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of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

September 6 - 12, 1983

Translation of French portions of Mr. Létourneau's brief as recorded on pages 85 and 86; Hansard Vol. XXXI, No. 8 - 2:00 p.m., Tuesday, 6 September, 1983

MR. L. LETOURNEAU: In keeping with my position as President of the Fédération des Francophones hors Québec, I should like you to note that I will be speaking in the two official languages of Canada. I think that members of the committee have the English translation to the French sections that I will . . .

We wish to thank the members of this parliamentary committee for permitting the Fédération des Francophones hors Québec to come here today to discuss various aspects of the agreement reached in May between the Manitoba Government, the Federal Government and the Société franco-manitobaine concerning the provisions of Section 23 of The Manitoba Act.

We are particularly honoured to be one of the first groups to be heard in your public sessions, all the more so since I am a Franco-Manitoban myself.

As the mouthpiece for the one million French-speaking Canadians who live outside of Quebec, the Fédération des Francophones hors Québec ventures to believe that the committee members will understand that it takes a very particular interest in the current debate on language rights in Manitoba. It is well-known that this matter may have considerable impact on Canadian unity.

The agreement in principle reached in May is a cause for rejoicing among the Francophones of the rest of the country. This agreement is the fruit of negotiations in which the good faith of the Manitoba government and the representatives of the Francophone community has at all times been unquestionable. The resulting compromise ensures and specifies the extent of the rights of the province's Francophone community.

The proposed agreement provides a Manitoba solution for a Manitoban reality, but in a Canadian context where two official languages are recognized.

Therefore, we think that this general agreement is fair and reasonable. We see it as the continuation of various legislative measures, adopted by the Legislature in the last thirteen years, to preserve the rights of the Franco-Manitoban community. We refer here to modifications introduced in 1970, to The Schools Act which confirmed the official status of French as a language of instruction; we refer to the creation of the Bureau d'éducation française in 1975; finally, we refer to the measures taken in 1981 and 1982 by the Conservative and New Democratic governments outlining a policy of government for services in both official languages, within the ministries which maintain close contact with the people, in the regions where there is a concentration of Francophones.

The various clauses of Article 23 will definitely confirm the evolution, which has been apparent in Manitoba over the last few years, ensuring fairer treatment for the Francophone community.

In December 1979, the Supreme Court of Canada confirmed the originally bilingual character of the province. This decision, therefore, has far-reaching historical implications. The agreement in principle reached in May is a consequence of the Supreme Court decision and provides the government sufficient time to translate its statutes and set up services in the two official languages.

So Manitoba has a unique opportunity to perform an historical act that will have important consequences, not only for the future of its own Francophone community, but also for that of Canada's other Francophone communities. Manitoba, following the example of New Brunswick, can show its determination to entrench the rights of its official language minority and protect them from the vagaries of political life. Thus the decision made by this province's Legislature will have national repercussions.

The Francophone community of Canada represents 25 percent of the country's population. Acceptance of the proposal for the amendment of Section 23 of the Manitoba Act would constitute a further step in the effective recognition of this country's linguistic duality and an important contribution to Canadian unity.

Need we recall that on a national scale, the presence of French and English-speaking communities is at the very roots of the reality of Canada? Still, this reality alone does not reflect the complexity of the political entity known as Canada. The invaluable contributions of many ethnic groups have greatly contributed to the development of this country. This reality is especially present in Manitoba, where the ethnic communities are important components of Manitoba society.

Some people would have us believe that the official recognition of French would not be compatible with a pluralist and multicultural reality. On the contrary, the proposed agreement reinforces the complementarity between the official recognition of French and the protection of a multicultural heritage.

It is also important and revealing to note that the leaders representing the Ukrainian, Jewish, Métis, German, Portuguese, Italian, Chinese and Mennonite communities have given their support to the amendment proposal of Article 23 presented by the government.

Recognition of Francophone rights will consequently create a new climate which can benefit other ethnic communities.

This is also the message expressed recently by the representatives of various ethnic communities. The Manitoba Association for Bilingual Education, an organization that ensures co-ordination of groups such as Manitoba Parents for German Education and Manitoba Parents for Hebrew Bilingual Education and Manitoba Parents for Ukrainian Education, emphasized in a letter addressed to the Francophone weekly *La Liberté* which appeared last July 22, "that the rights of the Francophone community are indissociable from those of Manitoban minority communities (and) that the denial of these rights to a community prevents other communities from obtaining rights."

As the mouthpiece for Francophone communities outside of Quebec, we wish to remind you that the matter under scrutiny by your committee is of capital importance both for the Francophones of this country and for other cultural communities that seek their rightful place in the cultural communities that seek their rightful place in the Canada of tomorrow.

It is clear to us that the deadlines provided for in the government proposal regarding the translation of laws are highly acceptable and should not involve exorbitant costs for the province, given that they are spread over a ten-year period. Furthermore, the Federal Government has made a commitment to provide \$2.4 million for the translation of legislation texts and other funding will presumably be allocated for the establishment of services in both languages.

Some opponents of the government proposal object to the idea of entrenching the right to French Language Services in the Constitution.

For us, the commitment of the Manitoba government towards entrenchment signifies, once and for all, that Francophones will benefit from basic rights beyond the hazards of political life and unforeseen circumstances. It is useful to recall that the Leader of the Opposition, Mr. Lyon, today objects to the entrenchment in the Constitution of the right to services in both languages. When he was Premier, Mr. Lyon agreed to the Constitutional Accord in the name of the Government of Manitoba, as well as to the clauses relative to the Charter of Rights and Liberties. We, therefore, cannot understand why Mr. Lyon would now reject the principle of including linguistic rights in the Constitution when he was a party to the general agreement in November, 1981.

We find it deplorable that certain politicians are using this debate to gain political ground by fostering fears liable to generate bigotry and discrimination.

Why not draw inspiration instead from the new leader of the Progressive Conservative Party, Mr. Brian Mulroney, who said a few months ago here in Winnipeg "that Francophones must be accepted as full-fledged citizens with the protections of a Constitution."

He also added on Monday, August 29, after his victory in Central Nova, "that in French Canada as well as in English Canada, the message would be the same and unequivocal. Together we are going to build a new country, a new Canada, more worthy, more tolerant and more prosperous." Beyond political allegiances, this is the challenge to which you must respond to build a better Canada.

The Legislative Assembly of Manitoba has a unique occasion to show the rest of the country its open-mindedness and its desire to treat its official language minority with justice and equity. Failure to meet this challenge can only support the claim that there is no future for French outside Quebec. The Legislative Assembly of Manitoba enjoys the historical opportunity to take a stand that will favour the unity and future of Canada.

Ladies and gentlemen, you will note that we are not here to recall certain injustices that the Francophones of this country have suffered in the past. We feel that it is unnecessary to re-open old wounds. We are more interested in Canada's present and future and in the passing of measures that will ensure that the idea of linguistic duality can be concretized in reality.

We strongly wish to see the government proposal that has resulted from negotiations with the Federal Government and the Société franco-manitobaine adopted forthwith by the Legislative Assembly of Manitoba. You must not miss this rendez-vous with history and for that reason we reiterate our firm support of the project.

And should the government require our assistance in the implementation of this agreement, we will eagerly join with our constituent, the Société franco-manitobaine, to offer our services.

Thank you very much.

Translation of French portions of Mr. Green's brief as recorded on Pages 209, 213, 214, 218, 221 and 224; Hansard Vol. XXXI 13 and 14 - 10:00 a.m. and 2:00 p.m., Thursday, 8 September, 1983

Page 209

MR. S. GREEN: . . . If Quebec does not have the future of being as French as Manitoba is English, or as Saskatchewan is English, then bilingualism, over many many years, and this is a peculiar thing because Mr. Lecuyer said, how do you retain a language without the government enshrining it officially and giving money to it?

I was in St. Pierre-Jolys two years ago and everyone there speaks French without any constitutional guarantees, and the Jewish community has kept its language for 100 years without any constitutional guarantees or the support of the government, so, Mr. Chairman, it's unfortunate if what I've said hasn't been understood, I will not repeat.

I hope, Mr. Chairman, and I'm making an effort to correct what I consider to be a defect, I hope to be able to speak Canadian in the hopefully near future. I admit that it's a problem especially for a person who is older, but I hope it will happen. I couldn't speak French at that time, but I made a promise to everyone, as well as to myself, that I would be able to do so in the future, and you now have the opportunity to judge whether I have kept my promises and I did not make promises to the Société Franco-Manitobaine that I did not keep - unlike the current government of Manitoba. And even the unions. I support this bill because I think it has tremendous potential. I think its objectives are limited. I wasn't in favour of stopping there.

Page 213

MR. GREEN: (Inaudible) When I spoke French in the Legislative Assembly following the Supreme Court hearing, I said that we now officially have the right to speak French, and Mr. Desjardins tells me he also wants the right to be understood. One does not have the right to be understood without simultaneous interpretation, and I answered that even when I speak English to Anglophones I'm not understood, and why should one have the right to be understood - it's impossible whether one speaks English or French. Understanding requires more than a translation.

Page 214

Mr. Chairman, the worst one of all - and I heard this with my own ears - I heard the Attorney-General of

this province say that no English-speaking person who doesn't speak French, will be disadvantaged by the legislation. That is false, Mr. Chairman, and never mind the legislation. Why does not the Attorney-General of the Province of Manitoba tell the people of this bilingual country, which he wants to be bilingual or at least he says he does, that it will be an advantage in this country if you speak both languages, because it will be and it is for this reason that I sent my daughter to a French school, because I want her to be able to speak Canadian and it will be an advantage to speak Canadian and, Mr. Chairman, if it's an advantage to have both languages, then there is some disadvantage in only having one.

Page 218

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

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MR. S. GREEN: None at all, Mr. Chairman. During my years in government I made many speeches in what was perhaps bad French, throughout Manitoba and outside Manitoba, and it was at the International Inn when the Chairman said a few welcoming words in French that I first witnessed a hostile reaction - that was the first time.

Page 224

MR. S. GREEN: Mr. Lécuyer, if you listened to me I said that if I had been there 100 years ago I would not have voted for Section 23.

. . .

MR. G. LECUYER: You'd also have to admit Mr. Green that it took many years before these measures were

. . .

MR. S. GREEN: It's taken many years. But the same legal right has existed throughout these years. That's why I'm not sure that legal rights are effective. The legal rights existed. Somebody could have gone to the court in 1910, yet it declared ultra vires.

MR. G. LECUYER: You have to admit Mr. Green that it was the Supreme Court that reinstated Section 23.

MR. S. GREEN: I don't admit that.

MR. G. LECUYER: It wasn't the Supreme Court?

MR. S. GREEN: It wasn't the Supreme Court, because we did more before the Supreme Court made that decision.

MR. G. LECUYER: Excuse me, Mr. Green.

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

MR. G. LECUYER: Mr. Green, I'm not arguing with what you're saying. What I am asking, however, is whether or not it was the Supreme Court that declared the 1890 law ultra vires, and reinstated or re-enacted Section 23 as it had been passed in 1870?

MR. S. GREEN: Yes. Yes. If you consider this a significant factor then I'll give you a yes . . . But it isn't significant.

MR. G. LECUYER: Thank you.

Translation of French portions of Mr. Forest's brief as recorded on pages 226-234; Hansard Vol. XXXI No. 14 - 2:00 p.m., Thursday, 8 September, 1983

MR. G. FOREST: Mr. Chairman, before actually entering the subject material of my brief, allow me to thank you, and through you, all members of the committee, who last evening came to agreement. I am happy, because for a good number of years now at all our family meals, when saying grace, we recite a portion of the prayer of St. Francis, which ends, as you know, by asking the Lord to make us an instrument of His peace. And I believe I succeeded in bringing peace last evening between opponents on this committee.

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

translation; it's not needed. The members there understand both languages and likely speak them both.

Mr. Chairman and Members of the Committee, greetings to all.

