



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

**STANDING COMMITTEE**  
on  
**PRIVILEGES**  
and  
**ELECTIONS**

**31-32 Elizabeth II**

*Chairman*  
*Mr. A. Anstett*  
*Constituency of Springfield*



MG-8048

**VOL. XXXI No. 28 - 2:00 p.m., MONDAY, 19 SEPTEMBER, 1983.**

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

**Members, Constituencies and Political Affiliation**

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

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

**Monday, 19 September, 1983**

**TIME — 2:00 p.m.**

**LOCATION — Brandon, Manitoba**

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

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Adam, Bucklaschuk, Evans,  
Penner, Uruski

Messrs. Anstett, Blake, Graham, Malinowski,  
Nordman; Mrs. Oleson

**WITNESSES:** Presentation by Mr. Dennis Heeneey of the R.M. of Elton was continued

Reeve Manson L. Moir, Director, Western District, Union of Manitoba Municipalities

Reeve Art Cowan, R.M. of Cameron

Mayor L.W. Waters, Town of Carberry

Father Art Seaman, Private Citizen

Reeve J. C. Ashcroft, R.M. of Birtle

Ms. Hazel Allen, Private Citizen

**MATTERS UNDER DISCUSSION:**

Proposed Resolution to amend Section 23 of The Manitoba Act

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**MR. CHAIRMAN:** Order please. Committee come to order. At the hour of adjournment, at 12:30, Mr. Heeneey was in process of delivering his presentation to the committee. Mr. Heeneey please proceed.

**MR. D. HEENEY:** Thank you, Mr. Chairman. I just had covered our first issue dealing with the level of service, present and future. I am now going to the implementation of that which, in our opinion, in principle, is the most important of the two issues, because it deals with the manner by which additional rights and privileges for the French-speaking minority are to be handled. Is it to be legislated in the democratic way; that is to say, that the majority, which would be any majority, may or may not, as it wish, concede special privileges to any minority; or is it to be imposed on the majority by a government who have no mandate to do so, and on this issue are not truly representative of the people? To do so in this manner is the absolute opposite of the principles of a free democratic society and is usually called, amongst other things, totalitarianism. I am wondering if that is where we are moving.

It is our opinion that entrenchment or changing the rules of the game is not the best way to deal with this issue. We truly believe that if a majority are given the

opportunity, that majority, in a democracy, will in the final analysis make the just, compassionate and correct decision. They may make some mistakes in the process, but if they are refused by anyone the right to make and correct those mistakes, then they are refused the most inherent and vital principle of the whole democratic system. If the minority, that is any minority, are unable to convince the majority to decide in their favour, they must accept defeat and continue to advance their cause by the same methods of persuasion and discussion.

More and more of late we are seeing so-called affirmative action which sees minorities and special interest groups imposing their wishes on the majority because they feel that the majority is wrong, and this may well be true in this case and in others. It is simply not the proper or the democratic way to deal with an issue which concerns a small minority of Manitobans. That is why we object to the proposal, including entrenchment, and that is why we request that the Provincial Government hold either a general election or a public referendum on this matter. We further suggest that a 2/3 majority be required to carry it.

Not only are we dealing with changing the rules of the game, we are proposing to place the interpretation of our wishes today in the hands of appointed individuals accountable to no one. Obviously, this proposal could be interpreted in a variety of ways, particularly Sections 23.7(a) and (b). And while legislators, politicians and others today may feel that it means what they intend it to mean, some judge and some court, sometime in the future, may well decide that it means something entirely different, in which case we would be in an intolerable position since we could not change the law or its wording without the consent of the Federal Government.

Since this is purely a Manitoba matter, then we feel it is much better to leave it in the hands of the legislators, who are representative of the people on a current basis and directly accountable to them.

Therefore, Council of the R.M. of Elton would recommend as follows:

1. That the whole matter of French language rights and services beyond Section 23 of The Manitoba Act, 1870, be left in the hands of the political system; that is, the Provincial Legislature.
2. If entrenchment is deemed to be desirable, it should not occur except after a general election or public referendum requiring a 2/3 majority to carry it. Public hearings and committees cannot replace the individuals' right to vote.
3. The Manitoba Government be prepared to go to court on this issue of its legal obligations under Section 23 of The Manitoba Act. We would suggest that the cost of translation would be considerably less than the cost of implementing the proposed amendment. Going to court is the only way that this matter will finally be resolved. The challenge may temporarily be averted by the proposal, but it could re-occur at any time in the

future. There is no reason to believe that the decision at that time would be any different than it would be at present, regardless of whether or not the proposal was passed.

4. That the Legislative Committee be set to:
  - A. Review, consolidate and condense all Manitoba Statutes; and
  - B. Rescind those now obsolete.

Perhaps, Mr. Chairman, if this were done, we would find we would not have 4,400 to translate, but we might be able to reduce that by half.

5. That should this matter proceed without court action and the proposed amendment considered, then Section 23.1 should be removed since it is very ambiguous in that the official use of both languages is limited by both The Manitoba Act and the proposed amendment. Therefore, both languages are official only to a degree.

6. That Sections 23.7(1)(i), (ii) and (iii) be defined by name and not the general nature of the present proposal. In other words, we suggest that Section 23.7(1) be more specific as to what services are intended to be covered by this extension of French Languages Services, and not be left in the general nature that it appears.

7. That there be included a clear statement exempting municipalities, school boards and everyone else not listed in 23.7(1) from mandatory provision of any French Languages Services beyond those presently offered, unless those exempted voluntarily apply to be included.

8. That there be no reference to "other agencies" or significant numbers as in Section 23.7(2)(a) and (b), without clearly defining what those two terms mean.

This morning, we heard a great deal of discussion by two or three lawyers as to what that means, and I don't think they resolved it.

9. That the Manitoba Government continue to inform the public on these and other matters, but that such information be restricted to, and include only facts and pertinent information, and refrain from biased editorials and personal opinions.

Respectfully submitted by the Rural Municipality of Elton.

**MR. CHAIRMAN:** Thank you, Mr. Heeney. Questions for Mr. Heeney.  
Mr. Penner.

**HON. R. PENNER:** Thank you, Mr. Heeney for your presentation. I have a few questions. First of all, just perhaps you can clear something up for me. On our list of persons wishing to appear before the Committee, you're listed solely in your capacity as a private citizen, but you are presenting a brief on behalf of the Rural Municipality of Elton. Are you appearing in a dual capacity, or just for Elton, or just for yourself?

**MR. D. HEENEY:** Well perhaps dual capacity. When I informed the Clerk of the Legislature that I wished to appear it was before even the government had set the dates for the hearings and, at that time, we had not passed both resolutions, only one, so I was asked to appear then partially as an individual and partially as a representative of the municipality.

**HON. R. PENNER:** So your answer is you're appearing in both capacities.

**MR. D. HEENEY:** I would think so.

**HON. R. PENNER:** The reason I'm asking, Mr. Heeney - it's not a tricky question, or anything like that - I just wanted to make sure so that we can attach the weight to it that ought to be attached, whether what you have presented in this brief are the views of the Rural Municipality of Elton or your own views?

**MR. H. GRAHAM:** Mr. Chairman, on a point of order.

**MR. CHAIRMAN:** Mr. Graham on a point of order.

**MR. H. GRAHAM:** Mr. Chairman, I would ask the Attorney-General to read the very first sentence in the brief that has been presented by Mr. Heeney, where he says, "I am appearing on their behalf today."

**HON. R. PENNER:** On the same point of order, Mr. Heeney says he is appearing in two capacities. I simply want to know, and it's not an unfair question, whether the views expressed in this brief are solely those of himself, solely those of the municipality, or they share all of these views together.

**MR. D. HEENEY:** Mr. Chairman, I will attempt to answer that by suggesting to Mr. Penner that I doubt very much that if every statement he makes today is representative of the government. I think you must, at one time or another, make statements expressing your opinion, even on such matters as this. Therefore, I'd say that we discussed this with council and that I was instructed in a general way to make a presentation on these matters.

**HON. R. PENNER:** The reason I ask, Mr. Heeney, is that I have the resolution of the Rural Municipality of Elton dated June 17, 1983 and that's what I was going by - moved by Sparrow, seconded by Cleaver, that we, the Rural Municipality of Elton are opposed to bilingualism within municipal corporations. That's the resolution I have and your brief goes way way beyond this resolution, so you'll understand why I'm asking the question. Is there another resolution of which I am unaware?

**MR. D. HEENEY:** Well, just the other one asking for the referendum.

**HON. R. PENNER:** That's the only other one?

**MR. D. HEENEY:** Yes.

**HON. R. PENNER:** All right, so that in terms of a resolution of the Rural Municipality of Elton, this one, which raises the question of municipal corporations, and I understand that, and another one which raises the question of corporations, those are the official resolutions of the Rural Municipality of Elton?

**MR. D. HEENEY:** Yes.

**HON. R. PENNER:** Thank you. So it's fair to say from the resolution of June 17, 1983, that the principal concern, in any event, has to do with - and I could

understand this - whether or not the municipality will have to use both languages in delivering its services and translate its by-laws. That was the main concern?

**MR. D. HEENEY:** Yes, Mr. Chairman, that was certainly one of the main concerns.

**HON. R. PENNER:** As reflected in the resolution of June 17, 1983, that is the only concern.

**MR. D. HEENEY:** That's the only concern that is directly put on the resolution. I think you must understand that if we put all of this on that resolution, we probably would have still been sitting in that meeting, so you must, I think, surely understand that when you make resolutions of a general nature at a council meeting and instruct your spokesman to appear on your behalf, that he's not going to come here and simply repeat the resolution. We did say that there were two issues, plus other related matters.

**HON. R. PENNER:** Right and you're now aware, as you've said earlier in your presentation, that there is a proposed amendment. Indeed it was announced in the Legislature, Mr. Heeneey, by the Premier on August 16th and was much publicized, that which makes specific the exclusion of municipalities and school boards, so that deals at least with one of your main concerns.

**MR. D. HEENEY:** Mr. Chairman, are you referring to that pamphlet we got this morning dated September 6th?

**HON. R. PENNER:** Yes, it wasn't a pamphlet, Mr. Heeneey. It was what was actually tabled by myself, as Attorney-General, before this committee.

**MR. D. HEENEY:** Well, Mr. Chairman, I did say at the beginning that regardless of how well Mr. Penner thinks that was circulated or made public, nothing came to our municipal office in that regard. We had heard a lot of discussion to the effect that changes were made, but we had no official word that such changes had indeed occurred.

**HON. R. PENNER:** I understand that Mr. Heeneey. I'm not challenging you on that, but now that you know officially what the position of the government is with respect to that, that does meet one of your main concerns.

**MR. D. HEENEY:** Mr. Chairman, without having had an opportunity to study it, I would suggest that it probably does, but I couldn't say for sure that it does because again having to interpret what lawyers sometimes put down takes some time, and I would not want to say at this time that it fully meets our concern, but I expect that it at least partially does.

**HON. R. PENNER:** Thank you, Mr. Heeneey and if, in fact, after you've had a look at it, if you feel that some improvement can be made in that language, I would appreciate it, if you'd let us now by a written brief.

Mr. Heeneey, it has been said that our system is based on what is called the rule of law. I take it that, as an

elected representative serving in an important capacity in a municipality, you believe in the rule of law. Would that be fair?

**MR. D. HEENEY:** I'm not sure I understand fully what the rule of law means, but I think that we have respect for the law.

**HON. R. PENNER:** The rule of law in that context is pretty well what you say it is; that is, that everybody is bound to obey the law. The law is supreme.

**MR. D. HEENEY:** That is what I understood, yes.

**HON. R. PENNER:** You would agree that when we talk about everyone being obliged to obey the law, that is just as binding on government as any individual?

**MR. D. HEENEY:** Mr. Chairman, it would appear that is certainly the theory behind it and the intent. Of course, I think we could all cite instances where both governments and citizens disobey certain laws. I could name one provincial statute at the present time which is on the books that is a law which is disobeyed by both the government and the citizens and the municipalities. Yet, that law continues to exist and is never challenged. Therefore, I wonder why it is not rescinded.

**HON. R. PENNER:** That may be, but would you please answer my question. You would believe, would you not, that just as it's the duty of the citizen to obey the law, it's the duty of government to obey the law?

**MR. D. HEENEY:** It would appear so.

**HON. R. PENNER:** It would appear so? Would you not agree with me that government is no better than the citizen in its obligation to obey the law?

**MR. D. HEENEY:** I would agree that they should, yes.

**HON. R. PENNER:** On the second page of your brief, Point No. 3, you talk about that question, in fact, in the following terms - Why does the Provincial Government see such urgency to fulfill its 'legal obligations' - you put that in quote - "when for 93 years (since the provincial amendment in 1890) the people and Governments of Manitoba have been operating illegally in this matter?"

I want to make sure of what you're saying. Are you saying that, because we have broken the law for 93 years, we can go on doing that?

**MR. D. HEENEY:** I don't think we can, no. But if we've been doing it for 93 years, why do we all of a sudden have to meet our legal obligations today or tomorrow or next year? Why not worry about it maybe in the next 50 years? What's the big rush?

**HON. R. PENNER:** Would you apply that same standard to any illegality; the fact that it went undetected or unremedied for, say, 20 years, now that it's been detected or declared by the Supreme Court, we might as well go on and be illegal for another 20 years?

**MR. D. HEENEY:** Mr. Chairman, I would believe that the law, any law, is only as good as the will of the people to live up to and enforce that law. When a law is disregarded for 93 years by both the courts and by the Federal Government and by the Franco-Manitoban Society, by everyone, then I would suggest that they have put relative unimportance to that law and would just as soon see it taken off the books. Otherwise, why did they not challenge it earlier?

