



Fifth Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba
STANDING COMMITTEE
ON
STATUTORY REGULATIONS
AND ORDERS

30 Elizabeth II

*Published under the
authority of
The Honourable Harry E. Graham
Speaker*



MG-8048

MONDAY, 26 JANUARY, 1981, 2:00 p.m.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, A. R. (Pete)	Ste. Rose	NDP
ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
BARROW, Tom	Flin Flon	NDP
BLAKE, David	Minnedosa	PC
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J. R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	PC
CHERNIACK, Q.C., Saul	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Hon. Keith A.	Gimli	PC
COWAN, Jay	Churchill	NDP
CRAIK, Hon. Donald W.	Riel	PC
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell	Elmwood	NDP
DOMINO, Len	St. Matthews	PC
DOWNEY, Hon. Jim	Arthur	PC
DRIEDGER, Albert	Emerson	PC
EINARSON, Henry J.	Rock Lake	PC
ENNS, Hon. Harry J.	Lakeside	PC
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	PC
FILMON, Gary	River Heights	PC
FOX, Peter	Kildonan	NDP
GALBRAITH, Jim	Dauphin	PC
GOURLAY, Hon. Doug	Swan River	PC
GRAHAM, Hon. Harry E.	Birtle-Russell	PC
GREEN, Q.C., Sidney	Inkster	Ind
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	PC
JENKINS, William	Logan	NDP
JOHNSTON, Hon. J. Frank	Sturgeon Creek	PC
JORGENSON, Hon. Warner H.	Morris	PC
KOVNATS, Abe	Radisson	PC
LYON, Hon. Sterling R.	Charleswood	PC
MacMASTER, Hon. Ken	Thompson	PC
MALINOWSKI, Donald	Point Douglas	NDP
McBRYDE, Ronald	The Pas	NDP
McGILL, Hon. Edward	Brandon West	PC
McGREGOR, Morris	Virden	PC
McKENZIE, J. Wally	Roblin	PC
MERCIER, Q.C., Hon. Gerald W. J.	Osborne	PC
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, Hon. George	St. James	PC
ORCHARD, Hon. Donald	Pembina	PC
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Q.C., Howard	Selkirk	NDP
PRICE, Hon. Norma	Assiniboia	PC
RANSOM, Hon. Brian	Souris-Killarney	PC
SCHROEDER, Vic	Rossmere	NDP
SHERMAN, Hon. L. R. (Bud)	Fort Garry	PC
STEEN, Warren	Crescentwood	PC
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	Ind

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS
Monday, 26 January, 1981

Time — 2:00 p.m.

CHAIRMAN — Mr. Warren Steen (Crescentwood).

CONSTITUTIONAL REFORM

MR. CHAIRMAN: The first person on my list to appear as a delegate this afternoon is John Michniuk. I will ask you, sir, a question I ask most delegates, are you appearing as a private citizen or on behalf of a group. That's question one and question two is do you have a prepared brief?

MR. JOHN MICHNIUK: I have a prepared brief and I am appearing on my own behalf.

MR. CHAIRMAN: All right, sir. Proceed please, sir.

MR. MICHNIUK: Thank you, Mr. Chairman, and committee members. I beg your indulgence and this is a very traumatic experience for me. I want to be allowed time to finish this presentation. I come before this commission and am grateful for the opportunity to present my views and facts, but not with a little fear in my heart . . .

MR. CHAIRMAN: Can you, sir, speak a bit louder?

MR. MICHNIUK: . . . and doubt at the honourable intentions of my government, of my country in Ottawa under whose leadership I and others have suffered atrocities at its hands and continue to do so.

I wish to speak on the language portion as of now. I wish first to speak about bilingualism. I was born of an Austrian mother in Winnipeg and I was raised in a Ukrainian community by my grandmother and grandfather. Our language and culture was subverted and we took on the language and culture of the community. At age six I came to Winnipeg to attend school and had to adopt the English language and culture. After 18 years of service in the Army there was no connection with my Austrian language and culture, nor with my Ukrainian language and culture. Now Canadians and I are expected to take on yet another culture and language, French. When the English and French language and culture are given special status, and the Indian and Inuit demand the same, then equality is destroyed and minority groups and languages become less than second-class citizens. This divides any state, much less a so-called democracy. Why will Canada not let us be Canadians? How will the Constitution protect minority cultural rights?

