



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

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**DEBATES**  
and  
**PROCEEDINGS**

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**31-32 Elizabeth II**

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The Honourable D. James Walding  
Speaker*



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

**Members, Constituencies and Political Affiliation**

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Saturday, 30 July, 1983.

Time — 2:00 p.m.

## OPENING PRAYER by Mr. Speaker.

**MR. SPEAKER, Hon. J. Walding:** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

## ORAL QUESTIONS

### French Language Services

**MR. SPEAKER:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I have a question for the First Minister. Could the First Minister confirm that there were over 30 people in groups registered in the Clerk's Office who are waiting to make their opinions on French Language Services known to this Legislature, and that they cannot do so because the opposition is obstructing the procedural motion to go to committee?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, there are 32 individuals and/or groups that are awaiting to make presentations to the committee. Insofar as those groups are concerned, Mr. Speaker, they represent thousands of Manitobans that are awaiting the opportunity to make their views known in respect to the resolution before the House. They've already signified their intention and their desire to make those presentations to the Clerk of the House.

## ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. R. PENNER:** Mr. Speaker, would you please call the debate on the motion as amended, and further proposed sub-amendments with respect to the referral to committee of the Section 23 amendments, standing on Pages 12 and 13 of the Order Paper?

## ADJOURNED DEBATE ON MOTION

### CONSTITUTIONAL AMENDMENT RE: OFFICIAL LANGUAGES

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General and the amendment thereto proposed by the Honourable Member for Fort Garry and the sub-amendment proposed by the Honourable Member for Gladstone.

The Honourable Member for Radisson.

**MR. G. LECUYER:** Thank you, Mr. Speaker.

Mr. Speaker, there are probably no motions and no bills in the short time that I've spent in this House that have been debated as much as this one has until now. I don't think, Mr. Speaker, there's any issue that I've seen coming before this House, in the short time that I've been a member in this House, that has had as much written about in the newspapers, as much said about it on the radio and on television. Yet, we hear the members across, Mr. Speaker, say: Why are we here? What's this all about? Why the rush?

Well, Mr. Speaker, we are here because, as they have asked so many times, let the people of Manitoba get a chance to have their say. We have given the people of Manitoba a chance to have their say on a number of occasions already, and we're willing to give them this chance to further have a say. But for that to happen, Mr. Speaker, we need the co-operation of the opposition, not this continued obstruction which is preventing the democratic and the parliamentary process from happening the way it should be happening.

The members of the opposition have constantly asked for us to go into Speed-up. Mr. Speaker, we are in Speed-up but, instead of debating this resolution, we are debating amendments and sub-amendments which are put forth simply to obstruct the process. Don't kid yourself. This sub-amendment is no different than the original amendment because when the members across, and a lot of them have stood up to speak on the original amendment put forth, all of them, except one, all of them have stated, let's go into intersession, have hearings, take a few months. Then in the fall, call it back to have it through.

Now, this sub-amendment that they are bringing in says, call a Session before December 31st. So it's no different than what they have been saying in the original amendment. So I fail to see that it's anything but obstruction. Let it be clear. This is pure obstruction of the democratic and the parliamentary process.

For people who want to debate, for people who say that they want to hear the people of Manitoba, to constantly use procedural wrangles to prevent the debate from taking place, to prevent the people from being heard, then, Mr. Speaker, I say they are not being totally honest and far from it.

They say, we haven't provided the people of Manitoba with the details of the agreement. Mr. Speaker, we've done better than that, we've explained every aspect of this agreement to the people of Manitoba in public meetings; we've made sure that the people of Manitoba knew the meanings of each of these provisions, or the clauses of this amendment, in two pamphlets that were sent out. Now you know that if you sent simply clauses of an amendment, you could do that on any bill and it means very little on its own. We've done better than that. We have explained what these clauses were and what were the implications of this. So for them to say that we have not indicated to the people of Manitoba what this was all about is not true.

For them to say that they are co-operating and co-operating fully, I also beg to disagree. I disagree. They

even go as far as refusing to pair the Premier who had functions to attend during this weekend. Never before have I heard that the opposition has refused to pair the Premier.

**MR. H. ENNS:** We don't normally break our word either.

**MR. G. LECUYER:** Well, we haven't broken our word either, but we've seen nothing but that coming from the opposition.

So when they say, let the people be heard, but then they frustrate the process, Mr. Speaker, then I have to question: where is their honesty?

Mr. Speaker, throughout this debate, we've heard the question from the opposition. And this debate, I have to remind all members of this House, when this first came on the floor of the House, it goes back two months ago and more - two-and-a-half months ago, so for them to say that they haven't had time, and when I see all the speeches that have been made, all the repetitions that have taken place, members taking unlimited time to repeat themselves 10 times on the same thing.

Mr. Speaker, if you look back on May 20th, after this was announced in the House in the Ministerial Statement by the House Leader the Leader of the Opposition spoke at length. There are pages and pages in the Hansard on May 20th. As the Government House Leader stated the other day, there were reams of articles that appeared in the newspaper starting as far back as a year ago. So the people of Manitoba have been informed about this issue way before this was even brought into the House.

The people of Manitoba knew that there was a case in front of the Supreme Court which was there even before we came in government. The Government House Leader has made that point a number of times. To have allowed this case to go to the Supreme Court would have been to refuse to do our responsible role as a government, because either way, no matter how that decision would have gone at the Supreme Court, we'd have been losers, losers as Canadians and losers as Manitobans in the process. Because if the Supreme Court would have decided . . .

**MR. H. GRAHAM:** Your whole life is an "if."

**MR. G. LECUYER:** Mr. Speaker, I will go on to explain that whichever way the Supreme Court would have decided, we would have been losers. So if they have decided, on one side, that Manitoba's case was valid, therefore, would have given reason to the arguments that were put forth by Manitoba . . .

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

**MR. SPEAKER:** Order please.

**MR. G. LECUYER:** You had your chance to speak. The Member for Lakeside stood up and spoke on unlimited basis last night, and I never interrupted him. I did not interrupt his remarks, and I hope he will give me the same courtesy.

If they had decided that Manitoba's case was valid, then it would have meant that in the process minorities everywhere else in Canada, but especially in Quebec,

would have been the losers for a long time to come. If they would have decided that Manitoba's case was not valid, then in the process we would have had to translate all the laws passed since 1870, all the statutes passed since 1870, as they should have, according to the laws that existed at the time. Of course, they could not have forced the Federal Government to contribute to the financing of these costs that are going to be incurred.

Now, to be forced to translate laws passed long ago which are no longer of value today is of no benefit to anybody and of no benefit to the Francophones of Manitoba. On the other hand, to have the right to use the language as we are entitled to, according to the law that was in the book in 1870, would have continued to mean that Manitobans could have used the official language, the two official languages. Let's not mince words, because that's what they were; as I stated before, what makes an official language is the languages which are recognized by the Legislatures, by the laws of that Legislature, and by the court system. Therefore, the provisions of the act, as it was passed in 1870, made or gave Manitoba two official languages.

So for them to try and renege on that now won't wash, and never did. It only did while or during the period that an illegal law was on the books which was passed in 1890. I want to remind the members of the opposition that in order to pass that illegal law there were no referendums. There were no public hearings or committee hearings, but an illegal law was passed which, contrary to what they say - they say that this amendment will destroy the fabric of this province, and that is far from the truth. It is exactly the opposite to the truth, because the fabric of this province was, from the very beginning, that this was an officially bilingual province in 1870. I see the member across nodding negatively to that.

Well what makes a language an official language? I would like him to tell me at any time, and I shall repeat the fact that it was law. It was in The BNA Act, the fact that they were the two languages recognized of the Legislature, of the official records of the Legislature, of the courts and the laws. Therefore, that made it the two official languages of Manitoba. And I ask the question, again. If those were not the two official languages, what were the official languages of Manitoba?

So I don't accept it when they say that we are adding something new when we say, English and French are the two official languages of Manitoba, which is the first clause after Article 23. That is simply a declaratory statement of the facts. Instead of destroying, therefore, the fabric of this province, Mr. Speaker, which was the two official languages, we are trying to repair the fabric of this province, to sew it back together as it should have been. It should never have been torn in the first place. What they are trying to do is keep it torn apart. That's the truth.

Now, when the Member for Morris spoke the other day and he says he was appalled when he heard someone on this side speak of tyranny of the majority. Well, wasn't that tyranny of the majority in 1890?

**MR. H. ENNS:** I didn't acknowledge the change in 1979.

**MR. SPEAKER:** Order please.

**MR. G. LECUYER:** The Supreme Court decision . . .

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

**MR. SPEAKER:** Order please.

**MR. G. LECUYER:** I heard mumbles from the Member for Lakeside and I don't know why, because I have never stated that this would not change in 1979.

**MR. D. ORCHARD:** But they bought it.

**MR. G. LECUYER:** But what I am saying is that the fabric of this province was torn by tyranny of the majority in 1890. So don't let him tell me that he is appalled, and these words don't make sense. It was torn again in 1916 by tyranny of the majority.

Now, who used the words though, "tyranny of the minority?" Who used these words? Who used the words, "this is a quantum leap forward," and used it about 50 times? Who used the words, "This is a calamity. This is giving away the farms," and I can quote the pages? Who used these words? The Leader of the Opposition.

Now when the Member for Lakeside says, you know, we changed it in 1979; it's not true. The Supreme Court changed it in 1979. Manitoba fought it up to the Supreme Court in 1979. What Manitoba did is accept the decision from the Supreme Court. Of course, they should; there's no higher court in the land, so they had no choice. But to now say that what we are doing is a quantum leap forward, is giving away the farm, these are just fear tactics. That's all it is because when, in 1870, the people of Manitoba, two populations of Manitoba who were at that time about equally represented - in fact, the Francophones at the time were in a small majority - the reason that the two languages were protected in the courts, in the Legislature and in the laws of this province was because it was to assure the minimum guarantees. If you don't have it in the courts and the laws and in your Legislature, how do you expect to have it anywhere else? That was the minimum guarantee.

I am sure the intent of that was that the services then, and even constitutional counsellors or counsels will admit that, that the intent then was that services would be provided in two languages. That was the intent. Legal counsel, federal constitutional counsel, has also interpreted it in that way. That is why, when members across say there was absolutely no risk in going to the Supreme Court, that is why even the constitutional counsels will not go that far. They say there was perhaps minimum risk, little risk, but nevertheless they recognized there was risk. That risk is even greater today now, since the decision that was passed by the Appeal Court in Quebec which rejected the law passed in Quebec with regard to the striking teachers.

One thing I noted last night, when the Member for Lakeside spoke, he referred to Alliance Quebec having been supportive of the Supreme Court decision of 1979; that's not true. Alliance Quebec did not even exist at the time. Alliance Quebec was formed in 1981, and here's what they have to say about this proposed

agreement by the Province of Manitoba: "Your decision has seriously undermined the arguments of the present Quebec Government that only a separate and independent Quebec can protect the rights of French-speaking Canadians. Notwithstanding continuing pressure from the Government of Quebec, English-speaking Quebecers continue to receive more basic services than our French-speaking counterparts in any other province of Canada, notably in health, education, social and government services from universities to hospitals, homes for the aged and a good public school system."

Further in the same letter which is addressed to the Premier of this Province, dated June 1, 1983: "We continue to hear statements made by Premier Levesque and his colleagues which would attempt to justify our government's continuing efforts to diminish the status of English language in Quebec by pointing to the treatment of French-speaking Canadians outside of Quebec, particularly to use both French and English before the courts and Legislature of Manitoba over 90 years ago. By entering into the agreement to amend the constitution you have demonstrated, in the clearest possible manner, your commitment to see that justice is done. You and, indeed, all the people of Manitoba are to be commended for this.

"Some people in Quebec take a somewhat more cynical view and argue that the Manitoba Agreement to reinstate constitutional rights is too little, too late, and thus there is no purpose in giving effect to the agreement. We strongly disagree. When dealing with fundamental freedoms and rights, it can never be too late to ensure that citizens have that which rightfully belongs to them. Clearly the French-speaking population of Manitoba has diminished significantly over the last 90 years, but the rights set forth in the proposed constitutional amendment continue to be as important today as they were in 1873 for the future and the unity and the strength of Canada.

"The agreement," it says further, "is a breath of fresh air and will inspire the majority of Quebecers, both French-speaking and English-speaking, who believe that our future lies in a united and a better Canada."

Mr. Speaker, when the Leader of the Opposition so vehemently opposed the entrenchment of the Bill of Rights in Canada's new Constitution, did he hold a referendum? No. He did exactly what we proposed to do, except the problem is now, Mr. Speaker, the members of the opposition play two different kinds of games; one that suits them when they are in government, and a different game when they are in opposition; one which is intended purposely and strictly to thwart the parliamentary process.

Now that we have given the opportunity to people to be heard in public committee meetings; that we provided them with information; that newspapers in numerous articles have provided information on this issue, and many of them supportive - in fact, I would say a majority of them supportive on this issue - now that we have people waiting with their names on the list, people representing many groups of this province who want to make themselves heard, the members of the opposition want to prevent them from doing just that.

So the members across said: "You have no mandate to do this; you did not say this in the election." Well

how could we say this in the election? The case was before the Supreme Court shortly before the members of the opposition left their term in government. We had no opportunity at that time to be a party to any negotiations of this Supreme Court case. We had no way of knowing at that time where or how far it would go, if it were to go anywhere. But, Mr. Speaker, after this case was set back purposely to give an opportunity to the parties to this case to try and strike some kind of agreement, which we arrived at after one full year's negotiation, or more, we have come to a resolution, or to an agreement, which all parties at the federal level are supporting, an agreement which would be good for Canada, because I think that is what counts first. We have to be Canadians first, because what good does it do to think primarily and only of Manitoba if we cannot keep this country together?

So we negotiated. We came to an agreement which saves Manitoba money, which does not go any further than what is happening now, and repeatedly the members of the opposition have agreed that that was the case, repeatedly. Because what it does is provide certain essential services which they say, starting in 1979, we started providing as well after the Supreme Court decision. And they do not object to these services. The only one that I have heard object to that one is the Member for Elmwood on the basis of cost. I haven't heard any members of the opposition object to that. Services, of course, is what is the livelihood, the survival of the language and the culture.

With laws, with courts, giving the right to those who have committed a criminal act to be heard is not giving an opportunity for the survival of a language or a culture; is not really recognizing the intent of the law which was adopted at the time this province came into being which was to provide a minimum of court, legal, and legislative services, but the intent was clearly that basic government services would be provided to the people of Manitoba, who were, at the time, a majority anyways; it's only later. The Francophones in Manitoba were the majority at that time but, independent of that, the intent was, of course, that those basic services would be provided; that the minimum that was entrenched in that law was the court, the legal system and the legislative records.

