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of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. Peter Fox
Constituency of Concordia



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Thursday, 8 September, 1983

TIME — 2:00 p.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Peter Fox (Concordia)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Ms. Hemphill, Hon. Messrs. Kostyra, Mackling, and Storie.

Messrs. Eyley, Fox, Graham, Malinowski, Nordman and Sherman.

WITNESSES: Mr. Sidney Green, Manitoba Progressive Party.

Mr. Georges Forest, Private citizen.

MATTERS UNDER DISCUSSION:

Proposed resolution to amend Section 23 of The Manitoba Act.

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MR. CHAIRMAN: The Committee will come to order. I have an announcement to make. For the benefit of the members, there is simultaneous translation available from French into English on the equipment before you. It's on Channel 4 and that is your volume control as well.

We have Mr. Green before us. He has 10 minutes more of presentation and then questions. Mr. Green, would you proceed?

MR. S. GREEN: —(Inaudible)—Quand j'ai parlé français dans l'Assemblée législative, après la session de la Cours suprême, j'ai dit que maintenant, officiellement, nous avons le droit de parler français et M. Desjardins me dit qu'il veut aussi le droit d'être compris - on peut pas avoir le droit d'être compris sans traduction instantané et moi, j'ai répondu que même quand je parle en Anglais aux gens Anglais, je n'étais pas compris et pourquoi est-ce qu'on doit avoir un droit d'être compris - c'est impossible, même si on parle en Français ou en Anglais. La compréhension à besoin plus qu'une traduction.

Mr. Chairman, I had dealt with some of my remarks and had come to the information and the creation in Manitoba of a hostile climate vis-a-vis the French language and I had indicated that I was required to be a participant in the creation of this hostile climate, because I and every other Manitoban had to pay for NDP propaganda which was paid for at taxpayers' expense, distributed to all of the people of the Province of Manitoba, which means that I was an unwitting accomplice in this distribution. It's bad enough to be an accomplice in distribution of NDP propaganda but

it's worse when that propaganda is totally false, which makes me an unwitting accomplice in the distribution of false information.

I want to indicate to you again, Mr. Chairman, how this information does not promote bilingualism and as a matter of fact subtly speaks against bilingualism. The top headline - a practical approach to French Language Service, quite different from Federal bilingualism. Now, it does not serve the people of Canada to be talking against Federal bilingualism, unless one is attempting to put oneself on the side of those people who are looking for a non-rational approach to this question. What is this government, that is supposedly calling people bigots who are opposed to their program, what are they saying? "The federal model of bilingualism will not be applied in this province. Manitoba has rejected the Federal Government's approach. Its offering of French language is limited and in specified areas only. We are going to not have what the Federal Government - we're going to stop that. Manitoba will not make French a language of work within the Civil Service."

Why all of these contra-French remarks, Mr. Chairman? Because the NDP Government has entered into an agreement with La Société Franco-Manitobaine hoping to thereby embrace the Francophone community, and at the same time, it realizes that there may be some people out there who are against this and we have to embrace them as well. There has never been a better example, Mr. Chairman, of a group of people trying to dance with the devil and banquet with the demons at the same time. What will happen and is happening, is that they are being devoured by both.

But in addition to this negative approach which was exemplified by the Attorney-General's remarks at the International Inn, where he said not one good word about bilingualism, let's see what they have said. You know, they have referred to Mr. Doern's material as not being important because it is false. They say that it has sent out a false impression. At least the New Democratic Party now acknowledges that maybe you create support with giving a false impression, since they are experts at it and did so in the last provincial election. But, Mr. Chairman, at least Doern's material was paid for by himself or by people who subscribed to his position.

Look at the falsehoods in this material and there's a list of items. Let's see how many we can get by without finding a falsehood. "This limited agreement applies to only limited designated areas of the province which have a significant Francophone population." That is false, Mr. Chairman. It has nothing to do with Francophone population. It has to do with people demanding services in the French language. They need not be Francophones; they could be Anglophones. It could be a significant number of Anglophones in The Pas asking for services in the French language. As a matter of fact the practical - I'm not dealing with the theoretical - the practical question of where this arose

educationally is not by Francophones, but by Anglophones.

The Swan River application for education in the French language was made by Anglophones, not Francophones. Any significant number of Anglophones who feel that they want services in French in any part of the province, can demand those services in French, that's what this legislation says - and statement No. 1 is limited to designated areas of the province which have a significant Francophone population, is false. Maybe I shouldn't say false. Maybe I should say balderdash, Mr. Chairman, because that's what it is - balderdash.

Secondly: "The program does not involve or affect any individual, any business, or any private institution whatsoever." That's false, Mr. Chairman. It affects any agent of the Provincial Government. There are - and I owe to this the former Member for Burrows, Mr. Hanuschuk, and some of you will say that it's a little far-fetched, but it's not nearly as far-fetched as saying that there will be no laws in Manitoba - every retailer, every gas station is an agent of the Provincial Government for the collection of sales tax. Maybe a person could demand that you speak to me in French when you are asking for the tax on gas in every institution in the Province of Manitoba. That's far-fetched? Not nearly as far-fetched as saying that there are no laws in the Province of Manitoba.

"Municipalities with substantial French-speaking populations can improve services in both languages, on a voluntary basis, with financial assistance." When could they not do so? Why is it suggested that is something new? By the way, municipalities may be agents of the Provincial Government for the delivery of welfare services for instance. They could be construed as being agents of the Provincial Government.

"The agreement will result in an overall cost saving to the province." That is false, Mr. Chairman. Nobody can make that statement, because you do not know what the implications of the legislation are, and therefore you do not know what the cost will be - so it's balderdash.

When this paper was written the statement said that English and French are the official languages of the Province of Manitoba. I read someplace, I am almost certain, of somebody having called that a preamble. Is that what it's been referred to, as a preamble? Has somebody told you that's a preamble to the legislation? Section 23.1 is a preamble? Because if you have been told that - and it's balderdash - it is not a preamble, it is a section. The implications of that section are unknown and unknowable. It could be that someone would say that if English and French are the official languages of the Province of Manitoba that the licence plate must be in English and in French, which wouldn't bother me a bit. But if you are being told that is not an implication then you are being fed balderdash.

It may be that someone will say, why is it that the Premier of our province, every time he goes to a Federal-Provincial Conference, speaks in English, and it's an official conference? There must be a reasonable amount of French spoken, and I will go to court to demand that the courts require the Premier, in dealing with official business, use both official languages, and nobody will be able to tell you that the court will not

make him do so, and those people who say that the courts may declare all of the laws in the province invalid will not be able to tell you that this interpretation is more far-fetched than that interpretation. So that's false, Mr. Chairman. It is impossible to suggest that there will be an overall cost saving to the province.

"Without this agreement all of our laws could be invalid unless we translated them now, and this is impossible." Well, you can't have it both ways. It can't be impossible and still have valid laws, so there would be no laws in the Province of Manitoba.

Mr. Chairman, the worst one of all - and I heard this with my own ears - I heard the Attorney-General of this province say that no English-speaking person who doesn't speak French, will be disadvantaged by the legislation. That is false, Mr. Chairman, and never mind the legislation. Why does not the Attorney-General of the Province of Manitoba tell the people of this bilingual country, which he wants to be bilingual or at least he says he does, that it will be an advantage in this country if you speak both languages, because it will be and pour cette raison, j'ai envoyé mon petit enfant à une école française, because I want her to be able to speak English and French both. I want her to be able to speak Canadian and it will be an advantage to speak Canadian and, Mr. Chairman, if it's an advantage to have both languages, then there is some disadvantage in only having one.

When you say that there are only 3 percent of the Civil Service - and they counted the jobs - that are required to be filled by French-speaking people. There could be English people who speak French or French people who speak English, so that that's all the jobs. What's the matter? Nobody else wants these jobs? Nobody else wants these jobs? They don't count people who are down there saying, I want to get up there? They don't have to speak French? The pyramid effect of having a top position in French means that in order to advance in the Civil Service it will be an advantage - not you must - it will be an advantage to have both languages and those people, who tell the people of the Province of Manitoba that that is not true, are speaking balderdash, Mr. Chairman, balderdash.

I note that you are banging your gavel, Mr. Chairman. I would like to have said more, but I abide by the rules of the committee and we'll have to deal with that.

MR. CHAIRMAN: Any questions of Mr. Green?
Mr. Lyon.

A MEMBER: Could he have 20 minutes of my time, Mr. Chairman, please, it's very important?

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: Mr. Chairman, I think the committee the other night allowed one of the persons to finish his brief, I think it was Professor Bailey. I think there would be no disposition on our part to cut off Mr. Green if he can assure us he's going to finish his brief in a reasonable time.

MR. S. GREEN: I would be 10 minutes, Mr. Chairman.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Mr. Chairman, I think with the number of briefs that we have before us that we would be setting a dangerous precedent by having Mr. Green go beyond what the committee unanimously agreed would be the limit; and meaning no disrespect to Mr. Green, certainly what he has to say is important, I feel that it would be equally true of any number of other people who are presenting here today.

MR. CHAIRMAN: Well, I'm in the hands of the committee. I understand Professor Bailey had a written brief and he only had a couple of pages to finish reading. Mr. Green is presenting his brief ad hoc, so I can't visualize how we could know how long he will go except for what he can give us.

Mr. Brown.

MR. A. BROWN: Mr. Chairman, I believe that Mr. Green said that he could finish in 10 minutes and, since we gave Professor Bailey time to finish his brief, I believe that we should extend the same courtesy to Mr. Green.

MR. CHAIRMAN: Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, there are no seats at the table for members of the committee; I'm sitting here. If it's a matter of a few minutes, I don't think the committee has any problem with that, and I think as a general rule we want to be flexible. So if someone has a short period of their brief to finish, we want to accommodate them. But when it is indicated it's 10 minutes, then I think the long list of people who are waiting to speak are not being fairly treated. I think that we have to accommodate all people before the committee.

MR. S. GREEN: Mr. Chairman, I'm in your hands. I would prefer not to have the additional time. It's been my impression that if committee members want to hear more from a person who is at the podium, they find a way of hearing more from him; and if they don't want to hear more from me, I'll sit down.

MR. CHAIRMAN: Thank you, Mr. Green.

Mr. Brown.

MR. A. BROWN: Mr. Chairman, I would make a motion that we let Mr. Green finish his comments providing that he can finish in 10 minutes time.

MR. CHAIRMAN: Before we proceed with the motion, I have to make an announcement that Mr. Harapiak has resigned and Mr. Kostyra has been suggested as replacing him. Is that agreeable with the committee? (Agreed) Thank you.

Mr. Brown has made a motion that we allow Mr. Green to proceed. Is that agreed with the committee? (Agreed) Proceed, Mr. Green.

MR. S. GREEN: Mr. Chairman, I'll go very quickly. I thank the committee for its indulgence.

If you will go to the act now, I'll just deal with what I say, Mr. Chairman, and I am by no means the limit to imagination in legal minds as to what could happen by virtue of the new section, because if one of the

major reasons for the act is to avoid no laws in the Province of Manitoba, and possible interpretations, I can indicate to you, Mr. Chairman, that there are possible interpretations of this section which are just as fearful.

English and French are the official languages of Manitoba. This is not a preamble, it is a section, and it is in addition to Section 23. It means that something more must take place with regard to Section 23 and it is so vague in nature, Mr. Chairman, as to permit an unlimited number of court cases.

A person could demand that the Throne Speech be in both languages and read in full in both languages; that the Budget Speech be in both languages and read in full in both languages; that Ministerial Statements in the House be in both languages and read in both languages. The limits are not there.

The fact is that it is a significant change to 23, to enact 23.1, English and French are the official languages in the Province of Manitoba. La Société Franco-Manitobaine knows this; they insisted on it and with the slightest modification of it, Mr. Chairman, they have now indicated that they are considering backing out of this agreement. That shows you the importance of what was previously indicated to many members, as merely being the same as what we already have.

The English and French versions of the acts are equally authoritative. It leaves no answer as to when they say exactly differing things or completely different things, but I suppose that the courts would be left with that problem.

The statement, Mr. Chairman, and it's a contradictory statement, that nothing in this section abrogates - this is 23.3 - "nothing in this section abrogates or derogates from any rights guaranteed by Section 23" appears to undo the other sections. Look at 23.3, the court says, "nothing in this section abrogates or derogates from any rights guaranteed by Section 23." That's what it says.

If I have a right under Section 23 to have a 1920 statute printed in French then that remains guaranteed by 23.3 despite its contradiction with the other section because after you've enacted the other sections you say nothing derogates from any rights that are granted by 23.

If, as Mr. Lecuyer and others have said - that this is merely 23, then I think that you should say nothing and this section abrogates, or expands any rights under 23; and there we're back to 23, then you can eliminate everything in-between; and we're back to 23, and those who are running around the province saying, save 23, should give three cheers but that eliminates everything else, Mr. Chairman.

In my respectful submissions, Mr. Chairman - and I'm going to shorten my remarks - the government has put the people of the Province of Manitoba in an impossible situation with regard to this legislation and with regard to bilingualism. If the section proceeds and is enacted and it's made a constitutional amendment, then the hostility that has been created will linger in the Province of Manitoba and create a polarization between groups in the population, and will open the door to any number of cases taken by Francophones or Anglophones. It doesn't have to be a Francophone as to where a head office is; how much is in a good available service; what it means to have an official

language, that it will be there?