**HON. R. PENNER:** It was challenged earlier, Mr. Heenev. Let me put this as a premise and then a question. There was evidence led today that showed that, in fact, the courts as early as one year after 1890 held 1890 to be invalid, again in 1906, again in 1976, and finally by the Supreme Court in 1979.

So taking that decision of the Supreme Court as being perhaps the one that made it absolutely clear, would you not agree that since the Supreme Court, and it is the Supreme Court, the upholder of the rule of law, held that this was illegal in 1979, that at least from that time, the obligation to stop that illegality devolved on government?

**MR. D. HEENEY:** Mr. Chairman, I would say that there was no more obligation at that time than there was the first year after. It would seem to me that if the law was invalid one year after it was passed or, in fact, the day after it was passed, it should have been rescinded; or else it would appear that after that period of time, even though the Supreme Court has ruled that Manitoba was acting illegally, that Manitoba chose not to accept the Supreme Court decision. The Supreme Court is seemingly powerless to enforce their judgments. So therefore, it would seem that perhaps the whole thing should be reviewed; that the law was something the people did not wish to have as a law, and yet are powerless to change.

**HON. R. PENNER:** Well I'm having difficulty following that answer, Mr. Heenev. Do you not, as a citizen and as an elected representative of the citizen, believe that the decisions of the Supreme Court of Canada should be followed; do you not believe they should be followed?

**MR. D. HEENEY:** Well I believe that any law of the country that the majority of people agree with should be followed, but if there is a law that the majority of people do not wish to follow, then they should change it. But if they choose, instead of changing it, to disregard it, it really means the same thing and, if you're going to enforce the law, then you would either enforce it or you don't, and since nobody has enforced this law, I have to assume that really nobody cares.

**HON. R. PENNER:** So your position is that it's all right to go on committing an illegality, as long as somebody's of the opinion that no one cares about it, that's okay. Is that what you're saying?

**MR. D. HEENEY:** I'm saying that if the majority of the people choose to disregard a law then that must mean that law is not worthy of support.

**HON. R. PENNER:** So that if the majority of people, as we have evidence in a gallop poll, believe that the

abortion law is wrong, therefore, they should go ahead and disobey that law?

**MR. CHAIRMAN:** Order, order please.

**HON. R. PENNER:** Well no, but . . .

**MR. CHAIRMAN:** The purpose of questions, Mr. Penner, is to seek clarification of the brief. I realize you're trying to get clarification of Item 3 on Page 2.

**HON. R. PENNER:** Precisely.

**MR. CHAIRMAN:** But I would appreciate it if questions could be more directly related to clarification of that particular statement.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. CHAIRMAN:** Order, order please. Although I appreciate the support from the gallery, demonstrations from the gallery are not permitted at anytime in committee or in the House.

Mr. Penner.

**HON. R. PENNER:** Mr. Chairperson, I'm not trying to be unfair to Mr. Heenev. He has made some statements which I'm trying to elucidate, statements made, in fact, in his brief about the question of allowing something, which has been declared to be illegal, to go on. I think that my last question about that flowed directly from his previous answer, however, you've made your ruling and I will not press the point.

With respect, Mr. Heenev, to other issues raised in your brief, am I unfair when I suggest that it appears to be your position that our legal obligation, under existing Section 23, is only to translate the 4,500 statutes and we should do that; is that what you're saying?

**MR. D. HEENEY:** Yes, Mr. Chairman, I think, as I understand, that is our only legal obligation and when I read Section 23 I have no trouble, in my mind, interpreting what it means and, to my mind, it means that a person may use either language in any court sanctioned by The British North American Act, or in the Legislature, but all records and all statutes shall be in both languages. I think that's pretty simple.

**HON. R. PENNER:** But would you please answer my question, I have only asked you about the statutes. Is it your position . . .

**MR. H. GRAHAM:** He doesn't have to.

**MR. CHAIRMAN:** Order please.

**HON. R. PENNER:** I didn't say he had to answer. Is it your position that what we should do is translate the 4,500 statutes, that we're obligated to do that and we should do that? Is that what your position is?

**MR. D. HEENEY:** I'm saying that we should be prepared to go court and accept their ruling, and if their ruling

is that we should translate all of those statutes, then we should accept it.

**HON. R. PENNER:** Well that was the ruling of the Supreme Court in 1979.

**MR. D. HEENEY:** Then if we haven't done it then perhaps we are still in the process of doing it, or if we're not doing it and don't intend to do it, and that is the wish of the majority of Manitobans, then I agree with it.

**HON. R. PENNER:** But the Supreme Court says that, as a matter of our Constitution, we have to do it. Are you saying that the majority should be able to change the Constitution by itself?

**MR. D. HEENEY:** Yes, absolutely and definitely.

**HON. R. PENNER:** That is the majority of a province should be able to change the Canadian Constitution as it applies to itself within that province?

**MR. D. HEENEY:** No, The Manitoba Act.

**HON. R. PENNER:** The Manitoba Act is an Act of the Federal Parliament.

**MR. D. HEENEY:** But, I understand that the procedure for amending The Manitoba Act is different than the procedure for amending the Canadian Constitution.

**HON. R. PENNER:** Well, maybe I can help you on that. In fact, Section 43 of the Constitution requires that any amendments to a provision that deals with language must be passed, not only by the province, but by the province and the Senate and the House of Commons; that's Section 43 of the Constitution. It cannot be done by a province alone.

**MR. D. HEENEY:** Yes, I understand. That pertains to The Manitoba Act.

**HON. R. PENNER:** Yes.

**MR. D. HEENEY:** Yes, I understand that and that's why I say that I believe it is wrong, it's unfortunate that somehow, if the majority of Manitobans wished to rescind all rights for French people because there was not one single Frenchman in the Province of Manitoba, and the Federal Government said, no, then we could not. I think we should have some control over our own destiny in a democratic process.

**HON. R. PENNER:** Well, indeed, we do because we also play a very significant role in electing the House of Commons, do we not?

**MR. D. HEENEY:** I would question that. I doubt very much if that's the case.

**HON. R. PENNER:** I just want to be clear then on your position, Mr. Heene, that you are saying that your position stems, in part, from your opposition to the provisions of the Canadian Constitution?

**MR. D. HEENEY:** I'm afraid I don't understand that.

**HON. R. PENNER:** The Canadian Constitution which was proclaimed by Her Majesty the Queen on April 17th, 1982 in Ottawa, I was there representing the government, and was endorsed by all of the provinces, including the Province of Manitoba, including the previous government and the Federal Government, and was endorsed, as I say, by the previous government of Manitoba, calls for an amendment to The Manitoba Act to be made in this way. You say you do not support that?

**MR. D. HEENEY:** That's true, Mr. Chairman, personally, I do not support that.

**HON. R. PENNER:** Okay, fine, thank you very much. You raise a point that what you do support is changes - I think you suggested, by way of referendum requiring a two-thirds vote, is that your position? Would you apply that same proposition to any referendum dealing with constitutional matters, that they should be dealt with by way of a two-thirds vote, that is, if there is not a two-thirds vote then the referendum is not binding?

**MR. D. HEENEY:** Yes.

**HON. R. PENNER:** That would include the referendum in the City of Winnipeg, I suppose?

**MR. D. HEENEY:** I understand, Mr. Chairman, that that is not a referendum, that is simply a plebiscite.

**HON. R. PENNER:** I see. What's the difference between a referendum and a plebiscite?

**MR. D. HEENEY:** Well, I think you know as well as I do, but my understanding is that a referendum is binding upon those who are issuing it and handling it, and a plebiscite is simply a direction and an opinion and it's not binding. Is that not correct?

**HON. R. PENNER:** Mr. Heene, would it be your view, taking your definition of the difference between a referendum and a plebiscite, that if at some point there were minority rights and the minority was down to one-third less one, let us say, that the majority, deciding to take away whatever rights they might be, they might be linguistic rights, they might be educational rights, they might be rights against discrimination, that the majority should be able to do that by a two-thirds vote?

**MR. D. HEENEY:** Yes, Mr. Chairman, I believe that that is correct. In a democratic system they should be allowed to. I don't believe they would and I think that if the minority presented their case properly that the majority would respond properly, but I think, nevertheless, you have to, in a democratic system, permit the majority to make those kind of decisions and, hopefully, to correct them if they're wrong.

**HON. R. PENNER:** Thank you very much, Mr. Heene, because you're making things much more clear than they were for me originally. We have the protection of a whole variety of minority rights in the present

Constitution proclaimed, as I say, on April 17th. That doesn't provide the kind of mechanism of overturning those rights by a two-thirds vote. You oppose, I take it. the Charter of Rights and Freedoms.

**MR. D. HEENEY:** I can't say I oppose the Charter of Rights. I oppose the entrenchment of it in a Constitution, I think it is far better to be left in the hands of the Parliament, which is accountable to the people.

**HON. R. PENNER:** I think I have just one other question. You say in your recommendations, on the third-last page, "That the whole matter of French language rights and services beyond Section 23 of The Manitoba Act 1870 be left in the hands of the political system. That is the provincial Legislature." Right?

**MR. D. HEENEY:** Which number is that?

**HON. R. PENNER:** That's No. 1 of the recommendations that . . .

**MR. D. HEENEY:** Yes.

**HON. R. PENNER:** Yet, on the following page, almost immediately thereafter, in Recommendation No. 3, you are in fact asking, not that we leave it to the political system, but that we go to court. "Going to court is the only way that this matter will finally be resolved." I wonder if you could explain to me the apparent - and it may be only apparent - contradiction between saying, on the one hand, that the question of French language rights should be dealt with by the political system and, on the other, that the question should be decided by court. Which one of these are you really proposing to us?

**MR. D. HEENEY:** Mr. Chairman, the first proposal says that the rights and services beyond Section 23 should be left in the hands of the political system, but that we are prepared to go to court on Section 23 because we have to recognize that is the law until we change it. What you're proposing is not yet law until it's passed, so we're saying that, rather than entrenching what you're proposing, that you simply pass it through the Legislature of Manitoba and then the future Legislatures can amend it or change it if they wish. But that Section 23, since we have to have the Federal Government's consent, as well as the Senate, to change it, either we challenge it or we go to court and accept the ruling, only on Section 23; but anything beyond that be left in the hands of the Legislature.

**HON. R. PENNER:** The matter of the legal obligation of the government with respect to Section 23 was, of course, decided in part already by the courts in the case in 1979. There is now another case which challenges the validity of laws passed in one English language. Is it that that you're saying should be left to the courts to decide?

**MR. D. HEENEY:** We're saying that Section 23 and any charges brought about by an individual against the government, or vice versa, dealing with Section 23, that unless we have the right, which apparently we don't,

to change it then I guess the only thing we can do is go to court and find out what it means.

I am disturbed somewhat that Manitoba chooses to ignore that and make a sort of out-of-court settlement. It would seem to me that the Government of Manitoba is continuing to ignore Section 23.

**HON. R. PENNER:** When you say in No. 1 of your recommendations, "That the whole matter of French language rights and services beyond Section 23 of The Manitoba Act be left in the hands of the political system," do you mean the political system that we presently have or the political system that you would rather we have? That is either the referendum, or solely within the rights of the Provincial Legislature. Which political system are you talking about?

**MR. D. HEENEY:** Under the jurisdiction of the Provincial Government and the Legislature of Manitoba.

**HON. R. PENNER:** Because the present political system - that is we've talked originally about the rule of law - requires changes to be made by amendments to the Constitution by the Legislature and the Senate in the House of Commons. That's what the present political system is. That's the process we're engaged in.

**MR. D. HEENEY:** Excuse me, Mr. Chairman. I was under the impression that the present political system permits the Legislature to make any law that majority Government of the Day wishes to pass.

**HON. R. PENNER:** As long as it's constitutional.

**MR. D. HEENEY:** Correct.

**HON. R. PENNER:** Right. And the present political system includes provisions for changing the Constitution. You remember we were discussing that in terms of Section 43 of the Charter.

**MR. D. HEENEY:** Yes but, Mr. Chairman, my concern is that the procedural change for amendment to The Manitoba Act, which is the constitutional part that specifically pertains to Manitoba, is not a two-way street. We are only permitted to add to it. We cannot delete from it. Therefore, I think it's dangerous to put anything in there that you are not 100 percent sure of, and are sure that you're going to be sure for the next 100 years.

**HON. R. PENNER:** Just on that, Mr. Heeneey, that in fact is not the case. Any constitutional change can be made one way or the other in the same way.

**MR. D. HEENEY:** Mr. Chairman, I would suggest, that is purely a matter of opinion.

**HON. R. PENNER:** No, it's purely a matter of law. It's Section 43. I will read Section 43 for the record and ask for the . . .

**MR. CHAIRMAN:** Order please. Order please. Order please. We are now engaging in debate. I'd appreciate it if we could restrict ourselves to questions for clarification. If the witness gives an answer with which



a member of the committee is unhappy or perhaps causes a difference of opinion as to the facts, that may be unfortunate but the purpose of the committee and the questions is not to engage in debate with witnesses.

Mr. Penner, please proceed with your next question.

**HON. R. PENNER:** Well, I will just then leave it this way, Mr. Chairman. I would invite Mr. Heeney to read Section 43 of the Charter. If he is still satisfied that it is a matter of opinion, I would be interested in hearing from him at some other time after these hearings are over.