The Member for Lakeside last night said: Well we continued providing those services, we were going in a reasonable and a rational way. On that basis, perhaps it would mean that you add one little bit of a service every five years, every 10 years, every 20 years, and maybe we'd get back to the full intent of the law in 100 years time, in 200 years time. Hopefully, what he is not saying, but what that infers and implies, is by that time, hopefully, there won't be any one of them left, therefore, there won't be any need for this.

That is why they object to entrenching this. They object to entrenching it simply because they say, it's going to be too difficult to change it. Well, Mr. Speaker, the courts are rational; the people are rational. If it's true that in 50 years time, that in 100 years time, there is no need for it, then I'm sure that the people who will be sitting in this Legislature, and the people who will be sitting in Ottawa, will also have enough common sense to realize that it's not needed, and there's nothing that would prevent it from being changed. After all, other things, other changes, will be made to the

Constitution. This will not be the first, nor the last. So to say that we don't want it entrenched because it makes it too difficult to change it; true it makes it more difficult to change, but why should it be easy to remove basic rights? Why should it be easy?

These basic rights should be entrenched and should not be removed unless there is absolutely no need for continuing to have them on the books. What's wrong with having people being able to speak two languages or more; to be able to be served in two languages or more? That is why I fail to understand this slogan against bilingualism, as if this was something positive. It's of the most negative in this enlightened day and age, in this day of modern communication, in this day wherein so much understanding is required throughout the world. One of the reasons that there is so much conflict is because we don't understand one another, and because we are so intolerant to one another. That is what this resolution proposes, to make it better, to re-establish the structure or the fabric of this province; to put it back where it was always intended to be.

They say, Mr. Speaker, and I checked the words spoken by the members on the resolution so far, and on the amendment so far. They say, and everyone of them have said, practically using the same words, this is the most important item or the most important issue to have come before this Legislature. They almost go as far as saying, in all times or forever to come. That's almost what they say. Why is it so important? I ask them that all the time when I hear that. Why is it so important? To whom is it so important? The only people that it is important to is the people who were deprived of these rights long ago. Those are the people to whom it is important. Who else is it important to? It's important to enlightened Canadians, enlightened Manitobans who want to learn a second and a third language; to all these ethnic groups who are learning Ukrainian, German in their schools today; that's to whom it is important.

Anybody else who doesn't see it as relevant to him, as having any value to him, why should he oppose it? Why should he oppose it vehemently, there is no reason for it? It does not interfere with them in any way; it does not take away anything from them, and I cannot accept that this is a costly affair, a minimum of services.

Remember, according to the constitution, The BNA Act, these services should have been provided since 1870. Look at all the costs they've saved in over 100 years to provide the very bare bones minimum - and that's all that this provides for - and it's limited, and it's written in there so that no one can go back and say, we are entitled to services in this area or that area. We're entitled to such and such a service. It's specified in there, and that's the extent of the limitation, as I say, only according to the intent of what was written in The Manitoba Act in 1870.

Mr. Speaker, we negotiated an agreement which is good for Manitoba, which is good for Canada. We negotiated because we knew we couldn't win at the court. We couldn't win because, even if we so-called win, we were losing. We were losing on another angle. So we negotiated a good agreement, an agreement which goes a long way in making Canada a better place; an agreement which will guarantee minority rights, not for just one group, because if they can be guaranteed for one group, that will also assure they cannot be taken from another group; that will also assure that

there will not be the tyranny by the minority, as the Leader of the Opposition spoke of, but that there would not be tyranny by the majority.

Mr. Speaker, the members of the opposition have spoken at great length on this issue, more than on any other issue that has been spoken on in this Session, and probably more than Bill 3 so far, way more than has been spoken on Bill 3. Mr. Speaker, if you go back into the records you will note that on May 18th, May 19th, May 20th, May 30th, there are pages and pages in Hansard, and from there on until today. There are Hansards that are strictly on that, especially in the last couple of weeks.

Mr. Speaker, right from the beginning, the Leader of the Opposition has used language to incite fear, to incite strong opposition on this issue, but he is the one - and I have to say this. I haven't spoken until last week or the week before on this issue, but throughout this I am called a zealot, a foolish zealot throughout, a bigot. I get that thrown at me everyday. To be called that, Mr. Speaker, would require for me to oppose this. To be called that they would have had at least to listen to me speak, but I'm being called that from the very first time that this issue comes up, the very first time in the Executive Council Estimates, and I can quote the page if you want. It's repeated often: Page 4162, Page 4285, Page 4284, Page 4049. These are instances when this kind of language was applied to me, Mr. Speaker.

On June the 6th, the Leader of the Opposition states, "When you take a matter of policy and entrench it in a constitution and call it 'a right', and then give anyone, be he a reasonable citizen of Manitoba, a language zealot or whomever, a right of enforcement, then you have created a form of potential tyranny in the hands of a few people who can cause chaos."

So for the Member for Morris the other day, who was so appalled at hearing such words and were being applied to the majority and, of course, we all know that the majority sometimes can forget the minority, and proofs of that can be given throughout the years. Proofs of that can be given in relation to the agreements and to what the provisions that were contained in The Manitoba Act in relation to the Metis. Proof of that can be given into the agreements that were entered into in the treaties in regard to the Native people of Canada.

So that there has been, in the past, tyranny by the majority doesn't have to be proven. History proves that all along the way, but that there is tyranny of the minority, that you will have to be proven to me. That the Francophones being provided a few limited services would then exercise tyranny of the minority, Mr. Speaker, has to be ridiculous.

Mr. Speaker, on the same date, Page 3486, the Leader of the Opposition said, there's " . . . nothing wrong with the principle, Mr. Chairman, of saying that people should be able to deal with governments in Manitoba in French or English, so long as you don't carve that into stone and put into the hands of zealots and others a tyrannical weapon that can rip apart the social fabric of this province. Nothing wrong with it if you leave it as something that is not carved in stone." Mr. Speaker, what he's saying is, if you leave it as something that could be used as a political football whenever it suits the governmental debate. That's what he's saying.

He quotes further on, "The danger of this agreement is that, except for the translation portion, it is not

needed," he says, "it was not required; it does give away the farm; it creates the possibility of social upheaval and chaos in this province beyond anything that I'm sure the First Minister or his Attorney-General can contemplate at this time." If that's not trying to excite the bigots to create fear, what is? What is?

Further he says, " . . . it is something that should be avoided if we want domestic tranquility in this province." If we want domestic tranquility, but, Mr. Speaker, what if we want justice? What if we want more tolerance? What if we want better understanding? What if we want to make this a better province to live in? What if we want to make this a country that is more united? Shouldn't we think a little bit about justice? Shouldn't we think a little about the barebone minimum?

Mr. Speaker, I could go on using copies of Hansards and dishing back at them some of the words that have been given to me for the next three hours and no problem at all. I only have but a few minutes left, not just unlimited time like the Leader of the Opposition who can speak three-and-a-half hours, and the Member for Lakeside who can claim unlimited time privilege. So I cannot go back to all these words that show clearly how wrong they are on this issue. I'm sure, Mr. Speaker, Manitobans, every Manitoban, given the least bit of an opportunity to understand without the distortions, without the misinformation, without anyone exciting undue fear, the people of Manitoba would also understand.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Thank you, Mr. Speaker. I heard the Member for Morris say, gee I thought you were in a rush to end this. I have just a few remarks but, before I make those remarks, I am prepared to waive making any remarks on this issue right here and now if the opposition is prepared to vote on this total package resolution to send this to a public committee today. If they are prepared to make that kind of a recommendation, an offer, then we're prepared; right now, I'm prepared to sit down and we'll have a vote on this subamendment, the other amendment, and on the main motion to send this matter to a public committee.

Now if that offer is not accepted, that demonstrates, I suggest to you, Mr. Speaker, what the problem here is. It is very, very clear. It is pure Tory obstruction. That is what it is.

What we are dealing with here is not the question of whether the resolution we have put before this Chamber to amend Section 23 of The Manitoba Act is good, bad, or indifferent, what we are dealing with here is the question of getting this resolution before the people of Manitoba in order that they can be heard on it; that is the sole purpose of the resolution moved by our House Leader on this issue, many, many hours of debate ago. We want to get this matter to a public committee so that a committee can hear the public, can hear the views of people out there, and we will then have to decide on whether this resolution, the main guts of it, is good, bad, or indifferent. We will have to decide whether we're prepared to pass it, or

whether we're prepared to amend it, or whether we're prepared to reject it.

That is the issue we are dealing with here today, and that is the issue the Tories don't want to vote on because they like to give the public the impression - and this is the mystery of what is happening here in the last few days. They are trying to give the impression that we are the people who are trying to prevent the public from being heard; that's the impression they're trying to create out here; that is an absolute lie. We are asking this matter to come to committee.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain on a point of order.

**MR. B. RANSOM:** The Minister knows full well that he's using unparliamentary language by accusing the opposition of lying, and I would ask you to ask him to withdraw that.

**MR. SPEAKER:** The Honourable Minister of Finance is surely aware of that requirement in the House.

**HON. V. SCHROEDER:** Mr. Speaker, I will withdraw that, and say that the impression created is very clearly unfactual.

The fact of the matter is, we have asked the public to come to a committee, or we have a resolution which, if passed, will ask the public to come and be heard before a committee of this Legislature. We have more than 30 people who have asked to appear. — (Interjection) — Now we've heard the former Minister of Agriculture say, so what? Well, that's an interesting attitude to take toward the various groups that are asking to be heard. I would like to just name a few of them: the Ukrainian Community Development Committee; Manitoba Parents for Ukrainian Education; Manitoba Association for Bilingual Education; Manitoba Association of Rights and Liberties. That's an organization which the opposition has been quoting on other bills. Surely they want to hear from them. Why are they talking to the substance of the resolution before we hear from the public? That is what they have been talking on, instead of the question of whether we should or should not send this matter to a committee of the Legislature to hear these people.

Now here we're giving them an opportunity to hear from the Manitoba Association for Rights and Liberties. People on that side have been quoting that group. The concerned Mennonites would like to speak to the members of the Legislature before they fix their minds in absolute stone in terms of where they are on the resolution to change our constitution. I think they should be heard.

We have a variety of Franco-Manitoba organizations and individuals who would like to be heard by this committee which we would like to strike and would like to strike now. I might add that if we could strike it this afternoon then I'm sure that we could arrange for not having this House sitting on Monday, as had been offered to the House Leader of the Opposition by the Minister of Natural Resources. We wouldn't have had to be here today if we were just prepared to do that, and we wouldn't have had to be here on Monday. The Tory obstruction is forcing us into this kind of a weekend;

is forcing the staff of this Legislature into that kind of a weekend. Mr. Speaker, that is a matter of fact.

Just this morning I had a conversation with the House Leader for the Conservatives, who was hoping that the bells would ring all weekend as a result of his motion this morning and would not have come back, was telling us that he would not have come back and the Conservatives would not come back until Tuesday afternoon, not Tuesday morning even, not Monday morning, not Monday afternoon, not Monday evening, not Tuesday morning, Tuesday afternoon, although they are the people who asked for Speed-up. They asked for Speed-up. They said, when are you going to bring Speed-up in? We're in Speed-up, and they were going to allow the bells to ring on a motion to adjourn because they don't have enough people to win a vote. They happen to be the minority. They think that, because they are a minority, they don't have to vote. That's the way they will get around dealing with situations where we come to a question of how we decide resolutions. They simply will let the bells ring. It's an activity that I think borders on the anti-Democratic.

Okay, there's the East Indian Ethnic Group, the Winnipeg Chilean Association, a number of private citizens who say they're not necessarily representative of any group. There's the Chairman of the Manitoba Steering Committee on Heritage Languages. We can go on and on. There are many other organizations, the Irish Canadian National Committee; the Manitoba Metis Federation; the Manitoba Progressive Party, and so on. There are organizations which would like to be heard. Some of them may represent more people than others, and some of them one may agree with slightly more than others, but I think that we should be giving them the right to be heard before we get into all of this debate on the substance of the change that is proposed to the House. And yet, the Conservatives are very deliberately holding back. They are prepared to waste the weekends of the staff; they're prepared to waste the weekends of the other members of this Chamber in order that they can attempt to make some kind of point.

They are trying to say that we don't want to let the public have a voice. We are saying, we want the public to have a voice. We want the public to have a voice as quickly as possible. The public is asking to be heard, and the Tories are refusing to hear them. They are saying, so what? I think that it is now time . . .

**MR. H. GRAHAM:** Have a referendum.

**HON. V. SCHROEDER:** Now that is the most ridiculous thing I've heard in my life. It is now time that we heard from the public.

**HON. R. PENNER:** Is that the Leader of the Opposition's position?

**HON. V. SCHROEDER:** The former Speaker of this Chamber is telling us to have a referendum. Mr. Speaker, is that the way the Conservative Party wants us to operate this item? Is that the official position of the Progressive Conservative Party in Manitoba? Let them stand up and say so; let them stand up and say that they want to end this by way of referendum. I don't



see anybody standing up but, if somebody does want to stand up to say that, I'm prepared to sit down — (Interjection) — Can't have it both ways? We're asking to have it one way. We're asking for the public to be heard and yes, you want a referendum? You say you want it the other way.

Well, Mr. Speaker, about a committee that will hear the public, a committee which already has 30 individuals and groups, more than that, who are ready to speak, what is the problem? Is there any reason why they don't want to hear from these groups and individuals? They are pretending somehow that they want to hear from the public. When we say, let's bring it to the public, they say, no, we are going to stall it here in the Legislature; we're going to waste the time of our Legislature employees on Friday evening and on Saturday morning, and on Saturday evening and on Monday morning, and on Monday afternoon, etc., because they're not prepared to allow the public to be heard on this issue and I don't think that's good enough.

While they're doing it, and just to demonstrate the kind of picky attitude the official opposition has . . .

**A MEMBER:** Nit-picking.

**HON. V. SCHROEDER:** Yes, nit-picking. They have become real nit-pickers over this issue, for today they decided, in their arrogant ignorant way, not to allow the Premier of Manitoba to attend at a Centennial celebration at Dominion City, Manitoba, an item, an organization, a town that had asked for his presence. He had accepted. It is a longstanding parliamentary tradition that when the Premier has official government business, and surely that was official government business, he would be paired. They would not allow that to be done, and I think that is shameful.