If the section is withdrawn, which some are now seriously talking about, then the government should seriously consider, then there will be a court case. Now we've got a government in charge of a court case when that government has tried to make the people fear that the results of that court case would mean that there are no laws in the Province of Manitoba. There will be a political desire on the government to have no laws in the Province of Manitoba so they could prove that they needed this legislation.

Such a government cannot carry a court case. So I say, Mr. Chairman, that the people of Manitoba are left with virtually no alternative; that if the Government of Manitoba really believes in bilingualism, really believes that this province should develop with the kind of attitude between all its various different historical population, then they should immediately resign as the government to the Province of Manitoba.

Look at the statesmanlike thing you would be doing. Go to the public. I don't believe in this referendum business. A referendum will be a disaster. But you want this thing. This is an important thing. If it's as important to you as you say the government should resign, then the political parties in this province will go to the public and say - this is what we intend to do vis-a-vis, the French and English-speaking peoples of this province. If you want to go with this amendment? Go ahead, be my guest.

The Progressive Party will say that we will live with Section 23. We will try for a reasonable interpretation of Section 23, and as and when things happen, we will deal with the problems that arise from court cases. But we will do more, Mr. Chairman. We will say that regardless of any constitutional law, we think that this characteristic of the Province of Manitoba is a good thing, and we would intend to see to it that the population of Manitoba and the peoples of Manitoba who have the official language population status, are treated in a way which would commend itself to the support of the people of the Province of Manitoba. That will be our position.

I gather that the position that will be taken by the Conservative Party will be made known by the Conservative Party, but then we won't be dealing with referendums. We would be dealing with what the government has gone on record as saying is one of the most important questions, fundamental questions dealing with the future, dealing with bigotry in our province and we will have the political parties go to the public and say how they intend to deal with that. I would welcome that opportunity, Mr. Chairman, and if the government means what it says, they should welcome it, because it would mean that they would put themselves before the public on this issue in a meaningful way.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Green, for your presentation. Mr. Lyon.

HON. S. LYON: Thank you, Mr. Chairman. Mr. Green, I'm sure just because of time limitation, you didn't have much of an opportunity to give us your opinion the Bilodeau case, the case which this government has

stood back in abject fear of, and is using as its prime motivation for making amendments to the Constitution of Manitoba. You mentioned, in the course of your remarks, the strangeness that you found in the proposition being enunciated in the Bilodeau case. I'd be interested in knowing your further views about the Bilodeau case and about the likelihood of that case being successful in the Supreme Court.

MR. S. GREEN: Mr. Chairman, I find it very difficult to be put on the spot about how a case will go, because they go in peculiar ways. I was before the Court of Appeal yesterday and a lawyer on the other side wanted to get a decision that I had obtained, upset. I was successful; they didn't want to upset it because a decision was illogical and contradictory. I told the court that if that becomes a ground for upsetting a decision, then every case that has gone against me has been found on that basis.

I can't talk about what the decision will be, but I can say that the courts are not unintelligent people. By the way the courts are on the side, thus far, of the position of the Province of Manitoba which the Province of Manitoba apparently doesn't accept. After all, the last Court of Appeal decision says that this is a mandatory thing, but it's directory. You can require it to be done but the laws are still legal. Some people say that that's not correct and they're going to go the Supreme Court and it may be that the Supreme Court could say, we're going to allow this case, but - and this is what happens with constitutional entrenchment - we are going to allow a reasonable time for the province to deal with this question and what will be a reasonable enactment of the question is not to even translate statutes that have been repealed or when they are translated.

The reason I can say that, Mr. Chairman, is that's what happened in the States, when the courts have had to administer a government's conduct. They haven't said, everything you're doing now is illegal. They say, we expect you to start doing this. Certain schools have to be integrated by a certain period of time. You know, I stand here as an Officer of the Court who is supposed to have respect for the court, but to me, the notion that the Supreme Court of Canada would say that there are no laws in the Province of Manitoba - in order to say that they'd have to say there is no appeal, because the appeal comes from an appeal court, the statute for which is written in English. So they would be hoist by their own petard. The case couldn't stand if there are no laws in the Province of Manitoba. It's a legal absurdity. They would have to figure a way out of it and I am prepared to live with 23.

We dealt with the Forest case. You know, it wasn't bigotry for Howard Pawley at that time, the Attorney-General, to write a letter to the court and say, we won't accept this decision but we'll proceed in French. I was part of that position and I agreed with that position; I did not want a court case out of the Forest case. Somebody found a way of continuing it; we'll deal with it. In my view, it will not mean that there will be legal chaos in the Province of Manitoba. How they will decide it, I don't know, but I can tell you that the Court of Appeal of the Province of Manitoba decided that although it was there, it was directory, it did not result in an illegality of the law.

HON. S. LYON: Mr. Green, we've had a number of suggestions . . .

MR. S. GREEN: If I may have one more word. What I can tell you, Mr. Chairman, and I think you know me well enough to know that I would take this position - nobody would get me to amend our laws on the basis of threatening me with a court case. I'd say, let the case go ahead.

I remember when Warren Allmand came to Manitoba and told me that he's going to get an injunction against the Churchill River Diversion unless we did certain things. I said, you go get your injunction. Some reporter outside the hall heard me say "goddamn injunction," and she's right. When I asked her why she's snooping at the door, she said, Mr. Green we didn't have to snoop, we could hear you all over the building. You get your injunction and then we'll talk. You go ahead and win your case and then we'll talk. There's nobody, not La Société Franco-Manitobaine - I will not negotiate a constitutional change with a private organization. I will go to the public, not take one private organization.

Will the Attorney-General now negotiate with Joe Borowski as to what the abortion laws will be, because Joe Borowski's got a case before the courts. Well, he's going to go and negotiate; well, we don't want you; you might make all therapeutic abortions illegal. The result of your case may be that all therapeutic abortions are illegal, so we'll negotiate with Joe and we'll say, now those therapeutic abortions after four months are illegal, before three months, and if we don't do this, Joe's going to get them all declared illegal. Would you negotiate that? I mean, it's astonishing.

HON. S. LYON: Mr. Green, I take it that if you'd been a member of the present government, which is a situation very difficult to conceive of, that you would not . . .

MR. S. GREEN: That's the way they saw it too. No, I was there. It was their choice.

HON. S. LYON: That you, no more than I, would be negotiating with either a plaintiff in a case, in a constitutional case, or with the Franco-Manitoban Society, or the St. Andrews Society, or the Jewish Benevolent Association, or any other private group and the Government of Canada to settle an important, or allegedly important, constitutional case far-fetched as it may be. Is that what you're saying to the committee and to the people?

MR. S. GREEN: Mr. Lyon, most constitutions do not come out of majority governments, they come out of constitutional conventions because they cannot be repealed by majority governments. Even Mr. Trudeau said that if he did not have the consensus of the Conservative Party in Ottawa and the New Democratic Party which gave him Western consensus, he wouldn't have changed the Constitution because once you change it, you cannot recharge it.

This government, not only were they prepared to change the Constitution by majority government, but they weren't even going to take it to their own members. They took it in and said, here is the deal that we made

and we cannot retract from it. They weren't going to come to these meetings. Now having started in that direction, don't they know that they are off the rails before they got on to them, and that they should not be continuing?

HON. S. LYON: Mr. Green, you made some mention in your remarks about a group known as Manitoba 23 and I along with, I presume, all members of the Legislature received notification from them to the following effect, that they are a coalition of concerned citizens, community leaders, business leaders and associations supporting the resolution to provide limited French Language Services. They are confident that an informed citizenry will judge this proposed agreement as it now reads to be fair, reasonable and will be supportive. They invite all interested Manitobans wishing information to contact them.

Then in last weekend's paper, they ran an ad in which they talked about this constitutional amendment being worthy of support because it re-establishes French linguistic rights which the Francophone community - I don't like that term any more than you do - in Manitoba have been deprived of for 93 years.

MR. S. GREEN: They who say that they are going to inform the public, are misinformed and it's ill-advised for the public to accept information from misinformed people. I resent them saying that I am opposed to this because I am an uninformed person.

First of all, 23 is there. So those who are changing 23 are taking away or changing rights, not those who are maintaining 23. Secondly, if there were rights taken away in 1890, they have been restored in full and to what extent the court will deal with that remains for the future by the Supreme Court of Canada in the Forest case saying that that's gone.

But I'm shocked to hear what I consider misinformation. I'm shocked to hear people say here, well, in the 1870 statute it was declared an official language. That's not what it says. It says, "French and English may be used in the Legislature and the courts, and the statutes shall be printed" - it didn't even say enacted, I don't think, I could be wrong on that, but I think it says, printed in both languages.

A MEMBER: Published.

MR. S. GREEN: Published? Well, whatever. But that's all.

A MEMBER: Printed and published.

MR. S. GREEN: Yes, printed and published, it doesn't even say enacted and I don't know whether they have to be enacted. I don't know whether the bill has to be. It said the records. We're going to start arguing about what the records of the House are. Does that include Hansard? There was no Hansard then. Does it include the records?

When you say that municipalities will not have to abide, I challenge la Société Franco-Manitobaine to say that a municipal by-law will not have to be in French. If somebody says that, they'll go to court. And how will they win? All right, Mr. Mackling is a lawyer -

proceedings in the court - you can insist on them being in French, right? Everybody agree with that? In court, you're charged with a dog by-law - municipal. You come to court, you say, I can't have it in French unless the by-law is in French. Am I wrong? Is that crazy? It may be extended, but it's not nearly as extended as saying that there will be no laws in the Province of Manitoba.

So by-laws will have to be in French if a person wants to be tried in French. Will la Société Franco-Manitobaine say, no, the by-law does not have to be in French, we will sign that it doesn't have to be in French. When it says no municipalities, does it mean that a person when he comes to court and has to plead to a municipal by-law, has to be read to in French, has to read in French for him to be able to understand it? That's what they said about the traffic ticket. Why won't they say that about the municipal by-law?

HON. S. LYON: I've found that ad, Mr. Green. The exact words of the Manitoba 23 group and their published ad are these, "The resolution referring to the amendment that is before this committee. The resolution re-establishes after 93 years equal status for French and English as official languages in Manitoba and defines the responsibility of government in providing French Language Services to French-speaking Manitobans where it is warranted. We believe these initiatives are consistent with the historical and cultural realities of our society. Manitoba 23 wants to ensure all Manitobans know what is at stake. This is not a political question, but rather a question of justice." Then they invite people to send money and to send in the clipping and so on.

MR. S. GREEN: Mr. Lyon, are not political questions, questions of justice too? You know, somebody has a bad notion of political questions? Political questions often involve justice at their highest position and I see nothing inimical between political questions and justice, but it is in my opinion, not so; 23 now stands. What rights flow from 23 will be determined by the courts. You enact this and there will be more sections which will be interpreted by the courts - not less.

My personal choice would be that the people of Manitoba were free as democratic human beings to do right by all of the population of the Province of Manitoba including Anglophones, Francophones and whatever phones. That would be my personal choice. I have confidence - and I know that it sometimes doesn't work - but I have confidence, given the freedom of the people to make a decision for them to do what is right. They can also do terrible things, but the terrible things are done with constitutions and without constitutions. You want to talk about the Japanese. The Americans had their Constitution, they did it. We didn't have our Constitution, we did it. It can be done either way.

I am not aware, given the existence of 23, even with 23, I was always prepared when I was a member of government, that there was never any inhibition to speaking in the Legislature with the use of the French language in the Legislature - never any inhibition - in all of the years that I sat in the Legislature.

I was prepared and wanted the Forest case to be conducted in French. I saw no reason for the Crown Prosecutor to have made an objection. Maybe he made

an objection because the Attorney-General at the time didn't think as I did, because I see here a letter from the Attorney-General, June 14, 1974; "Thank you for your letter of May 29, 1974, advising me of your intention to request a declaratory judgment from the Court of Queen's Bench with regard to the official language of the Province of Manitoba. I want you to know that in the Province of Manitoba we have more populous groups of people that speak Ukrainian or German than those who speak French. Therefore, you will note that from an administrative point of view it would create a very difficult situation for Manitoba to provide statutes in the French language without providing for statutes in other languages. I regret that I could not be more accommodating to you. Howard Pawley, Attorney General."

Well, I certainly wouldn't have said that. I have never regarded German, and Polish, and Yiddish, and Ukrainian, and Russian as being on the same level as French, but that was the position of Howard Pawley. And that's signed, Howard Pawley. I didn't see that when I spoke to you this morning. This morning I said I came to a French-English country and I cannot regard those languages. I expect that the continuance of bilingualism in our country will accrue to the benefit of minority groups. That's why, when I spoke for bilingualism, I never spoke of granting rights to Franco-Manitobans or French Canadians. I always said - si je veux bilinguisme, c'est pour moi, pas pour les autres - because it's for my good, not for the good of the French Canadian.

HON. S. LYON: Mr. Chairman, through you to Mr. Green. We've had . . .

MR. S. GREEN: These are the benevolent people wanting to do it for the French Canadian.