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

**HON. R. PENNER:** That's all.

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

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Through you to Mr. Heeney, Mr. Heeney, when did you first become aware of this proposal of the Provincial Government? I believe Mr. Penner mentioned something about something in June. Your resolution that was passed, I think, was in July. When did you first become aware of what the Provincial Government was proposing? Was that by way of a news release from the Provincial Government?

**MR. D. HEENEY:** Mr. Chairman, I really feel I can't answer that. I'm not sure, because I think there were a variety of possibilities. I know that newspapers carried the item as the proposed changes. We did receive from the Government of Manitoba an information package. I believe that was sent out to all municipalities. I'm not sure whether we asked for it. We did get that package, and we did then begin to have some dialogue and correspondence with the Provincial Government to get additional information at that time, I guess. I'm not sure when the date was.

**MR. H. GRAHAM:** At that time, Mr. Heeney, was there any indication given that there would be public hearings held on this particular issue?

**MR. D. HEENEY:** I'm not sure. Initially there were, but I understand that it was suggested, and I don't think it was a firm decision that there probably would be hearings. It was at that time, I guess, that I got in contact with the Clerk of the Legislature and said that if there were indeed going to be hearings, I would like to appear. That's probably why there was some confusion over as to who I was representing, since I did make the request before the government made the decision to, in fact, have the hearings.

So I'm not sure of the date. I knew that the government had suggested there would be hearings. I simply said that if there was going to be one, I would like to appear.

**MR. H. GRAHAM:** Mr. Chairman, maybe to assist Mr. Heeney, there are some people that believe that public hearings were held only after the government heard a request from the opposition that public hearings be held, and that, in fact, when the proposal was first put

forward there was no indication at that time that there would be any public hearings at all, is that a correct assumption?

**MR. D. HEENEY:** Unfortunately, I can't answer that. I'm not sure whether that is the case or not. If you say so, I'll have to take your word for it, but we weren't really aware how it came about to decide to have a public hearing.

**MR. H. GRAHAM:** A second question then to Mr. Heeney. I believe you stated that you have received no information from the government about the proposed amendments - the proposed amendments that the government delivered to this committee on September 6th, you have not received that information as yet?

**MR. D. HEENEY:** Yes, Mr. Chairman, Mr. Graham, that is correct. We never even received this document. I had to request that it be sent and it was. And that the amendments that were sitting out at the desk there, outside this room, on that sheet of paper, that's the first I saw of them today. To my knowledge they have never come to our office.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Heeney, I have before me a copy of the amendments and the explanatory notes before it.

No. 1 says: it is the intention of the government to introduce these amendments when the Legislature resumes its current Session to consider the proposed resolution to amend Section 23 of The Manitoba Act. If that is one of the explanatory notes, then would you assume that the proposed amendments are in fact the final amendments that we will be dealing with or is this in your mind just a proposal?

**MR. D. HEENEY:** I am under the impression that the whole thing is at this time only a proposal, but I would have to hope and assume that if the government has indicated some intent at least to change the amendments, that is the proposal, that they would in fact do so, but we have to assume that until we see those amendments and they do indicate for certain that they are going to change this proposal and this proposed amendment, then we would have to assume that they aren't.

**MR. H. GRAHAM:** Another question to Mr. Heeney. During the course of your presentation, I believe you made reference to the term "significant demand." In the explanatory notes No. 2, from the Honourable Attorney-General, he says: "During the course of these hearings one or more additional amendments will be tabled, one of which will deal with the term 'significant demand.'" Mr. Heeney, this committee has held hearings in Winnipeg, in Thompson, in Swan River, in Ste. Rose, now in Brandon and I understand there are three more to be held in Morden, Arborg and Ste. Anne. Have you heard any proposals from the government or from the Attorney-General to further define the term "significant demand?"

**MR. D. HEENEY:** I would have to answer no, I have not.

**MR. H. GRAHAM:** Mr. Heenev, I can assure you that I haven't either and I have attended every one of the those hearings. Would you consider it reasonable that since we are over halfway through these hearings and the Attorney-General has promised to further define the term "significant demand," that we should be hearing from him fairly soon on his further definition of that word?

**MR. D. HEENEY:** I would hope that whatever amendments or changes to the proposed amendments that are going to occur would occur very soon after the conclusion of these hearings. I'm not sure that it's necessary or proper to have it done while the hearings are in session, but I would certainly hope that before this thing proceeds to the House that if there are going to be any changes that they be indicated publicly so that everyone is aware of them and can comment on them. I don't expect any more hearings, but I certainly expect the opportunity to be aware of what's going on and an opportunity to at least make my opinion known to the Minister.

**MR. H. GRAHAM:** Thank you, Mr. Chairman. Through you to Mr. Heenev, if you receive a note from the Attorney-General which indicates during the course of these hearings one or more additional amendments will be tabled, at what point in those hearings would you expect him to table those amendments?

**MR. D. HEENEY:** Well, I would expect any politician to table those amendments when it best suits his purposes.

**MR. CHAIRMAN:** Mr. Graham, before I recognize you again, I would point out to you as I have to several other members of the committee, including most recently Mr. Penner, that I am unclear at this time how you are clarifying the brief presented by Mr. Heenev. It seems like you are engaging through Mr. Heenev in a debate with Mr. Penner about when he's going to table those amendments.

**MR. H. GRAHAM:** Not at all, Mr. Chairman.

**MR. CHAIRMAN:** I'd appreciate it if you'd direct your questions to Mr. Heenev's brief.

**MR. H. GRAHAM:** If I may be allowed to continue, I would ask one more further question of Mr. Heenev?

**MR. CHAIRMAN:** Please proceed.

**MR. H. GRAHAM:** I would ask Mr. Heenev if the Attorney-General would table those very early, would it not help all those who are presenting briefs to further understand the intention of the government?

**MR. D. HEENEY:** Yes, Mr. Chairman. I would have to answer yes to that. I think that, if I might just make a comment or two in the answer, and that is that the government pamphlet, which was circulated, plus the letter that came from the Premier and I think we also received a letter from Mr. Penner, indicated that the municipalities and school boards would be exempted

from any extension of French Language Services at this time. Unfortunately when I read this, it wasn't in there. Therefore, I had to believe that somebody had either not drawn this up the way the government wished or that they, in fact, had no intention to do so.

Therefore, we made our presentation in which we specifically mentioned that. However, since Mr. Penner and the government have indicated that they are going to propose an amendment, then I say that meets with our approval, provided of course that when the House meets and, in fact, the amendment is tabled and that it is part of the package, then, and only then, can we say that that is a fact.

**MR. CHAIRMAN:** Mr. Blake.

**MR. D. BLAKE:** Thank you, Mr. Chairman. Mr. Heenev, I gather from your brief that you would be in favour of letting the Bilodeau case go to court, the case that's presently before the Supreme Court, let that case go to court until a final decision is arrived at by the Supreme Court rather than have a so-called settlement out of court made, such as has been made resulting with this resolution. Is that a correct assumption?

**MR. D. HEENEY:** Yes, that is absolutely correct. I think the only way that we're going to resolve this and there has been certainly a lot of discussion both by politicians on both sides, federal politicians and by the Franco-Manitobans and by the media and everybody else that, you know, the law is at stake and we must be legal and must live up to our obligations. Therefore, it's very clear in Section 23 that our legal obligations say that we must translate all of our statutes. Therefore, if we accept that and think it's a good law, then we'd better live up to it. If we don't accept it, then why don't we ask to have it rescinded. But, in the meantime, I guess that it would seem to me if you're talking economics, which Mr. Doern has raised the point which I think has to be a concern to all of us that the cost of translation in my opinion would, and I haven't seen any figures and the question was asked this morning and not answered as to what the cost was. Therefore, I would have to assume that the cost of translation would be considerably less than the cost of implementing all of the extended services to all Crown corporations, etc. under 23, Section 1.

**MR. D. BLAKE:** Mr. Chairman, I can agree with Mr. Heenev on that because I don't think we have any assurance that there's not going to be another case similar to the Bilodeau case that could proceed through the courts and end up in the Supreme Court even after this resolution.

I gather from your suggestions and the material in your brief and your resolution that you would consider the position that you have presented to us that would be representative of a fairly large majority of the people that you represent?

**MR. D. HEENEY:** That's, I would suggest, an impossible question to answer, but Mr. Penner has, I believe, stated he believes that he and his government are speaking for 70 percent of Manitobans; therefore I can say that I'm speaking for 70 percent of the people in the

Municipality of Elton and neither one of us know whether we are, and that's a fact.

**MR. D. BLAKE:** Yes, Mr. Chairman. that sort of eliminates my second question. I was going to ask Mr. Heeney if he felt that his position was representative of the people he represents, as much as the resolution put forward by the government is representative of the people that they represent, which is the people of Manitoba?

**MR. CHAIRMAN:** Are you now going to ask that question, since you said it wasn't necessary?

**MR. D. BLAKE:** Well he's almost answered it but would you consider your position, as representative of the people in your area or more so, than the position of the government through this resolution is representative of the people of Manitoba?

**MR. D. HEENEY:** Well I would say your guess is as good mine. We did say here, and I think it's in our brief and I would repeat it, that the only way you can ever really decide an issue is to let each individual speak for himself, and that's the democratic process, and that's what we've advocated.

**MR. D. BLAKE:** Would it be a fair position to put to you, Mr. Heeney, that you would be prepared to see this resolution, as we are presently discussing, be put on hold or lie in limbo until the next general election, and then be brought forward as an election issue?

**MR. D. HEENEY:** I really think that it is an issue that should be settled on its own merits and not, we said a general election or a referendum, if I had a choice, I would definitely prefer a referendum to deal only with this issue. I think that when you have a general election, you have many more issues and certainly we have generally, and at this time economics is a very important issue and I would hate to get economics and French language rights mixed up in a provincial election campaign and they probably wouldn't discuss either one of them which would probably be the result. So on a referendum, you would be dealing with one issue and it would be up to those people who are promoting that resolution to convince the majority of Manitobans that it is in their best interests to pass it, and if they did so, then I would be quite happy to accept it.

**MR. D. BLAKE:** I was just prompted to that question, because you mention in your brief that you felt the government didn't have a mandate to bring in the resolution and carry on in the manner in which they're carrying on - that's what prompted that question.

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

**MR. R. DOERN:** Mr. Chairman, I just wanted to ask Mr. Heeney whether the Municipality of Elton had taken a position for or against official bilingualism?

**MR. D. HEENEY:** Well, without having a clear definition of official bilingualism, I cannot answer.

**MR. R. DOERN:** Well, a number of municipalities, I believe over 100, took a position opposed to the

government's plan. Did your municipality take such a vote, as a council?

**MR. D. HEENEY:** Well specifically, as it would apply to municipalities as Mr. Penner mentioned in our resolution, however as I indicated, when we discussed the kind of presentation I would make on their behalf, there were other matters that came up and we did feel that bilingualism should be - as the government suggested, on a voluntary basis - where numbers of people in the community would warrant such a change. And if there were, for instance in our municipality, less than half of 1 percent French speaking, then it would seem absolutely ludicrous to suggest that there would be any need for French Language Services. On the other hand, if there were 30 percent, it would seem reasonable to provide some services, therefore we did not want it legislated and made mandatory that everybody would have to abide by the same rule, regardless of their circumstances.

**MR. R. DOERN:** So you would say that the application depends on local circumstances. Where you have a sizable number, you would then have a fair number of services, and where you have very few people, you might have little or no services.

**MR. D. HEENEY:** We would hope that that's the way it would apply, yes.

**MR. R. DOERN:** You clearly support a province-wide referendum on this question and several dozen municipalities are holding local referendums. Has your municipality decided to have a local referendum, since the province seems most unlikely to hold one?

**MR. D. HEENEY:** No we have not, except that we are not sure whether there will be any contesting of any seats in the election coming up this fall. If there were then we would probably consider it, but if not, we did not feel it would warrant the expense to hold a referendum, since it would probably have no more effect than what we are presently with the government. So we took the option instead to ask the government to hold the referendum which would then be binding upon them.

**MR. R. DOERN:** So your municipality may be elected by acclamation.

**MR. D. HEENEY:** I'm only going on past history and that has happened before and it may happen again.

**MR. R. DOERN:** Just to repeat then. If there are some challenges, then you may, in fact, hold a plebiscite or referendum?

**MR. D. HEENEY:** We may, although council at this time has not indicated that they would wish to do so. They have only said that it is an option that they may consider.

**MR. R. DOERN:** Can you understand or make sense of the suggestion that was made in certain quarters and in a recent Free Press editorial that a referendum or a plebiscite is undemocratic? Can you comment or make sense of that remark?

**MR. D. HEENEY:** I understand that most politicians would be opposed to referendum, however I don't think there's anything written anywhere that says any government may or may not hold a referendum. I believe it is certainly democratic in our society that people are supposed to elect those people to make decisions for them, and if those people elected refuse to discuss issues openly on either side, then I think at some time or another, that people have to have some recourse. It would seem to me logical, on matters of such importance as the Constitution which affects everybody, not only in the past but in the future, that the people should have some direct input and the only way you can have it is through referendum.

**MR. R. DOERN:** So your position would be, not that a referendum is completely democratic; a referendum is democratic, as opposed to undemocratic.

**MR. D. HEENEY:** I would certainly agree that a referendum is democratic. There just can be nothing undemocratic about the people being allowed to make a decision. I would certainly not be advocating extended use of referendums in a system such as ours, but I think there's a place for a limited use of referendums and I think, rather than be left at the discretion of whatever government is in power at the time, that it should be part of our Constitution as well, to say that referendums should be held on certain issues, regardless of what party is in power, or what circumstances.