I think it's not only something that affects the people who now live in Dominion City, many hundreds of people who grew up in that area now live in Winnipeg and other parts of the province and in other provinces and, indeed, probably in other countries, who have come back for that centennial. The Conservative Party has, by their action, just demonstrated how small they are in not even allowing the Premier of our province to attend that centennial event. I am really embarrassed for Manitoba to have that kind of an attitude on the part of the official opposition here.

Mr. Speaker, they say they want the public to be heard. They want the public to be heard, and they refuse to do it. They keep playing games. They keep thwarting the will of the House. They want to set up a situation this afternoon which would allow them to have the bells ringing all weekend. I believe that sincerely because that's what the House Leader tried to do this morning. He thought he had achieved it.

Your ruling, Mr. Speaker, thwarted his deliberate attempt to have the bells ringing all day today, all day tomorrow, all day Monday, Tuesday morning. That's what he was attempting to do. I am most pleased that he wasn't allowed to get away with that kind of an anti-Democratic procedure.

I would urge the members opposite to get on with debating whether we should be bringing this to a public committee or not. Do you want to hear from the public or don't you? We do. We would ask you to pass this thing this very afternoon.

**MR. SPEAKER:** The Honourable Minister of Cultural Affairs.

**A MEMBER:** Would you pass it?

**HON. V. SCHROEDER:** Or are you going to let the bells ring until Tuesday afternoon?

**MR. SPEAKER:** The Honourable Minister of Cultural Affairs.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker.

**HON. S. LYON:** . . . blockheads.

**MR. H. GRAHAM:** Coward.

**HON. E. KOSTYRA:** The Member for Birtle-Russell calls us cowards. He doesn't want to debate the issue. He doesn't want to vote on the issue. He wants the bells to ring, and he calls us cowards, Mr. Speaker. Who are the cowards, Mr. Speaker?

Mr. Speaker, I'm trying to understand what's going on with respect to Her Majesty's Royal Opposition. We had them earlier . . .

**HON. S. LYON:** It's loyal opposition.

**HON. E. KOSTYRA:** . . . royal.

**HON. S. LYON:** They're not very loyal, but they're royal.

**HON. E. KOSTYRA:** . . . asking us, demanding that we get into Speed-up because they wanted to facilitate the workings of this Legislature, wanted us to get on with the business of the Legislature, wanted us to debate, wanted us to pass bills, deal with bills. And what do we have now? They are trying to stop the process of this Assembly. They're letting the bells ring. They're making frivolous amendments, Mr. Speaker, and they are going on and on and on. Why aren't they allowing this to go to committee, Mr. Speaker?

They are saying that they want the public input, but they're stopping it. The facts of the matter are, they are stopping this resolution from going to committee. They're stopping the public from having their say on this issue. Those are the simple facts, Mr. Speaker. We could have the committee operating. We could have the committee meeting and, sure, it's going to take time. There are going to be lots of representations before the committee, but they are stopping this resolution from coming to the committee. What's going on this weekend? The Minister of Finance indicated that, for the first time in anyone's history, pairs have not been allowed for the Premier and other Ministers on government business.

**A MEMBER:** You broke your word.

**HON. V. SCHROEDER:** We didn't break our word.

**HON. E. KOSTYRA:** Didn't break any word, Mr. Speaker. I was informed last night that they would not honour my pair; that the fact that I was asked by people in the community of Dauphin and in Flin Flon to attend,

as a government representative in the case of Dauphin, to Canada's National Ukrainian Festival. I was told that they were not going to honour it; that they did not want to allow me to attend on behalf of the government, at a request of that organization, the festivities there. Through you, Mr. Speaker, I apologize to the people of Dauphin, to the Ukrainian people in that community, and I wish them well with their continued festival this weekend.

**HON. A. MACKLING:** Send them a formal letter of apology.

**MR. E. KOSTYRA:** Also through you, Mr. Speaker, I apologize to the people of Flin Flon, the City of Flin Flon who invited me, as a representative of the government, as Minister of Cultural Affairs and Historic Resources, to their festival this week. I apologize to them that those members there would not afford me, not allow me the opportunity on behalf of the people to represent the government in Flin Flon.

It's the first time it's happened, I'm told, in the history of this Assembly, Mr. Speaker, and I think it's deplorable. I just wonder if all the other members of their caucus agree with that position? I notice that a good number of them are not here, and I wonder if they're embarrassed by this rump group that's being led by the nose by the Opposition House Leader. I wonder where the other people that want to lead that party are? Where is the Member for Fort Garry? I would think there would be some leadership there; that he would not allow the kind of things that are going on on that side of the House. But no, they're being led by the nose by the Opposition House Leader.

**HON. V. SCHROEDER:** That's right, because he's been anointed by Lyon.

**HON. E. KOSTYRA:** It's a situation that I think the people in this province will not tolerate for very long. People of the province will not tolerate.

It's important to get into committee to allow the public to have their say on this resolution, Mr. Speaker, and we are being stopped from that happening. We're being stopped by the opposition to allow the public to have their say. Yet, they try to talk that they want public input; that they want to hear from the public, but the facts of the matter are they're stopping us from going to the public, and they're using every means at their disposal to slow down the process of the government.

There are many other bills that are awaiting that ought to be passed, Mr. Speaker, that are not being passed, and the people of this province are not being served by their actions. They'll learn. It may take some time, Mr. Speaker, but they will learn. They will learn that the people of the province will not tolerate that kind of action.

Mr. Speaker, I would hope that we can get to hear from the people of the province with respect to this issue, so that they can come forward to committee. The Minister of Finance indicated, listed a number of organizations that want to come forward to speak on this resolution. There's lots been said lately, Mr. Speaker, in regards to the position of the various ethnic minorities in the province, the leadership of the ethnic minorities

in the province as to their position with respect to this amendment. In fact, just days ago, the Member for Elmwood indicated that all the German organizations were opposed to the resolution.

You know, just on that, Mr. Speaker, if one looks at the . . .

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

**MR. SPEAKER:** Order please, order please. I am having some difficulty hearing the Honourable Minister. I wonder if honourable members would co-operate.

The Honourable Minister of Cultural Affairs.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. As I was saying, there was mention made of the position of the major German organizations, or organizations representing German people in the province. The Member for Elmwood indicated that both of those organizations were opposed to the government's position on the proposed amendment. Well, if one reads the letters from those two organizations, you find some interesting points in there.

First of all, they apparently were approached by the member. He spoke to them and explained to them what the amendment means, at least according to him. As a result of that, one organization did write back to him indicating that they are opposed to it, and I would hope that organization would also give representatives from the government the opportunity of explaining and discussing with them further their concerns with respect to the amendment. But the other organization who he quotes is opposed to it did not state that in their letter. They did not state that they are opposed to the amendment. They indicated, as a result of their meeting with the member, that they have some concerns and that they're worried about the impact on municipalities. Municipalities aren't covered in the amendment and it's clear that is separate, but they're concerned about that. But they did not state in their letter that they are opposed to the position. They indicated that they have a number of concerns, but that's the kind of misrepresentation that is coming out on this issue.

Indeed today, Mr. Speaker, in the Winnipeg Free Press, there's a letter from the Jewish Community Organization indicating their position very clearly and very firmly in support of the constitutional amendment that is being proposed. In fact, they urge that this be done as quickly as possible. It's the representatives of the Jewish people in the City of Winnipeg urging that this be done as quickly as possible, but that's not the only Jewish organization that has come forward on this resolution. There were other Jewish organizations that have come out in the past.

Just also today, in reviewing my mail of yesterday, I received in the mail a letter from the Vietnamese organization, one of the most recent immigrant groups to this province as you are well aware, Mr. Speaker, a group that is just in the most difficult state of integration into our system, having difficulties with a whole number of problems, some health-related, some employment-related, some language-related. But here is a new group, a group that is just getting used to being part of the Canadian mosaic, coming out and saying that they are in support of what is being proposed with respect to

French Language Services, what is being proposed by this government. They are clearly in support of that, Mr. Speaker, a very new and recent immigrant group; one that others suggest are going to be hurt by this amendment, and they are urging us to get on with it.

Also in yesterday's mail was a letter from one of the East Indian organizations in the City of Winnipeg, the Manitoba Branch of the national organization of peoples of origins in India, clearly stating their position that was arrived at after discussions with their full executive; that they are fully in support of what the government is doing, and indicate that it is their view that the majority of their 20,000 members support the government's position in this regard.

I know that if, and I hope the member has the opportunity, the Member for Fort Garry has the opportunity of reading my comments, and he knows that organization well and has worked with them and knows they do represent the views of the very large East Indian community, I'm sure he would be concerned with respect to his caucus's position in regards to this issue and in regards to the fact that they are not allowing the public's input on this most important resolution, because he knows full well the credibility and the people in that organization who are well-known leaders within the general Manitoba community.

We have also seen in the past weeks, Mr. Speaker, list and list of leaders from the various ethnic communities indicating their support of the position, and urging the government and the opposition to move and to deal with this most important issue.

So there is a great deal of public interest, and there are a lot of people, Mr. Speaker, that want to be heard; that want to have the opportunity of coming forward to a committee of the Legislature to give their voice, to give their reasons, and to give their concerns with regard to this resolution.

But those members there are not allowing that to happen. I think that record has to be clear, Mr. Speaker, to all Manitobans that they are doing everything in their power to ensure that this resolution does not get to committee quickly. I can't, I know, Mr. Speaker, impute motives or suggest motives. I don't know what they are, Mr. Speaker, but they have some reason that they do not want to see this go to committee.

On one hand, we had them saying, let's get on with the business of the House. Let's get into Speed-up so we can facilitate the business. On the other hand, we have the bells ringing for hours, hours that we could be spending listening to the people of Manitoba coming to committee. But what are we doing? We're listening to the bells, the buzzers ring, wasting everybody's time, Mr. Speaker, and frustrating the democratic process and, in fact, stopping the democratic process, stopping people from having the opportunity of coming forward to make their views known.

So I urge members and I know that there are some that are not following blindly the kind of course that's being mapped for them; that they're feeling uncomfortable with frustrating the activities of this Assembly; that they don't want to see this continue. I would urge them to speak out. I know they would not want to do it here, Mr. Speaker, but I would urge them in their own caucus to bring some sanity back into this House so that we can deal with the issues.

We can deal with this most important issue, get the public's input, get into committee. We can deal with

the other matters that are of importance to the people of this province, and not frustrate and not slow down the process, because I don't think, Mr. Speaker, that is in the true spirit. It is not in the true tradition of this Assembly, and I would urge those members that are feeling uncomfortable and know that this is wrong not to be blindly led like they are right now, and to speak out. I accept that they can't do that publicly, but speak out in their own caucus and say, let's stop this nonsense. Let's get on with the business, because that's what the people of the province want, Mr. Speaker.

Thank you very much.

**MR. SPEAKER:** The Honourable Government House Leader on a point of order?

**HON. R. PENNER:** No, just to speak, Mr. Speaker.

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Mr. Speaker, I propose to be very brief. I wanted to place something on the record. I'm given to understand that, in my absence, some remarks of a personal nature were made about my absence from the House. I think that is absolutely wrong. I have been led to understand that one of the precedents of this House is that is something that ought not to be done. I do not propose to engage in the debate about where I was in my brief absence from the House or why. That is a personal matter. I will peruse, let me say here, Hansard very carefully and if, in fact, what has been said gives rise to a motion for privilege, I will have no hesitation in making that. That ought not to happen.

What does concern me, leaving those reflections on my absence aside, is the allegation, as I understand it, that there was some sort of a deal. The Opposition House Leader said to me yesterday in one of our discussions that he was prepared to admit that there may have been a misunderstanding. How can he admit to me that he's prepared to admit that there may have been a misunderstanding, and then tell House that there was a deal; to tell this House, on the one hand, that there was a deal, and to tell me that there may have been misunderstanding? How would you characterize that in something that doesn't border on unparliamentary language? I will be reading Hansard very careful. I treasure my reputation, and I will not have it trampled on in my absence in that kind of cowardly, unmercilessly way.

You see, the question is this, and it has been raised in speeches that have been made previously. What, in reality, is all of this about? I think we would really like to know why are they sitting there, waiting to pounce upon the bells, true to Tory tactics? They could hardly wait. They yell there - the Member for Morris and others - put the question. Put the question. Why do they want the question put? Not, as challenged by the Minister of Finance, because they really want the issue to be dealt with. The moment the question is put, the bells will ring until they decide, lords and masters of this House. They have been taught that ideology by the Member for Charleswood. They will decide how the business of this House will run. They will let the bells ring. They can hardly wait to pounce upon the bells,

a Tory tactic that is a discredited tactic. One day, I hope in my lifetime in this House, that rule will be changed so that indeed, as with the House of Commons, the Mother Parliament, members will attend to the business of the House and, if they are not there within half-an-hour of the bells ringing, the vote is taken.

Why though are they doing this? What is the hidden agenda, if there is a hidden agenda? Why all of this delay? The Minister of Finance spoke very well to the issue. He pointed out, there are now 30, 32 on the list. That list is growing rapidly, the list of people waiting to be heard. I venture to say, by the end of next week, it'll be close to 100 of people who want to be heard. Yet, I predict that, in a sense probably dictated by the Opposition House Leader who has particular ideological views about this thing, the referral of this to the people - we've done it through the public meetings - through the parliamentary process will be thwarted.

There is now a sub-amendment. I venture to say, there will probably be another sub-amendment and another sub-amendment. I mean, if it is not going to be a bell-ringing tactic, it will be another procedural motion, until what? Perhaps the government with those people wanting to be heard and we want them to be heard on the procedural question, they hope that the government may invoke closure. They hope that the government will do that, and then they'll say, ah hah, we told you. They want to ram it down people's throats. That part of their game plan is palpable. They think that somehow or other they can hide behind this thin veil of smoke, and their game plan cannot be seen.

You see, if they were genuinely interested in the people of Manitoba coming forward where people of Manitoba can best come forward in a formal structure to present their views; if they were genuinely interested in that, then they would allow this motion of referral to go through, and the people would speak.

I have said and I'll say it again, Mr. Speaker, that with respect to the question of that one part of the amendment which is in a sense the one that places some burden on government - because the one with respect to the validation of statutes and with respect to the translation of statutes is all to the benefit of the government. The one part that places some burden on government, and that's only the Government of Manitoba with respect to services, if they genuinely feel that is the problem and that there is the need to sharpen up the terms and it's not that complicated, then let them get into the debate and make constructive suggestions. Let them do that. I said when I spoke on this last, we will be listening. We will be listening for constructive suggestions on the wording of that part of the resolution . . .