On the subject of freedom of information, I have had 1,000-plus letters removed from the mail by the Secret Police in Edmonton, Alberta. They were addressed, by the way, to members of Parliament, members of the Legislature, members of the Senate. In Gimli, Manitoba I was fortunate enough to see two of my letters in a drawer in the post office 24 hours after they should have been on their way; it was

registered mail. In Arborg, Manitoba I had three double registered sets of documents stolen out of the mail by the Secret Police. There were 39 pages of atrocities that I wrote and gave to David Orlikow, Member of Parliament, NDP, so he would intervene with the government on my behalf; these I sent to the Soviet Embassy. Out of 1,000 letters to MPs, Senators and MLAs, I had only three or four answers. These were the ones stamped and posted at various locations totalling about six letters.

Censorship. Our TV newscasts are censored and propaganda regarding facts dealing with abuse of our citizens altered. A case in point is the postman driven to suicide by the RCMP harassment on the west coast. The case is documented by the Hon. Judy LaMarsh in her book, *A Bird in a Gilded Cage*. Newspaper accounts of this suicide were justified by the RCMP by saying he had passed a photograph to a known Communist. Why was he not in a court of law charged with some crime? What protection can a Constitution guarantee individuals when both he and I and others have written Members of Parliament and visited Members of Parliament for surcease and gotten none.

I went to Ottawa after my trip to Russia where I had looked for refuge from the psychological warfare, dirty tricks, mental institutions and atrocities conducted against me by the Secret and not-so-Secret Police. I saw Stanley Knowles and told him of my problems. I had previously written him and he looked up the letter. He did nothing. I tried to see the Hon. Francis Fox, the Solicitor-General at the time, and was told he sees no one. Later I, and the Canadian people, found out why. He was too busy committing adultery and fraud by forging the woman's husband's signature so she could have an abortion. Today this same man is an elected representative of government.

I tried to see T. C. Douglas, Member of Parliament NDP, whose son-in-law was being harassed by the RCMP at one time. T. C. Douglas had it stopped. He would not see me. He foisted me off on his Executive Assistant and did nothing.

Slander and defamation and forged documents. We have a case right now before the courts, which for some reason people are not supposed to discuss, an address book purported to belong to Bob Wilson, MLA, he states was put in his place of business by the RCMP and I believe him. I've had worse things happen to me.

These things have happened to individuals and political parties. I saw the Leader of the NDP in Winnipeg at a convention on Pembina Highway. He would give me no audience, not even five minutes. I gave my name to his Executive Assistants and heard no more about it. I must have written him four or five more times. There was never an answer. According to the press, in a little column way back on Page 98, they don't want to be called reds or pinkos, the newspaper said. Now who but the minions of government slander an official political party and try to destroy it for helping its victims?

After being drugged by the Secret Service, tenants I had, I turned myself into the mental health

authorities in Edmonton as I was bleeding from the anus. This was a form of escape for me from the constant harassment by police forces in Edmonton. I encountered new horrors then in Ward 9B South. This was the time the secret police were waiting for me as patients. At least one, Henry Roth, was on staff as a male nurse. When he wasn't berating me as a Communist, he tried to recruit me for his secret service. A drug was administered in my dessert and in a sequence of events, hypnosis was used in a side room to produce symptoms of paranoia. I was afraid of pictures on the wall. I was afraid to go to sleep for the terrible nightmares I had. I was kept awake 24 hours a day and threatened by a man, Alvin Funk, an S.S. strong-arm type and awakened by him and terrorized by him when I tried to sleep. When I complained, he was removed from the next bed to me and was replaced by an Indian lad who was S.S. and carried on where Funk left off. He used the threat of setting my bed on fire to keep me awake.

Mary, a woman of 50, was a co-ordinator of the operation. She made suggestions that I was getting better; I did instantly. By the way, prior to this for three or four days when keeping me awake didn't work — and this is documented in history, it was done by the Soviets to Cardinal Mindszenty in Hungary to break him down. A patient said, "You were all right when you came in here," and he was kind of stared down by Alvin Funk who was right there.

Another man, Ed Dolin, who became friendly with me on occasion while in 9-B South said, "Be careful who you tell the truth to." It brought to mind the time the S.S. visited the Buddhist church I attended and asked me if I were going to keep telling the truth; the priest listened. I knew I was in for it because as I keep speaking they get increasingly more severe. They have destroyed my credibility, by ability to work, my feeling of self-worth, my dignity, my naivete, my confidence in democracy. These notes are not complete; it would take a book which I am trying to write, they have stopped me at newspapers. Alvin Funk tested my memory as to which way to the river from our ward window. I was receiving drugs in my food and I thought that what they will do is progressively damage my brain so that I will next to an idiot. I had an amazing recovery in something like 28 days. This was all done to terrorize me and destroy my credibility.