**MR. R. DOERN:** Even though a plebiscite may not be binding in a legal sense, do you think that politicians can simply ignore the results of public opinion as expressed in a plebiscite?

**MR. D. HEENEY:** Certainly they can. They always do or they do often and a plebiscite would be no different than this. They may well ignore all of the briefs presented at these committee hearings. Unless there is some directive that is binding on them, they may ignore everything.

**MR. R. DOERN:** That wasn't the answer I was hoping for.

Mr. Chairman, the other question I wanted to ask Mr. Heeney is this: the government has suggested that they are going to exclude the municipalities and school boards by an amendment and I was just wondering, as a result of that guarantee, whether you felt reassured? My question is simply this: despite that guarantee, despite that assurance, despite that amendment, it seems to me that if we live in an officially bilingual country and we would now make Manitoba an officially bilingual province, it wouldn't be very long before the municipalities and the school boards would be under tremendous pressure to provide those services.

So I'm saying, do you think that the government can make that assurance, or do you think it would only be a short-term guarantee and that this may, in fact, have been a move to pacify the municipalities in their opposition to the legislation?

**MR. D. HEENEY:** Mr. Doern, on Recommendation No. 5, we also recommended that Section 23.1, which states

that, "both languages shall be official languages in Manitoba," be also excluded. We think that, once you say that, then why bother to say anything else because, if you're officially bilingual, I would think that another Mr. Bilodeau could take you to court and say that every private corporation should be supplying French Language Services because the province is officially bilingual. So I think that once you say that, then everything else is really unimportant.

If someone wishes to enforce Section 23.1, which says that we're officially bilingual, then I think that is an all-encompassing section, and I think it should be removed. If it were removed along with exemption for municipalities, then I think we would be considerably more at ease.

**MR. R. DOERN:** My question is this, Mr. Heeney. At present, if you were pressured to make your municipality bilingual, it would seem to me you could resist that pressure. But if the government passes the legislation and the province becomes officially bilingual, how long do you think it would take before each municipality would be under pressure to also become bilingual?

**MR. D. HEENEY:** I have no way of knowing. It could happen tomorrow. It could happen five years from now. I assume that certainly, with the passage of this amendment into a Constitution regardless of what amendments there were or what deletions there were, that the pressure would certainly build.

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

**MR. CHAIRMAN:** Further questions for Mr. Heeney from members of the committee?  
Mr. Malinowski.

**MR. D. MALINOWSKI:** Mr. Chairman, I would like to ask Mr. Heeney, because it's not clear to me, on the end almost of your presentation before the last page, in 5 paragraph, you are stating down there that - I'm quoting - "That should this matter proceed without court action and the proposed amendment considered then Section 23.1 should be removed . . ." "Could you explain to me what you mean by that statement, because it's not clear to me?"

**MR. D. HEENEY:** Section 23.1, we're saying that if the result of all of this is that there is no court action, if there's an out-of-court settlement and the amendment then proceeds and is to be considered, then we suggest that 23.1 be removed and deleted from the proposal.

**MR. D. MALINOWSKI:** Now, Mr. Heeney, do you believe that Government of Manitoba has legal right to remove any section from our Constitution?

**MR. D. HEENEY:** Mr. Chairman, we are not suggesting a removal of anything that is presently in the Constitution, only that this Section 23.1 is what is in the proposed amendment. Since it is only proposed, then anything can be deleted from it.

**MR. D. MALINOWSKI:** Do you think that the government has a legal right to do so, to remove completely? If this is . . .

**MR. D. HEENEY:** Mr. Chairman, my impression is, they can't remove something that they haven't yet passed. This is only a proposal. We are only suggesting that section be deleted from the proposal. We are not suggesting to take . . .

**MR. D. MALINOWSKI:** Oh, from the proposal.

**MR. D. HEENEY:** From the proposal.

**MR. D. MALINOWSKI:** Okay.

**MR. CHAIRMAN:** Further questions by members of the committee? Seeing none, Mr. Heeneey, thank you to you and to your council for your presentation here today.

Next on our list is Reeve Manson Moir. Order please. Reeve Manson Moir, Rural Municipality of Albert.

**MR. M. MOIR:** Thank you, Mr. Chairman. I would like to indicate before I begin my presentation that I'm giving this on behalf, as a Director of the Union of Manitoba Municipalities for the Western District.

**MR. CHAIRMAN:** Reeve Moir, could you wait one moment until the copies are distributed, please?  
Please proceed.

**MR. M. MOIR:** Thank you, Mr. Chairman. I would like to extend my appreciation for the opportunity to address this committee. As a Director of the Union of Manitoba Municipalities representing the Western District, I would like to present this brief expressing the feelings the UMM has gathered from the majority of its members.

The majority of members oppose the amendments to Section 23 of The Manitoba Act as proposed by the Government of Manitoba. It is not that we oppose French Languages Services where they are needed or requested, but we feel that the application of such services should be up to the Provincial Government to administer, and shall not be entrenched in the Constitution to be enforced by the courts of law in Canada. We agree that the minority groups in our province should be protected from injustices by the majority, but not to the point where it could and will give the minority the power to rule the majority through the courts.

There are many and varied reasons why the municipalities oppose the proposed amendments.

One of the most frequently heard statements from municipalities is that there are so many other things that this government could be doing that would be of much more benefit to the people of Manitoba. Is there a real need for these amendments now? Is it practical at this time?

For example, municipalities in Manitoba have been urging the Government of Manitoba to implement some of the changes in property assessment as recommended by the Manitoba Assessment Review Commission. Locally, the City of Brandon and surrounding municipalities would benefit much more by a solution of their problems with the Department of Highways. The farmers, towns and villages along the valley of the Souris River would benefit much more if the problems of flooding were resolved.

We realize that the problems caused by the Supreme Court ruling in the George Forest case of 1979 are not easily solved. But we do not believe that the proposed amendments are the answer.

Of all the districts in the UMM, the Western district likely has the smallest Francophone population in the province. I would say that there are only one or two small communities that have spoken French to any extent at any time in our area's history. Therefore, we feel that the municipalities are justified in claiming that there is not a need, and that it is not practical to offer both English and French services.

We question the government's claim that the passing of these amendments will keep the issues out of the courts. Who or what will establish a number to "significant demand"? Does this mean one individual? One active and vocal group? Forty percent of the population of an area? We believe that this is one of the sections of the amendment that will be challenged in the courts.

It is also our feeling that the exemption of the municipalities and school boards would be challenged in the courts.

We realize that the solution to the bilingual problem will be costly regardless of the approach. The UMM believes that it would be much less costly in the end to leave Section 23 of The Manitoba Act intact and pay for the translation on a one-time basis, and continue French Language Services as needed in Manitoba.

I have some concerns that the entrenchment of these amendments will create division instead of unity. If the majority of the people in an area want bilingual services, most people will accept it, even if they disagree with the idea of bilingualism. But if a small minority demands and receives bilingual services, how is the democratic principle upheld?

We have seen a rapid growth in the French Immersion Program in Manitoba schools. This obviously means that Manitobans are choosing, of their own accord, to become bilingual. Will this action by the Provincial Government encourage this trend, or will it create an atmosphere of resentment between French and English-speaking factions of our society. Respectfully submitted by Manson Moir, Director, Western District, Union of Manitoba Municipalities.

**MR. CHAIRMAN:** Thank you, Mr. Moir.

Questions by members of the committee? Mr. Doern.

**MR. R. DOERN:** Just your conclusion, Mr. Moir. It seems then that you are arguing that such a move should be voluntary as opposed to forced or compelled.

**MR. M. MOIR:** That's correct.

**MR. R. DOERN:** And do you feel that in the past decade or so that there have been improvements in regard to an appreciation of studying French language and culture?

**MR. M. MOIR:** I believe there has been, Mr. Chairman.

**MR. R. DOERN:** Do you expect that trend to continue in the sense of holding this legislation aside assuming we had never heard of it because it may be a setback?

Do you think that would have continued, that there would have been sort of an enrichment and a greater number of people becoming bilingual and studying the French language and taking French Immersion, etc.?

**MR. M. MOIR:** Mr. Chairman, I believe that is indicated by the ever increasing number of students that want to take part in Immersion courses in French.

**MR. R. DOERN:** Do you think or are you suggesting that because of this legislation there may be a backlash or a counter move instead of this natural trend that was occurring?

**MR. M. MOIR:** Mr. Chairman, I can see it to some extent. I wouldn't venture a guess as to how serious it would be, but yes, I think I can see there would be some digression for a period of time anyway in one's own choice of learning the French language.

**MR. R. DOERN:** You have a statement I think on the fourth page of your brief saying that it is our feeling "that the exemption of municipalities and school boards would be challenged in the courts." Could you amplify that?

**MR. M. MOIR:** The executive felt this before the proposed amendment excluding the municipalities and the school boards, but we still believe that it will be challenged in the court just as a matter of fact that the right to be heard will be questioned in municipal government, the right to be heard in French.

**MR. R. DOERN:** So you're arguing then, what I would argue, that the fact that the province would become officially bilingual and extend French Language Services would make it difficult, if not impossible, for municipalities to resist this trend, even if they have that guarantee in the Constitution?

**MR. M. MOIR:** That's correct. Mr. Chairman, that is our belief.

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

**MR. D. BLAKE:** I have one or two questions of Mr. Moir. I would ask him, how many municipalities, rural towns and villages does your organization represent?

**MR. M. MOIR:** I believe it is 160-something.

**MR. D. BLAKE:** How many of those have submitted resolutions in opposition to the resolution?

**MR. M. MOIR:** I really can't say definitely. The last count I heard was 120-some.

**MR. D. BLAKE:** How many were in favour of the government's proposed resolution?

**MR. M. MOIR:** I believe there was one.

**MR. D. BLAKE:** Thank you, Mr. Chairman.

**MR. M. MOIR:** There were some who had no preference.

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

Mr. Penner.

**HON. R. PENNER:** Just to that same question, Mr. Moir. How many of those resolutions to your knowledge raised the question of their concern about any obligation on the municipalities as being their concern?

**MR. M. MOIR:** I'm afraid I really can't answer that. Frankly, I didn't see all the resolutions. I think the majority of them were mainly concerned about municipalities being obligated to offer services in both languages.

**HON. R. PENNER:** The UMM believes, your brief says, that it would be much less costly in the end to leave Section 23 of The Manitoba Act intact and pay for the translation on a one-time basis and continuing French Language Services as needed in Manitoba. Have you any idea of the difference in cost between translating 4,500 statutes and translating only 500?

**MR. M. MOIR:** Mr. Chairman, I realize that and when I read that, I would like this opportunity to maybe clarify that to the extent that I think the UMM's position is that we would just as soon see the Bilodeau case go to the Supreme Court and have a ruling from the Court of Canada in hopes that in that ruling the court would recommend a realistic and practical sort of a number that should be translated.

**HON. R. PENNER:** Assuming that they do not, assuming they say, the law is the law, and the Supreme Court has the habit of doing that, and if the original Manitoba Act required that a law to be valid had to be in both languages, then all the Supreme Court could do is say that unless they're translated they are not valid. On that assumption, may I ask you my question again? That is, do you know what the difference in cost is between translating 4,500 statutes and translating 500?

**MR. M. MOIR:** Mr. Chairman, I am aware of the figures. I couldn't quote them to you. I am aware, also, that it is likely going to cost dollar-wise more initially, the one time to change the 4,000-and-some statutes, but we feel that may be in the long run, over a period of years, we feel this amendment will be challenged, will possibly be cheaper.

**HON. R. PENNER:** Possibly?

**MR. M. MOIR:** Possibly be cheaper, yes.

**HON. R. PENNER:** But you don't know that for sure?

**MR. M. MOIR:** I don't know that, no, sir.

**HON. R. PENNER:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Downey.

**MR. J. DOWNEY:** Thank you, Mr. Chairman. I want to ask a couple of questions of Mr. Moir as well. The feeling with the brief, Mr. Chairman, to Mr. Moir, it has

been the tradition of the Province of Manitoba and the municipal body through the Union of Municipalities or directly as municipal groups, mayors and Reeves as we've seen here today presenting briefs and lining up to present briefs, that it has been traditional that they've had an opportunity to have a Minister of Municipal Affairs who would present their feelings to Cabinet and in many ways and many historical times have respected the feelings of those municipalities and the Union of Municipalities. Do you feel that currently with the opposition that you're putting forward here today that your current Minister of Municipal Affairs is acting on your behalf as . . .

**MR. CHAIRMAN:** Order please. I think the member knows that the appropriateness of questions relating to the performance of individual members of the committee is not appropriate in terms of clarification of the position of the UMM or of the witness' position on this issue.

Mr. Downey.

**MR. J. DOWNEY:** Mr. Chairman, if there is a tenderness on behalf of the government, I'll withdraw it and ask Mr. Moir if he has . . .

**MR. CHAIRMAN:** Order please, Mr. Downey. I am not, as your Chair, expressing tenderness on behalf of the government and to suggest that my interjection to bring you to order on that point is to suggest tenderness on the part of the government, then you're denying me my role as Chair and I resent that. I don't accept that. I would ask you, Mr. Downey, to refrain from that style of questioning. Please proceed.

**MR. J. DOWNEY:** Thank you for your direction, Mr. Chairman. I will refrain from that style of questioning.

Mr. Moir, in your capacity as a union representative, have you or your union presented to the government by resolution at any of your annual meetings a request for the Government of Manitoba to change the Constitution which would in fact make Manitoba a bilingual province?

**MR. M. MOIR:** No, we have not, Mr. Chairman.

**MR. J. DOWNEY:** Thank you, Mr. Chairman.

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

Seeing none, Mr. Moir, thank you to you and your district association for your presentation today.

