



**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. 34 - 2:00 p.m., THURSDAY, 22 SEPTEMBER, 1983.**

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

**Members, Constituencies and Political Affiliation**

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

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

**Thursday, 22 September, 1983**

**TIME — 2:00 p.m.**

**LOCATION — Morden, Manitoba**

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

**ATTENDANCE — QUORUM - 6**

*Members of the committee present:*

Hon. Messrs. Mackling, Penner, Plohman and Uskiw

Messrs. Anstett, Brown, Graham, Orchard;  
Mrs. Oleson

**WITNESSES:** Mr. Bill Spencer, Private Citizen

Mr. Ernie Sloane, Private Citizen

Mr. Ted Dodd, United Church of Canada

Mr. Albert St. Hilaire, R.M. of Moncalm

Reeve Julius Petkau, R.M. of Grey

Mr. Henri Bouvier, Village of St. Leon

Mr. Eric Lansky, Private Citizen

Reeve R. Ivan Stocks, R.M. of Roland

**MATTERS UNDER DISCUSSION:**

Proposed resolution to amend Section 23 of  
The Manitoba Act

\* \* \* \*

**MR. CHAIRMAN:** We have a quorum, ladies and gentlemen. The committee will come to order. On an organizational matter first, I have received the resignation of Mr. Schroeder and I understand the replacement is to be Mr. Plohman. Could I have a motion to that effect?

**HON. A. MACKLING:** So moved.

**MR. CHAIRMAN:** Thank you. Is that agreed? Before we call the next delegation to the committee, I would like to advise members of the public who were not here this morning that anyone wishing to have a receiver for the French translation can obtain one by picking it up from the technician beside the simultaneous translation booth. In addition, if there is anyone here who intends to present a brief in French who was not here this morning, I would remind you that the interpreter would appreciate having an advance copy if possible.

The next name on our list is Mr. Bill Spencer. Mr. Spencer, please. Please proceed.

**MR. B. SPENCER:** Mr. Chairman, members of the Standing Committee on Privileges and Elections of the Manitoba Legislature, ladies and gentlemen of the audience. My interests in the issue before the committee

began as a result of learning of the history of the subject. We, in Manitoba, have quietly moved along for 93 years ignoring the fact that our province is bilingual.

Now when the greater majority is Anglophone, we find it difficult to live up to the intent of The Manitoba Act of 1870. I wonder where our credibility as a province lies and also what do these people most affected by our reluctance to act on the bilingual provision of The Manitoba Act have for respect of the legislative process.

I'm hearing opposition related to the amendment that it will create a divisive force between English and French speaking people of Manitoba. I would think that weakening of the intent of the amendment or the deliberate slowing down in the passing of the amendment would create a feeling within the Société franco-manitobaine that the province is not living up to its part of the agreement. Also, would it cause Mr. Bilodeau to proceed with the appeal to the Supreme Court of Canada.

The amendment to the act as I see it is a good and honourable agreement between the people of Manitoba and the Société franco-manitobaine, one which will bring harmony to the issue which has certainly not been apparent for the last 90 years.

An appeal to the Supreme Court and a subsequent decision either for or against, I would think, would cause a certain amount of disappointment. As in court decisions, there is usually a winner and a loser.

My personal feelings are that all Canadians would be losers, regardless of the decision. The process of consultation, discussion and final agreement between concerned groups would be far less divisive than a final for or against brought down by a court of law.

Manitoba, it does not appear to me that it is becoming a bilingual province along the lines of the Federal Government's bilingualism and biculturalism act. Only those designated areas, approximately 15 percent of the provincial municipalities, will be offered French Language Services. All new laws will be in either official language. Further, 10 percent of the present laws will be translated, and only 3 percent of the Civil Service is to be affected.

I think we Manitobans owe that much to Canadians in terms of constitutional obligations, when The Manitoba Act of 1870 states, "A province of both English and French as the language of our courts and Legislature."

Problems of guaranteed language rights have also been one in Quebec and maybe it has not occupied all that much of our interest, but the plight of the Anglo minority in Quebec is certainly similar to that of the Franco minority in Manitoba.

On the topic of divisive forces between citizens of Manitoba, the recent plebiscites of Winnipeg and the Union of Manitoba Municipalities would fall into that category. No matter the wording, it still asks the question, do we or do we not want to be a bilingual province. If the answer is, we do not, will it serve as fair treatment to a minority that has historical guaranteed rights?

The opposition to the whole issue worries me, as I can't understand why we, as a province, want to deny the rights of a minority in Manitoba. Is there some fear in non-Franco-Manitobans? If so, what is that fear based on?

I see the steps that are being taken by the province as positive, and wish to express the encouragement of quick and successful passage of the amendment.

Thank you, Mr. Chairman.

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

Mr. Orchard.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. Mr. Spencer, in your opening remarks, you indicated that for a number of years - 90-some odd years, I think you used - that we were ignoring the fact that our province is bilingual. Did I hear you correctly in that statement?

**MR. CHAIRMAN:** Could you answer, Mr. Spencer, for the transcript?

**MR. B. SPENCER:** Yes, that's true.

**MR. D. ORCHARD:** Mr. Spencer, what brings you to that conclusion?

**MR. B. SPENCER:** I realize there was legislation in, I think it was, 1890, stating Manitoba was, or created a unilingual province, but the Supreme Court of Canada in the 1979 case, I think, struck that law down as not being valid.

**MR. D. ORCHARD:** Mr. Spencer, that doesn't exactly answer the question as to what brings you to the conclusion that our province is bilingual. The Supreme Court struck down an 1890 law, saying, it was not valid. What brings you to the conclusion that our province is bilingual?

**MR. B. SPENCER:** The make-up of the population.

**MR. D. ORCHARD:** Then Mr. Spencer, if the make-up of the population brings you to conclude that our province is bilingual, why wouldn't you conclude that it's, whatever you use, four-lingual, quadlingual with Ukrainian and German, who have 13 and 12 percent of the population being the official language then, if you're based on make-up of the province?

**MR. B. SPENCER:** My impression is that the forefathers of Canada foresaw that Canada and certain areas of Canada would be bilingual areas, the country and the Province of Manitoba.

**MR. D. ORCHARD:** Well, then would you be drawing your conclusion from Section 23 of the 1870 Manitoba Act, which brought this province into Confederation and is the province's Constitution?

**MR. B. SPENCER:** That would be a fair assumption.

**MR. D. ORCHARD:** Then are you aware that the Premier of the province, Premier Pawley, indicated

approximately a year ago that the intent of Section 23 of The Manitoba Act did not, in any way, mean that the province was bilingual with French and English the official languages? Are you aware of that statement by the Premier?

**MR. B. SPENCER:** Under the terms - the way you proposed the question, Mr. Orchard, maybe the use of the word "bilingual" is not accurate. Mr. Pawley might have made that statement. I can't answer and I'm not sure that he did or whether he did or didn't. Bilingual, when I use the word "bilingual," I am saying that we, as citizens of Manitoba through our Provincial Government, are going to be offering services to Francophone Manitobans - not necessarily totally bilingual. Maybe by using the word "bilingual," I am misleading.

**MR. D. ORCHARD:** Well then, maybe the choosing of the words in your brief that we are ignoring the fact that our province is bilingual, might not have been a proper way to phrase what you're trying to say then. Is that correct Mr. Spencer?

**MR. B. SPENCER:** Yes, okay, I'll accept that and apologize for using it in that term, but I think I've explained what I've meant by it.

**MR. D. ORCHARD:** Yes, you've explained it. It's the make-up of the province in which we have approximately 6 percent Francophone, 12 percent German, 13 percent Ukrainian and the balance primarily Anglo-Saxon.

Now, Mr. Spencer, you've indicated that the SFM was part of this agreement, hence because of that, this amendment, as proposed, meets with your personal approval. In your opinion, does the SFM represent the majority of the Francophone community in Manitoba?

**MR. B. SPENCER:** In my opinion, yes.

**MR. D. ORCHARD:** Very good. Mr. Spencer, you mention further in your brief that the agreement, as proposed, and in the amendment we are discussing today, will affect only 3 percent of the Civil Service. Where did you get that figure, Mr. Spencer?

**MR. B. SPENCER:** I got it from literature obtained from the Legislature and reading issues through the various media, print media.

**MR. D. ORCHARD:** Now, Mr. Spencer, when you indicate literature from the Legislature, can you be more specific as to where the literature came from in the Legislature?

**MR. B. SPENCER:** They were copies of literature that I received from an acquaintance or a friend that was in Winnipeg and knew that I was interested in the issue, so those figures that I'm using are purely my own mathematical figures, based on the figures that the government has said the people of the Civil Service that will be affected. They're just a percentage figure that I've calculated, so I could illustrate throughout my brief in terms of percentages.

**MR. D. ORCHARD:** Then is it fair to conclude from your last answer then, Mr. Spencer, that these figures

appeared in some government literature, indicating that would be the number of civil servants affected by this amendment?

**MR. B. SPENCER:** Yes. The 3 percent, no. Like I say, those are my own mathematical figures.

**MR. D. ORCHARD:** Those were derived from information gained from, presumably, the government information pamphlets, and you have deducted that.

**MR. B. SPENCER:** That's correct.

**MR. D. ORCHARD:** Okay. I believe there has been, Mr. Spencer, a statement - I don't know whether it was made by the Minister of Agriculture - but basically an indication that of 41 ag rep districts, that eight would be classified as bilingual, which represents for all intents and purposes some 20 percent of the ag rep districts. Does that make you somewhat concerned about the 3 percent figure when, in the first department that has numbers assigned to it, we're up to 20 percent?

**MR. B. SPENCER:** I can't speak as far as percentages of a particular department of government is concerned. What you say, if it's to be true, doesn't concern me. No, I'm sure we can juggle the figures. If we take one specific government department and then we take the government as a whole, very naturally you can use those figures to make percentages for your argument.

**MR. D. ORCHARD:** Mr. Spencer, if you consider that there are roughly 12,000 provincial civil servants and 3 percent is the figure you've chosen, would you have any objection to an amendment which would entrench the number, 400, if 3 percent are only going to be affected? Since you're not concerned about how you arrive at the figure - percentages can be juggled - would you favour a specific number being assigned in the constitutional amendment?

**MR. B. SPENCER:** No, I don't think that would be a wise thing to do. My personal feelings are that it would not be a wise thing to do to entrench a specific number of people who will be dedicated to a specific job in some part of the province. I wouldn't think anybody would want to do that.

**MR. D. ORCHARD:** Mr. Spencer, are you aware of the provisions of Section 23 of The Manitoba Act, as drafted in 1870?

**MR. B. SPENCER:** Just the intent.

**MR. D. ORCHARD:** In your opinion, what is the intent of Section 23?

**MR. B. SPENCER:** That the Province of Manitoba is bilingual. You have the right to receive services in the courts and Legislatures in either English or in French.

**MR. D. ORCHARD:** The latter part I can agree with, but obviously you must be in disagreement with the Premier of the province who said that was not the intent

of Section 23, that the province be bilingual. You obviously believe that was the intent.

**MR. B. SPENCER:** Whether I'm in disagreement or not with the Premier, I never brought this out in my brief. At least, I don't remember doing it. If I did, I don't recall it anyway.

Again, we are back to the discussion of my reference to bilingual. I think I explained that the present government is going to offer services to certain municipalities. I guess we'd call that bilingual. I don't know. All laws are going to be in English and in French, and the courts are going to be in English and in French, decisions or hearings.

**MR. D. ORCHARD:** That's correct, and that is provided in Section 23 as it stands. Are you familiar with the provisions of the amendment that we're discussing today, and where French services will be required to be available as a result of this amendment?

**MR. B. SPENCER:** If you're asking me if I'm aware that, under the 1870 Manitoba Act, French services weren't offered to certain municipalities. I'm aware that the amendment is offering those services to certain municipalities and I don't think - I can't say for sure - that part of it was in The Manitoba Act of 1870.

**MR. D. ORCHARD:** Mr. Spencer, obviously being here today, you've read the amendment that we are touring the province and you are probably familiar that English and French will be the official languages of Manitoba, as the first statement in the amendment, and it goes on in a further section to indicate what branches of department of government, an agency of government shall provide French services. Would you say that this amendment extends French Language Services in the Province of Manitoba beyond the original Section 23 of The Manitoba Act drafted in 1870?

**MR. B. SPENCER:** Yes, I guess it does extend. I'm not here to discuss, or my brief had no intention of discussing the law of 1870 and the present amendment to the law. I am interested in what the government is trying to do, to extend the rights of Franco-Manitobans to be able to communicate in their language. Now where it extends to, that decision has been made by government or will be made by the Legislature.

**MR. D. ORCHARD:** But, Mr. Spencer, I simply ask you, given your knowledge of Section 23, as it was originally drafted, given your knowledge of the amendment that's being proposed by the current government, do you envision an extension of French Language Services in the amendment that you are here supporting today?

**MR. B. SPENCER:** Yes.

**MR. D. ORCHARD:** Now, Mr. Spencer, what is the philosophical reason that you're here supporting that today, given that in 1870, when The Manitoba Act was drafted, we had a linguistic or ethnic make-up in the province that is estimated to be 50-50 French and English, and the established French Language Services only in the courts and the Legislature and that our laws

should be both printed in French and English, and that today, as you've referred to earlier, your reason for supporting this is the make-up of the province. That now when the province is made up of only 6 percent Francophone Manitobans, and 12 percent are of German speaking ethnic origin, 13 percent of Ukrainian speaking ethnic origin, how can you philosophically justify in your mind support of further extension to one group that no longer represents 50 percent, no longer represents a major linguistic group in the province? I just want to find out what brings your support, the philosophical reasons for your support.

**MR. B. SPENCER:** In 1870, as you've stated, I understand to be true that 50 percent of the province was Francophone and 50 percent of the province was Anglophone. Today, as you've stated, 6 percent of the province is Francophone and the remainder is made up of other languages or cultures. I don't think it's right that our forefathers brought into the Legislature in Manitoba that we, some 90 years later, because the population has gone from 50 percent to 6 percent, that it's right for us to take away those rights that were given in 1870.

**MR. D. ORCHARD:** But, Mr. Spencer, I believe that's the whole crux of the matter. No one is taking away rights that were given in 1870 when the population was 50 percent. The government is now extending them at a time when the population is 6 percent. I ask you simply, Mr. Spencer, in your opinion of fairness, is that a fair method for the government to use in view of the fact that there are two ethnic groups, Ukrainian and German, that now more than double the current French population to extend French Language Services beyond what was provided in 1870 to one group that is now fourth in ethnic majority in the province?

**MR. B. SPENCER:** In 1979, when the Supreme Court said that the law of 1890 was no longer in effect, we, as Manitobans, had an obligation to make up for those lost, I guess it would be 80 or 90 years, in that we should extend services to the French-speaking communities.

**MR. D. ORCHARD:** Pardon me, that we should extend French services?

**MR. B. SPENCER:** Yes, we should extend, to my recollection of the facts since 1870, I think we've ever carried out our intentions or the intentions of The Manitoba Act of 1870, Section 23 of The Manitoba Act. I don't think we, as Manitobans, have ever carried them out.

**MR. D. ORCHARD:** Mr. Spencer, your interpretation of the Supreme Court decision in 1979 was that the Supreme Court of Canada thought it was proper that Manitoba should extend French Language Services . . .

