially bilingual public servants, and know is no longer required for admission to or graduation from what therefore amount to seditiously unpatriotic Anglophone universities.

In her "La Sagouine" - with which the MTC Warehouse will open this fall's season - Antoinine Maillet brings to a close a beautiful, humorous, pathetic reminiscence about "The Census" with this paragraph. I should say that the preceding paragraphs had gone through the reasons why the French Acadians were not Americans, not Canadians, because they all seemed to speak English, not French, and nor were they Québécois.

"La Sagouine" says, "Ah! ain't easy earnin yer livin when you ain't got a country of your own, 'n when you can't tell yer nationality. Cause you end up not knowin what the hell you are. You feel like you're in the way, or like nobody wants you around anymore. It ain't cause of what they tell you. Sure, they says you're a full-fledged citizen; but they can't name yer nationality. Maybe you ain't in the way, but you don't have yer place in the country . . ."

These words bespeak the circumstances of Franco-Manitobans and Franco-Albertans, as well as those of Franco-Acadians.

The legacy of two centuries without equality, dignity and self-confidence - being consoled only by hollow reaffirmations of official status - has been tragic for all Canadians, but especially for the French. In addition to being so relatively low in socio-economic status

among all but the most recent immigrants, large numbers of even Francophone French Canadians, at least outside Quebec, often read and write French less well than comparably educated Anglophones use their language.

I am not here entering the debate of Parisian vs. Québécois French or Franco-Manitoban French; the latter is to the former what American or Australian is to English English; a perfectly grammatical and sophisticated genus of the species. But when a language lacks status in its own country and is even used and taught surreptitiously, ashamedly or, as sometimes, illegally, entire generations of its possessors lose control of its rich vocabulary, its precise grammar and its supple rhetoric. Thus, unfortunately, it may even be true that well-trained Anglophones who have acquired bilingual fluency in French can teach French more effectively than Francophone Canadians whose education was largely in English.

Furthermore, although Shakespeare and Wordsworth, Oliver Cromwell and Churchill, Newton and Darwin are no more Canadian than Corneille and Dumas, Richelieu and de Gaulle, Descartes and Cuvier, can one say that Francophone Canadian schools and their graduates are as steeped in the latter three pairs of famous persons as the Anglophone ones are in the former? And while Protestant Anglophone culture now has a rich variety of Roman Catholic, non-Christian and secular strands which are of almost equal weight and respectability, has French Canadian culture developed similar religious pluralism, even to the extent found in France?

These statements will be unpopular, and I know they run the risk of being seen as qualitative comparisons. But the anthropological point being made and the understanding being sought are simply that French Canadian culture has been boxed in and forced along the same unnatural lines of growth that Hungarian culture was by Austro-German domination during the 16th through 19th Centuries, that Irish culture has been by the English since the mid-12th Century, or that Canadian English culture might have been had our roles been reversed.

English Canada has a lot to answer for; and although presently living Anglophones, whatever their ethnic background, may not have been responsible for the events of the last two centuries, they have inherited ill-gained advantages or, at least, uncriticized comforts, and they will be responsible for how they react today, in their own lives, to proposals to bring French Canadians into a fully national life.

This point may be further illuminated through an analogy with the position of women in our culture. While admittedly half of the human species, women have felt slighted by a grammar and vocabulary which include - but really exclude them - under words of masculine gender, by legal indignities which were only partially rectified by a declaration in 1916 that they were indeed "persons," and by inequities in workplace wages, assumptions about suitability for certain jobs and opportunities for promotion. Like the so-called other second human sex, our Francophones have been the other second Canadian national.

A second area of damage suffered because we have attempted to shove English down the throats of our compatriots is the woefully unilingual products of our school system. In this respect, for generations of

students, the anti-French feeling undercut the teaching of German, Russian, Chinese, Spanish and all the other major or minor languages which are important in the world and which subsequent waves of immigration have brought to our shores; despite our vaunted multiculturalism, until the Trudeau era, Canada was an educational backwater as far as the teaching of languages was concerned. Most countries would make the teaching of a second language compulsory, on educational grounds alone, because they recognize that in the child's development, it is a "basic" subject; no one refers to the compulsory teaching of mathematics, English language arts, science or history as shoving those subjects down their children's throats, why then should French attract that intolerant reaction?

But the main point is that Canada is one of very few countries where a person thinks of him or herself as educated while knowing only one language. Almost anywhere else in the world would regard this as absurd and ludicrous. Even more appalling in my view is the reaction to the proposal that such a situation should be changed.

What might be seen as an educational opportunity, as a challenge in an otherwise less than demanding curriculum, as a career facilitator, as a cultural and travel enricher is somehow perceived as a tyrannical or seditious plot, a misuse of educational resources, and a French conspiracy against English Canadians. Not liking the French people or culture - there's no accounting for taste - or refusing to see the facts of the Canadian Constitution when they're present in black and white is one thing, but denying one's children an educational opportunity which could not in any way harm them but which has every chance of helping their lives and careers in incalculable ways, is something altogether different. Can the feelings of dislike really run so deep that a person is made utterly irrational on so significantly separate an issue?

May I take the next paragraph as read? We are rushed for time. In the middle of page 11 then.

A third area of damage is the current animosity, economic costs of translation, irrational passion, and even violence which a normally peaceful society continues to invest in the French question. People who support the binational reality of Canada point to Switzerland as an example of where four languages have lived peacefully together for centuries and where every school child is learning two or three of them. Those who deny or dislike the Canadian reality point to Belgium as an example of where only two languages cannot get along happily, though these people overlook the fact that at least educated and many other Belgians are bilingual. But the fact of the matter is that you reap as you have sown. The Swiss, in spite of occasional aberrations, are proud of their quadrilingual society and work in every way to encourage positive attitudes and linguistic competence, while the Belgians have felt their binational situation was thrust upon them by an unfortunate accident of history, and the predominant Francophone Belgians have tried for centuries to make access to political and economic power difficult for the Flemings. The Canadian English elite had the official status of French thrust upon them by the Government of George III, and have done everything in their power to follow the Belgian example ever since.

Because few people study history, it shouldn't surprise us that so little was learnt from it. For 2,000 years the

Basques of Spain have had their language and culture threatened by Romans, Moslems, Christians and Fascists; all tried to eradicate Basque separateness and all failed until at last the current Spanish government adopted a realistic, tolerant policy. Similarly, the Austrians tried to shove German down the throats of the Czechs and other Slavs in their empire and also down the throats of the Hungarians. This policy of three to four centuries not only failed to work, but was in fact a major cause of World War One. But in the Austrian case there is another interesting lesson for Canada. When at last the Hungarians were made full partners with the Austrians in the Empire, which happened in the year of our BNA ACT, 1867, the formerly dominating Germans began to be more accommodating and even benevolent to the Slavs and other minorities under their jurisdiction, as Anglophones are getting to be in Canada in the last 15 years. While the formerly dominated Hungarians governed their minorities, except for their Germans, in the way they themselves had been governed, rather oppressively, as we have seen the Québécois attempt to do in the last 10 or 15 years.

Those English Canadians distressed by the current educational, language and culture policies of Quebec should not be surprised: Québécois-Hungarian attitudes are merely English-German attitudes ricocheting off the backs of those formerly at the receiving end. Of course, to explain is not always to justify - I do not condone the present policy in Quebec; what I'm here attempting is the chastisement of the carping Anglophones who don't see themselves in history's mirror. To cite one last example, one of the three or four most important reasons why the Netherlands and Belgium are separate countries was that during the late 16th Century War of Independence, William the Silent was unable to prevent his Flemish/Dutch and Walloon/French associates from quarrelling with each other. William dreamed for his country the vision which Cartier and MacDonald arguably shared for ours. William's dream vanished within his lifetime and the friction in Belgium descends from the failure; we still have the choice whether we realize or explode the Canadian vision.

If two peoples are truly bilingual, the needs for translation are fewer and it follows that costs of translating are reduced. If two peoples are bilingual they understand each other better, or at least can discuss their differences, and the likelihood of paranoia is also reduced. If two bilingual peoples also understand and share two cultures, the same economic prosperity and the same political opportunities, the whole country would be enriched in every respect, while the irrational passions and violence of disunity would probably be avoided altogether. Those who talk about economy and efficiency as reasons for their opposition to French, of course, contribute to the fulfilling of their own prophecies. If they oppose French education, communication between Canadians will be less efficient and more expensive, and the needs and costs of translation will be greater, while millions of dollars will be spent in efforts to teach the other official language to adults who should have learnt it as children. If they repeatedly argue that sharing two languages divides, rather than unites people, they will be proven right, and the inefficiencies of hostility, excluding talented compatriots, distrust, and the costs and fears of

restraining civil violence will be astronomical. But they will never know, much less admit, that the cause of the disunity will not have been two languages, but two ignorant and intolerant solitudes; will, in fact, have been their own continual assertions that differences divide, rather than enrich.

All the damages just described for Canada have been known in Manitoba, only the second province expected, from its inception, to be dedicated to the bi-national faith of Confederation. While English has been shoved down the throats of all Manitobans who wished to participate fully in the building of the province, because they should have been protected from Anglicization by constitutional right, Franco-Manitobans have especially suffered in their dignity, their language rights, attrition in the number of their descendants holding on to French, lack of balance in immigration patterns from Central Canada, and their legal and educational circumstances. Though related to the Quebec question, and the Canada question, the Manitoba question is intrinsic to Manitoba and should be understood and faced as it relates to our obligations, our Constitution, our unfortunate history, and our compatriots.

The present government's defence of its agreement with the Federal Government and the Société Franco-Manitobaine is distressingly timid and defensive, though perhaps politically wise. The opposition's reaction is irresponsible and tragic. The opposition was offered a share in the credit for this agreement which at the time everyone thought was deserved, but now the pioneering steps of the Conservative Government can be interpreted, not as willing, but as reluctant, and the present government's courageous and principled attempts to heal the rift in Manitoban society are threatened in a matter which should have had nothing at all to do with socialist-capitalist-partisan politics. The implementation of this agreement may come too late for most members of the Franco-Manitoban community, who have been assimilated into our Anglophone society even more than have members of some more recent immigrant groups. It could be an expense which for many members of the target groups is unnecessary and even unwelcome; and in the short run it may create more hard feelings than would allowing injustice and unconstitutionality to continue. But righting a wrong cannot be a mistake and some of the damage done to the French quality of Canadian life both in Manitoba and in Canada at large may be slowly ameliorated, as at least good faith will be significantly demonstrated after generations of bad.

The current issues seem to be three: Should the proposed amendment to The Manitoba Act be approved at all? Should it be proceeded with posthaste? Should it be preceded by a referendum? I believe the central arguments of this paper are an adequate response to the first question. Of course, it should be approved because its purpose is to restore to our province's Constitution basic rights which were improperly removed from it 90 years ago and which the Supreme Court of Canada has ruled belong back in. The debate should not be now over whether Manitoba should ensure that its Constitution be what it is supposed to be. The debate, if there is to be one, should be later, over whether the properly integral Constitution should be amended so as to remove French as an official language in Manitoba.

It is obvious where I would stand concerning that amendment, but at least that debate would be a democratically proper one, whereas the current debate is most improper in a free country where constitutions - as distinct from ordinary laws - should not be tyrannically broken by a headstrong legislative majority, should not be without their defenders over the course of a scandalously apathetic 90 years and should not be frustrated in their aspirations for restoration.

The answers to the second and third questions follow in part but not completely from the answer to the first. If a constitutional wrong is detected and the appropriate corrective proposed, then the correction should be made, should be adopted immediately and unanimously by government and opposition together. If some then think that 90 years has made the original Constitution no longer relevant to our present society, those some could give due consideration to judicious change and initiate an appropriate leisurely debate so that eventually the proper amending process could be followed. If The Manitoba Act reads that referenda are part of the amending process, initiate them; if not, pursue the course which is specified.

We need to keep in mind that the proposed resolution to amend The Manitoba Act is peculiar, if perhaps not a little absurd; for the effect of the 1979 decision of the Supreme Court should have been that the original act, unamended and unaffected by the unconstitutional actions of 1890, simply is restored, and no further action is necessary to enjoy official French language rights, but only to establish the specifics and timetable for untangling the intervening unlingual muddle. But we are in a situation a little like Queen Mary Tudor of the 16th century, who argued her father's separation from the Roman Church as unconstitutional but who nonetheless had to use parliamentary statutes to countermand Henry VIII's parliamentary statutes.