Order please. I advised the gallery earlier that applause is not permitted in the gallery at committee meetings or in the Legislative Assembly itself and would request gallery members to desist in the future.

Reeve Art Cowan, R.M. of Cameron.

**MR. A. COWAN:** Mr. Chairman, before I get into my official brief, I'd just like to say there will be probably two noticeable differences between my brief and the preceding briefs; one being that it'll be more general in scope, rather than specific as they have been, and it will be much briefer.

My name is Art Cowan, I am 51 years of age, a third generation Canadian of Irish descent on my father's

side and a fifth generation Canadian of English and Dutch descent on my mother's side. I am married, have five children, two of whom are married to girls who have some Francophone ancestry. So far we have one grand-daughter from these two marriages.

I am the Reeve of the Rural Municipality of Cameron, whose population is approximately one-third Francophone and two-thirds Anglophone. But above all else I feel I am a Canadian. I make mention of these things to demonstrate that we are intermingled and intermarried and hopefully we can look at things without too much prejudice.

Our district celebrated our 100th anniversary in 1982, which was a resounding success. I feel the reason there is so much harmony in our area is that basically the French have been gracious enough to use English as the language of commerce. I feel they realize, as I do, that we are building a new country and in so doing, we have to break old ties with the founding countries.

As in any marriage, there has to be some give and take from both sides to make it work. That is why I feel that the series of events that started with the removal of the Union Jack from the Canadian flag, the discarding of a cumbersome English system of weights and measurements and finally the repatriation of our Constitution have been great for our country. But, I do not think that we will ever be truly united and feel as one great nation until we all speak the same language. That is why I hope our Francophone friends will, instead of taking a backward step into the 19th Century withdraw their demands for French language rights in Manitoba and take a giant step forward into the 21st Century.

Thank you.

**MR. CHAIRMAN:** Reeve Cowan, thank you for your submission. Any questions? Seeing no questions from members of the committee, Reeve Cowan, thank you very much for your presentation today.

Next on our list is Mayor Waters from the Town of Carberry. I believe his brief is also on behalf of the Manitoba Association of Urban Municipalities.

Mayor Waters, please.

**MR. L. WATERS:** Mr. Chairman, panel at table, I was not completely aware that I was representing the Urban Association today.

**MR. CHAIRMAN:** That's quite all right. If you're not representing them, that's fine. It's just what shows on my list.

**MR. L. WATERS:** The Town of Carberry has sent in a resolution and I think it's on file with the government today. The opinions that I am about to express in this brief are generally those of the people in our area and our beliefs gathered from the news media, newspapers, magazines, TV, radio and Manitobans in general.

The general thought is that at this time, barring a great influx of French-speaking people to our province, we do not need any change in our existing language laws. There is practically no one suffering now from our present language law. We have people in our province who speak many different languages and very few cannot speak the English tongue.

In fact, the younger generation of our province are intermarrying into different language-speaking people and in many cases do not speak their mother tongue completely or correctly. If you listen to French people, Ukrainian people, or German people, you will find that they automatically use English words and sometimes whole sentences to express themselves or put a point across. So what will happen down the road in a decade or a generation from now?

Why should be change our language laws for such a very small group of people when there is a chance that it could do a great deal of harm at this time? With all the talk in latter years of separation, why make unnecessary changes for a few and risk the chance of widening the gap in the relation of the people of our beautiful Canada. We do not want Manitobans saying such things as "Damn the French." Why are we changing for such a few. We don't want that.

You may strike this out. We had metric pushed upon us at a great expense to all. Is there anyone here who can truthfully give me proof that the good comes even close to the lasting mix-up and frustration caused by metric. I'm sure not.

I would like to say to His Honourable Mr. Howard Pawley, we are proud to be Manitobans. Sure, we are a mixture of nationalities but mostly we live in harmony. We have grown up to understand that Manitoba is an English-speaking province. We should not be coming to you begging for no changes.

You, Mr. Premier, and your government, are our leaders and by such, you should fight for us that we may enjoy a true democratic life and spirit in Manitoba. This proposed change is a Manitoba decision and should be solved by Manitobans and not by amending the Constitution.

**MR. CHAIRMAN:** Thank you, Mayor Waters. I should tell you, Mayor Waters, if you want to talk about metric, that's your business. Just the committee members, I won't let talk about metric.

**MR. L. WATERS:** I just threw that in.

**MR. CHAIRMAN:** Are there any questions for Mayor Waters from members of the committee? Mr. Doern.

**MR. R. DOERN:** Are you planning to hold a plebiscite or referendum on this question in your municipality?

**MR. L. WATERS:** Not to my knowledge. I suppose we have a very small minority of French-speaking people in our area, and I do not know of any referendum that would be called or would be necessary.

**MR. R. DOERN:** And you feel that the overwhelming majority of people in your area would concur in your brief?

**MR. L. WATERS:** Yes, I would be quite safe in saying that.

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

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

Mr. Graham.

**MR. H. GRAHAM:** Thank you, Mr. Chairman. Through you to Mayor Waters, Mayor Waters, at the present time is your town council opposed to the present Section 23 of The Manitoba Act as it is presently in . . .

**MR. L. WATERS:** Town council have passed a resolution that they would like to see no change in the present Manitoba Act. We're depending on our Provincial Government to see that this is enforced or that there be no change.

**MR. H. GRAHAM:** But you have no concerns with the present Section 23 of The Manitoba Act which requires the use of French and English in the Legislature and in the courts, either language in the Legislature or the courts and the translation of the statutes and the records shall be in both languages. That doesn't cause you any problems, does it?

**MR. L. WATERS:** Well, if the Legislature decides to implement a change in the act, so be it, we have to live up to it. We're not entirely non-bilingual you might say. I just got a new brochure from Mr. Adam's department. It says Manitoba Municipal Election; I turn it over on the other side and it's in French. This doesn't do us any harm. I mean we have a lot of stuff that is already bilingual, so we're not opposed to bilingualism in a sense, but it is being, I would say, forced upon us in some respects. It is there for us to see. I don't know whether that answered your question or not.

**MR. H. GRAHAM:** That is very good, and thank you very much, Mayor Waters, for taking the time to appear before this committee to give us the benefit of your wisdom.

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

**MR. R. NORDMAN:** Mr. Chairman, through you to Mr. Waters, you mentioned that you had already presented another brief to the province, had you?

**MR. L. WATERS:** Yes, we sent a resolution to the province, the town council.

**MR. R. NORDMAN:** Fine. And your stance in that brief, is it basically the same as the brief that you presented today?

**MR. L. WATERS:** Very similar, yes. We believe that there are many nationalities in the Province of Manitoba, and we are not prepared to recognize one over the other one, but the English language has always been the predominant speaking language in Manitoba, and nobody is contradicting anybody from wanting to use another tongue. I am sure there are many interpreters who will help them out, anybody that's in a minority or that can't speak the English language. I just read the other day where in Ste. Rose they have always had an interpreter. That was in the paper; whether it's true or not, I don't know. It was in the paper and it said that they have always had an interpreter in their courts



for anybody that couldn't speak. So I think the same thing would happen in our town or most towns.

**MR. R. NORDMAN:** Thank you, Mr. Waters.

**MR. CHAIRMAN:** Mr. Nordman, further questions?

**MR. R. NORDMAN:** No, that's fine.

**MR. CHAIRMAN:** Further questions for members of the committee? Seeing none, Mayor Waters, thank you for being here today and making your presentation.

The next name on our list is Father Art Seaman. Father Seaman, please. Father Art Seaman.

**MR. A. SEAMAN:** Do I look okay?

**MR. CHAIRMAN:** Yes. I was expecting somebody in a black collar, you didn't look like him.

**MR. A. SEAMAN:** I've got a cross on.

**MR. CHAIRMAN:** Oh, okay.

**MR. A. SEAMAN:** Mr. Chairman, thank you. I will try to be brief. The people I usually speak to demand that I be brief.

First of all, to identify myself, I am a fourth generation Canadian, born and brought up in the Province of Prince Edward Island of English and Scottish ancestry. I was student at Laval University in the Province of Quebec durant quatre ans (for four years), and with the exception of one year spent in Europe on sabbatical leave, I have served as a Catholic priest in Manitoba for the past 23 years. I am presently the parish priest in Neepawa.

I love Canada very much and I love Manitoba very much, which I call my home now, and is my home, but when I speak to anyone, whether it's outside the country or outside the province, I am always speaking both as a Maritimer and as a Quebecer and as a Manitoban, but always as a Canadian. I am here as a private citizen today to express my very strong opinion that I am in favour of the proposed amendment to The Manitoba Act.

I am in favour of French Language Services in Canada for many reasons, but briefly they are these:

I believe that the country that is now recognized and known as Canada was first settled by peoples who were erroneously called Indians and Eskimos - and I'm not sure what the proper name for them is. I do not believe that these people were created here in this part of the world, but rather that they came from somewhere else. Probably this is not the time to go into that.

Rightly or wrongly, the Americas after these first settlers, from Canada to Chile and Argentina, were settled by Europeans; British, Dutch, Spanish, Portugese, French, etc. A short glance at our history will reveal who settled in Canada and set up organized community living after the aboriginal settlers, the Indians and the Eskimos. Obviously, that was the French from France.

A same glance at history will show that as a result of an armed conflict in Europe, which overflowed into the Americas, Canada passed from the governmental

control of France to Great Britain. When the Government of Westminster found itself responsible for this new territory, it had to make some decisions. Expel the Indians, Eskimos, and the French inhabitants, or tell them they could stay provided they all became Anglican Englishmen. Or tell them they could stay and keep their good values - religious, cultural, linguistic, legal systems, etc.- as long as they recognized and respected the new government and were willing to live in peace with their neighbours.

With the exception, perhaps, of land ownership on Prince Edward Island and the expulsion of the Acadians, my British ancestors treated the inhabitants of the newly acquired territory fairly reasonably. With regard to those errors - I'm sure some of you may be aware that they divided up Prince Edward Island and gave it to the lords, the whole thing, with a few small conditions of settling British people there and, of course, they gave the Acadians a hard time. Both of those errors were recognized by the British and corrected in due course of history.

I believe strongly that it behooves us to honour the commitment made by the British in 1763 and in The British North American Act of 1867, and especially to correct any errors or omissions made in these matters over the years.

As mentioned at the beginning, I spent a year in Europe where, with few exceptions, it is considered a virtue to be able to communicate in more than one language. I agree wholeheartedly with that attitude.

On that line, I heard on the radio yesterday on CBC a Member of the Legislature say that if this amendment goes through and becomes law, that there will be a lot of people in governmental offices, etc., in Manitoba who will have cobwebs over them, because there will be nobody coming in to speak to them in French. I speak French, and I live and work in Neepawa. I don't have much call for the use of French, but I submit that I don't have cobwebs over me, because usually a person who is able to learn another language is able to do other things.

I believe that in order to recognize and respect the rights of small minorities, we first have to be able to recognize and respect the rights of large minorities. French-speaking people in Canada as a whole are a very large minority group. I'm sure that we all realize what the statistics are; that at least  $\geq 5$  percent of Canadians speak French.

Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Father Seaman. Questions for Father Seaman from members of the committee? Seeing none, Father Seaman, thank you very much for your presentation this afternoon.

**MR. A. SEAMAN:** Thank you.

**MR. CHAIRMAN:** Next on our list is Reeve J.C. Ashcroft, R.M. of Birtle. Reeve Ashcroft, please.

**MR. J. ASHCROFT:** Thank you, Mr. Chairman. I would like to start out by saying, and probably hopefully I will not be ruled out of order immediately, I understand that this committee is pounding the countryside, wanting to hear from the grass roots, from people. Although

I appreciate the fact that some of, shall we say - I don't like to say high-priced help, but people that are much more able to put their case across than the Reeve of the R.M. of Birtle, and that's me.

I have been commissioned by the Municipality of Birtle to come down today. We don't have a brief. We have two resolutions that were passed by our council that are completely endorsed by a full majority of council. This is their wish, that I come here today. I don't have a brief. I only have comments from our council. Now if you're prepared to listen, then I will go ahead and give these comments.

We have had no help from the Minister of Municipal Affairs or anyone. I would have to say that we felt even the timing was bad, because most farmers - and the farmers are important in Manitoba, I'm one of those that think that they are - this probably would be their busiest time, so they would have a problem even being here. So I think that it was untimely to have these hearings at this time.

If you will bear with me, I will tell you that I am 62 years old. I was born and raised in Manitoba. I am bilingual to the extent that I speak Italian. I was on the Italian campaign for two years and, despite orders such as we heard awhile ago you have to obey all the laws, we did fraternize a little with some of the people, especially the females. We did pick up a little Italian.

I was fortunate and I brought home a lady from England, and we've been happily married for a long time. I have four sons and one daughter. Two sons farm with me. I am actively engaged in farming in the R.M. of Birtle, have been for years. I have a son that is married to what some people would like to say, a French-Canadian, but don't tell her that. She's a Canadian.

The only people that I recognize are Canadians. Hyphenated Canadians, to me, if they choose to be hyphenated, that's their privilege, but I am a Canadian for Canada. We have no problems with other people that would like to speak other languages. We have no problems at the present time.

With that clarification of myself, I would like to go on with some of the comments with your permission, Sir.

**MR. CHAIRMAN:** Reeve Ashcroft, I should point out, it's not required that a prepared brief be presented to the committee. The public is invited to be heard. You can be heard in any fashion you choose. The fashion in which you're making your presentation is entirely appropriate.