**A MEMBER:** You're talking on both sides of your mouth again.

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** Mr. Speaker, we will be listening. There are things that I believe can be done to tighten up the language. I have made that statement several times in the House, and let no one try to put a veil over that, or to hide that with smoke and mirrors. I've said that very plainly.

Indeed as I said before, there are discussions with the civil servants, organized and unorganized, who might have some concern about displacement. I say here again, as I've said before, it need not have such concern, but we are prepared to tighten up the language. There are discussions that will lead to, I would hope, some suggestions coming forth in the very near future, in the next few days, that can be taken by those groups to committee. They're waiting to go to committee themselves and would like to make their presentations to committee, those directly affected in that sense. They are being thwarted by these tactics.

See, Mr. Speaker, I don't think that the real concern is the wording of that particular section of the resolution. They know that where language is allegedly weak, it can be strengthened. That is not a great complicated matter that's going to take generations or months or weeks. You can sit down when you have language that is problematic, and you can negotiate or discuss and come to a sharper version without a great deal of difficulty. The fact of the matter is, if we go back to what has been said in the limited way in which the opposition has spoken on this matter; the fact of the matter is that the Leader of the Opposition, at least being consistent ideologically, is unalterably opposed to the entrenchment of rights in a constitutional way. They are dedicated to that Leader, come hell or high water - and I think it's going to be a bit of both - until December the 8th when there is a new Leader.

Is it - I only ask the question - that they would like to drag this matter out until that time to see who the new Leader is and what the new ideology is? Is that what it is? It must be something like that, because they cannot come forward as the Member for Lakeside, the Member for Tuxedo and others who have said, we want to help you. When that kind of a helping hand is put forward by members of the opposition, I want to see what's in the other hand. Where, all a sudden, do they want to help us? Where is it all of a sudden that they want to make sure we don't have great difficulties in the next election? Now didn't that surprise you, that they want to make sure that we don't have difficulties in the next election? They want to us.

Well, if they want to help us, then let's put it on the table. Are you in favour of entrenching minority language rights including services in the Constitution? If you follow and are prepared to follow to the end the ideology of your Leader and the stated position of your Leader, then you have to say, no. So don't fool around, pretending that you're waiting for the public to tell you which side of the issue you should go on that. Because if you're waiting for the public, Mr. Speaker, surely they're not waiting to hear what the public tells us. They're waiting for the public to speak. — (Interjection) — That's right.

Now, if they're saying, well if we heard enough of the public who said that they were in favour of the entrenchment of these services, why we would change our minds. Nonsense! As long as the Member for Charleswood is sitting as the Leader of the Opposition, that will not happen. Would they, Mr. Deputy Speaker, agree that if you are to have rights that are constitutionally entrenched, then it doesn't make sense unless you have a remedial section? Are they prepared to say that they would want to have that in the constitutional instrument? Nonsense, absolute

nonsense! They don't fool us on that for a moment. Pure balderdash, that's all it is, nothing more nor less than that. We, Mr. Speaker, as I've said, have been debating this issue and debating this issue, giving them the opportunity so that the matter can go to the people who are waiting to be heard.

You see, Mr. Speaker . . .

**MR. W. McKENZIE:** Let's vote on the amendment already.

**HON. R. PENNER:** Well if the Member for Roblin-Russell is prepared to tell us that if we put the question - the Minister of Finance asked the question. If we put the question on the subamendment and the amendment, are you telling us that you will actually take the vote? Is that what you're telling us, today? — (Interjection) — No, no, we are not going to support that subamendment, but you know what will happen when we call the question on that. As I said, you're waiting to pounce upon the bells. That's exactly what you'll do, no question about it. We are not going to let you thwart the business of the House. We are not going to let you make a mockery out of this particular Legislature. We are not going to do that.

So, Mr. Speaker — (Interjection) — Mr. Speaker, I want to make one final remark. I spoke a few moments ago about whether or not they would support the entrenchment of services, more sharply defined if we can, in the Constitution with some minimal remedial action. What I want to add as a footnote there is to point out that the notion that has been put about that somehow or other there's a quantum leap — (Interjection) — Al, I want you to hear this too, you see - that somehow or other, the notion of parliamentary supremacy is being thwarted by putting something in the hands of the courts. Mr. Deputy Speaker, it is an elementary lesson of Canadian constitutional history that has been a fact of Canadian constitutional life since 1867.

The moment the Fathers of Confederation divided powers between the provinces and the Federal Government, from that moment, the courts have the ultimate say on exceptionally important things, far more important than arises in this amendment, with respect to such issues as the legislation of criminal law. Hundreds of bills put forward by Legislatures have been struck down by the courts because they have been beyond the powers of the provinces as set out in that constitutional instrument. With respect to who controls broadcasting right through the 30s, and into the post-Second World War with the new technology, the Supreme Court has ruled either this law is good, in the sense that it is within the powers of whoever passed it, or it's bad.

With respect - my God! - to taxation, there was a case not long ago when the former NDP Government, and I think they were right in this, wanted to be able to collect sales tax from the sale of liquor on air flights over our airspace. That was passed by this Legislature, but the Supreme Court of Canada said, no. That was beyond the powers. I could go on at length, but it's so obvious.

At least the members sitting in this House should know that this is not like Britain where there is no such

a constitution. Therefore, the question of whether or not a law is within or without the power of a government never arises in the House of Lords, the ultimate authority there with respect to the British legal system, but here in Canada since 1867.

They're 160 years behind in their thinking. They're still struggling to bring the Tory Party into the 19th Century. I mean, that's how far behind they are in their thinking. They listen to the Leader of the Opposition and his erstwhile friends, the Leader of the Progressive Party, who have this notion of constitutional history that is bizarre, that is absolutely bizarre. So, the notion that there's a quantum leap in terms of the courts being able to deal with the matter of either powers as divided in the Constitution, or rights as entrenched in the Constitution is just not so.

Again then, if that isn't so, where is the quantum leap? Mr. Speaker, with respect to the services being proposed which are by the Provincial Government only and then in a very limited way, those services were first offered, not to the same extent it is true, by the now official opposition. In March of 1982, the Premier of this province spoke and announced in very definitive terms what the policy of this government was with respect to services in the French language. Read that speech; you'll not find anything in it - or put it the other way - you'll not find anything in our proposal today that is different from what was outlined in that speech. At that time there wasn't a murmur, nothing.

**A MEMBER:** We weren't entrenching it - it was in the hands of the courts.

**HON. R. PENNER:** Well, there you are, that's just what I said a few moments ago. You think that the quantum leap is giving the court some remedial power, but that is not a quantum leap, that is part of the constitutional history of this country.

So, what you have is not a quantum leap in the sense of a qualitative change. You have a proposal that far more definitely defines what the services to be offered are, so that they shall be known in clear terms, but what you do, Mr. Deputy Speaker, is you remove them beyond the reach of those who, for narrow political advantage at some time where perhaps bigotry might reign supreme, would remove those rights, trade them off, indeed, as some of the Premiers of this province were prepared to do at a time when the Charter of Rights and Freedoms was being articulated, when there were trades being made or at least suggested between fishing rights and oil rights and fundamental rights. That, we don't want to see happen.

The Member for Radisson is absolutely right when he points out that in this province at least, we have some history. We know that a majority, a relatively small majority as these things go, trampled on the rights of the French minority by what can only be described in constitutional terms as the tyranny of the majority. The majority is not always right. The majority may be pressed by narrow political advantage. The majority may, in fact, yield to the temper of the times.

We have heard enough in the debate currently before us, Mr. Deputy Speaker, to suggest that there are some people out there who will boo when one word of French is spoken, who will boo anyone who announces that

they are speaking in favour of French language minority rights. There are some such out there. Their voice may be heard. They may persuade a party, let's say, on the verge of an election to make a promise to limit or re-examine and that party if elected government, then cuts back.

For example, in 1980-81 - I'll get the exact date, it's in Hansard - the now Minister of Energy and Mines sitting in opposition rose to ask the then Minister of Transportation, the now Member for Pembina, about drivers' licences. Why aren't they appearing in two languages? Are they not ready? He says, no, they're ready, but we'll have to wait and see; it's a question of a low priority. I'm not purporting to quote, but that is the effect of what he said, and it took another two years, I took a full two years past the time when this was ready for the document, in fact, to be printed, characteristically, just about the time of the writs of the last election were issued.

This demonstrates the point that I'm making, that if you take these rights which are considered to be fundamental or important because of the constitutional history of this province or for any other reason, and you leave them exposed to the political whims of the moment, then you do not really recognize their fundamental importance.

So, Mr. Deputy Speaker, in rising on this occasion, I want to repeat, I resent very much the remarks as I understand them to be have been made by the Member for Turtle Mountain. That was improper; it ought not to have been done. I will read Hansard very carefully. I want to say that it is clear to me that they're sitting there, have been sitting there waiting to pounce upon the bells, so that this House cannot meet on Monday, but the Deputy House Leader has announced a Session of the House on Monday in the morning, the afternoon and the evening, and the House will meet and the House will do business. We will not be thwarted by procedural gimmickry.

**MR. DEPUTY SPEAKER, P. EYLER:** The Member for Elmwood.

**MR. R. DOERN:** Mr. Deputy Speaker, a few moments ago I looked outside and what was once a sunny day in July has turned cloudy. I booked three plane tickets about six weeks ago for my wife and myself and my daughter to go to Vancouver. That was made in early June, and we then thought that the House might finish about July 15th, and just to be on the safe side booked for the 29th. That apparently, has gone by the boards, and today I went out again with some optimism and bought a couple of bathing suits at Eaton's on sale, and those may also be going into the mothballs.

Mr. Speaker, I am prepared to give up this summer to debate this bilingual resolution. I'm prepared to give up many more months to debate this policy, because I think that it should never have been introduced in its present form and that it should never be implemented in its present form, because this will do harm to Manitoba. It will also do, Mr. Deputy Speaker, irreparable harm to the New Democratic Party.

Mr. Speaker, I just want to make a few remarks in regard to the comments made by some of the members so far in debate, and then get to one or two points.

The Member for Radisson has said on a number of occasions that he doesn't consider cost to be important. He considers the principle important, and therefore, once you have the principle, money is no object. Mr. Speaker, surely the principle is, in fact, No. 1, but one cannot ignore the costs, and the costs of this particular measure are very high indeed. The translation costs are high. The costs of providing hundreds of jobs in the Civil Service is very high, and no one can measure the damage in terms of our community that will result in this kind of a policy. So, when the Member for Radisson says, well, you shouldn't consider costs, it's an excuse, it's a subterfuge. I say that costs are as much a part of this debate as anything else. When he says that money is no object, he sounds very much like a Federal Liberal; 89 billion bucks to tap - what's \$5 million, what's \$10 million, what's . . .

**MR. DEPUTY SPEAKER:** Order please, order please. The Member for Radisson on a point of order.

**MR. G. LECUYER:** Mr. Speaker, throughout my speech I have at no time said that money was no object; that cost was not important. That is not true, and if the Member for Elmwood wants to say that I have said that, he better show and answer where that is the case, because I have not said these words, Mr. Speaker.

**MR. DEPUTY SPEAKER:** I thank the honourable member for that clarification. It was not a point of order. The Member for Elmwood.

**MR. R. DOERN:** Mr. Speaker, the Minister of Finance mentioned that there are a number of organizations waiting to speak. Mr. Speaker, I attended some of the public hearings. I went to Brandon to the public informational meeting, and I also went to the International Inn to the Winnipeg meeting. I witnessed there, Mr. Speaker, a stacked meeting.

I saw groups of people sitting in portions of the audience who were obviously whipped up into a frenzy and were determined to influence the outcome of that meeting, and as soon as the questions were called for an input from the audience, the four microphones were immediately filled with lines of people. Lo and behold, miraculously, the first 12 to 15 speakers were in favour of the government.

Terry Sargeant got up and made a 15-minute speech or a 10-minute speech about how wonderful this was. Other people read prepared statements. It was either a coincidence, or some of us are underestimating the depth of commitment and the depth of the popularity of the government proposal. It certainly was true that at every microphone, the first three or four speakers were favouring the government. I'm sure when we finally have our committee hearings here, we will find that the first 5, 10, 15, 20, 25 briefs will be all pro-government, and it'll only be later when we get a more representative sampling from people all over the province, that we will see what public opinion in fact is.

I also note that the Attorney-General correctly, but I would say not very forcefully, said to the people in Dauphin that if anyone wanted to submit a brief, they could send it in the mail. Of course, that's one of the problems. People have to come to Winnipeg. I don't

know how many people are going to come from southwestern Manitoba to be heard and hang around three or four days in a hotel - or somebody from Roblin driving in, or someone from Churchill and Flin Flon and Thompson and The Pas. NDP strongholds, I don't know whether they're going to come in by bus or by car or by plane to sit around never knowing when you're going to be called, or never knowing how long it'll take. It certainly shows I think, Mr. Speaker, that it would have been better and should now be possible for a group to go around to hear the briefs and collect the briefs, rather than asking the public to mail them in or drop in to the Legislature in August and give up your holidays and make a submission.

Mr. Speaker, every single credit has been called on this debate. You know there are people who owe the government something morally or owe the government something politically, and there are those who owe the Liberal Party of Canada something, and are obliged and obligated to Mr. Axworthy and Mr. Bockstael and Mr. Trudeau and others - Mr. Serge Joyal, our favourite person in this particular debate. You can be sure that everybody who is ever going to support the Federal Liberals is going to be out now, and everybody who ever is going to support the New Democratic Party is going to have to come out now and wave a flag, because if they don't, they will not only imperil the legislation, they will imperil the existence of the Provincial Government and the Federal Government.

We all know, Mr. Speaker, that the Federal Government is going down the tube. There's nothing that'll save the Federal Liberals. John Turner on a white charger, he hasn't got a hope. William of Orange couldn't save the Liberal Party of Canada today.

Mr. Speaker, if the New Democratic Party pushes this legislation through, then I think that at the next provincial election it's going to show. It's going to show first of all at the municipal elections in October, then it's going to show in the federal election next year, and then finally it will be reflected in the results of the next provincial election.