Once a drug was administered to make me dizzy. This was to prolong symptoms of mental disease. Until this time, under many attacks, I was harassed in the Army, I had a nervous breakdown after seven years of frustration in the military. In 1958 I got no security clearance a week before I was to go on a career course. I was going to be a staff-sergeant and a Group IV instrument technician and with my ability I could have gotten somewhere, now I am unproductive.

Once a drug was administered to me to make me dizzy. I was led away from the dinner table. The memory test was done because the food in my house was drugged for a period of time before this incident. I was told some time later, "Do you eat a lot of apples? Just eat oranges and bananas." Obviously some information from a blood test in the hospital. I am uneducated and I am poor; I am not stupid. My home was entered on many occasions

and the samples I secreted of four suspected foods, three sets, was never found after I got out. I was asked by Alvin Funk and the young lad what I had done with the food. "Flushed it down the toilet?," they asked. I never answered. An EEG was done to check for brain damage. I was never so terrified in my life and now suffer from paranoia.

When I got up courage, I wrote to Grant Motley, NDP MLA, about the whole incident. I received no answer. Later at an energy conference a woman sidled up to me and knew all about the incident. I asked why Mr. Motley would not help me. She said, it was too hot to handle and moved away from me. She must have been a member of the NDP. Mr. Grant Motley is the only NDP member in Alberta, MLA.

There is fear in this land of our government and its police forces. All you have to do is read the daily newspapers. It was only a stroke of luck that after 12 years of letter writing I came across the name of David Orlikow in the newspapers and decided to try again, after being repeatedly told to not go to Ottawa about it, accept it, the harassment, etc. Be careful who you tell the truth to, etc. Can a Constitution prevent these atrocities? It does not, in the U.S. of A.

When the government and its police forces break and ignore their own laws, there is no safety in this land for anyone. When one loses his freedom we have all lost our freedom. It is so extremely difficult to get the help of MLAs, MPs, etc. In such a horrendous episode as I have suffered, how will the Constitution help people like me when MPs, MLAs, etc., are already muzzled by The Official Secrets Act and other legislation of which I know very little or nothing about. Will not the Constitution alienate constituent representative to an even greater degree? Who has money to fight the government in the courts as proposed? It will create more injustice because people cannot afford to live, some of them, much less spend thousands on court cases. Telephone tapping was made illegal for citizens but not for police. This was one way for individuals to obtain proof for their cases against authorities, so legislation against this avenue was conceived by the police to cut off this aid to victims of their persecution. All these atrocities are committed to the yet undefined national god called security. Not freedom. They are not synonymous.

This phrase is used to cover up the crimes of the S.S. and police forces against innocent people. These atrocities are taught to our people and other free countries of this world by our neighbour to the south, which owns our resources, our souls, lock stock and barrel. The RCMP have stolen dynamite, burned buildings and set bombs.

One case in point is the Corporal in the RCMP whose bomb went off prematurely and blew three fingers off his hand. He was sentenced to eight years in prison. No one, especially a corporal in the RCMP, does these acts of terrorism of his own accord. These are orders from the top.

This is a concerted, concentrated effort against labour unions, subversives, Communists, of which there are damn few because even after the Guzenko affair in 30 years or more since he supposedly had all these documents with all the names with spies in the RCMP, spies in pharmacology, spies here, spies

there, we see very little of these spies being caught. Or are our Secret Police propagandists as well as inept? They are directed from above by senior RCMP personnel who are in fact promoted for their crimes instead of punished.

The bomb was set against the bedroom wall of a Steinberg manager's store in Montreal. The grocery chain was experiencing a labour strike at the time. Had this act of terrorism been successful, subversives, labour unions, Communists, would have been blamed. The result would have been that the police would manipulate politicians into ever more restrictive and severe laws against the freedoms of our citizens. Police forces are manipulated by the Secret Police and RCMP. The left doesn't know what the right hand is doing.

Police are more intelligent than the politicians and lawyers and judges. Why do governments send their police forces to infiltrate, dismember and abuse by arrest and harassment, legitimate labour unions? It's one thing to spy and give concrete evidence, it's another to harass and arrest and accuse and defame and slander and steal, and commit fraud by forgery of documents and sign other people's names to them.

I was advised, don't write your letters of complaint in hand, typewrite them. That way all they have to do is sign my name. And put some kind of gibberish down. They've tried to provoke me to prove that I'm a dangerous mental patient. My IQ is in the top three percent, but I am uneducated.

How will the Constitution stop these abuses by government and their minions. Of course strikes in Poland are lauded and those labour unions become our allies against the common enemy. On the one hand unions are lauded because they serve a propaganda purpose; on the other they are abhorred because totalitarian elements in our government have lost complete control of people through the liberating effect of labour unions. Labour unions, in fact, have given the working men some dignity and some say in their world.