The resolution of the Honourable Attorney-General Roland Penner on the Amendment of Section 23 of The Manitoba Act continues to engender many words. If there has been more public attention given to this matter than to others, it is because of the fact that this is a matter of fundamental importance to the life of Manitobans. A constitutional debate cannot be held behind closed doors. Where ignorance and incomprehension exist, information and explanations must be brought forward. And if our law-makers cannot act like statesmen in making decisions so that justice be done, it would be better to undertake only the bare necessity relative to the translation of statutes and postpone those matters which presently stumble in the face of incomprehension.

Nevertheless, to reply in the spirit of the law and of Section 23 of The Manitoba Act, as well as of the decision of the Supreme Court of December 13, 1979, it must be pointed out unequivocally that English and French are the official languages of Manitoba. On that point it would be impossible for me to be too emphatic.

It seems to me that opposition to the Penner resolution can be attributed to two schools of thought. First, that which does not want to give any recognition whatever to the recognition of French as an official language of Manitoba; and, second, that which, while being for the principle of the official language, seeks to make the maximum political gain while giving the minimum recognition to rights.

From the very introduction of the first draft of the amendment to the Constitution of Manitoba in June 1982, I had received assurances that the issue would not be subjected to political partisanship. I was told that the opposition party was kept informed of the negotiations and would be kept informed until the matter was resolved. The opposition had promised not to use the French question for political gain. Given the polarization relative to the bilingualism issue, it is obvious that if there was any gentleman's agreement in the past, there is none today.

Mr. Chairman, given the role I have played in this matter, and given the interest I continue to have in the final resolution of this problem, I must say that I have some very divided feelings about the subject. My heart is quite torn over it in fact.

Since some opponents of the resolution are demanding that Paragraph 1 of Section 23 be removed, I point out that I cannot tolerate that such a serious step backward be taken. It is absolutely necessary that the Constitution specify in unequivocal terms that English and French are the official languages of Manitoba. In 1870, The Manitoba Act was formulated with Section 23 which reads as follows: "Either the English or the French language . . ."

Before moving on from this text, allow me to draw your attention to one specific point. Any mention of the two languages is made so as to recognize the English language and the French language as equal and not as one being superior to another. In my humble opinion, Mr. Chairman, the real problem before us is the lack of vision by Canadians for the future of our country.

There are those in the west, in particular, who would like the country and our province to be English. Others, and more specifically the Government of Quebec, want a totally French province. Canada and our province are neither English nor French but Canadian, with two official languages and a Canadian culture in development. Those who refuse to accept this theory, tend to be supremacists. In 1890, two successive blows devastated the French Catholic population of Manitoba. The one, against Section 22 of The Manitoba Act which abolished the denominational schools, and the other against Section 23 of The Manitoba Act which abolished the French language in Manitoba. In a compilation of documents entitled "Abolition of the French Language in Manitoba," printed by order of the Canadian Parliament in the first Session of the Seventh Parliament in 1891, I find those appeals which, like the S.O.S. of the shipwrecked, call for help. Since it was a matter of safeguarding the denominational schools and, in particular, the Catholic school, the real meaning of S.O.S. (Save our Souls), in the light of virulent racial wave unleashed against us today, this S.O.S. is no less compelling.

Those who oppose the Penner resolution and, in particular, the recognition of French as an official language, should read and understand the pleas made by the principal speakers against the bill put forward by the Greenway Government in 1890. This is what is found in the 1891 documents.

And, Mr. Chairman, I would like to ask that the appendices that I have provided be consecrated to the minutes of your meeting or to the report and translated where need be. I was thinking of making remarks, I will be coming back to one which I believe have underlined and contained on . . . just one moment, I am sorry, I did underline in yellow something that I wanted to say here.

On Page 24 of the first appendix, at the bottom of the page, I read: "I concur with my honourable friend that today this is left to the majority; but, for purposes of bringing remedy, it was agreed in the conference to introduce this provision in the Imperial Act." ("Hear, Hear" interjected) I had forgotten to say, Mr. Chairman, that the person speaking was the Honourable John A. Macdonald. That was proposed by the Canadian Government through fear that later some accident might arise; and the delegates of all the provinces agreed that the use of the French language would form "one of the principles upon which Confederation would be based," and that its use as it exists today would be guaranteed by the Imperial Act.

These statements, dealing more specifically with the two languages in the Federal Parliament, the Attorney-General of Lower Canada, the Honourable Sir George Étienne Cartier, rendered even more definite, in interpreting the same article relative to the use of the language of the minority in the future Legislature of Quebec.

And then the words there are those of Sir Georges Étienne Cartier, (which will undoubtedly be able to read in the translation of the text), who said that, of course, there was need for protection of the English language in the Province of Quebec.

There is, first of all, in this volume, the Petition of the Canadian Convention of 1890 to the Governor-General, Lord Stanley, the Petition of the Canadian

Bishops to Lord Stanley, and a request signed by members of the Manitoba Legislature of French origin to Lord Stanley, and I believe I am right in saying, Mr. Chairman, that the first Speaker of the House in Manitoba was a French Canadian whose name, if I remember correctly, was Marc Girard.

All of this, Mr. Chairman, points to the fact that in 1890 the action of the Government of Manitoba, whose heirs you are, was unworthy, illegal and divisive. Redress of the wrongs caused by this iniquitous act of 1890 is imperative.

The title of the 1890 act, and it's a pity Mr. Lyon is not here at this time since he believes there never has been an official language in Manitoba, but the title of this act, Mr. Speaker, is as follows: An Act Providing that the English Language shall be the Official Language of the Province of Manitoba. This language has been the official language of Manitoba now for 93 years, Mr. Speaker, until it was brought down in 1979. However, we still suffer the psychological effects of this legislation imposed on the entire population of this province. By enacting that the English language would be the official language of the Province of Manitoba, the French language was thereby abolished. To restore the French language, it must be explicitly restored to its just rank as equal to the English language.

This is why even though I do not see the necessity of entrenching services, I will support the resolution since it includes the re-establishing of the French language to its rightful position as official language.

It is regrettable, Mr. Chairman, that the use of the French language in the Manitoba Legislature still suffers from deficient services. Because of the delay in translation (24 hours notice or perhaps less) the Member for St. Boniface, my member, the Honourable Laurent Desjardins gave his speech of July 28 last, in English only. Because of this, the French press of Manitoba and of Canada could not adequately report to more than one-third of the nation the historic and meaningful words found in the speech of the Honourable Minister of Health.

Mr. Chairman, I have not had either the time or the money to have this speech translated and esteeming his remarks to be of great significance I have included them in Appendix 2 to this document. And may I suggest at the same time that an official translation of this memorable speech be made.

The Honourable Mr. Sterling Lyon and the Honourable Roland Penner have on several occasions referred to some who contend for the French cause as being "zealots." Who would not defend a good cause with zeal? If seeking for justice through use of the courts is being a zealot, then indeed, Mr. Roger Bilodeau and I are zealots. I dare believe that there are people like ourselves in all the communities, cities and provinces of our country.

Canada is bilingual and the Fathers of Confederation did not want Manitoba patterned on Ontario or on Quebec. Manitoba which is the first-born after The Act of Confederation of 1867, was created in 1870 as bilingual.

Note carefully that The British North America Act 1867, by its Section 133, created the Canadian State and the Province of Quebec as bilingual entities

. . . Question the talents of the Minister and of his, I think, dwindling number of colleagues who see the,

who can see now, I think, more clearly than before the great harm that can be wrought on an awful lot of innocent people in the farm community because of the zealotry of the Minister and some few of his colleagues who want to implement a piece of bad social engineering in Manitoba. One of the other causes of course for the legislation is the zealotry of sometimes that it is apparent has been on my time in the Civil Service. Section 23 of The Manitoba Act patterned, as it is, on the said Section 133, is deemed to give us as much and certainly not less.

A speech given by a member of the official opposition in the Legislature of Manitoba deserves our attention. Indeed, the member deserves our applause. I refer to the speech by Harry Enns given on July 18 last, and recorded in the proceedings of Hansard, Page 4375 to 77. (see Appendix 3).

In this speech, the Honourable Harry Enns, former Minister of the Conservative Government of this province said:

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

"Mr. Speaker, I speak to the resolution coming from a background of one of the other groups of people other than the founding nations - to use that phrase - other than those people that were present in Canada when this nation decided to build themselves into a nation under a Constitution, under a British North America Act, as it was then called, in the year 1867. I refer, of course, to our Native brothers who were here, with whom Canada and prior to that the Crown entered into various agreements, treaties that set out rights that we respect and honour today and, of course, the accommodation, the compromise, the agreed-to modus operandi, if you like, of the two fundamental group people that were in this country at that time of French-speaking background and of English-speaking background.

"Mr. Speaker, those of us that came after that date, my parents included, including those of Ukrainian or Polish, Portugese, or Italian, very many numbers of people that have come to this country - and came to this country by choice - knew what kind of a country they were coming to, knew what kind of constitutional arrangements they were being asked to accept in becoming citizens of this country, not only just of Canada, but also of the province itself. Therefore, I never shared the view that is expressed very often, indeed, even expressed by some of my own colleagues from time to time, and I heard it from none other than the Minister of Culture just a few moments ago, that being of - for want of a better phrase - third ethnic groups, I've never assumed, nor have any of the people that I'm associated with, that I need entrenchment of my minority rights in any Constitution, or that I need

entrenchment on the part of some other minority group. The things that minorities under the kind of system of governments that we have, under the kind of approach that we take to minorities enables the various groupings of peoples, to the extent that they wish to, engage in the furtherance of education, heritage of their specific minority.

"The suggestion that people of Ukrainian background, people of Jewish background, people of German background can't continue to further the culture of the community that they are part of, in some cases by distant ancestry, that somehow is jeopardized because a minority group has not got some specific rights entrenched in the Constitution, it just simply escapes me. Surely no one is suggesting in this Chamber that the myriad of other ethnic groups are to follow suit in the next Session, and the Session thereafter, and have their specific rights, which I never accept as rights, I think it's a blessing that we have in this country that I can still speak a reasonably fluent German language, although I would have to go back some five generations to the time that I could trace some ancestry back to the country now known as Germany. That was never a question of having constitutional entrenchment safeguard those rights for me. It was a question and a matter of choice as, indeed, it should be. Mr. Speaker, I have never doubted for a moment, I have no difficulty in accepting the French fact in Canada and the French fact in Manitoba as it was specified, as it was written into law at the time that Manitoba joined the Confederation."

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

What Mr. Enns said should be taught in all the schools and understood by every Canadian citizen.

Mr. Enns continued in an apologetic tone to explain the policy of the Lyon Government in power at the time of the historic decision of December 13, 1979.

For myself, I do not believe the Lyon Government took seriously - it certainly accomplished some good, but did not take seriously enough - the great need for redressing the wrongs engendered by the outrage of 1890. I hasten to add that the political arena is a difficult one and that the exploitation of the French language issue by groups or individuals without scruples remains a perilous obstacle. This is why it is necessary to put an end to all ambiguity relative to the equal rights of the two languages, English and French, in Manitoba by enshrining specifically the affirmation found in Section 23(1) of the resolution of the Honourable Roland Penner.

You are right, you of the official opposition, and you the professional opposer Doern, Green, Dan McKenzie and others, the declaration that English and French are the official languages of Manitoba does englobe everything.

If the present Government of Manitoba gives in on this point, I do not see how the Federal Government could approve of this resolution. If necessary we will prepare the next step in Ottawa.

I have never been a partisan of the enshrining of services. In my humble opinion a service is not entrenched unless we also have to limit a corresponding right. The entrenchment of services in the Penner proposal is a move against the fundamental freedom of expression of man in one or the other of the two official languages of our province.

With my Manitoba ancestors, my ancestors come from the Cree nation, and belonged to a free nation, I find it altogether ridiculous to establish through entrenchment in the Constitution, the creation of French ghettos in Manitoba. If the French language is official in Manitoba, it is an absurdity to restrict its full potential development.

Thank you, Mr. Chairman.

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MR. G. LÉCUYER: Thank you, Mr. Chairman. Mr. Forest, is it not true that in your mind the Manitoba Act of 1870 made Manitoba a province with two official languages, and I should also say that the British North American Act made Canada a nation with two official languages to begin with.