Mr. Speaker, I also note that the Attorney-General when he was in Dauphin - the reason I'm quoting him is that there were tapes taken of all the meetings, and I asked him whether I could see the tape of the Dauphin meeting and the tape of the Brandon meeting, and he concurred and allowed me to see the videotapes. So, I am now watching the Dauphin meeting; I've only watched about the first half. I haven't yet seen anybody get up. The first hour is Professor London and the Attorney-General. It's very interesting to watch. The presentation was about the same at each meeting, namely, the Dean of the Law School spoke, and then the Attorney-General spoke and they showed charts, always carefully emphasizing the need, and that you would get French Language Services in a limited and practical way where there was a demand. Then, the suggestion was always made, only in certain areas of the province. It was never talked about entrenching jobs. It was always suggested and intimated that it would be in St. Jean and St. Pierre and Ste. Rose and St. Boniface - that that's where we were really going to do something. It was always kind of smoothed over or glossed over or sloughed over about the entrenchment of positions on boards and commissions and Crown agencies and the Ombudsman's office, and on and on and on.

Mr. Speaker, the Attorney-General also said - this is a very interesting remark that he made and he's made it before - they wanted to sign an agreement because they were afraid that the courts would impose an unreasonable settlement on the Province of Manitoba. They were afraid of what the courts might do and that drove them into an agreement. Mr. Speaker, now we're going to, as the result of the agreement, throw the whole agreement to the courts and then again we're going to have to be afraid of what the courts might do to the agreement. Mr. Speaker, in my judgment, the courts will not make a wacky ruling that will eliminate our Legislature, our courts, and our laws. So there isn't anything to fear; so let's go to court; let's see what happens.

Mr. Speaker, the public information meetings - how many people are going to come now? This is July 30th. I've almost forgotten that summer is just about over. I mean in Manitoba, August 15th to me marks about the end of summer. It still goes to the end of August and the weather is lovely in September and October. In fact, my favourite time of year is September and October. I like the fall better than any other time. But how many people are going to take time out to come here in the first or second week of August to sit in a hot, sweltering room waiting as No. 38 on a list and wondering whether they're ever going to get up and be able to make a comment, especially since the first 25 briefs will be pro-government?

Mr. Speaker, the government wants to get this debate over with quickly because it wants to get into committee quickly so that the whole thing can be wrapped up quickly. That is the name of the game, to get it through the House in the next couple of weeks, or even the next three to four weeks. The reason, Mr. Speaker, of course, is that there has been a lot of blood lost on this issue. It's like having a slashed wrist, and if you just stand there and let your wrist bleed, eventually you're going to drop dead. Mr. Speaker, the problem is the government has lost a lot of blood over this issue, and they want to cauterize the wound and get going before any further losses, political, are suffered.

I don't know, I'm not hearing much from my colleagues about how many phone calls and letters and petitions that they're getting. The Member for Flin Flon said he hasn't heard anything; hasn't heard a word. Well, that's incredible. Mr. Speaker, I have been talking to people from early June — (Interjection) — I think that is a good idea. I think he should put an ad in the Flin Flon paper — (Interjection) — No, he should word it any way he likes, and he should explain it any way he likes, and he should ask the people of his area to vote. I would hazard, Mr. Speaker, that the majority, regardless of the wording, that 70 percent or more will say, no way.

Mr. Speaker, I have put ads in the paper, and I'm going to put more ads in the paper. This week alone, I received 7,000 letters. Is that a heavy mailing or not, Mr. Speaker? Normally, I get 10 or 12 letters; sometimes I may have had 20 or 30, but I have had 7,000 letters, and those letters — (Interjection) —

**A MEMBER:** How many dollars?

**MR. R. DOERN:** . . . more than \$7,000.00. Mr. Speaker, I am going to also have an ad in this Sunday's Sun,

and there will probably be more letters coming from the Free Press, and more letters coming from up North, because the Free Press, I'm told, doesn't get up North until Tuesday. — (Interjection) — Right. — (Interjection) — Well, you get it Saturday, but somebody up North gets it Tuesday. I don't know if that's Churchill, and the Member for Rupertsland said he'll get his next year. They have a much slower system. We'll have to get you that carrier pigeon that flew across the Atlantic, and that would be a much more effective system than the federal mails.

So, 7,000 letters, Mr. Deputy Speaker, and probably 10,000 names. We're going to now count the names, because there's Mr. and Mrs.— and some have sent additional letters, and some have sent petitions, and some have been signed by more than one person. So, 10,000 for sure, maybe a lot more.

Mr. Speaker, I will say that to my friends, and you know what they'll say? So what? What does it prove? It's only 10,000 people. Mr. Speaker, if we had a rally on the Legislative grounds and had 280,000 people from here up to Portage Avenue, from Memorial Boulevard down to Main Street, just solid people, you know what they'd say? So what? It's only one out of four; that doesn't prove anything; anybody can get out 280,000 people. They would only be impressed if we could get out 50 percent of the adult voters plus one, who would then sign a statement that they were not in favour of this policy. That would impress the government. Maybe we will yet, Mr. Speaker, maybe we will be able to get that many people out. We'd certainly get them out at election time. At election time you can get that kind of a response, but you can't get it out right now.

Mr. Speaker, I want to say a few things about the ethnic minorities that are supporting the government. You know, the Minister of Cultural Affairs is a powerful figure. He can go around and speak to people, and I'm sure he has, and I'm sure he will and he just has to say what he thinks is the right position, and a lot of people will listen. They will pay attention to what he's saying. Why? Because outside the door is a great big bag like Santa Clause, a huge bag full of toys and goodies for good little girls and boys. — (Interjection) —

**HON. E. KOSTYRA:** . . . the Ukrainian people sell themselves for us, what a stupid statement, a stupid statement. He's suggesting that the Ukrainian people, that other people sell themselves?

**MR. R. DOERN:** . . . Is that what I said, really?

**HON. E. KOSTYRA:** That's stupid. That's what you said, that's despicable.

**MR. R. DOERN:** Mr. Speaker, maybe I can explain what I said. Mr. Speaker, 90 percent — (Interjection) — I won't be dissuaded from speaking because of him yelling at me, Mr. Speaker - 90 percent of the Ukrainian Canadians in Manitoba are against this agreement.

**A MEMBER:** How do you know, Russ?

**MR. R. DOERN:** 90 percent. If a few ethnic leaders, and if a few people come out in favour of the government, it doesn't prove a thing, Mr. Speaker.

**A MEMBER:** Back up your statements.

**MR. R. DOERN:** Let me give you an example from today's paper. — (Interjection) — I will speak to them.

**HON. E. KOSTYRA:** That they can be bought.

**MR. R. DOERN:** I never said that.

**HON. E. KOSTYRA:** You said that.

**MR. R. DOERN:** I never said that. — (Interjection) — No, what I said was, Mr. Speaker, that the Minister of Cultural Affairs may attempt to influence the Ukrainian community.

**HON. E. KOSTYRA:** You're saying that they'll be bought. Despicable.

**MR. DEPUTY SPEAKER:** Order please.

**MR. R. DOERN:** Mr. Speaker, here is an interesting remark. There's a letter in the paper signed by Israel Ludwig. I don't know Israel Ludwig, I don't know who he is, but he's writing a letter on behalf of the Winnipeg Jewish Community Council in support of the government. He must be a very interesting guy, because he's the same guy that about a month ago, there was a big article in the Free Press saying — (Interjection) — no, I said I read an article about him. — (Interjection) — No, maybe you can contact him. He got a grant from the Federal Government, Mr. Deputy Speaker - listen to this - for \$115,000 to start a new Native organization, no; to help a Native organization, no; to study whether or not he could establish with some Native leaders, a Native organization in the City of Winnipeg. He got 115 grand.

Some fellow phoned up Peter Warren - I happened to hear this - — (Interjection) — I will in a minute, yes I will. He got 115,000 bucks. Some guy phoned up the Peter Warren Show - I thought this was a riot - and he said, I know how this works; a hundred grand to the lawyer and 15,000 bucks to the study. Isn't that the old trick, Mr. Speaker? The Liberals give money, millions, to certain groups, particularly the Native groups. The Native groups then give the money to a bunch of Liberal lawyers with a large "L" and they spend the money to help write briefs to get more money from the Federal Government so they can get more money, so they can write more briefs. It's the old trick of funding and supporting your buddies who are Liberal lawyers, and they're about the last Liberals left in Manitoba, about the last left.

Mr. Speaker, Mr. Ludwig obviously has very good connections with the Federal Liberal Party. I'm simply saying that every Federal Liberal had better come forward now, and every New Democrat had better get into that committee and say something now, because now is when they're needed, now is the time when they are needed, Mr. Speaker.

Mr. Speaker, I'm not going to read them today, but I could read letters from New Democrats who are saying that they are quitting the party if this goes through. I won't bother to do that now, but I have them, I have those letters, Mr. Speaker.



What do we get about this ethnic group, the ethnic groups? Well, we're talking minority groups. Which group, name one group in Manitoba that isn't a minority, name one. Anglo-Saxons, wrong, 40 percent or less; the German community, 12.5 percent, they're No. 2; the Ukrainian community, 11.6; the French community, depending on where you get your figures, 5, 6, 7, 8, the highest I've seen is 8.8; I assume that includes the Metis, I'm talking of French-speaking Manitoba citizens.

I read some of these articles in the paper by Richard Clereux of the Globe and Mail, and by Larry Hill about minority support for the government. You know, Mr. Speaker, they were very very misleading articles. I mean, Mr. Clereux's article - as a matter of fact, I don't know if I have it here; no, I don't have it handy - but Eric Wells made a comment right after and blasted Mr. Clereux right out of the ballpark in terms of what he said.

What did Mr. Clereux say? He's the Globe and Mail's representative here. He had a big article on the front page of the Globe and Mail for all the world to see, and it said "Rights struggle in Manitoba." Then, the big heading was "Ethnic groups backed French." What does it say? It says - Mr. Speaker, I'll read the first paragraph and the second: "Just when it seemed that nobody in Manitoba cared about Franco-Manitoban rights except the Francophones and the New Democrats, out of nowhere came the ethnic groups charging to the rescue. One ethnic group after another has come out publicly in the past two weeks in favour of a government proposal."

Then the third paragraph says this, and this is what I want to look at: "It began two weeks ago. First, it was the Jews, then the Ukrainians, a German education group," that's the only one they qualified, "then the Metis, the Italians, the Portuguese and the Chinese." Then it said, "Not a single ethnic community has come out so far against the government plan."

Well, Mr. Speaker, you know it takes a lot of guts to either oppose a government - a very risky thing to do - or to be neutral. If you read those letters - I think I will read those letters - I want to put those letters on the record, because I spoke to the German Society's Executive, 15 strong, and at the same time to the German Business and Professional Association's Executive at the same time and, you know, their first view of this matter was we're staying out of this. It is very dangerous indeed, Mr. Speaker, to say publicly, not that we're against, but that we are not in favour of the government policy. That takes guts; that is dangerous; that is something one must do with discretion, because then when you go to the government a month later and say hey, knock, knock, Minister of Cultural Affairs, could I see you about a grant, I wonder what he's going to say. I wonder whether you have a better chance — (Interjection) — when you come there having just voted for his measure than when you have come there opposing his measure. What do you think? What do you think? Well, you're going to treat everyone equally? Are you treating everyone equally?

**HON. E. KOSTYRA:** That's right.

**MR. R. DOERN:** Good, glad to hear it.

**HON. E. KOSTYRA:** Fool.

**MR. R. DOERN:** I will relay the message, Mr. Speaker.

Mr. Speaker, I will ignore the insults of the Minister of Cultural Affairs who is the most uncultured Minister of Cultural Affairs in Canada. — (Interjection) —

Mr. Speaker, I want to read first the letter from the German Canadian Business and Professional Association. I read it and I will table it. July 22nd: "In reference to the meeting held at the German Society on Monday, July 18th, I would like to express my thanks to you for taking the time and effort to explain to us the complexity of the amendment to the Constitution, 'Official Languages of Manitoba.' We, the German Canadian Business and Professional Association are very concerned about the following." Mr. Speaker, I think I will read after the honorary members of the organization.

Here is what they are concerned about; "(1) the future of all ethnic groups; (2) the enormous cost of implementation; (3) the free enterprise of business and employment; (4) to become a second-class citizen, etc, etc.," it says. "All of us came to this great country to start a new life for our families. Our first priority was to learn and express ourselves in the English language and to utilize our skill and profession to the fullest. We are proud Canadians and altogether happy to maintain our heritage and customs. We are filled with gratitude to live in peace and harmony. This amendment will divide Manitobans." That's their opinion. "There are many more questions to this issue and more time is needed to find the proper solution. In closing, I can assure you, Sir, that you have our support in your endeavour. On behalf of our association and myself, thanks again. Sincerely yours, Mr. Daniels."

Now, Mr. Speaker, — (Interjection) — I'll table it right now. Two points are important here. Check the record of the German Society of Manitoba, which I will deal with in a moment, and the German Canadian Business and Professional Association, they don't get any government grants. They don't ask for any government grants. They don't need any government grants. They are self-supporting, dynamic organizations. They don't need to be propped up. They don't have to go and ask for money for buildings or grants or special subsidies, they sustain themselves. Not every ethnic group has to run to the government every five minutes for a transfusion of federal and provincial funds.

Who are the honorary members of this club? This is very interesting, let's look at them: Russell J. Doern, former Minister of Public Works; His Worship Stephen Juba, former Mayor, City of Winnipeg; Rudolf Thiele, Honourary Counsel of the Federal Republic of Germany; W.C. Barthel; Harry Enns - good old Harry Enns - MLA; Michael Mork; Kurt Otto and Hans Pazula. Mr. Speaker, I table that particular letter.

Then I would like to read then the letter that came from the German Society. The German Society, Mr. Speaker, has 1,000 family members - not 1,000 members - 1,000 families belong to the German Society. They have German language classes on Saturday morning.

Let me tell you that I was delighted the other day, delighted, when my daughter who is 10 came to me of her own accord and said that one of her friends in Elmwood is going to the German Society's Saturday morning language classes this fall, and could she go. I said, boy oh boy, you better believe it you can go.

because I'll drive her or I'll make arrangements so that we can transport her and her other little buddy there every Saturday morning.

My daughter takes both languages at school, Glenelm School. French and German in Grade 1, French and German in Grade 2, French and German in Grade 3, French and German in Grade 4, and this year French and German in Grade 5 and in addition she may be taking those classes. It's not mandatory; it's not compulsory; it's not entrenched. That's something that I would like her to do because my family came here, Mr. Speaker, to this land in 1891.

My family settled in Gretna for about eight years, and then moved to Overstoneville, which is a little tiny whistle-stop not too far from Dominion City where they lived for another number of years; then they settled in Morden; from Morden my grandfather left and he went with his family - he was the eldest son - to near Stony Mountain, Stonewall. My father was, I think, born in Overstoneville. The family lived in Stonewall and then came to the City of Winnipeg. So our family has been here 92 years, Mr. Speaker.