I saw a listening device removed by a Secret Service agent, Martin Prankert, it's a cover name. I gave all these names to the MacDonald Commission of Inquiry off my window curtain after we came off a 36-day walk through the wilderness. On this trip, I was drugged to induce pain and dizziness. The dizziness, so that while wading a mountain torrent, when he let go my hand I would be swept to my death. All the while he kept trying to change my thinking as to the truth I was writing about police forces' harassment. I replied that the only way to change a fact is to lie.

The pain, the drug, I burped green apples, was administered in Grand Cache in my beer, Martin Prankert went into the toilet with an undercover RCMP man. Now I can tell you one thing that I do not assume anything, but a mouse knows when a cat is after it. It doesn't have to have a missile from the apostles.

Because an MD on the east coast committed an RCMP officer to a mental institution they harassed him for some 15 years and had his office bugged. This was on TV. If the government has any honourable intentions, we have a Bill of Rights at present, I appeal to it, and I appeal in the name of God for mercy from this government and its police.

There seemed to be little, if any, control of telephone tapping and listening devices. They are used also in lawyer-client consulting rooms, thereby destroying the sanctity of lawyer-client relations. Not only was it in the press in Edmonton but under one of the many harassing techniques they have, as I spoke to my lawyer, he pointed like that. So it's common knowledge.

The threat of mental institutions are not only written in the press, of which I have read, but I have experienced them as punishment, political persecution. It happens in Russia, it happens here. Become informed, that is the only way that you can be effective as a citizen in a free country and if you propagandize, censor, stop books from coming in because they are not popular or not wanted, then you aid the cause of fascism and the destruction of freedom. There are probably over 12 wars in this world today fighting for the same thing, freedom. The police are also guilty of destroying doctor-patient confidentiality. Traditional methods of redress are almost non-existent or very slow and your proposed constitutional safeguards will be near impossible because citizens are not deceitful enough, nor trained enough to obtain hard evidence against those abuses by the police force. Even if they could obtain such evidence the courts, as proposed, are out of reach of the average citizen's pocketbook.

Until recently the Crown could not be sued, the Marin Commission, how to handle complaints against the RCMP. This was never made clear to the people of this nation as to the said purpose of this commission. I, for one, thought it was for freedom but it's only on how to handle complaints against the RCMP. They were, in fact, instructed the press on what point should be reported on. This is meddling and interference of free expression of the press. When I went to read this directive on a table the security officer in charge, straight redneck fascist, was going after me. I am intimidated by these things. I am frightened for everyone.

On 3rd March, 1975, I attending the Marin Commission hearings in Edmonton. The lawyer, RCMP in charge, asked me what my complaint was and after hearing my damaging tale, he said, "Oh, I'm not supposed to hear this". He advised me to start from the beginning and go slow. Before I could get to my complaint in my brief he cut me off. So the hearing which was attended by the press and open to the public would not hear the truth. After threats and attempts to kill me on numerous occasions I had started to carry a knife on my person for protection. I revealed it in the hope of getting publicity and thereby stopping police torture. This has destroyed my family, my credibility, my military career, my marriage and damn near my sanity. It has destroyed my respect for government, for the judicial process. They have destroyed my naivete because I believed in democracy. I revealed it in the hope of getting publicity and thereby stopping police torture. Instead, I was choked and arrested. At the preliminary inquiry was found in my favour so it would not go to trial and reveal police atrocities against me. The same prosecutor, whose soul belongs to the secret police and other police forces, was at the public inquiry, preliminary inquiry, when I was charging another S.S. of sexual assault and again found in the favour of the accused S.S. so I was thwarted again at an effort to reveal S.S. police forces atrocities against me.

The press was scrupulously honest about what it had heard in the Marin Commission rooms but would not print the truth of what I said outside the hearing room, where I was cut off from testifying against my ongoing torture. To have an RCMP lawyer conducting a hearing for complaints against the RCMP is like having Hitler conduct the Nuremberg trials.

While under 24 hours surveillance in Edmonton, I was in one of many altercations and confrontations with the S.S. in Al's Barber Shop. This man was Nick Poroznick, an employee in a mental institution. It was about free enterprise and Russian tractors in Canada, it is about my right to speak my truth and be taken to a court and answer for any slander or defamation. I am allowed to be wrong, but I am non-biased, gentlemen. If anything I am biased towards the truth and only that, including facts about God and religion.