**MR. B. SPENCER:** No, I didn't say that. I said that the Act of 1890 was no longer in effect.

**MR. D. ORCHARD:** Which, Mr. Spencer, would you agree, meant that the provision of Section 23 of the

1870 Act was then valid which meant that French Services should be available in the courts, the Legislature and that our laws should be both French and English and no more.

**MR. B. SPENCER:** Yes.

**MR. D. ORCHARD:** Thank you, Mr. Spencer. Then I come back to my question of how do you personally justify support of something which today with a much changed ethnic make-up of the province, support, not only the provisions of the original charter, Section 23, but extending it to provide French Language Services in many other facets of the Provincial Government?

**HON. R. PENNER:** A point of order.

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

**HON. R. PENNER:** Yes, I take strong objection to what has been happening. The witness gave a five-minute brief. He has now been under cross-examination as if this were a court of law.

**MR. CHAIRMAN:** Order please. Demonstrations from the gallery are not permitted in the Assembly or in its committees and I would ask the audience to please desist.

**HON. R. PENNER:** For close to 25 minutes, he gave an answer with respect to his belief that a matter had to be redressed. Words were put into his mouth about his previous answer with respect to the 1890 decision. This is not Perry Mason on TV. This is a chance for the public to come and let us hear what they want to say. You previously ruled that questions are for elucidation and clarification and I think that this has to be stopped. This is not an inquisition. Citizens who come and feel that they want to say something aren't lawyers, are not to be subjected to an imposition.

**MR. CHAIRMAN:** To the same point of order, Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. I applaud the Attorney-General for his concern about the cross-examination and an inquisition. I just hope that he would have followed that same policy in Brandon, when he demanded answers of witnesses.

**HON. R. PENNER:** That's not true. I never at any time demanded an answer from anybody.

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

**MR. R. DOERN:** Mr. Chairman, two points. One is, I believe it was the same Attorney-General who asked lengthy questions, as have other members of the committee, including myself. I believe the Attorney-General has taken up to half an hour on some instances in Brandon to ask questions. I also believe that he, himself, was attacked by one of the Reeves in Brandon for interrogation and cross-examination. So this may be a case of the kettle calling the pot black.

**MR. CHAIRMAN:** Mr. Mackling.

**HON. A. MACKLING:** Well, Mr. Chairman, I have listened to the questions that Mr. Orchard has been putting to the witness, with a growing feeling that the questions were not for clarification, but were by way of argument. That was strengthened by the very last question that Mr. Orchard put to Mr. Spencer and he started out by saying, "How do you justify." Now certainly that is argumentative questioning and is out of order.

This committee is concerned to hear from the public, hear their views, and where there is some ambiguity or uncertainty as to what that view is, we, as members of the committee, are entitled to and are expected to try and find out what the precise argument is, and so we have to be tolerant of each other's questioning.

But clearly the witnesses are not to be subject to cross-examination per se, nor should the questions be argumentative to the witnesses and certainly some of the questions the honourable member has been putting are framed in a way that are argumentative and are by way more of cross-examination than just finding out what the person really thinks on the matter.

So I suggest, Mr. Chairman, that the intervention that the Attorney-General made was appropriate. I support it and I think that everyone should be cautioned, all members of the committee should be cautioned; we, as well as members of the opposition, in framing our questions, to try to get clarification of the views of the witness and that only.

**MR. CHAIRMAN:** Further contributions to the point of order?

Ladies and gentlemen of the committee, as most of you are aware, the Chair did receive some general direction and guidance from the committee in Swan River, with respect to the need for questions to be for clarification only. Nevertheless, I fail to see in that direction and guidance that I received from the committee, any suggestion that there should be any limitation whatsoever on the rights of an individual member to ask questions, regardless of the original length of the brief. As long as those questions are for clarification, are not argumentative, do not engage the delegation before this committee in debate, I will consider the questions to be in order.

So I have to reject the arguments that there is something, as part of this committee hearing process, which in some way limits the rights of members to ask questions. Only the committee can do that. I cannot do it as your Chair.

I was, however, beginning to exercise some caution to Mr. Orchard about his line of questioning and as was pointed out, the use of the phrase, "request that you justify," or whatever, the use of the word "justify," does tend to be argumentative. I think the majority of Mr. Orchard's questions have been designed to clarify, even though at times they did border on entering into debate.

I would ask all members to observe that caution, not Mr. Orchard alone, and ask Mr. Orchard to proceed.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. You might pardon - Mr. Spencer and I go back a long ways and

we have a number of discussions and maybe we're taking the time of the committee unduly and I apologize, Mr. Chairman.

Mr. Spencer, amendments have been proposed to the amendment. Have you familiarized yourself with the intent of the amendments that are proposed to the amendment?

**MR. B. SPENCER:** As far as I am concerned, Mr. Orchard, yes. The amendments to the amendments, in my mind, are clarification to the original amendment.

**MR. D. ORCHARD:** And Mr. Spencer, would I take from that, that you have no objection to the amendments to the amendment being proceeded with?

**MR. B. SPENCER:** No I don't.

**MR. D. ORCHARD:** Mr. Spencer, Mr. Penner has indicated at an earlier date, and as matter of fact, I've lost my list of amendments - I gave them out this morning - that at some time later on in the hearing process, the phrase "significant demand" would be clarified by further amendment. Does the term "significant demand" in Section 23.7, in your estimation, need clarification?

**MR. B. SPENCER:** I would think so, yes.

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

**MR. R. DOERN:** Mr. Chairman, did Mr. Spencer say in his brief - he used the word "harmony" as I recall. Did you say that there was no harmony or little harmony in the past century in Manitoba?

**MR. B. SPENCER:** Yes, I alluded to that, yes I did.

**MR. R. DOERN:** Have you been living in Manitoba the past 20 or 30 years?

**MR. B. SPENCER:** I lived in Manitoba from 1946 to 1964 and for the last 10 years.

**MR. R. DOERN:** On what basis do you say there has been little or no harmony in our province?

**MR. B. SPENCER:** From time to time there's been problems, or problems brought to the front by Francophone Manitobans in the areas of education and now Mr. Forest took his case to court, and ultimately to the Supreme Court, so I would say that isn't a harmonious situation when people are taking issues to court.

**MR. R. DOERN:** So if a person disagrees or complains, you see that as a lack of harmony?

**MR. B. SPENCER:** Persistent, persistent disagreement, yes, I would.

**MR. R. DOERN:** Are you familiar with other ethnic organizations or associations demanding more language rights or more schools or more courses?

**MR. B. SPENCER:** Depending on your definition of familiarity.

**MR. R. DOERN:** Have you heard of other Ukrainian, German, Jewish organizations asking for more courses or programs in our school system?

**MR. B. SPENCER:** Yes.

**MR. R. DOERN:** And do you consider that a lack of harmony?

**MR. B. SPENCER:** No, I consider it a process where citizens gather together to gain something for their own interests and if that process is successful, they're to be congratulated. It's obviously what they're after.

**MR. R. DOERN:** And so how does that differ from the situation where certain Franco-Manitobans are asking for similar programs?

**MR. B. SPENCER:** I know of no people of Ukrainian or German background that have taken a case to court.

**MR. R. DOERN:** So you consider the line of demarcation to be a court case. If it's a court case, it's a lack of harmony, and if it isn't, it means there is harmony.

**MR. B. SPENCER:** Well any court case when two people disagree, they're obviously asking for a decision to be made and certainly there's one for and against and obviously there's a lack of agreement. They felt some need for it.

**MR. R. DOERN:** If two men step outside of a beer parlour and beat each other up, do you consider that harmonious because there's no court case?

**MR. CHAIRMAN:** Order please, order please. I have been concerned about this line of questioning for several questions, Mr. Doern, but to interrogate a witness on the use of the word "harmony" when the witness has already explained how he meant the word, goes beyond, I think, the limits that we described just earlier in terms of questions for clarification of the brief. The witness has answered the question in terms of how he meant the word to be used.

Questions for clarification that go to the length of five or six questions to define one word, in this case the word "harmony," hardly seems to fit in. I can appreciate it when we might ask a constitutional lawyer to define a word and it might be a word of some legal importance, but "harmony" doesn't appear to be one of those to your Chairman. I would ask you to pursue another line of questioning, please.

**MR. R. DOERN:** Just on the point of order, Mr. Chairman, I think this is a very . . .

**MR. CHAIRMAN:** I did not raise a point of order. I'm making a ruling, if you wish, that that line of questioning is out of order.

**MR. R. DOERN:** Well, then I will attempt to ask the question once more to get greater clarification. I speak partly to you and partly to Mr. Spencer.

Mr. Spencer has said something I consider a very serious allegation. He has suggested that there has been little or no harmony in Manitoba for the past century. I see no evidence of that. So I ask him if he could maybe make a statement of a few sentences as to what he sees as a lack of harmony in our province for the past century. I have taught here; I have lived here my entire life; I have not seen this lack of harmony. I have not seen clashes or disagreements among the various ethnic groups or between the Franco-Manitoban community and the rest of the population.

I want to know what evidence you have behind your statement that you see this disharmony in Manitoba for the past century. I would like you to justify that statement.

**MR. CHAIRMAN:** Mr. Doern, I advised Mr. Orchard that the use of the word, "to demand a justification," to ask someone to justify or prove a statement when they have come to the committee to express what they believe to be the case with respect to this amendment places a demand on the witness.

Now if Mr. Spencer cares to expand on his use of the word "harmony," I certainly from the Chair would not have any objections, but the tone of the question and the length of the question does not contribute to the business of this committee. Mr. Spencer, can you expand on the word at the request of Mr. Doern?

**MR. B. SPENCER:** Mr. Chairman, I won't expand on the use of the word. I will quote what I said. I did not say, the lack of harmony. I said, will bring harmony to the issue. I didn't say, there was any lack in the past. I said, it will bring harmony to the issue.

**MR. R. DOERN:** I see.

**MR. CHAIRMAN:** Further questions, Mr. Doern.

**MR. R. DOERN:** I will look at the transcript, and see what the witness said.

Mr. Chairman, my second question is simply this. Do you, Mr. Spencer, think that agreements are forever, or do you think that circumstances can sometimes modify, amend, change or alter agreements?

**MR. B. SPENCER:** When it comes to human rights, I believe they're forever.

**MR. R. DOERN:** But would you not say that the application of a principle, even if you believe in a principle and even if you and I probably agree on the same standard or the same principle, but don't you think that changing conditions - for example, if the Franco-Manitoban population doubled, you might double or triple services. If it declined, you might reduce services. Do you not see any connection between population and relative significance and the delivery of services?

**MR. B. SPENCER:** I suppose there's a case that could be argued for a relation to the change in population but, as I expressed before to Mr. Orchard, when our forefathers guaranteed a segment of the population certain rights and because the population diminished,



I don't think we as citizens have the right to take those away.

**MR. R. DOERN:** Are you familiar with the contention that those rights were, in fact, restored by the Supreme Court, or that this agreement goes far beyond the restoration of those rights?

**MR. B. SPENCER:** I realize that this amendment goes beyond The Manitoba Act of 1870, yes.

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

**MR. CHAIRMAN:** Further questions for Mr. Spencer from members of the committee?  
Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. One of Mr. Spencer's last statements prompted this question. Mr. Spencer, you said that you were concerned about taking rights away. If this proposal, this resolution that is presently being proposed, if it does not pass, would that take any rights away from the French-speaking people of Manitoba at the present time?

**MR. B. SPENCER:** Maybe I should clarify or rephrase what I said. Taking away rights, no. In my brief, I was wanting we, as Manitobans, to act more, do more on the issue than we have done in the past. No, I certainly don't believe that we are taking any rights away if the amendment doesn't pass.

**MR. H. GRAHAM:** No further questions.

**MR. CHAIRMAN:** Any further questions by members of the committee? Seeing none, Mr. Spencer, thank you very much for being here today and making your presentation.

**MR. B. SPENCER:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Gentlemen, before I call the next witness, the Clerk has received the resignations of Messrs. Uskiw and Desjardins. I understand their replacements are to be Messrs. Malinowski and Lecuyer. Can I have a motion to that effect? Is that agreed? (Agreed) Thank you.

The next person on our list is Mrs. Myrtle Lenton. Mrs. Lenton, please. Ernie Sloane, please. — (Interjection) — Oh, I have an Ernie on here.

Mr. Graham.

**MR. H. GRAHAM:** Can you clarify? We have a Mr. Bill Sloane on our list.

**MR. CHAIRMAN:** My list has been corrected by the Clerk. It reads, Mr. Ernie Sloane, and I believe this is Ernie Sloane.

**MR. E. SLOANE:** Mr. Chairman and members of the committee, I appear before you to express a personal opinion on the bilingual issue which I know is shared by many other people I have spoken to.

To start with, I think the question has been blown up out of all proportion. It can become a very emotional

issue, and I'm afraid it has been and is being exploited politically where there is no reason to do so, as the three political parties have all held power in Manitoba over the period since 1890 in which The Manitoba Act of 1890 has been proven to be void by the courts to do with the Forest case over a non-bilingual parking ticket. During the term of Sterling Lyon's Conservative Government - I'm sorry, that's included in that sentence.

Sterling Lyon's Government failed to carry out the court case requirements. Now they started on this case, and I believe they transferred nine documents. So they must have admitted that we were in error for not having carried out the original 1870 agreement, bilingual.

Here I wish to commend the present government's action they're taking on this, because there is no way out as I can see. I do this not politically. Regardless of which party would be in power, I would commend them on this act of moving ahead on the bilingual question.

On account of no action, we today have another court case pending known as the Bilodeau case. The case is challenging the failure of Manitoba to act more quickly. That, we find, is the reason the present government is moving ahead in this issue of bilingualism and in doing so have accepted the help of the Federal Government to share the expense and also allowing a reasonable period of time, nine years, to complete the transfer of documents into French.

The present government in accepting this help federally, I see nothing wrong by it whatsoever, otherwise it would just mean that much more provincial tax in this province. Our opposition to the bilingual issue wants us to allow the courts to decide on the Bilodeau case in which I can see no different decision by the courts than the Forest case decision. Now, should the Manitoba Government act in this manner and find the decision against us compelling bilingual rights across the province in all services other than the demand of majority in different regions as now proposed and then probably the failure of the Federal Government to assist financially, who is going to pay this extra cost? I ask the opposition, are they willing to pay the shot?

Also, the opposition of this new proposed bilingual issue is against the entrenchment of bilingual rights in the Constitution. If The Manitoba Act of 1890 is void, are we not already entrenched in the act of Manitoba joining Confederation as to bilingualism to do with the courts of law and the Legislature Assembly? As to the services, they will only be bilingual by a majority demand in such areas such as in the majority schooling of French language. By that I mean that in areas where you have schooling of French language it's definitely that the services will be requested such as ag reps and health nurses, such as that which I consider only an order.

Since the Rene Levesque Government of the Quebec Legislature brought in Bill 101 doing away with minority rights of the Anglophones and making French the official language of Quebec, have we not heard anything but discrimination for Bill 101 across Canada and especially in the west on this act?

Now, if we, as Manitobans, act in this manner of refusing minority rights of the Francophones in this province, are we not acting in the same manner? Do you, who oppose any form of bilingualism, want to come under this classification as the Rene Levesque and his associates for this type of legislation?

Please remember, when Manitoba joined Confederation with the agreement of bilingualism, French speaking were probably a majority here. That's taking in the Native people also, but at no time were English-speaking people in Quebec, other than a small minority.