If members of the Manitoba community, whose feelings about French becloud their ordinary reasoning powers, are opposed to the resolution to rectify The Manitoba Act, they are entitled to their errors; but members of the Legislative Assembly, professional members of Manitoba's press corps and those educators of Manitoba's schools and universities who see loyalty to the Constitution and to the rule of law as two of the values they wish to inculcate in the young, these groups of provincial leaders should be able to see that we are not dealing here with a controversial proposal for ordinary law such as Medicare was in Saskatchewan in 1962, or Autopac in Manitoba in 1970, rather we are dealing with the proposal to rectify an improperly altered Constitution, to remedy the denial for 90 years of a basic right to either of two official languages. Provincial leaders, molders of public opinion, who are worthy of their dignity and trust, and who have the courage to act on them, should stand united. Perhaps not united about the present necessity or wisdom of having two official languages in late-20th-Century Manitoba, but at least united in the conviction that constitutions are meant to be respected and that basic rights are put in the Constitution because history shows us how popular majorities frequently forget their own generous and tolerant instincts in times of stress, and turn on whatever obvious minorities are handy. Sidney Green is right that, without the will, Charters of Rights are frequently not sufficient but at least they

are clear standards of reference and they sometimes are enough to resist the temporary will of an intemperate populace or demagogic tyrant. Therefore, I think there is no logical reason for delay or for a referendum; either may be appropriate to amend a Constitution, but not to implement a Supreme Court decision about what the Constitution already says.

One last point here. When asking his officers and military engineers to organize the D-Day Invasion of Normandy, Winston Churchill concluded by saying: "And don't argue the difficulties. The difficulties will argue themselves." I think he's right. If something is right, just and desirable, get on with it. Keep in mind, however, that many people claiming to support the goal will be continually pointing out the difficulties and, if that is their major refrain, pay no more attention to them, their commitment is either not very deep, or was not genuine in the first place.

In conclusion, the issue is about respect for the Constitution, and not about who does and who does not like French, to share official status in Manitoba and Canada alongside English. But the second issue works at the motivating level to confuse people's reasoning at the level of constitutional logic. I have, therefore, gone down some of the paths I think useful to explore in the hopes that thereby some people can be persuaded, not only to respect the Constitution, but to be proud of that Constitution. I have said (1) that history demonstrates the futility of trying to stamp out insignificant minorities; (2) the bilingual provisions of all six Canadian Constitutions are clearly continuous and irrefutable; (3) the educational and career advantages of more than one language have been almost universally recognized for centuries, except in Canada where the anti-French feeling has forced out German and so on, too; and (4) an open, democratic, and free society is true to its convictions, only when pluralism is respected and secure both unity and enrichment flow from relishing differences, while civil unrest and impoverished cultures both flow from attempts of predominant majorities to force uniformity on their society. French will be forced on no one, but English will no longer be forced on Francophones, and opportunities for choosing French will at last be abundant.

Some of the opposition to French services throughout Canada, and compulsory French education, and to both of these, especially, in a prairie province like Manitoba, seem at first glance to be plausible. One can even empathize with some of the objectors, though those possessed dispassionately to the facts, could not be inclined to agree with them. Learning French is difficult? Then pass out your life in peace, but don't deny your children the educational competence and career opportunities you missed. Providing services in any two languages is more expensive than in one? Consider that destroying the country or suppressing the talents of an officially equal, but actually depressed and often demoralized ethnic group is even more expensive; and that, in any case, part of the faith of a liberal democrat is willingness to pay something - on occasion even one's life - to defend the political values enshrined in the Constitution of the country. I think this is the last two pages.

A binational country is less unified than a unilingual one? Attempt some honest introspection to see whether

anti-French attitudes, statements, and policies aren't more important sources of disunity than are merely the French status and the bilingual institutions taken in themselves. A bilingual person shouldn't be preferred for a job over a monolingual Anglophone? Look at the job itself and ask whether, if you prefer trained lawyers in the Attorney-General's office and civil engineers in the Department of Highways, you wouldn't be consistent to expect that persons working with people and issues concerning the second official language would have a good working knowledge of that language; what is relevant for any task or office is normally part of its job description and people trained to get what they need to do what they want to do.

French is being shoved down your throat? Isn't that an idea more relevant to denying access to one's official language - as Anglophones have done to the French for 200 years in illegal ways in Manitoba, but in hundreds of socio-economic and psychological ways in all parts of Canada - than to providing both languages side-by-side so that you have a choice?

Concerned for the fate of your own grandmother tongue? Learn from Canadian history that nothing has so damaged the learning of all languages than the sustained opposition to French, and that nothing has so stimulated the revival of teaching other languages than the renaissance of French.

Concerned for your job - perhaps the only really valid concern of them all? You may have some cause to be, and justice is not served if you are punished/sacrificed in atonement for two centuries of an injustice to others in which you had no part. It's not much consolation to know that history, like nature, is often careless about the individual, yet concerned for the species. But, given the inevitable consequences of any social program to correct longstanding injustices, it is striking to see how much all levels of government, and school boards as well, are doing to provide opportunities for retraining, transfer, and early retirement; they're doing their best in a tough situation, and they should be more often commended for their achievements than condemned through exaggerated assertions about the number of people hurt.

In short, Canada has, whether everyone likes it or not, a French connection, and we would all be better off if Canadians, of whatever background, learned to live with it. What the French connection offers as a challenge, in fact, are aspects of the test of what it means to live in an open and free society. On one side of the issue are generosity, toleration, the enjoyment of pluralism; on the other side - and put kindly - fear of the stranger. On one side, a recognition and welcoming of the Canadian and Manitoban identity; on the other side, a suppressed real preference for being an American - how many other things genuinely distinguish us? On one side, an enterprising facing up to challenge, and a willingness to bear slight, yet stimulating inconveniences; on the other side, a lazy and idle view of life with, ironically, more energy being displayed to oppose French than would be required to live with it, perhaps learn it, or even pay one's slight tax share in its costs.

If these concluding remarks seem a little intemperate there's no doubt because I've become rather weary after 20 adult years of watching the most stubborn resistance to the real daily implications of our constitutional arrangements.

Canadian teachers, historians, journalists, politicians and, no doubt, many clergy have, over the last 200 years, betrayed their professional integrity; the abandonment of professional responsibility over the Manitoba breach of its Constitution has been particularly iniquitous. Despite their callings, the majority of these people deal less with historical, legal and social facts than with the apprehended conventional wisdom. If they surmise that most pupils, and their parents, readers, voters, and parishioners dislike the binational clauses of Canada's series of Constitutions; have trouble with a second language; are uneasy with non-Anglicized Canadians; suffer from the modern technocratic delusion that diversity and variety are more inefficient or uneconomic than productively creative, then these professionals take the easy path. To the masses, unused to critical objectivity, the truthful facts appear polemical, and the professional takes his or her professional methodology from those who know nothing about it. But the time has come for genuine and worthy leadership from at least those writers, politicians and other professionals with courage equal to the challenge of their vocations. Nationalism, enlightened self-interest, justice, the Constitution, and self-respect all demand that we affirm and embrace our Canadian French connection.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Order please. As I mentioned this afternoon, displays from the gallery are not permitted, either in the House or in Committee, and I would ask those in the audience to restrain themselves.

Are there any questions for Mr. Bailey?

Mr. Lyon.

HON. S. LYON: One question. Does Professor Bailey honestly believe that anyone who has a thoughtful objection to this bad agreement, that this government has negotiated with the Franco-Manitoban Society, the Federal Government and the plaintiff, that that person is automatically xenophobic?

PROFESSOR D. BAILEY: I haven't heard very many thoughtful objections. I have argued that Mr. Lyon and Mr. Green are thoughtful when they continue their resistance to any Charter of Rights by keeping the French in that same picture; but that particular question, of course, is a question of whether you're for or against fundamental rights in a Charter. I think that I would like to hear from these gentlemen, having made the point that they tried to make against Prime Minister Trudeau's unconstitutional attempt to bring in the new Constitution, and I'm grateful for Messieurs Lyon, Green and Blakeney for their leadership at that time over that issue. That's been lost. I'd like to hear some thoughtful objections from Mr. Lyon beyond that, and after eight hours today, I'm afraid I did not hear any such objections and questions.

I found the sorts of things that Winston Churchill argued will argue for themselves. I found delaying tactics; I've yet to hear something thoughtful.

HON. S. LYON: In the latter part of your presentation, Professor Bailey, you, in effect, said that people who favour the government's proposals are generous, open-

minded, dispassionate, heaven-sent - you didn't use that term but that was the implication - whereas those who oppose the proposals are, in a sense, to use the word that I used before, xenophobic. Do you really believe that? Do you believe, for instance, if the vast majority of the people of Manitoba saw this as a bad agreement with bad results for the people of Manitoba in the future, that they are truly xenophobic and are really not able to see the light as you have obviously seen it and others can't?

PROFESSOR D. BAILEY: I would reply to that by distinguishing two types of people. I think large numbers of Canadians who have grown up in our country, or who have come here and listened to Native Canadians, have pathetically developed into a position of ignorance with respect to the Canadian Constitution because of bad history teaching, lack of sufficient history teaching and, from my own experience in the schools, sometimes things are just taught by lip service. There is none of the kind of pride that goes along with the binational quality of Canadian life which one would get in an American school, had this been an American Constitution; so that Canadians grow up hardly realizing or feeling this and I'm sorry for them and I think it's a pathetic situation, but culpability does not rest with them because they're the victims of the situation.

Culpability rests with Mr. Lyon and Mr. Doern and any members of the press or the Ian Paisleys of Canada, in churches, anybody who, in those contexts, ought to know that Canada has unanimously, continuously had seven Constitutions, all of which assert that this is a bilingual country, and The Manitoba Act . . .

A MEMBER: By the act, binational.

PROFESSOR D. BAILEY: It's a bilingual country by official status in right of both languages. The French like to claim, then say that that's two nations - and I've used that term in my paper - but English tend to define nation slightly differently, and we can quibble about that; but I think that anybody who is an elected member of the Legislature should know the facts of Canada, especially a trained lawyer, should look for the things in the act which are weak here and there, make certain points such as the one I offered extemporaneously at the beginning about this, but should stop trying to make politics by fanning the flames of the poor people whose education has suffered, and should take some leadership to show these people their errors. They don't know what Canada is if they think this is not an officially bilingual country.

HON. S. LYON: Could I ask Mr. Bailey, Mr. Chairman, if he feels that prior to 1968 and the passage of The Official Languages Act, was Canada an officially bilingual nation at the federal level?

PROFESSOR D. BAILEY: Mr. Chairman, as far as I understand it, that was the facts from The BNA Act in terms of federal parliaments and courts, including federal courts within provinces. It held at the provincial level only in Quebec and was supposed to hold at the provincial level in Manitoba, and I understand has been added to the provincial level in New Brunswick, but

it's a national thing which regrettably should be provincial.

I argued that many historians have asserted that Manitoba was to be the first of a series of every other province, bilingual, from Northern Ontario to the Coast, and that Saskatchewan, Alberta and B.C. came in unilingual and one of them at least should not have, in that sense, and that the Manitoba balance was upset so that the development of Western Canada did not work out the way it was intended and foreseen and that this is a regrettable fact. It creates a situation in which arguing in favour of French in Manitoba, where they're only 6 percent of the population, seems a little excessive and a little fanatical; but where basic rights are involved, where an injustice has been done for 90 years, I would like to see, in this response to the last part of Mr. Lyon's question, I would like to see the Constitution rectified, made clear, made secure. Then, if Mr. Lyon wishes to lead a movement for constitutional amendment arguing that there is no real reason to continue to protect the French in Manitoba, that it would be proper to have a movement to change the act; but at the moment we're really just talking about tidying it up, and I think that the opposition's opposition to the obvious situation has not been worthy of what Manitobans have a right to expect of their opposition.

HON. S. LYON: Mr. Chairman, of course, the witness is entitled to his view. If, as Mr. Bailey says, Mr. Chairman, Canada was a bilingual nation from its inception, say, in 1763, why was it necessary for Mr. Trudeau and the Liberal Government to pass The Official Languages Act in 1968?

PROFESSOR D. BAILEY: Mr. Chairman, to Mr. Lyon, that would be a very long and hard process to answer. I alluded to it in my paper. I called it a subtle problem. The laws of Canada have allowed Franco-Canadians - Francophones - to use French in the courts, but if they happened to be in a federal court in Saskatchewan where the federally appointed judges at that level were Saskatchewan lawyers, as they usually were, and they were Anglophones, a French Canadian would frequently argue in French or in English; he'd have the right to use French but he would hesitate to do it because it would be a nuisance. You'd have to go to the costs of a translator; you'd have to bring in interpreters.

I'm arguing that Mr. Lyon, who shares with me a lot of things, namely, a WASP middle-class, professional, highly-trained male background, that Mr. Lyon lacks the imagination and the sensitivity to perceive what it is really like to assert advantages when you have to swim upstream to get them. That upstreamness is legally not there but in all kinds of subtle ways, it is. Any woman who's had her consciousness raised in the feminist movement knows what I am talking about. Any trade union worker who tries to assert that he built the CPR and is told that Prime Minister Macdonald and the CPR President built the CPR will know what I am talking about.

It's a perceptive problem which advantaged, middle-class, English-speaking by birth, Protestant Canadians have real trouble getting to. Fortunately I study a preindustrial, precapitalist, pre-Protestant Europe. I have to get inside the head space of feudalism in

another kind of society and that allows me to exercise a little imagination, a little sensitivity to try to feel what it's like in Canada to be French with rights that are there in print, but which are extremely hard to find in practice, in parties, in meetings, in businesses, in promotions, in education.