MR. G. FOREST: There's no doubt in my mind, it is true that since treaties involving Canada have been made, the first no doubt having been the Treaty of Paris, all agreements recognized French as being equal to English.

MR. G. LÉCUYER: When you say then that it is not necessary today, to entrench even the first clause, namely, Section 23.1 which states that French and English are Manitoba's two official languages, it is because according to your interpretation of the Manitoba Act, it is already entrenched.

MR. G. FOREST: It is already entrenched. It was understood that if English and French were equal in the Legislature and before the courts, they were equal, and that if one language was official so was the other.

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MR. G. LÉCUYER: This then means, Mr. Forest, that this Section did not have to be entrenched because it already was, or that the Manitoba Act could be interpreted as stating that there were two languages of equal status in Manitoba. On the basis of this it is not necessary to entrench services - we come to a similar conclusion - because these services are already included.

MR. G. FOREST: Yes, Mr. Lécuyer - my understanding - I should say that in my view, a service is only given when a right exists - I sometimes use the analogy of having the right to life. Let's say that for one reason or another, maybe because I've punched Mr. Doern, I'm jailed. Just because I've lost my freedom doesn't mean that I've lost my right to live, and I still have to eat. Does my right to have food brought to me have to be included in a bill? I don't think so.

MR. G. LÉCUYER: Yes, thank you for this clarification - maybe what I should have said is that, in your opinion, since the rights are already entrenched it follows that the services that go along with these rights should also be provided in practice.

MR. G. FOREST: Yes, Mr. Lécuyer - I agree and it is partly in this context that the dilemma which I have mentioned a number of times could and does still exist

in my mind. I know that the bill passed in 1890 had a devastating effect and caused all of the assimilation and all of the problems for our parents who had to support two school systems. These effects have to be corrected. They could be corrected in two ways. Entrenchment is one. What I find unfortunate about entrenchment, however, is that it is not for a limited period of time, but forever. In other words, this clause would allow for situations such as Brandon never being bilingual. I would like to see the door remain open and to find a way to sell the idea, to convince people to use what is called persuasion of the people - to allow their children to learn the language, and to encourage this understanding or this study of French all the way to the University of Manitoba.

Translation of French portions of Mr. O. Beaudette's brief as recorded on pages 235 to 236; Hansard Vol. XXXI 15 - 7:30 p.m., 8 September, 1983

MR. O. BEAUDETTE: Mr. Chairman, members of the committee, The Conseil de la Co-opération du Manitoba represents the caisses populaires and the French co-operatives movement of Manitoba and has over 35,000 members. The CCM is an active member of the Conseil canadien de la coopération and works in conjunction with the Co-operative Union of Canada. The CCM has worked to promote the French language by way of the caisses populaires and the co-operatives since 1946, and recognizes that the government's commitment to Francophones is an indication of even closer collaboration between the province and the 35,000 co-operators that our Conseil represents. Our members count on French Language Services and make maximum use of these services wherever and whenever possible. The extension of French Language Services promised by the government is, therefore, an answer to the wishes of our members.

The CCM is pleased that the government has not hesitated to recognize the constitutional rights granted to Francophones in 1870. Ladies and gentlemen, members of the Committee, we are very pleased that the government has chosen to guarantee French Language Services in the various government departments and those regions designated as bilingual, rather than simply translate laws. This choice corresponds to that of the 35,000 members that the Conseil de la co-opération represents today. To further demonstrate the solidarity of the Francophone community in the province, the CCM would like to lend its support to the changes proposed by the Société Franco-Manitobaine, by way of this brief. The Société Franco-Manitobaine does in fact represent the CCM in this important matter concerning Section 23 of The Manitoba Act, and the resolution as introduced in the Legislature on July 4, 1983 by the Attorney-General.

Ladies and gentlemen, on behalf of all the caisses populaires and the Francophone co-operatives of the province, which includes 35,000 members, the CCM fully supports the Provincial Government in its request to promptly amend Section 23 and backs the Société Franco-Manitobaine which has negotiated these amendments for all Franco-Manitobans as well as all Manitobans in general.

Thank you for having given the CCM the opportunity to present this brief.

MR. CHAIRMAN: Thank you, Mr. Beaudette. Are there any questions? Are there any questions of Mr. Beaudette?

Mr. Lecuyer.

MR. G. LECUYER: Mr. Beaudette, would you say that the Conseil de la co-opération and in particular the caisses populaires movement in Manitoba have received adequate French Language Services from government services up to the present?

MR. CHAIRMAN: Mr. Beaudette.

MR. O. BEAUDETTE: In answer to this question, Mr. Chairman, I can say that the situation is improving steadily, but it is not yet the way we would like it to be. That is to say that the translation of The Caisses Populaires Act into French has not yet been completed and, on the other hand, it is possible to say at this time, that certain government services are available in French, so the situation is improving.

MR. G. LECUYER: Mr. Beaudette, it's often been said in the past that French Language Services aren't really all that necessary since there is no demand for them. The services aren't being requested. Would you say that what we have here is in fact a vicious circle? The services aren't being requested because people know full well that the services aren't there, and since the services aren't available there is no demand for them.

MR. O. BEAUDETTE: Mr. Chairman, in answer to Mr. Lecuyer's question, I believe that the vicious circle existed, but there's no doubt that the caisses populaires and the Francophone co-operatives increasingly want the service that we are beginning to get from the government. There's no doubt that a vicious circle existed.

MR. G. LECUYER: I believe I understood as you were reading your brief that you recognize, or I believe you said that as far as this matter is concerned, the co-operative movement recognized the SFM as the spokesman for the 35,000 members of your movement. Is that correct?

MR. O. BEAUDETTE: Mr. Chairman, as far as Section 23 is concerned, I'm in complete agreement with Mr. Lecuyer. Our movement is indeed represented by the SFM which negotiated with the government at the beginning of May or last May.

MR. G. LECUYER: Mr. Chairman, I would simply like to thank Mr. Beaudette and his organization for having presented a complete and concise brief. Thank you.

Translation of French portions of Mr. M. Roy's brief as recorded on pages 236 to 237; Hansard Vol. XXXI, No. 15 - 7:30 p.m., 8 September, 1983

MR. M. ROY: Members of the Legislative Assembly, Mr. Chairman. The Conseil Jeunesse Provincial (Provincial Youth Council) is an organization that works with young Franco-Manitobans between the ages of 15 and 25. As president of the council, I am speaking

on behalf of approximately 3,000 Francophones who are beginning their adult life and are preparing to make useful contributions to their community, their province and their country. The Youth Council recognizes the Société Franco-Manitobaine as its official representative. We have followed the negotiations and have been consulted frequently. We consider the agreement that was reached on May 17th to be a fair and equitable compromise. It would seem that the opposition to this amendment to the Constitution of Manitoba is short-sighted. The committee has only to consider the recent phenomenon of French and Immersion schools in this province to see an indication of the willingness throughout the population and especially among youth to acquire some of the natural wealth peculiar to our country. Given this trend, it seems logical that the new generation can experience and put into practice this knowledge in their daily lives. I have always assumed that the school system prepared students for the future. If the amendments to Section 23 are denied or diluted, it would seem that this aspect of the school system is an exercise in futility.

It is necessary, therefore, to use and put this wealth into practice. We must make interest on our investment. One of the arguments against Section 23 is the cost of the services involved. We acknowledge this fact. But the costs seem slight if one considers the profits that would result from such a policy. One of the prices we pay for being Canadians is bilingualism. This is a part of our history and of our lives as much as our cold winters, our natural resources and our vast landscape. We are prepared to spend money to protect ourselves from the cold, to develop our natural resources and to link the various regions of this country. Why is there so much opposition to developing the natural resources of a second language? The arguments against instituting a type of bilingualism that is practised and lived in all regions of this country appear to me to be similar to ludism. It is fear of fear itself.

The federal policy will continue to be an aberration as long as the provinces do not adopt it, or merely tolerate it. To deny a bilingual Manitoba and related services will encourage the Parti Québécois to continue to pursue its cause and will perpetuate the alienation within our country. If we take the example of New Brunswick, which adopted a policy of bilingualism a number of years ago, we find no evidence of chaos, the suppression of rights or widespread bitterness. We see, rather, compatibility and a harmony that comes with progress. New Brunswick is the only province which, with a relatively stable population, has not undergone assimilation in recent years. New Brunswick is capitalizing on an existing asset. We are losing ours. It is much more costly to restore a language that has been lost than to preserve it while it is still in use. Even the United States is considering adopting a second language. Are we so unwise as to neglect what we already have?

I consider myself very fortunate and privileged to know and speak two languages and to be able to think in two different ways, and I would hope that my children will have the opportunity to learn different languages in order that they might become better world citizens. A child at school very quickly learns to speak the language of chemistry, mathematics, physics and computers, but no legislative committee would dare

deny him the right to use these new languages in his daily life if that is his choice.

We consider ourselves full citizens of this country, and this country is considered bilingual by virtue of its Constitution. This province has the opportunity to right a wrong that abrogated our linguistic rights. 1985 will mark the centennial of Louis Riel's death. We now have the opportunity to vindicate his death and to put an end to the bitter controversy that has plagued this province for over 100 years. 1985 is also the International Year of Youth, let's give them a challenge and a bright future.

We are hopeful that the government will be wise in governing and exercising the power given to it by the province. We are hopeful that it will make decisions concerning the future of this province and this country. We also hope that the opposition will put up constructive opposition, and will not try to save pennies to the detriment of a priceless heritage.

I assure you, members of the Committee, that the new generation of Francophones will continue to be tenacious in claiming its rights. However, we would like to begin a new chapter in history. We would like to contribute to the development of this country. We would like to leave behind the martyr mentality that history has imposed on us. We wish to become full-fledged citizens, and to live as such.

Translation of French portions of Mr. Maurice Laberge's brief as recorded on pages 237 to 239; Hansard Vol. XXXI

MR. M. LABERGE: Mr. Chairman, my name is Maurice Laberge. I will be making my presentation in French. I will be answering questions in English if you will. Before I go reading into the presentation, is it okay that I may proceed now, I want to show a document here that is a family tree. It says on here, I don't think I need to translate because we have simultaneous translation here - The Laberge family tree - of French stock - Robert Laberge, baptised in 1638 in Coulombière Surton - bishopric of Bayonne en Normandie - under the name Laberge - Page 332, 1871 edition - Robert de Laberge arrived in approximately 1659 at the age of 21 - married on May 28, 1663 at Château Richer on April 12, 1712. This document, Mr. President has nine pages. My family alone covers one page and a quarter. I wish to say that I was born in the Province of Quebec on the 24th of September 1912 - makes me just about 71 years now. In fact, I was born only three miles away from where Jacques Cartier spent the first hard winter, among all those snow drifts, as they say in France. Now, my father and grandfather and five of his brothers lived in Ste-Foye, and my father got some brochures from the west. I may continue in English. There was an . . . farming acres by acres as far as the eye can see to come and reap a fortune. So they did come over and went all the way to Peace River, Alberta, at that time, 1916, I believe and they did come back to Saint-Boniface and hadn't made a choice so he went and told to go and see some families back northwest of Winnipeg. So he did go down there and did settle down and choose his homestead in a location that was as it was. So at the age of five years old, I came here to Manitoba and I have spent now

almost 66 years of my life in Manitoba, so I have the right to claim, I believe, that I am a Canadian. And I am very happy to have been at school although go to the secondary school even at that time. It was not available. But I have worked hard to try and educate myself even if I am not "very educated" as we say it in French; because in French, we seem to have a differentiation between "instruction" and "education."

If you will permit me, Mr. Chairman, I will carry on with reading one page I have.

Presented at the public hearings held on September 6, 7, 8 and 9, 1983, Room 255, Legislative Building, Winnipeg, by Maurice R. Laberge.

In a world where violence is the acceptable solution to all problems, we emphatically declare that God's plan is through love and not through hatred.

"FRENCH CANADIANS ARE NOT AFRAID."