My grandfather who was really almost like a first-generation Canadian came at the age of 10, of course was perfectly bilingual in German and English. My father was bilingual and is; and is 77 years old in German and in English; and my mother who had German parents and settled in London, England, was born in London, England and came here at the age of 14, spoke what was described to me as a perfect High German; but I was the second-generation Canadian or really the equivalent of a third-generation Canadian.

I really do not speak German. I know a few hundred words. I know a couple of dozen words in Ukrainian. I grew up in the North End of the city and I know the Ukrainian people I think about as well as anybody in this House because I lived the first 17 years of my life in the North End of Winnipeg, all my buddies and 70 percent of the people I grew up with were Ukrainian. I have a pretty good idea what these people think and what they think of this particular proposal. So, Mr. Speaker, when it got to me, that's where the language sort of stopped and this happens in every ethnic group. The first generation usually speaks both, because their parents sometimes don't speak very good English; then when you get to their kids, it starts to fall off.

Mr. Speaker, I want to now read the letter from the German Society of Winnipeg, 121 Charles, as follows:

"Dear Sir: We would like to thank you for attending our executive meeting on Monday, July 18, 1983, at which you brought to our attention the proposed amendments to the Constitution regarding the official languages of Manitoba. Your comments and explanations were received with great interest. We also considered a letter," - oh, this is good, I wish the Minister was here - "We also considered a letter and explanations attached to it by Eugene Kostyra, Minister of Cultural Affairs, Province of Manitoba." He sent his letter and his explanations.

"According to our by-laws, the German Society of Winnipeg does not engage in politics. It sanctions and supports, however, the democratic institutions of Canada. The Board feels that this constitutional amendment, to have Manitoba officially declared a bilingual province, is drawn up quite loosely and vague, therefore it is open to many interpretations."

"We German Canadians are the largest ethnic group of many in our province, while the Francophones are only a minority. We have full understanding that Canada is a bilingual nation. Some services by the Federal and Provincial Governments should therefore be provided in French. Moreover or however, it is very questionable, if not indeed dubious, whether these 'rights' ought to be entrenched in the Manitoba Constitution."

"One has also to consider the substantial costs of providing such a service. As we understand it, this amendment will eventually also include municipal services. We are sure that 90 percent of the population will resent this."

"As immigrants of German-Canadian origin, we came to Canada to start a new life in freedom, peace and harmony with different people. Putting this amendment through without further consultation with a wide range of different interest groups will surely divide the population of Manitoba instead of letting each of us live in harmony with his neighbour of another origin."

"Thank you again for your visit and comments. Yours very truly, German Society of Winnipeg, G. Sickert, President." I table that letter as well, Mr. Speaker.

So I will conclude by just reading you a couple of quotes from these letters, these articles which purport to show that the ethnic community which is, of course, the backbone of the New Democratic Party. The backbone of the New Democratic Party is the ethnic community and if you shake it down further, probably the greatest support of any group in Manitoba as I understand it is from the Ukrainian community. That's how I see it. I'm sure that the Minister of Agriculture would agree that the Ukrainian Canadians form the backbone of this party and if that vote is lost, so is the government.

Mr. Speaker, I say that Mr. Clereux goes on and he quotes Danny Waldman, Chairman of the Manitoba Parents for Hebrew Bilingual Education, and Danny Waldman's been talking a lot. I don't know if the honourable member knows Danny Waldman, but Danny has been making a lot of noise about this. I'd like to know how many members he has. I'd like to know how many dozen, or hundred, or thousand members there are to this group. I have a feeling it's very small indeed.

Then he goes on to say and here's a comment. This is a really fascinating paragraph in this article. Terry Prychitko who is also very prominently quoted and comes, Mr. Speaker, not from the Canadian Ukrainian Committee Executive, not from the 30 groups that make up that particular umbrella organization, he comes from one subcommittee. There are probably hundreds of subcommittees, and the impression is that, of course, that he is speaking for the organization. Well, Peter Manastyrsky, and I don't know Peter Manastyrsky - he was quoted in one article, and I think I can quote him, Mr. Speaker, as saying that he was very leery. Here's what he said in the Free Press. Peter Manastyrsky, President of the Ukrainian Committee's Winnipeg Branch, he said: "The Manitoba Government was rushing the accord without letting most Manitobans express their views." Then he said that his peers in the Winnipeg Branch mostly fear that the Manitoba Government would devote so much time, effort, and money to live up to the bilingualism accord that it would neglect other ethnic groups in the province.

Then you get the rest of this Free Press article and it quotes Danny Waldman again. It quotes Harry

Shellenberg, President of the Manitoba Parents for German Education. I don't know how many members they have. Let me tell you, however many they have is just a drop in the bucket compared to the German Society, and the 200 members who make up the German Canadian Business and Professional Association representing Lutherans, Catholics and Mennonites, business and professional.

So because of one man, Harry Shellenberg, who is in one little group, the article says at the beginning "Leaders of several Manitoba minorities have come out in favour." Then it says in the next paragraph, "Those favouring the agreement between Ottawa, the province and La Societ  Franco-Manitobaine include members of the Ukrainian, Jewish, Metis, German, Portuguese, Italian and Chinese communities. Is that the German community? Harry Shellenberg is 125,000 people all of a sudden? I'm sure that if you asked him he would say, I never said that. He just gave his views, but he's being represented by the media as the leading spokesman and the representative of the German community. Well, that has been shot down, Mr. Speaker, and should never be spoken of again in this House.

If the honourable member, the Minister of Cultural Affairs, wants to say that the Ukrainian community is behind the government proposal, let him say so. I will question him, but let him say so. But if wants to say the German community is, then he is wrong on that particular account.

Mr. Speaker, this is a fascinating point. Terry Prychitko said in the *Globe and Mail*, he's quoted as saying, "Terry Prychitko says that when the Ukrainians go asking for support for expansion of Ukrainian education, the French Manitobans had better be there, you better be there. You have to back us if we back you." Then listen to the answer, "Sure thing," says Real Sabourin, a spokesman for the Societ  Franco-Manitobaine which is wholeheartedly behind the resolution it worked out with the NDP Government, and here's the quote, "Sure thing," he says. "Look, it's very easy for us to endorse minority language education - Ukrainian classes in Dauphin, Winnipeg; Gaelic for the Irish." Then, here's the best line of all, "We believe in all that now. All that stuff, man, we believe in that now."

**MR. SPEAKER, Hon. J. Walding:** Order please, order please. The honourable member's time has expired.

**MR. R. DOERN:** Well, Mr. Speaker, I would simply say I did not get an indication my time was about to expire. Could I have another minute?

**MR. SPEAKER:** Does the honourable member have leave? (Agreed)

**MR. R. DOERN:** Thank you, Mr. Speaker. I will simply conclude by saying this, that it is inaccurate and erroneous to suggest that the ethnic communities are behind the government. Some of their leaders are, and some of their groups are, but I think have made the case that the German community, for starters, isn't. I'm saying, Mr. Speaker, that if you take the cross section of Ukrainian Canadians over 116,000, and take a poll, I say that they will be overwhelmingly against.

Mr. Speaker, I think that the government is deceiving itself if it thinks that it therefore has the support of

some 60 percent of the people of Manitoba, namely, the other ethnic groups in our province.

**MR. SPEAKER:** The Honourable Member for Burrows.

**MR. C. SANTOS:** Mr. Speaker, the reference of the Member for Elmwood about the ethnic groups include the new waves of ethnic groups of which this member belongs. Like any other ethnic groups in Manitoba, many of the people out there are still unclear about the real issues in this great debate about the proposed constitutional amendment.

I can say that the ethnic groups believe that this is a Canada which is a policy of bilingualism and multiculturalism. That is what is Canada which they have found, and that is Canada that they understand.

We in the ethnic groups also believe in the equality of economic and social opportunity for everyone without any artificial barriers. Yet, we respect the historical traditions and historical rights of the country of Canada and of the Province of Manitoba. In this regard, I feel it is an obligation on the part of any new Canadian to look into the historical, the remote history as well as the recent history of Manitoba and of Canada in particular. In this regard, I have devoted myself to studying exactly such historical perspective.

In 1738, the French explorer La Verendrye claimed what is now part of Manitoba as the possession of France. By the year 1763, there were many French settlers coming down from Lower Canada to Manitoba. By 1812, the first Scottish settlers arrived and formed what is now known as the Red River Colony. Remember the Hudson Bay Company that had a franchise from the King, and had acquired rights and interests in the Rupertsland are now wanting to divest itself of interests of the Rupertsland, and they sold to Canada, Rupertsland in 1869. Canada was prepared to step in and even without consulting the citizens of Rupertsland, they would like to take hold, control and manage this vast territory.

As a result of the economic difficulties and of The Union Act of 1840, coupled with the apprehension about the intentions of the revolting colonies south of the border, coupled with local economic problems, all this on a national scale led to the Charlottetown and Quebec Conferences, ultimately terminating with The British North America Act of 1867, Section 133, of which guaranteed the four basic linguistic rights to the Francophone.

At the same time, shortly afterwards, there were migrations, not from Quebec as expected, but from Eastern Canada as well as some parts of Europe and the population quickly changed. The Francophones, which used to be 52 percent, now begin to become a dwindling group in Manitoba.

In January of 1870, there were 40 persons who were delegated by the respective parishes and were chosen to go to Ottawa in order to determine what to do with Manitoba. They wanted to discuss the transfer of Rupertsland with Canada, and in the spring of 1870 these 40 delegates went on to Ottawa carrying with them some kinds of demands. Some 19 rights were prepared by the Provincial Government of Manitoba under the leadership of Louis Riel, and this list of demands for rights were intended for negotiations with Ottawa.

Item No. 16, 17 and 18 of this list of rights carried by these delegates in their negotiations with Ottawa included, (1) the right that both English and French be the languages of the Legislative Assembly; (2) that both English and French be the languages of the courts to be created in this intended new province; and (3) that all documents should be published in both English and French languages. In addition, it was also part of their demand that the Lieutenant-Governor, as well as the Supreme Court Judge of this putative province should be able to speak both English and French languages.

After the negotiations in 1870, the Parliament in Ottawa enacted what has now become known as The Manitoba Act of 1870 which contains Section 23, which entrenches the following constitutional language rights: (1) the constitutional right that either the English or the French language may be used by any person in the debates in the Houses of the Legislature; (2) the constitutional right that both English and French languages shall be used in the respective records in Journals of those Houses; (3) the constitutional right that either the English or the French language may be used by any person, or in any pleading, or in any process, or in using from any courts of Canada, establish under The British North America Act of 1867, or in all and any of the courts of the province; and (4) the constitutional rights that the acts of the Legislature of Manitoba shall be printed and published in both English and French languages.

Given the constitutional entrenchment of these linguistic rights, Riel saw no logical reason why they should not join the Dominion, because it will give them certain practical political and economic advantages that they envisioned. They envisioned that upon the joining of the Confederation, there would be more settlers that would come to Manitoba. They envisioned also that there will be some federal support in order to stimulate economic growth and social development in the Province of Manitoba.

But it seems that the Prime Minister of Canada, then John A. Macdonald, had other objectives in mind. Louis Riel, who was granted a full and absolute amnesty after the first rebellion, suddenly became accused of the murder of James Scott. Riel was later tried, he was convicted, and he was hanged.

The immigrants that came to Manitoba are immigrants, not from Quebec, but immigrants from eastern Canada and some of them from Europe. The percentage of the Francophone population in Manitoba dropped drastically. By 1888, for example, in the Legislative Assembly of 1888 there were 38 seats in the Manitoba Legislature, but there were only six of those 38 seats that were held by the Francophone representatives or MLAs. Six out of 38 sit in the Legislature.

That was the setting when in 1890, the Provincial Legislature of Manitoba passed The Official Languages Act of Manitoba which provided: (1) that any statute or law to the contrary notwithstanding, the English language shall be used in the accord, in the records, and journals of the Legislative Assembly of Manitoba, and in any pleading or process in or issuing from any court in the Province of Manitoba; (2) that the acts of the Legislature of Manitoba need be printed and published only in the English language.

In the meantime, French language continued to be taught in schools, but only on equal footing with the

other ethnic languages such as German and Polish until 1916, when the French language teaching in the school was abolished, and making the teaching of the French illegal for the Manitoba schools.

I have heard some incidents about students attending those schools. When the school inspector from the Department of Education are not around, they will be reading some French books, but then when the school inspector from the Department of Education comes, they will hide all those books in French, they will speak in English, they will put out all the books in English only, so that they will not violate the law. That was the life of the Francophone at the time.

So the Francophone is indeed a minority that has been oppressed by the majority. Their language rights that were entrenched in The Manitoba Act of 1870 were reversed by the passage of The Manitoba Official Languages Act of 1890, and contradicted the constitutional provision of this province. They have lived that kind of life, which is a second-class status in the province which they had founded, and which they had developed.

Now, let us look at a more recent history of the background of this controversy. In February, 1976, Georges Forest had a car that was parked overtime. He got a ticket that was printed only in English. Georges Forest was a businessman and he had had previous dealings with the city, and so he was quite familiar with the City of Winnipeg Charter. He remembered that there was an Article 80, subparagraph 3 of The Winnipeg Act which states that all notices, bills or statements sent or demands made to any of the residents of St. Boniface community in connection with the delivery of any service or the payment of a tax shall be written in English and in French.

The lawyer for the City of Winnipeg argued that since the overtime parking ticket is not a provision of service to the community, therefore, The City of Winnipeg Act, Section 80, subparagraph 3, does not apply. Instead, he argued that the process of parking tickets is indeed a part of the court process, and thus it falls under The Manitoba Official Languages Act of 1890, which made the English language as the only official language in the courts.

Forest, at the time had never heard about The Manitoba Act or The Official Languages Act, but through his legal counsel he had conducted some research and had found that there was a Manitoba Act of 1870, Section 23, of which was almost exactly Section 133 of The British North America Act, which states (1) that either the English or the French language may be used by any person in the debates in the Houses of the Parliament of Canada and the Houses of the Legislature of Quebec; (2) that both the languages shall be used in the respective records and Journals of those Houses; (3) either of those languages may be used by any person in any pleading or process in issuing from any court of Canada established under this act, or in and from all of any of the courts of Quebec; and (4) that the acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both official languages.

Forest appealed his case to the St. Boniface County Court, which through Judge Dureault, ruled that The Official Languages Act of Manitoba was invalid as being in conflict with The Manitoba Act of 1870.