HON. S. LYON: We've had quite a parade of people indicating their desire to speak to the committee, some of whom have already done so; some quite commendably on behalf of individual ethnic organizations. I'm not singling out any one group, but I give to you as a personal opinion a thought that there is a line running through their submissions, a line of misunderstanding in my opinion, that somehow or other the Francophone community in Manitoba is being deprived of something unless this amendment is passed, and that a certain imaginary oppression is going to continue unless these amendments are passed.

I cite, as the most recent example and not to be hypercritical of Dr. Tsai who was here last night and this morning, but I read from his brief. "We believe that to deprive the Francophone community of its legitimate rights on the basis of its being a minority, constitutes a serious threat to all minority groups." Would you give the committee the benefit of your view, first of all, on the validity? Is that statement valid in your opinion?

MR. S. GREEN: Well, I have already indicated, Mr. Chairman, that I do not regard it as valid, and I do not regard the French and English sort of character of our country to be something which admits of calling French a minority group. The French-English character of our

country indicates that French and English are the official languages. The other languages are, we hope, dealt with in a very very progressive - if I may use a good term - manner, but they do not acquire that status. If people have been told that the failure to pass this bill takes away rights from French-Canadians, in my view that is false, because 23 will be there.

In my view, it's a little more subtle. A lot of people who are for bilingualism say that those who are opposed to this resolution are against bilingualism. They're saying, well, we like the bilingual character so we'll come in and support the bill. I am a proponent and I think I can say that I did more on this question - and never did it out of saying that somebody's gut be up against the wall, I did it because it was good - then either Mr. Pawley or Mr. Penner. I am labeled now as being anti-bilingual because I oppose this legislation. So someone has successfully created a division between the so-called pro-bilingualists who are for the resolution and anti who are against. I want to undo that division cause it's not true. Those ethnic groups who are coming and saying that they want it because they're in favour of bilingualism are misled. You don't need it for for bilingualism, and it will hurt bilingualism, has hurt it.

HON. S. LYON: In the same brief, and again I don't mention Dr. Tsai's brief only because these statements appear in his brief. They appear, as I have said, as a thread in other ethnic group briefs that have come here. Somebody has been - let me use the term - in my opinion, feeding different groups in Manitoba a line of guff about the constitution of this province. So as a result, we find statements like this from Dr. Tsai's brief last evening, "As we understand it, the proposed amendment re-establishes the equal status for French and English as official languages in Manitoba and defines the responsibility of the government in providing French Language Services to the Francophone community where it is warranted. We believe these initiatives are consistent with the historical and cultural realities of our society."

Could you give us the benefit of your opinion on that statement?

MR. S. GREEN: In my opinion, the statement that this re-establishes the French language right, is incorrect. Mr. Chairman, when the government announced that they entered into an agreement with the Franco-Manitoban Society and the Federal Government to change our Constitution and gave it to be understood that that agreement is not subject to change and has to be passed by the Legislature by a certain date, they declared war in the Province of Manitoba. When in war, truth is the first casualty and the evidence of that is that the people of Manitoba are being asked to financially publish falsehoods, and there are all kinds of others. They come on all sides of the question and if I have fallen into that, then I should be criticized, but I've tried to stay within the line.

The second cliché that applies to this case is that patriotism is the last refuge of a scoundrel. The Attorney-General got up in the House and said that Canadian unity demands this legislation. Now those who are against it are not patriots. Well, that's just not so. There are two views on how this is to be done. The

view that you protect bilingualism in Canada by constitutionally affecting the provinces is discounted by many many people and, in my view, by the majority of people in the Province of Quebec. I noticed that La Société Franco-Manitobaine wanted to link somebody with the separatists by saying that this is the same as René Lévesque. But when the yes/no vote came up, La Société Franco-Manitobaine said, vote yes. The yes vote was a vote for separatism.

HON. S. LYON: In the similar vein, the Alliance Quebec group which started off the briefs to the committee the other day made this statement Mr. Green.

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

HON. A. MACKLING: Yes, Mr. Chairman, I understand that it is right and proper that members of the committee put questions to Mr. Green asking him to clarify or elaborate on points that he has made in his brief. I suspect it's in order for members to ask Mr. Green his opinion on specific facts that a member suggests are facts. I question however, that it's in order for members of the committee to read extensively from previous briefs and then ask this witness, Mr. Green, to comment on these other briefs and their opinions. To do that and to continue in that line, will mean that anyone that comes before this committee can expect his brief will be put to other witnesses for their evaluation and this committee then will be in a process of extensive examination, re-examination of briefs, and I believe, Mr. Chairman, that's an abuse of this committee. I believe it's right and proper for Mr. Lyon or any other member of the committee to ask Mr. Green for his views, arising out of some words that he has indicated as his position in his remarks. But to introduce someone else's views and ask Mr. Green to comment about those is out of order and I ask you, Mr. Chairman, to so rule.

MR. CHAIRMAN: Mr. Sherman on the point of order.

MR. L. SHERMAN: Yes, Mr. Chairman, on the point of order. Mr. Mackling has, due to other duties, not been present at these committee hearings since they began on Tuesday morning and I want to assure him, through you, Sir, that the point upon which my Leader has questioned Mr. Green has been made over and over again, not merely in the brief presented by Dr. Tsai, but over and over again by groups who, through some form of pressure or misinformation, have come before this committee and insisted that the proposed amendment re-establishes the equal status for French and English. They have been labouring under that delusion and that misinformation and have articulated it again and again in briefs before this committee. That is what my Leader is referring to, and I submit that is a perfectly legitimate question to put to Mr. Green or any other witness, any other delegation appearing before this committee, because there is misinformation abroad and it must be addressed, Sir.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Thank you, Mr. Chairman. I think that Mr. Sherman has missed the point of the argument

that my colleague made, and that is that what is taking place and is unfortunate, is that the witness is being asked to comment on the opinions of other groups, without those individuals having the opportunity to respond in kind and they may not even be present. It has not been the practice of committees of this kind to ask individual witnesses to reflect on the comments of other individuals. It is patently unfair and I would ask that it be stopped as well, Mr. Chairman.

MR. CHAIRMAN: Well, I have asked the committee members to discipline themselves to try and get clarification from each of the people who are making presentation before us. I think that is generally the procedure we have followed in the Legislature as well as in other committees. In view of the fact that we have very many briefs that want to be presented, we should try to limit ourselves on the questions of really getting to know what the people have presented. I think if we can abide by that I won't have to make a ruling. We can live with it.

Mr. Lyon.

HON. S. LYON: Thank you, Mr. Chairman. I'll certainly try to abide by your understanding of how these committees proceed, even if others around the committee table don't understand.

Mr. Green, I'd like your opinion on this statement. "The proposed amendments to The Manitoba Act would accomplish that most difficult task in a just and equitable fashion. They would remedy a long-standing injustice and would, by providing certain government services in French as well as in English, update the guarantees of 1870 and bring them in tune with the realities of contemporary government."

Mr. Green, I'd like to know your opinion on that quotation. Is there some disruption of the committee, Mr. Chairman?

MR. CHAIRMAN: Yes, Mr. Mackling.

HON. A. MACKLING: A point of order. I take it that, notwithstanding your ruling and the argument that was addressed to you indicating that questions put to a witness should be for clarification of the witness's words in his brief, in his submission; notwithstanding the position that has been made that previous briefs should not be read to a witness and ask for his opinion, the Leader of the Opposition is now reading from a previous brief and asking the witness to comment on it. I ask you, Mr. Chairman, to rule that that line of questioning is out of order. That is a precedent that no committee, no Legislative Committee to my recollection has ever followed.

MR. CHAIRMAN: Mr. Mackling, I made no ruling; I asked for co-operation and I was assured I was going to get that. I am trying to be patient with this committee. I am trying to get them to work co-operatively.

I would hope that Mr. Lyon would mean what he said, that he would try to co-operate with my suggestion that he would discipline himself to trying to get questions of clarification on the table. If that is the understanding, then we shall proceed.

Mr. Lecuyer, on the same point of order.

MR. G. LECUYER: Mr. Chairman, it's obvious that Mr. Lyon is not abiding by that suggestion and what we could find ourselves in is a situation where, after the 90th brief, Mr. Lyon will question the presenters on the 89 briefs that have taken place before and I feel, Mr. Chairman, that you should rule . . .

MR. CHAIRMAN: Order please. I would suggest that we not presume what will happen. Let us proceed intelligently; let us try to discipline ourselves.

MR. G. LECUYER: Mr. Chairman, I ask for your ruling.

MR. CHAIRMAN: I have given a ruling and I'm not going to make a ruling in respect to this particular instance.

Mr. Lyon.

HON. S. LYON: To the Alliance Quebec or to any of these other groups, Mr. Green, who are broadcasting abroad this idea that this amendment is re-establishing some right, what is your opinion about that?

MR. S. GREEN: Mr. Lyon, in my opinion, such legal rights - and it really bothers me to deal with legal rights because there are so many more important things; but such legal rights as may be affected, and I only say may be - were dealt with by the Supreme Court declaring ultra vires the statute of 1890 which made English the official language of Manitoba, that that maintained the status quo.

You want to talk about enhancing Canada and Canadianism. Of course. And I've indicated to the committee how that was done for a period of 10 years without having bigots crawl out of the woodwork. It's the NDP that creates bigots and they are the creation of the NDP, because all those things were done and therefore this resolution has no effect on re-establishing anything; it's setting back bilingualism 50 years. You can retrieve that by doing what I said. You want, you love bilingualism, you love the character of our country - go to the public and fight for it, as we did in 1969.

HON. S. LYON: Mr. Chairman, through you to Mr. Green. In the course of your remarks, Mr. Green, you talked about the educational situation in Manitoba, the first speech that you made in the Legislature in 1966 on the Roblin Government's bill and then you recounted, as some of us have heretofore, the improvements that were made by the Schreyer Government when you were a member of that government and subsequent improvements made in the time of our government and so on. I would like your opinion, Mr. Green, as to whether or not these statutory changes - and for the sake of my honourable friends opposite, I make the distinction for them, "statutory" as opposed to "constitutional" changes - these statutory changes, in your estimation as a practising politician during all of those years and still the leader of a party in Manitoba, did any of those changes which vastly extended and enhanced French education rights in Manitoba cause any social disruption of any kind that you were aware of as a political figure in our province at that time?

MR. S. GREEN: Rien du tout.

MR. CHAIRMAN: Mr. Green, I would hope that you would give me a chance to introduce you so we can get as to who's speaking when. Thank you very much.
Mr. Green.

MR. S. GREEN: Monsieur l'orateur président, rien du tout. J'ai jamais entendu une telle réponse. Pendant mes années dans le gouvernement, j'ai fait beaucoup discours dans un peut-être mauvais français, partout au Manitoba et dehors du Manitoba et c'est la première fois. . . à l'Inn International quand le Président a dit quelques mots en français, bienvenu mes amis. J'ai ai entendus - une réaction hostile - c'était la première fois.

Never did I get a bad response from the Province of Manitoba speaking French; never did it affect me electorally; never did it affect my party electorally. The first time I heard boos for French in Manitoba was when I attended the International Inn and Dean London said several words in French. They were quite courteous words like bienvenu mes amis - welcome - and he was booed. That was the creation of the NDP.

That didn't happen in all of the years that we were moving along in French and, Mr. Chairman, we moved. There are more children in French immersion per capita in the Province of Manitoba, as I understand it, or if I am wrong, I would quickly want to be corrected. The Minister of Education is sitting right here. The people normally referred to as Anglophones were rushing; they couldn't accommodate the number of people who wanted to learn to speak Canada's other language - I don't even say second language - other language. That was a very positive reaction to what we were doing.

That happened, Mr. Chairman. There is no need to constitutionalize services in French. I, for one - and this is not due to my friends - I don't like to enact a statute unless you need one. You can provide services without a statute; you can create a bureau without a statute; you can create a secretariat without a statute, but you get some group who says if you don't do it, I will sue you. You make a statute and put it in the Constitution, it can never be changed, and if you don't do it, I will sue you. That creates bilingualism?

That is putting back bilingualism 50 years, and the Province of Manitoba, by yielding to it, has put back bilingualism 50 years. If they want to undo it, go to the public and sell bilingualism. Don't sell this business - we are quite different; French will not be required by other people; nobody who doesn't speak French will be disadvantaged - this kind of nonsense I have been hearing.

In this country, Mr. Chairman, as things are now without Manitoba bilingualism, without this section, without 23, in Saskatchewan, which has no 23, it will be of advantage to a Canadian to speak French and English; and those who say no, that a person who speaks only English will not be disadvantaged are fooling that person and are spouting balderdash.

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: Mr. Green, you were a member of the Legislature in 1970 when the previous government brought forward the bill in response to the Supreme Court judgment in the Forest case.

MR. S. GREEN: Right.

HON. S. LYON: As I recall, most members, if not all members of the House supported that bill. There was unanimous support for it, and I think Mr. Desjardins may have spoken in brief criticism of it along lines that you indicated in your remarks.

As a result of that bill being passed, and what I modestly described as the moderate and yet reasonable approach that was being taken by the Government of the Day and by the Opposition of the Day to this matter, do you recall that there was any great public disruption such as we see now resulting from these amendments brought forward by the NDP?