Their persecutors knew in 1890 and 1916 that they were violating Manitoba's constitutional laws on French/English bilingualism, and in the course of all these decades they continued to do so up until the very moment I am speaking, and nothing has stopped them from perpetrating these hateful crimes. Pardon me for strong language.

A number of the members of Manitoba's Legislature who oppose the agreement reached between the province, the federal government and the Francophone community are once again trying to intimidate those who are asking to have official bilingualism entrenched in Manitoba's Constitution and to have it respected.

I urge these agitators to give up their treachery or imposture. It is high time that they stopped propagating their venomous attitude. Allow me to say in all candor, that we will see to it that no leader or group will be able to assume the right to decimate or to number us in the future, or to transgress this law at will and with impunity.

Since my arrival in Manitoba in 1917, everywhere at school and in public, I have suffered the humiliation of being rejected, ignored, deprived of my legitimate rights and often relegated to the ranks of those considered to be dangerous. At one time someone even had the nerve to talk of sending me into exile, similar to the way in which a barbaric tyrant pours out his endless hatred, exiled where, unless these tormentors never recognized the fact that the Province of Quebec was an integral part of Canada, because that's where I was born and French has been spoken there since my forefather Robert De Laberge settled in Château Richer when he came from Normandy.

Let me tell you that I have sacrificed too much to let people here say to me, for example, that if I've suffered so much, why don't I die? My answer to this is that even after my eventual passing to a better world, my fifteen legitimate children, as well as their children, will become victims of the same injustices, because their name will still be Laberge. That sounds French.

Having bravely given my life to building this country I refuse to accept the argument that it costs too much to allow me to speak French in public and elsewhere. How much longer are we going to have to pay double school taxes only to be put down and to end up benefiting the so-called victors of past wars.

Enough of this hatred. I'm convinced that there are enough people of good will in Canada who will act quickly and will see to it that this intolerable and abusive

state of affairs is rectified once and for all. Millions of French-Canadians have been intentionally ignored for more than 100 years.

MR. CHAIRMAN: Thank you, Mr. Laberge. Are there any questions of Mr. Laberge?

Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. Mr. Laberge according to your brief you arrived in Manitoba in 1917, and I can't help but notice how close that is to 1916 at which time the law-making English, the only language of instruction in Manitoba, was proclaimed. Since you were very young at the time, I wonder if you as a child, and maybe not even having started school yet, felt or experienced the struggle that was waged against the pernicious legislation?

MR. CHAIRMAN: Mr. Laberge.

MR. M. LABERGE: Mr. Chairman, in response to Mr. Lecuyer's question, I can say that at the age of five, having arrived in the middle of nowhere and getting off at Makenak, the train station nearest to where we were going to live, 45 miles northeast, all we saw were mosquitoes. We were stung - not only with respect to the language, if you'll excuse the expression. But it didn't take long, and the first year we had to get used to being in the district, if you could call it that, since it was in the middle of nowhere with hardly any roads to get there. After a year, as I said, the time it took to get used to the area, my mother went back to Sainte-Foye and took me along because I was the youngest, to get the rest of the family in Sainte-Foye. So it was a year and a half before I started going to school and then things blew up.

You know that when we started school they placed us almost without talking because we didn't understand anything they were saying. They only spoke English and we were like sheep. Nobody understood us. It wouldn't have done any good to say anything anyway because there were others who could say more than we could. When you're young, situations like this really affect you.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: At one point in your brief, Mr. Laberge, you made reference to someone sending you into exile. Were you using this metaphorically or did this really happen? Did you feel any pressure to leave?

MR. CHAIRMAN: Mr. Laberge.

MR. M. LABERGE: If I may answer, Mr. Chairman, I could say that I realize today, to answer the question with an explanation, my point of view is that I realize now, that it wasn't so long ago that I received those threats. I know that if an Anglophone becomes bilingual, whether it's a young person in an immersion program or an adult taking a course, he's always had and still has more opportunities by learning French, when he becomes bilingual his horizons expand because being Anglophone he most probably has an English name. So you could say that throughout my life having had

a name that didn't sound English was already a condemnation. Do you believe that?

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Mr. Laberge, in your opinion, did The Manitoba Act of 1870 - I think back to the time of Louis Riel's provisional government, which was in fact the confederative pact that brought Manitoba into Confederation; in your opinion did this pact officially make Manitoba a bilingual province?

MR. CHAIRMAN: Mr. Laberge.

MR. M. LABERGE: Mr. Chairman, you refer, Mr. Lecuyer, to the pact that was signed by the provisional government of Manitoba in 1870. I could give you the following answer. I was young when I returned to the Province of Quebec to spend two years in the City of Quebec, which gave me the chance to get to know Quebec City and almost all its streets, and I felt very much at home. There was a lawyer who was a relative of the family and who later became a judge in Quebec after I had returned to Manitoba, and I recall, I was 15 at the time, that he began to talk to me, to question me about Riel's hanging. And I, at the age of 15 and in the remote circumstances under which I had grown up and gone to school, had never been told about Riel except when my father mentioned it at home. It wasn't in any book anywhere. And when the lawyer asked me what I thought of Riel I said: "I can't discuss it because I don't know enough about it." He was amazed and couldn't resist saying: "What, you come from the West and don't know the story of Louis Riel!"

MR. CHAIRMAN: Mr. Lecuyer.

MR. M. LABERGE: And that's why I say, if you'll permit me to finish my answer, that this law most certainly designated Manitoba as a bilingual province at the time of its inception, whether English-French or French-English whichever you prefer. And, if I may add, you'll discover if you study the matter that in 1890 . . . what happened? They simply said that French didn't exist anymore. They made laws and didn't consult the people. They just said to keep quiet. We don't need you to run things or the country.

Translation of French portions of Mr. G. Lesage's brief as recorded on Pages 295-296; Hansard Vol. XXXI, No. 17, 2:00 p.m., Friday, 9 September, 1983.

MR. G. LESAGE: Members of the committee.

In 1869, Louis Riel warned Francophones in the Red River Region that they would soon be joining the Canadian Confederation. They would do so, however, with the guarantee that the fundamental rights of the French-speaking people and the Metis would be respected. This was a turning point in a history rife with discovery, exploration and colonization that involved both the French and the English. Henry Hudson and Thomas Button searched for the Northwest Passage in the North, while Groseillers, Radisson and LaVerendrye hunted for furs and searched for an inland water route in the Great Lakes area.

An agreement which was signed with the Anglophone community in 1870 marked a new beginning. Francophones believed they would live as equals in their new province of Manitoba. And so it was that the province joined the Canadian Confederation with a guarantee of linguistic rights. Louis Riel, founder of the province, would not have agreed to join otherwise. These linguistic rights were to be respected in the Legislature, the courts and in the schools. This agreement did not involve the municipalities, however, because these did not yet exist. Debates in the Legislative Assembly were conducted in both English and French and the province's statutes were published in both languages.

Events in 1890 and 1916 led to the loss of the rights that had been won in 1870 and these rights would have to be regained. In actual fact, however, although the rights of a part of Manitoba's population had been repealed, many continued to speak French at home, in schools and anywhere else they could.

Franco-Manitobans demonstrated their determination to remain loyal to their past and to pass on their heritage using the means that was most important to them - education. On June 28, 1916, approximately 1,000 Francophones from all corners of the province gathered in a hall at the St. Boniface College to decide on a new way of dealing with the government's recent attack on their schools. It was at this time that the Association d'Education des Canadiens Français du Manitoba was formed under the direction of Judge James-Emile Prendergast. The crowd gave its full support to the projects in this new "Department of Education for Francophones", a strong shadow institution that proved to be utterly insensitive to the attacks and schemes of Mr. Thornton, the Minister of Education.

Francophone resistance to assimilation and ingenuity in securing French education, as well as the unrest that existed within the school system as a result of these, succeeded in part in forcing the government to legitimize French education. In 1952, under the Campbell government the Department of Education assumed responsibility for the French program. This program continued to expand, and following Manitoba's Centennial, Bill 113 became law.

The Manitoba school question overshadowed the fact that other rights had also been repealed. Indeed, French was no longer recognized in the Legislature or in the courts, nor were Manitoba's statutes published in French any longer.

On the eve of yet another centennial, that of Louis Riel's death, there is talk of reinstating linguistic rights in the Legislature and in the courts. Here again, we are not dealing with a quantum leap. However, this did not represent a very large step. Indeed, an impressive tradition of Franco-Manitoban participation in the Legislative Assembly and in the courts of the province confirmed the presence of an active Francophone community.

The growing list of important figures involved in the province's political affairs emphasized this historical continuity. The French language continues to be used in the Legislative Assembly. In 1937, Sauveur Marcoux gave his first speech in French and English, and recently Mr. Lyon's Conservative Government paved the way for the use of French in the debates of the Legislative Assembly.

In the field of law, many legal practices have been successful thanks to the Francophone clientele that has requested French services. The careers of Chief Justices Joseph Dubuc, James Emile, Pierre Prendergast and Alfred Monnin also testify to the contribution of the Francophone community to the legal profession.

The persistence and unshakable will of Franco-Manitobans has once again forced the government to deal with a reality that had to be brought to the attention of the Supreme Court in order to be acknowledged.

The passage of the amendment to Section 23 of The Manitoba Act would promote the creation of an atmosphere favorable to the development of the Francophone community. Government services assist people in their daily lives, at work in their many activities, and meet their various needs for information and services. Certain public servants already fulfill these duties when the need arises.

Manitoba's history is set against the backdrop of the much broader Canadian history. One of the main themes in this history is the question of identity. Canadian values, the Canadian heritage and the choices Canada faces in the future are all dependent on the room for development that this country has staked out for itself. This country's bilingual nature, a distinguishing feature that was handed down by the two founding peoples, has given Canada an identity.

Manitoba plays an important part in this history, and the decision to amend Section 23 of the Manitoba Act of 1870 is a desirable continuation of this history.

The economic question that is raised during many discussions should not be dealt with in terms of efficiency and profit alone, but also in terms of the activities that would be undertaken, given the values and priorities of the Francophone community. The costs of making these changes can be calculated only by studying the results obtained on the basis of the options that were opened because of these changes. One of the most valuable elements of our heritage is that of bilingualism. Our choices should be based on how we might best develop this country.

This renewal seems to be accompanied by an unfounded fear. In fact, certain Manitobans have expressed apprehension over the passage of the amendment because they fear it will impose conditions that they do not want. However, it seems more likely that the passage of the amendment would eliminate fear - the fear of speaking French that certain Francophones have felt for a long time.

The passage of the amendment to Section 23 would enable Franco-Manitobans to live as full and equal citizens of Manitoba. Strong and proud of their contribution, they will be able to continue to enrich Manitoba's history and to remain loyal to the Manitoba projected in 1870.

Therefore, on the basis of these considerations, we wish to support the bill to amend Section 23 of the Manitoba Act and the Canada-Manitoba agreement for French translation.

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MR. G. LECUYER: Mr. Lesage, as a follow-up to some of the questions that have just been raised by Mr. Sherman, I would like to ask whether in your mind and

according to your interpretation as well as that of the Société Historique, which I noticed in passing, dates back to 1902 - well before the Act of 1916 - was the purpose - and I believe I came to this interpretation on the basis of one of the sentences in your brief - was the purpose of Section 23, as it was passed in 1870, to provide equal status for Anglophone and Francophones, or to confer equal status on these groups?

MR. CHAIRMAN: Mr. Lesage.

MR. G. LESAGE: That is our belief. It is the position of the Société Historique.

MR. G. LECUYER: Based on this, do you feel it is necessary today to entrench the services in the Constitution because they were not available to Francophones, so to speak, since the adoption of the Manitoba Act?

MR. G. LESAGE: Given the results of the changes that were made in 1890 and 1916, it is difficult to define just how the loss of Francophone rights might be fairly compensated. This is why I believe it is necessary to persevere in the attempt to create an atmosphere that will promote the development of the Francophone community. This is what will provide support for the bill which is now before the government.