HON. S. LYON: Mr. Chairman, I want to assure Mr. Bailey that none of us have any objection or concern whatsoever about his using his imagination to its freest swing. My question remains however, if as an historic, he states that Canada was essentially or effectively bilingual from its inception, why was it necessary for Mr. Trudeau and his government to pass The Official Languages Act in 1968?

PROFESSOR D. BAILEY: If Mr. Lyon were a Conservative instead of an 18th century Liberal, I think he would understand the answer to this question because a real Conservative ought to recognize the balance of forces in society that the government and that the church and businesses are among those balances and forces. When the free play of competing individuals works out in certain ways to the overwhelming advantage of people, the referee should jump into the ring and pull the people apart until the odds are evened again to some extent. This is a fundamental disagreement which often is argued in capitalist-socialist terms. I am trying to keep that out of this debate altogether here because this is a Conservative matter.

A genuine Conservative of a European tradition would understand that the role of government is partly to help people protect their rights, and if a successive series of Canadian Governments have lacked the guts to protect the French over the previous 100 years since The BNA Act, and have allowed the Ontario view of Canada to drift as the Liberals have done much more so than national Conservatives; if that is where they're going, at some point a Prime Minister such as Mr. Trudeau, even though he's a Liberal, is going to have to step in and try to rectify this matter.

HON. S. LYON: I take it, Mr. Chairman, to Mr. Bailey, that he either doesn't wish to answer the question or is unable to answer the question which remains from the standpoint of this witness, unanswered. He states that the country was bilingual from its inception. If that is the case, why did Mr. Trudeau and his government have to pass The Official Languages Act in 1968? If it is not the case, which most historians would agree that Canada was not bilingual prior to 1968, then his original thesis is faulty.

PROFESSOR D. BAILEY: Mr. Chairman, I should have known that you can't teach an old lion new tricks.

I think I have answered the question three times, but since I see that what we're really doing is playing with words; I'll speak directly to the words that Mr. Lyon is playing with. I use, in a fair impressionistic and legal way I think that Canada is officially a bilingual country by the rights of The BNA Act and that the French have had rights in Quebec and in the courts and in the National Legislature to certain things. However, it is obvious that most Canadians do not know the other

language; an abysmal minority of French know English; an even smaller minority of Anglophones know French; the country is not bilingual in that sense and never has been. But because of the drift of the country over 100 years, even the officially established rights to French were endangered until Mr. Trudeau attempted, with many bad policies unfortunately but at least on balance with success I think on the whole, attempted to stop the drift.

If we're playing with the words unilingual, bilingual country, of course Canada's not bilingual in that all citizens speak both languages. That's part of our national tragedy. But it's our tragedy because too many, especially Anglophones west of Ontario and Maritime politicians have allowed the country to drift away from its early promise to the French, its early vision of a distinctive nation to the north of the 49th parallel.

HON. S. LYON: Are you maintaining in your brief, Mr. Bailey, that Canada was officially bilingual, legally bilingual prior to 1968?

PROFESSOR D. BAILEY: Yes, Mr. Chairman, I am.

HON. S. LYON: Well, what supporting evidence can you call in support of that proposition?

PROFESSOR D. BAILEY: The BNA Act, The Act of Union, The Constitutional Act, The Proclamation Act of 1763 all contain clauses to that effect - and The Act of Quebec.

HON. S. LYON: With respect to the use of French in the courts in Quebec and in the federal courts, permit me one small correction. You were talking about a federal court in Saskatchewan - the only federal court that would be sitting in Saskatchewan to my knowledge, the Attorney-General may be more up to date than me - would be the federal court. The other courts are created by the provinces and the judges are appointed by the Federal Government. So there are no federal courts in Saskatchewan other than one that might on a circuit basis, the federal court, go through Saskatchewan.

My question remains, because I was there at the time, I worked with the present Prime Minister, who was then Minister of Justice, on The Official Languages Act. Why was it necessary if Canada was legally bilingual prior to 1968 as you say it was, why was it necessary to go to all that trouble of passing the act?

PROFESSOR D. BAILEY: Mr. Chairman, one item in my paper was a partial answer to that, that the French Canadians are only 6th in socio-economic status in the country. When one looked at the numbers, the officers of the armed forces, the RCMP, the Canadian Government, the public officials of Canada; if one looked especially because there are always lots of French as there are lots of women in most institutions, but if one looked especially at the people in charge, one found that in spite of being only unilingual, Anglophones were being promoted through the Queen's University network and other sources, in advantage over the Francophones. Mr. Trudeau's act was a vigorous attempt to give some new impetus, some force,

some financial push to lurch Canada back onto the track of its original direction.

I think we're partly going in circles because the progress of history has indicated that the French rights in Canada drifted away. If you allow the drift to go on too long, you then have to rectify it not by gentle measures but by measures that are less than gentle, which appear cataclysmic, polemical, even revolutionary, when in fact all you're trying to do is to restore the status quo ante.

HON. S. LYON: The question remains unanswered, Mr. Chairman. I don't want to waste the time of the committee and keep putting it, because the proposition advanced by the witness fails, of course, because he can't answer the question.

PROFESSOR D. BAILEY: I'll get a last word, I said . . .

MR. CHAIRMAN: Perhaps three times to the same question is adequate.
Mr. Penner.

HON. R. PENNER: Well, just on the same point was it not the case, and did I not understand your answer that Canada was and is, Quebec was and is, Manitoba was and is officially bilingual with respect to the courts, the laws, the language in the Legislatures, and the records and journals of the Legislature, and to that extent only. — (Interjection) —

HON. S. LYON: 133 and 23 — (Interjection) —

HON. R. PENNER: Yes, 133 and 23 precisely, but was it not the intention of The Official Languages Act to take that into the realm of government services?

PROFESSOR D. BAILEY: Yes, I should have mentioned that, because it came up today during the discussion. What Prime Minister Trudeau was trying to do, and I argued that these amendments aren't really necessary except with respect to the point that Mr. Penner was just making that we are trying not to waste everybody's time by reaffirming what is now out of date, but by bringing this back into today, just as a person in my profession who took a leave of absence and went on sabbatical for a year, when he comes back into the stream would be at the position that he ought to be at if he hadn't left it. I think that's the intention of The Official Languages Act.

HON. R. PENNER: So that it was not to duplicate what existed, but to extend it into the realm of government services?

HON. S. LYON: Of course, because it didn't exist before.

HON. R. PENNER: Exactly, that's the point, that's why it was necessary.

HON. S. LYON: Why doesn't the witness say so?

HON. R. PENNER: He needed a little help.

MR. CHAIRMAN: Order please, order please, Mr. Penner has the floor.

Mr. Penner.

HON. R. PENNER: Those are my questions.

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

Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, through you to Professor Bailey. Professor Bailey, you said in support of your position that - I am perhaps paraphrasing you here - I would like to have the record set straight on this particular quotation that elected politicians and persons with formal legal training should show these poor people the light. That may not be a direct verbatim repetition of your statement, but you certainly referred to "these poor people," and referred to persons with formal legal training and made reference to the fact that somewhere people needed to be shown the light on this subject. I wonder if you confirm that in essence that was the statement that you were making, or whether I have misinterpreted it.

PROFESSOR D. BAILEY: I think, Mr. Chairman, to Mr. Sherman that you've more or less captured the essence of what I was trying to say on that particular point.

We had a lot of discussion this morning about how democracies work, how parliamentary governments work, and so on, whether referenda ought to have a place in a thing like this. I think the dilemma that we have to keep in mind is that we call ourselves a liberal democracy, even though those two terms are contradictory, because liberals believe that there are certain values and rights that should be protected even against the majority. Democracy means that the majority can do whatever it likes whether it's right or not. Our system works because we recognize that dilemma, we try to maintain a balance, we try to live with the fact that maybe some things - we try to keep them as small as possible - like religion, and speech, and the press, be put outside the reaches of the majority.

I argued this afternoon that in Canada in addition to these universal principles, there are three that have that right. One is the position of the Queen, a second is the federal system, and the third is bilingualism. Those three things define Canada as a particular country.

Let me say one other thing that there's an international group called - I forget the name of it. It's a group of Europeans, Canadians, and Japanese who look at developed countries. About 10 or 15 years ago they looked at Canada, the Canadian educational system, and they said we were the only country in the advanced world which did not care at all how our students came out with respect to the political beliefs we hold most deeply.

Now in a democracy, it's very difficult to teach people what they ought to think, because in a democracy you ought to think whatever you would like to think, but you ought to be taught that people have a right to religious minority positions, that they have a right to freedom of speech even if you don't like them, and when you have a country like Canada, part of what you ought to think is that the Queen, the federal

structure, the parliamentary tradition, and French Canadian rights alongside English Canadian rights are part of the way Canadians should think. That's the way we were founded, that's the thing that English Canadians reinforce by people who chose English over French when they immigrated to this country with other languages drifted away from.

I think they drifted because over all those centuries, Protestant clergy who thought French was synonymous with Roman Catholicism, teachers who had parents and students who didn't want to live with the Canadian reality when they were in an entirely English neighbourhood, and politicians who knew where the votes were, gradually allowed the reality of Canada's founding principles to be eroded, so that now today you look zealous if you're standing for the status quo. That's the funny thing. The Conservative looks like the fanatic on this issue, whereas the Canadian position is otherwise. There are a lot of people out there, and some of them are responding to Mr. Doern's carelessly worded news release, who are the victims of this ill education. I think a little nudging from people like yourselves, the press, the clergy, and the Canadian History profession. As I say, I'm a European historian. The strength of my argument is to analogize the Canadian predicament with what I know of European history, and I can be faulted quite easily on certain details of Canadian history, but I think of the two or three mistakes that I've made today out of ignorance, not one has affected the main point that I am trying to make and the thesis that I'm trying to uphold.

MR. L. SHERMAN: Well, Professor Bailey, I appreciate that answer, but I must say that I am not sure that I think that in a democracy that people should be taught what they ought to think at all. I would want to argue that with you on another occasion.

I think that in a democracy people should be taught about the evolution of democracy and what it is and what it means and what it costs continually to maintain it, but not taught what they ought to think. However, we can debate that some other time. I — (Interjection)

PROFESSOR D. BAILEY: I think we'd be agreed, Mr. Sherman, on those questions. In fact, all the essential ones.

MR. L. SHERMAN: I want to go back to your statement on which I did not, I gather, quote you incorrectly. I'm pleased to discover to the effected elected politicians and persons with formal legal training should show these poor people the light. I would like to ask you, Sir, who are these "poor people?"

PROFESSOR D. BAILEY: I think that any Canadian who is trying to deny that the French rights in Canada should be the same as English rights are among the poor people. People who booed the Dean of Law at the International Inn because he fell into French; people who say to a French Canadian if he tries to speak in French, who say speak Canadian, meaning that English is the only official Canadian language. I think there are large numbers of people who are confused on the issue of the status of French in Canada. If they were to argue

that to a German, it would be mere bigotry, it would be Canadian inhospitality, but at least it would not be denying the right to speak a language which in Canada has official rights. I think that is the case of the Canadian founding premise and it's been frittered away long enough, thanks to Mr. Trudeau and thanks to where you can see where it goes, such as Ireland or Lebanon; people are beginning to say, let's rescue Canada, let's be true to our principles, let's try to reaffirm our bilingual quality. Let's try to assist it in every way we can, including the schools, but certainly getting services to people in the language which they have an official right to use when meeting with their government.

MR. L. SHERMAN: Would you agree that you perhaps approached this question from the perspective of an academic and not from the perspective of a politician? Would you agree that any politician who, representing constituents in his or her jurisdiction, local, provincial or federal, who took the attitude that those people out there were "these poor people" would not likely be around to represent them for very long?

PROFESSOR D. BAILEY: I think I could count, Mr. Chairman, on the politicians to say it more gently than I have today, to fuzzle the issue a little bit so they wouldn't risk not being re-elected, but I do have a right to expect them to try gently to point out to their constituents that they have not read The BNA Act or the subsequent Canada Act. They do not understand what it means to be a minority person with equal rights as opposed to being a minority person without official rights or a majority person with those rights.

This takes an effort of will and it's extremely difficult of middle-class, WASP males for them to do that sort of thing, living in our culture; and I can say that because I am one of those. It will be harder for other groups to say that.

MR. L. SHERMAN: Would you not agree, Professor Bailey, that people in different pockets, parishes and communities of this province or indeed this country have a right to take a position on a subject as fundamental as this and to express it through their elected representatives and that those elected representatives, although albeit they may have a responsibility to point out where that position may be wrong, nonetheless have an equal, perhaps even an overriding responsibility to represent the point of view of those constituents? Your brief seems to deny that.

PROFESSOR D. BAILEY: I affirm, Mr. Chairman, that people have a right to believe what they wish to believe on these issues; and they have a right to try to get their positions known to their elected representatives and to fail to re-elect them at the next time. But I expect, when it comes to a matter of protecting the Constitution, that the elected member will remember the speech of Edmund Burke to the electors at Bristol, that he is elected to be a leader. If we had people who did this, the Japanese would not have been incarcerated during World War II, but Canadian MPs and MLAs knew where their constituents sat on that issue and of all the people that the Canadians have illegitimately incarcerated over the course of our history, the

Japanese are still the only ones who are awaiting rectification. Everybody else was paid off later, paid back, in some way helped out; but this is not Autopac, this is not Medicare, this is not helmets on motorcycles.