MR. S. GREEN: None at all, Mr. Lyon, but that bill wasn't the best example because it really did very little, and to be fair to you, you said that it did very little. You were just saying that now we are going to pursue what we have to do under 23. I know that La Société Franco-Manitobaine was very unhappy at the rate at which things were going, and I expect that, but I didn't see anything non-positive in what was being done.

The biggest examples, and more important, the one with respect to making it compulsory to have French education available if parents of 23 children demand it, that is far more significant than this legislation. That is the requirement of a French service, and it has been used and taken to court. I happen to have been picked as the lawyer for the Canadian Parents for French, and I don't suppose it's because I have an anti-French attitude. That one, to my recollection, was passed unanimously. The City of Winnipeg Act which required certain things, was mentioned, and the city was not entirely happy with some of them, but it was passed. There was none of the hostility.

The hostility arises from a suggestion, Mr. Chairman, that this government, in response to a threat that we are going to make legal chaos in the Province of Manitoba, says that they are going to sit down with a group and enact a constitutional amendment that has to be passed by a certain day, not a word must be changed, and it is going to go through the Legislature. That's the hostility.

By the way, these sections, all of them, every single one of them, means court cases by those who want to go to court and who are financed. The worst part of it is the financing of court cases by another level of government. You know, when we were dealing with the Northern Flood Committee - Mr. Mackling will remember - they were financing the Northern Flood Committee to sue the Government of Manitoba. I said that if Manitoba is governed by an arbitrator who sets what we have to do with regard to the floods - Mr. Mackling wasn't here at that time but there were maybe others who were here - we may see an arbitrator awarding a trade school in Nelson House. Everybody said, oh, that's silly; you know, an arbitrator won't award a trade school in Nelson House.

The priority of the Government of Manitoba to determine social programs for Indians and for everybody else will still be there; it won't be taken away. Well, Mr. Chairman, I was wrong again. They did not order a trade school in Nelson House. They ordered an arena at Cross Lake. If I would have said they were

going to order an arena at Cross Lake, they would have threatened to put me in an insane asylum. But I was wrong. I said they were going to order a trade school in Nelson House; so they ordered an arena at Cross Lake. It shows you I didn't know what I was talking about.

Now, we don't know what's going to be ordered under this section. The government is going to have to deal with the Franco-Manitoban Society. This is the way government is going to take place in Manitoba, and La Société knows it and they want it. They are going to say there are no services in Steinbach; we've got 20 percent population. They will come down and sit with the Premier, and they will say this guy has to be French-speaking and that guy; and he is saying no, not five of them, only four of them. They will say, okay, we'll settle at three; there will be no court case. Okay, now there are three people. The next time comes along La Société Franco-Manitobaine and then you will have a Georges Forest.

Georges Forest, to his credit, he will say I don't care what you did with La Société Franco-Manitobaine. I know Georges Forest. He will say La Société Franco-Manitobaine made an agreement with you that you will only have French French services in the Throne Speech, and I want it in the Budget. That deal doesn't bind me. I will go to court and sue you on that question, and he will do it, he won't deny it, he's going to be speaking to it. You ask him whether what I say is not correct. — (Interjection) — Well, no, to Mr. Forest's credit, at the beginning he was not financed by the Federal Government. He may have eventually been, but at the beginning he wasn't. I respect that; I have nothing against that. I never once criticized that suit. I said let's fight it, but I never once criticized it.

HON. S. LYON: Mr. Green, before you, through time, closed off your remarks, you were giving us some few examples in your opinion of the legal consequences of this resolution and, indeed, I think you may have even mentioned one of the amendments to it. Are there any — other legal consequences to this resolution and its amendments that you have opinions upon?

MR. S. GREEN: Any member of the public of Manitoba has a right to communicate in English or French with, and to receive available services in English and French from any quasi-judicial or administrative body of the Province of Manitoba; that's the Labour Board.

Does Mr. Kostyra envisage that the Labour Board will have to have its hearings in French? I don't think he does. I think he thinks that the Labour Board Office will have to have somebody to communicate in French with somebody; but when I read this, it says the right to communicate in English or French and to receive available services, the provisions of a hearing of the Labour Board is a service which I am entitled to in French. Will La Société Franco-Manitobaine say no, that's not so? They won't say no, that's not so; they'll say he's right.

The same with the Municipal Board; the same with the Public Utility Board. Mr. Chairman, McKenzie Seeds has to have somebody there to speak in French. Do you know that? That's this law; any Crown corporation — that's McKenzie Seeds — you have to have somebody

to give services in French. Now, really, I don't think that's so terrible. I might enact that, but somebody else might come along and say it's unnecessary. I've got people with — what do they have now — 32 seats in the Legislature out of 57, and they are saying they're going to pass that law — not for me, not for now — but for all time; 32 seats in the Legislature. We're going to have a government forever, and never went to the public on this issue at all. You went to the public and said that when we get into power we're going to pass a law that's going to last forever, that the McKenzie Seeds has to have somebody there in French talking to people who only speak English.

How many votes would you have gotten? I think I would have won my constituency on that basis, and I didn't get very many votes.

A MEMBER: We told the truth, that's why.

MR. S. GREEN: You tell the truth; you get votes eventually.

HON. S. LYON: I have no further questions for the moment, Mr. Chairman, thanks.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Mr. Green, you mentioned that in The City of Winnipeg Act, there was provision for French Language Services made in the act. I was wondering if you could tell the committee how many cases challenging that provision you are aware of?

MR. S. GREEN: I'm not aware of any. I'm not aware of anybody who tried to get services and didn't get them.

HON. J. STORIE: So that within that act there was provision for providing French Language Services . . .

MR. S. GREEN: That's right.

HON. J. STORIE: . . . and it has been in effect now for what — 12 years or 10 years or whatever it is — and to your knowledge, there have been no challenges. Yet, you, in opposing this, or in some of your remarks, have suggested that the danger still exists that there will be innumerable court challenges even though it is amended and that we have specified the services we're providing.

MR. S. GREEN: Mr. Storie, I regret to say that you and I think differently on what our constitutional amendments and what our statutory provisions. A statutory provision doesn't help you to challenge it much if the government is going to merely deal with it, because if you go in and you demand some service in French and it's unreasonable and you tell the government that you didn't get it and the government says well, you really weren't entitled to it, then there's no use challenging it because if you go and challenge it and you win, the next Session of the Legislature it's undone. That's not so with constitutional amendments.

So constitutional amendments inspire much more challenges because they make the court a power over the Legislature, and once you've got another source

of power to go to which, in fact, is effective, you use it. Well, you won't see many challenges with the statutory amendments. The truth of what I am saying is go to the United States and you will see that there is more law made in the Supreme Court of Canada of significance than there is in the Congresses; the Supreme Court of the United States. Thank you.

HON. J. STORIE: Mr. Chairman, it would seem that Mr. Green's concern is that we are giving the court power over the Legislature. I would be willing to hazard a guess that during the time that Mr. Green was part of the government that he instituted through legislation and so forth a number of independent boards, commissions, that actually, in effect, are arm's length from the government; you serve power from the government.

MR. S. GREEN: Mr. Storie, you don't know me very well.

HON. J. STORIE: Well, that's quite possible. I would certainly say that you were part of a government that did.

MR. J. GREEN: Mr. Storie, you don't know me very well. Everytime I did it, and there were times when I set up independent boards, you look at the Clean Environment Commission, and you will see that the final authority is the Minister and the Lieutenant-Government-in-Council. You look at the Water Commission and you will see that they were advisory.

I am a person who sought governmental status for the purpose of having power. When I got there, I had no intention of giving the power to somebody else. That would be a betrayal of all of those people who I went to and asked for their votes on the basis that I was going to do something, and then set somebody up to undo it. I was always opposed to going to the Municipal Public Utility Board for hydro changes. I said if we can't stand up to our hydro changes in hydro and in the Cabinet, then we deserve to accept responsibility for them.

Now, I know that the present government, which has no direction that they want to move in, puts everything into somebody else's hands, and then they say it's not our fault; it's theirs. I was willing to say it's my fault. If you will look at the Development Corporation, you will see that the guidelines that I issued had them make decisions in certain areas, but ultimately we were in power and we had to accept the problems, and we did.

Mr. Chairman, my friend said at any stage we could have declared something under Part 2. I know what power I had, and unlike other politicians who say we don't want power, I sought to be a politician to get power, and when I get it, I don't give it away.

HON. J. STORIE: Just one final comment. Certainly, it is not unusual for governments, this or other governments in this province or across this country who have used that route, who have sought to establish boards, commissions, groups that are independent of the powers of the Legislature, and for very good reason

MR. S. GREEN: But not forever, Mr. Storie. Even if you do it momentarily, you don't do it forever.

HON. J. STORIE: Agreed.

MR. S. GREEN: You don't do it so you can't change it.

HON. J. STORIE: Aside from that, I would just like to ask you to comment on the crux of this matter as you see it. In either situation, from what I interpreted from your remarks, whether we leave Section 23 as is, or whether we amend it as is proposed. The courts in effect will end up deciding. Is that your view?

MR. S. GREEN: Yes, Mr. Chairman, on certain questions, there is less room for the courts under 23 than there is under the amendment, less, and for sure because 23 remains - you say nothing abrogates 23, so then everything you've done is at 23 plus, I say 23.

By axiomatic reasoning, as I learned when I was in algebra, anything plus is more than the figure there, so you have given more. What you have done is removed the possibility, you say - and I'm not even sure of that, because it says nothing abrogates - that some court is going to say that there are no laws in the Province of Manitoba. In exchange for that, you have given a huge number of things.

Now, you know there's not many of these things if I was sitting around in Cabinet and talking about doing, that I would be willing to do to see how they worked. What you're doing is taking them out of the hands of that discussion, putting it into the hands of the court.

Mr. Storie, you can talk to my former Cabinet colleagues. When a court interpreted The Clean Environment Act in a way other than what was intended, at the next Session that act was changed, and it was put as we intended, not the court intended. You can't do that with this legislation.

HON. J. STORIE: I agree that, given my limited knowledge of Mr. Green and some of the principles that he stands for, would be his position. I would say that the majority of Canadians, indeed most of the Premiers of the provinces of this country, have seen the need for the entrenchment of rights to be a matter that should not be left to the whim of the Legislature to change from time to time as they see fit.

MR. S. GREEN: I will acknowledge that we almost lost that battle and the NDP should thank their lucky stars we didn't, because after they all did this and fought for a year saying that that's what's gonna be, and I got up in the Manitoba legislature and moved that whatever we do, we leave the power of the Legislature to change what we have done. The New Democrats to amend voted against that resolution. They then went and agreed in Ottawa, it wasn't they who agreed, it was Mr. Lyon; and they said that after all is said and done, any Legislature can say, notwithstanding what it says here, we can do what we want to do and that's the only saving grace of The Charter of Rights. So you're wrong, they didn't all agree. They agreed to the opposite. To save face and they won't admit it, but to save face, these people went around the country saying

we've got our Charter of Rights, when they got exactly the opposite.

Those rights in the Charter, any time now a court does something, and thank God for it, if the Manitoba Government enacted - well, what are they enacting that's of any consequence? O.K., seat belts. Supreme Court says seat belts are an infringement on the right of freedom. Because of Sterling Lyon who can come back to this Legislature and say notwithstanding what the Supreme Court says, we're going to have seat-belt legislation. And you didn't do that, that was done by your opponents. You know, I have lots of arguments philosophically with Mr. Lyon; we are on opposite ends of the pole, but with a Charter of Rights, such as was proposed by the federal government, we would never have had Autopac in this province. It would have been ruled out by the courts because of the things that Mr. Lyon did. If you ever wanted to do it again, you could do it notwithstanding the courts. A majority of premiers and all of the governments of Canada agreed with that. Oh, they liked to say we won, but they didn't; they lost.

HON. J. STORIE: Thank you, Mr. Green; thank you, Mr. Chairman.

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

MR. G. LECUYER: Thank you, Mr. Chairman. Mr. Green, if I understood you correctly, you said that from your standpoint you are prepared to live with the Article 23 as it was and as it is until it's amended, as it stands now?

MR. S. GREEN: As it stands now.

MR. G. LECUYER: But one of your disagreements is with entrenchment because that leaves too much power in the hands of the court and yet would you not agree that there wouldn't be any Article 23, if it hadn't been for the court?

MR. S. GREEN: M. Lecuyer, si vous m'avez entendu bien, j'ai dit si, j'ai dit si j'étais là, il y a cent année, j'ai pas voté pour 23.

If you listened to me, I said that if I was there in 1870, I wouldn't have voted because I don't agree with entrenchment. And when you say to me that if it wasn't for the entrenchment - the entrenchment did nothing for a hundred years, you agree with that. They undid it twenty years later and nobody complained. If they did complain, nothing happened. So now you're saying, if not for the entrenchment, we wouldn't have what's there now. Nonsense! We enacted things for the benefit of the people of the province of Manitoba relative to our French-English history without any court telling us to do it. We did it because it was good. The NDP is doing it because it's afraid. That's what Mr. Pawley said.

M. G. LECUYER: Il faudrait aussi admettre, M. Green, que ça pris bien des années avant que ces mesures soient . . .

M. S. GREEN: Il y a des années. Mais tous les années qui sont passées ont eu le même droit légal. C'est

pourquoi que je suis pas certain que les droits légaux sont très effectifs. Les droits légaux étaient là. Somebody could have gone to the court in 1910, yet it declared ultra vires.