MR. G. LECUYER: Mr. Lesage, the section, not the section but the Act adopted in 1980, as far as implementing Section 23 following the Supreme Court decision, this Act indicates, moreover it is entitled "An Act respecting the Operation of Section 23 of The Manitoba Act in regard to Statutes", the purpose of this Act is to establish that either one of the languages may be used in Manitoba bills, but it also stipulates that in the case of varying interpretations the English version takes precedence. In your opinion is this Act, which was adopted by the province, unconstitutional?

MR. G. LESAGE: We would prefer to leave legal questions to the hands of specialists.

MR. G. LECUYER: Mr. Lesage, in answer to one of the first questions which you were asked before, would it be true to say that the members of the Société Historique are, no doubt, also members of the Société franco-manitobaine?

MR. G. LESAGE: Some are. Most of the members of the Société Historique are probably also members of the SFM. On the other hand, the Société Historique also has members who come from other provinces.

MR. G. LECUYER: Mr. Lesage, does the Société Historique endorse the agreement, the tripartite agreement that was reached between the federal government, the provincial government and the SFM?

MR. G. LESAGE: Yes, that is what we stated at the end of our brief.

MR. G. LECUYER: Thank you, Mr. Lesage.

MR. CHAIRMAN: Are there any further questions. Mr. Scott.

MR. D. SCOTT: Mr. Chairman, Mr. Lesage. I think and I believe that since 1890, Franco-Manitobans have lost almost all the rights they were granted by the Manitoba Act, the original act. And even with the 1979 Supreme Court decision it is not possible in practice and at the present time to restore the rights as they were originally granted in 1870. Is the position of the Société Historique that the status that was granted to the French language here in Manitoba is not yet equal in all respects to that of the English language, that the proposal, the provincial government's original proposal was a reasonable and practical agreement at the time?

MR. CHAIRMAN: Mr. Lesage.

MR. G. LESAGE: Yes, this is what we believe, and what we were emphasizing in our brief is that that Franco-Manitoban population could be served in its daily life by providing information and government services in French.

MR. D. SCOTT: If the amendment that has now been proposed is a step toward the introduction of French as an official language in Manitoba, will French be used in the various areas as outlined in Section 23?

MR. G. LESAGE: Pardon me, I didn't understand the question.

MR. D. SCOTT: In effect, if I may switch to English for a moment . . .

Translation of French portions of Mr. R. Clément's brief as recorded on Pages 298 to 301; Hansard Vol. XXXI, No. 17, 2:00 p.m. 9 September, 1983.

MR. R. CLÉMENT: Mr. Chairman, members of the committee. My name is Raymond Clément. I represent the Alliance Chorale Manitoba.

The Board of Directors of Alliance Chorale Manitoba hereby wishes to state that it fully endorses the agreement signed by la Société Franco-Manitobaine and the Governments of Manitoba and Canada as to the changes to be enacted to Section 23 of Manitoba's Constitution. La Société Franco-Manitobaine, as the official representative of the franco-manitoban population, was instrumental in guiding these actions, which are essential for the welfare of our province's Francophone community. The proposed amendments to Section 23 ensure that Francophones in Manitoba will receive services in French from their own government, a right which should never have been questioned in 1890.

The main responsibility of Alliance Chorale Manitoba is to promote choral singing among Francophones. L'Alliance comprises numerous choirs throughout Manitoba including adult choirs and school choirs in both French and Immersion schools. It also works with choristers who do not belong to organized choirs. In addition, the Alliance trains choir masters and organizes various workshops for choir directors, choristers and musicians.

Our organization is a member of the national federation, Alliance Chorale Canadienne, which is affiliated with the larger international organization "A Coeur Joie International" headquartered in Lyons, France.

This agreement will, no doubt, be instrumental in promoting a French atmosphere in Manitoba, and will also provide conditions favourable to the development of French culture of which choral singing is an integral part.

In closing, we reiterate our support and approval of this agreement, and we congratulate the parties involved for their courage in asserting the rights of Franco-Manitobans.

I might add, Mr. Chairman, that I am prepared to answer any questions pertaining to my brief, but will refrain from answering any other questions.

MR. CHAIRMAN: Thank you.

Mr. Doern.

MR. R. DOERN: Thank you, Mr. Chairman. Mr. Tétrault, I'm rather disappointed, I was hoping that you might sing your submission to us.

MR. R. CLÉMENT: Could you give me a key?

MR. R. DOERN: Could you . . .

MR. R. CLÉMENT: I'm not Mr. Tétrault. I'm Mr. Clément.

MR. R. DOERN: Okay, sorry. Could you indicate, do you receive funding from the Provincial or the Federal Government?

MR. R. CLÉMENT: Yes, Sir, we receive funding from the Secretary of State as well as the Department of Cultural Affairs of the Province of Manitoba.

MR. R. DOERN: I'm afraid that my French is not that good. Could I have that in English? My second question is: can you explain why your organization is presenting a brief? Obviously, everyone has a right to present a brief; obviously, anyone can present a brief; why would a choir take an issue on a political question? In what way do you see it as affecting your organization or in what sense do you see a valid position coming from the members of your group, as opposed to any other group or groups that might feel that they are more directly affected by this legislation?

MR. R. CLÉMENT: Well, here's why. I don't represent a choir. I represent a group that includes many choirs throughout Manitoba. We are affiliated with a national federation in Canada. Culture, the French language, choral singing and singing in the family are all integral parts of life for French-Canadian families. We believe that entrenching Section 23 will promote singing within our families and among our youth, and we want to promote singing among our young people who are exposed to many different forms of song and music. We believe that Section 23 will help us to pass on choral singing. We want our youth to be familiar with more than just "Frère Jacques" and "Alouette" in our society.

MR. R. DOERN: Thank you.

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: Mr. Clément, some of us have been attempting to ensure that there is exactitude of expression relative to the matter that is before the Committee and, in that respect, I put to you the comment that is contained in your brief, as follows - it's at the bottom of Paragraph 1: "The proposed amendments to Article 23 ensure that Francophones in Manitoba will receive services in French from their own government." I pause, Mr. Chairman, to say I agree with that statement. May I ask the question of Mr. Clément, is it not a fact that Francophones in Manitoba were already receiving services in French from their own government, and have been for some considerable time under policies adopted by the Pawley Government, the Lyon Government, the Schreyer Government and so on. So this is not something new.

MR. CHAIRMAN: Mr. Clément, before you proceed, may I ask for the sake of the interpretation that you speak a little bit slower so that the audience can get it too. Thank you, Mr. Clément.

MR. R. CLÉMENT: Thank you. Well to begin, as I mentioned at the end of my brief, I did not want to get involved with legal and similar questions but I will attempt to do so anyway. What you say is true, Mr. Lyon. The governments preceding the current government have provided French Language Services. We are not arguing with that. We would, however, like to see some progress. We would like to have French promoted among Francophones. We don't have that guarantee right now, and we believe that Section 23 will help to promote the French language as well as choral singing and singing throughout Francophone Manitoba.

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: Mr. Clément, Section 23 proposes to entrench in the Constitution a range of services which really are incapable at this stage of being defined, because it will be up to the courts to define them, either expansively or restrictively. We don't know what the courts are going to be doing; that's why we have to be careful with our wording, especially when we entrench something because we can't change it once we entrench it. Would it be fair to say that the operative word in that sentence, from your standpoint, is the proposed amendment to Article 23 "ensure" that Francophones in Manitoba will receive services in French from their own government. And I take the implication from the entrenchment is what gives you that feeling of assurance that these are the rights and services that you will receive because of entrenchment. Am I right or wrong in that request?

MR. R. CLÉMENT: Well okay, if the word "ensure" is too strong, it can be replaced with "enable," or "to promote." But all I am doing here is supporting what the SFM is doing. If the terms used here don't correspond exactly with the terms used by the SFM

in negotiating, well that's my fault. In any case, what we are supporting is that on the whole we are in agreement with what they want to offer us.

HON. S. LYON: Well, I want to assure, Mr. Chairman, Mr. Clément, through you, that I'm not questioning either his opinion or anything of that nature. In fact, I think that sentence is quite clear. We get into trouble, if I may say so, Mr. Clément, with the next sentence, because then you say, you said in the first sentence that Francophones in Manitoba will receive services in French from their own government. Then you go on to say, this right should have never been questioned in 1890. And I merely put to you the question that in 1890 there was no range of services available to Francophones in Manitoba under Section 23 other than the right to use French or English in the courts, the right to use French or English in the Legislature and the requirement that the statutes be published, not enacted, but published in French and English. Would you agree with that interpretation or do . . .

MR. R. CLÉMENT: I agree.

HON. S. LYON: Mr. Chairman, I have no other questions. My concern about exactitude has been satisfied. Thank you.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. Mr. Tétrault . . .

MR. CHAIRMAN: Mr. Clément.

MR. L. SHERMAN: Mr. Clément. I'm sorry I was looking at "le nom du président." Excusez-moi, M. Clément. Mr. Clément, switching a little more, switching flexibly to English now for a moment, Mr. Clément, if I may . . .

MR. CHAIRMAN: Mr. Sherman, I have a lot of patience. Would you kindly proceed?

MR. L. SHERMAN: Thank you, Mr. Chairman. Your brief, Sir, makes it very clear that the Alliance Chorale Manitoba agrees very emphatically with the changes proposed by the government, the amendments proposed to Section 23. Could I ask you whether you have had an opportunity to look at the further amendments or refinements or whatever term you want to apply to them, that have been proposed by the Attorney-General as of the 6th of September?

MR. R. CLÉMENT: No. Neither I nor my organization have had the opportunity or the time to consider the amendments. We still agree with Mr. Léo Robert and the SFM over the agreement that was reached with the Federal and Provincial Governments on May 17th.

MR. L. SHERMAN: Mr. Clément, are you intending to look at the latest proposals from the Attorney-General or are you intending to review them within your organization or do you feel that they should be dismissed out of hand?

MR. R. CLÉMENT: Well, the situation is as follows. Our organization is separate from the SFM. When the SFM receives amendments or whatever, we have a meeting to discuss whether or not we are in agreement. All the other organizations under the SFM decide whether or not they are in agreement. Up until now, we have accepted what the SFM has done.

MR. L. SHERMAN: Mr. Chairman, I appreciate that, but I'd like to ask Mr. Clément whether he would offer a personal opinion or whether he wants to speak purely from the perspective of the organization that he represents. And if he would offer a personal opinion, I would ask him what his opinion is of the position Mr. Georges Forest has taken with respect to Mr. Penner's proposals.

MR. R. CLÉMENT: I will not take a position on that.

MR. L. SHERMAN: Thank you, Mr. Chairman. Thank you, Mr. Clément.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Mr. Chairman, I would like to come back to the words, to that part of the text which was brought into question by the Leader of the Opposition before, "A right which should never have been questioned in 1890." The Leader of the Opposition requested before to have certain sections of the text made clear to him, and you stated in your answer that the words might not have been precise. In fact, when you referred to rights, were you referring rather to the fact that since The Manitoba Act of 1870 had guaranteed legal rights as well as rights in the Legislature and rights with respect to bills, it had also guaranteed services at the same time; and that when this act was repealed in 1890, the services that might have existed even though they were not entrenched at the time were repealed as well?

MR. CHAIRMAN: Mr. Lesage.

MR. R. CLÉMENT: Clément. Yes, I agree. I believe, if I recall correctly, that as a child at Aubigny School, French instruction was not looked upon very favourably. It was done secretly. The same was true for singing and so on. Any other form of instruction was more or less accepted. So, because those laws were repealed at the time, we all suffered the consequences, in my opinion. As I mentioned before, I can't answer any legal questions.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Clément.

MR. CHAIRMAN: Are there any further questions? Mr. Scott.

MR. D. SCOTT: Mr. Clément, do you side with the SFM against the changes that were proposed last Thursday or Tuesday?

MR. R. CLÉMENT: That's right, yes.

MR. D. SCOTT: Is it possible that the original amendment also violated the Franco-Manitoban rights granted by the law in 1870? In other words, were some people of the opinion that the originally proposed amendments was a greater violation of Francophone rights in Manitoba than if the courts were asked to define Franco-Manitoban rights?