He was losing this argument and was quite angry with me. In order to obtain this evidence they kept telling me, do you have proof? Now I am not educated in police methods. I went next door with this man to the Venus Cafe, where we had a coffee, and my life was threatened while we drank this coffee. The man said that if I was so smart as to lose the police by going into the bush that I would be run over at an intersection and have my legs broken. Subsequently while riding a bicycle I was nudged by an International panel truck painted with red primer, it was an old vintage truck, as I neared a telephone pole and nearly hit it because this truck zig-zagged and saluted as he passed. I was severely shaken and frightened and walked a back street for about 10 blocks. As I came near the intersection of 149th Street and Stony Plain Road, I saw the same vehicle sitting parked on 149th Street facing south and Stony Plain Road waiting for me. I tried to get the licence number and the vehicle sped off as I neared it. He was waiting for me to appear in that intersection. That is the second, without doubt, attempt on my safety, my life limb.

Letters and a visit to the Attorney-General's office were non-productive. These by the way under subpoena can be had from the Attorneys-General of Alberta, Manitoba and Ontario. There is no help. These government people are guilty of complicity and terrorism against people like me.

Subsequently there were at least two incidents where cars passed me as I walked, zig-zagging towards me while yelling from their open windows and I would run and seek refuge behind a telephone pole or somewhere. I've had cars go by me, because they would follow me at night and shake their fists at me because I wouldn't conform to a path that I was supposed to walk I suppose, I don't know, I can't tell you what is in their minds.

On this walk through the mountains with an undercover agent I was constantly faced with altercations and brain-washing techniques. As we started in Grande Cache we stopped for a beer where a drug was put in my beer. I had severe stomach cramps and after about an hour and a half on the trail I burped green apples. On the third day out he administered the same drug to cause me pain again and he asked how I stood the pain. I had not complained, but could not proceed on that day. Just near the end of our 36-day walk before crossing a

mountain torrent of ice water knee deep I had a dizzy spell shortly after we started that day and fell nearly hurting my leg. I had a similar dizzy spell one other time when I saw a drug administered in my milk by a person in 9B south ward.

There were constant attempts to get me to alter the truth. What is truth? This, that and the other thing, haranguing all the time, delving into my sex practices. I had the man I was with constantly trying to convince me to alter the truth about what I was saying about police persecution. It was brain-washing technique. After I slept he would eat our food in the evening. When he and I split after we walked to the highway we never saw each other till about four days later. There are details I must omit to prove the veracity of what I say. I hope to God that this book comes out. When he came to my house to pick up his gear, at this time I saw him remove a listening device off my window curtain just before he left. It had been in place some three or four days while I rested at home.

While attending a Buddhist church an S.S. agent talked to me while the priest listened in — it was about the truth again. He asked if I were going to tell the truth and I said I would till I die. I was feeling poorly physically and when I tried to speak of my persecution to people it came out as gibberish, even though at first it sounded intelligent to me, but upon a close examination of what I was saying, I realized there were gaps in my sentences. I was thinking faster than I was talking and skipping parts of what I wanted to say.

I packaged four kinds of food that I was eating in three sets and hid them around the house. I tried to get them analyzed for mind-altering drugs at the U of A. The friend I took them to was too terrified to help.

I wrote Honourable Eugene Whelan about an idea of how to use our milk and egg surpluses and got a letter of recognition back. I showed it to the lady who lived upstairs. She and her husband were S.S. and perused all the mail I received. She was there as I put it away in my portable file case and saw the place. When I went to show it to a young neighbourhood friend it was gone. I wrote to Eugene Whelan and told him of the Secret Service tactics and drugs and food and theft of his letter. I asked for a photocopy and received it. The lady S.S. agent was on the landing as I brought the letter into the house, she asked, "Is that the letter that was stolen?" I put it in my portable file. It was stolen and the original was replaced.

I ask you, if you want to see something I double dare this committee to put me under hypnosis and let me relive the terror and horror that happened to me in 9B south and I will reveal under hypnosis who did the hypnosis, and post-hypnotic suggestion to keep me out of university, to keep me away from arts where I might become a psychologist or a lawyer, and into education where I was relatively safe and harmless. The state decides what you should be or what you should not be. I question the honourable intent of the legislation we have and the Bill of Rights that we have by the Right Honourable John Diefenbaker. It did me no good. What is more constitutional entrenchment of rights going to do for people like me?

At the Buddhist Church where I attended, I beg your indulgence, when I speak of this I don't sleep

for several days. This is my life's blood, this is my credibility and my dignity as a man. At the Buddhist Church where I attended an S.S. agent accosted me after the services and the priest listened in. Again I was asked if I was going to tell the truth about what the police were doing to me, and I said I would as long as there was a breath in my body. I knew that more severe harassment was forthcoming.