I have one request to make to the Provincial Government of Manitoba in this regard to Bill 101 of Quebec - that we, in Manitoba, demand of the Federal Government to have Bill 101 of Quebec be rescinded so that in doing so bilingualism rights will be parallel or equal across Canada in the future.

Also, I'd like to add at this time that I believe all the Native people should have a right to retain their language first and be strongly advised or recommended to learn a second language whether it be French or English or both to suit the areas they live in so they can compete for work without having a language barrier.

And also, listening today, so much has been said about ethnic groups. I have all respect for the ethnic groups in Manitoba. Some of my best friends are of ethnic groups, but you cannot classify them as founding races of this country of Canada; I expect probably the early French settlers that come west maybe come 100 to 200 years ahead of any of those people coming to this country. I think they came here knowing, and they should have known, that this is a bilingual country with French and English, the given two languages, and they should accept that. I admire them retaining their language and customs for culture and I don't think in any way should they ever expect that their language should come to be used in public works.

In closing, by reading of the legislation of this kind, the Province of New Brunswick has had similar legislation as to what the Government of Manitoba is now proposing to bring in and which has been very successful. So please let us drop our petty differences and make a success of the future by accepting rules set up in 1870 for the two founding races that opened this country up and what we have today.

I thank you ever so much.

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

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman, through you to Mr. Sloane. I realize, Mr. Sloane, that

**MR. E. SLOANE:** Could you speak a little louder, please.

**MR. H. GRAHAM:** I realize, Mr. Sloane, that to some people it's quite difficult to come up and express their views quite openly to committee members and I hope that any questions we ask you, we're asking primarily to find out a little more about some of the suggestions you make.

You made a suggestion that the Province of Manitoba should go to the Province of Quebec and tell them to drop Bill 101, was that correct?

**MR. E. SLOANE:** No. I said to go to the Federal Government. The Federal Government surely is in control of this country as far as bilingualism, and I

honestly think that Bill 101 could have been rescinded by the Federal Government at the time it was brought in because it's not constitutional.

**MR. H. GRAHAM:** Well, Mr. Chairman, maybe Mr. Sloane has got me a little more confused. I thought you had said that we should urge Quebec to drop Bill 101, but you want the Federal Government to intervene - in Quebec to drop Bill 101, is that correct?

**MR. E. SLOANE:** Yes.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Sloane. Would you then suggest that the Federal Government should come into Manitoba and tell us what to do with bilingualism as well?

**MR. E. SLOANE:** The only thing that I would accept in that manner is that I feel that under our Constitution, The BNA Act or whatever it might be of 1870, this is federal issue, languages, and so if the courts decide against us, then I think that the Federal Government has the right to step in and maybe force us to live up to our agreement. That's my own personal opinion.

**MR. H. GRAHAM:** Well, thank you very much, Mr. Sloane, for your opinion on that. I believe it was just last night on the news that we heard the Premier of our province suggest to the Prime Minister that we wanted a "Made in Manitoba" form of bilingualism and he was not in favour of the Federal Government intervening in it. Would you support the stand of the Premier in that particular respect?

**MR. E. SLOANE:** Yes I would, but if our agreement, at anytime, didn't come up to the standard that it should be, then I think maybe the Federal Government can step in, but I don't want to see them interfere neither.

**MR. H. GRAHAM:** Thanks, through you to Mr. Sloane, who would you think should be in a position to judge whether or not we are living up to the standard that should be? Should that be the Federal Government, the courts, or the province, or who should make that decision?

**MR. E. SLOANE:** I think the courts would have to do that. They're supposed to be the non-biased group of people we have appointed.

**MR. H. GRAHAM:** Mr. Chairman, I believe Mr. Sloane said earlier that we should start living up to the agreement of 1870. Were you aware, Mr. Sloane, that in 1980 the province did that with Bill No. 2 in the Province of Manitoba?

**MR. E. SLOANE:** Could you repeat the last sentence, please?

**MR. H. GRAHAM:** Were you aware that the Province of Manitoba did that with the passage of Bill No. 2 in 1980?

**MR. E. SLOANE:** I know there was a change made, but I'm not too well versed. That was to do with language, was it not, schooling?

**MR. H. GRAHAM:** Well, Mr. Chairman, I believe that it was done to honour the decision of the Supreme Court that ruled that The Official Languages Act of 1890 was invalid, and that Section 23 of The Manitoba Act that was passed in 1870, was the rule in force and the province at that time agreed and passed Bill No. 2. Were you aware of that?

**MR. E. SLOANE:** Well I'm sorry, I'm not hearing properly. I was aware that The Manitoba Act of 1890 was void. I mentioned that in my brief. After the decision the court came out with in 1979, 1980, this was, you might say, repealed back to the 1870 agreement. Is that an answer? I'm sorry, I'm not hearing you.

**MR. H. GRAHAM:** Well, Mr. Chairman, perhaps I didn't word it quite correctly. When the Supreme Court handed down their decision of 1979 which, in the Forest case, nullified The Official Languages Act of 1890, which said that English was the only official language in Manitoba. The Province of Manitoba passed an act in 1980, which reaffirmed Section 23 of The Manitoba Act and said the province agreed that was the correct way to proceed and started to translate the statutes and agreed that was the proper way to go. I raise that only because you had previously, in your remarks, said that you had seen no evidence of any move, other than the present move, to bring that to its fruition.

**MR. E. SLOANE:** No, I'm sorry. I said that they had started to move and they transferred, I think, nine documents only and they seemed to be reluctant to go ahead. I don't know whether it was because there was an election pending and our province is what you call anti-French and they wanted the vote - I can't tell you - but it appeared that way to me. They certainly were not opposed in doing this by the opposition - the NDP opposition supported them in every way to go ahead.

**MR. H. GRAHAM:** That is correct Mr. Sloane. Mr. Sloane, in your first opening statements, I believe you said that you didn't like to see this issue used for partisan political purposes.

**MR. E. SLOANE:** Right.

**MR. H. GRAHAM:** Could you further elaborate on what you meant by that term?

**MR. E. SLOANE:** Well right now it appears we'll go to the Legislature first. It appears there's a line drawn strictly between the government and the opposition as to this. I think we only have one man, sitting on the end there, that has walked across to the other side of the House on this question. It looks like the opposition - it's done politically only, otherwise why did Mr. Sterling Lyon ever make a move and transfer nine documents and not continue on? He must have admitted that we were in the wrong.

**MR. H. GRAHAM:** Mr. Chairman, I realize that questions to members are sometimes accepted or sometimes rhetorical as the Attorney-General states.

**MR. CHAIRMAN:** I consider all questions asked by witnesses to members to be rhetorical.

**MR. H. GRAHAM:** Mr. Chairman, at the same time, the fact remains that Manitoba did start the translation of statutes and we realize it's a long process. This present agreement, if it is passed, would give us another 10 years to do 400. If nine were passed in one year, and we've got 10 years to do 400, are we making progress in that respect?

**MR. E. SLOANE:** Well, I just don't know really how to answer you. All I can say, that they will have to work a lot faster to move 400 in 10 years than moving nine in one year, or whatever the period was.

**MR. H. GRAHAM:** Mr. Chairman, would Mr. Sloane agree that it's impossible to translate them unless you have qualified people in place and it takes time to get qualified people to do that? Would that be a reasonable explanation?

**MR. E. SLOANE:** I agree that they'll have to have qualified people. That's all I can tell you. I don't know how many they can get.

**MR. H. GRAHAM:** Mr. Chairman, I want to thank Mr. Sloane for his very forthright answers to questions, and I think he has answered some of the questions that I have about the brief that he has presented to us.

**MR. CHAIRMAN:** Thank you, Mr. Graham. Further questions from members? Seeing none, Mr. Sloane, thank you very much for your presentation this afternoon.

**MR. E. SLOANE:** Thanks ever so much.

**MR. CHAIRMAN:** Mr. Ted Dodd. Mr. Dodd please.

**MR. T. DODD:** This brief was written by the Reverend Bill Hickerson, the Executive Secretary of the Manitoba and Northwestern Ontario Conference of the United Church of Canada, and as a member of that conference staff, I was happy to agree to make this presentation on his behalf. He's in Toronto and unable to be here today.

Indeed I make this presentation on behalf of the United Church of Canada and we wish to place before the hearings this church's support for the proposed amendments to ensure French language rights in the Province of Manitoba. As a national church, we have recorded our judgment that such rights ought to be guaranteed and that access to services in the French language can be provided by provincial authority. At the most recent sessions of the General Council, which was held in August of 1982 in Montreal, and the next session of the General Council to be held in Morden in August of 1984, in this very building, an official statement was approved and I've appended a copy of that statement to the end of your briefs. It addresses the question of language rights for French and English minority peoples in Quebec, Ontario and the Maritime provinces. Particular, but not exclusive attention is given to rights to education in the language of these minority groups. By inference and by specific reference, it supports the right of access to health, social and legal services in the language of these minorities. While the

Province of Manitoba is not specifically named, the principles must be seen as relevant to this province as well as to others.

We further support the proposed amendments which would make practical our commitment to a multilingual world society. In our experience of the global community, we know that the diversity of tongues is not a divisive, but rather an enriching fact. The Sixth Assembly of the World Council of Churches, which was held in Vancouver this last summer in July to August, was conducted in seven languages, and through simultaneous translation was accessible to all participants. One was made aware of the significance of language as a vehicle for transmitting history. Even though much was done to permit communication in these seven languages, for many participants the "mother tongue" was not one of the seven.

The persons from the African continent and from the sub-continent of Asia had, without exception, to address the assembly in the language of current or past colonial empires. To be required to speak in the language of an oppressive people is a painful and continual reminder of servitude. To be permitted to conduct communication in one's "mother tongue" is liberating. For the citizens of Manitoba whose mother tongue is French, to be denied the right to speak and to be addressed in that language is more than a matter of inconvenience. It is a reminder of subjugation.

In supporting the proposed amendments then, we record our belief that this is a matter of right; that it is practicable; and that it will serve to rectify an injustice committed in time past and perpetuated by inaction.

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

Mr. Doern.

**MR. R. DOERN:** Just one question on your second page of your brief, the section you just read about being able to speak in one's "mother tongue" is liberating and so on and so on. Does this not apply to people of Ukrainian, German, Polish, Icelandic extraction as well?

**MR. T. DODD:** Yes, it does.

**MR. R. DOERN:** So then what is the major difference here? You're singling out the French community, but if your main point is that the right to speak in your own language is a liberating experience, then isn't this the same experience for any ethnic group?

**MR. T. DODD:** Yes indeed, it is a liberating experience to speak in your native tongue. I think, without trapping myself, the difference would be in history in the sense that the two founding nations of our country, and the history too of the injustice of the province being founded as having two official languages and that being turned around by the legislation in 1890, and subsequently being ruled ultra vires.

**MR. R. DOERN:** Mr. Chairman, "In 1870, a breakdown of the Red River Settlement" - I'm looking at a history book here of the nation and province which is used in our high schools - gave the census as follows, and I'm

reading, "Indians, 558; Metis, 5,757; English half-breeds, 4,083; so-called white people, 1,565 . . . "

**MR. CHAIRMAN:** Order please. The purpose of questions is to clarify information provided in the brief. The member is introducing additional information as part of the discussion. This is not a debate. Questions are for clarification only.

Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, my question is this. In 1870, it seems to me that all the people of the Settlement were involved, and that their representatives, in fact, reflected the entire community. Should not, therefore, in the amendments of 1983 all Manitobans from every walk of life have an involvement and be involved in the constitutional process, as opposed to one particular group?

**MR. T. DODD:** I guess I'm having difficulty answering some of the specifics of that question in the sense that I'm speaking out of the general Council statement that was made in 1982, and it doesn't address specifically the Manitoba situation.

I think that the support that our church feels for the French-speaking peoples is one of desire to join in their struggle for liberation. I would be prepared to see support for all linguistic groups, and would applaud that.

**MR. R. DOERN:** Let me just rephrase that in another way. Wouldn't you agree that, for a constitutional amendment, there should be widespread public support?

**MR. T. DODD:** In general, yes. I think that the best basis for making a constitutional amendment is whether it's right or not, not on the basis of whether the democracy has voted or that's the political whim of the day. I think right is the basis that we should make decisions on.

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

**MR. CHAIRMAN:** Mrs. Oleson.

**MRS. C. OLESON:** Mr. Dodd, I'm wondering, was this brief brought before this committee as the result of discussions at the local level within the United Church within Manitoba?

**MR. CHAIRMAN:** Mr. Dodd.

**MR. T. DODD:** The history of the brief is such that - you see the General Council statement. In our church, there is a conciliary system, a structure that we believe in, the priesthood of all believers; that each person has a right for their say, and it's not a hierarchical system. In fact, we take very seriously that laypersons and clergy all are involved in decision-making. Over and against that position, there is also a history in scripture and in our faith that prophets have a right to speak against injustice and oppression, particularly when they have to do with minority groups.

This issue was discussed - not this specific issue, but the issue of French-English relations was discussed

at many General Councils. In specific, the statement that I gave you appended to Mr. Hickerson's brief is a statement from the 1982 General Council. The General Council of our church has representatives from each presbytery and each conference within our church.

Our decision in discussing whether we would make a brief to this committee was one of whether we had a right to say anything, because our structures had not met and had not had a chance to discuss the specific amendments to the Constitution that are proposed by the government. Our decision was whether silence is golden, or silence is sinful. We came to the conclusion that to be silent on this issue was to be sinful.

**MRS. C. OLESON:** Thank you. I'm not questioning your right to be here. I am just wondering if this was - for instance, you represent a parish in this area?

**MR. T. DODD:** No. I am a member of the Conference Staff of Manitoba and Northwestern Ontario. I'm a clergyman.

**MRS. C. OLESON:** Yes, but you didn't, for instance, circulate this amongst a group of parishioners and they said, yes, that's great. You present that to the committee. This is not a local . . .

**MR. T. DODD:** No, this brief will be presented at a council of our conference, which will be meeting next week, and we live in hope that they will approve our action.

**MRS. C. OLESON:** In other words, you're getting ratification after the fact?

**MR. T. DODD:** Yes.

**MRS. C. OLESON:** Thank you.

**MR. CHAIRMAN:** Mr. Brown.

**MR. A. BROWN:** Thank you, Mr. Chairman. My question to Mr. Dodd is, and I would like to quote from the beginning of his presentation in which he says: "We wish to place before the hearings of this church support for the proposed amendments to restore French language rights in the Province of Manitoba." My question to him . . .

**MR. CHAIRMAN:** On a point of order, Mr. Brown. I may be of assistance with regard to your question. I noted when the brief was read, the word "restore" had substituted therefor the word "ensure." The brief as it is typed was not how it was read. I noted that and made the correction on my copy. That may be of some assistance.

Mr. Brown.

**MR. A. BROWN:** Well, Mr. Chairman, whether it is "ensure" or whether it is "restore" really is irrelevant. The fact of the matter is this, that in 1979, because of a judgment of the Supreme Court, the rights have been restored of French language rights in Manitoba as they were defined in 1870 in The Manitoba Act in Section 23. Are you asking for further rights than what was in The Manitoba Act of 1870?

**MR. T. DODD:** I prefer again to repeat the comment that I said that I found it difficult to answer specifics because of the situation of ratifying after we're here. We felt that we wanted to present the moral issues and the ethical issues before this committee and that I did indeed substitute the word "ensure" in the sense that we applauded the direction that the government was taking.