MR. CHAIRMAN: Mr. Lesage.

MR. R. CLÉMENT: Clément.

MR. CHAIRMAN: Ah, Clément.

MR. R. CLÉMENT: I think we have more French Language Services today than in 1870, but I don't think we will get as much under the amendment as we would under the proposals that were presented last May 17, in my opinion.

MR. D. SCOTT: I think the original amendment was a very practical proposal. It was a proposal that would assist Franco-Manitobans in Manitoba in the future.

MR. R. CLÉMENT: The question isn't very clear.

MR. D. SCOTT: Yes, yes. If you think that the proposed amendment will benefit Franco-Manitobans in the future and will help Francophones in Manitoba maintain their language, if not more Franco-Manitobans are going to translate their . . . at home, in business and in affairs with government.

MR. R. CLÉMENT: In my opinion, that question would be better answered by someone who is more knowledgeable on the subject. As far as we are concerned, as far as I am concerned as the representative of the ACM, all we are doing is supporting what the SFM is doing. We believe that Section 23 will help promote choral singing. That is my only concern here. So, to answer your question, you'll have to ask someone who is more knowledgeable in that area.

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: Just a final question because of the words that Mr. Clément has used. They're here to support what the SFM is doing. I wonder if Mr. Clément could tell me if the Alliance Chorale Manitoba took a position for or against the SFM in 1980 when the SFM came out in support of the separatist position in the Province of Quebec?

MR. R. CLÉMENT: I can't answer that question, because I wasn't here or I wasn't a member of the ACM.

MR. CHAIRMAN: Are there any other questions? Thank you, Mr. Clément.

MR. R. CLÉMENT: Thank you.

Translation of French portions of Mr. F. Arnaud's brief as recorded on page 302; Hansard Vol. XXXI, No. 18 - 7:30 p.m. Friday, 9 September, 1983

MR. CHAIRMAN: Committee will come to order. We have a quorum. The first person this evening is Florent Arnaud.

MR. F. ARNAUD: Good evening. I would like to present my brief this evening in French.

MR. CHAIRMAN: Thank you. Proceed.

MR. F. ARNAUD: Thank you, Mr. Chairman. Mr. Chairman and members of the committee. This evening I am here as President of Les Danseurs de la Rivière Rouge. Since several of you perhaps already know of Les Danseurs, it is sufficient to say that we are a cultural organization of French expression which groups teenagers and young adults with a view to promoting, through dance and song, the rich folk heritage handed down generation to generation from our Francophone ancestors.

Since we have at heart the cultural concerns of Francophones living in Manitoba, we naturally support any measure promoting the development of the Francophone lifestyle, in the hope that it makes a growing contribution to culture.

Mr. Chairman, I dare hope that no one on your committee or in the Manitoba Government would enjoy seeing a Canadian citizen have his national pride atrophied by some political decision. Why is it then that the Francophone of Manitoba, who is also a Canadian citizen, should not be allowed to be proud of his province and see his mother tongue, the vehicle of his culture, stand on an equal basis with the other official language of Manitoba. Please note, Mr. Chairman, that we are not taking anything away and that we do not seek to deny anyone anything whatsoever. Moreover, with an enriched and officially recognized culture, we would be in a better position to offer more to the non-Francophones in Manitoba. In fact, we learned through the recent Folklorama that a fairly substantial number of non-Francophones visited the French-Canadian Pavilion and greatly enjoyed it. It was a pleasure for us to welcome them, and we hope that they will return next year and in the following years to see performances, in French, which will reveal to them more of the life and culture of Franco-Manitobans. I also hope that these performances will reflect some of the joy and pride of Franco-Manitobans.

In conclusion, Mr. Chairman, I would like to say that Les Danseurs de la Rivière Rouge support the negotiated agreement between the Société franco-manitobaine and Mr. Roland Penner, the province's representative. We support this agreement as, to date, it seems just and equitable for the citizens of the province and allows Francophones in Manitoba to improve their place lost since 1890 within our province.

MR. CHAIRMAN: Thank you, Mr. Arnaud. Are there any questions? Thank you again for your presentation. Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. Mr. Arnaud, when you say that you support the position that was negotiated between the Société franco-manitobaine and the provincial government, are you referring to the agreement as it is at this point or to

the agreement as it was drawn up towards the middle of last May?

MR. F. ARNAUD: It is to the agreement negotiated and in place on May 17th, 1983 that I am referring to.

MR. CHAIRMAN: Mr. Lecuyer. Anyone else? Thank you, Mr. Arnaud.

MR. F. ARNAUD: Thank you very much.

Translation of French portions of Mr. R. Poirier's brief as recorded on Pages 302-304, Hansard Volume XXXI, No. 18 - 7:30 p.m. 9 September, 1983.

MR. CHAIRMAN: Raymond Poirier.

MR. R. POIRIER: Mr. Chairman, I would like to speak in French.

MR. CHAIRMAN: Yes. Proceed, please.

MR. R. POIRIER: Members of the Legislative Assembly, Mr. Chairman. The Fédération provinciale des comités de parents is an organization that represents forty (40) parent committees attached to French language schools throughout Manitoba. I am therefore speaking on behalf of an organization made up of hundreds of parents whose children are presently receiving a bilingual education in this province's public school system.

Since our organization has played an important role during the last seven years promoting education in French, we have come to realize that the use of French as a language of instruction, the accessibility to French schools, as well as adequate educational resources, have too often met with problems, opposition and failure.

These problems stem mainly from the permissive nature of Bill 59 passed in 1967 by the Roblin Government and Bill 113 passed in 1970 by the Schreyer Government.

Subject to the provisions of Section 79 of The Public School Act, Manitobans may use French as a language of instruction for up to 75 percent of class time. You are aware that the use of the word "may" is at most a permission. In many cases, school divisions have chosen to drag their feet, and only after much pressure and begging was education offered in French.

The result is clear. Those who wish a French education for their children are put in a difficult situation, that of begging reluctant or simply ill-disposed school boards.

We have a long list of examples which show that in the past parents have been forced to fight in order to obtain what Bill 113 offers. Taché, Précieux-Sang and Noel Ritchot have seen vicious and prolonged conflicts. The idea of a French regional school in the western part of the Seine River School Division has been studied, granted, denied, reconsidered, changed in its location and again refused for a period of seven years by the local and provincial authorities. Many of the parents involved in this project from its beginning are now grandparents. Others in their frustration let the project drop. Our experience has clearly shown us that laws which are not entrenched can easily be transgressed

at will on the whim of various levels of government. Statutes and regulations which are at the most permissive, encourage those whose intentions are nothing but dishonorable, to give prominence to the fallacious interpretations of fair play in accordance with what they consider as being most profitable at the political level.

Some so-called politicians oppose entrenchment of Francophones' rights claiming that the government is capable of safeguarding minority rights. No thank you. We still remember the protection offered by the 1890, 1896 and 1916 governments.

For example, Mr. Sterling Lyon had supported the construction of the celebrated Ile des Chênes school when he was in power. Mr. Gary Filmon, who as it seems would like to succeed him, was publicly and arduously opposed to it.

In a province where French education is valued more and more by Francophones and Anglophones alike, logic requires that these same people be able to communicate, in French, with their own government.

We therefore unreservedly support the position taken by the parties involved in this agreement since we consider it a compromise; we have endorsed it accordingly. If the government waters down the contents of the agreement concerning Section 23 as negotiated with the SFM and the Federal Government, we will not hesitate to take necessary action to pursue the Bilodeau case before the Supreme Court. We have reason to believe that the judges of the Supreme Court of Canada know this country better than some provincial politicians.

We therefore encourage you to follow through on this question to its only logical conclusion. You will thereby be serving justice and fair play while remaining worthy of the confidence that the electorate has placed in you.

MR. CHAIRMAN: Thank you, Mr. Poirier.
Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. Mr. Poirier, I have one or two questions to ask you. To begin, you say that you endorse the position negotiated by the parties in question. A certain number of those who have come to speak here have said that these amendments are not necessary. We are prepared to live and I am thinking, amongst others, of Mr. Prince who said that we are Canadians and that we are ready to live with what we now have and are ready to place our confidence in the hands of the government. Services will come; we have been waiting for them for 93 years. We are prepared to wait longer for them because we are confident they will come. You who are witnessing, take for example, the difficulties encountered particularly from the permissiveness of Bill 113, how do you reply to this comment?

MR. R. POIRIER: Mr. Chairman, as to swiftness, if Mr. Prince is prepared to wait another 93 years, I wish him luck. I am aware that, for example, in order to receive a secondary education for my child in the Seine School Division, I began to request it from the school board and to demand a French school in our area when she was in Grade 2. This year she is entering her tenth year and is being accommodated in a temporary school

because the construction of a school in our area has not yet begun. So, if Mr. Prince is ready to wait 93 years, I am little more impatient. Also, I was here when Mr. Prince made his proposal, and the thought that came to me is that the New Democratic Party of Mr. Doern is the Francophone community of Mr. Prince.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. Others have said that it wasn't necessary to entrench services and that in the end, these services are an extension of what was in The Manitoba Act of 1870, and that this act in fact did not give these rights, did not entrench these rights, specifically because the specific terms of Section 23 at that time did not mention services and did not mention education, because education, as you know, came under another act. On the other hand, others like Mr. Bailey and Mr. Scott seek to support the thesis that since the governments at that time were negotiating with a more or less half and half Francophone-Anglophone population, and that even if the services to be obtained from the government of the time were very minimal, they were in the two languages without being entrenched. The problem is this: beginning with the abrogation of 1890, naturally, the services have ceased. Therefore, in your mind, is it partly due to this phenomenon occurring more than 93 years ago that you are saying that today the services should be entrenched?

MR. R. POIRIER: Yes indeed, in my opinion we must entrench the services because when you consider for example, that in 1870 the act was entrenched, in 90 it was successfully removed. The schools were kept until 1916. In 1916 our schools were taken from us. And on this point, listen to what Mr. Lyon has been saying for the last three, four days, we've heard him, that it would be necessary to entrench, for example, (he was partly pregnant), that's about what he is asking for, he would like us to be partly pregnant. Then, the services - we could trust the government to safeguard our services. Myself, I cannot believe that. For example, if indeed Mr. Filmon becomes leader of the Conservative Party, is that to mean that he is going to continue to work with as much fervor against the French schools as he did when it was a question of the Ile des Chênes area? Is he going to continue that? If he does and the services are not entrenched, does that mean that the same thing will be done with the services? If it is not Mr. Filmon, it will be someone else. Because Francophones claiming their rights have been spoken of as zealots and then, if one looks for them, for some zealots, it seems to me that I have about had enough of it for these two, three days, concerning the rights of the Francophones, both from those up front as the rest sitting in this room. So, can we trust people to guarantee services? Myself, I do not think so. We have always been told that we had a right to French education. How can that be when it takes seven years to build a school? When it is a French school, it takes seven years to get it. By contrast, in St. Vital, before the houses are finished being built, there is already a school in place. Large numbers of people are expected to move into the development and there is already a

school for them. On the other hand, there is a fear that the Francophones are going to disappear and so we wait seven years for a school. The community is asked to have faith in those responsible. That is very difficult.

Translation of French portions of Mr. Fort's briefs as recorded on Pages 323-325, Hansard Vol. XXXI, No. 18, 7:30 p.m., Friday, 9 Sept. 1983

MR. P. FORT: Thank you. My name is Paul Fort. I am the President of *Éducateurs Franco-Manitobains*, and at this time I would like to introduce to you Linda Asper, who is the President of the *Manitoba Teacher's Society*.

Éducateurs Franco-Manitobains is an agency affiliated with the *Manitoba Teachers' Society*.

The *Éducateurs Franco-Manitobains*, an agency affiliated with the *Manitoba Teachers' Society*, appreciates this opportunity to present a brief on behalf of that association, to the legislative committee on the proposed amendment to Section 23 of the Canadian Constitution.