The Attorney-General of the province did not appeal the County Court ruling and Forest apparently had nothing more to contest, and he had difficulty pursuing his cause. So what Forest did to keep the issue alive is that he wrote to the Queen's Printer and requested a copy, in French, of all the laws that are involved in this case, namely, The City of Winnipeg Act, in French; The County Court Act and Rules, in French; The Court of Queen's Bench Act, in French, and The Summary Conviction Act, in French. Obviously enough, since all the four statutes were passed and published in English only, the first reaction that he received is that it would cost him the cost of translating all these statutes. The Queen's Printer said it will cost Forest \$50,000 to have them printed in French.

Later on, this was toned down, the Attorney-General clarified, it will only cost \$17,000 to put . . .

**MR. SPEAKER:** Order please, order please. The Honourable Member for Roblin-Russell on a point of order.

**MR. W. MCKENZIE:** Mr. Speaker, can I ask you, is the honourable member speaking on the main motion or the amendment?

**MR. SPEAKER:** The Honourable Member for Burrows.

**MR. C. SANTOS:** Amendment. I'm speaking on the sub-amendment. I stated in my preface, Mr. Speaker, that I want to go into the historical, both the remote history and the recent history to be able to completely understand the issue that is involved. — (Interjection) — I'm coming to that, Mr. Speaker. I am about completed and finished in my historical perspective, both remote and recent.

Denied of translation at his own cost, Georges Forest filed a request in French for a mandamus in order to oblige the Provincial Government to provide the official translation of the four statutes. He was told that he must file this request in English. Instead of complying, Forest filed a similar request in the higher court which is the Manitoba Court of Appeal, and the same court again requested that he file the same in English.

The Attorney-General of Manitoba, through his counsel, argued that the Court of Appeal cannot hear the case without the case first passing through the lower court which is the Court of Queen's Bench. Forest returned, therefore, to the Court of Queen's Bench in 1977 when there is a change of government in the Province of Manitoba. In 1977, the Progressive Conservative Party now becomes the government party.

The Attorney-General, through his counsel, argued that Forest had no legal standing in order to question The 1890 Official Languages Act of Manitoba, and ruled that Forest had no legal standing. So, Forest appealed his case to the Manitoba Court of Appeal.

The Manitoba Court of Appeal ruled that The Official Languages Act of Manitoba of 1890 was inoperative insofar as it abrogated rights, including the right to use French language in the courts as conferred, The British North America Act of 1867. The Supreme Court of Canada confirmed and affirmed the Manitoba Court of Appeal and held that The Manitoba Official Languages Act of 1890 was ultra vires.

In 1980, the Provincial Government, in the face of the Canadian Supreme Court decision upholding Forest, passed a statute entitled, An Act respecting the operation of Section 23 of The Manitoba Act in regard to the Statute of 1890. This statute is passed in both English and French and it repealed The Manitoba Official Languages Act of 1890.

Now, on May 29, 1980, a person by the name of Roger Robert Joseph Albert Bilodeau was speeding on the highway and he was served with a summons written in the English language only, pursuant to The Summary Convictions Act; he was charged with this offence of speeding under The Highway Traffic Act. Both The Summary Convictions Act and The Highway Traffic Act were written and printed and published in English only. Bilodeau was contending that since the summons was in English only, the summons was invalid as a process of the court, and since The Summary Convictions Act and The Highway Traffic Act were written in English language only, these are invalid statutes, and being invalid statutes, they cannot be the basis of a valid conviction.

Bilodeau was convicted. The provincial judge convicted Bilodeau of speeding. Bilodeau appealed by way of stated case and presented three legal questions to the Manitoba Court of Appeal.

The first question is, did the provincial judge make an error in deciding on the general validation of The Manitoba Act of 1870 by the Imperial Parliament through the passage of the previous North America Act of 1871? Could they not effectively amend Section 133 of The BNA Act of 1867?

The second question, did the provincial judge commit an error in holding that Section 23 of The Manitoba Act requiring the printing and publishing of the acts of the Legislature of Manitoba in both English and French languages, such a requirement being directory only and not mandatory?

Third, did the provincial judge commit an error in convicting Bilodeau of speeding and under a summons issued in English only and under The Summary Convictions Act and Highway Traffic Act, which are the statutes which are printed in English only?

After the Forest case, in the 1980 Legislature of Manitoba, we remember that the government passed a number of bills - about 115 bills - all of them receiving Royal Assent; but out of these 115 bills, only nine of these bills were passed and promulgated in English and French. That was after the Forest case and after the Supreme Court decision on the Forest case.

The Manitoba Court of Appeal ruled that British jurisprudence distinguished between two categories of the statutes, directory as against mandatory statutes. If a statute is mandatory, the effect is that what is ordained by that statute, if not done, the whole proceeding will fail and everything will be void. If the statute is directory, the effect is that if it is not valid, the proceeding will not fail; it will still be valid.

For example, in general, the statutes that create public duties are generally held to be directory only. That is to say, even if their requirements are not followed, the proceeding will still be valid under the act, whereas the statutes that create private rights, in general, are mandatory statutes and if they are not complied with, the effect is that the proceeding will be null and void.

On the other hand, if a statute is mandatory the court again makes another final distinction. It depends on whether the mandatory statute will result in nullities only, in nullities of the proceedings under it, and again, they distinguish mandatory statutes where the result will result only irregularly. So that it is the nature of the consequences, even if the statute is mandatory, the nature of the consequences that flow under the statute will determine whether or not the proceedings undertaken under that statute will be null and void.

The Manitoba Court of Appeal, in its elaboration of its decision, said that where the statute relates to the performance of public duties and where to hold such a statute void, would work serious, general inconvenience in the community or where it will result in serious, general injustice to persons who have no control over those who are entrusted with the performance of public duties, and where the violation of such statute, where such a statute would not promote the main objectives of the Legislature, then the provision would be held directory only and the neglect of the directory duty, nevertheless, being punishable but it will not affect the validity of the actual proceedings undertaken under such a statute. So the Manitoba Court of Appeal held that it was directory only, the requirements, and then, nevertheless, convicted Bilodeau because the requirement is that, either in French or English in the processes of the courts, because it is English only, he still is liable and guilty of speeding.

Let me go now to the procedural angle, understanding this issue in its historical sense. Knowledge and skills in procedure are as much legitimate in any legislative struggle, in the legislative arena, in the political arena, in the judicial arena. I respect the opposition party in their use of procedure to pursue their own objectives and their goals, as long as the procedures are in accordance with the Rules of this House, with the traditions of this House and with the conventions of this Legislative Assembly.

I would like to say that despite of procedure . . . it will be a matter of procedure only, that procedure is as important in the outcome of major decisions in government as well as in private social organizations. I will even put, for a hypothesis, that procedure in the ultimate analysis is no different from substance because, on a matter of procedure, you can have substantive impact in decisions. Therefore it is very important that we understand the procedure that we are undergoing.

What is happening is that there is a motion to refer the constitutional resolution to amend Section 23, to refer it to the Standing Committee on Privileges and Elections. Then there was a motion to amend the motion of referral, by the Member for Fort Garry; then there was a sub-amendment by the Member for Gladstone, amending again the amendment. That is the procedural — (Interjection) — What is our objective? In the ultimate analysis, all of us perhaps have some consensus that the people of Manitoba, those who are directed affected, not only now but forever, must be heard about this constitutional proposition.

Before so doing and tackling that issue, Mr. Speaker, I would like to make a point which is salient and which people often forget, that there is a distinction between constitutional provisions and mere statutes and

statutory provisions. What is the distinction between constitutional provisions and statutes or statutory provisions? In general, constitutional provisions not only grants power to government but also restricts governmental power. Constitutional provision is a restriction of governmental power in the sense that by entrenching in the Constitution the rights of individuals, the individuals will be protected from the tremendous powers of government. That is the nature of constitutional provision.

What is the nature of a statute or statutory provisions? The statutes in general restrict the liberties and rights of individuals and they do so by conferring powers on governments and government agencies; and so we have the seat belt legislation and helmet legislation and other kinds of legislation. It is all done for the good of the general community. Therefore, it is the obligation of both the government and the opposition to go to the public, let them have their say and their input, let it be debated about the wisdom of changing and amending what has been entrenched already in Section 23 of The Manitoba Act of 1890, and so we have the resolution.

Mr. Speaker, I'd like to know how much time I have, whether I will enter into this more extensive issue or not. — (Interjection) — Thank you, Mr. Speaker.

I'd like to go back and again look at the background of the amendment to the Constitution. We now have a Canadian Charter of Rights and Liberties, a Canadian Charter of Rights and Freedom. The official languages rights are entrenched in the Charter on a national scale. They are contained in Section 16 to Section 22 of the Charter. What are these rights that are presently entrenched on a national scale in Canada? I will not read the provisions because they are legalistic. I will only try to enumerate those rights that are now presently entrenched in the Canadian Charter of Rights and Freedom on a national scale insofar as it binds the Federal Government, the National Government in Canada. What are the constitutional rights that are entrenched in Section 16 to Section 21 of the Canadian Charter of Rights and Freedom of 1981?

(1) The Canadian Constitutional Rights to equality of status and the equality of rights and privileges as to the use of both English and French in all institutions of Parliament and the Government of Canada as official languages of Canada.

(2) The constitutional rights of Parliament and of the Legislature to advance the equality of the status and the use of English and French.

(3) The constitutional right to use English and French in any debate or other proceedings of Parliament.

(4) The constitutional right to print and to publish the statutes, records and journals of Parliament in both languages; both versions being equally authoritative.

(5) The constitutional right to use either the English or the French in any pleadings in or process issuing from any court established by Parliament.

(6) The constitutional right of any member of the public to communicate with and to receive available services from any head or central office of the Parliament or Government of Canada in English or French.

(7) The constitutional right of any member of the public to communicate with and to receive available services with respect to any other office of any such

institution when there is a significant demand for communication with and services from the office in such language, or due to the nature of the office it is reasonable that the communication with and services from the office be available in both English and French.

(8) The constitutional right not to abrogate or to derogate from any right, privileges or obligation with respect to the English or French language that exist or is continued under any other provision of the Constitution of Canada.

Compared to the original Section 133 of The British North America Act, Sections 16 to 21 of The Canadian Charter of Rights and Freedoms, I have found, (a) Linguistic rights for the French and Francophones insofar as the Charter of Rights and Freedoms binds the Federal Government and all the institutions of Parliament and all the institutions of the Government of Canada.

Now, the question is, how does the proposed constitutional resolution to amend Section 23 of The Manitoba Act, how does this compare with the constitutional provision that's already entrenched and contained in the Canadian Charter of Rights and Freedom? Instead of referring to the equality of rights and statutes and privileges, or as to the use of both languages, the provision simply said that the constitutional right to have both English and French declared as the official languages of Manitoba. There is a significant absence of the phrase "in all institutions of the Legislature or the Government of Manitoba."

In all other aspects, it is almost identical and similar as the constitutionally entrenched rights and freedom in the charter, except that instead of simply including everything in the blanket phrase, "all institutions of the Legislature of Manitoba or the Government of Canada," it tried to specify and enumerate all the agencies that will be covered in the provision of the services and in the guarantee of the right to communicate.

So that the constitutional right will include that any member of the public in Manitoba has the right to communicate in English and in French and to receive available services in English and in French from the head or central office of any department of the Government of Manitoba; from the head or central office of any court; from the head or central office of any quasi-judicial or administrative body of the Government of Manitoba; from the head or central office of any Crown corporation; from the head or central office of any agency of the Government of Manitoba established or pursuant to an act of the Legislature of the Province of Manitoba. Then it enumerates also the available service that will be provided by the chief electoral officer, the office of the ombudsman of the Province of Manitoba.

Again, as a catch-all provision it will guarantee the constitutional right to communicate in English or French and to receive available services in English and French from any office not referred to above; or from the head or central office; that is to say, of the court, the quasi-judicial or administrative bodies, the Crown corporations and the agencies, or due to the nature of the office that is reasonable to expect that communication and services from that office be available in both English and French languages.

The question is: Is the use of the phrase "quasi-judicial tribunal" an unwarranted extension of the term

"courts" in Section 133 of The British North America Act? Yes, it is, but that is no longer new because by judicial interpretation in the case of the Attorney-General of Quebec versus Blaikie in 1979, the Supreme Court of Canada held that it include any other administrative tribunal whether they are called courts or adjudicative agencies. This is justified under what Lord Sankey called, "The BNA Act considered as a living tree planted in Canada, capable of growth and expansion within its natural limits."

Mr. Speaker, I'd like now to conclude by saying, let us therefore proceed and hail the people of Manitoba. Let us remember what Justice Douglas once said, "A judge looking at a constitutional decision may have compulsion to revere past history and accept what was once written. But he remembers about all else that it is the Constitution which he swore to support and defend, not the gloss which his predecessors may have put on it. So he comes to formulate his own views respecting some earlier ones as false and embracing others. He cannot do otherwise unless he let men, long dead and unaware of the problems of the age in which he lives, do his thinking for him." We have a new problem and we have to hear the people as to how to solve our problem which is divisive in Manitoba.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Housing.

**HON. J. STORIE:** Thank you, Mr. Speaker. I guess one should remark first about the new toy that the Conservatives have found to use, the bell ringing, and I must say that over the last number of weeks we've seen them using that new toy frequently. I would only hope that more mature thought will prevail and eventually we will have some other mechanism, perhaps even debate of the issue as a new approach to dealing with the real problem. I would certainly dearly like to see that, Mr. Speaker, and I'm sure that many other members on this side would like to hear from members opposite on this issue.

As well, I might remark, Mr. Speaker, that I found the remarks of the Member for Elmwood interesting and although some were entertaining, I found as well that the Member for Elmwood failed, as he usually does, to express his principles on this matter. He quoted at length from a number of letters and commented on articles but we heard very little of the principle and I don't know whether that says much about the quality of his contribution but certainly I would be interested to hear a little more of the principles that he has to make.

Mr. Speaker, I should as well indicate that I have a copy of one of the Member for Elmwood's replies that he received on the bilingualism question, as he puts it, and I will just read part of it. It says, "You remind us of that other ex-NDP Cabinet Minister; both of you are foolish." It goes on to say that, "You're just trouble, trouble, trouble, and personally, as a German, you rather make me ashamed."

Mr. Speaker, I think it's important to indicate that the ballots that are being mailed in on that issue are not all of one ilk, that in fact despite the biases that are implicit in that and other referendums that the member has carried on, there is some opposition.

On the matter that is before us today, and that is the referral motion, I think that we have to ask ourselves a number of questions about what is the particular rationale for the reaction or the lack of action on the part of members opposite in dealing with this motion. Mr. Speaker, as I've mentioned, they have a new toy and clearly I think that the motion that's before us, without the amendments, deals with their substantive point and that is that the public should be heard from.