This is the Canadian Constitution which has been tampered with, which there is a principle and courageous attempt to restore and if people don't like the Constitution, let them await the peaceful restoration of what it is declared to be, as I argued in my brief, and then let them advance a movement or found a political party to amend the Constitution to something else.

If the French continue to wane in Canada and utterly to disappear, the act will not have any cogency and it would be appropriate to suspend it; but because it has not been even enforced over the last few hundred years, not been adequately affirmed in the hearts and minds, especially of Anglophone Canadians, the loss of French in Canada, I believe - and this is where I'm more idealistic than trying to be hard-headed or practical, because the loss is really tremendous so far and may be irreparable - we owe it to the French, after 200 years of cutting away, to use Mr. Lyon's words of this afternoon, hacking away at the rights of the French in Canada, I think we owe it to the French to give it one good last fair shot for at least 50 years or so. I don't care whether we have a Conservative or an NDP Government in four or eight years, because 80 percent of what happens will be the same.

You could elect a Progressive Conservative Government in Moscow tomorrow and 90 percent of the programs would remain the same because what you have there is not communism, it's czarism; it's been there for 500 years. So I believe that if you're talking about history, if you're talking about human beings, and a Conservative, above all others ought to recognize this, you're talking about generations of people. Give the French a fair chance to be protected in Canada.

MR. L. SHERMAN: Mr. Chairman, through you to Professor Bailey. I don't dispute your contention that perhaps we owe it to the French to take one last shot at this thing. That seems to me to be somewhat off the point of the subject that I'm trying to address with you here. You refer to Edmund Burke; I'm a great admirer of Edmund Burke. I also know, as you do, that Socrates had a definitive word on that subject 2,000 years before Edmund Burke did, when he posed the question as to whether representatives elected in a democratic constituent assembly were elected to lead or to reflect, so we could debate that issue for a long time. That isn't the subject at hand here tonight.

The subject at hand is the question of whether the people of Manitoba, through their elected representatives, should command as much respect from those appearing before this committee, as they do from all members around this table, and I assure you that to my knowledge they do command that respect from all members around this table, and that their views should deserve something more than perhaps a patronizing putdown. You're suggesting that they are "poor people who need to be shown the light." Those "poor people" have elected every member around this table and some 45 others and expect us to represent their views.

Many of us know, or believe we know, what their view are and I don't think that positions taken in briefs presented at this committee that put down that fundamental of democracy really add very much to the kind of constructive search that we're upon here. I would ask you whether you do not think that some of the positions taken in this brief would be construed as arrogant if they were taken by politicians.

PROFESSOR D. BAILEY: Mr. Chairman, if the Honourable Mr. Sherman is trying to teach me a lesson in modesty and humility, I will accept that. I will agree that I have overstated the case out of the provocation of all those who overstate the case on the other side. I'm prepared to grant that. However, I am distressed to see, particularly the Leader of the Opposition and the Member for Elmwood, not wait until their constituents had voiced a matter on this, but took the initiative to stir them up and that, I think, is playing partisan politics, or in the other case, maybe just personal politics.

I would like to have seen the members attempt to continue to be unanimous about this. This was not an election issue. Why? Because the Conservatives had shown good leadership on the matter; the NDP was in perfect agreement with what was going on. They moved it a little faster and then they got the shotgun to their back with the Bilodeau case.

This was not an election issue because everybody thought that the leadership of Manitoba was agreed. It has been made into a pre-election issue, not because the government principally and courageously picked up on the emergency needs that came out of the Bilodeau case, it's been made a pre-election issue by the opposition that I think has not behaved with principle, dignity, or even the leadership that it ought to have.

MR. L. SHERMAN: Okay, Mr. Chairman, thank you. I assure Professor Bailey that I will ponder on his submission; I hope he will ponder on my questions.

MR. CHAIRMAN: Further questions? Mr. Lyon.

HON. S. LYON: One final question because of the ultimate statements of Mr. Bailey. Is he saying, in effect, that if a politician takes a stance on an issue with which he agrees, then that politician is showing leadership? If, on the other hand, the politician takes a stance on an issue with which he disagrees, then that politician is being a rash and a poorer politician and a poor leader, merely because he doesn't happen to agree with Professor Bailey?

PROFESSOR D. BAILEY: Mr. Chairman, I think I've already answered that one because I complimented Mr. Lyon earlier for the stand he took over the Bill of Rights when the issue of the Trudeau rush, through of the National Constitution, came in before us. That was the kind of thing which Mr. Lyon thinks he has here. I don't think that the current Canadian Constitution is much better than what Bismarck ran through Germany in 1870 and of which Nazism is partly a result, because he really overshot all of the legal parliamentary traditions of Germany, bought them off with nationalism, got

permission to be forgiven his injustices and the liberals had the guts knocked out of them. When Trudeau tried to do that in Canada we had very few people who stood up to him and, of those who stood up to him, I think Mr. Lyon was one of the few who did so, on principle, courageously and thoughtfully and I admired that.

However, his case was mainly, though not entirely, the issue of a Charter of Rights. I don't agree with him on that, but he made me rethink that issue and I owe him a debt of gratitude for that. I respect leadership when I think it's genuine leadership based on issues of principle, rather than currying favour over something that you know is going to be unpopular.

HON. S. LYON: Mr. Lyon, is Mr. Bailey as enamoured with the doctrine of entrenchment, with respect to language rights, as he was unenamoured with the doctrine of entrenchment with respect to the Charter of Rights?

PROFESSOR D. BAILEY: That question I didn't follow. There seemed to be a step in it somewhere that I didn't . . .

HON. S. LYON: I took it from what Mr. Bailey had said, Mr. Chairman, that because he was able to see the validity of the argument advanced by eight of the provinces, against Mr. Trudeau's unilateral attempt to entrench matters in the Federal Constitution which was finally defeated because of the provinces showing that kind of leadership.

PROFESSOR D. BAILEY: I think I understand the question now.

HON. S. LYON: If entrenchment was wrong there, why is it right here?

PROFESSOR D. BAILEY: I argued that entrenchment was right, and I respected the leadership which Mr. Lyon showed in arguing that entrenchment does not belong in Canadian society; I disagreed with him before, and I disagree with him since, but he made me examine very profoundly where I stood on that issue, and why, and I'm very grateful for that leadership. But the other issue that Mr. Lyon stood for, at that time, I also thought was courageous because I think he was right, that Mr. Trudeau rammed through Canada, unconstitutionally, a Constitution which in every fact, except the fact that the London Parliament agrees with it and you'll never get away with it - Bismarck wasn't stopped either - but I think we now have a Constitution which was improperly adopted. Mr. Lyon was one of the few people to object to it and the entrenchment of rights was one of the issues for the objection; the other was the process. Mr. Trudeau rammed that through and ran it against the respect for the traditions of federalism in Canada. I think he has irreparably harmed the country in doing it that way.

So, if Mr. Lyon understands that I'm complimenting him for leadership on two points, I hope you'll accept the compliments.

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

HON. S. LYON: I think I'll stop when I think we're ahead.

MR. CHAIRMAN: Mr. Bailey, thank you very much. Mr. Lecuyer.

MR. G. LECUYER: At the beginning of your remarks, before you got into the actual written brief, you stated something that I would like some clarification on. If I heard you correctly, you said that the wording of this amendment could be French and English are the official languages of Manitoba and that we could have stopped there. Did you mean to say by that, that that's what the amendment should be, or was your interpretation of that to the effect that these words were all encompassing in themselves and, therefore, would include all that follows?

PROFESSOR D. BAILEY: Mr. Chairman, to Mr. Lecuyer, I'm trying to remember the reading of The Manitoba Act of 1870 in comparison with the proposed amendments. The Act of 1870 used slightly different language to declare the officialness of the two languages, but went on to say, in the Legislature, in the courts, Hansard, the records and that sort of thing. What has occurred over the intervening 110 years, of course, is that governments now do all kinds of things that they didn't do in those days. It may be important to try, rather than to recapture those words which are restrictive in today's terms, to replace them simply with a declarative sentence: English and French are the official languages of Manitoba. If you do that, then I think you are protecting all the things that were protected in 1870.

By the way, I'm not a lawyer, I'm not a constitutional lawyer. This is my judgment on this as a layperson. Then I think you are protecting everything that you want to protect' and you don't need the rest of the details because, if you don't provide the services. You know there will be someone else behind Monsieur Forest and Bilodeau who are fighting the matter in the courts if the government fails to provide it. To me that's all right because that's going to take generations. Things are going to be fought one at a time; governments are going to take their time to supply the rights, and I don't believe that French will be rammed down anybody's throats, it will be a natural growth. But this sentence left by itself, I think, takes care of all of the necessary rights in Manitoba if it replaces the 1870 thing.

That leaves apart of course the issue of what laws you translate retroactively; what rate you translate them, and that kind of thing, and that needs a separate agreement. I'm not even sure that is part, I think it's part of the proposals, but is it part of the Constitution amendment? I'm not sure why it needs to be because it's - well no there have been other constitutions - in history where people have put in start-up clauses that kind of are self-dying once their necessity goes. I'll think of one in a minute.

MR. G. LECUYER: In other words, if I understand you correctly, you wouldn't have been opposed? In fact, you would have wished that this would have been the amendment in itself.

PROFESSOR D. BAILEY: I may be wrong, but I really think it's sufficient and I wouldn't then have been so

upset that the government was trying to amend the act to remove school boards and municipal councils, because I think they're covered by this whether further amendments say they aren't or they are. But obviously they're going to be covered in conservative, slow, legal, sensible, common-sensical ways. I don't see any cause for panic. I don't see why we should whip up Manitoban panic as though, not only French, we're all going to be bilingual tomorrow, but that we're going to be allowed to speak only French. That's absurd, but it follows from this. I think it follows.

MR. G. LECUYER: Just to say thank you for the presentation.

MR. CHAIRMAN: Further questions. Seeing none, Professor Bailey, thank you very much for your presentation here this evening.

PROFESSOR D. BAILEY: Thank you very much, Mr. Chairman and members of the committee, and especially Mr. Sherman for his attempt to teach a little modesty.

MR. CHAIRMAN: Next on our list is Mr. Terry J. Prychitko, Ukrainian Community Development Committee.

If you will wait one moment while the Clerk distributes copies, we'll be ready to proceed.

MR. T. PRYCHITKO: Thank you. That's in English, Mr. Doern.

MR. CHAIRMAN: Please proceed.

MR. T. PRYCHITKO: Thank you, Mr. Chairman, honourable members of the Standing Committee on Privileges and Elections. I will not read the brief word for word. I will go over it and highlight it and hopefully cover the points.

The Manitoba section of the Ukrainian Community Development Committee is a part of a Prairie Regional Committee, mandated by the National Executive of the Ukrainian Canadian Committee, to represent the cultural and educational interests of Ukrainian communities of the three Prairie provinces.

In the past, relations between the Franco-Manitobans and the Ukrainians in Manitoba were poorly defined, largely due to a lack of communications on the central issues affecting the two groups. Nonetheless, both communities have common aspirations and a similar commitment to fight assimilation by creating a society which values ethnicity and is capable of sustaining their respective languages and cultures.

Our position on the proposed amendment, the Ukrainian Canadian Committee endorsed the federal policy on official languages in 1975. Today, the Ukrainian Community Development Committee, Manitoba section, is reaffirming the community's position on official languages and endorses, in principle, the out-of-court agreement which has been negotiated between the Provincial Government and the Franco-Manitoban Society. The proposed amendment reestablishes the status of two official languages in Manitoba and advances a framework for the provision of French

Language Services to the Francophone community where such services are warranted by significant demand.

The rationale of the Ukrainian community is to secure a future for the Ukrainian community. This is an issue which directly addresses all ethnic groups concerned with continued survival of their cultures and heritage languages. The Ukrainian community is committed to fighting assimilation and ensuring the development of an environment capable of sustaining the Ukrainian language and culture in Canada. All three levels of government have a role to play in assisting our community through the provision of specialized programs and services. There are no historical rights or constitutional guarantees which protect the interests of the Ukrainian community or of any other ethnic group in Canada.

For this reason, future opportunities for the Ukrainian community are inseparably linked to the linguistic and cultural rights guaranteed to the French community. By supporting the aspirations and rights of the Franco-Manitobans, we are ensuring an environment which will be able to accommodate and to support the future needs of Ukrainians in Manitoba. Those who oppose the legitimate rights of Franco-Manitobans endorse the forces promoting unilingualism and hasten the destruction of a viable bilingual and multicultural society.

It is our belief that Section 23 reestablishes the former rights of Franco-Manitobans. At the time of Manitoba's entry into Canada, English and French were the official languages of the province. This fact was entrenched in The Manitoba Act and it enabled a wide range of government services in both languages, including bilingual schools which used a number of languages as languages of instruction in the classroom. In 1890, The Manitoba Act was amended, making English the official language in Manitoba. In 1916, the Provincial Government closed the bilingual education system. Not only were all French schools closed, but all 118 Ukrainian bilingual schools were also terminated, together with schools operated in German, Polish, Romanian and Hebrew.