M. G. LECUYER: Vous devez admettre quand M. Green que c'est la Cour suprême qui a, à nouveau, ré-inplanter l'Acte 23.

M. S. GREEN: J'admet pas ça.

M. G. LECUYER: C'est pas la Cour suprême?

M. S. GREEN: C'est pas la Cour suprême. Parce que nous avons fait plus avant que la Cour suprême a fait cette décision.

MR. G. LECUYER: M. Green, pardon . . .

MR. S. GREEN: The Supreme Court of Canada made a decision. That decision, because of our entrenched Constitution, has certain obligations. When that court decision was made, which I happen not to think was not a positive thing, I thought it would hurt the cause of bilingualism, so told the people who were involved in it, that's why I didn't want to go to court, I wanted to give the trial in French, which the Crown Prosecutor should have done in any event. The court decision merely gave people to think that the path to "bilinguisme" is through entrenched constitutional changes and not through creating an atmosphere such as we had, whereby the French and the English languages were both very well respected in this province and things were being done, avant la Cour suprême, to see to it that that was a fact.

MR. CHAIRMAN: Mr. Lecuyer.

M. G. LECUYER: M. Green, je n'argumente pas ce que vous dites. Ce que je dis par contre, c'est quand même la Cour suprême, oui ou non, qui a prononcé la loi de 1890 ultra vires, donc qui a ré-inplanté ou remis en vigueur l'Acte 23 telle que passant en 1870.

M. S. GREEN: Oui, oui. Si vous considérez cette chose d'être significative, je donne vous un oui . . . Mais c'est pas significatif.

M. G. LECUYER: Merci.

MR. L. SHERMAN: Mr. Green, you were here during the presentation made to the Committee by the Manitoba Association for Bilingual Education and I believe you were also here at the time that La Fédération des Francophones hors Québec made a presentation through their spokesman, Mr. Léo Letourneau . . . at the risk of offending Mr. Mackling, I want to ask you about a contention offered to the Committee by the Manitoba Association for Bilingual Education and I would argue that it's legitimate, Mr. Chairman, because it was contained not only in their brief but in the brief presented by la Fédération and was referred to in la Fédération's brief as having been taken from a letter that appeared in La Liberté on July 22, so presumably it represents public property and is not just a statement

that was proffered by one individual appearing before this Committee. In that presentation, the Manitoba Association for Bilingual Education made the following claim: "That the rights of the francophone community are indissociable from those of Manitoba minority communities" and as the Attorney-General pointed out to me when I raised it the other day, there is a second part to that sentence . . . I don't think that it bears on the question that I want to raise with respect to the first part, but I'll read it into the record anyway and, and I point out that the conjunction here is and, not but, "and that the denial of these rights to a community prevents other communities from obtaining rights" but I want to ask you, Mr. Green, whether you would agree or what your view would be on that contention offered by the Manitoba Association for Bilingual Education reported in *La Liberté* of July 22, 1983 "That the rights of the francophone community are indissociable from those of Manitoban minority communities". Do you think that that casts light or darkness upon the issue that is before Manitobans at the present time.

MR. S. GREEN: Mr. Mackling realizes that it will be shorter to do it this way. I believe that freedom is indivisible and if you want to put that statement in that context, you can. However, the fact is that the French and English legal rights linguistically in this province and in this country are different from the legal rights linguistically of other groups. I accept that and any attempt to try to equate what's happening here insofar as legal rights are concerned is mischievous.

Insofar as developing a Canadian character, the fact is that since we are not a country that aspires to homogeneity and since we have to learn to live together as people of different backgrounds, then bilingualism is important for preserving this character of our country but it's not the same . . . The French speaking person or the person who speaks French does not regard the person who speaks German as having an equal right in German as in French. He does not want that. He says that he wants French to have the same status as English and he certainly doesn't want the German, Ukrainian and Russian to have the same status as English and French. He does not want that. But the argument is being mixed up with that type of suggestion and this amendment now is an amendment which will create the same kind of confusion and talking with forked tongue as the placement of aboriginal rights was in the Constitution. Remember when they were fighting about aboriginal rights and finally Trudeau relented? Such aboriginal rights as now exists are still there. Now, hence, there is no such thing that ever existed. So if they've never existed, you can put them in. You people have learned from Trudeau. Because now, you've got here nothing here in Section 23 and 23.7 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this amendment with respect to any language that is not English or French. Now there are no legal rights with respect to languages other than English or French. There are rights . . . There are statutory rights but every one of those statutory rights . . . even the statute that permits you to go to a school and demand a language of instruction in Yiddish is not preserved by this Section because

that is a statutory right and the next Legislature can come along and undo it so this Section is at best mischievous, at worst, fraudulent. Because it's trying to suggest that this thing will preserve for all time some non-existent right. The rights with regards to the use of German and Yiddish and Ukrainian are the rights that we enjoy as citizens of Canada, but statutorily, if they're available in the schools or you're right to speak it in a court and have it translated . . . those things are not constitutionally entrenched because those things are statutory in the first place and they can always be changed.

MR. L. SHERMAN: Thank you Mr. Chairman. Mr. Green, I appreciate those comments and it is important, I believe, for us on the Committee, for the media and for the people of Manitoba to have your views on some of the arguments and some of the contentions . . .

MR. S. GREEN: Not enough people in certain ridings, that's all . . .

MR. L. SHERMAN: I can assure you that the constituents in my riding, Fort Garry, are grateful for your views on this subject, Mr. Green. Much has been made and you've made reference to it yourself by some who've appeared before this Committee of what they describe as partisanship having entered this debate and there have been referenced to the fact that some persons on one side of the debate have taken a position that is incorrect and in fact declamatory and in fact, divisive, but perhaps on the other side of the debate, all has been sweetness and light and I infer that they associate the wrong side to the side the opposition has taken and the right side the Government has taken. I would ask you whether commentaries like the following from the *Montreal Gazette* . . . well, Mr. Mackling doesn't like this, Mr. Chairman, but this has been presented to this Committee and through this Committee to the people of Manitoba by l'Alliance Québec which had every right to appear before this Committee. But nonetheless have made the following submissions to this Committee. Mr. Mackling has a point of order but I intend to proceed with the argument.

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

HON. A. MACKLING: For members of this Committee to suggest that there going to refer to any witness, any number of arguments or positions that have been set out in respect to a matter before the Committee and ask for views on it, I think is an abuse of this Committee. It is quite proper to hear a witness, hear his presentation and then question that witness because of a concern to refine some of the arguments, some of the suggestions, some . . . in case there's any misunderstanding as to the position of the witness in respect to the arguments he's advanced but to relate a whole series of facts. One could read, in effect, a whole book to the witness and ask the witness to say - now, do you agree with it? There certainly has to be some reasonable limit to the kind of question you put to a witness.

HON. S. LYON: You're taking more time than the questions. You don't want to hear any criticism.

HON. A. MACKLING: Oh, that's not true, Mr. Green can handle himself very well.

HON. S. LYON: Socialists don't like criticism. That's the truth, that's what's bothering you.

MR. CHAIRMAN: Mr. Sherman on the point of order.

MR. L. SHERMAN: Yes, Mr. Chairman. Thank you, I'll be brief. I just want to say that in keeping with his track record established during the last session of the Legislature the Honourable Minister of Natural Resources has jumped the gun, again. If he would wait for me to ask my question - admittedly it had a rather lengthy preamble - but if he would permit me to ask my question he would see that it is very relevant, very salient and very much to the point of what Mr. Green has been talking about, Mr. Chairman, so I would ask for permission to proceed.

MR. CHAIRMAN: Proceed.

MR. L. SHERMAN: Thank you, Mr. Green. Submitted before this committee is an argument proffered by Alliance Québec, quoting directly from an editorial in the Montreal Gazette of August 26th, 1983, headed "French Gets New Allies", which says, and I'm paraphrasing here, but I assure the committee, Mr. Chairman, in the interests of brevity, that I'm not leaving anything important or relevant out, that Premier Howard Pawley is getting unexpected support in promoting his program to expand government services in French from various ethnic groups in the community. The editorial cites Ukrainians, Chinese, Metis, Portuguese, Jews, Italians, and Germans. It says that the support of these groups for Mr. Pawley is timely. It helps provide a counterweight to the red necks who are pressing him to back away from his commitment to provide French Language Services at the head offices of government departments, agencies and crown corporations by 1987.

I conclude with this quote: "Such services would hardly constitute a gift for Francophones, but rather a partial return of the constitutional rights they lost unlawfully almost a century ago through provincial legislation."

Mr. Green, would you say that that is an accurate portrayal, either by the Montreal Gazette or by Alliance Québec or by anybody else of the situation that is at the centre of this debate over this particular government initiative.

MR. CHAIRMAN: Mr. Green.

MR. S. GREEN: Mr. Chairman, I wish to answer that question, and I believe Mr. Mackling will understand my wish to answer it.

I am very sensitive to what kind of attack has been made about anybody who disagrees with the government program. I believe that I was one person who throughout my public life worked very hard in this area. I acquired the French language as an adult. I sent my daughter to a French school from nursery school, because I felt that I wanted her to speak Canadian. In the Legislature and in a government, I did things on this score. At all those times I was against doing what

is now being suggested, because it was proposed at that time. It was proposed to an NDP Government and they didn't do it; they only did it in the face of a court case. So their motivation is not because they wanted to do, but the court case, because we were told at that time by la Société Franco-Manitobaine that they wanted these various things.

I do not believe that there would be any argument in the Legislature at all if somebody got up and said I'm going to have these services in this area, in this government office there is going to be French people disseminating the service. You don't need a statute, it can be an announcement in the Estimates, and has been. I don't think there would be anybody fighting. But when you are going to create a constitutional position, which is then going to see people of this province dictated to by judges, rather than by their elected representatives, then is this a new fight?

Did I not take exactly the same position on the constitutional question when it was a charter? Why do they not give any credit to the sincerity of those positions? Why? Do I now have to read in the - forget the Montreal paper. Did I have to see myself in La Liberté associated with things that are rednecked in quality? They know better. But if they resort to that type of smear, because it's against their position, then they are the racists, not me.

MR. L. SHERMAN: Thank you, Mr. Chairman, those are all my questions. Thank you, Mr. Green.

MR. CHAIRMAN: Any further questions? Thank you, Mr. Green, on behalf of the Manitoba Progressive Party. Mr. Georges Forest. Proceed Mr. Forest.

M. G. FOREST: Monsieur le Président . . . Avant de commencer sur la matière dans mon projet, dans mon mémoire, permettez-moi de vous remercier et par vous, tous les membres du Comité qui, hier soir, se sont mis d'accord. Je suis heureux car depuis bon nombre d'années, qu'à tous les repas dans notre famille, en faisant le Bénédictin, nous récitons une partie de la prière de Saint-François qui se termine, comme vous le savez, en demandant au Seigneur, d'être l'instrument de sa paix. Et je crois avoir réussi hier soir à apporter la paix entre deux opposants sur ce comité.

I was all psyched up last evening, prepared to go on in English even after having won the point which I wanted to make - that of ensuring that both languages had equal status in the House, in this House. I yielded after an advice, a good legal advice from an attorney, and I thank him for it, that in order to press the principle further that I should come here today and speak to you in the French language. I shall not give all my remarks in French. I shall answer in English to those questions that are put to me in English and perhaps if I feel some parts of it in French because I find that translation is a crutch - a crutch that I have to use because the honorable noble members of this committee are not able to understand both official languages of this House of the Manitoba. You will all note and I am sure that you are all aware that the National Assembly of Quebec does not have simultaneous translation; it's not needed. The members there understand both languages and likely speak them

both.

Monsieur le président, membres du comité, bonjour à tous.

La résolution de l'Honorable procureur général, Roland Penner, sur l'amendement de l'Article 23 de l'Acte du Manitoba continue à faire couler beaucoup d'encre. Si l'attention du public est plus forte sur cette question que sur bien d'autres, cela est dû au fait qu'il s'agit là d'une question fondamentale dans la vie des manitobains. Un débat constitutionnel ne doit pas se faire à huis clos. Là où il y a de l'ignorance et de l'incompréhension, il faut apporter des renseignements et des explications. Si en fin de compte nos législateurs ne peuvent pas agir comme hommes d'état en tranchant la question que pour que justice soit faite, il vaudrait mieux ne faire que le strict nécessaire au sujet de l'aspect traduction des statuts et remettre à plus tard les choses qui se heurtent à l'incompréhension.

Néanmoins, pour répondre à l'esprit de la loi et de l'Article 23 de l'Acte du Manitoba puis au jugement de la Cour Suprême du 13 décembre 1979, il est nécessaire de dire sans équivoque que l'anglais et le français sont les langues officielles du Manitoba. Et là dessus je ne pourrais pas faire assez d'emphase. Il me semble qu'il n'existe que deux écoles de pensée dans l'opposition à la résolution Penner. Il y a d'abord celle qui ne veut rien entendre à la reconnaissance du français comme langue officielle au Manitoba et puis l'autre, en deuxième lieu, celle qui tout en étant pour le principe de la langue officielle cherche à obtenir le maximum de capital politique en donnant le minimum de reconnaissance aux droits.