Mr. Speaker, the Member for Rossmere enumerated the number of groups that are waiting to be heard from. That list is substantial and that list is growing. Those people are anxious to come out before a committee of the Legislature to have their input. Mr. Speaker, I may remind honourable members that when this matter first arose a number of weeks ago, a number of months ago, the issue of the ability and the availability of a mechanism for public input was expressed as a strong requisite for proceeding.

Those mechanisms have been made available. We have had a series of public meetings, of opportunities for individual Manitobans to make their views felt and, at the same time, receive information; because, Mr. Speaker, on the question of a referendum, on the question of whether there is a need for broader public input, I think that clearly the question of information and availability of fact is the determining point, clearly without any understanding - and I think that's the point that many of us have made to our colleague, the Member for Elmwood - about his particular course of action, and that is that he is failing, he is failing utterly to provide the kind of information whereby Manitobans can make informed decisions.

Mr. Speaker, the Member for Turtle Mountain asked why the particular agreement is not outlined on the informational brochure that has been handed out. I think it is, in fact, fairly obvious from that brochure what the fundamental issues are and how they propose to be dealt with. Mr. Speaker, I think that members opposite would agree as well that it is imperative that before the public can be expected to remark intelligently on the issue of the proposed amendment, that they should be in possession of the facts; and obviously the public hearings, the public meetings I should say, that were held in Dauphin, in Thompson, in Brandon, in Winnipeg go a long way to providing those who are interested with the facts.

I do not see, Mr. Speaker, any evidence of individuals who responded by way of the Free Press referendum, if you want to call it that, having any knowledge, having any depth of knowledge on the fundamental issues, on the realities of what that agreement will mean to the majority of Manitobans. So we have a problem; we have to ask ourselves, why the delay? What is in it for members opposite? What is in it for the public and clearly, Mr. Speaker, for those people who want to have input, those people who understand that they have in place a mechanism and it is all that is between them presenting their views and us receiving their views, is the obstructionist tactics of members opposite. That is all there is between those people being able to commit their views to members of this Legislature, so I started to look for other rationale. I said there must be other reasons why there is this kind of obstructionism, why there is this unwillingness on the part of members opposite to do away with their toys and to be with us

in public committee hearings where we can hear their views; and I'm not sure, Mr. Speaker, that all members opposite feel alike on this matter.

We had a lot of posturing from members opposite on a number of other bills. For example, Bill No. 60, there was virtual unanimity among members including, I might add, the Member for Fort Garry, on the issue of freedom of choice with regard to seat belts. But in the final analysis, and I commended the Member for Fort Garry and the Member for Tuxedo on my own for their particular principle stand on the matter of seat belt legislation; Mr. Speaker, the record is clear that the Member for Fort Garry and the Member for Tuxedo voted with the government on principle.

What I have not seen to date, what none of us have seen to date, is the same kind of principled action on this issue. We have seen, in fact, an unwillingness on the part of most members who have spoken on this issue to deal with the fundamental principle that's involved. What they have dealt with, Mr. Speaker, is the process and I have to ask myself, why have they not dealt with this question? In my opinion, there are two possibilities, Mr. Speaker, and I think the one is — (Interjection) — . . .

Mr. Speaker, I'm . . .

**MR. SPEAKER:** The Honourable Minister.

**A MEMBER:** Okay, we'll sit tonight and pass it.

**HON. J. STORIE:** Mr. Speaker, if members opposite would give me the opportunity, I would be pleased to present what I see as two of the very plausible reasons why members opposite have been unwilling to debate this issue; who have been unwilling to debate the principle that's involved.

Mr. Speaker, one possible reason is that behind those sometimes calm exteriors, behind some of those calm exteriors there is a note of bitterness, a note of - I'm not going to say - I won't use the word bigotry because I don't think that's what it is, but there is a reluctance on the part of members opposite to acknowledge the fundamental principle that was part of Manitoba's Constitution as of 1870; acknowledging that there was a commitment there. I'm not sure why members opposite have not been willing to deal with that.

Perhaps, Mr. Speaker, and this is the second reason, and that is that the Federal Government, all three parties at the federal level are in fundamental agreement with what is being proposed by way of Manitoba's amendment. The federal Tory Leader, the perhaps soon to be Honourable Brian Mulroney but, to this point, Brian Mulroney has said quite clearly that what Manitoba is proposing is laudable, that the objectives that this government is attempting to introduce are in accordance with what is fundamentally Canadian.

Mr. Speaker, clearly, the members opposite got that message after a torrid speech by the Leader of the Opposition, which was in large measure in opposition. We see now some movement on the part of members opposite into a debate of process rather than debating the fundamental issue, which is that there was a tacit agreement, agreement in writing, a contract between the two people who, at that time, were cohabitants of this province, two major linguistic groups that were founding members of this particular province.



So, Mr. Speaker, we have two problems. Perhaps there's some reluctance on the part of some members, some WASP members to deal with this issue because of some of their own animosity, because of their own intolerance. This is only conjecture on my part, but I suspect that that may be part of the reason for their reluctance to enter this debate on a serious level. Perhaps there is some intolerance over there. Perhaps some of the comments that have been made by the Member for Pembina, perhaps they are reflections of some of that intolerance. Perhaps some of the comments by the Member for Minnedosa about the necessity of having French translation services available in this Legislature, perhaps that's a reflection of intolerance. Mr. Speaker, members opposite might want to review some of the comments that have been made in this Chamber about French Language Services. So maybe there is intolerance.

I think that the more likely reason, the more obvious, the more political, the more immediate problem that they face is a political one that is being caused by their federal leader at this point, soon to be a member of parliament, who, Mr. Speaker, has said on any number of occasions that if that particular group hopes to form a majority government, a government that is reflective of Canadian society as a whole, that they will have to gain the support of the Francophones in this country, and they recognize that. So, Mr. Speaker, we have another possible reason for their reluctance to get into the fundamental issues which we are supposed to debate here.

Mr. Speaker, I think there is one other issue that needs to be dealt with and that has not been dealt with at any great extent, and that is the comments that were made by the Leader of the Opposition when he made his first rather intemperate remarks about this particular proposal. Mr. Speaker, I guess it revolves around the question of entrenchment, and we acknowledge that entrenchment is a serious process. It's a serious undertaking, one that no government should undertake lightly. Neither have we, Mr. Speaker, undertaken it lightly. However, there is a fear on the part of members opposite that has been expressed a number of times, and one that the Attorney-General dealt with at some length earlier on today, and that is the fear that through entrenchment that somehow we lose control of our own destiny as the larger majority.

Mr. Speaker, the Leader of the Opposition, in making his remarks, used the term "courtesy" with respect to the provision of French Language Services. It's his position and I think the position of the Member for Elmwood that hey, look, we have no problem in Manitoba; certainly, we have this 1870 Manitoba Act which for all intensive purposes allows for both official languages to be part of our makeup; sure we have a Federal Government which - a country which is officially bilingual - but we're afraid, Mr. Speaker, to follow through and rectify an injustice which has been perpetuated for some 93 years.

Mr. Speaker, I think that the idea that the provision of French Language Services in this province should be a courtesy; a courtesy to be held in the hands of other Manitobans when it was a guarantee, when it is part of our heritage is not acceptable. Mr. Speaker, I am sure that members opposite would agree as well, and I know that the Leader of the Opposition at one

point and perhaps still was of the opinion that our other rights should be a courtesy as well. I believe it was his position that the Charter of Human Rights should not be entrenched. Mr. Speaker, we can think of any number of countries in this world where human rights are a courtesy and not fundamental entrenched rights, and most of us here would not want to live in those countries because a courtesy can be taken away at any time. Mr. Speaker, there are too many examples of where countries have human rights as courtesies and not as entrenched fundamental principles upon which society is built upon.

**MR. B. RANSOM:** They've got to be entrenched in the Soviet Union.

**HON. J. STORIE:** Mr. Speaker, the Member for Turtle Mountain says they have them as courtesies in Soviet Russia . . .

**MR. B. RANSOM:** I said they have them entrenched.

**HON. J. STORIE:** They have them entrenched. Mr. Speaker, I disagree with the Member for Turtle Mountain on that. I would say that human rights exist as courtesies in many of the communist countries in the world as well, but it isn't good enough. It isn't good enough in those countries and it certainly isn't good enough in this country and it isn't good enough in Manitoba. I think the majority of Manitobans do not want our rights and our freedoms to be courtesies, and I don't think that most Manitobans want the rights that were guaranteed the French speaking people in Manitoba to be courtesies either, and I don't think they should be.

Mr. Speaker, the members continue to suggest that it is imperative that Manitobans be heard on this issue and I don't think that there is anyone on this side that has said otherwise. In fact, we have a motion before the House, one which they have filibustered, one which they have obfuscated, one which they have attempted to deny as our legitimate right to put forward. Mr. Speaker, the public will have its opportunity, any individual who is interested in making their views known through this committee is certainly free to do so, and we are most anxious to listen.

Mr. Speaker, the fact is that any number of governments in the past from 1870 to the present day have enacted legislation which was important to Manitobans. Mr. Speaker, on very few of those hundreds and hundreds of bills that have been enacted by this particular Legislature has there been as concerted an effort to deal with public concerns as on this issue. There have been public hearings, there will be committee meetings, many many public hearings where individuals can present their views. Mr. Speaker, — (Interjection) — we have gone the extra step on this issue. We are prepared by the referral resolution that's before us to deal with the public's concerns in an honest and open way, and they have the right to be heard.

**MR. SPEAKER:** Order please.

**HON. J. STORIE:** Mr. Speaker, there is one — (Interjection) — . . .

**MR. SPEAKER:** Order please.

**HON. J. STORIE:** . . . other issue that I know that is important, that is of fundamental importance, and it has been mentioned not only by members opposite and by members on this side of the House, but certainly I think was well expressed in the letter that was received by all members of the Legislature from the Manitoba Government Employees Association.

Mr. Speaker, within that letter there contained a number of very common-sense concerns that were expressed by that group, and if I recall correctly, the First Minister, the Premier of this province, indicated that he was particularly interested in receiving the views of that particular group because of the constructive way in which they framed their particular concerns. I suppose, Mr. Speaker, that is something that is always desirable in a democratic process, that those who have concerns come forward and express them in a positive way to make any piece of legislation, to make anything that is done by the government more constructive, more reflective of the needs and the desires of its population. Mr. Speaker, that particular letter was very constructive.

There has been an indication, Mr. Speaker, by the Premier and by the Attorney-General that there is a willingness to review those particular comments as there is a willingness to review any comments from the public at large to see whether in fact the concerns expressed about the escalation of Language Services might get out of hand, that there's a willingness to review that, that the agreement, while it is agreement amongst more than one party, is not necessarily something that is written in stone.

I think, Mr. Speaker, it behooves members opposite to move this to committee. It behooves members opposite to let the public which they so forcefully have claimed want to be heard on this issue, that we move this to committee and allow the public to be heard, because that's what we want, and apparently what they want, and certainly what those groups who have indicated an interest want.

Mr. Speaker, I think that the last number of days of gamesmanship are a travesty with respect to the democratic process, and I hope that after our tussle that we can proceed to deal with this in an expeditious, fair and democratic way.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Thank you, Mr. Speaker, I'd like to make a few comments on this particular issue. I would like to, first of all, make a few comments about my colleague from Elmwood in his comments when he mentioned that his perception of a meeting that was held at the International Inn, I believe, to explain the position of the government on the extension of French Language Services. He mentioned that he thought his perception was that it was a stacked meeting. I would ask you, Sir, in a meeting such as that held to provide information on what has become perhaps an emotional issue in the Province of Manitoba by many people and by many groups, why shouldn't people who have a concern about the issue not be at that meeting in great

numbers? I would expect that those people in the province who are concerned about what is taking place, whether it be on one side of the issue or on the other, that they would come forward, and particularly those who feel that they have been unjustly dealt with over the past 90 years or so. They would probably come out in full force to try and make their views known. I would expect that would be the case, if a person has not been harmed in any way because of what has happened many years ago would not come forward in as many numbers as those who feel that they have been unjustly dealt with over the years, so I make those comments.

The other question that was asked by the Member for Elmwood was that he wanted to know how many letters and calls that we had received on this issue. I don't know how many calls other members have received, but I know how many I have received. I have received one letter from a constituent who was asking the reason for what was happening. He was searching for information and that information was provided to him. He asked how many calls we had received. I have no information of having received any calls. I did have a couple of verbal inquiries; in fact, I had one when I was in St. Lazare yesterday. One couple came up to me and wanted some information on what was happening and I explained to them the reason for what was taking place. Mr. Speaker, that is the extent of the inquiries that I have received and I don't perceive it to be an issue. I have received some compliments in support; a couple of comments when I was in Ste. Rose from people who said, yes, we think you're going in the right direction, proceed as you are.

The honourable member also mentioned about the letters that he had received from the German Business Association and from the German Society. The German Society thanked him for his visit and comments, and the German Business and Professional Association thanked him for the explanation. The question should be asked: What kind of explanation was provided to these people?

To look at the advertisement that was sent out by the Member for Elmwood and also the survey that he made, actually, in my opinion, it wasn't a factual, thorough explanation to the people in order for them to make a rational judgment on their own. In order for anyone to make a proper judgment and come to a reasonable conclusion, whichever way it is, whatever side of the issue that they come to a conclusion on, it should be based on facts as they are.

During the past few days, we have been witnessing what I would refer to as the B.R. Show, a show that is beginning to turn into a flop. The opposition have resorted to every trick in the book to try and block the normal operation, the normal process of business of the government, but they have found out. We have wondered why they have been found out, Mr. Speaker. What is the strategy? Is the strategy to try and get the government to force closure on this issue? Is that the reason why there is obstructionism, stalling on this particular issue? Is it for the government to come out and force closure and then they can say you are ramming this resolution through, is that the purpose?

Mr. Speaker, we want debate; we want to go to the people. I believe that they have resorted to procedural wrangles to obstruct, to thwart the normal operation

of the government. We have heard so many phony points of order that we've lost count. Challenges to the Chair, allowing the bells to ring; they want to hear the bells ring. Let me remind them for whom the bell tolls. Mr. Speaker, the cost of these obstructionist tactics over the last few weeks, particularly, has been very expensive for the Manitoba taxpayer.

**MR. SPEAKER:** Order please. When this resolution is the next before the House, the honourable member will have 31 minutes remaining.

The time of adjournment having arrived, the House is adjourned and will stand adjourned until 10:00 a.m. on Monday.