Successful court challenges in 1896 and 1917, which held that the 1890 legislation was ultra vires, were only ignored by successive Provincial Governments. Finally, in 1979, the Supreme Court held the 1890 act ultra vires, and the previous government, headed by the Honourable Sterling Lyon, introduced limited French Language Services. The track record of Provincial Governments over the years explains why it is essential that these rights be entrenched to offer some measure of protection against future administrations who may be either callous or negligent, or both.

We are proposing multicultural amendments be made to Section 23. Canada is officially bilingual and multicultural. These realities, we believe, are inseparable. Similarly, the concerns of the French community are indivisible from those of the other communities. The continued denial of rights to Franco-Manitobans stands as a barrier to all minority groups in being treated equitably by our society. It is with this in mind that the Ukrainian Community Development Committee recommends that further amendments be introduced to the proposed resolution.

The first amendment would be a protective clause which will prevent any possible abrogation or derogation

from any legal or customary rights, both those acquired in the past or those to be acquired in the future, of any language other than English or French.

Secondly, we recommend the inclusion of an interpretive clause which will serve to underline and enhance the multicultural heritage of Manitobans.

In conclusion, the question confronting all Manitobans today is the fundamental issue of rights accorded the French Canadian community at the time of Confederation. It is the responsibility of all Manitobans and in particular, of members of the Standing Committee, to endorse this agreement and to support the passage of the amendments into legislation.

Thank you, Mr. Chairman, that concludes the formal part of our brief.

MR. CHAIRMAN: Thank you, Mr. Prychitko. I hope I am pronouncing that right.

MR. T. PRYCHITKO: Very well, thank you.

MR. CHAIRMAN: Are there any questions for Mr. Prychitko from members of the committee?
Mr. Lyon.

HON. S. LYON: In your brief, Mr. Prychitko, on Page 4, you ask the Standing Committee to move further amendments to the proposed resolution "to include a protective clause to prevent any possible abrogation or derogation from any legal or customary rights acquired in the past, or those to be acquired in the future, of any language other than English or French." Then, your committee further recommends "the inclusion of an interpretive clause which would serve to underline and enhance the multicultural heritage of Manitobans."

Referring you, Mr. Prychitko, to Page 2 of the document that was tabled today by the Attorney-General, wherein the government proposes to add a new Section 23(9) which reads as follows: "Nothing in Section 23 and 23.7 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed, either before or after the coming into force of the amendment, with respect to any language that is not English or French." Does this proposed amendment that saw the light of day today from the hand of the Attorney-General, does that meet the request that you make on Page 4 of your submission?

MR. T. PRYCHITKO: I think it meets the first part, Mr. Lyon - if I may, Mr. Chairman, in response to the question - however, we do believe that it is important that there also be a second clause, an interpretive clause, which would serve to underline, as I have mentioned, and enhance the multicultural heritage of Manitobans, similar to Section 27 of the Federal Charter.

HON. S. LYON: May I ask the witness, Mr. Chairman, whether or not he is happy with this almost instantaneous response he's had from the government to his submission, indeed, the government agreed to his submission presumably before they heard his submission? Is that a matter of joy for you, or what?

MR. T. PRYCHITKO: Mr. Chairman, I'm very pleased to see that that has happened. I wasn't aware of it,

Mr. Chairman, that these proposals had been made, however, we are very pleased that they were made and we hope that the second proposal will also be made.

HON. S. LYON: Mr. Chairman, has Mr. Prychitko got wording for the second portion that deals with the multicultural heritage of Manitobans that he would like to see inserted in Section 23, and if so, could he let us have it? I hasten to add that I can't guarantee the instantaneous kind of reaction to his suggestion that we've already had, but we'd like to hear what it is.

MR. T. PRYCHITKO: I'm sorry, Mr. Chairman . . .

HON. S. LYON: The wording of Section 27 would be sufficient, is that what you're saying?

MR. T. PRYCHITKO: I think that the wording of Section 27 would be a minimum; we'd like to have an opportunity to review that, we'd very pleased to review that and to provide the committee and all members with our recommendation because, quite frankly, we believe that Section 27 may be a little light and we would have preferred something a little more definite on the enhancement of multicultural rights in Canada.

HON. S. LYON: Mr. Prychitko, in your brief there seems to me - certainly subject to correction by you - a confusion of propositions. In the first instance you say that - I don't have to paraphrase - on Page 2 - "For this reason, future opportunities for the Ukrainian community are inseparably linked to the linguistic and cultural rights guaranteed to the French community. By supporting the aspiration and rights of the Franco-Manitobans we are ensuring an environment which will be able to accommodate and support the future needs of Ukrainian Manitobans. Those who oppose the legitimate rights of Franco-Manitobans endorse the forces promoting unilingualism and hasten the destruction of a viable bilingual and multicultural society."

If these amendments which you have appeared before this committee to endorse, carry out that proposition, namely, by the Committee's or the House's endorsement of the amendments, your proposition is that would in turn strengthen Ukrainian community cultural educational thrusts and so on, why then is it necessary for you, in your brief, to ask immediately for protection from those very constitutional amendments which you have praised, and yet you have to ask in your brief immediately for protection from them, lest they abrogate or derogate from rights that you have already gained by legislation in Manitoba and which, as you say yourself, are not constitutionally protected?

MR. T. PRYCHITKO: Mr. Chairman, as I understand the question, Mr. Lyon's concern is that there seem to be two separate issues. Well, we support, in principle, the resolution as it stands, because it provides for protection of a minority in Manitoba, the Franco-Manitoban community, and it is our belief that if their rights can be abrogated, then any rights perceived that we may have could more easily be abrogated because we don't have the constitutional framework for any of our rights, other than promises that were made by

various people who invited the ethnics into Canada to help settle the west, or whatever, during the course of history. Because a country, which can look at the rights of its Francos, the French Canadians, Franco-Manitobans, and question whether or not they have those rights, seems to us to indicate if those things aren't passed clearly and quickly, it seems to us to indicate a possibility that another government and another day, concerned more with a balanced budget than with humanity, would abrogate all rights to minorities, and for that reason we feel that we have to support this.

Now, in order to enhance our position, we also ask for these amendments. So there is no question that if the Franco-Manitoban rights are abrogated, there are no rights for anyone. However if, during the course of this debate, we can also ask for rights for other groups, for all ethnic groups, then I think that this is a successful reason for having these hearings.

HON. S. LYON: Is it possible, Mr. Prychitko, that you and your organization comprehended, if not immediately then after some sober reflection, that the Section which reads "English and French are the official languages of Manitoba," that the entrenchment of that Section in the Constitution of Manitoba, might derogate or abrogate from other cultural and/or educational, and/or linguistic rights which the Canadian Ukrainian community presently enjoys in Manitoba? Otherwise, why would you seek the corrective amendment that has now been offered by the government?

MR. T. PRYCHITKO: I'm sorry, I've lost my train of thought. There are two different issues we're looking at here, I think, Mr. Chairman, through you to Mr. Lyon. The first issue is one of official bilingualism. We don't pretend to ask for, and don't intend to ask for status as an official language. Our contention is that we would like to have the availability of the use of the language, as we have it, as a teaching language in the schools of Manitoba, which was brought in through the Lyon Administration. The continuance of this type of policy, we feel, is possible only if all minorities are protected and a significant minority is the Francophone minority in Manitoba; and if Manitoba is not bilingual and its rights of the Francophone minority aren't protected, then these amendments we're asking for obviously won't help either and it's part of a total package, in our view.

HON. S. LYON: Mr. Chairman, is it not a fact that the amendments to, I believe it was The Education Department Act - one of the education acts - which gave the Canadian Ukrainian community and all other heritage language communities in Manitoba the right to use their heritage languages for the purposes of educational instruction? When that was brought in, in '78, I say in parentheses, at a time when the government was concerned with balancing budgets, if that was brought in 1978 without the need or the necessity of any constitutional amendment such as this, why do you feel that there is need to entrench a vast extension of Section 23 into the Constitution of Manitoba, which extension by itself and by your own admission, may well derogate or abrogate from some of the rights that

you presently enjoy with respect to educational instruction and so on? Are the two not working counter-productively, one against the other?

MR. T. PRYCHITKO: No, I don't believe so, Mr. Lyon. I don't believe that they are working counter-productively. I don't believe that Manitobans would have been ready for the reintroduction of the Heritage Language Programs in 1978, were it not for the federal bilingualism, the federal French immersion in the schools that caused massive uproar in the unilingual society. Were it not for that, I don't believe Manitobans would have been ready for it and I don't believe that the government would have perceived it politically prudent to go ahead with it. However, because of the position on the federal side of the official bilingualism, we were able to gain in Manitoba. On the other hand, I still believe that we must ensure the status that was in 1890, was taken away by numerous governments since 1890, even though court hearings found it to be ultra vires and in that aspect, I am sorry to say that I have no legal training other than the information that I have gained; but governments which were not attuned to the aspirations of all of the minority groups, very significant minority groups, when we see that there were, in 1916, 118 Ukrainian bilingual schools closed down, just totally closed down and readers burned as seditious material, we have to be concerned with entrenchment of rights.

HON. S. LYON: At the time that the teaching of heritage languages was passed, as I recall almost unanimously by the Legislature in 1978, the Forest case had not matured, it had not come to the Supreme Court for judgment. One might say, in the particular context in which you have been expressing your proposition, that French minority rights insofar as they were contained in Section 23, have been denied for 92 years in Manitoba - and yet, notwithstanding that, there was a renaissance, if you will, of heritage language teaching in Manitoba which worked, I believe and still believe, worked to the benefit of that ideal that you and I believed in, namely a multicultural Manitoba. How do you see the two linked together now when they weren't linked in 1978?

MR. T. PRYCHITKO: I'm not sure that they weren't linked in 1978. The position as to heritage language instruction, as my understanding of the legislation stands, has not yet been confirmed, other than as on a pilot test basis. It was passed on a pilot test basis in '78. It still has not been confirmed. It could be just as easily removed by the government without going to the Legislature because it would be an Order-in-Council, as I understand the procedure. So yes, we have it; we still believe it came about as a result, unfortunately, of backlash in the unilingual portion of Manitoba to French immersion education and it was for that reason that it came about; and as I say, it still hasn't been formalized and passed by this Legislature as a *fait accompli*. For those reasons we still believe that it's necessary to go through this procedure that we're now going through.

HON. S. LYON: Is it not a fact, Mr. Prychitko, that the legislation or the enabling statute that was passed in

1978 was founded largely on the statutory precedent of the Province of Alberta and indeed on the practice of the Province of Alberta and indeed, in the case of the Ukrainian language, Ukrainian education, upon the advances that have been made in the Province of Alberta with respect to textbooks, the methodology that was being used for the teaching of Ukrainian in particular? Are you suggesting that the adoption of that precedent in Manitoba was a backlash against immersion in Manitoba, whereas in Alberta there was not nearly the degree of French immersion courses, as my memory serves me, that there certainly was in Manitoba? I'm trying to find out what the real linkage is in this proposition that you advance which to me seems not to hold together, if I may say so.

MR. T. PRYCHITKO: In reply I'd say that, yes, the program in Manitoba was coat-tailed on the Alberta program. However, the circumstances in Manitoba and Alberta were quite different. As Mr. Lyon has earlier stated, it was a time in the province's history when restraint was the byword. We were fortunate, in that at that time Alberta was a very wealthy province, were able to have developed a great deal of textbooks and curricula which met the requirements of the Education Department of the Province of Manitoba and we were able to bring those in and therefore implement a program at very little cost. Now that was to do because of the situation again, I believe, in Alberta. I can't pretend to answer why it was introduced in Alberta, whether there was any, as a result of the backlash, but certainly in Manitoba it was our view that that was one of the reasons that it was acceptable at the time.

HON. S. LYON: Mr. Prychitko, you say on Page 2 of your brief, quote, "The proposed amendment of Section 23" and I ask you to listen to this verb carefully, "re-establishes the status of two official languages in the Province of Manitoba and advances a framework for the provision of French Language Services to the Francophone community where such services are warranted by significant demand."

I'd like you to explain, if you can, how the proposed amendments of this government, to the Constitution of Manitoba, re-establishes the status of two official languages, whereas history teaches us that there was only, for the purposes as delineated by Section 23, French and English to be used in the courts, in the Legislature, and in the printing of the Statutes? Manitoba, in other words, was not a bilingual province from its inception.

MR. T. PRYCHITKO: Mr. Chairman, I'm afraid I'm not a constitutional lawyer, nor am I an historian, however, as I understand the situation, at the time of The Manitoba Act coming into force - I guess it was 1870 - the French in Manitoba formed the majority, as a matter of fact, a great deal of the commerce took place in French. The accommodation was to the Anglophone community at that time to provide a bilingual framework. I may be mistaken on that, but that is my understanding of the situation as it was at that time. However, as I stated earlier, Mr. Chairman, I'm not in a position to debate the constitutionality from a legal point of view.

HON. S. LYON: It wouldn't offend your view of history if you were to say in your brief, rather than re-

established, "the proposed amendment of Section 23 establishes the status of two official languages." Would that not be more correct?