**MR. A. BROWN:** Further on in the same paragraph, and I quote again: "It addresses the question of language rights for French and English minority peoples in Quebec, Ontario and the Maritime provinces. Particular, but not exclusive, attention is given to rights to education in the language of these minority groups." Now, I take it that you are speaking of the French as a minority group whether it be in Manitoba, or the English as a minority group whether it be in Quebec. I don't know if you're aware that in Manitoba at the present time we have about 8 percent are French-speaking Manitobans; 37 percent are Anglo-Saxons, which gives you a total of 45 percent; 55 percent of the other population in Manitoba are made up of other minorities of which the Native people make up a fair percentage of that particular group, yet you do not make mention of any of the other minorities when we have 55 percent other minorities in Manitoba.

My question is this to you, do you have no concern for these other minorities, because you make no mention of them?

**MR. T. DODD:** My understanding that this was to do with the French Language Services, and we do of course have concern for other minorities, Mr. Brown.

**MR. A. BROWN:** That's it. Thank you.

**MR. CHAIRMAN:** Further questions?  
Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Dodd. On the very first page, I believe the second sentence you state as a national church we have recorded a judgment that such rights ought to be guaranteed, and here I presume you mean constitutionally, and that access to services in the French language can be provided by provincial authority. That seems to be somewhat at odds with the proposal that is before us which seems to be entrenching in Constitution service rights. Could you give me further elaboration of what you mean by access to services in the French language can be provided by provincial authority?

**MR. T. DODD:** Yes, I think that would refer to the French Language Services that can be provided within government institutions and the provincial courts, and that indeed the Provincial Government can take action to ensure French Language Services within our province.

**MR. H. GRAHAM:** Then basically - I'm going to ask you because I wouldn't want to be accused of putting words in your mouth - you have indicated that they think rights should be enshrined in the Constitution?

Are you also in favour of services being enshrined in the Constitution?

**MR. T. DODD:** I would prefer to think about that rather than answer that now.

**MR. H. GRAHAM:** Pardon?

**MR. T. DODD:** I'm not sure where we would stand on that about entrenching services in the Constitution.

**MR. H. GRAHAM:** Are you aware, Mr. Dodd, that the proposal that is before us, while it does entrench rights, the major portion of it deals with services?

**MR. T. DODD:** Yes.

**MR. H. GRAHAM:** But the paper that you have presented here, you are in favour of the direction that the province is going at the present time, even though it takes away from the provincial authority the guarantees of services?

**MR. T. DODD:** Could you repeat the question, please?

**MR. H. GRAHAM:** I believe that you say you are supporting the proposed amendments even though it takes away some of the services from the provincial authority by entrenching it in a Constitutional authority.

**MR. T. DODD:** Oh, I see, okay. I'm not sure where we would stand on that, I'm sorry.

**MR. H. GRAHAM:** Thank you very much.

**MR. CHAIRMAN:** Further questions by members of the committee? Seeing none, I would ask leave of the committee for the Chair to ask a couple of questions. Does the Chair have leave? Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, I would suggest that you get someone to take the Chair.

**MR. CHAIRMAN:** Mr. Graham, would you take the Chair, please.

**MR. H. GRAHAM:** I would prefer you get someone else. I may want to challenge you.

**MR. CHAIRMAN:** Mr. Malinowski, would you take the Chair, please?

**MR. DEPUTY CHAIRMAN, D. Malinowski:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Dodd, Mrs. Oleson's question raised a serious concern in my mind about the status of your brief with regard to the fact that it had not received the official approval of the organization for which you are a staff person and Reverend Hickerson also. Can I ask if you and Reverend Hickerson are fully assured in your own minds that your brief accurately represents the position taken by the national organization as it would apply in Manitoba at last year's national council?

**MR. T. DODD:** Yes, I would, indeed, and I would refer to the appended brief, the second page of it, the first full paragraph, the last two sentences: "There are other provinces like Manitoba and Saskatchewan that have significant Francophone population striving for more access to services and education in French. Though this statement does not address those situations, the Church should likewise be prepared to support them in their struggle."

**MR. A. ANSTETT:** That statement, just for clarification, does not then address the question of whether or not the church believes those rights, and Mr. Graham pursued this with you to some extent, should be entrenched or just be provided as a courtesy by government. Could you advise me whether or not you have, from any other documentation or elsewhere in that statement, any information as to whether or not your church's national body would consider the provision of services to the Francophone Manitoba minority to be a courtesy or a right which should be entrenched within The Manitoba Act?

**MR. T. DODD:** My feeling would be that we would feel strongly enough that it should be entrenched, that it should be legislated in some meaningful way.

**MR. A. ANSTETT:** Mr. Dodd, one last question. Do you have any reason to believe, do you think there's even the slightest possibility that in view of this national position and in view of your position in terms of understanding the feelings of those who will be attending your Manitoba and Northwestern Ontario Conference next week, do you consider there to be the slightest possibility that they would, in any way, reject the national council position taken last August or in any way repudiate the brief you've presented here today?

**MR. T. DODD:** No.

**MR. A. ANSTETT:** Thank you.

**MR. CHAIRMAN, A. Anstett:** Any further questions for Mr. Dodd.  
Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Following on the questions that you had asked of Mr. Dodd, Mr. Dodd, was it true that the Council last August was dealing not with constitutional law but dealing mainly with the Quebec Referendum, which was a provincial thing and had nothing to do with the Constitution at all, it was a provincial issue?

**MR. T. DODD:** The Referendum was over by August, '82, is my understanding of history.

**MR. H. GRAHAM:** Fair enough. I just wanted to know if he understood it was not a constitutional thing, it was a provincial issue.

**MR. T. DODD:** Yes, it was a provincial issue, and it did not refer to the Constitution.

**MR. H. GRAHAM:** Fair enough.

**MR. CHAIRMAN:** Further questions? Seeing none, Mr. Dodd, thank you very much for being here, and making a presentation on behalf of your organization.

Reeve Albert St. Hilaire, Rural Municipality of Montcalm. Reeve St. Hilaire, please. Reeve St. Hilaire, will you be making your presentation in English or in French?

**MR. A. ST. HILAIRE:** Mr. Chairman, being that Canada is a bilingual country, my brief is in both languages. If I may, I would like to make the presentation of my brief in both languages.

**MR. CHAIRMAN:** Okay. Could I ask then for a brief recess so that any members of the audience who are not familiar with the French language, who would like to receive a radio receiver so that they can understand any of the French translation can pick up one from the technician? Could you wait just one moment?

**MR. A. ST. HILAIRE:** But also, Mr. Chairman, I will read my brief also in English, in both languages.

**MR. CHAIRMAN:** That's fine, but people may wish to listen to it in French as well.

If there's anyone who did not get a receiver this morning or would like one now, please pick it up from the technician. We'll start as soon as there's no line-up at the technician's desk.

### (SHORT RECESS)

**MR. CHAIRMAN:** I would ask everyone to take their seats again, please. I'll call the committee to order as soon as the members have returned to their seats.

Committee, come to order. Reeve St. Hilaire, will you proceed please?

**MR. A. ST. HILAIRE:** Mr. Chairman, hearings on the proposed amendments to the Constitution of Manitoba, September 22, 1983.

Mr. Chairman, members of the committee, I, Albert St. Hilaire, Reeve of the Rural Municipality of Montcalm have been delegated by my municipal council to present a brief on the proposed amendment to the Constitution of Manitoba. I wish to address this committee on the subject at hand.

As municipal officials, we have examined the situation carefully and not in the light of distorted facts, wild fits of imagination and impending future chaos. We have received invitations from organizations and individuals in this room to present our views and opinions. The views I am to express will not be of those who would want to use municipalities as centres of discord and prophets of gloom and doom.

Last year, the Rural Municipality of Montcalm celebrated 100 years of incorporation. I will state some of the facts about the history of this area. The majority of the population in the Rural Municipality of Montcalm has always been French-speaking. We, as many others, have struggled to arrive where we are today, and are proud of it. In the beginning, one would have been hard pressed to find a few non-French-speaking families. Today the great majority, 67 percent, are still French-speaking. This was not an accident of history. It was by design.

Most French-speaking families in the R.M. of Montcalm today trace their ancestors back to New England, more specifically the States of Rhode Island and Massachusetts. These people had originally come from Quebec, of course, and you may wonder how today they ever managed to end up in Manitoba. The answer is simple. They were told, after The Manitoba Act of 1870, they would be free to practise their religion and have their children educated in their own language, given the fact that 12 of the 24 MLAs in the Legislature were French-speaking. Added to this, they were able to leave behind the depression-ridden mill towns of New England, and make a fresh new start in a new province.

Today we are speaking on an amendment to Article 23 of The Manitoba Act of 1870. The government of today is aware that governments of Manitoba since 1890 have been breaking the law. They do not wish to continue in this path, and rightfully so. For this, they are to be congratulated.

The agreement is not perfect. No agreement is. However, it is a workable agreement that can serve to address the injustice of 1890. This agreement offers services, rather than a needless translation of some 4,000 statutes. This I call practical and pure common sense.

There are some who fear entrenchment on the grounds that the powers of legislation are removed from the Legislature and given to the courts. Experience has taught minorities to trust the courts more than Legislatures. From our part, I would rather place my rights as a member of a linguistic minority in the hands of a Legislature who, at times in the past, but hopefully not in the future, have been whipped up into a frenzy based on intolerance and some misguided sense of superiority, or groundless fears.

In any event, legislators can still amend this agreement in the future if it proves to be unsatisfactory. We all know that legislators can amend a constitution when both levels of government agree as to the need for changes.

Insofar as the effects of this proposed agreement on municipalities, I fail to understand the fears expressed by some municipal officials. The wording is clear - municipalities are excluded. Yet, there are some who persist to say, or wrongly believe, that somewhere, somehow, there is a plot to encourage underground currents of disguised bilingualism. I suspect that there are some who oppose any amendments to Article 23 or French Language Services for that matter.

There are probably some who believe in a sinister plot to make Canada a French state, and Manitoba a French province. Contradictions are plentiful; some opponents to the proposed agreement say that it is not needed because there are too few French-speaking Manitobans; other opponents fearing this minority would have the gall to take over. From our part, this is more than a contradiction as it is ridiculous, and I would hope that these opponents would get their act together once and for all.

The R.M. of Montcalm, like a few others, has been offering services in English to its population for much longer than I can remember, and yet we have not experienced any chaos. The majority did not offer these services as a matter of courtesy, rather they were offered because the minority has a right to be served by its municipality in the official language of its choice.

The R.M. of Montcalm is within the area designated as being an area where the province will offer services in the two official languages of Canada. We are, of course, grateful that higher levels of government will contribute financial assistance to those municipalities who wish to offer services in both languages to its residents.

I cannot help but make a brief reference to the call for a referendum. There are some who say that if we can have a referendum on the nuclear question, we can also have one on amendment to Article 23. These people miss the boat on a number of points. The nuclear issue is one which concerns all of humanity. A referendum in Winnipeg, and elsewhere, on nuclear disarmament would only be an expression of opinion and, therefore, not solve the issue. Given the mood in Manitoba at the present time, I fear that the majority will not be willing to extend services to the minority. As such, it would become more than expression of an opinion, this would become an enormous pressure on provincial politicians to abide by the so-called expressed wishes of the people.

In a democratic society it is fair play to ask a majority of almost 95 percent to decide the fate of a minority of 5 percent? The only way a group can make its views known in the referendum process is by the sheer force of numbers. Had the Americans put the rights of its black people to a vote in the 1860s and later, I have a sneaking suspicion that these rights would have been voted down.

Legislators are expected to make decisions, and in so doing protect those who, by their lack of numbers, need help. Let us not advocate that rights be decided by frightful debates, and ensure that Manitoba becomes a sore spot in the eyes of our fellow Canadians. If we are going to play around with a referendum I strongly suggest that we might want to put taxes to a referendum and, for that matter, a large majority of Manitobans would definitely vote against paying taxes.

I say to you, not only Manitoba is watching, Canada is also. We can set an example and show that injustices of the past can be corrected. People will admire a government that can stand up and say, "This agreement may not at this time receive the approval of all, but we feel that it is the best solution available to an old and complicated problem."

As a person I have been involved in municipal politics for 19 years, I close with the following message:

For a politician, there are things worse than the possibility of losing votes; they are the loss of respect, the loss of faith, and the creation of an impression that one is out to satisfy the wishes of those who scream the loudest, no matter what the issue is and what the consequences may be. As Canadians, let us make a fair and rational decision on this issue.

At this time, Mr. Chairman, I would like to read the French portion of my brief, which is basically the same wording.

Audiences publiques étudiant les amendements proposés à l'Acte du Manitoba, le 22 Septembre, 1983.

Monsieur le président, membres du comité:

Je suis Albert St. Hilaire, Préfet de la Municipalité Rurale de Montcalm, et je me présente devant vous aujourd'hui au nom de cette même municipalité.

En étant responsables des affaires de notre municipalité, nous avons étudié profondément le sujet en question, non pas dans un climat de peur, de fausses informations, et de prédictions de désordre à venir. Certains individus et organisations nous ont invités à présenter nos idées sur le sujet discuté ici aujourd'hui. Je crains que ces mêmes personnes, qui voudraient se servir de nous comme prophètes de malheur et messagers querelleurs, seront déçus.

L'an dernier, la Municipalité Rurale de Montcalm a célébré le 100<sup>e</sup> anniversaire de sa fondation. Permettez-moi de vous présenter quelques faits saillants. La majorité des résidents de Montcalm a toujours été de la langue française. Nous, comme beaucoup d'autres, avons lutté fort et longtemps pour en arriver là où nous sommes aujourd'hui.

Au début, il aurait été difficile de trouver une famille qui n'était pas de la langue française. Présentement, 60 pour cent de notre population est de langue française. Ce phénomène ne fut pas accidentel, il fut planifié. La plupart des familles de la langue française habitant Montcalm aujourd'hui, trouvent leurs ancêtres en Nouvelle Angleterre, et plus spécifiquement dans les États du Rhode Island et le Massachusetts.

Ces gens avaient auparavant habité le Québec et nous pouvons bien nous demander comment ils se sont retrouvés ici au Manitoba. La réponse est simple. Il leur a été dit que suite à l'Acte du Manitoba de 1870, ils seraient garantis de leurs droits religieux et d'éducation, et ce, dans leur langue. En plus, ils seraient en mesure de communiquer en français avec plusieurs de leurs députés étant donné qu'à ce temps-là, 12 des 24 députés étaient de la langue française. De plus, ils pouvaient laisser en arrière la récession et les usines de la Nouvelle Angleterre et recommencer à nouveau dans une nouvelle province.

Aujourd'hui, nous discutons des amendements proposés à l'article 23 et l'Acte du Manitoba. Le gouvernement actuel est conscient du fait que les gouvernements du passé ont brisé la loi. Il ne veut pas propager l'injustice et pour cela je le félicite. L'accord proposé n'est pas parfait. Cependant, ce qui est proposé est valable et défendable et redresse en bonne partie les injustices du passé. L'accord proposé offre des services et non pas la traduction inutile de quelque 4 000 projets de loi. L'accord est pratiqué et est basé sur "le good old common sense".

Il y en a qui ont peur de l'enchâssement des services en français et qui disent que cela enlève des pouvoirs à la Législature pour le redonner aux cours de justice. Alors qu'il soit ainsi, car pour ma part, les droits des minorités ont été mal servis par cette Législature et je préfère, en tant que membre d'une minorité laisser mes droits dans les mains de ceux dont le devoir est de faire justice plutôt que de me voir dans la miséricorde de ceux qui par le passé, et j'espère non pas dans l'avenir, se sont laissés guider par les sentiments de l'intolérance, des peurs inventées et un sens pervers de la supériorité.