As a matter of fact a few days before I was to appear here an S.S. man, just a nondescript bread delivery man told me, be careful what truth you tell people. I had gotten rid of that family S.S. who drugged my food and stole my mail. The next tenant was a Pakistani named Rupe Aggarwal; S.S. also. He gave me that small pile of gritty substance in the palm of my hand and said it was his native food. I ate it so as not to offend him and it was not sweet as he had said. I had severe diarrhea that night and bled and urinated from my anus. I drank about three or four cans of concentrated milk to try and stem the pain and discomfort. I went outside and burned my tapes and letters on the advice of a city police constable, Jim Cummings, a neighbour. I was afraid for my life and my sanity. I feared for my life and that they would do brain damage to me.

I had numerous letters passing the buck from Ombudsman and provincial and federal police and tapes of a homosexual that they sent after me to try to validate any attempt to get a visa to leave Canada. They eventually succeeded. I had experiences with S.S. here interfering with my attempts to go to the Austrian Consulate. They took mail out of his mailbox and altered it. I had written the whole episode on the outside of the envelope. It was easy to get that envelope, they were watching me 24 hours a day. They harassed me at the duplicating firm where I printed up all this stuff, those 39 pages which I would distribute to anybody who would listen.

They were finally successful by reaching a lawyer I had. You see, countries won't take you if you're a homosexual on a visa application. I would have lived in Russia but after two weeks there I came back. I jumped back into the frying pan.

The S.S. finally reached a lawyer I had defending myself from their attacks in getting a conviction of theft under \$200 and again concealing the truth. This lawyer told me, he says, I've spoken to the prosecutor, you plead guilty, it'll be unconditional discharge. Just thrown out, just misdemeanour. Rupe Aggarwal, when they found that Legal Aid was helping me, they got a category where Legal Aid would not help, landlord-tenant dispute, so the man refused to pay the rent. At the time I was living on \$40 to \$50 a month for food. When I put a finger in the calf of my leg the hole stayed there, malnutrition. I spent money on stamps and duplicating when I didn't have money to eat.

When I arrived at the mental institution they were waiting for me. The S.S., as patients, for three or four days they kept me awake. Alvin Funk was a strong arm man, he threatened to beat me. He slept during the day and kept me awake at night as I tried to sleep. When I complained Alvin was moved into another room across the hall. An Indian lad was put in the bed next to me. He kept me awake as I tried to sleep. I threatened to light my bed on fire. I lay terrified but did not have a breakdown so one day at

dinner Henry Roth brought me a jello dessert all alone in his hand. Desserts are generally served altogether on a tray. I knew I was in for a bad time because at this time I had already experienced two druggings to cause pain, one drugging to cause dizziness and whatever it was that was put in my food it was affecting my motor ability in my left hand and I went to Marco Motkaluk, a neighbour, S.S., I can give you the facts and details but I'm sure it would take too long and you're not really interested and I said, do something for me, for God's sake, I'm turning to jelly. He says, I'm only a little guy, what can I do? And his wife looked at him, S.S. also, they phoned somebody and they concocted this 9B South episode to destroy my credibility at the injustices and atrocities conducted against me by a government who now proposes to show the world how great it is.

I am not impressed. I will be when this comes out, when the MacDonald Commission comes out and the first words intelligently spoken to me were by the investigator whom I didn't trust either. He said, that's easy. You just give us the names, we'll check them out and prove if what you are saying is true, the only intelligent words ever spoken to me by any government official.

I ate this dessert. The next thing I remember I was terrified of pictures on the wall. When they were moved or put on the floor due to their nails being torn out of the wall. I was afraid to go to sleep because of the terrible nightmares and could not keep my eyes open or walk without a shuffle. I don't know how long I was in that condition. It was confirmed a second time that Mary, a woman of about 50 years old, was the co-ordinator of the group effort. The first time was when I saw her whispering in the ear of the newly arrived Indian lad; the second was when she walked up to me and said, you can see better now and walk better. I had the experience of having my eyes opened from the slits that they were and was able to stride out of the shuffle I had been doing which was not evident for three or four days when I got into the mental institution. I was not breaking down so they had to take more severe methods. I felt well and quite marvelous, in fact, now I understand that I experienced the Stockholm syndrome. Look that one up.

There was yet another administration of a drug in my milk. I saw it released into my milk from the palm of a young pregnant female as she poured my milk. It was done like this. I drank it. If the left doesn't get you, the right will. She subsequently harassed me by, when I sought to sit alone and be free of some sort of terrorism, she sat next to me and I was in utter terror of my life, constantly. And I am today and I'm in terror of my life coming here and speaking because a few days ago I was told, be careful of what truths you tell.