Dès l'introduction de la première ébauche de l'amendement à la constitution du Manitoba en juin 1982, j'avais reçu l'assurance que la question n'entrerait pas dans la partisanerie politique. On me dit que le parti de l'opposition était au courant des négociations et serait tenue au courant jusqu'à échéance. L'opposition avait dit-on fait la promesse de ne pas se servir de la question du français pour faire du capital politique. Vu la polarisation qui se fait autour de la question du bilinguisme, il est évident que s'il y eut entente de gentilshommes dans le passé, il n'y en a guère aujourd'hui.

Monsieur le président, vu le rôle que j'ai joué dans cette question et vu l'intérêt que je continue et que je continuerai à avoir sur la résolution finale du problème, je tiens à vous dire que j'ai des sentiments bien partagés à ce sujet. J'en ai même le cœur déchiré. Puisque certains opposants à la résolution demande que l'alinéa 23.1 de l'Article 23 soit enlevé, je ne peux tolérer un recul aussi sérieux que cela. Il est absolument nécessaire que la constitution dise en termes non équivoques que l'anglais et le français sont les langues officielles du Manitoba.

En 1870, l'Acte du Manitoba fut formulé avec l'Article 23 qui se lie comme suit:

"L'usage de la langue française ou de la langue anglaise sera facultatif dans les débats des chambres de la législature mais dans la rédaction des archives, procès-verbaux et journaux respectifs de ces chambres, l'usage de ces deux langues sera obligatoire. Et dans toute playdoirie ou pièce de procédures par devant les tribunaux ou émanant des tribunaux du Canada qui sont établis sous l'autorité de l'Acte de l'Amérique du Nord Britannique 1867 et par devant tous les tribunaux

ou émanant des tribunaux de la province, il pourra être également fait usage à faculté de l'une ou l'autre de ces langues. Les langues de la législature, les actes plutôt de la législature seront imprimés et publiés dans ces deux langues."

Avant de m'éloigner de ce texte, j'attire sur un point particulier, toute mention des deux langues est fait de façon à reconnaître la langue anglaise et la langue française comme étant égale et non comme l'une supérieure à l'autre. A mon humble avis, Monsieur le président, le vrai problème auquel nous faisons face est celui du manque de vision des canadiens sur l'avenir de notre pays.

Nous avons ceux de l'ouest en particulier qui veulent que le pays et notre province soit anglais. D'autres et plus particulièrement le gouvernement du Québec veulent d'une province totalement française. Le Canada et notre province ne sont ni anglais ni français mais canadien avec deux langues officielles et une culture canadienne en croissance. Ceux qui s'obstinent à ne pas croire à cette théorie ont tendance à être suprématistes. En 1880, par deux coups successifs la foudre même s'abat sur la population catholique et française du Manitoba. L'un contre l'Article 22 de l'Acte du Manitoba qui abolissait les écoles confessionnelles et l'autre, contre l'Article 23 de l'Acte du Manitoba, qui abolissait la langue française au Manitoba. C'est dans le recueil de documents intitulé "Abolitions de la langue française au Manitoba" imprimé par ordre du parlement, du parlement canadien, lors de la première session du septième parlement en 1891 que je trouve des plaidoyers qui tout comme le S.O.S. du naufragé appelle au secours. Puisqu'il s'agissait de sauvegarder les écoles confessionnelles et en particulier l'école catholique, le vrai sens du S.O.S. qui est "Save Our Souls" ou plutôt SAUVEZ NOS AMES, face à la violence de la vague anti-raciale qui déferle sur nous en ces moments, le S.O.S. n'en est pas moins impératif.

Ceux qui s'opposent à la résolution Penner et en particulier à la reconnaissance du français comme langue officielle doivent lire et comprendre les plaidoyers que firent les principaux intervenants contre ce projet de loi du gouvernement Greenway en 1890. Voici ce que l'on trouve dans le recueil de 1891. And Mr. Chairman, I would like to ask that the appendices that I have provided be consecrated to the minutes of your meeting or to the report and translated where need be. I was thinking of making remarks, I will be coming back to one which I believe have underlined and contained on . . . just one moment, I am sorry, I did underlined in yellow something that I wanted to say here.

A la page 24 de la première appendice, au bas de la page je lis: "Je conviens avec mon honorable ami qu'aujourd'hui cela est laissé à la majorité; mais, afin d'y remédier, il a été convenu dans la conférence d'introduire cette disposition dans l'acte impérial." J'avais oublié de dire, Monsieur le président, qu'il s'agit là maintenant de l'Honorable John A. Macdonald qui parle. "Hear, hear, ou écoutez, écoutez dit-on; cela a été proposé par le gouvernement canadien par crainte qu'il survienne plus tard un accident; et les délégués de toutes les provinces ont consenti à ce que l'usage de la langue française format "un des principes sur lesquels serait basée la Confédération", et que son usage, tel qu'il existe aujourd'hui, fût garanti par l'Acte

impérial.

Ces déclarations ayant plus spécialement trait à la position des deux langues dans le parlement fédéral, le procureur général du Bas-Canada, l'Honorable . . . Sir Georges Etienne Cartier, rendit alors plus défini dans les termes suivants l'interprétation du même article relativement à l'usage de la langue de la minorité anglaise dans la future législature du Québec. And then, the words there are Sir Georges Etienne Cartier's, and you will undoubtedly be able to read it in the translation of the text, said that, of, course there was need for protection of the English language in the province of Québec.

Il y a d'abord dans ce volume la Pétition de la Convention Canadienne de 1890 au Gouverneur Général du Canada, le Lord Stanley, la Pétition des Evêques Canadiens au Lord Stanley, une requête signée par les députés d'origine française à la législature du Manitoba au Lord Stanley et je crois avoir raison, Monsieur le président lorsque je dis que le premier président de la Chambre au Manitoba était un canadien-français du nom de, si je me rappelle bien, Marc Girard.

Tout cela pour vous dire, Monsieur le président, que le geste de 1890 posé par le gouvernement du Manitoba dont vous êtes les héritiers fut un geste ignoble, illégal et porteur de division. Une réparation des torts causés par la loi inique de 1890 est de rigueur.

Le titre de la loi de 1890 et c'est dommage que M. Lyon ne soit pas ici en ce moment parce qu'il croit qu'il n'y a jamais eu de langue officielle au Manitoba mais le titre de cette loi, Monsieur le président, dit "Acte décrétant que la langue anglaise sera la langue officielle de la province du Manitoba" et cette langue a été langue officielle au Manitoba pendant 93 ans, Monsieur le président, lorsqu'elle fut démontée en 1979. Mais nous vivons toujours sous le fardeau de l'effet psychologique que cette loi suprême qui nous a été imposée a eu comme effet sur la population entière de cette province.

Alors, Monsieur le président, en décrétant que la langue anglaise serait la langue officielle de la province du Manitoba, on a aboli la langue française. Pour restaurer la langue française, il faut explicitement la restituer à son juste rang au même niveau que la langue anglaise.

C'est pourquoi même si je ne vois pas la nécessité d'enchasser des services, j'appuierai la résolution puisqu'elle fait le point de rétablir le droit de cité de la langue française à son juste titre comme langue officielle.

Monsieur le président, il est regrettable que l'usage de la langue française en la législature du Manitoba souffre encore de services déficients. A cause du retardement dans la traduction (24 heures d'avis ou peut être moins) le député de Saint-Boniface, mon député l'Honorable Laurent Desjardins, prononçait son discours le 28 juillet dernier en anglais seulement. Ce faisant, la presse française du Manitoba et du Canada ne pouvait rapporter de façon adéquate à plus du tiers de la nation les paroles historiques et sensées que l'on trouve dans le discours de l'honorable Ministre de la Santé.

Monsieur le président, je n'ai eu ni le temps ni l'argent pour faire traduire le discours de l'Honorable Laurent Desjardins. Considérant ses remarques comme étant de grande valeur je les consacre en appendice 2 à ce document. Qu'il me soit donné la permission de vous

suggérer qu'une traduction officielle de ce discours mémorable soit faite.

L'Honorable M. Sterling Lyon et l'Honorable Roland Penner se sont à quelques reprises référés à certains qui luttent pour la cause du français comme étant des fanatiques ("zealots"). Qui ne défendrait pas une bonne cause avec zèle? Si, vouloir la justice en se servant des tribunaux pour y arriver c'est être fanatique, alors Me Roger Bilodeau et moi même nous le sommes. J'ose croire que des êtres comme nous, comme nous deux devraient exister dans toutes les communautés de toutes les villes et de toutes provinces en tous pays.

Le Canada est bilingue et les pères de la Confédération ne voulaient pas d'un Manitoba modelé sur l'Ontario ou sur le Québec. Le Manitoba premier né après l'Acte de la Confédération de 1867 fut créé en 1870 à caractère bilingue.

Notez bien, que l'Acte de l'Amérique du Nord Britannique 1867, de par son Article 133, créait l'Etat Canadien et la Province de Québec . . . Question the talents of the minister and of his, I think dwindling number of colleagues who see the, who can see now, I think, more clearly than before the great arm that can be wrought on an awful lot of innocent people in the farm community because of the zealotry of the minister and some few of his colleagues who want to implement a piece of bad social engineering in Manitoba. One of the other causes of course for the legislation is the zealotry of sometimes that it is apparent has been on my time in the Civil Service. 1867, de par son article 133 - créait l'Etat Canadien et la Province de Québec en tant qu'entités bilingues. L'article 23 de l'Acte du Manitoba modelé comme elle est sur ladite article 133 est censée nous donner autant et certainement pas moins.

Un discours prononcé par un membre de l'opposition officielle à la Législature du Manitoba mérite de retenir notre attention. Le député en question mérite nos éloges. Il s'agit du discours du député Harry Enns prononcé le 18 juillet dernier et consacré aux procès-verbaux du Hansard page 4375 à 77. Vous pouvez vous référer à l'appendice 3.

Dans ce discours, l'Honorable Enns, ex-ministre du gouvernement conservateur de cette province dit: "And now, ladies and gentlemen, I have a vision which I have often mentioned and I would like you to come along with me on that vision. I am looking ahead at no less than two or three generations from now at which time after the implementation of French as an official language in our schools, the grandson of Harry Enns is sitting in the House of the Manitoba Legislature. Following in the steps of his grandfather, he is of course taking part in the debate and I will speak in french as I expect young Mr. Enns in future generations would speak. "M. le président" and these are the very words which you can read in English that Mr. Enns pronounced on the 18th, and I think they are noteworthy.

"M. le président, je prends la parole sur la résolution en tant que descendant d'ancêtres de l'un des groupes de gens autre que les peuples fondateurs - pour se servir de cette phrase - autre que ces gens qui étaient présents au Canada lorsque ce pays a décidé de se constituer en une nation, ayant une constitution nommée l'Acte de l'Amérique du Nord Britannique, 1867. Je parle comme de raison de nos frères autochtones qui étaient ici, et avec qui le Canada et

avant cela la Couronne Impériale avaient convenu des ententes variées, des traités, qui établissaient des droits que nous respectons et que nous honorons aujourd'hui. Et comme de raison les accommodements, le compromis, le modus operandi accepté, si vous le voulez, des deux groupes fondamentaux de gens qui étaient au pays cette époque-là d'origine française et d'origine anglaise.

Monsieur le président, ceux d'entre nous qui sont venus après cette date, mes parents inclus, ainsi que d'origine ukrainienne, polonaise ou italienne, bon nombre de gens venus en ce pays, l'ont fait de leur plein gré, sachant quel genre de pays ils venaient habiter. Ils savaient quel genre d'arrangement constitutionnel on leur demandait d'accepter en y devenant citoyens, non seulement du Canada, mais aussi de la province elle-même. Alors, je n'ai jamais partagé l'opinion, exprimée de temps en temps par certains de mes collègues, et entendue de la bouche de nul autre que le Ministre de la Culture il y a quelques instants, "qu'appartenant" - par manque de meilleure phrase - "au troisième groupe ethnique je n'ai jamais présumé pas plus que ceux de mon entourage avoir besoin de l'enchâssement de mes droits de minorité dans une constitution ou avoir besoin d'enchâssement par l'entremise d'un autre groupe minoritaire. Les moyens mis à la disposition des minorités sous un régime de gouvernement comme le nôtre, et avec l'attitude que nous prenons envers ces derniers, leur permet de développer l'éducation ainsi que le patrimoine culturel qui leur est propre. La suggestion voulant que les gens d'origine ukrainienne, juive, allemande, italienne ou portugaise ne peuvent continuer à faire avancer la culture de la communauté à laquelle ils appartiennent, parfois même du fait de lointain ancêtres, et que cela, d'une façon ou d'une autre, soit mis en danger parce qu'un groupe minoritaire n'a pas de droits spécifiques enchâssés dans la constitution, m'échappe tout simplement. Sûrement il n'y a personne en cette chambre qui suggère que la myriade des autres groupes ethniques suivront l'exemple établi lors de la prochaine session et la session suivante, afin d'obtenir leurs droits spécifiques et que pour ma part je n'ai jamais accepté comme étant des droits. Je crois que c'est une bénédiction que nous avons dans ce pays, qui me permet encore de parler la langue allemande de façon convenable, quoiqu'il me faille retourner en arrière de sept, huit, dix générations pour arriver au moment où il m'était possible de tracer une lignée ancestrale qui remonte jusqu'au pays qu'est l'Allemagne. Ce n'était pas pour moi une question d'avoir l'enchâssement de garanties constitutionnelles. C'était une question de choix, comme de fait ce devrait être. Monsieur le président, je n'ai jamais eu de doute, je n'ai aucune difficulté à accepter le fait français au Canada et le fait français au Manitoba tel que spécifié, tel qu'écrit dans la loi au moment où le Manitoba est entré en Confédération." Fin de la citation.