De toute façon, nos législateurs peuvent toujours amender la constitution si elle se démontre insatisfaisante, à condition que les deux niveaux supérieurs de gouvernements soient d'accord et que des changements sont nécessaires.

Pour ce qui sont des inquiétudes de certaines municipalités, je ne comprend pas vraiment d'où qu'ils



viennent. Le texte est précis; les municipalités sont exclues. Mais, il y a toujours ceux qui, faute de meilleurs, avancent l'idée qu'il existe un complot en quelque part pour encourager autre de ce qui est proposé présentement. Je crois qu'il serait juste de dire qu'il y en a qui s'opposeraient à cet accord, peu importe son contenu.

Il y en a d'autres qui croient dans le grand complot qui voudrait faire du Canada un pays français et du Manitoba une province française. Voilà une contradiction s'il y en a une. D'une part, les francophones sont trop peu nombreux pour se mériter des services en français et d'une autre part, ils seraient capables de contempler une prise du pouvoir. Pour ma part, ces idées frisent le ridicule et pour une fois, j'aimerais voir ces opposants mettre leurs idées en ordre.

Montcalm, comme certaines autres municipalités, offre des services en anglais depuis aussi longtemps que je peux me souvenir. Pourtant, ce n'est pas le chaos qui règne chez nous. La majorité francophone n'a pas offert ces services à titre de courtoisie mais a choisi de reconnaître que les électeurs minoritaires mais de langue officielle ont le droit d'être servi dans leur langue par leur gouvernement municipal.

La Municipalité Rurale de Montcalm à l'intérieur des régions qui seraient affectées par les propositions de cette accord. De plus, nous pouvions bénéficier de certains octrois accordés par les niveaux gouvernementaux supérieurs afin que nous puissions offrir des meilleurs services. Pour cela, nous sommes reconnaissants. Dans Montcalm, nous faisons plus que cela; nous offrons déjà des services dans la langue de notre minorité.

Je ne peux pas m'empêcher de parler de ceux qui demande un référendum. Ils disent que si on peut avoir un référendum sur la question nucléaire, pourquoi pas sur la question des services en français. Ils ont manqué le bateau. La question nucléaire en est une qui concerne toute l'humanité et le référendum à Winnipeg n'apportera pas une solution à la question. Cependant, les gens auront l'occasion d'exprimer une opinion. Étant données les fausses informations qui circulent sur cette question, ainsi que le manque d'informations, je crains qu'un référendum sur cette question aurait comme résultat de nier une fois de plus des droits à la minorité de langue officielle du pays.

Dans une société démocratique, est-il juste de demander à 95 pour cent de la population si elle voudrait bien décider du sort d'une minorité de 5 pour cent? Lors d'un référendum, c'est la force des nombres qui décide - rien d'autre. Durant les années 1860 et par la suite, si les Américains avaient poussé l'idée d'un référendum pour décider du sort de la minorité noire, j'ai ce drôle de pressentiment que le référendum aurait été négatif.

C'est le devoir des législateurs de prendre des décisions en ce faisant, protéger ceux qui ont besoin d'être protégés parce qu'ils sont peu nombreux. Ne laissons pas les droits d'une minorité être décidés suite à des débats virulents assurant une place néfaste pour les Manitobains dans les yeux des Canadiens. Si nous voulons vraiment jouer au référendum, ayons en un sur la volonté des Manitobains de payer leurs taxes annuelles.

Ce n'est pas seulement le Manitoba qui vous regarde; c'est le Canada entier. Nous pouvons donner l'exemple

et démontrer que les injustices du passé peuvent être corrigées. Les gens auront de l'admiration pour un gouvernement qui peut se tenir debout et dire: "Cet accord ne plaît pas à tout ce monde présentement, mais c'est la meilleure solution que nous avons pour disposer d'un problème compliqué et de longue date.

À titre de personne impliquée dans la politique municipale depuis 19 ans, je vous laisse avec le message suivant:

Pour un politicien, il y a chose pire que la possibilité de perdre des votes; c'est la perte du respect; la perte de confiance et de créer l'impression que les opinions qui sont les plus écoutées sont ceux qui sont nécessairement les plus bruyantes, peu importe le sujet en question et les conséquences. Comme Canadiens, efforçons-nous de rendre une décision juste et rationnelle sur la question.

Merci. Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Reeve St. Hilaire. Questions for Reeve St. Hilaire.

Mr. Lecuyer.

**MR. G. LECUYER:** Merci, M. le président. M. St. Hilaire, à la page 2 de votre bref, au 3e paragraphe dans la version française, vous dites: "en tant que membre d'une minorité, laisser mes droits dans les mains de ceux dont le devoir est de faire justice plutôt que de voir à la miséricorde de ceux qui part le passé . . . "ainsi de suite.

In the English version, Mr. St. Hilaire, I think there has been a word left out or a mistranslation, or a typing error, and would you not agree that in the equivalent paragraph in the sentence "Experience has taught minorities to trust the courts more than Legislatures, for my part I would rather . . . "Would you agree the word "not" is to be placed right after "rather"? Rather "not" place, if you were going to have the same translation as you have in French?

**MR. A. ST. HILAIRE:** Well, Mr. Chairman, Mr. Lecuyer, to answer to your questions, this brief was typed yesterday, it was done very quickly, and being that our Assistant Secretary-Treasurer is on holidays at the present time, we had to get somebody in to do the typing and I do admit there's a few errors in my brief.

**MR. G. LECUYER:** Thank you, Mr. Chairman. M. St. Hilaire alors pour dire ce que vous vouliez dire dans le paragraphe en français, vous êtes d'accord qu'il y a un mot là qui a été laissé tombé.

**MR. A. ST. HILAIRE:** Oui.

**MR. G. LECUYER:** Merci. Autres questions M. St. Hilaire.

M. St. Hilaire, you state to have consulted with the members of your municipal council in presenting this brief. Can I ask you if there are English-speaking members on your council?

**MR. A. ST. HILAIRE:** To answer your question, my municipal council is composed of two municipal councillors who are not of French descent, or not speaking French.

**MR. G. LECUYER:** Thank you. Have they also approved of this brief?

**MR. A. ST. HILAIRE:** This is a question that is very easy to answer. The first time around when I did ask my municipal council if they would give the authorization to a committee to come up with a brief to be presented to this commission, that resolution was approved unanimously with the understanding that the brief would be read at the next municipal council meeting and this, again, the content of this brief was approved unanimously by my municipal council.

**MR. G. LECUYER:** Thank you. M. St. Hilaire, would you agree that your municipality probably mirrors the reverse of most other municipalities of Manitoba, and yet you state that your municipality has always, in the past, as far as you remember, offered services in English. The fact that it has done so, and the fact that it also offers services in French, in your 19 years of experience on the municipal council, have you seen that as having created animosity and chaos in your municipality?

**MR. A. ST. HILAIRE:** Mr. Chairman, to answer your question, Mr. Lecuyer, I can very safely say that in my 19 years of experience on a municipal council it has never, never created any problems and, as far as I know, going back many years beyond that, never created any problems either.

**MR. G. LECUYER:** Merci, M. le president.

**MR. CHAIRMAN:** Mr. Brown.

**MR. A. BROWN:** Thank you, Mr. Chairman. I would like to say to Mr. St. Hilaire that I thank him for presenting this brief. I must say that Mr. St. Hilaire has acted as my personal adviser on many, many occasions when problems have arisen within the area and I would say that those problems have really not been on bilingual issues. I respect his judgment very much, however, I must say that I was sitting here with a certain amount of apprehension and wondering what his brief was going to be about this afternoon. I would just like to let everybody know that there is nothing in his brief that I disagree with.

When he said, and I quote on Page 2, "for my part, I would rather place my rights as a member of the linguistic minority in the hands of a Legislature who, at times in the past, but hopefully not in the future, have been whipped up into a frenzy based on intolerance and some misguided sense of superiority, or groundless fears." But nevertheless, he says that he would rather place his . . .

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

**HON. R. PENNER:** On a point of order, there was a correction to that. Mr. Lecuyer pointed out to Mr. St. Hilaire that the crucial word "not" had been dropped from the French to the English translation so that, in fact, the English portion reads "I'd rather not place my rights as a member of the linguistic minority in the hands of a Legislature . . ." "I'm wondering if Mr. Brown would still agree with Mr. St. Hilaire.

**MR. CHAIRMAN:** Further discussion on the point of order? No further discussion. As Chair, I can confirm, Mr. Brown, that that discussion did take place between Mr. Lecuyer and Mr. St. Hilaire.

Please proceed, Mr. Brown.

**MR. A. BROWN:** I apologize. I missed the translation of that particular portion of that. Is that right, Mr. St. Hilaire, that you would rather have the courts decide than the Legislature?

**MR. A. ST. HILAIRE:** Like I said, I would rather not. This is what was meant to say. It's an error that came up in the brief itself.

**MR. A. BROWN:** You would rather have the courts decide than the Legislature?

**MR. A. ST. HILAIRE:** Oh, yes, definitely.

**MR. A. BROWN:** That puts a little different light on the particular situation then. But I don't know, Mr. St. Hilaire, whether you are aware of the fact that that is really where the disagreement is coming in, in Manitoba at the present time. This is also a concern of many of the municipalities. We're not talking about the French language and rights and the amount of French language to be used in the Province of Manitoba. We are concerned about entrenchment and about placing the amount of services in the hands of the courts and we feel that we, as legislators, who represent the people, and if you don't like what we do you can always vote us out of office, but you cannot get rid of somebody who has been appointed to the courts that easily. Is this not a concern of yours, Mr. St. Hilaire, that the courts could possibly be ruling on some frivolous charges? And I know you'd be a practical man, and I know that you would not want to see money wasted unduly any place. Is this not a concern of yours, Mr. St. Hilaire, that there could be cases where the courts would be ruling on frivolous cases in favour of having some municipality, or any other government department, providing French language services where it was not really required?

**MR. A. ST. HILAIRE:** Mr. Chairman, to answer Mr. Brown's question, it's somewhat a difficult question to answer, but nevertheless this is an issue that we have discussed considerably at our meeting. Each item contained within the brief that I had presented to you has been discussed and this is our very honest opinion. I do agree that whenever the provincial representatives or the MLAs of this province do not carry on the wishes of its citizens that he can be thrown out and replaced by others, but even so, it doesn't mean that the rights of the minorities are going to be protected, even though there would be changes of government from time to time. From our point of view, it is felt very strongly that your chances of being protected by the courts are much superior to the legislative process. These are our views.

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

**MR. R. DOERN:** Mr. St. Hilaire, you mentioned on the first page of your brief how it was attractive to many

French-speaking individuals to come to Manitoba from Quebec or from New England and so on, because of the fact, you mentioned that people would be free to practise their own religion and have their children educated in their own language and so on. Don't these same conditions generally apply today?

**MR. A. ST. HILAIRE:** Well, they, more or less, apply today to some extent. This has not been the case all the way through, since 1890, and also, according to the Constitution of Canada and Article 23, Manitoba is to be a bilingual province. As it is at the present time, it's not what you call a fully bilingual province and we would hope that this issue would be cured once and for all, because it's been since 1890 that the Provincial Governments of Manitoba have operated illegally. An act that was passed in 1890 that was illegal and like it is explained in my brief, I feel very strongly that the present government is to be commended for trying to rectify this injustice that was created in 1890.

**MR. R. DOERN:** Have there not been hundreds of thousands of people who have come to Manitoba because they believed that this was an English-speaking province?

**MR. A. ST. HILAIRE:** Mr. Chairman, to answer Mr. Doern's question, my understanding does not agree with Mr. Doern's. My understanding is that I do agree that there are many ethnic groups that came to Canada many many years ago and my understanding has always been that they were coming into a country such as Canada, where the two official languages were French and English.

**MR. R. DOERN:** So you think that most immigrants who came to this country believed that this was a bilingual country and a bilingual province and that they were then prepared to become bilingual?

**MR. A. ST. HILAIRE:** Mr. Chairman, I said Canada, I haven't said Manitoba, because Manitoba has not really been bilingual for many years.

**MR. R. DOERN:** You mention on Page 2 of your brief about a frenzy of intolerance and groundless fears and so on. You feel there's some concern about that. Do you read *La Liberté*?

**MR. A. ST. HILAIRE:** To answer this question, everyone of us in Manitoba knows very well that the past Session of the Legislature has been the longest in the Province of Manitoba and I feel very strongly that this issue could have been solved much sooner with a better understanding from different sides of the Legislature and so on. So this is the reason why this statement was made.

**MR. R. DOERN:** But my question to you is, do you not feel that there are some people in the French-Canadian community who also could be accused of whipping up intolerance and groundless fears, and I cite to you as an example *La Liberté* which appears to have inflammatory editorials and inflammatory cartoons in every issue?

**MR. A. ST. HILAIRE:** Well, this is a very difficult question to answer. I have to admit when there has been injustice created in the past, and taking so long to rectify that justice, it can be expected that such things would happen. Unfortunately, it does happen.

**MR. R. DOERN:** So you would admit that there may be cooler heads on both sides and some hotter rhetoric on both sides of this issue?

**MR. A. ST. HILAIRE:** Well, I don't mean to say there is an equal number on both sides, I do admit there is some and I don't really support those actions fully and so on, but like I said before, whenever injustices have been created and so on, it can be expected and unfortunately it does happen.

**MR. R. DOERN:** Can you also understand that there is some frustration and anger in the general community at what is regarded as a secret deal or a deal made with only one segment of society, namely the Franco-Manitoban Society as opposed to the community at large?

**HON. R. PENNER:** Objection to that question.

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

**HON. R. PENNER:** Yes. In light of how I understood your previous ruling, I don't think that this is a forum to have witnesses ask whether they agree with the bias or preconceptions or particular views of the questioner. Surely questions are for clarification of the briefs, not to use a witness as a sounding board with respect to somebody's pet theories or ideas.

**MR. CHAIRMAN:** To the same point of order, Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, on the point of order. Mr. St. Hilaire said in his brief that he's talking about frenzy, intolerance and groundless fears. I was simply asking him whether he felt that some of those emotions are also being exhibited in, certainly in the pages of *La Liberté*, which is a part of the French Canadian community.

**MR. CHAIRMAN:** I don't believe that's the question that incurred the objection. Comment on the last question, Mr. Doern, the point of order.

**MR. R. DOERN:** Well, that's my point. I'm simply asking Mr. St. Hilaire whether he feels that there are maybe excesses on both sides as opposed to one side only.

**MR. CHAIRMAN:** That question was answered.

**MR. A. ST. HILAIRE:** Mr. Chairman, I feel very strongly that that question has been answered already.

**MR. CHAIRMAN:** Yes. Mr. Doern, the point of order related to the last question which contained certain allegations regarding a description of the agreement or accord reached on May 17th involving the SFM and that was the nature of the objection. I do share the concern that's been expressed by some honourable

members with respect to the nature of that question. It does contain opinion and argument. Would you rephrase your question or find another question.

**MR. R. DOERN:** I'll attempt to rephrase it, although I'm not here to please the Attorney-General who thinks he's in a courtroom himself and is raising points of objection and calling people who are here witnesses. I don't regard them as witnesses, I regard them as citizens.