The second was when she walked up to me. I felt quite well and marvelous, there was yet another administration of the drug in my milk. I saw it released from the palm of a young pregnant female. This produced dizziness and staggering. The paranoia and anxiety and dizziness were the first real symptoms in many nervous breakdowns I had had before this time in many years.

The first was due to frustration and harassment in the services and seven years of no promotions, no

raises in pay and being treated like a thief and a traitor. There was a mix up in birth records, I assumed my stepdad's name when I entered school at the age of six, and when they did a security check no such a man as I existed in this country. There are documented cases of Russians replacing people in England, one which I know of. They were produced by intimidation, coercion, drugs and hypnosis. When Roth wasn't berating me for a communist he was trying to recruit me for the S.S.

The many attempts when they tried to recruit me I said I was not interested and I must have said this three or four times. Then they upped the ante. They said, would you sit in on a board, an intelligence board. I said, I am not interested. I wrote letters stating my position. I said, would you ask a Minister to execute a convict? Well, that's where I stand, gentlemen. I don't have the temperament, desire or the will for this kind of power or sadism. I'm not a psychopath, which is what intelligent people are. Psychopathic liars, people without conscience that will kill when they are told like a guard dog. He told me I had to say absolutely no, and not that I was not interested. I must have repeated that to him face to face, absolutely no, at least three times.

Records are kept of observed behaviour in patients by the staff. Once while Henry Roth and another male nurse and I sat and talked, the Sikh male nurse demonstrated his knowledge of Ukrainian. I identified words he used. Mary saw this objective behaviour and my demonstrated knowledge of Ukrainian and put a stop to this soothing, constructive conversation by coming up behind Roth, putting her hands around his neck and choking him. Needless to say, this put an end to our conversation. The effect was electric. Roth jumped to his feet immediately.

Another time she interrupted an interview I was having with a graduating female nurse, Connie Dawson, and talked non stop for 10 or 20 minutes so she and I could not converse. Once Mary gave me a Digest to read with a story entitled "The Man that Nobody Would Believe". I've had this instance happen at subsequent times. I was also told, "You read this book on etiquette."

Again, my normal behaviour could not be observed. Once near the end of my 28 days' confinement, the Indian lad and Funk sat with me in front of the open door of the office and harassed me by asking me if I was a Canadian. I don't want to be a Canadian; I have tried. I have left this country three times. I was done in again when I tried to go to New Zealand the fourth time. They returned my documents with not even a covering letter. I could tell you word, bit by bit, who did it, when, why and everything and the name of that person appeared in my address book. They had a line on me when I moved into that neighbourhood in 1966 when I bought the house. I never saw those people since, but consequently I saw my neighbour who was working for them against me. I saw a police cruiser parked in the back. I saw the same lady, obviously this officer's mother, sit in on an informal hearing, which I wasn't supposed to know what was happening but another friend of mine who worked for the police and tried to leave me in the Yukon, they asked me what I thought of British law. I said I don't think much of it, look what they've done to me

in the last 20 years with British law. That's when they returned my documents and that same lady was sitting. There were six people listening to me, plus Bill Chernadka, my very good friend who tried to abandon me in the Arctic, and they asked me what I thought of the horsemen. The horsemen is slang for RCMP, etc.

To test my memory, once Alvin Funk asked me the direction to the river from our ward window. I was in terror and slowed my reaction, looked around and finally pointed to the river. My idea was to preserve my brain from further damage by chemicals put in my food at home, in the tavern at Grand Cache, on the trail by Prankard, in my milk by the young pregnant S.S. female patient, etc. A man I never suspected, Ed Dolin, another patient who talked incessantly and was called "motor mouth" sat next to me once. Out of the blue he said, "Be careful who you tell the truth to." You see, there is no place to hide for me. He, too, tested my reasoning by asking me the value of the furnace ducting which lay on the ground compared to the value of a tank. I was afraid.

An EEG was done and an I.Q. test were given to assess if any damage had been done. On an interview with a doctor at my release an explanation from him as to my miraculous cure was that this was a chemical change in my brain. A post-hypnotic suggestion was implanted and I told the doctor that I thought women were the most beautiful things that God created. This thought came out of the air. I was rehypnotized by Rupe Agerwall in my home in the basement and he caused me to apply to the Faculty of Education instead of Arts where I wanted to take psychology. You see I could have transferred into Law, and they definitely don't want me having access to any confidential documents regarding mental patients or any other thing that for some reason is some security risk for this country.