And I would now ask you to come back from that vision to reality.

Ce que dit M. Enns devrait être enseigné dans toutes les écoles et devrait être compris par tout citoyen canadien.

M. Enns continue sur un ton apologétique pour expliquer la politique du gouvernement Lyon au pouvoir lors de la décision historique du 13 décembre 1979.

En ce qui me concerne, Monsieur le président, je ne crois pas que le gouvernement Lyon prenait assez au sérieux, il a certainement fait quelque chose de bien, mais on ne prenait pas assez au sérieux le grand besoin de redresser les torts faits par le viol de 1890. Je m'empresse d'ajouter que l'arène politique est difficile, l'exploitation de la question de la langue française par des groupes ou des individus sans scrupules demeure un obstacle périlleux. C'est pourquoi, pour mettre fin à toute méconnaissance des droits à l'égalité des deux langues anglaise et française au Manitoba, il faut enchâsser la mise au point, l'affirmation que l'on trouve dans l'alinéa 23.1 de la résolution de l'Honorable Roland Penner.

Vous avez raison, vous de l'opposition officielle, vous des opposants professionnels, Doern, Green, Dan Mackenzie et a d'autres, la déclaration que l'anglais et le français sont les langues officielles du Manitoba en globe tout.

Si le gouvernement du Manitoba actuel cède sur cette question, je ne vois pas comment le gouvernement fédéral pourrait sanctionner cette résolution. S'il le faut, on se préparera pour la prochaine étape à Ottawa.

Je n'ai jamais été partisan de l'enchâssement des services. À mon humble avis un service ne s'enchâsse pas à moins qu'il nous faille limiter le droit correspondant. L'enchâssement des services dans le projet Penner est un geste contre la liberté fondamentale de l'expression de l'homme dans l'une des deux langues officielles de notre province.

Moi, avec des ancêtres manitobains, mes ancêtres venaient de la nation crise, eux qui faisaient d'une nation libre, je trouve absolument ridicule la création par enchâssement dans la constitution de ghettos français au Manitoba. Si la langue française est officielle au Manitoba, c'est un non-sens que de limiter son plein développement éventuel.

Merci M. le président. Thank you Mr. Chairman.

MR. CHAIRMAN: Any questions of Mr. Forest? Mr. Doern wanted to ask him, but he's not here at the moment.

Mr. Lyon.

HON. S. LYON: I've got a couple of questions or so, Mr. Chairman, thank you.

Mr. Forest, may I first of all as a member of the committee, thank you for raising the point that you did last evening with respect to the provision of translation services, because I think it is symbolically important that that right which flows out of Section 23 naturally, should be observed in this important debate, even though some of us feel that the direction being sought to be taken by the government on this matter will be damaging and prejudicial to the long-term interests of bilingual services in Manitoba. So I thank you for, first of all, raising the point, and then secondly, for accommodating the committee by waiting until today to give your brief.

In the course of your brief you made reference to the bill that was brought in, in 1980, in response to the Supreme Court decision in the case which bears your name, in the Forest case. I believe your words were to this effect, that you felt that the Lyon Government didn't take seriously enough the watershed

that had been achieved by that and didn't move quickly enough - I think was your term - to right the wrongs that had been caused since 1890. I ask you this question, is it not a fact also that the action that the Government of Manitoba took at that time did not cause any social disruption in Manitoba such as is being caused by these series of amendments proposed by the NDP?

MR. G. FOREST: There is not doubt and as I am prone to say from a very sincere feeling, because of the political problem that these matters always bring up, I personally felt that much more should have been done even especially in that bill or project de loi, Bill No. 2 in 1980, to equate the languages. I will say it because I've heard you criticize that remark several times, to restore the official bilingualism in Manitoba.

You were here when I said in French and you've undoubtedly got the translation in English, that 1890 said it was a law to make English the official language of Manitoba and we have lived with that official language in Manitoba. Why was it necessary to make a law making English the official language in Manitoba? Would it not have been sufficient to say, well I don't know. I don't know what one could have said. But by saying so one was to presume that French was also official and therefore one had to be more official than the other, so we've downtrodden French and made English the official language of Manitoba.

The psychological effect through the school system, through the remarks, speak French, that have been thrown at me up to the days that I was in the Air Force in 1942, that still lingers today, unfortunately. I think, with regret, I say that unfortunately the politicians have been prone to listen or to voice the opinion that they really haven't got rights. They've got a privilege, they're favoured, they're a little bit better because of course there was La Verendrye and everybody else but you, the other people in the ethnic communities, speak up for yourselves, speak up.

I tell you ladies and gentlemen and I am searching far and wide, I hope someone will find the document for me but Aesop's Fable or someone has something about the dog in the manger and there is a dog in the manger barking to keep the bull from eating any hay. He doesn't eat any but he's damned if he's going to let the bull have any either. That is a dog-in-a-manger syndrome that we have when we equate the fact that there is a possibility that other languages should be more important than French in Manitoba. That cannot be. It cannot be.

I would appreciate that we respect all other languages. In my opinion anybody who comes from a German community should also keep their German and speak both English and French, perhaps not themselves, but let it be for their children and their children's children.

Dr. Wilder Penfield, that noted Canadian neurologist, has often indicated in his books and in his talks that the average child - and even the majority of children in school - could learn no less than five languages up to the age of 10, at which time the brain and its relation to languages atrophies. That I think is something that we have to devote attention to, that is, the exploration of the mind. We've gone to the stars and we've gone down to the bottom of the oceans with Cousteau, but

what do we know about the development of the mind? Some say that Einstein was using only 15 percent of it.

Ladies and gentlemen, what I am saying is that the approach has got to be brought to bear very strongly by leaders such as yourself, not milquetoast approach, but a firm approach based on facts and reality and if it is necessary to have the Supreme Court spell it out for you to make it less embarrassing for you in politics, well that's the courses we'll have to take.

HON. S. LYON: Mr. Forest, I've just, in the course of my question, contrasted the human reaction of the people of Manitoba to what was done in response to the Supreme Court judgment by the Legislature unanimously in 1980, with the disruption that we see occurring in our Manitoba community today largely by virtue of the methodology which has been adopted by the government and in my opinion by virtue of the fact, as Mr. Green and others have said before the committee, that the settlement of the Blodeau case is taking precedence over the need and the enjoyment of rights that all of us - as I judge it in the Legislature - feel can be accorded by statute and which have been accorded by statute with no social disruption caused in Manitoba.

I draw your attention to the movements that have been made and the progress, very marked progress, that has been made in French education services in Manitoba since the middle '60s through three, four governments, five governments, and suggest to you, is it not worthwhile to have such major progress being made, not just on behalf of Manitobans of French-speaking origin, but indeed, on behalf of all Manitobans, is it not more desirable to have that kind of progress being made by statutory improvements with the full support of the people behind it, rather by contrast, to have a government trying to entrench something in abject fear of a case being heard in the Supreme Court, and the people of the province obviously not supporting it. Now which course of action is the better in the public interest of Manitoba, in the long-term interest of the French Canadian community, of the English-speaking community in Manitoba, in the long-term interest of Canadian unity?

MR. G. FOREST: My full answer to that, Mr. Lyon, you may hear on the commentary on the CBC radio tomorrow morning, but I will tell you that I would favour, as you say, one where there is the maximum of understanding, and one where there would have been ample opportunity to talk. I will say, and this is part of this portion of my stance that makes my innards tear asunder.

As you undoubtedly know from my position in the past, critical at times, of the very debate up until the big meeting in St. Boniface, I was critical of the SFM in the fact that they hadn't opened debate to the public, and that more people were not cognizant of what was going on, yet I cannot condemn the SFM. There's the body that has to represent someone. Unfortunately - and 1890 is what did it - the SFM can be equated to the Indian Affairs Department. It is a bureaucracy that looks after a set group of people. I've made allusion to ghettos. There is in Manitoba, for all intents and

purposes, the ghetto of the French community around St. Boniface, St. Pierre, La Broquerie, and so on and so forth. Those are reserves, and we undoubtedly have a Secretary of State that funds the Department of French Affairs in Manitoba.

I may be far-fetched, and it certainly mustn't sound very good in the ears of those people who are in that department, but as I've noticed Mel Fontaine say, and some you may have read the letters Mel has written - Mel is not a status Indian per se, or if he is still a status Indian, and I believe he has indicated he is, he is not on the reserve. See, he has broken away but I, on that basis of the ancestors of Canada, of Manitoba, I have broken away from the reserves of at least my ancestors have, and I'm integrated into the community as a Canadian, bringing along with me the fleet-foot dancing capabilities that my Indian ancestors possibly gave me. My perceptiveness in being able to say, listen, there are rapids up ahead, and I'd like to avoid them.

The good judgment that my English education has taught me and so on and so forth; I haven't really analyzed the means. But let me tell you since I am talking about myself, and please excuse me if I do, it's in order to enlighten you in the processes that we must go through into becoming possibly full-fledged Canadians able to say, oh yes, my ancestors were from France, from Germany, from anywhere else, but I am a Canadian. That is coming about and we have to devote our attention to that.

Our ancestors in America were De Forests from Flanders, the French Flanders, they were Protestants, Huguenots. They had persecutions in France. Jesse De Forest left a Dutch port because the Dutch were already in New York along the Hudson River cultivating tobacco from the beginning of the 17th century; Jesse De Forest left and established the first colony on Manhattan Island. Jesse De Forest, my ancestor in America, is the founder of the City of New York.

Lee De Forest, a descendent of Jesse, is the man that invented the vacuum tube. Perhaps I'm trying to keep up the family tradition of staying in the public eye. Some people have said, your ancestors were Protestant, and you're still protesting. Well, I think it is necessary.

I look forward to the day when I'd be able to sit and stand in the House of this Legislature and perhaps participate in debate and bring my two cents worth, but in the meantime, for umpteen times now, and I believe my first presentation here was in 1960 when with a group of 800 people, I came from St. Boniface and opposed metropolitan government. It was called the Metro revolt. I came against amalgamation if you recall. I abdicated as the voyageur in order to fight amalgamation. I think I'm going to continue fighting. My wife tells me that they're going to have a very strong lid on my coffin because I'll be fighting all the time.

Mr. Chairman, I don't know whether I have answered fully Mr. Lyon's question. I've digressed I'm sure, and this is my weakness; if you will bring me back. I did say, yes, I would favour this type of approach rather than going through this. I'm coming back now to what I said. I was definitely under the opinion, because I was in Ottawa on the 20th of October, 1981 when the decision was made through the lawyers that they would suspend the case in order to allow time to find a solution through political means, to translate the laws.

My theory, and I would encourage anybody here who has heard the remarks made because Mr. Anstett brought to my attention last evening that we will have the most notable presence of Dr. Stephen Scott tomorrow. I would encourage anyone of you to get the other members of the Legislature in, and perhaps if it were possible to bring all the law students in, in my humble opinion Stephen Scott is the topmost constitutional authority in Canada, and that is going to be a plum tomorrow. The remarks that I make tomorrow morning are not intended to be put into practice until after Mr. Scott has spoken.

So, Mr. Chairman, my thought was this, and this is somewhat of the theory of Mr. Scott, supposing there are 400 laws in Manitoba, pass a bill that will sanction, through the period of the next 20 years or 10 years, 398 of those laws. Leave the Bilodeau two laws, Highway Traffic Act and Summary Convictions Act free to be brought to the Supreme Court. Get them translated, but wait until the Supreme Court says, and I'm convinced such as you may all be after what has happened to the Blaikie case in Quebec, the Supreme Court will say, yes, they're unconstitutional. Like the Levesque Government, they were passed only in one language; they're unconstitutional; they're no good. Immediately, the Manitoba Government goes into action and sits overnight, such as the Quebec Government did on December 13, 1979, and passes those two laws in English (sic).

I could use the text of the words that Mr. Scott put in his letter to Mr. Penner on April 7, 1982 when he said, and those are the very words he used, "This will vindicate the Franco-Manitoban community for the harm that has been done to them." I think this is a formula that's imaginative; it is imaginative. It doesn't create the chaos in the House over there; it doesn't. Therefore, I was expecting that this proposition of Mr. Penner would be centred uniquely on that spot. I was surprised, tremendously surprised, flabbergasted, when they start bringing in entrenched services. Seeing as I didn't believe in it, I felt that this was going a little too far. That is my thought on that, Mr. Chairman.

HON. S. LYON: Well, I thank you - through you, Mr. Chairman, to Mr. Forest - I thank you for your thoughts on that, because I think those are the thoughts of most reasonable observers in Manitoba that we would want to accomplish the progress such as has been made in French education since the middle '60s with amity, without hatred being aroused, without one side or the other being called bigots or racists or rednecks or all of the other terms that we see applied now to people of good will who take a view opposite to that propounded by the government. I'm happy to have your indication that you, too, would prefer that course of action, knowing, as we all do, that you are someone who has zealously fought for what you thought to be right with respect to French language rights in our province.