The brief will cover the following areas:

1. *Éducateurs Franco-Manitobains: The Agency and its Role.*
2. *French-language Education in Manitoba: An Historical Perspective.*
3. *Section 23: The position of the Éducateurs Franco-Manitobains.*

ÉDUCATEURS FRANCO-MANITOBAINS: THE AGENCY AND ITS ROLE.

The *Éducateurs Franco-Manitobains* is comprised of those Manitoba teachers, working in French-language schools and in French-immersion programs, whose language of instruction is French. As well as offering professional services in French to the teachers, the *Éducateurs* makes sure that access to French-language services is available from education-related institutions and agencies. The *Éducateurs* also provides a forum for dialogue between teachers and the *Franco-Manitoban community*, by working with political, educational, and cultural agencies. It is, therefore, with a view to meeting the objectives of the organization that the *Éducateurs Franco-Manitobains* is here to support the proposed amendment to Section 23, in accordance with the agreement arrived at between the federal and provincial governments, and the *Société Franco-Manitobaine*.

FRENCH-LANGUAGE EDUCATION IN MANITOBA: A HISTORICAL PERSPECTIVE.

From 1870 to 1890, a denominational public school system existed in Manitoba. In the great majority of Catholic schools, the language of instruction was French. In 1890, when English became the only official language of Manitoba, the government established a secular public school system. The withdrawal of public funding from the denominational schools had the effect of greatly reducing the use of French as a language of instruction. From 1896 to 1916, bilingual instruction was once again permitted, even in the public schools, if 10 or more pupils spoke a language other than English. In 1916, The *Thornton Act* made English the only official language of instruction in Manitoba public schools.

In 1967, the adoption of Bill 59 permitted the use of French as a language of instruction for up to 50

percent of the day. It was only in 1970, with the passage of Bill 113, that French and English were once again recognized as the two official languages of instruction in Manitoba.

THE CURRENT SITUATION:

Although Bill 113 now provides access to French-language instruction for Francophones, the fact is that for more than half a century, the lack of public education in French has contributed greatly to the rapid assimilation of Francophones. Teachers working in the French-language schools of 1983 are part of a system that is only in its beginnings, and within which much must be done to counter the effects of assimilation. These teachers also practise their profession without always having access to basic services in French.

We recognize the fact that Bill 113 made an effort to redress injustices to Francophones in the educational sector. The fact remains, however, that many Francophones in Manitoba still do not have access to French-language schools from kindergarten through to Grade twelve, even "where numbers warrant"; (Section 23(1) of the Canadian Constitution). We find it regrettable that, for *Franco-Manitobans*, access to French-language schools has been and still remains such a controversial issue.

POLICIES ON FRENCH-LANGUAGE EDUCATION:

The *Manitoba Teachers' Society*, an association of the province's 12,000 teachers with which the *Éducateurs Franco-Manitobains* is affiliated, made a statement of policy on French-language education in 1976:

(E6.08) "The French language school is the one which best meets the objective of preserving and improving the language and culture of Francophone students."

The *Manitoba Teachers' Society* also favours the establishment of French-language schools, administered by Manitoba school boards, which use French as the language of instruction, of communication, and of administration. Such schools provide an atmosphere that is conducive to the development of French language and culture, as well as offering English courses, in accordance with the requirements of The *Public Schools Act*, so that students may become functionally bilingual.

In 1969, the *Manitoba Teachers' Society* adopted a policy (B4.04) that recognized the right of parents to have their children educated in the official language of their choice. By so doing, the *Manitoba Teachers' Society* recognizes the needs of the Francophone community in the matter of education, and emphasizes to the appropriate groups the necessity of providing services in French for this clientele. Further, during the constitutional debates in 1981, the *Society* endorsed the general principle that citizens' rights should be assured by the Constitution, rather than by legislation. This principle applies to the question of the amendment of Section 23. In order to foster the cultural survival of the *Franco-Manitoban community*, Francophone rights must be constitutionally entrenched.

THE AMENDMENT OF ARTICLE 23: THE POSITION OF THE ÉDUCATEURS FRANCO-MANITOBAINS.

The *Éducateurs Franco-Manitobains* support in principle the initial proposal for the amendment of Section 23 of the Canadian Constitution. We recognize

the fact that the necessary steps have been taken in consulting the Francophone community. It is clear that the needs and the rights of Manitobans have been carefully considered.

We would like to draw your attention to the reasons for our support of the initial proposal for amendment. According to Section 23 of The Manitoba Act (1870), Manitoba entered Confederation with bilingual status. Since the passage of The Official Languages Act (1890), English has been the only official language of this province. For 100 years, as a result, Francophones have been utterly deprived of their rights. In 1970, the Supreme Court of Canada declared this Manitoba Official Languages Act unconstitutional and upheld The Manitoba Act (1870). Following the adoption of the Canadian Constitution in 1981, the Manitoba Government was obliged to take measures to put Section 23 into practice. We have reason to believe, however, that Section 23 is not being completely respected. The very fact that a case, such as the Bilodeau one, can exist shows clearly that the intentions of Section 23 are being neglected. The amendments to Section 23, as they are presented in the initial proposal, must be constitutionally entrenched. This is essential in order to restore to Francophones their due rights and to provide the clarifications that will be necessary if we are to avoid the legal chaos that otherwise threatens to descend.

We are also in favour of the portions of the initial proposal that deal with the translation of documents. According to Section 23, now in effect, all bills must be enacted in both official languages. Statutes adopted before 1979 must also be translated. The initial resolution is very generous in allowing the most reasonable time limits, and in limiting the number of statutes to be translated. By accepting this proposal, the government will be in a position to live up to its social, legal and legislative responsibilities, while avoiding tedious and costly court procedures.

After the presentation of the initial proposal for amendment to Section 23, the government announced its intention to propose additional amendments. We are very concerned that these amendments are being presented, in spite of the agreement which formed the basis of the initial proposal. There is no doubt that these modifications would have very injurious results. The initial proposal grants equal status to French and English and requires the implementation of Section 23 in the matter of services, and of translation of statutes. The additional amendments would have the effect of eliminating the official status of French, and of reducing the services stipulated in the proposal. We urge the government to stick to the initial proposal and to withdraw the new amendments which call into question the status of French and English as the official languages of Manitoba.

CONCLUSION:

As has been indicated in this brief, we firmly believe that the rights of Francophones must be entrenched in the Constitution, rather than being determined by legislative assemblies or by the courts. We believe that Francophone students should be able to operate comfortably within a society that recognizes their language and culture as equal, and that accepts the official status of their language in the public domain.

Francophone teachers and pupils who take pride in an education available in their mother-tongue will surely make use of French-language public services.

We wholly support the amendment as it was agreed upon in negotiation. We are opposed to any change which may alter in any way whatsoever the initial intention of Section 23 (Manitoba Act 1870). The original proposal is perfectly fair and reasonable. All Manitobans and Canadians will benefit from a society that recognizes the rights of its founding peoples, and that encourages unity among its citizens.

Thank you for the opportunity to present this brief. We urge the parties concerned to bring this debate to a satisfactory conclusion.

Thank you.

Translation of French portions of Mr. Taillefer's brief as recorded on Pages 325-27, Hansard Volume XXXI, No. 18 - 7:30 p.m., Friday, 9 September, 1983

MR. J. TAILLEFER: Mesdames et messieurs, ladies and gentlemen, let me quote probably the greatest writer in the English language, William Shakespeare, in the Merchant of Venice, "The quality of mercy is not strained. It droppeth as gentle rain from heaven upon the place beneath. It is twice blessed. It blesseth him that gives and him that takes."

Mercy is defined in Webster's Dictionary as "compassion and forbearance shown to one subject to one's power." These lines should guide the deliberations on the proposed amendments to the Constitution, because they apply so pertinently to the results of its adoption. Everyone would gain by such a change, while making amends for some of the injustices perpetrated in the past.

If one returns to the founding of our Federation, we find that the concept of the new country seemed quite clear in the mind of most of the founding fathers, particularly John A. Macdonald, its first and probably one of its most successful Prime Ministers and his French-Canadian acolyte, George-Etienne Cartier, who stated:

"The whole difficulty will be in the manner of the rendering of justice to the minorities. In Upper Canada, the Roman Catholics will be in the minority. In Lower Canada, it will be the Protestants, whilst in the Maritime provinces the two communions will equalize each other.

"Is it possible then to suppose that the general government or the Provincial Governments can become guilty of arbitrary acts? What would be the result even supposing that one of the Provincial Governments should attempt it? Measures of such a character would undoubtedly be repudiated by the mass of the people. There is no reason to fear then that a minority will ever be deprived of its rights."

The notion of a bilingual country, although severely repudiated a few years later in New Brunswick, was strengthened by the passing of The Manitoba Act of 1870 which made English and French the official languages of Manitoba. It is interesting to note that The Manitoba Act passed in the Canadian Parliament with a majority of 120 votes to 11.

Following this, the 1871 population of Manitoba - made up of an approximately equal number of French and English speakers - was provided with a

denominational system of education. That system upheld the original intentions of the Fathers of Confederation. Nevertheless, in the wake of demographic changes brought about by a massive influx of anglophone immigrants from Ontario, French speakers became a minority in the province which they had discovered, and which they had helped to populate. During the decade of 1880-1890, several events occurred which embittered French-English relations at the national level: the events in the north-west, and the rebellion of 1885 which ended with the hanging of Louis Riel; the Jesuit lands question, and the creation of the "Equal Rights Association," for which Dalton McCarthy was the most arduous spokesperson.

Mr. McCarthy arrived in Manitoba in 1889 to conduct a campaign against Catholicism and French-Canadians. W.L. Morton writes, speaking of the Manitoba schools question:

"The question was not to be debated quietly, however, for on August 5, 1889, Dalton McCarthy made a fiery anti-Catholic speech at Portage la Prairie. The Honourable Joseph Martin was on the platform and responding to the excitement of the meeting, pledged himself and by implication the government to the abolition not only of the dual system of schools, but of the official use of the French language in Manitoba."

So, the Martin plan was put into practice at the beginning of 1890. With the exception of a few anglophones who supported the Francophone position, (one of these was Rodmond Roblin who was later to become Premier of Manitoba), the vote which abolished the use of French in Manitoba, and which put an end to the denominational system of education split the Legislative Assembly along "racial" lines.

Rather than "mercy," from which all would have benefitted, intolerance was rigidly affirmed by the majority. Morton describes the situation very well:

"The school question is concluded to the satisfaction of the British and Protestant majority in Manitoba."

It seemed, however, that this show of force would satisfy the most primitive of the demands of intolerance, and in 1897 the Laurier-Greenway compromise opened the door to a rectification of the wrongs of 1890. It permitted that:

"when ten of the pupils of any school speak the French language or any language other than British as the native language, the teaching of such pupils shall be conducted in French or any other language and English upon the bilingual system."

Although Laurier's "sunny way" did not totally rectify the injustices of 1890, it did permit the use of French, as well as any other language, as a language of instruction. This was mostly to accommodate the Mennonites who were promised religious freedom and church schools by Order-in-Council of the Federal Government in 1873. The new agreement permitted a flourishing of bilingual schools. This situation was to exist until 1916, although the winds of intolerance were already blowing the Free Press as early as 1912. Ramsay Cook describes the campaign in "The Politics of John Dafeo":

In the hope of driving a wedge into the political facade of the local government, Dafeo attacked on every count and with particular vigour. Of particular interest was the school system. With no further fear of embarrassing Laurier, the Free Press began a concerted attack to

end multilingual schools in the province. These schools were not limited to the French-Canadian minority; every national group were permitted to use its own language as well as being required to learn English."

With the election of the Norris Government in 1915, the campaign heightened. In 1916, a special report on bilingual schools was compiled by the school inspectors. Its purpose was to justify the abolition of the bilingual school system. It is interesting to read, in this report, that out of a total enrolment of 100,963 in Manitoba schools in June 1915; 7,393 children were attending French bilingual schools; 2,814 pupils were in German bilingual schools and 6,513 pupils were enrolled in Ruthenian and Polish bilingual schools for a total of 16,720 pupils in all bilingual schools.