Mr. Chairman, my question to Mr. St. Hilaire is that: what he regards as a frenzy of intolerance and groundless fears, etc., does he not see that some people in the general community are aroused and angered by what they regard as either a secret deal or a deal with only one segment of the general society and that they are excluded to a large extent from participating in that decision?

**MR. A. ST. HILAIRE:** Well, I don't fully understand the question from Mr. Doern. I don't know if he makes reference to the Société franco-manitobaine or not, but I would like him to rephrase his question so that I would understand fully what he means.

**MR. R. DOERN:** I'll try once more, sir. My question is that there may be a basis to this frustration and anger, and the reason for it may be that people feel that the government is only dealing with one part of the general community, the Franco-Manitoban Society, and that the public at large has not had a voice or a part in the decision-making. That is perhaps one of the reasons why there has been a call for a referendum or a plebiscite or a general election or a wide consensus before the government proceeds.

**HON. R. PENNER:** You have my objection, Mr. Chairman. It's now reinforced by the restatement of the question, which is simply a member of the Legislature exercising the rights that a member of the Legislature has to be here and question; however using the questioning not to clarify, but to sound the pet theories or views or whatever of the questioner. Surely that is improper.

**MR. CHAIRMAN:** I have already ruled that it is improper. There was no question asked by Mr. Doern. Mr. Doern, do you have a question?

**MR. R. DOERN:** Mr. Chairman, I thought I had a question.

**MR. CHAIRMAN:** I heard no question. Could you try again?

**MR. R. DOERN:** I might also point out that the Attorney-General is providing his pet theories about my pet theories.

**MR. CHAIRMAN:** Order please. Mr. Doern, if you have a question, put the question, or I'll recognize the next member.

**MR. R. DOERN:** I'll try a fresh question.

Mr. St. Hilaire, on Page 3 of his brief, said, "There are probably some who believe in the sinister plot to

make Canada a French state, and Manitoba a French province." I wonder whether he is familiar with the speeches and statements of the Secretary of State, Serge Joyal, who has said things like, "Making Canada a French country, both inside and outside Quebec." "It's difficult to accept the fact that Canada is a French state." These are statements that he made on November 13, 1982. Is he familiar with this type of rhetoric that has alarmed many people in this country that has come out of the mouth of a major spokesman in the Trudeau Government, and he has also spoken as well to the Franco-Manitoban Society . . .

**MR. CHAIRMAN:** On a point of order, I advised members this morning - I believe the Member for Elmwood was here at that time - that questions were to be questions for clarification without the introduction of additional material. Our purpose here is to examine the brief presented by Reeve St. Hilaire and others as they are presented. The introduction of extraneous material does not contribute to that examination.

I am advised by other members that the Member for Elmwood was not here this morning. Since I've now said it, I hope now he will observe it.

**MR. R. DOERN:** On a point of order, Mr. St. Hilaire has suggested that there are some who believe in a sinister plot. I am providing evidence . . .

**MR. CHAIRMAN:** Order please. The purpose of this hearing is not for the Member for Elmwood to provide evidence. If the member has a question, I will hear it, and the Reeve will attempt to answer it.

**MR. R. DOERN:** I did ask my question. My question was whether Mr. St. Hilaire was familiar with the speeches and statements of Serge Joyal.

**MR. CHAIRMAN:** The question is out of order.

**MR. R. DOERN:** No, it is not, Mr. Chairman. On Page 3 of this brief, there is the suggestion that there is a groundless fear at large ". . . that there are probably some who believe in the sinister plot to make Canada a French state and Manitoba a French province." That is a groundless fear. I am asking whether or not those words — (Interjection) — well I'm reading it. Can't you read? I say, Mr. Chairman, I'm simply asking a question. I am asking Mr. St. Hilaire whether he wouldn't agree that Mr. Serge Joyal has made those statements, and perhaps is the basis of that particular statement that has caused some concern in the community at large. He seems to be willing to answer the question.

**MR. CHAIRMAN:** Reeve St. Hilaire.

**MR. ST. HILAIRE:** Mr. Chairman, I will try to answer Mr. Doern's question. First of all, the brief that I have presented here today is not based on Serge Joyal's speech or nothing of that nature. It is based principally on everything we have heard over the media, that is the radio, television and the newspapers over the last many months.

My statement, sir, and the statements that I have made on behalf of my municipal council are based on

those facts, everything we have heard and read for the last few months.

**MR. CHAIRMAN:** Further questions?  
Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, Mr. St. Hilaire appears to be opposed to referendums and plebiscites. I simply ask him whether he wouldn't agree that, in general, the average person in Manitoba and Manitobans as a whole are, in fact, fair minded and, if a reasonable proposal is put to them, they will accept it. The reason perhaps that they are not being very receptive or appreciative of the present government proposals is that they regard it as a bad agreement. I ask him whether he doesn't have more faith in the public at large?

**MR. ST. HILAIRE:** To answer this question, Mr. Chairman, I think it is a question that is fairly well explained in my brief. I have really answered that question already.

**MR. CHAIRMAN:** Thank you.  
Mr. Doern.

**MR. R. DOERN:** My final question is that you mention at the end of your brief, and I'm sure that you have been in public life a number of years as have a number of us, that there are worse things than being defeated. You made a general statement about politics and the role of a politician and so on and so on. I was also wondering whether you would favour a free vote on this question, so that those who are not strong enough to stand on their own two feet or not strong enough to stand up to their own party or their own caucus or their own leader would be able to then vote with a clear conscience, as opposed to being subject to the pressures of a political party.

**MR. ST. HILAIRE:** Mr. Chairman, that again, I think, was fairly well explained. First of all, I would like to make a clarification here. My brief does not mention the losing of election. It just mentioned the losing of votes, which are not quite the same meaning.

Also I feel very very strongly that, in my statements answering questions that I have been involved with so far, this question has been answered already.

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

**MR. CHAIRMAN:** Mr. Orchard.

**MR. D. ORCHARD:** Mr. St. Hilaire, your brief supports the amendment to Section 23. Could you indicate whether you would support the proposed amendments that were tabled by the Attorney-General, September 6th, at the start of the hearings in Winnipeg?

**MR. ST. HILAIRE:** Now you're talking about adding the words "excluding municipalities and school divisions." Would you explain more fully?

**MR. D. ORCHARD:** Yes, Mr. St. Hilaire. Those are the amendments that were tabled by the Attorney-General,

September 6th. They include the promise of a clarification of the term "significant demand," and then they have some specific amendments which would delete "central office," "exclude municipalities and school boards," and make a couple of other amendments to the original amendment. Would you agree with the passage of those amendments which would purport to exclude municipalities, etc.?

**MR. ST. HILAIRE:** Mr. Chairman, to answer your question in this regard, to replace the term "significant demand," we would not disagree with some changes to clarify the situation more fully, but I would not be willing to give the government an open option as to - I still would like to know what the amendment would be.

Having to do with excluding municipalities and school divisions, I felt strongly that they were excluded previously but the wording was not really specific to the point where a lot of municipal people were really not happy with that section, and to this we will not oppose adding the words that the school divisions and municipalities be excluded, providing that in those municipalities such as ours and others in the Province of Manitoba, where there is a large concentration of French people, that we would be allowed to continue with serving the people of both official languages and having the privilege to serve them in those two official languages of Canada.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. Thank you, Mr. St. Hilaire for that answer. The reason I posed the question about the amendment is that the Société franco-manitobaine has indicated that they may not support an amended version of the amendment, if you follow the linguistic or the legal course of action. I simply was wanting to get your opinion as a reeve who has the support of a number of people, obviously within your municipality and the support of your council, as to whether you as a group of people to be affected by this amendment would agree or disagree with the amendments since one of the negotiators to the agreement, it appears as if they may not support it if it's amended and I just simply wanted your opinion on that.

**MR. A. ST. HILAIRE:** Okay.

**MR. D. ORCHARD:** One or two other questions to Mr. St. Hilaire. The original provisions of Section 23 of The Manitoba Act specified certain areas of French and English use in the province. Do you interpret the amendment that's being proposed as extending French Language Services beyond the provision of the original Section 23 of The Manitoba Act?

**MR. A. ST. HILAIRE:** Mr. Chairman, to answer this question, I'm not totally familiar with the original Section 23 of The Manitoba Act, but my understanding is that there would be some extension of French services, yes. I do understand that part.

**MR. D. ORCHARD:** My final question, Mr. St. Hilaire. Your council and you support, at this time in 1983, not only a reaffirmation of the provisions as provided in the 1870 Act, but indeed an extension at this time?

**MR. A. ST. HILAIRE:** Don, would you repeat the question once more? I want to make sure that I do understand the question fully.

**MR. D. ORCHARD:** I just want to make sure that yourself and your council and the people of your municipality are supportive, not only of the reinstatement of the original provisions of Section 23; i.e., French and English in the Legislature, in the courts and in laws passed and printed in both French and English, but indeed, that they are supportive at this time in 1983, of extending the provisions of Section 23 by spelling out and specifying areas of the Provincial Government which would now be required to offer bilingual services, French and English.

**MR. A. ST. HILAIRE:** Mr. Chairman, I would say yes to these questions.

**MR. CHAIRMAN:** Further questions by members of the committee? Seeing none, Reeve St. Hilaire, thank you for being here today. Please extend my thanks to your council for your presentation.

**MR. A. ST. HILAIRE:** Thank you very much.

**MR. CHAIRMAN:** Next on our list is Reeve Julius Petkau, R.M. of Grey. Please proceed.

**MR. J. PETKAU:** Thank you, Mr. Chairman, and members of the Legislative Standing Committee on Elections and Privileges.

I am appearing here on behalf of the Council of the Rural Municipality of Grey. I would, first of all, like to thank you for the opportunity to appear before you here today and to the government for making this possible.

Since the Rural Municipality of Grey is situated in the area of Manitoba between the Villages of St. Claude and Fannystelle, we are one of the 28 or so municipalities that are singled out as being eligible for the provision of French Language Services. I apologize here, Mr. Chairman, there are a few words missing behind the word "eligible" and it should read: we are one of the 28 or so municipalities that are singled out as being eligible to receive incentive grants for the provision of French Language Services.

Our council, which consists of four councillors and myself as reeve, are opposed to this amendment to Section 23 of The Manitoba Act to help and encourage municipalities to offer French Language Services to their ratepayers. This opposition is in spite of the fact that three of our councillors are Francophones and fully bilingual, and our municipality is listed as 34.6 percent Francophone. During the past six years that I have been on council, one year as councillor and five years as reeve, we have not provided French services out of our office and not once has the staff come to us and said that there was a problem in that area.

At a meeting in Winnipeg with the Premier and the Attorney-General and the Minister of Municipal Affairs on July 25th of this year, to which the mayors and Reeves of the 28 municipalities that are eligible for grants to provide French Language Services were invited, we were presented with a list of services that could be

provided if there was a significant demand and for which grants would be available. However, the program would be entirely voluntary and the municipality would not have to provide them if they didn't want to.

We feel that telling the people these things are available, and telling the municipality they don't have to provide them, will only lead to conflicts and hard feelings. We also feel providing these services where there are a larger number of Francophones and not making them available where there are few Francophones is discriminatory and would also only create hard feelings and divisions.

We are not opposed to French being used in the courts and in government offices or being taught in schools, but since the number of people who cannot communicate in English is getting less and less every year, we are opposed to any more money being spent, be it federal or provincial, to promote it on the local level.

We hope you will take our concerns and suggestions into consideration.

Thank you.

**MR. CHAIRMAN:** Thank you, Reeve Petkau. Any questions for Reeve Petkau for members of the committee? Mr. Lecuyer.

**MR. G. LECUYER:** Mr. Petkau, would you not agree that it is obvious that demand is not going to arise when services are not there and when services are not there, demand is not going to . . . it's sort of a vicious circle. You can't expect demand when there are no services.

**MR. CHAIRMAN:** Order please. The purpose of questions is to seek clarification. The question is already argumentative even though it's still in the preamble stage.

**MR. G. LECUYER:** Well, I'm referring to the comment that Mr. Petkau made in regard to the demand of the people in the Municipality of Grey, where he says that their staff has not raised this as a problem. No demand apparently has ever arisen in his municipality.

**MR. J. PETKAU:** I'm sorry, I'm having a little problem hearing.

**MR. G. LECUYER:** Is the question in order, Mr. Chairman?

**MR. CHAIRMAN:** I have some difficulty with the question, Mr. Lecuyer. Perhaps you could rephrase it to seek clarification of the material in the brief, please.

**MR. G. LECUYER:** I'm trying to find the specific point in the brief.

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

**MR. G. LECUYER:** Yes, I've got it now. It is in reference to the third paragraph in your brief, where it says, "During the past six years that I have been on council, one year as councillor and five years as reeve, we have not provided French services out of our office and not

once has the staff come to us and said . . . "etc. What I'm asking is, do you not agree that perhaps since the services are not provided anyway, it's not going to be possible for people to make demands for the very fact that the services are not being provided?"

**MR. J. PETKAU:** I would agree with that, but I would also want to qualify that and say that if the demand would be very pressing, I certainly would hope that they would make us aware of it.

**MR. G. LECUYER:** In stating that you are opposing the proposed amendment, do you see the proposed amendment as something that would force the municipality necessarily to provide the service? I have difficulty in - because you went on and say that they were optional, and yet . . .

**MR. J. PETKAU:** To be quite truthful, I would like a little more clarification on that myself, exactly where we stand in this respect. It's a kind of a grey area, and it looks like the whole thing will be dropped completely. We want to make quite certain how we feel about it, that we do not feel that this is needed.

**MR. G. LECUYER:** But somewhere in your brief you do state that this would be voluntary on the part of the municipalities. You feel that even if it were on that basis, you would still oppose it for the very fact you feel that it's going to create discrimination or cause conflicts. I would like you to explain what you mean by that.

**MR. J. PETKAU:** My point is that we were given a list of options that would be or should be or could be available to the municipality but, on the other hand, they were told that this was strictly a matter of choice for the municipality, whether they want to supply it or not, so there seems to be a conflict there.

Like I say, we're not too clear on that, but I would like some clarification on that myself. Where do we stand on this? Hopefully, the whole thing will be dropped completely, but we want to make sure that we're not satisfied with the way it is, at least the way we read it.

**MR. G. LECUYER:** Am I hearing you correctly in saying that because you're not clear, you're opposing it, or are you saying that even if it's clear that it is the option of the municipality whether to provide the services, you would still oppose it?

**MR. J. PETKAU:** We would oppose it insofar as it would create conflict. If there were services that could be provided but we thought that they shouldn't be provided, then of course there would be conflict; or if we thought they were too costly or whatever the case might be, there might be a conflict.

**MR. G. LECUYER:** I don't understand what Mr. Petkau says when there would be a conflict. Why do you say there would be a conflict?

**MR. J. PETKAU:** You're telling our ratepayers that there are certain things that are there that you could get.

Am I permitted to read the services that were listed at that time? I'll just read them as they were presented to us.

**MR. CHAIRMAN:** There's no limits on what you can say. We only limit what the members of the committee can say.

**MR. J. PETKAU:** No. 1 was "translation and printing of forms by municipalities themselves or by departments.

No. 2 is "language training for personnel;"

No. 3, "perhaps some salary assistance during a training period,"

No. 4 was "sign conversion costs,"

No. 5, "other associated costs."

Now let's just use one example. Well, the signs is the simplest one, let's use that one. If this should go through as presented and one ratepayer came to us and said that he wants the stop signs in French and we would not feel that was a significant demand, we would not provide that service — (Interjection) — If it's not written into the Constitution, no, but we want to make sure that it isn't. We just want to make it clear how we feel about it.