**MR. J. ASHCROFT:** Thank you. I just wondered, you know, how you people operate. I know how we operate in Birtle. You're allowed to be heard.

**MR. CHAIRMAN:** That's exactly how we're operating here. Please proceed.

**MR. J. ASHCROFT:** Our council feels that there seems to be some big hurry on this change. Mr. Trudeau, possibly our Attorney-General and some more of his people such as Mr. Pawley are trying to hustle this thing into Manitoba. Remember, I am speaking for the R.M. of Birtle and our council, of which I agree with their

decisions. We feel that it's the thin edge of the wedge; that they are just trying to make sure, while we're here, we'll get this thing into Manitoba. Let's do her fast.

We feel that this is wrong. We feel that it is only the first step. Our council feels that the French in Manitoba are being treated certainly as well as I am. They have many rights. They seem to be doing very well. I refer to this that I happened to see in the Manitoba Gazette, July 23rd, Page 1263. There is somewhere in Manitoba requiring the services of a municipal secretary. It says right off the bat, "bilingual." They have to be bilingual, or else, sorry, don't apply for the job. Surely, they are not being deprived of anything now. I don't understand really why the hurry and what this is all about.

I will carry on here. I would also like to say, and my council have asked me to say, I was here about a month ago, I believe. I can't remember the date. I was here about a month ago, and we told the Attorney-General at that time very plain; I think most of the people here told him very plainly where the situation was at. If he was listening, I don't know what it was with, because the very next day, I saw things in the paper that said that we were in favour of what was going on. That meeting that night wasn't. I only bring that back, because I was here. I'm fortunate I have two sons, and they get after me for dodging some of the work.

Our council says that with the money and the energy and the time that's spent on bilingualism and trying to change Manitoba, and the money that's probably, allegedly promised from Trudeau if it will be done - and I have no proof of any of this, but we are allowed to think. Just because we are not lawyers, Mr. Chairman, it doesn't mean to say that we are as uninformed as some of the people were trying to say this morning. I don't accept that. We know what goes on.

We say that if the money and the time and the energies that was spent was given to Sam Uskiw to build some highways in this province, it would do as a hell of a lot of good. And forget about bilingualism. I'm speaking from the grass roots. Please remember that.

I'll carry on here. I have notes here. I have a hard fact, and I know this is true. All the people I talked to about language rights and so forth are sick and tired of the whole thing. I speak for approximately 1,200 people in the R.M. of Birtle, and we have two villages, Foxwarren and Solsgrith. I have never run into anybody that disagreed with our council, not that our council's that good as we may find out next month.

I would like to emphasize the point: our council and our people do not feel - and I can't emphasize this more - that the feds and our present government in Manitoba, they do not have a mandate to entrench anything into the Constitution. We absolutely say they have no mandate to do it. We don't want them to do it. We want them to leave it alone and let this thing slowly grow.

I believe I said before one of my daughter-in-laws is a Francophone and there is just no problem. We feel that if there are any changes to come about in the Constitution, and you're going to entrench something, it should only be done after much debate and long cooling-off periods and finally, a vote of the people. I can't emphasize that too much.

All the debate has done so far is to divide the people. We're already starting to take up sides, and this I do

not like to see. As far as I'm concerned, and I'm speaking for council, the Constitution doesn't seem to guarantee too much except doing a lot of fighting and arguing and a great ball park for lawyers. All it has done is caused trouble and cost a lot of money. If bilingualism is such a good thing, it'll grow and thrive anyway. People will be in favour of it. Everybody will be running around speaking French or whatever they want to speak. And good luck to them. We have no axes to grind with the present situation.

If people think entrenching certain rights at a great cost to the taxpayer is going to suddenly make things all okay, they had better wake up. Forcing laws on people has never worked and it never will. We also feel that anyone that can speak more languages than one is a very fortunate person. We believe the facilities are in Manitoba now to learn other languages and the French community seems to have privileges now that other groups don't have.

I would refer back to that in the Gazette. I think they are asking there for somebody that has to speak French or maybe Italian, maybe I could apply for the job, I don't know. But it says bilingual, whatever that means. It means two languages I would think. I have no complaint. I mean, this is the way the thing is evolving and I believe in evolution. I believe that it will evolve and if it's left alone it will evolve quite well. If certain people, and I'm completely opposed to them and our council are, are trying to change things and going to make Manitoba bilingual, why not go trilingual? Why not go all the way, or why not go and start all over again? After all, the Indians were here first, so why not all start with one and learn Indian. I mean, they probably have as many rights for languages as anybody else.

These are the comments, gentlemen, that our council, I've written them down, these are comments. I have had to rewrite because adjectives that were used by our council, I would believe the Chairman may rule me out of order. I would hope that you wouldn't take these comments lightly. They are strictly from the grass roots and as I say, we had no help, very little information, everybody's combining. Our councillors, I would talk to them, they would phone me and so forth and so on. I'm just telling you as it is, and it's the first I've heard today from an R.M. that has not had a lawyer prepare anything, that has not had any help or information of any importance from our department and we have said and I have the resolution here.

I would also like to say that a resolution that the R.M. of Birtle passed, which I have a copy of here, went to the June convention in St. Lazare, Manitoba, which is our neighbour, the municipality of Ellice. There are a lot of Francophones. I suppose you would say Francophones. I don't hear them saying much about it, but we had a resolution passed at our council meeting on June 13, 1983 and this was read out at a district convention in St. Lazare on June 13th and it was voted on there as to whether it would go to the fall convention of the Union of Municipalities. They have to be passed in June to get through to the fall convention. This one was read out and it was passed unanimously except by one person opposed to it. That person wasn't a Francophone.

This copy, I believe has been sent to members. I'm sure that you people have it. It was sent to different people. If anybody asks me, I would read it out.

**MR. D. BLAKE:** Please do read it for the record.

**MR. J. ASHCROFT:** This is a resolution of the Birtle Council, June 13, 1983.

"Whereas the R.M. of Birtle has been in existence for 99 years and has carried on the business in the English language entirely; and

Whereas the R.M. of Birtle has been living in harmony with her neighbours who come from many ethnic origins; and

Whereas due to the tight-money situation, we feel that we cannot be subjected to unnecessary expenditures.

NOW THEREFORE the Council of the R.M. of Birtle requests the Provincial Government to immediately cease any further negotiations towards making Manitoba bilingual."

And that passed completely with a big meeting, no problem.

We have another resolution here, further that we have sent and if the committee cares, I will read that out, if it's in order, Mr. Chairman. I'll have to find it here. As I say I don't have a lawyer preparing my business for me.

This is August 8, 1983, and this is completely legal. This is in the books of the R.M. of Birtle.

"That the council of the R.M. of Birtle oppose the proposed legislation by the present government to make Manitoba a bilingual province and are prepared to hold a referendum to provide our electors an opportunity to voice their opinion in a democratic fashion. This referendum will be held if it would appear to be in the best interests of the R.M. of Birtle in the Province of Manitoba."

That was the best we could do that day because we didn't have information. It would seem that you were going to hold these hearings. We weren't sure whether you were or you weren't, whether the information or the amendments would be shelved, which we feel they should have been. So, that's why this resolution is rather ambiguous.

If we would have had complete information at the time as to exactly what was going on, like it says here, this referendum will be held if it would appear to be in the best interests of the R.M. of Birtle. We weren't sure with the information we had just what would be in the best interests. We figured that maybe through their wisdom that this might be withdrawn and that Trudeau would be told where he could go.

But apparently it hasn't been done which only goes to support our theory that there is a lot more to it than just what meets the eye, that the federal people want this passed. They want it entrenched and we don't feel it should be entrenched at all. If you're going to start entrenching things in the Constitution, it's too important. We think that there should be a lot of time taken and a cooling off period and a lot of debate.

That, Mr. Chairman, probably sums up what I have to say. I'll just check my notes here. I didn't go to school, they tell me. I stayed home, and I have a problem reading my own writing, but don't fool yourself. I can read yours.

These are things that have come to our mind just lately, and we concur. I heard a voice in Quebec say the other day that the only province or area in Canada

that should be bilingual is Quebec. I don't know who said it, but I heard it. I was on a tractor at the time it was on the radio, and the cab isn't that quiet. It must be the wrong brand. But somebody said that, and I concur with that. I believe maybe that is so, that the Quebecers are different. They have been there a long time, and there are a lot of them, I understand, maybe 5 million in Quebec that are Francophones, and I believe maybe that they do have different rights or they should have. I have to concur with that statement, and I'm not sure who said it.

With these comments, Mr. Chairman, I will conclude, and I thank you very much for the opportunity to address this august assembly.

Thank you, Sir.

**MR. CHAIRMAN:** Thank you, Reeve Ashcroft. Questions for Reeve Ashcroft from members of the Committee?

Mr. Adam.

**HON. A. ADAM:** Thank you, Mr. Chairman. Mr. Ashcroft, I want to thank you first for your presentation. You mentioned that you had received no assistance. I don't know whether that's to prepare your brief or to provide information to your municipality. You attended the seven district meetings that were held by the Union of Manitoba Municipalities. You attended one of those meetings, did you not?

**MR. J. ASHCROFT:** Which meetings are you talking about?

**HON. A. ADAM:** The district meetings that were held by the Union.

**MR. J. ASHCROFT:** Are you referring to the one in St. Lazare?

**HON. A. ADAM:** Yes, that would be one of them.

**MR. J. ASHCROFT:** That's where I was at when that was presented.

**HON. A. ADAM:** At that meeting, questions were raised by members and delegates on the French Languages Services. I responded in-depth to questions that were posed, I might add, all questions that were posed that I responded to bringing the delegates at least up to date on the sequence of events that had taken place and why the province was proceeding in the manner in which it was proceeding.

**MR. CHAIRMAN:** Question, please?

**HON. A. ADAM:** When you mention that there was no assistance, and I think you mentioned the Minister of Municipal Affairs, would you not agree that I did provide substantial information at that district meeting at which you attended, as I did in other district meetings as well?

**MR. J. ASHCROFT:** Mr. Adam, I would have to say that I don't consider that you answered them in-depth. I would have to say that. I was there. Question after

question, there was no answer at all, because it either hadn't been decided upon or it wasn't definite or we were going to hold hearings or we're not going to hold hearings. There was absolutely no depth. Mind you, I've only been on council 20 years. Maybe I haven't had time to understand what depth means.

**HON. A. ADAM:** The question that arose at most of the meetings, as I recall them, was that there was some concern that municipalities would be involved. I responded at every meeting that the original agreement of May the 17th was intended that all municipalities would be excluded from the agreement. The major concern that was raised was that . . .

**MR. CHAIRMAN:** Question please.

**HON. A. ADAM:** . . . they wanted clarification of that with the amendments that are now proposed to exclude municipalities from having to provide any services, except in the language that they wish do so. Does that allay some of your concerns?

**MR. J. ASHCROFT:** No, Mr. Adam. We feel that they didn't allay any of our suspicions; that it was only trying to pacify us. We feel that it is the thin edge of the wedge. We do not feel that, I do not and our council did not feel, you answered or allayed any of our fears, not in a concrete fashion. I am only being honest and telling you exactly as our council sees it.

**HON. A. ADAM:** The previous brief by Mr. Heeney from Elton indicated towards the end of his brief that if the province is to proceed with amendments to Section 23 - he mentioned that his brief had been prepared prior to that specific information coming out. I think it was implicit in the original comments, but he indicated that somewhat allayed some of the concerns because now that wording is clarified and there is no doubt that municipalities are excluded.

**MR. J. ASHCROFT:** Is that a question to me, Sir?

**MR. CHAIRMAN:** I was wondering too.

**HON. A. ADAM:** That is the position of Mr. Heeney, and I am wondering whether or not . . .

**MR. CHAIRMAN:** Do you have a question?

**MR. J. ASHCROFT:** Is that a question?

**HON. A. ADAM:** . . . that would be your position as well.

**MR. J. ASHCROFT:** No, it would not be my position. I have no cause to disagree or to comment on Reeve Heeney's submissions, but I see nothing as yet in anything to say that the R.M.'s will not be attacked the minute that the ink is dry on what you put forward. It will be a continuing effort. There will be no end to it.

**MR. CHAIRMAN:** Further questions for Reeve Ashcroft. Mrs. Oleson.

**MRS. C. OLESON:** Thank you, Mr. Chairman. Mr. Ashcroft, in your remarks, you referred to a resolution passed in August by your council concerning a referendum. At that time, I understand you weren't quite sure whether or not you would be having a referendum. With the information you have now and it being further along and you've learned more about the proposed resolution, are you at this time considering having a referendum?

**MR. J. ASHCROFT:** If we could find out exactly what is being accepted, but we feel, rightly or wrongly - and believe me, I'm not trying to accuse anybody here - but we feel that it is very difficult for rural municipalities - and, of course, some of the people here don't understand how a rural municipality even works.

You've got six councillors - and pardon me if I'm getting out of line here - that have a living to make. They are not sitting in that municipal office, reading every letter as it comes in. They don't know what goes on, except maybe when you have a council meeting. When we're combining up in that country, we postpone the meeting until a wet day or so. A lot of those people don't know.

To have a referendum or a vote on it, which we will have - by George, we will have it if necessary - you have to get together, and it will take a day to plan it and see where it goes. You've got to get ballots printed. You've got to get in touch with the head of our union, and see how they're going and see how your sisters or brothers are doing around the province. There are 125 of us, I think, and we're not going to just jump the gun and not be in consultation with our head office and our fellow members. There is a lot more to it than just somebody jumping up and saying, we're having a referendum. I'll be honest with you. We haven't had a meeting in the R.M. of Birtle for over a month, a council meeting, not an official council meeting where you can get something on paper that is legal and binding.