MR. T. PRYCHITKO: Not to my understanding, but I'd stand corrected if that is the case but, as I said, Mr. Chairman, I'm here on behalf of the Ukrainian Community Development Committee, I'm not here as an historian, nor am I here as a constitutional expert.

HON. S. LYON: Well, the old question then, of course, Mr. Chairman - I'm not trying to put Mr. Prychitko on the spot - it's only because when briefs make certain statements then I think that the people who make the statements have to establish the factual basis upon which the statement is made. If English and French were the official languages in Manitoba in 1870, why is this government finding it necessary to state in 23.1 of its 1983 amendment that English and French are the official languages of Manitoba? If they were, in fact, official before why would you have to restate the obvious?

MR. T. PRYCHITKO: Well, as I've said, I'm not in a position to give a definitive answer. It is my belief though that the reason for that requirement and the fact that it does re-establish it is because of the situation that happened in 1890 when The Manitoba Act was amended illegally, and for that reason it is necessary to re-establish the fact.

HON. S. LYON: Re-establish Section 23.

MR. T. PRYCHITKO: Well, I'm sorry, Mr. Chairman, the finite point of the argument on constitutionality leaves me. I can only argue the common sense and not the legal aspect.

MR. CHAIRMAN: Further questions?
Mr. Lyon.

HON. S. LYON: We all hope, Mr. Chairman, that there is an intermingling from time to time of the two concepts.

The statement is made: "Those who oppose the legitimate rights of Franco-Manitobans endorse the forces promoting unilingualism, and hasten the destruction of a viable bilingual and multicultural society." Mr. Chairman, I would ask Mr. Prychitko, does he know of anyone in Manitoba, around this table, who is opposing the legitimate rights of Franco-Manitobans?

MR. T. PRYCHITKO: Mr. Chairman, I don't believe there is anyone here who is opposing the legitimate rights of the Franco-Manitobans, but we are concerned that the debate may tend to bring this into an English-French argument, rather than an argument looking at the rights of a minority group who happen to be the official language minority group.

HON. S. LYON: Well, I'm happy to have that reassurance, Mr. Chairman, from Mr. Prychitko. Those governments, in the past, more recent memory, the Roblin Government, the Weir Government, the Schreyer Government, the Lyon Government, and the Pawley

Government, all of which have in their own way advanced the cause of French linguistic rights and French education in Manitoba. You would not want to fall under that indictment that you have made at the bottom of Page 2 I would trust?

MR. T. PRYCHITKO: No, certainly I wouldn't want to indict anyone who has advanced the cause. Our only suggestion is that perhaps it wasn't necessary had we had an opportunity in history to see what would happen in 1890 when the situation arose. We're very pleased that the previous administration started the discussions with Mr. Bilodeau that led to this agreement, and we are looking at the — (Interjection) —

HON. S. LYON: Present administration.

MR. T. PRYCHITKO: As I understood it, Mr. Chairman, the discussions were started by the Lyon Administration and concluded by the Pawley Administration.

HON. S. LYON: Well, that's an interesting part of history, Mr. Chairman, but I'll have to take further advice upon from Mr. Prychitko. Certainly not with the knowledge of one of the senior members of the government, I can tell you that.

Again, Mr. Prychitko, you make the statement on Page 3 - it's repeated from Page 2 - "At the time of Manitoba's entry into Canada, English and French were the official languages of the province." What is your historical or factual basis for that statement.

MR. T. PRYCHITKO: It's my understanding of The Manitoba Act of 1870.

HON. S. LYON: Section 23?

MR. T. PRYCHITKO: I'm sorry I'm not aware of the specific sections. As I've already stated, Mr. Chairman, I have not made a study of the specific sections of the Act. We're here to see that common sense and goodwill prevail, and not to argue the very fine lines of legalism.

HON. S. LYON: With respect, Mr. Chairman, there's something more involved to Mr. Prychitko than very fine lines of legalisms here, because at a meeting of a committee sitting around this very table, when that question was put to the present Premier of Manitoba and to his Attorney-General, they both agreed that French and English were not the official languages of the province when Manitoba came into Confederation in 1870; would you accept their testimony?

HON. R. PENNER: On a point of privilege, I did not make that statement.

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

HON. R. PENNER: Well, simply that the Leader of the Opposition has said that I made a statement that when Manitoba was formed in 1870 French and English were not the official languages. I don't recall making such a statement, I stand to be corrected. I think the Leader of the Opposition says he can get Hansard and point that out.

HON. S. LYON: I'll be happy to double-check Hansard, and I'll accept the statement of the Attorney-General with respect to his recollection of what he said. I recollect firmly, however, what the Premier of Manitoba said when the direct question was put to him; he said that was historically an error.

That is why, Mr. Prychitko - to get back to you - this is something more than a legal fine point, because if English and French were the official languages of the province in 1870 it, of course, would not be necessary for this government now to say that they are the official languages, would it?

MR. T. PRYCHITKO: Mr. Chairman, with all due respect, I'm not qualified to answer the question.

HON. S. LYON: Well, just on the final point - nor would it be necessary, Mr. Prychitko, to go back to the original point that we were talking about for your organization to ask for an amendment to relieve against the possible deleterious effect of Section 23.1 so as not to derogate or abrogate from any rights that had been conferred upon the Canadian Ukrainian community in Manitoba as a result of this section that is being put into the Constitution or purported to be put into the Constitution by the present government. You see the point, where your brief, if I may so, is not factually correct.

MR. T. PRYCHITKO: Mr. Chairman, I beg to differ. I do still believe, as it was in the federal Constitution that requiring Section 27 to ensure the rights of minority groups in a statute, that certainly very clearly set out the facts that French and English were the official languages. It was necessary and said in that Constitution and therefore we believe it's necessary to be said in this Constitution. It's for those reasons we bring the argument. I'm afraid that other than to give you the common-sense approach that we've taken to this issue, I can't argue the legality of the Constitution and the argument whether or not those words are necessary. Because those words are there, in the federal Constitution, it was felt necessary to ensure the rights of the multi-cultural ethnic communities and therefore we would like to see that done also in the Manitoba statute.

HON. S. LYON: Mr. Prychitko, on page 4 of your brief you make this statement. "The continued denial of rights to Franco-Manitobans stands as a barrier to all minority groups in being treated equitably by our society." Would you mind telling the committee what rights are being continually denied to the Franco-Manitobans today?

MR. T. PRYCHITKO: The denial of rights of service were significant demand, significant need, the service in the French language, the status of French as an official language in the Province of Manitoba. Those rights are being denied to the Franco-Manitobans in our understanding.

HON. S. LYON: But, Mr. Prychitko, I thought we had agreed that the French language services had been extended by policy decisions of various governments, more particularly in recent times by the previous government and by the Pawley Government until this

amendment came along as a matter of government policy so that French language services, which have never been a constitutional right, but French language services in fields other than the courts of the Legislature, were being provided, are being provided today to Franco-Manitobans or any other people who come into Manitoba who wish to avail themselves of it. How can you say that these are rights that are being denied to the Franco-Manitobans today when in fact they are being provided to Franco-Manitobans today?

MR. T. PRYCHITKO: Mr. Chairman, our contention is that without the statutory passage of this enabling legislation, this act, that those rights can be summarily abrogated, withdrawn by any administration that has a majority and the community would have no recourse and it's for that reason.

HON. S. LYON: Well, Mr. Prychitko, I don't want to worry the point. The words that I'm concerned about that you use and I hope you mean what you say are the continued denial of rights to Franco-Manitobans. I fail to understand what rights you have delineated that are being continually denied to Franco-Manitobans today. Please give us some examples?

MR. T. PRYCHITKO: The status as it was in Section 23, if that is the correct section of The Manitoba Act of 1870.

HON. S. LYON: Ah, but that was re-established by the Supreme Court in 1979 and by an act of this Legislature in 1980. So if that was re-established, what is being continually denied to Franco-Manitobans today? Those are your words, Mr. Prychitko, not mine. I'm merely trying to find out what you mean by that.

MR. T. PRYCHITKO: Mr. Chairman, as I've explained, this is what we've meant by it. I'm not here to undertake a debate with someone as able and capable in parliamentary debate as Mr. Lyon is. I can only give you our viewpoint and if Mr. Lyon feels a contrary viewpoint then certainly he's entitled to it, Mr. Chairman.

HON. S. LYON: Mr. Chairman, I want to assure Mr. Prychitko that I'm not trying to engage in a debate with him. I'm merely trying to find out the meaning of the words that he has used, I presume solemnly and I know with every full attempt to try to expound the situation as he and as his group see it. For my part, I don't know in the absence of an explanation from him, what continued denial of rights to Franco-Manitobans stands for in Manitoba today, given the fact that Section 23 was re-established by the Supreme Court in 1979 and by an act of this Legislature in 1980. That was the only constitutional right that ever existed.

MR. CHAIRMAN: Do you have anything to add to your earlier answers to the same question, Mr. Prychitko?

MR. T. PRYCHITKO: Only that, Mr. Chairman, Canada is a bilingual country and we believe that the Francophones in Manitoba have an equal right for recognition of the official status of their language in the Province of Manitoba. As Mr. Lyon has already explained, that apparently did not exist.

Now I don't have anything further, Mr. Chairman.

HON. S. LYON: On another point, Mr. Prychitko. The Ukrainian Community Development Committee as you have explained in your brief is really an off-shoot of the Ukrainian Canadian Committee which is well and favourably known I'm sure to most Manitobans. What would be the membership, or indeed is membership a factor in this group, the Ukrainian Community Development Committee or is this really a subcommittee that struck down from the Manitoba Branch of the Ukrainian Canadian Committee?

MR. T. PRYCHITKO: Mr. Chairman, the Ukrainian Community Development Committee is as Mr. Lyon pointed out a subcommittee struck down, not by the Manitoba section but by the national executive of the Ukrainian Canadian Committee to represent the cultural and educational interests of the Ukrainian community in the three prairie provinces being Alberta, Saskatchewan and Manitoba.

HON. S. LYON: Will it be the intention, Mr. Prychitko of your committee to make a submission to the Legislature of Saskatchewan and to the Legislature of Alberta asking that they amend their constitutions in accordance with the same provisions that the NDP Government of Manitoba has brought forward here? Would you like to see the same constitutional amendments for the French language inserted in the Constitution to affect the provinces of Saskatchewan and Alberta?

MR. T. PRYCHITKO: Mr. Chairman, I am the spokesperson for the Manitoba section of the Prairie Original Committee. I don't have a mandate to speak for the Saskatchewan or Alberta section. I can only say that the Prairie Regional Committee, the three-province committee when it met in Edmonton in spring, passed a resolution approving in principle the situation here in Manitoba.

HON. S. LYON: Well, Mr. Chairman, to Mr. Prychitko, I thank him for that answer. He's obviously not in a position to state what the future role of the committee may be vis-a-vis similar suggestions to Saskatchewan and Alberta, and that certainly satisfies me for the time being.

Would it be possible for us to find out from the parent organization, from the Ukrainian-Canadian Committee, whether, in fact, it would be their intention to advance similar proposals to the governments and Legislatures of Saskatchewan and Alberta, and if so, on what basis?

MR. T. PRYCHITKO: Mr. Chairman, the Ukrainian-Canadian Committee is a national organization headquartered in Winnipeg, and deals specifically with national issues. This subcommittee was mandated, as I've explained, to deal with provincial issues in three provinces. The committee has provincial sections in both Saskatchewan and Alberta, and certainly it would be in discussion with those provincial sections that such action could conceivably be taken, but as I've already said, Mr. Chairman, I'm in no position to speak for either of those two provinces, and the Ukrainian-

Canadian Committee, being a national organization cannot either until the provincial sections of our committee meet with the provincial sections of the Ukrainian-Canadian Committee in those provinces and discuss these issues if these issues do come up for discussion at that time.

HON. S. LYON: Mr. Chairman, I have no further questions of Mr. Prychitko. I merely wish to thank him for making more clear, and to some extent, more precise some of the wording of the brief. I think it's certainly been helpful to me to hear the points of view that he has expressed and to have these refinements, if I may say so, of the brief cleared up by you.

Thank you, Mr. Prychitko.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Mr. Chairman, just one question to Mr. Prychitko.

I'd like to know if he's recommending the inclusion of a clause in this constitutional proposal that will also entrench the multicultural heritage of Manitoba?

MR. T. PRYCHITKO: Mr. Chairman, yes, as I've pointed out to Mr. Lyon, and Mr. Lyon apparently is ready to make that proposal as an amendment, so hopefully, we can provide some suggested wording and this proposal will then be accepted by this committee and entrenched in Section 23.

MR. CHAIRMAN: Mr. Lyon, on the same question.

HON. S. LYON: Can I make an offer to Mr. Prychitko, Mr. Chairman, in the spirit of good will that he has just shown? Perhaps if he could inveigle the government to withdraw the whole series of amendments, it wouldn't be necessary to have any of these curative things come in, would it?

MR. T. PRYCHITKO: Mr. Chairman, I think I'd like to respond to that and say that it's our belief that it is completely necessary.