**MR. G. LECUYER:** I think that clarifies - at least, I perhaps am more clear on where the confusion arises. It clearly states, at least it was implied as was stated before and it was clearly stated in the amendment that was brought forth on September 6th that the municipalities and school boards would be excluded. It still, therefore, leaves the onus upon them whether to opt in or not.

**MR. CHAIRMAN:** Question please.

**MR. G. LECUYER:** Therefore, do you understand this as being in any way compulsory on the municipalities?

**MR. J. PETKAU:** Not the way it looks right now, but if the Franco-Manitoba Society is not satisfied with this and the committee is going to come up with recommendations after these hearings, what are they going to do? That's why we're here to make our point, to say what we would not like to see done.

**MR. CHAIRMAN:** Further questions?

Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Through you to Reeve Petkau, at the bottom of the first page, you say, "At a meeting in Winnipeg with the Premier and the Attorney-General and the Minister of Municipal Affairs on July 25th, 1983, mayors and reeves of 28 municipalities met that are eligible for grants to provide French Language Services . . ."

Could you identify how large were the grants, and were they federal grants or were they provincial grants?

**MR. J. PETKAU:** Again, I ask the question, can I read that cost-sharing on the municipalities to you? It's very short.

**MR. CHAIRMAN:** Please proceed.

**MR. J. PETKAU:** Okay, this was a cost-sharing agreement on municipalities, a paper presented to us at that meeting. It states, "Basic Agreement. The Federal Government will pay 50 percent of any amount up to \$400,000 before January 1, 1987 for the purpose of helping and encouraging municipalities to offer French Language Services to their citizens. The program would be entirely voluntary. It would be made up largely of incentive grants to municipalities, but could also cover some costs incurred by the Department of Municipal Affairs. The program is to be targetted to municipalities where Francophones are concentrated. A list is attached." And that's the list I read to you before.

**MR. H. GRAHAM:** At that time, there was no mention made of the province providing any money; this is purely federal money then?

**MR. J. PETKAU:** Fifty percent would be federal. — (Interjection) — Well that wasn't clarified.

**MR. H. GRAHAM:** Will you read again the first portion of that? Was it 50 percent of the costs would be paid by the Federal Government?

**MR. J. PETKAU:** Right.

**MR. H. GRAHAM:** Was it the responsibility of the municipality to pick up the other 50 percent?

**MR. J. PETKAU:** To be honest, I'm not clear.

**MR. H. GRAHAM:** I was just trying to establish whether the province was going to pay the other 50 percent, or whether it was going to be left up to the municipalities to pay the other 50 percent.

**MR. J. PETKAU:** We took it for granted that the municipality would certainly be left holding the bag on some of it.

**HON. R. PENNER:** For clarification, Mr. Chairperson, the reference there is to the federal-provincial agreement . . .

**MR. CHAIRMAN:** Order please, order please. It's not appropriate for members to provide clarification in that fashion. Perhaps the Attorney-General can go on the speakers' list, and somehow find a way of doing that in a question without getting ruled out of order.

Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, further on it said, I believe, one of the fields that was open for this grant was the training of employees, was that in the French language?

**MR. J. PETKAU:** Well, it says language training for personnel and, of course, we took it for granted that was in French.

**MR. H. GRAHAM:** It could have been French or it could have been English, too.

**MR. J. PETKAU:** Well, we took it it meant French.

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

**MR. H. GRAHAM:** Was there any limit, or was there any indication in how that training would take place, a time limit, or an amount of money that would be available, or anything of that nature?

**MR. J. PETKAU:** No, they did not go into specifics at that meeting, no.

**MR. H. GRAHAM:** There was no limit placed on the number of employees. Was it all of the employees or one, or any indication given of the percentage of employees that could be eligible for that program?

**MR. J. PETKAU:** No, that did not come up.

**MR. H. GRAHAM:** Well, Mr. Chairman, I can understand the Reeve's concern then, and I thank him for the information he has provided us.

**MR. CHAIRMAN:** Further questions? Mr. Penner.

**HON. R. PENNER:** Yes, Reeve Petkau, I was at that meeting. You may recall I was the one with the curly hair. Do you not recall that the statement was made that this program is the federal-provincial program as part of this package, 50 percent federal, 50 percent provincial, but that there was no money required from participating municipalities?

**MR. CHAIRMAN:** Reeve Petkau.

**MR. J. PETKAU:** I did not understand it that way, no.

**HON. R. PENNER:** Well, now you understand it?

**MR. J. PETKAU:** Yes.

**HON. R. PENNER:** Thank you.

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

**HON. R. PENNER:** No, that's all.

**MR. CHAIRMAN:** Mr. Orchard.

**MR. D. ORCHARD:** Mr. Petkau, on page 2, the second last paragraph of your brief, you indicate in there, "We are not opposed to French being used in courts and government offices . . ." "I just want to have that clarified so that it's not a matter of the record. The amendment does allow bilingual services in government offices as specified in the brief, and earlier on you had indicated that the council was opposed to the amendment.

Were you intending to say in that paragraph that you're not opposed to French being used in the courts and in the Legislature, as was provided in the original Section 23 of The Manitoba Act?

**MR. J. PETKAU:** No, we're not opposed to that at all, no.

**MR. D. ORCHARD:** Then, Mr. Petkau, is it possibly an interpretation error where government offices was used



in your second last paragraph there? That would seem to me to indicate support from the R.M. of Grey to one section of the amendment, and earlier you had indicated that you were opposed to the amendment.

**MR. J. PETKAU:** No, I'm sorry, we were not opposed to the whole amendment, no.

**MR. CHAIRMAN:** Would you repeat your answer please?

**MR. J. PETKAU:** We were not opposed to the whole amendment, just to part that affects the local level.

**MR. D. ORCHARD:** Okay, thank you.

**MR. CHAIRMAN:** Further questions for Reeve Petkau? Seeing none; Reeve Petkau, thank you very much for appearing here today on behalf of the Rural Municipality of Grey.

**HON. R. PENNER:** Mr. Chairman, on a point of order.

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

**HON. R. PENNER:** Yes, before the next brief is called I would like to propose, and if necessary move, that we continue to 5:30 p.m. I know there are people who have been waiting all day, and while we'll have to go on in the evening, that is certain, at least we're here to accommodate the people, give some of those have waited an opportunity to be heard this afternoon and not have to come back tonight.

**MR. CHAIRMAN:** It has been suggested the committee, instead of adjourning at its set adjournment of 5:00 p.m. continue to 5:30 p.m. Is there a consensus? (Agreed)

Next on our list is G. Grenier. Mr. Grenier, please. Henri Bouvier, Mr. Henri Bouvier.

**MR. H. BOUVIER:** Just a matter of order, I write my name with an "i" and not a "y".

M. le président, membres du Comité.

Je me présente devant vous aujourd'hui à titre de conseiller du village non-incorporé de Saint-Léon. Pour ceux qui n'en seraient pas au courant, un village non-incorporé représente une localité, un village qui n'a pas atteint le plein statut de municipalité mais qui est tout de même autosuffisant dans plusieurs domaines. Nous avons statut légal dans l'acte municipal, nous avons un conseil élu sur la même base que les conseillers municipaux et nous avons la gestion de nos finances publiques.

Dernièrement, certaines municipalités et des dirigeants municipaux se sont prononcés contre le projet de loi pour les amendements à l'article 23 du Manitoba. Nous voulons vous dire aujourd'hui que nous, le village de Saint-Léon, nous rejetons complètement les arguments apportés tant par l'union des municipalités que par certains élus municipaux. Nous appuyons sans équivoque l'entente conclue entre la Société franco-manitobaine et les gouvernements provincial et fédéral en mai dernier et dans la formule originale.

Le village de Saint-Léon fut fondé en 1879 et fut la première agglomération de la région de la montagne Pembina. Notre village a traversé plusieurs crises à travers d'au-delà de cent années d'existence. Même à un temps il a failli disparaître. Malgré tout nous avons continué à survivre de sorte qu'aujourd'hui notre communauté est le centre d'entreprises commerciales des plus prospères dans la région. Un fait qui a marqué notre communauté plus que tout autre au cours de notre histoire c'est le fait français. La majeure partie de nos citoyens sont des francophones et sont fiers de l'afficher. Nous ne voyons aucun inconvénient à offrir des services en français. D'ailleurs, notre secrétariat et administration du village est fait en français. Avec un brin de bonne volonté ne pourrait-on pas faire de même ailleurs?

Nous demandons simplement que justice soit faite envers la minorité officielle de la province du Manitoba. Je crois que ce n'est pas trop demander.

En terminant, j'aimerais citer un passage du discours de M. Lecuyer, membre de l'assemblée législative pour Radisson qui, le 15 juillet dernier disait en chambre: "Personnellement, je ne peux pas, en toute justice, pour les générations à venir, accepter moins que prévu dans cette résolution. Les francophones du Manitoba ont déjà survécu cent ans d'injustice, jamais ils n'abandonneront la lutte. S'ils ne reçoivent pas justice du gouvernement du jour, ils n'hésiteront pas à continuer cette lutte pour assurer que leurs droits soient respectés." Nous appuyons entièrement ces mots.

I would like to congratulate the government in its efforts to protect and assure the rights of the official minority. I cannot understand the people asking for a referendum on the rights of a minority.

**MR. CHAIRMAN:** Thank you, Mr. Bouvier. Questions for Mr. Bouvier from members of the committee. Mr. Orchard.

**MR. D. ORCHARD:** Mr. Bouvier, I apologize for missing the first part of your brief, but I caught the latter part of it.

The agreement has attached to it a list of amendments which were tabled on September 6th by the Attorney-General, and they are amendments which are proposed to clarify the original resolution.

Would you support an amended version of the amendment?

**MR. H. BOUVIER:** My brief indicated that we are supporting the main agreement, sir.

**MR. D. ORCHARD:** It take it from that you will not be . . .

**MR. H. BOUVIER:** Further on we have the society, SFM, who represents us. They were representing us in May; we hope they shall continue to do so.

**MR. D. ORCHARD:** I take it that you would withdraw your support of the bill and the action of the government if any amendments were proposed by the provincial government?

**MR. H. BOUVIER:** In accordance with the SFM, as they were originally involved.

**MR. D. ORCHARD:** What does that mean, Mr. Bouvier, yes or no, that you would support it or not support it if they proposed amendments?

**MR. H. BOUVIER:** As my answer said. Inasmuch as the SFM is involved, as they were on the original.

**MR. D. ORCHARD:** So that if the SFM agreed with the amendments, you would agree with the amendments?

**MR. H. BOUVIER:** Yes, they are my representatives.

**MR. D. ORCHARD:** Thank you, Mr. Bouvier.

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

**MR. R. DOERN:** I wanted to ask you just a couple of questions. Your statement on a referendum, about whether this is, in fact, a referendum on the rights of a minority, and I was wondering whether you might not agree that, to a large extent, the debate is on the extent of French Language Services and the entrenchment of French Language Services, not on whether or not there will be any special rights or privileges.

**MR. CHAIRMAN:** Mr. Bouvier.

**MR. H. BOUVIER:** My comment, I think, sir, was directed maybe to the Winnipeg referendum more directly.

**MR. R. DOERN:** Right, but I ask you again, there are referendums being held all throughout the province, and I don't think that most people are viewing them as whether or not there should be any rights or privileges for Franco-Manitobans, but as to the extent in the Civil Service, a number of positions, and whether or not those positions should be entrenched in a document, as opposed to decided by the government through policy.

**MR. CHAIRMAN:** Question.

**MR. H. BOUVIER:** My question, Mr. Doern, would be: are you stating that you would prefer a referendum on it?

**MR. CHAIRMAN:** Order please. It is not in order for delegations to ask questions of members. I didn't hear a question in Mr. Doern's statement, perhaps he has a question.

Mr. Doern.

**MR. R. DOERN:** Well, there certainly was a question. The question is: some people believe that the referendums concern the extent and the entrenchment of French Language Services, not whether or not there should be any. I am just asking whether or not you would agree that a referendum could be held on the extent and entrenchment of French Language Services?

**MR. H. BOUVIER:** My answer to that was that in 1890, when their rights were taken away, was it on a referendum when we had 50 percent of the population?

**MR. R. DOERN:** Do you not concede that two people could agree that there should be special rights and/or privileges for Franco-Manitobans, but that there could be a disagreement as to the extent of the provision of those services, whether it should be two Civil Service jobs, 200, 2,000, or 20,000?

**MR. H. BOUVIER:** I think your question is evident. Yes, there can be disagreement, that's why we're here today.

**MR. R. DOERN:** So you see the referendum as on the question of principle, not in the question of the application of that principle?

**MR. H. BOUVIER:** I don't support a referendum on either.

**MR. R. DOERN:** Thank you very much.

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

Seeing none; Mr. Bouvier, thank you very much for making your presentation today on behalf of your council.

Mr. Eric Lansky.

**MR. E. LANSKY:** Mr. Chairman, members of the commission, ladies and gentlemen, M. le président, membres de la commission, mesdames, mesdemoiselles, messieurs.

Si je ne me trompe pas, la dernière fois que j'ai fait une représentation devant une commission de gouvernement du Manitoba, c'était en 1958 ou 59, ici à Morden. M. Lyon était le ministre de justice du gouvernement de M. Roblin. À cette occasion, mon but était comme représentant de la Chambre de Commerce de Carmen, d'essayer de retenir le bureau de Land Titles à Carmen. Malheureusement, M. Lyon n'est pas ici. Mais peut-être il se rappelle c'était une cause perdue. J'espère qu'aujourd'hui, ma représentation a plus de chance de succès.

I have not submitted any text to the translator. I don't know whether you have a sufficient translation or not. If not, I will be very pleased to go over it in English.

Are you satisfied with the translation you have received?

**MR. CHAIRMAN:** Yes, the translation is just fine.

**MR. E. LANSKY:** Thank you. I find, however, this occasion of such importance that I'm willing to give it another try, as they say, even though my better judgment tells me that I'm barking at a dead issue; namely, an issue which this hearing and the ones before this one, or after this one, will have no influence on whatever. However, hope springs eternal, or so it is said.

Firstly, I would like to introduce myself to you, Mr. Chairman, and the members of the committee. My name is Eric Lansky, D.P. The letters after my name could stand for displaced person, but they could also stand for deeply perceptive person. I'll leave the choice up to you.

I came to Canada in 1950 from Denmark and I was not infrequently called a D.P. This should readily establish my impeccable credentials as a member of a minority, since I am neither Anglo-Saxon nor French.

Despite this stigma I was able to carve out for my family and myself a good living in Canada, for which I am eternally grateful in general terms.

I am also the proud possessor of a Canadian passport since 1956, and all the rights which go with Canadian citizenship.

Upon arrival in Winnipeg in 1950, we found that this is an English-speaking province, thus our first aim was, for my family and I, to set out to try and master that language, and I can assure that we succeeded.

My children have been, or respectively are, in excellent positions in life and are able to earn a more than adequate living in English. I myself am septilingual, including French. The latter I did not learn in Canada, just as I didn't learn any of the other languages here in Manitoba. Here I merely perfected my knowledge of English, which I originally picked up during my stint in the British Army during World War II.

Both my children are bilingual, both having learned French in France during their high school or university days respectively.