**MRS. C. OLESON:** So then I take from your remarks that you would concur with the thinking that this has been done far too quickly, and hasn't allowed people such as yourselves to have a chance to put in the necessary input.

**MR. J. ASHCROFT:** I would not only concur with your thinking there, I would say that it was almost deliberate. I'm not saying, it was deliberate. I said, it would appear to us as almost a deliberate move to railroad this thing through before the grass roots. I'm grass roots. You can understand that.

**MRS. C. OLESON:** Most of us are.

**MR. J. ASHCROFT:** Thank you. We just haven't had time to get into it. There is just no way. We all firstly have to make a living, and we haven't had the time. I think it's most unfair for Mr. Penner to be trying to do what he's doing at this time. September is an important month in Manitoba. If you were a farmer, you'd know that.

**MS. C. OLESON:** Thank you.

**HON. R. PENNER:** Just on that last point, Reeve, the decision to hold these meetings at this time was a decision of both sides of the House.

**MR. J. ASHCROFT:** Well then, there's a lot of them didn't know.

**HON. R. PENNER:** Some of them are there. You can put the question to them.

**MR. CHAIRMAN:** Order please, order please.

**HON. R. PENNER:** I just want to if I can, Reeve Ashcroft, clarify one point that arose in your discussion with respect to the Minister of Municipal Affairs. He pointed out to you and I think you're aware that the government is proposing to add some words to the original proposal which spells out in clear words, "but not including any municipality or school board." Would you not think that having something like that spelled out is better than not having it spelled out at all in terms of protecting the municipalities against - just wait till I finish my question - someone going to court and getting an adverse decision?

**MR. J. ASHCROFT:** How long would it be, Mr. Penner, in answering your question, until somebody took us to court anyway and insisted on it?

**HON. R. PENNER:** There is always a difference, Reeve Ashcroft, between taking someone to court and winning. Anyone can take anyone to court for anything, but usually the frivolous and vexatious are screened out very quickly. The question is not whether you are taken to court, would you not agree, but whether or not there's a chance of somebody succeeding in court? Isn't that really what the question for anybody facing court action is?

**MR. J. ASHCROFT:** Yes, I agree with your line of thinking there but, at the same time, I don't accept that at all. I don't accept that there should be any change whatsoever. I think this thing is growing and evolving, and it should be left alone.

**HON. R. PENNER:** My point though, Reeve Ashcroft, is this. What is there now that prevents someone taking your municipality or any municipality to court, and demanding a level of service in the French language? What is there now that prevents that?

**MR. J. ASHCROFT:** I suppose, sir, not very much, but let them go ahead.

**HON. R. PENNER:** Okay, I thought your concern was that you don't want them to go ahead. Wouldn't it be better, if they are going to do that . . .

**MR. J. ASHCROFT:** They haven't done it for 99 years, so I'm not so worried.

**HON. R. PENNER:** Well I thought you were worried that they were going to take it to court.

**MR. J. ASHCROFT:** No, no, I never said I was worried. I said, it should be left alone.

**HON. R. PENNER:** Good. I see. But supposing that someone does. After all, things change, and it appears

that more people are going to court on the question of rights than ever before. It's quite possible someone might go to court and raise this issue, either with respect to your municipality or some other. Don't you think it's — (Interjection) — could I just conclude the question? Don't you think it's better if there is a constitutional provision spelled out which says that this doesn't apply to municipalities?

**MR. J. ASHCROFT:** I don't accept that as a logical answer at all because, the minute that Manitoba becomes bilingual, that opens the door for them to go to court, regardless of whether the municipalities or the school boards are exempt or not. So I just don't accept that line of reasoning or arguing at all. I just don't accept it.

**HON. R. PENNER:** No further questions.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Through you to Reeve Ashcroft, Reeve Ashcroft, you've made mention in your presentation that the meeting that was held in St. Lazare, I believe, in June was the time when you presented a resolution for the whole membership of the western region to consider at that time. In the course of the events - I'm going to ask you to try and refresh your memory - was that resolution dealt with by the committee or by the meeting prior to Mr. Adam's so-called explanation of the course of the government, or was it after that took place?

**MR. J. ASHCROFT:** I'm trying to refresh my memory. If Mr. Adam could tell us where he was on the map that day, then I could maybe . . .

**MR. H. GRAHAM:** I think it was pretty early in the day.

**MR. J. ASHCROFT:** I think this resolution was dealt with later in the day after Mr. Adam had been there, had talked to us. I'm quite sure it had. Yes, I would say it was.

**MR. H. GRAHAM:** Mr. Ashcroft, if Mr. Adam was correct when he, in his questioning of you, told you that you were fully informed at that time, that the people that were at that meeting were fully informed and the full government position was clearly spelled out . . .

**MR. CHAIRMAN:** Order please, order please. Mr. Adam, on a point of order.

**HON. A. ADAM:** The point of order is, Mr. Graham is saying that I said my statement, that the municipalities should be fully informed after I had spoken to them. What I said is, I had responded to their questions and gave them an in-depth sequence of events of what had transpired up to that point in time, and why the government had taken the position that it had. I didn't say that I responded to their satisfaction, or responded to all questions what they wanted to hear. I just brought them up-to-date, and I did that fully.

**MR. CHAIRMAN:** Order please, order please. Difference of opinion between members is not the subject matter of a point of order. Proceed with your question, Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. After Mr. Adam gave you an in-depth sequence of events, would you think that the membership, if they were satisfied that he had explained things and it was a perfectly rational and logical course to follow; would they have then supported your resolution almost unanimously?

**MR. J. ASHCROFT:** They're very, I was going to say, cantankerous. I retract that word, but they are a very free-thinking group of people in the western part of Manitoba. After all, they're up against Saskatchewan. They have to be. They would have not voted for this resolution, had they been satisfied with what they heard at that meeting. I'm very definite on that. If they had been satisfied with the government's position and the Municipal Affairs Department position as put forward by mostly, I think, your Deputy, if I am not mistaken, Mr. Adam, and by you, they certainly wouldn't have unanimously supported this resolution had they been satisfied with your explanation.

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

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

**MR. H. GRAHAM:** Before I quit, I would like to thank Reeve Ashcroft for taking time out from a busy harvest to appear before this committee.

**MR. J. ASHCROFT:** Thank you, Sir.

**MR. CHAIRMAN:** Mr. Uruski.

**HON. B. URUSKI:** Mr. Chairman, to Reeve Ashcroft, were all your members of council at the meeting when that resolution was passed?

**MR. J. ASHCROFT:** Well, I didn't check our books, Mr. Uruski, but if they weren't, they've all been in touch with me. It's a unanimous thing. Now, whether one of them came for part of the meeting and left or not, I'm not certain, but if you're looking for some flies in the ointment there, you'll look a long time because this is a unanimous decision of the R.M. of Birtle.

**HON. B. URUSKI:** Mr. Chairman, did I understand your presentation correctly, Reeve Ashcroft, that you would like to leave things as they are in terms of status quo on this issue. Am I correct in interpreting your position that way?

**MR. J. ASHCROFT:** Yes, Bill, if I may call you Bill.

**HON. B. URUSKI:** Sure.

**MR. J. ASHCROFT:** Yes, the way I see it right now as somebody that has lived here a long time, and I would like to add further if the Chairman concurs. I think things are coming along quite well in Manitoba. I feel we're growing and the very fact that you're going to force us to love each other is going to be a big mistake.

Leave us alone and we'll fall in love anyway. They're doing it all the time.

**HON. B. URUSKI:** I love you anyway.

You are aware, of course, the 1979 Supreme Court decision which indicated that our laws are unconstitutional and that there is a pending Supreme Court case which doesn't leave things as they are.

**MR. J. ASHCROFT:** Yes, I'm aware of that.

**HON. B. URUSKI:** Would you be prepared to if, let's say things were left, let's leave things as they are, this matter would go to the Supreme Court, which it obviously would, be prepared to pay the additional costs over and above what is being negotiated in terms of the agreement in the translation of laws and other services if the Supreme Court rules that they'll be more than has presently been negotiated. Are you prepared to pay those costs?

**MR. J. ASHCROFT:** I would probably concur, yes. Let it go to the Supreme Court and see what happens.

**HON. B. URUSKI:** You didn't answer my question. Going one step further, if the Supreme Court would rule that there be more laws translated, more services provided than is noted on the resolution and the agreement, would municipalities be prepared to pay those costs?

**MR. J. ASHCROFT:** I would hope not. I don't know how they would get around it or what they would do but apparently these things have been going on for a long time. I believe that if it's a bad decision, we would have to live with it. It would have to be changed, it would have to be rescinded. I'm a firm believer in the old saying: this too shall pass. I'm not getting excited about this such as some people are and want to ram it through today, in fear of the Supreme Court or any other court and I'm a law and order man. Make no mistake on that. But if they do, so be it. Then the powers that be will have to do something about it and what, we'll cross that bridge when we get to it.

**MR. R. DOERN:** Mr. Chairman, to Reeve Ashcroft. My understanding of what you said earlier was that the government should complete the hearings, debate in the Legislature, plebiscites or referendums should be held and then the government should put this whole question on the back burner until election time and that it should, in fact, because of the nature of the question, be decided upon by all the people of Manitoba.

**MR. J. ASHCROFT:** If you'll bear with me, I have certain comments on that very thing and I believe it boils down to our council, which I speak for our council and our people. We don't believe that the present government, be it Ottawa or in Winnipeg, has a mandate to at the present time do anything about this. It was never in their platform that they were going to change the Constitution or entrench certain rights, or delete or enhance. I never heard about it and I think I was alive at the time, to put it bluntly.

I just feel that it should be debated fully, everyone should be made aware of it and that it should be put on the back burner. Probably it should not be confused with politics because people would use it to get elected. I don't know whether I would use it if I was a politician or not. I think it's a very important thing and I don't think it should be toyed with - in provincial elections people are going to do this and do that. I think it's important enough that it should be handled on its own after a cooling-off period, and I don't mean a week or a month, I mean maybe a couple of years. That's how I see it.

**MR. R. DOERN:** You complained, I think correctly that these hearings are held at the time of harvesting, etc. However, I'm sure that you would prefer this state of affairs, even informational meetings in the summer and hearings in the fall to a situation where the legislation would have been rammed through and we'd now be looking at it and complaining about that. Surely this is a preferable state of affairs, however undesirable it is.

**MR. J. ASHCROFT:** I would have to say, to answer that, Mr. Doern, that our council was very happy with the opposition that was put forward in the House, in Winnipeg, to get this show on the road, if it's a show, or whatever - I don't treat this is a show - I treat this as a very important gathering today, believe me, and I respect everyone here and their opinions very much, but I believe if there hadn't have been such strong and ferocious opposition that it would have been rammed through, guided by Ottawa. I'm very grateful that I'm sitting here today talking about it, rather than sitting somewhere complaining about it. I'm most thankful that we are still talking about it and that it isn't, in fact, written already into wherever it was that the Government of Manitoba were prepared to write it. I have other ideas where it should be written.

**MR. R. DOERN:** So in analysis, you see this as a federal initiative that is being pushed through our province and through our government upon the people of Manitoba?

**MR. J. ASHCROFT:** I can only answer that by again saying - I'm speaking for the R.M. of Birtle - and we have discussed this at much length, our council and with many other farmers and people around there. It's sort of like the domino effect. Manitoba is here in the middle here and if we can ram this through in Manitoba, then we can take a breath and look around and maybe we can move west and maybe a little farther west, and then we can come back, and if we've got all this blocked in, maybe we can go back and start talking to Ontario and so forth and so on. And I have a whole argument there that I don't wish to belabour this group of people with, but yes, I think that this is only a start in Manitoba. This is only a start. The intent of the thing is to carry on and it's most unfair and it's improper why a few people, a minority group, should have that much power over a majority group in Western Canada or anywhere else except in Quebec. Does that answer your question?

**MR. R. DOERN:** Are you familiar with the writings and rantings and ravings of Secretary of State, Serge Joyal?

**MR. J. ASHCROFT:** Pardon me for smiling. Yes, very much so, especially to one paragraph, if I may be allowed to comment, whereas he talks somewhere in there that I read about - the strong input that the Francophones have had in Manitoba. The wonderful thing that they have brought to Manitoba. Now I don't try and take anything away from anybody. I am Scotch on one side, English on the other and they think they brought something. But when somebody screams at me in a paper that the Francophones probably brought more than anybody else, then I wonder what the Ukrainian element feel. Because in my opinion and I like history, who opened up the whole of Northern Manitoba under the worst conditions of any immigrants or people ever had to put up with? No hospitals, no roads, no schools, no anything and I don't say they're all Ukrainians - Polish, Russians, whoever they are, whoever they were - and they've gone on to become probably some of the better people in Manitoba. They're wonderful people and there is nowhere that he considers their input at all and I figure they had as much input as Francophone, and then you could go into the Icelandic bit and on and on.

**MR. R. DOERN:** You made reference to the domino theory, which is also my theory and I'm just wondering whether you had seen Mr. Joyal's statement on the front page of the Free Press today saying that, "the French services drive in Manitoba could aid language rights in Ontario." Have you seen that article or that statement?

**MR. J. ASHCROFT:** No I have not been allowed to see the paper today, Mr. Doern. I've been here patiently waiting my turn.

**MR. CHAIRMAN:** Order please. Mr. Doern, going into the statements and comments, whether in today's press or previous speeches by Serge Joyal, wouldn't seem to be a clarification of the brief made by Reeve Ashcroft, since that wasn't the topic that he addressed in his brief.