MR. CHAIRMAN: Mr. Parasiuk.

HON. W. PARASIUK: Mr. Prychitko, do you think linguistic rights should be the charity of the government in power as opposed to being a right that is, in fact, existent and available to people, and if it isn't there, they can appeal to authorities to make sure that those rights exist? Should they be a charity or are they our right when you talk about a linguistic right?

MR. T. PRYCHITKO: Mr. Chairman, I certainly believe that they should be a right.

HON. W. PARASIUK: When you indicated that there are instances when the French services have not been provided, were you aware that there were requests that drivers' licences be provided in a bilingual format, and that the previous government sat on a tooled program which could have provided those to the people, but did not provide those to the people.

In fact, it took a further act of government to provide them, so that in a sense, it was charity that provided

bilingual drivers' licences; not a right, not a service that was established for people to be provided as part of their being Canadians within a bilingual country.

MR. T. PRYCHITKO: Mr. Chairman, no, I must say I wasn't aware of the situation, but that is the concern that we expressed when we say that these rights have been withheld, that was the meaning, I guess, that we were searching for. I thank Mr. Parasiuk for putting words to it, because not being a lawyer or a parliamentarian, I'm not in a position to debate as capably as these honourable members are here today. Certainly, it is to take away from the side of charity and to put into right that we're here today.

HON. W. PARASIUK: Were there ever any instances in your knowledge in the history of Manitoba where the rights of people who might be Ukrainian or German or of other nationality, were those rights ever abrogated in any way shape or form in the past because of the fact that their parents or their grandparents might have come from the Ukraine? Do you know of instances in the past where that might have happened?

MR. T. PRYCHITKO: Mr. Chairman, I've already referred in our brief to the 1916 action where the bilingual schools were closed, readers burned. Certainly, also at the same time, many Ukrainians because their country of origin at the time was Austro-Hungary were put in concentration camps, as were the Japanese in the Second World War. These rights were very clearly taken away from Canadians because of their ethnic background.

HON. W. PARASIUK: So it wasn't a perception, there wasn't a symbolic statement to the people of the country at that time that this country stands for certain things with respect to bilingualism, and that it stands for certain things with respect to multiculturalism, so that when you had instances where people's services were taken away in schools, or when they were interned, or when they couldn't serve in the police force, or when they couldn't serve in the fire-fighting force because of where their parents or where they came from, that they couldn't refer to something in the symbolic description of what this country stood for at that time, that they couldn't appeal to that to tell the other Canadians that this was wrong, did we have anything of that kind that the Ukrainians in 1916 could have looked to?

MR. T. PRYCHITKO: Mr. Chairman, not in my knowledge, and certainly that is a reason that minorities groups, including the Ukrainian-Canadian community believes it is important to have these rights enshrined in Constitution. Were they not enshrined in Constitution, we saw what happened in 1916. We saw what happened during the Second World War. We all know of the discrimination, and we know, thank God, Human Rights Acts are now disallowing that kind of discrimination by country of origin by one's appearance, and that it has taken legislation that's often been passed without the consent of the whole of the majority.

HON. W. PARASIUK: So I take it then, Mr. Prychitko, that you are somewhat wary of people who walk around

saying that I'm all right, Jack, and we're all right, Jack, as a society; that all rights are accounted for and looked after in our society today.

Have you had any instances; have there been instances in the last 5 or 10 years where unfortunately racism has reared its ugly head, where people have indeed talked about limiting certain things? Have you come across any instances in the political milieu in this province or in other provinces that give you concern - you don't have to refer to them specifically but, in your perception, that give you cause for concern and make you want to see these rights enshrined?

MR. T. PRYCHITKO: Mr. Chairman, yes, in response to Mr. Parasiuk, certainly many instances have happened. We only have to read about them in our newspapers of discrimination that happened. I don't wish to belabour the point but, however, my own stand on this issue has caused people to call me and make remarks on my telephone without identifying themselves. People have written to me without identifying themselves, suggesting that I was a traitor, and worse, for taking a position in favour of this legislation.

HON. W. PARASIUK: So, in your experience, we are not quite the nice, benevolent, tolerant society that we would like to make out to each other; that, in fact, we have to try and make sure that we try and preach and practice tolerism as opposed to saying that we don't have to worry about any type of intolerism that might exist in our society.

MR. T. PRYCHITKO: Mr. Chairman, those are the exact reasons that we are here presenting this brief, in our hope that this society will increase its tolerism, tolerance of other people, of whether it's their ethnic background, or their long hair or their short hair, or the colour of their skin, or the size of their nose, or whatever it is. Hopefully, if each of us has an honest and clear understanding of himself and where he stands in this society and knows that there is respect in society for him as an individual, he will convey then to others that very same respect and, hopefully, we'll have a society where there is tolerance.

HON. W. PARASIUK: One last question; I want to get it clear. On Page 4, you say you agree with one of our amendments, and that's the amendment whereby we say that this does not derogate from any legal or customary rights acquired in the past, or those to be acquired in the future, of any language other than French or English. You are definitely in agreement with that proposal that was tabled this morning?

MR. T. PRYCHITKO: As long as the proposal is, as Mr. Lyon read it, which I think seems to have similar wording, then certainly, yes, we would be in agreement with that; but as I mentioned to Mr. Lyon and I would mention again, we feel very strongly that an interpretive clause, which serves to underline and enhance the multicultural heritage of Manitoba, should be included and hopefully will be.

HON. W. PARASIUK: I just want to thank Mr. Prychitko for his presentation.

MR. CHAIRMAN: Any further questions? Hearing none, Mr. Prychitko, thank you and your organization for making your presentation here this evening.

MR. T. PRYCHITKO: Thank you very much for listening to me.

MR. CHAIRMAN: Gentlemen, the next name on our list is Mr. Danny Waldman, representing the Manitoba Association for Bilingual Education.

Mr. Waldman, please.

Has the brief been distributed? Please proceed.

MR. D. WALDMAN: Thank you. The Manitoba Association for Bilingual Education represents the concerns of parents whose children are enrolled in three bilingual heritage language programs; namely, the English-German bilingual program, the English-Hebrew bilingual program and the English-Ukrainian bilingual program. These programs were introduced in accordance with legislation enacted in 1978. Currently, these programs provide educational and cultural benefits to approximately 1500 students throughout Manitoba.

We fully support the proposed amendment to Section 23 of The Manitoba Act. Our rationale is as follows:

We believe that the proposed amendment is concerned with the re-establishment of linguistic rights that the Franco-Manitobans were deprived of in 1890.

We believe that the restoration of these rights is essential to the development of a firm Canadian identity, rooted in official bilingualism and multiculturalism.

Our support for the proposed amendment arises for our concern over the erosion of Canada's many cultures. Our support for Franco-Manitoban rights is an expression of this concern, but it also underlines our belief that minority groups must assist each other in overcoming these problems. We feel that the aspirations and the rights of the Franco-Manitoban community are intrinsically linked with those of Manitoba's other communities, and that the denial of the rights to one minority community constitutes a denial to all others.

We believe that responsible Manitobans must recognize the legitimacy of the proposed amendment of Section 23. We, therefore, urge this committee and the Legislative Assembly to give speedy passage to the proposed resolution. We urge this committee to make an amendment to the resolution to ensure that legal and customary rights of other linguistic groups are not eroded in the future, and to underline and enhance the multicultural heritage of all Manitobans.

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

Mr. Doern.

MR. R. DOERN: Mr. Chairman, I would like to know if Mr. Waldman can indicate how long this organization has been in effect and how many members they have and how membership is arrived at.

MR. D. WALDMAN: Mr. Chairman, the way the organization is set, the Manitoba Association for Bilingual Education, there is a single representative from the Ukrainian, German and Hebrew bilingual programs.

These people have been elected by their own organizations; namely, the Manitoba Parents for Hebrew Bilingual Education, Ukrainian and German. It was done by election within each organization. We struck the committee because we felt that, as a unified body, we stood together first of all to show that there was unification between such diverse ethnic backgrounds as the Ukrainians, the Germans and the Jews and at the same time, by coming together as a single body and showing the unification, that we had strength when we made our proposals and we made presentations.

MR. R. DOERN: Your organization seems to have suddenly sprung up. How old is it?

MR. D. WALDMAN: The actual organization, the Manitoba Association for Bilingual Education, is approximately eight months old. The individual organizations, since the act only came in in 1978, the Ukrainians were established then, the Germans I believe a year and-a-half later and the Hebrew program was established - this is our second year of operation - our incorporation came through, I'm glad to say, a couple of weeks ago.

MR. R. DOERN: So you're now incorporated.

MR. D. WALDMAN: Yes, we are. All the organizations are incorporated with a charter which, if you're really interested in seeing, we can present you with copies.

MR. R. DOERN: How many members belong to each segment or organization of the three?

MR. D. WALDMAN: Basically the breakdown - I'll stand corrected; they vary - approximately 900 with the Ukrainian; 400 with the German and the balance is left with the Hebrew Bi program.

MR. R. DOERN: How many would that be? Two hundred? You think it is erroneous for either people who are in the group or for the media to interpret the fact that, say, Mr. Schellenberg is active in your organization. I don't know Mr. Schellenberg; perhaps he's here tonight, but that in some quarters the impression appears to have been given that the German-Canadian community is backing this and backing this and backing this because of the fact that Mr. Schellenberg is a member of your organization. Would it be accurate to say that he represents his 400 members, period, as opposed to represents the German-Canadian community?

HON. R. PENNER: How can this witness answer a question with respect to somebody who isn't here?

MR. R. DOERN: Why don't you let him try?

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

HON. R. PENNER: Mr. Doern has asked this witness a question whether Mr. Schellenberg, who happens to be a member of the Manitoba Association for Bilingual Education and shares that with Mr. Waldman, represents his organization. He already answered that these people

are elected by their organizations to the Manitoba Association for Bilingual Education.

MR. CHAIRMAN: Mr. Doern, to the point of order.

MR. R. DOERN: Is that a point of order or is that a debate that the Attorney-General is engaged in?

MR. CHAIRMAN: I consider the relevance of any question raised as a point of order to be a legitimate point of order. Do you wish to speak to the point of order?

MR. R. DOERN: I would like to repeat my question.

MR. CHAIRMAN: The information that one individual might have about a third party on whose behalf he may not be able to speak, may not be a relevant question. If Mr. Waldman is unable to speak for Mr. Schellenberg or in any way feels that he cannot speak for the organization he represents, certainly that question is not in order.

Mr. Waldman.

MR. D. WALDMAN: I can only speak for myself, Mr. Schellenberg and Mr. Spolsky in regard to the Manitoba Association for Bilingual Education.

MR. CHAIRMAN: Thank you, Mr. Waldman. Mr. Doern, further questions?

MR. R. DOERN: Presumably, your three members also then speak only for this organization and not for the Ukrainian-Canadians in Manitoba or German-Canadians in Manitoba, etc.

MR. D. WALDMAN: At this forum right now we are speaking for the Manitoba Association for Bilingual Education and that's why we came. We are presenting a brief. I'm a member of a number of other organizations as well as a couple of baseball teams and I don't feel that at this point it's really relevant to speak on behalf of a softball team.

MR. CHAIRMAN: I'll rule that question out of order when it comes.

Mr. Doern.

MR. R. DOERN: That's good, because the impression has been attempted by either members of this group or falsely interpreted by members of the public that the people in this organization are speaking for everybody of Jewish background or Ukrainian background or German background, so you're not attempting to do that. That is a misinterpretation by the media perhaps.

MR. D. WALDMAN: As I stated before, I'm also a member of other Jewish organizations. Mr. Spolsky is also affiliated with other Ukrainian organizations and Mr. Schellenberg is affiliated with other organizations. If at any point they want to speak on behalf of another organization, the Manitoba Association for Bilingual Education does not state that they have to withdraw

from all other organizations; and the next time there's a baseball meeting, I'll speak on it.

MR. R. DOERN: How does a person become a member of your organization?

MR. D. WALDMAN: In the case of this, if you have either a child registered in one of the programs, if you have a child who will be registered in one of the programs, or if you are interested in the advancement of one of these programs, you are eligible for membership.

MR. R. DOERN: How would you characterize your support of French Language Services, entrenchment of the same, making French an official language of Manitoba? Is this the support in principle?

MR. D. WALDMAN: We'd like to take it past the support in principle and actually do it. We are supporting them from the point of minority language rights, from the point of minorities within the community. On just about any level that you want to look at it, we will support the French or any other minorities within the province.

MR. R. DOERN: What I'm trying to ask, Mr. Chairman, is this. Is this a support in principle or is this a support based upon the premise that by supporting various French-Canadian organization or this particular legislation that something will be gained by your organization as well?

MR. D. WALDMAN: I don't believe that we've got any other motives as far as building our own program on the backs of the French bilingual program. We feel at this point, as I've stated, that the minority groups, as we're showing within our own organization, that no matter how diverse, whatever their background is, can work together as a single, unified body and this is something that's very important that a lot of people are failing to do, are failing to act on, that there's no reason that the Germans, the Ukrainians and the Jews can't sit on the same committee, work together as a single unit to the advancement of all the minorities involved. We've also been approached by the Filipino community and other communities as well for support. We've developed a certain amount of organization within our ranks and we are willing to offer that organization to other organizations.