I have served in public office and have always taken pleasure to converse in French with anybody where I could detect that French was their preferred language, not the least for me to practice, just as I acted as interpreter for newcomers and visitors in German, Danish, Swedish, Norwegian, you name it.

Yes, Mr. Chairman, we do celebrate Christmas Danish style, just like those Manitobans in this area who are of German-Mennonite origin, worship in both Low German, High German and English, according to their choice. As well, the people in Somerset, Notre Dame de Lourdes and St. Claude areas do it in French, and all this without entrenchment.

As a short comment pertaining to the lady from Ste. Rose du Lac who appeared before you a couple of days ago, who reportedly decried the fact that it will cause a great hardship to have a child educated in French in high school as she'll have to send him to St. Boniface. I'd like to state that it costs me a lot more hardship to send mine to France in order to learn French. I think you can readily see that the ladies in reality pleading for French high schools for the numbers seemingly do not warrant it and she'll probably be successful if this resolution is passed as is regardless of cost. All the while, the people in Amaranth will have to bus their children elsewhere because the Department of Education must save money.

Well, I have attended the hearing all day long; I couldn't help but make a few comments on some of the presentations which were made. One of them, and I can't recall the gentleman's name, but it smelled to me something fierce like prewar Europe, and I don't want to mention the fellow's name because I wouldn't call him a gentleman by any means, but he was advocating the salami technique, i.e., one slice at a time. I don't agree with that.

Mr. Grenier, seemingly, has an advantage over the rest of us. He was part and parcel of the negotiations since he belongs to the Société and he knows the agreement.

I'd also like to draw to your attention a paradox. In this province, we've had regulations on highway transportation for approximately 50 years. They are presently under review and discussion and due for an overhaul. This resolution intends to turn the clock back

to 1870, whereas in transportation the government wishes to update its legislation. Is that not paradoxical? I don't think this government or anyone else can sit on two chairs simultaneously without taking the risk of landing on the floor between the two chairs. It is utterly wrong to second guess any court, let alone the Supreme Court of Canada.

The suggestion was made that somehow with the help of the Federal Government Bill 101 in Quebec, prompted by Manitoba, should be eradicated, which is tantamount to me to the mouse and elephant which were crossing a wooden bridge together and the mouse said to the elephant, "What a lot of noise we are making." The Federal Government is not in control of bilingualism. Its votes come from Quebec and they are very significant to say the least, 74 out of 75 members of the House of Commons, as you all know. There is not a chance that they'll do anything there. Just like the proverbial snowball.

When registering with your Clerk's office to appear before you today, I inquired as to whether I could obtain a copy of Resolution No. 23, which was introduced in the House by the Honourable Mr. Penner. I was promised that a copy would be forwarded to me forthwith, and I can tell you that I did receive same together with proposed amendments. However, when I asked for a copy of the so-called secret agreement of May 17th - and I believe I'm quoting the correct date - the one struck between the Federal and Provincial Governments and the SFM, I was told by the lady in the Clerk's office that they didn't have anything on hand, and when I pressed the lady further, I was switched to Mr. Penner's office. There I was told that the "agreement" was not as yet in existence because it was still under revision and I was offered to discuss my question with Mr. Turenne. Once again, I was switched - all my money, by the way - to his secretary and when my questions became a little too uncomfortable for the lady, Mr. Turenne finally came on the line. I told him that the non-existence of the agreement sounded a little fishy to me, and Mr. Turenne again explained that the agreement was under revision and that amendments will be introduced.

I would like to ask you, Mr. Chairman, and members of the commission, do you not agree that an agreement was obviously arrived at, possibly a tentative one, but some kind of an agreement? Mr. Penner had to have a copy of what he signed in order to prepare the resolution. Mr. Turenne gave me the same vague answers about the non-existence of the agreement and when I proceeded to ask him how come the Prime Minister of Canada was able to call it a watered-down version of the agreement, I had some difficulty to explain to Mr. Turenne what watered-down means. He finally got the hang of it, but kept on insisting that I could not obtain a copy of the agreement because it wasn't as yet finalized.

Well, Mr. Chairman, once it is finalized it will be far too late to pass it out to interveners such as myself, because by then the horse is long gone and left the barn and it's too late to close the door.

I did, however, in my own mind establish that the Prime Minister is better equipped bilingually than the senior advisor of the Manitoba French Languages Services Secretariat.

This agreement or accord, reached in secrecy between the three parties, is an abhorrent document

to me. I am very uneasy, to say the least, when those who govern me are doing things in secrecy and making deals under the table or in back rooms. I much prefer that situation like the one on the debate be aired openly in the proper forum in order that everyone can see the justice is not merely being done but can be seen to be done. This afterthought of hearings by this commission, the result of which in my opinion will have no influence at all on the eventual outcome, and the vote in the Legislature along party lines will be a fait accompli.

The work of this committee, if I may be so bold, is merely window dressing. I totally fail to understand why Messrs. Pawley and Penner, the "Red-Dust Twins," to borrow a phrase from the Governor General, then Premier of Manitoba, when he spoke about the leaders of the opposition; namely Messrs. Asper and Spivak, whom he labelled the "Gold-Dust Twins," why they, Messrs. Pawley and Penner, are so panicky, yea, almost paranoid about the situation, so much so that they allowed themselves to be trapped and stampeded into an accord, in secrecy, on which they promised to deliver forthwith and now they find themselves in a corner, trapped in their own web of intrigue and machinations.

I also fail to see the validity of the non-existing accord, when one of the parties to the accord is a group of activists who profess to speak for Franco-Manitobans while their total membership does not exceed 500. The best I know of, there are at least 50,000 Franco-Manitobans in Manitoba.

Many times have I heard and read from and about Franco-Manitobans who do not wish to have anything to do with the Société franco-manitobaine, and who totally disagree with what a small minority of Franco-Manitobans are doing. This small group is definitely on par with the other two parties of the agreement, namely, the two senior levels of government which have been elected in a democratic manner, whereas the activists are self-appointed and anointed.

They have usurped upon themselves the right to speak for all Franco-Manitobans who neither are nor wish to be members of the Société. All the while, the financing of the activities of the Société are duly funded by the Federal Government in Ottawa. It is well known that Ottawa has paid for most of their expenses, including the costs to bring a parking ticket and a speeding ticket before the Supreme Court of Canada.

Messrs. Forest and Bilodeau probably overparked and speeded on purpose in order to initiate these actions, thereby flouting the by-laws of the City of Winnipeg and the Province of Manitoba, all intended towards their own purposes and ends. No wonder that Mr. Forest was and probably still is lobbying very hard against the plebiscite. After all, he must appreciate figures, and I'm speaking of numbers, not figures. He knows beforehand the outcome of a plebiscite.

Speaking for myself, Mr. Chairman and members of the committee, I have no quarrel with the desire to render services in French, Ukrainian, German, whatever, where there is an appreciable demand for it, as long as those who are doing the demanding are also prepared to help pay the cost. What I am against is the way in which it is being attempted to be done. Bilingualism or multilingualism bothers me no more than metrification. The outlandish expenditures do bother me and should both everyone, including the committee and the prime proponents, Messrs. Pawley and Penner.

It also does not sit well at all that the judicial system was satisfactory for M. Forest and M. Bilodeau to bring their respective parking and speeding tickets to the Supreme Court of Canada. All of a sudden, now that it's there, the secret agreement is preferable to a judgment of the Supreme Court. They had confidence in all the levels of the judicial system and, all of a sudden, they lost their confidence. I don't know why.

Why can we no longer trust the Supreme Court Justices? After all, their decisions are most far-reaching in all cases before them. They decide on matters of life and death, and on matters involving millions, nay billions, of dollars. The wisdom and integrity of the Honourable Justices must not be questioned. Politicians come and go. Justices are here to stay, or at least until they're 75 years old.

No matter who appointed them in the first place, does anybody in his right mind think that the Honourable Justices will strike down all statutes of this province passed since 1890, without due regard to the fact that such a decision would create chaos and lawlessness in Manitoba? Not on your life.

Just contemplate this for a while. Such a ridiculous situation does not even happen on E.T. on television, let alone in the Province of Manitoba.

I wonder whether Messrs. Pawley and Penner might have other motives for their actions. Do they possibly have grandiose ideas of pulling another Schreyer? Do they visualize themselves, after having assisted the "Great White Father" in Ottawa to divide and conquer and thus serving the great master of intrigue, hoping that they might be rewarded by some appointment, surely not a Governor-Generalship, but maybe a judicial appointment or maybe a lifetime appointment to that great retirement institution of faithful servants of Mr. Trudeau, the Senate? Some grandiose visions, and some very unsavory and grave consequences for the rest of us.

Mr. Grodin, a Quebec Minister of the Crown, urges everybody to stay out of the Manitoba situation, and wonders why Mr. Trudeau doesn't try to meddle on behalf of the much larger Francophone minority in Ontario. The reasons are quite clear. That would cost votes east of Sault Ste. Marie, where the elections are won or lost anyway.

In conclusion, Mr. Chairman, members of the committee, I wish to plead with you to inform the Government of Manitoba of the people's wish that they withdraw this resolution, and let the highest court of the land decide the issue. Why not accept the ruling of the ultimate step of our judicial system? Are the parties to the secret accord afraid that the ruling might just go against them? Why second-guess the Honourable Justices? Does Mr. Trudeau not trust his own appointees? If the government doesn't like plebiscites, why not call an election on the issue? That way, everybody will have their say. Think about that.

Thank you for the opportunity to address you.

**MR. CHAIRMAN:** Thank you, Mr. Lansky. Order, order please.

Questions for Mr. Lansky from members of the committee? Mr. Penner.

**HON. R. PENNER:** Mr. Chairperson, now that I've heard Mr. Lansky out, I don't find it necessary to ask him

any questions. I simply want to state for the record, there is no secret agreement. The agreement referred to is the agreement he has.

**MR. E. LANSKY:** That's what you signed.

**MR. CHAIRMAN:** Order please.

**MR. E. LANSKY:** Well I'm not allowed to ask questions, so I can't do that. Maybe somebody else will for me.

**MR. CHAIRMAN:** Perhaps Mr. Lansky, you'll be able to ask questions after the adjournment. We will be adjourning at 5:15 if you have questions for Mr. Penner then. Yes, it's 5:15. We'll be adjourning in 15 minutes. You may be able to ask Mr. Penner questions then.

Questions by members of the committee for Mr. Lansky?

Mr. Doern.

**MR. R. DOERN:** Mr. Lansky, you sound a bit like a lawyer, but I assume that you're not.

**MR. E. LANSKY:** No, I'm not. Well I shouldn't say that. I have one year of law back in 1937. That's a long time ago. The war interfered. They closed universities, so I'm S.O.L.

**MR. R. DOERN:** I assume that you have also read some history in your time.

**MR. E. LANSKY:** That I have studied history, did you say?

**MR. R. DOERN:** Yes, you've read some or studied some history.

**MR. E. LANSKY:** Yes. I must shamefully admit that I don't know much about the time of the Plains of Abraham or before that, but I have endeavoured to learn as much as possible.

**MR. R. DOERN:** Is it your contention then that a constitutional agreement should have the support of most people in the province; that there should be widespread public support before the province proceeds with a constitutional amendment?

**MR. E. LANSKY:** That's a loaded question, Mr. Doern. I would only go so far as to say that either this will be decided by the courts, or there will be a clear show of the people's wishes, either by plebiscite or by an election. I don't think I can answer you in any different manner.

**MR. R. DOERN:** So you support the holding of plebiscites and referendums throughout the province.

**MR. E. LANSKY:** Just plebiscites. Referendums are out of place.

**MR. R. DOERN:** Would you also suggest that, since there is obviously no desire on the part of the government to hold a province-wide plebiscite or a general election at this time on this issue, they should

freeze the issue and hold it over until the election and then make it a major plank in their platform?

**MR. E. LANSKY:** That is one way out in order to save money. Yes, I'll agree.

**MR. R. DOERN:** Do you also concur that if there is an out-of-court settlement, presumably the out-of-court settlement should be superior to the court decision?

**MR. E. LANSKY:** No, sir, I do not.

**MR. R. DOERN:** I assume that you yourself would never make an agreement out-of-court that would be worse than what you could obtain by going to court.

**MR. E. LANSKY:** I wouldn't go that far but, since I haven't seen the agreement and since Mr. Penner assures me that printed stuff is the agreement which I do not believe, then I really can't answer your question.

**MR. R. DOERN:** But then you believe that the province and the people could get a better deal from the Supreme Court than by signing this particular agreement and putting it through in legislation.

**MR. E. LANSKY:** I, for one, stated in my brief that I wouldn't want to second-guess the Honourable Justices and I want to repeat that, but I'm perfectly prepared to live by their decision.

**MR. R. DOERN:** Thank you very much.

**MR. CHAIRMAN:** Further questions for Mr. Lansky? Hearing none, Mr. Lansky, thank you very much for making your presentation here today.

**MR. E. LANSKY:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** The next name on our list is Reeve Ivan Stocks, Rural Municipality of Roland. Reeve Stocks, please.

**MR. I. STOCKS:** Mr. Chairman, honourable committee members, there's just one slight correction in the pronunciation of our name. If you happen to go by the English language, it would be Stocks. My grandparents come from Scotland and if you're over in Scotland, they pronounce it "Stokes".

**MR. CHAIRMAN:** Reeve "Stokes", please proceed.

**MR. I. STOCKS:** Thank you. Just a slight correction.

**MR. CHAIRMAN:** We don't have translation for Scottish here today.

**MR. I. STOCKS:** No, it's really not important.

This is a brief proposed by the Council of the R.M. of Roland. The Roland Municipality is one of the smaller ones in Manitoba, with only a population of between 900 and 1,000. It is also one of the highest assessed municipalities in the province, as it is all improved land.

The council of the rural municipality would like to go on record as being opposed to government services

being offered in French as well as English. This decision was not reached because of bigoted thinking, but for the following reasons:

1. If this policy is adopted, current government employees who do not know French will be denied promotion. Therefore a very small minority will be eligible for advancement.

2. There is no reason to believe that if, at a future date, some request service in French at the municipal or school division level, and is denied same, that a court case will not ensue, charging discrimination.

3. In Manitoba there's only 6 percent of the population who are of French origin and this policy would incur a sizable expenditure on the total population of the province.

4. The French-English issue is causing a rift in the nation, where everyone should be working towards unity and not being French-Canadian, English-Canadian, German-Canadian, Ukrainian-Canadian, etc., but just Canadian.

In closing I would like to state there is no reason why the French communities cannot have service in French as they do today, without it being mandatory.

Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Reeve Stocks. Questions for Reeve Stocks from members of the committee? Seeing none, Reeve Stocks, thank you very much for

your presentation here on behalf of the R.M. of Roland Council.

**MR. I. STOCKS:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Anne McEachern; Ms. McEachern, could I ask you how long your brief is and if it's longer than the time left, then perhaps we can ask you to come back. — (Interjection) — It is longer?

Committee's wish then, rather than interrupting in progress at 5:30, to adjourn now and reconvene at 7:30? (Agreed)

Committee is adjourned and stands adjourned until 7:30 p.m. I would remind members of the audience of two things before you leave please. Please do not leave with the radio receivers for translation. They must be turned back in.

Additionally, for anyone who will not be here tonight, if you wish to receive copies of the transcript of this hearing or of any or all of the other hearings being held by this committee this month, please register with the Clerk on my right to be placed on the mailing list. Transcripts are available for all meetings.

Thank you, we'll reconvene at 7:30 p.m.

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