**MR. R. DOERN:** Well, Mr. Chairman, just on the point, the Reeve had mentioned the domino theory and the Secretary of State appeared to be putting that theory - and the Deputy Chairman just said that I could carry on in my questioning.

Mr. Chairman, the other couple of points I wanted to make was that you also mentioned, Reeve Ashcroft, that you'd heard a Quebec politician make a statement while you were, I think working and that is G ral Godin, Quebec's Cultural Communities Minister. He made the statement that he believed that the pursuance of this policy in Manitoba will raise the level of unacceptance of the French fact in the whole of Canada. That was, in part, the statement that he made and I was wondering whether to some extent - he also said that "Manitoba's French plan is stupid" and I was just wondering to that extent you agreed with him?

**MR. J. ASHCROFT:** I would say, Mr. Chairman, that a thought went through my head that of all the things I'd heard out of Quebec in the last two or three years, that that was probably the only statement that had any sense to it.

**MR. R. DOERN:** You also talked in your brief about divisive legislation and you seemed to indicate that you thought that we were getting along very well in Manitoba, that there was racial and ethnic and religious harmony and that it is by the government's insistence and pursuance of this legislation that there is, in fact, a backlash being created, some bad feelings being created. Is that a true reflection of what you think?

**MR. J. ASHCROFT:** Yes, I made reference to that here somewhere, that people start to choose up sides and people are proud. I only say this to try and clarify my answer to you, sir. I don't want to take up time, but everyone is proud of their background. They should be, thank God for that. I'm proud of just being a Canadian. I don't want to go around saying I'm an English-Canadian, so I can't accept the fact that you may go around saying you're an Irish-Canadian. I don't give a real darn what you are, as long as you're a Canadian and when we start taking up sides and so forth here in Manitoba, it is not a good thing, and it is divisive and it will become more so and I don't like it at all. I feel that I have as much right to say that as any living person, having lived here all my life.

**MR. R. DOERN:** Well then I'd ask you this in conclusion. If the legislation is dropped, just scrapped and the case proceeds to the Supreme Court, do you think that there is a reasonable chance we could continue in our previous state of affairs? Because the alternative to that is to put the legislation in, and then God knows what will happen, but are you suggesting that our best bet now is to scrap the legislation?

**MR. J. ASHCROFT:** Yes, I am suggesting that.

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

**MR. CHAIRMAN:** Other questions from members of the Committee? Seeing none, Reeve Ashcroft, on behalf of the committee, I'd like to thank you and the R.M. of Birtle council for being represented here today. Thank you.

**MR. J. ASHCROFT:** I thank you, Sir, for your time.

**MR. CHAIRMAN:** Next on our list is Mayor Grant C. Fotheringham, the Village of MacGregor. Mayor Fotheringham please. Mayor Fotheringham? Reeve Robert M. Anderson, R.M. of North Norfolk, Reeve Anderson please. For the information of the audience, I will be calling these names again. They will just drop to the bottom of the list. Those individuals who are absent have not lost their opportunity to be heard. Hazel Allen. Ms. Hazel Allen please. Please proceed.

**MS. H. ALLEN:** Thank you, Mr. Chairman. May I say at the outset that I welcome this opportunity to appear before this committee and to say to you that I am in full support of the resolution, which would extend French services in certain areas in Manitoba and under certain conditions. I will endeavour to explain why I feel this way as briefly as I can. I must apologize for not being able to have 15 copies of what I'm going to say here, but in our Village of MacGregor there didn't seem to



be a copying machine available at 2:00 o'clock in the morning. Maybe Mr. Adam could do something about that.

I have to begin in all honesty, by confessing to you people that as a young person growing up in an Anglophone community, I was not in the least concerned with what had happened in 1890. When I did become aware of it, I failed to question the rightness or the logic of it. Rather, I was ready to agree with my peers that the French Catholics had been "put in their place," once and for all. Looking back now, I feel I must have been a bigot. At best, I was a typical WASP. How could the Village of MacGregor, in which I still live, not be situated on the main line of a railroad, on the Trans-Canada Highway, have six TV channels and even more radio stations, have the services of professional people in the fields of education, health, religion and agriculture, and remain a closed community? Nor could anyone living there remain small in mind, unless he or she were absolutely determined to be so.

May I draw your attention to the year 1967, Canada's Centennial. As a member of one of our local Centennial Committees, I became part of an event that will forever be imprinted upon my memory. It was the twinning of cities, towns and municipalities in Manitoba, with cities, towns and parishes in the Province of Quebec. MacGregor was twinned with the Village of Ormstown, just south of Montreal; the municipality of North Norfolk was twinned with the parish surrounding Ormstown. Some 35 people from Ormstown came to MacGregor and Austin and the rest of the municipality to visit with we people. We billeted them in our homes and we began to get acquainted with those people from la belle province. We, in turn, sent a delegation to Ormstown, a delegation which represented all boards and levels of government in our area, all organizations, as well as the churches.

It was a thrilling experience to have entered into this twinning plan and we were not the only ones in the Province of Manitoba to do this. There were many towns and villages here who entered into that twinning program and you might be interested - perhaps you already know this, if you don't, I believe this - that this whole idea came out of the Union of Manitoba Municipalities.

Now I could go on for some time, Mr. Chairman, about what a great cultural exchange this was, but it would only become wearisome and it is very late in the day. I mention it because it was a vital part of my own growth toward a mature decision on the present matter.

Secondly, and as I have mentioned, this rather unique idea of cultural exchange was born and nurtured in the Union of Municipalities and was supported by it, both in Manitoba and also in the Province of Quebec.

Here we are, a mere 16 years later, and I am shocked and disappointed to find that the same Union of Manitoba Municipalities is taking, what I would call, such a narrow view of this present proposal. I doubt if it can be the same people. I fear it is an entirely different group, possibly involved in an entirely different ball game.

Mr. Chairman, I might mention also that in travelling around the province for about six years with the Board of Reference under the Department of Education, I became very very aware of the French fact in rural Manitoba, very aware that all of the French people in

Manitoba did not live in St. Boniface. We were called frequently into school board divisions where there was a large French population and we sat and we listened, as you people are listening today. People were asking for the movement of their land for a variety of reasons, some far from noble, but it became rather clear to me that when a Frenchman asked to have his land moved from one division to another, it was nearly always to right an injustice or to give his children a better educational opportunity. I came to respect that very very much.

I am at present on a board under the Department of Agriculture and a discussion at our last meeting came to mind, when head offices came into the discussion at some point. The matter of French Language Services came up at our last meeting, I believe. What would we do if someone came to this board, which is an appeal board, and asked to be served in the French language? Possibly refused to be served any other way, perhaps could not be served any other way. What would we do? Would we rush out and hire someone? Would we place someone on the board who was bilingual? Should we be prepared for this? The manager assured us that out of 52 people employed by Manitoba Agricultural Credit Corporation, two are bilingual. It is no problem. They were not hired because they were bilingual, they happened to be bilingual.

It seems to me, Mr. Chairman, that some of the opponents of the resolution have forgotten that we have had in this province now for quite some time, the opportunity for people to learn French, and as long as that program is in place, we will find more and more people will carry this talent and ability around with them and will be able to use it when it is needed. It will not necessarily be their only or their main job.

I really don't have any fears that the government will have to hire people to sit around in offices "wool gathering." It comes to my mind also that some of the opponents of this resolution seem to be determined to either forget history or to deny it. If what happened in 1890 was wrong, then I think that we should be prepared to right the matter.

Mr. Chairman, may I close by saying that I sincerely compliment the government and especially the Attorney-General for having negotiated a reasonable and an honourable agreement for the people of Manitoba. I thank you.

**MR. CHAIRMAN:** Thank you Mrs. Allen. Questions for Mrs. Allen from members of the committee? Mrs. Oleson.

**MRS. C. OLESON:** Thank you, Mr. Chairman. Thank you for appearing before us today Mrs. Allen. I was interested in your remarks concerning the twinning that happened in 1967 and also another point you raised with the appointments to the board that you are on - I'm not too sure which board it is, something in the Department of Agriculture - but that two members are bilingual. Now this has happened, I take it, without the entrenchment of language rights and without legislation. Am I not correct.

**MS. H. ALLEN:** Well really you don't need to have language rights entrenched.

**MRS. C. OLESON:** No.

**MS. H. ALLEN:** Nor hiring rights nor anything else. If you hire people to do a job, whether they be plumber or anything else, and you are fortunate enough that they also speak French or are bilingual, that is to their advantage, isn't it?

**MRS. C. OLESON:** Yes. The point I was trying to make and you have made it for me, I believe, is that these things are evolving without the entrenchment and without legislation. We've had other - I believe it was in Winnipeg there was a gentleman, well George Forest as a matter of fact, raised the point that it's much better to do things when people are ready for them and are willing, and obviously when this twinning program took place, people were ready and it was due to a feeling of good will that this took place. Would you not agree with me?

**MS. H. ALLEN:** No, I wouldn't agree with that. I was quite involved with it and as a matter of fact, it had to be sold - the whole idea had to be sold to the people of Manitoba, but they did respond very well and it was easy to respond in 1967. It was easy to respond to almost any program in 1967 that constituted some sort of celebration and that is exactly what the Union of Municipalities was after at that time, was to have some sort of unique program that would have hopefully lasting effects. Other people who were with us have said that it did. Those people from Ormstown still visit us in the Village of MacGregor and there are people in the Village in MacGregor who still keep in contact with the people in Ormstown.

On your other point, Mrs. Oleson, I think there is some difference between what naturally evolves through education and the protection of rights. I see a difference there. Protection of rights does not necessarily just evolve through education. Under the democratic system, Legislatures changes, councils change, everything changes and these people must be protected against 1890 ever happening again and that's what I'm concerned about.

**MRS. C. OLESON:** Do you have a feeling in this province at this present point in time that 1890 will be relived at any moment?

**MS. H. ALLEN:** Oh, not at any moment, but it could happen, Mr. Chairman. As long as you are in the democratic system, which I am happy to live under and be able to say what I think to a group like this, which doesn't happen except in the democratic system, but the democratic system also is subject to change and while being subject to change is its strength, it can at times, God help us, be its weakness.

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

**MR. D. BLAKE:** Mr. Chairman, I just have one or two questions on the points that Mrs. Allen made. You mentioned, Mrs. Allen, at the start of your remarks, something to the effect that the French Catholics had been put in their place something like 100 years ago. Would you not agree that our society in our civilization

has evolved and progressed sufficiently well that those feelings are no longer in existence in the society as we know in Manitoba today, maybe in isolated cases?

**MS. H. ALLEN:** That's a very difficult question to answer. I think that we are a more enlightened province and surely with enlightenment comes tolerance and concern for your fellow man.

**MR. D. BLAKE:** Another one of your points you mentioned with the change in school division boundaries, with some families wanting to move their families from one division into another division to improve the education of their children, and I assume you were referring that they wanted to move them into a Francophone community where there was better French facilities in the school. That situation happens on many many occasions, where some families may feel that the one school is better equipped and better able to educate their children, than the one they're presently in. Would you not agree there have been many many decisions that had to be made where a family wanted to move from one division to another?

**MS. H. ALLEN:** Decisions made by whom?

**MR. D. BLAKE:** By the school board, whether they would allow them to move into another division or not.

**MS. H. ALLEN:** That is not under the school board's jurisdiction, but it is under the Board of Reference's jurisdiction.

**MR. D. BLAKE:** Whoever makes the final decision. I know of two cases that had to approach the school board first and then it went to the Board of Reference, but that was only to change schools because they felt one provided a better education in many areas, not only language rights, so that would apply . . .

**MS. H. ALLEN:** Well sometimes, yes. Sometimes it did apply. People decide that they wish to move their land for a great variety of reasons. You could fall out with the next door neighbour or fall out with a school board member and decide that now is the time you are going to shake the dust of that school division off your feet forever, if you could persuade the Board of Reference to do it.

**MR. D. BLAKE:** Yes a final question. Ms. Allen mentioned that the twinning of her town with the town in Quebec really enlightened her and brought her to the point of today - supporting very strongly the government's position. I believe the City of Winnipeg is twinned with a city in Japan. Surely you wouldn't feel that the City of Winnipeg should make some move to entrench the Japanese language in their Charter?

**MS. H. ALLEN:** Mr. Chairman, I can't really believe that Mr. Blake expects an answer to that very frivolous question.

**MR. CHAIRMAN:** Order please. Mr. Blake.

**MR. D. BLAKE:** I was just making a point, Mr. Chairman. Surely there was something that stirred in Ms. Allen's

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mind and body, something a little more than just a mere visit to a town in Quebec that would bring you to this position of supporting the resolution. That's the point I was trying to make.

**MS. H. ALLEN:** Oh, well there are many other things, yes, but I'm saying perhaps that was the first - that was the spark probably.

**MR. D. BLAKE:** I've visited Quebec many times and been stirred by the Quebec people.

**MS. H. ALLEN:** I can get stirred by them just to go to the Centre in St. Boniface. They are a very stirring kind of people.

**MR. CHAIRMAN:** Further questions by members of the committee? Seeing none, Ms. Allen, thank you very much for appearing here today and making your presentation.

**MS. H. ALLEN:** Thank you and thank you to the members of the committee.

**MR. CHAIRMAN:** Gentlemen, in view of the limited time left, I would suggest that rather than spend four minutes starting the next brief and interrupting it, I'll ask the committee to adjourn and reconvene at 7:30 this evening. Committee stands adjourned and will reconvene at 7:30 this evening.