During the inspection described in the report, only the competence in the English language was tested and this seemed to have been conducted in a very haphazard way. Here are some of the comments written into the report by some of the inspectors.

Ste. Agathe, No. 974. 51 French, 13 English, a graded school. "Weak as might be expected in lower grades; fair in higher grades." Lang.

Clover Leaf No. 1638. 10 Poles, 13 English. "The smaller ones are learning rapidly and the larger ones speak fluently." It seems that bilingualism is linked to size by the comments of this inspector.

Portage la Prairie. 39 Ruthenians, 5 Austrians, 3 Germans, 5 Poles, 2 French half-breeds and 3 Canadians. "The 57 children in this room are all in Grade 1. Those who have attended regularly from Easter can now form sentences correctly and readily. The others can name objects and can form some simple sentences correctly."

He goes on. In Miss Muriel Ireland's room in the same school there are 23 English-speaking children, 11 Ruthenians and one French pupil. The Ruthenian pupils head the class each month. This is Grade 6.

St. Jean Baptiste North No. 939. 25 French. "None of the children in this school can converse at all." Lang. The death of the bilingual schools was justified, in great part, on the findings of this incomplete and biased report.

The act was passed in early 1916. R.S. Thornton, Minister of Education responsible for this piece of legislation, declared in the Legislature: "The first essential to any individual's progress in any land is to know the language of the country. In an English-speaking country, a knowledge of English is more necessary than the knowledge of mathematics."

The vote was drawn along linguistic lines, except for T.D. Ferley (Gimli) and F.Y. Newton (Roblin) who opposed the act.

We must, meanwhile, situate this period in its historical context. During the First World War, English "jingo-ism" was at its height, and the conscription issue divided the country.

The immediate results were disastrous for the Mennonites who did not submit to the new act, but started their own, independent schools. The government retaliated by declaring these schools inadequate, and by appointing official agents to re-integrate them into the public system. Many Mennonites resisted this arrangement and were made to pay fines. In certain cases, they were even imprisoned. In 1921, 2,300 Mennonites left Manitoba for Mexico, and during the period 1926-1930, 1,770 took up residence in Paraguay.

For Franco-Manitobans, it was a period of adaptation. In 1916, the Association d'éducation des Canadiens français du Manitoba was founded. Despite legal prohibitions, this agency became the French equivalent of the Department of Education, although all the work of the association was accomplished by volunteers.

Many unfortunate incidents marked the relationship between those responsible for public schools in French areas, and the representatives of the government; the inspectors. French books had to be hidden when government inspectors arrived. In my home town of La Broquerie, one of the inspectors asked a nun to remove a crucifix that was attached to the classroom wall. She refused, and sent for a trustee, who showed the inspector out of the school. Such incidents further embittered relations between the two linguistic and religious groups.

It should be noted, however, that some solidarity with educators in French areas did not exist on the part of certain officials of the Department of Education and this was greatly appreciated. The Deputy-Minister during most of this period, Robert Fletcher, publicly declared:

"Personally, I am much in favour of the children of French parents being taught to read and write the French language."

Monsignor Beliveau, in a letter to Henri Lacerte, during the twenties, stated prophetically, "Certain facts seem to justify our opinion that public opinion is broadening on the subject of the right of French Canadians not to be considered foreigners. It is not a question of living long enough to reap the fruits of organized resistance, when the time comes."

Many actual situations seemed to be running clearly counter to the spirit of the act towards the end of the 1940's, and at the beginning of the 1950's the teaching of French was permitted at certain levels.

The creation of large school divisions in 1958, and the nomination of Judge Alfred Monnin, by Premier Duff Roblin, to preside over the Border Commission, showed an open-mindedness on his part and on the part of the government towards the school question. This government was to enlarge the scope of French instruction in 1967, by the implementation of Bill 59, which was unanimously passed by the House, by the Manitoba Legislature. The veil of official intolerance was beginning to lift.

In the Winnipeg Free Press of the 21st of October, 1965, a speech given at Trois-Rivières by Duff Roblin was summarized as follows:

"Premier Duff Roblin of Manitoba said here Wednesday night that in the long run both French-speaking and English-speaking Canadians faced the same fate if they can't get on together - absorption by the United States. Mr. Roblin" - and here I want to certainly emphasize the next few sentences - "Mr. Roblin said Canada must have a new Constitution, not just a patch-up, which would recognize not only individual rights, but also national rights. By national rights, he explained outside the meeting, he meant French and English rights, such as bilingualism in government services and the use of either official language, English or French, as the principle language of instruction in schools."

In the educational sector, the Schreyer Government in 1970 completed the work begun by Roblin, with the

passage of Bill 113 which permitted instruction in French throughout the school day, except for English classes which were obligatory after Grade Four. This bill also permitted instruction in other languages approved by the department, up to a maximum of 50 percent of the school day. "Mercy" was replacing intolerance. The Honourable Mr. Schreyer, in a speech given at the Convention of the "Société franco-manitobaine" on the 6th of December 1969, stated:

"In our opinion, there is every advantage to Manitoba in the adopting of a bilingual character - as much in speech as in appearance. To this end, your government will adopt policies that favour bilingual development, particularly in areas of Francophone majority, without neglecting, meanwhile, the pluralist cultural aspect of our province. Concretely, I am happy to be able to announce to you tonight the creation of a cultural centre in St. Boniface, to respond especially to the needs of the Francophone community of Manitoba. This cultural centre will be financed by federal and provincial grants, and by the financial and moral support of the members of the "Société franco-manitobaine."

MR. CHAIRMAN: I wonder if I can ask the witness how much more he has.

MR. J. TAILLEFER: I have two pages to go.

MR. CHAIRMAN: An extension from the committee? (Agreed) Very well, proceed.

MR. J. TAILLEFER: But the question of French as an official language of Manitoba was still not resolved. Following the steps taken by Georges Forest, the Supreme Court of Canada declared the 1890 Act "ultra vires," and returned to the 1870 Act. Subsequently, Mr. Bilodeau took new legal steps to clarify the scope of Article 23 of The Manitoba Act. This brings us to the agreement between the Provincial Government, the Canadian Government, and the Franco-Manitoban community in May of 1983. This agreement resulted in a bill that seems very equitable to me. It is now essential, considering the following historical facts, to entrench the rights of the official minority of Manitoba, recognized in this bill, into the Canadian Constitution.

First, the history of Manitoba, as we have seen, shows that we cannot simply trust in the good will of governments to protect the rights of minorities. Second, if the May agreement among the various parties (federal and provincial governments, and the Société franco-manitobaine) was a fair one, as most politicians of both parties appear to agree, why not entrench the rights recognized in the bill which resulted from that agreement into the Canadian Constitution where they will be protected from partisan political debates?

As for the opposition to the proposed legislation, I can understand Mr. Doern's "grandstanding," having read his book. I will put my own advice in practice and be merciful.

Translation of French portions of Mr. G. Lacroix's brief as recorded on pages 337-338 of Hansard, Volume XXXI, No. 19, 10:00 a.m., Monday, September 12th, 1983.

MR. G. LACROIX: Before getting into the substance of my presentation, I wish to state that my brief has

been prepared in French for, hopefully, obvious reasons. As I represent the Société Franco-Manitobaine, it is a matter of principle and of record that it be done in this manner. It was my hope that translation services would be available; however, I am told that is not the case. For the sake of the committee and the audience, I am nevertheless willing to answer questions or paraphrase some of my comments in English should I be so requested. It is my hope that you appreciate the spirit of this decision, it is the heart of the issue being debated here today.

Mr. Chairman, members of the committee, I am Guy Lacroix, Board Member of the Société Franco-Manitobaine. As the official representative of the Francophone community, the Société Franco-Manitobaine speaks for all those in Manitoba who have chosen to remain Francophone in language and in culture. Allow me to sketch briefly the historical events that have brought the province to its current position.

The presence of French culture in Manitoba goes back more than two-and-a-half centuries, to the year 1734, when LaVérendrye discovered the spot that was to become the City of Winnipeg.

In 1870, when Manitoba entered Confederation, Louis Riel, who was the leader of the provisional Red River Government, obtained guarantees for French language rights in the new territory of Manitoba. The intention and the spirit of The Manitoba Act made French and English the official language of the new province. The Act established two educational systems, reflecting both linguistic and denominational differences, and laid down further special requirements in specific areas.

Starting at that time, and throughout the next two decades, Manitoba began to identify for itself with a unique multicultural character. New communities were eager to establish themselves in the emerging province, believing that here they would be able to live their cultures to the full, with the freedom to speak their languages and to practice their religions.

Alas, it was soon obvious to many that the federal government's promises on the subject of education were valueless, and had been designed only to attract people to this area. With education falling under provincial jurisdiction, the authorities of the new Province of Manitoba lost no time in preventing the promises of the federal government from being fulfilled.

Manitoba's first constitutional crisis, that of The Official Languages Bill of 1890, grew out of this early intolerance. By a simple, unilateral act of provincial legislation, the Government of Manitoba declared that English was the official language of Manitoba. A second bill was passed to establish a non-denominational school system.

The French-speaking minority tried to defend itself by appealing to Section 23 of The Manitoba Act and to Section 93 of The British North American Act, but it could obtain no satisfaction, whether from the courts or from Parliament. Far from finding a solution, the conflict now took on political dimensions.

In 1896, the question of Manitoba's denominational schools became a federal election issue. After the Liberal victory, an agreement which was to be called the "Laurier-Greenway compromise" was approved by both levels of government. One clause of this regulation provided for bilingual instruction where ten or more pupils spoke French, or a language other than English.

But the arrival of large numbers of immigrant groups in Manitoba between 1890 and 1910 meant that the ethnic composition of the province was rapidly changing. The new arrivals took advantage of the bilingual education clause in the Laurier-Greenway regulation. This prompted an immediate reaction against the bilingual schools on the part of the Anglophone majority.

In 1916, the Liberal Government of T.C. Norris passed The Thornton Act which abolished bilingual schools, and made English the only language of instruction in Manitoba. With this move, the Anglophone majority imposed a monolithic, unicultural and unilingual society on Manitoba's diversified communities.

The socio-political circumstances created by such draconian measures touched off a long process of persecution which lasted several decades. The French language was relegated to simple household uses, since the unilingual character of the province obliged all citizens to communicate in English with government institutions.

By thus limiting the contexts in which French was used, the government contributed to the assimilation which was decimating the Francophone community. The small size of today's Francophone community is in part the result of the actions of governments of Manitoba at the end of the Nineteenth and the beginning of the Twentieth Century, in their plot to destroy the French fact in this province.

Nevertheless, certain groups of individuals have managed, under difficult conditions, to conserve the French language and culture. In 1970, this movement was vindicated when Bill 113 was passed by the Schreyer Government, making French and English the official languages of instruction in Manitoba. That event marked a decisive moment, when there crystallized among Francophones a collective will to live their lives in French in Manitoba. This collective desire inspired the community to reclaim its rightful status.

In 1979, the Supreme Court of Canada recognized French as an official language of the Legislature and of the courts. Since that decision, the community has been seeking to widen the sphere of usage of its language. This is behind our desire to obtain, but above all to guarantee, French Language Services from government institutions.

This, Mr. Chairman, is the spirit in which the Francophone community, through the Société Franco-Manitobaine, began negotiations several months ago to amend Section 23 of The Manitoba Act. We have negotiated in good faith, with a particular concern for the rights of the Francophone community. It has never been a question of taking anything whatsoever away from anybody.

Mr. Chairman, the agreement that was reached on the 17th of May 1983 is reasonable, just, and fair. The Francophone community cannot accept the making of any changes to it. The fundamental element of the agreement remains the clause which states that the official languages of Manitoba are English and French. We maintain that that clause cannot be revoked.

Mr. Chairman, the May agreement holds out a new kind of society for Manitoba, a society built on a cultural mosaic, in a bilingual and open-minded province. We are aware that this vision runs counter to the notions of those who object to this draft amendment, but we

must ask, what kind of society do we wish to leave to future generations?

Mr. Chairman, the Franco-Manitoban community asks that justice be done.