MR. R. DOERN: Do you expect French-Canadian support for your aims and aspirations?

MR. D. WALDMAN: I can't speak for the French community. I hope, on the base level of just support between one ethnic minority and another, that there would be a certain amount of support. I can't speak for the French community.

MR. R. DOERN: But you're arguing that your rights are inextricably bound up in their rights and that if you support them, this will help you and if they support you this will help them, etc., etc.

MR. D. WALDMAN: It wouldn't hurt, it wouldn't hurt.

MR. R. DOERN: So you're not supporting this in principle, you're supporting this as sort of a deal or a package; namely, we'll take this position and benefit this way and they'll take that position and benefit that way.

MR. D. WALDMAN: That was not our intention. If a certain amount of communication can be developed by this sort of a body through meetings and discussions, then I'm all in favour of it. Anything that the Franco community, the Filipino community or any other community can derive from it, I'm all in favour. Anything that we can contribute, I am 100 percent in favour of, but I also believe whether nothing comes out of it vis-a-vis scratch my back, I'll scratch yours situation from the Francophones, I'm still here and I'll still speak on it.

MR. R. DOERN: Do you receive any federal or provincial funding?

MR. D. WALDMAN: Much to my dismay, no.

MR. R. DOERN: Have you requested any?

MR. D. WALDMAN: We have applications at this point.

MR. R. DOERN: You do?

MR. D. WALDMAN: Yes.

MR. R. DOERN: When were they made?

MR. CHAIRMAN: Mr. Doern, would you repeat your question for the record please. Mr. Doern.

MR. R. DOERN: When were those applications made?

MR. D. WALDMAN: Are you speaking of the Manitoba Parents for Bilingual Education, the Ukrainian, the Hebrew, the German - which ones?

MR. R. DOERN: Any or all.

MR. D. WALDMAN: I can speak for the Hebrew and for this one. I can't speak for the German or the Ukrainian. The Hebrew Bilingual Program had made application last - I believe it was April, May to the Federal Government.

MR. R. DOERN: Were there any applications made to the Provincial Government to Cultural Affairs or the Department of Education, etc?

MR. D. WALDMAN: There is a development program being studied at this point for the Hebrew Bilingual Program vis-a-vis the Manitoba Association for Bilingual Education. There is an application at this point that would allow us working people for recruitment and development of the programs.

These programs have not been finalized.

MR. R. DOERN: Have you had any meetings with the Minister of Cultural Affairs or the Minister of Education or any of their staff?

MR. D. WALDMAN: Can I just ask for clarification on the direction of this?

HON. R. PENNER: He just wants to know if you've taken any bribes recently or anything.

MR. D. WALDMAN: Not that I recall.

MR. R. DOERN: Mr. Chairman, I want to raise a point of order. I am asking questions, I don't care what the Attorney-General thinks of them. I don't care what he thinks about anything, but I'm hearing questions and comments and smart-aleck remarks and some pretty low blows coming from his quarter. I think that perhaps you might listen to what he says and decide whether or not his remarks are in order or acceptable, or whether we're going to have some pretty tough language going back and forth in this committee. I'd like to know what the rules are, what the ground rules are.

MR. CHAIRMAN: First of all Mr. Doern, I will not tolerate any tough language as you suggest in this committee. Secondly, I too share the concerns expressed by some members about the direction of your questioning. I would suggest that questions are for the clarification of the principles enunciated in the brief. Detailed questioning pursuing the nature of the organization has been allowed in fairly general terms regarding membership and funding. The kind of detail you are now asking has not usually been followed in committees in this House.

So, I would suggest to you that if you cannot demonstrate pursuing something direct to the brief, that I will have to call you to order with regard to the line of questioning you're pursuing.

MR. R. DOERN: Mr. Chairman, that wasn't my question. My question was, whether you're going to allow remarks of a low-grade order that are being made by the Attorney-General on three or four occasions in the last minute or two. I am asking you a question, would you kindly answer it.

MR. CHAIRMAN: Mr. Doern, first of all, I think you're aware of the rules. Questions direct to the Chair are not allowed, unless they relate directly to procedural questions and procedural information. The question of whether or not Mr. Penner's remarks are in order or out of order can be raised by you as a point of order, if you wish to reflect on any particular remark. The last remark that I heard, was directed as a clarification to Mr. Waldman, as an explanation to a question you asked which Mr. Waldman claimed he did not understand.

I'd rather not pursue the matter any further. I've suggested that I don't want that kind of "tough language" by you or by the Attorney-General. I'd ask you to pursue your questions.

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

My question is, have you met with the Minister of Cultural Affairs, the Minister of Education or any of their staff recently.

MR. D. WALDMAN: What is recently by your time frame? Within the last year I would probably say yes

to all of them, as well as the Minister of Labour, the Minister of Finance and any other Minister that was available.

MR. R. DOERN: That wasn't my question. I asked specifically the Minister of Cultural Affairs and the Minister of Education?

MR. D. WALDMAN: Yes.

MR. R. DOERN: Could you explain a couple of general points to me which I find hard to understand? This legislation will lead to the entrenchment of some 400 bilingual positions on my account. Others have given higher figures. The MGEA has suggested possibly 4,000, but whatever the number is, it is clearly a significant number of positions that will be set aside in the Provincial Civil Service and designated as bilingual. I would like to know how that will help the average Manitoban and how that will help members of your organization?

MR. D. WALDMAN: By helping the average Manitoban would be the average French Manitoban and I think that has to be considered. I also look at the point that if any community was transported to any section of Manitoba - if 10,000 Ukrainians were transported to Portage la Prairie tomorrow, I would hope that the government now would, out of the kindness of their heart in arrangements, that there would be facilities made for those people. I think whenever you have a minority of that size that they have to be considered. Whether it's entrenched, whether it isn't, there's a certain amount of just humanity that has to be considered.

As far as it affecting my own organization, I don't think there are going to be too many applications or too many requirements for Hebrew bilingual people within the Provincial Government with the exception of education, which comes under school jurisdiction as opposed to the provincial.

MR. R. DOERN: So it would seem then that the passage of this legislation will, in fact, help the Franco-Manitoban community, but will not in fact help your organization or the three organizations that are members thereof.

MR. D. WALDMAN: Jobwise, it's not going to affect us one way or the other. But I think as far as the communities are concerned, by showing a certain amount of respect for the ethnic minorities, at this point being the French, and it also shows support for the other communities.

MR. R. DOERN: How will the enactment of official bilingualism help a young person who is studying Ukrainian, studying German or studying Hebrew?

MR. D. WALDMAN: One of the things that I've found travelling through Europe is that you come into a place like Amsterdam, you can go to the corner store, and on the door it says, *parlez-vous français*, we speak English, *sprechen Sie deutsch*, *ani medaber ivrit* and everything else. You'll see seven or eight languages listed. You come to Winnipeg, if you find English spoken properly, you're doing well.

Manitoba, as far as the education is concerned, we're way behind the rest of the world, I feel. An understanding of another language, whatever the language will be, also shows the culture. Within the traits of the language itself, there's a certain education and understanding for the other communities. I don't think that, in itself, can be pushed aside. You have to develop a certain amount of respect for the other communities and an understanding.

Within our organization we have developed something that I feel is very fine. It is a beautiful thing. We have got for this year between the German and the Hebrew program, they're sharing Hanukkah and Christmas. At Easter, the Ukrainians are sharing Easter with the Hebrew Bi Program and Passover in return. There's a certain understanding that comes through the teaching of the languages and the other ethnic backgrounds that you can't set a price tag on. It's something that has to be considered and it has to be stressed to the nth degree.

MR. R. DOERN: Mr. Chairman, I'm not following the answer. My question is, if you have official bilingualism the stress will go on the French language. How will this help a person or encourage a young person to study Ukrainian or German or Hebrew if the emphasis is going to go on another language?

MR. D. WALDMAN: As it was stated before, I believe it's in Switzerland, where you have four basic languages within the country and that the students there study three. I don't see why we have to limit ourselves to two languages. The educational material I have read states that there's no problem, no extra stress placed on the student by introducing a third language or a fourth language. When I was a student, I was studying three languages other than English.

MR. R. DOERN: Are you telling me there's going to be no effect whatsoever in regard to your language programs, or are you telling me that you think there's going to be an increase in enrolment because the making of French as an official language of Manitoba is going to result in increased enrolment in Ukrainian, German and Hebrew language courses? I mean, if so, how? Why will that happen?

MR. D. WALDMAN: As I stated before, the reason for our coming forward tonight and presenting this brief is not for our own advancement, but for the advancement of the French programs. I don't see how one has anything to do with the other. We are willing to fight. We've gone through a lot of work to introduce our programs and we go through a lot of work every year for our enrolment. We're willing to work. We don't feel that we're in competition. By the way, French is introduced in all the bilingual programs: the Hebrew bilingual, the German, the Ukrainian bilingual programs all have French taught and from the students I've spoken to, the parents I've spoken to, the teachers I've spoken to, their only comment is, well, it would be nice to introduce another language somewhere along the line and that one has nothing to do with the other.

MR. R. DOERN: So you're making some sort of an argument that your rights are inextricably bound up,

that if these rights don't advance, that this will somehow or other hurt members of your association. But if they go through . . .

MR. D. WALDMAN: Not our association, the communities.

MR. R. DOERN: Well, you're arguing that your rights are somehow or other inextricably bound up and the loss to one will affect the others, but you're also now telling me the fact that, say, French language rights are increased or enriched or entrenched, will have no particular bearing on you in a positive sense?

MR. D. WALDMAN: It'll have tremendous bearing on me in a positive sense, in that I would like to see my children come up with a couple of extra languages along the way. It really doesn't hurt that they have an understanding of the French history or the French culture.

MR. R. DOERN: They can do that now, can't they?

MR. D. WALDMAN: At this point they can do it, but there's no stopping one administration or the next from saying we don't want this anymore, that we will stop the French program, we will stop the Ukrainian, we will stop the German, the Italian or any other program. What we're looking for is a certain amount of protection that we feel this will offer us.

MR. R. DOERN: Well, are you so concerned that you're also arguing that your languages should also be entrenched in the Constitution?

MR. D. WALDMAN: No.

MR. R. DOERN: Well then, why do you continue to express this concern about the loss of French linguistic rights or whatever will adversely affect you, and you want French language rights entrenched, but you don't want your language rights entrenched. How does that work? It doesn't seem to follow logically.

MR. D. WALDMAN: One of the things that I was brought up with in my parents' home within the Boy Scouts and everything else, was a certain respect for other communities, that you respect them, that you support them in any way that it takes, because it's just as easy for them to turn around and say, fine, we will curtail French education, we will curtail French rights, we will curtail Ukrainian rights, Jewish rights, or any other rights of any other ethnic minority.

MR. R. DOERN: Thank you.

MR. CHAIRMAN: Mr. Brown.

MR. A. BROWN: Thank you, Mr. Chairman. I just have a few brief questions. You stated that you had been

elected into your position as secretary for the English-Hebrew Bilingual Association.

MR. D. WALDMAN: That's for the Manitoba Association for Bilingual Education. My position with the Hebrew Bilingual Organization is provincial chairman.

MR. A. BROWN: So you're speaking for all three groups, then you're speaking for the English-German, you're speaking for the English-Hebrew, and you're speaking for the English-Ukrainian Bilingual Program tonight?

MR. D. WALDMAN: Yes, sir.

MR. A. BROWN: Do these parents who send their children - have them enrolled in these programs - do they know that you are appearing here today with a brief?

MR. D. WALDMAN: Do my parents know where I am? As an executive within the organization, the same way as MLA's are given a mandate, we are given the same mandate by our organizations.

MR. A. BROWN: Mr. Waldman, we are given a mandate by our electorate, who we go back and confirm with when we get involved in some of these issues. I would like to know specifically about the English-German Association, which you say that you are representing, and Mr. Schellenberg's name appears on this brief, so I take for granted that you are speaking on their behalf. Do they know today of the brief or have they seen the brief that you are presenting on their behalf?

MR. D. WALDMAN: The way our mandate is established is that Mr. Schellenberg speaks for his organization, I speak for mine, and Mr. Spolsky speaks for his. Mr. Spolsky and Mr. Schellenberg do not ask me every time there's a discussion whether or not I've asked every person within our organization. We have been given the mandate.

The last time we had executive meetings of the Hebrew-Bilingual Program was four days ago. The last time the Manitoba Parents for Bilingual Education Executive met was, I believe, a week-and-a-half ago, when it was all discussed. Each one of us has a mandate from their own organization by election, as stated in the Charter, and we operate accordingly.

MR. CHAIRMAN: Mr. Brown, if you have no further questions, I have Mr. Sherman on the list, but I believe he has a number of questions. So, Mr. Waldman, will you be able to return at 10:00 a.m. tomorrow?

MR. D. WALDMAN: No reason why not.

MR. CHAIRMAN: Okay. The hour being 10:30, committee is adjourned and stands adjourned until 10:00 a.m. tomorrow. (Tuesday)