I was interested to hear you make the statement that you did, Mr. Forest, with respect to the role of other linguistic groups in Manitoba. I know that from time to time you have been critical of the SFM; I know that you have always been your own man. The SFM is a member of the Francophones outside Quebec, the

group which spoke here a day or two ago. We have heard, through the course of these submissions, the group from outside Quebec, Mr. Letourneau - I believe it was - say if the ethnic groups will just go along with this, it will be so good for them; it will help multiculturalism in Canada. Yet I read in the publication that they turned out, called "The Errors of Lord Durham," the following statement on Page 65.

I'd like your opinion on this, because SFM belongs to this group and I'll be undoubtedly asking SFM about this statement that is contained in the Francophones outside of Quebec, publication seven, on Page 65 of this publication: "Multiculturalism a Threat to French Culture. Another threat to the cultural identity and activity of Francophones outside Quebec is the concept of Canada as a bilingual but multicultural country. This federal policy, which has many followers among the Provincial Governments, pushes us too easily and subtly to the background, to the same level as any other ethnic minority."

First of all, I'd like to know, Mr. Forest, if you share that view in the published document of the Francophones outside of Quebec.

MR. G. FOREST: Actually not, Mr. Chairman, for the benefit of Mr. Lyon, I cannot excuse or condone or support that statement, because I am not the one that made it and I was not consulted on it. The only point that I feel that minority groups could be a danger to the French fact in Canada is if the French fact is not established as an absolute fact.

It it's left to be, and this is a danger that reigns over Quebec English speaking people today, is that the Quebec Government in its legislation, in its perception, is grouping the English people along with all minorities by intent, and that is the danger; that is the absolute danger.

Fortunately, I think there is progress. Sitting right here - allow me to make this remark - I think it was in 1980, Russell was sitting right here and he says, Mr. Chairman, through you to Mr. Forest, Section 23 does state that English and French can be spoken in the House, but there's nothing that says that we have to understand what is being said. My remark to him, if I recall, was why are you here. Yet, I think Russell has learned a little bit. Today, Russell understands the system that's at his disposal, has undoubtedly used it in the House when Mr. Desjardins, Mr. Lecuyer has spoken. I think this is an evolution process that we're learning. I am talking about all that we have to undo from the psychological effects of 1890; we have to undo.

I am telling you, ladies and gentlemen, that if 1890 had not occurred, there would not be any need for translation services because our schools would have taught both languages, and third and fourth languages, and all of our members, such as you are sitting, would have been unable to understand law. I am sure of that, confident. It's what happened in Quebec and they've got it in Quebec.

Mr. Chairman, that view, I don't share it as much, other than to say that if there is no precision; and someone, even in this room not too long ago, said listen, I am going to fight you for the rights of my minority group. I don't know why he fights me because there is a need. I think there are more facilities for all the

ethnic groups in Canada than there are in the United States. I think there are. United States is a melting pot. When you have a melting pot, well, that's a potpourri; everything goes into it. But here, I think there is a distinction, and the fact that there are two opens the door to the minorities, to the mosaic, and that I welcome heartily.

HON. S. LYON: So you do not, as do, I think, none of us around the table, regard multiculturalism as a threat to the two founding nations in Canada, to the two founding languages in Canada . . .

MR. G. FOREST: No, there were two founding languages; like two people founding a marriage, in my opinion. They come from two sources but they make one and, from there, descendants occur. This, in my opinion, is the concept of the two founding nations which are today, Canada, with two major traits to which will be added all the others; and I am looking forward to seeing and coming back, if necessary, in generations to come, to find children who will be able to say they have a Canadian identity with a culture that is a mixture of everything that's been brought into it. This is the goal that we have to aim for.

HON. S. LYON: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Doern.

MR. R. DOERN: Mr. Chairman, I am listening to Mr. Forest, and I've known him for a long time. I must say that I'm partly confused by his statements, namely, that he appears to be taking a very moderate position which I am happy with, but I want to explore that to make sure that I have a correct impression.

Do I understand you to say that you are not in favour of entrenching positions in the constitutional amendment, that you are opposed to entrenchment of Civil Service positions?

MR. G. FOREST: Yes, Mr. Chairman and Mr. Doern, I don't believe that it is necessary, because if there is good will on the part of the government, if there is a belief that English and French are official languages in Manitoba, and I could debate that. I mentioned it a while ago by quoting that document of 1891 and quoting the very text of the act of 1890. There is need to recognize that French is an official language. Starting from there, I hope that Manitoba will follow suit to what Ontario is doing.

You are all aware that Ontario, in 1984, are going to make it not possible, but necessary for all students throughout the province to take French. Wherever there is one French student, he'll be able to get his education in French. Did you know that in order to stay on that point right now, that in Chicoutimi or anywhere else, if there is an English-speaking family, that child will be taken care of even in the Province of Quebec; something that the Levesque Government must be burning at, but they can't do anything about it as yet.

If the education in Manitoba were to provide more than what immersion is now providing, being able to provide children of farmers in Virdein, Manitoba, to be able to one day come to the university and graduate

as bilingual lawyers and take their position along that entrenched requirement in our law courts, rather than say, well, I will have only English speaking clients and vice versa. It's got to flow from good will; it's got to flow from understanding; it's got to flow from a desire to work ahead, and then, from that, Mr. Doern, I would say that it would be incumbent on the Government to say that within a generation, everyone, but everyone, that is a receptionist in Government offices will speak at least the two official languages. Note, by attrition only, whenever you hire a receptionist, if one has to be moved up, graduated and you give her a better position, that be, but that you look at doing this and that let's have within a generation all the receptionists in the telephone, even the products of our Immersion schools - what are you going to do with these people. What are these people going to benefit by because they are bilingual in Manitoba. Let us at least give them an objective and once you've put that carrot at the end, I think everybody will get in.

MR. R. DOERN: Do you feel, Mr. Forest, that it is essential - what I'm trying to do now is explore the difference between the Manitoba Act of 1870 and the proposals put forward by the Pawley Administration - do you feel that it is essential or necessary to include Section 23.1 which would make French an official language of Manitoba?

MR. G. FOREST: No, Mr. Doern, I don't think that it is necessary, because French is an official language in Manitoba. It was restored. The only advantage I saw in that text is that it was putting emphasis on it. That's the only reason why I felt that that was very very much . . . and because of it being diluted, I am dead set against that proposal.

MR. R. DOERN: An you also do not favor Section 23.7 which talks about entrenching some 400 positions in the Civil Service?

MR. G. FOREST: I mentioned what I felt about the way Civil Service should come about, Mr. Doern.

MR. R. DOERN: So you do not support 23.7 as written?

MR. G. FOREST: I'm not going to make any comments on that - I am telling you that I don't support the propositions at all.

MR. R. DOERN: Then you and I appear to be, to share, similar views, and what I'm trying to do is to distinguish whether there are some areas that you are defending that I think shouldn't be included. I'm having a hard time here now. From 1870 to the present, given the original Manitoba Act which said that we should have, that people should have the right to speak French in the Legislature and the Courts and that the statutes of Manitoba should be or shall be translated. If those provisions were restored, or entrenched in a Constitution, what more than that would you ask for or what more than that do you think is necessary?

MR. G. FOREST: If it were possible to entrench reasoning, I would ask for that.

MR. R. DOERN: Well, my impression is that - and I must speak to you in private about this later - my impression is that for added reassurance, you and I appear to have very similar views in regard to these proposals, namely, that they are not necessary or that they go too far.

MR. G. FOREST: Do you want me to respond on that?

MR. R. DOERN: Yes.

MR. G. FOREST: Mr. Doern, you and I are coming together - this is another vision I have of climbing a mountain at which time we are learning from one another and we will be able to get along, but we have to agree on certain things, about what we want to see at the top of the mountain.

MR. R. DOERN: I assume that given your earlier remarks to Mr. Lyon, that you are not a member of the Franco-Manitoban Society?

MR. G. FOREST: I am a member and I am not a member. I take a membership card whenever they have an annual meeting. As a matter of fact, I should have been at a meeting there at 4:30 this afternoon; I was invited and I was going to go if it hadn't been for this delay and Sidney Green taking up so much time.

MR. R. DOERN: Mr. Chairman, I had a lot of difficult or nasty questions for Mr. Forest, but I now have to set them all aside and I think perhaps we can have a discussion later and discuss getting to the mountain top and maybe the only argument will be which route we take. I would like to thank you for your presentation and say I think it is a significant contribution to the debate.

MR. G. FOREST: Thank you, Mr. Doern.

MR. CHAIRMAN: Mr. Lécuyer.

MR. G. LECUYER: Merci, Monsieur le Président. Monsieur Forest, n'est-il pas vrai que, dans votre esprit, l'Acte du Manitoba de 1870, faisait du Manitoba et aussi, je devrais dire, l'Acte Britannique du Nord, faisait du Canada une nation avec deux langues officielles dans un premier temps, et avec l'Acte de 1870, faisait du Manitoba, une province avec deux langues officielles.

MR. G. FOREST: Sans aucun doute, il est vrai que depuis qu'on a fait des traités sur le Canada, le premier étant tout probablement le Traité de Paris, tous les accords reconnaissait le français comme étant à l'égal à l'anglais.

MR. G. LECUYER: Donc, quand or lorsque vous dites, il n'est pas besoin, aujourd'hui, d'enchasser même la première clause, celle de 23.1, qui dit que le français et l'anglais sont les deux langues officielles du Manitoba - c'est qu'à partir de votre interprétation justement de l'Acte du Manitoba - c'était déjà enchassé.

MR. G. FOREST: C'était déjà enchassé. C'était sous-entendu que l'anglais, le français, étant d'égalité dans

la législature et devant les tribunaux, que c'était égal, et alors si une était officielle, l'autre l'était aussi.

MR. G. LECUYER: Donc, M. Forest, ce qui veut dire que n'ayant pas besoin d'enchasser ceci, ça l'était déjà ou le sens qu'avait donc l'Acte du Manitoba était de l'interprétation - c'est qu'il y avait deux langues au Manitoba qui avait le même statut. Il n'est pas besoin, à partir de cela, d'enchasser des services parce que la même conclusion, ces services étaient donc compris.

MR. G. FOREST: Oui, M. Lécuyer - je comprend d'après ma compréhension - je dois dire que pour moi, un service n'est que rendu lorsqu'il y a un droit - je donne parfois l'analogie que j'ai droit à la vie. Je m'adonnerais pour une raison ou une autre, peut-être pour avoir donné un coup de poing à M. Doern, être incarcéré, en prison. Mais parce que j'ai perdu ma liberté, ça ne veut pas dire que j'ai perdu mon droit à vivre et on doit m'apporter à manger. Est-ce que le service de m'apporter à manger doit faire état d'un projet de loi? Je ne crois pas.

MR. G. LECUYER: Oui, merci M. Forest pour la précision - peut-être ce que j'aurais dit - c'est que les droits étant enchassés, dans votre compréhension, c'est que les services devaient suivre normalement dans la pratique?

MR. G. FOREST: Oui, M. Lécuyer - je suis d'accord et c'est un peu dans ce contexte-là que le dilemme que j'ai mentionné à quelques reprises a pu et existe toujours dans mon esprit. Je sais que puisque l'effet de la loi de 1890, c'est un effet qui a été dévastateur, qui a causé toute cette assimilation, qui a causé tous ces ennuis pour nos parents qu'ont dû soutenir un double système scolaire. Tous ces effets-là ont besoin d'être corrigés. La correction pourrait se faire de deux manières. L'enchassement en est une. Mais ce que je trouve regrettable dans l'enchassement, c'est que c'est n'est pas pour une période limitée mais pour toujours - En autres mots, on verrait dans cette clause-là le fait que à Brandon, par exemple, il n'y aurait jamais pour la vie le bilinguisme dans cette ville-là. Tandis que moi,

j'aimerais bien que la porte soit ouverte et puis qu'on est façon qu'on trouve moyen de vendre l'idée, de convaincre les gens de faire ce qu'on appelle, de la persuasion chez le peuple - de permettre à leurs enfants d'apprendre la langue et puis de pousser cette compréhension ou cette étude de l'enseignement, de l'étude du français, jusqu'à l'Université du Manitoba.

MR. G. LECUYER: M. Forest, vous avez déjà indiqué . . .

MR. CHAIRMAN: I'm at the disposal of the committee. We have nine minutes to the hour of adjournment. Should we start with another one, or should we come back at 7:30 p.m.?

Mr. Brown.

MR. A. BROWN: Mr. Chairman, that clock is not quite right.

MR. CHAIRMAN: That clock is not right, it's late, that's true.

HON. S. LYON: It's about four minutes slow.

MR. CHAIRMAN: Committee will adjourn until 7:30 this evening.

Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, if the next delegate indicated that he was only going to be here for ten minutes it would be an imposition to have him have to come back.

HON. S. LYON: Don't try to rush it, Al, you're losing anyway.

HON. A. MACKLING: No, no, I'm trying to be courteous to those who are on the list.

MR. CHAIRMAN: Committee rise.

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