The interviewing doctor in Education out of the blue assured me that I would get the same psychology as I would in Arts. To me it was obvious this man worked for the Secret Police. I was going to reapply to Arts but I had fear. I realized after this was over, why, after going to apply to Arts for psychology I ended up in Education. Even the counsellor was confused when I told him. I was denied entry the first time; this was all documented as it happened to the Attorney-General of Alberta. The RCMP plainclothesman went in before me and the Dean of Arts, a Mr. Smith, denied my entry. I complained and told them what was happening, even my attempts to go to day school, night school, everything. RCMP plainclothes — they would identify themselves to me. It caused such terror, I couldn't concentrate or sleep.

I realized that by hypnosis, drugs in my food, they entered my apartment whenever they chose and S.S., as members of the U of A staff, and my inability to sleep and concentrate, I would fail at whatever I tried. As soon as pressure was applied or plainclothes policemen appeared in class, they would identify themselves to me. One tenant I had, when I related my harassment, said you will lose your job.

Another Secret Serviceman, Marko Motkaluk had directed me to a labour job at a power plant being built on Lake Wabamum. I had told him I have been in the government service all my life. Before I was 18 I entered the Army; I got \$49 a month. I said I've

been poor all my life, get me a good job. This was after 9-B South. He did; he directed to a place, and as soon as I related this to another Secret Serviceman in my house, I thought finally I was free of them, the man comes up with, you'll lose your job. I have heard a member of the Communist Party in Toronto say that the state controls people's jobs here and I never believed it until it happened to me. I was directed to a labour job at a power plant being built on Lake Wabamum. I lost my job.

My neighbour, Al Reibe, across the alley in Edmonton, had his wife in hospital with a stroke. I sent flowers. A few days later I talked with him in his yard. The people upstairs in my place saw me, the same man that said I would lose my job. A few days later as I emptied garbage, Al Reibe was in his car trying to start it. I walked over and spoke to him. He shielded his eyes from me with his left hand and would not speak. He backed out and drove off. The people upstairs asked me if I knew anyone else in the neighbourhood. This man's children were calling me a Communists . . .

HON. GERALD W.J. MERCIER (Osborne): On a point of order, Mr. Chairman. I wonder, with all respect to those people who are still waiting to make submissions, I wonder if this gentleman could be asked to speak to the constitutional issue.

MR. MICHNIUK: This is a constitutional issue, the most important one in this day and time but if that is your wish.

MR. CHAIRMAN: Sir, what may I ask you firstly, what page are you on here. I have a copy of your presentation.

MR. MICHNIUK: I'm on 16. I have 1, 2, 3, 4, 5, 6 more to go, but I am very content that you have given me your time and your attention.

MR. CHAIRMAN: No, no, we're not trying to dismiss you or anything like that. You were here this morning and you did hear some long presentations and some short ones. It is the wish of this committee that we can hear the rest of the persons that have indicated a desire to speak and hopefully hear them prior to 5 o'clock today. It is now 3 o'clock, sir, and you did get started shortly after 2:00. That's almost a full hour for you.

MR. MICHNIUK: Thank you.

MR. CHAIRMAN: Can you wind it up in the next few minutes? Can you summarize the last few pages rather than going word for word?

MR. MICHNIUK: I will.

MR. CHAIRMAN: Would you please?

MR. MICHNIUK: Yes, sir, thank you.

People who helped me eventually turned away from me, this includes my own family and my own son who said, "They will do to me what they did to you, Dad." And that's the end of a father-son relationship and I'll defend with my life that this is a constitutional issue.

In every land, in every country on the face of this earth I've had an irreplaceable military idea stolen

from me after telling Marco Motkaluk, the neighbour to whom I went for help and surcease from this drugging, it was stolen out of the police station lockup. Constant altercations, confrontations.

What will the Constitution do to stop the torture of people by their own government? I submitted written and oral evidence to the McDonald Commission of Enquiry. Will it reveal to the people of Canada what has happened to me? The bottom line is that even the S.S. know I'm not a security risk.

I had written on a piece of my mail, a lot of us know you are not a spy. I've had a court transcript altered so severely it read like a Mickey Mouse comic book, something that I could show people, evidence that was in my favour was altered. One of the replies to a question by the prosecution was "duh" as printed in the transcript. Do I sound like a "duh" personality to any of you?

They didn't call a clinical psychologist who did testing on me to testify on my behalf but he had a social worker with whom I didn't get along, he was an incompetent ass and a psychiatrist who prayed to another psychiatrist to whom he sent me in Edmonton, Alberta, Flora Henry, because that was his hero. I had to extricate myself and it cost me \$1,100 finally for two character witnesses. They wanted to administer thiorazine or whatever, a drug that does permanent brain damage to me, when there was nothing wrong with me. They set it up, because I was distributing information to people of what the RCMP were doing to me. They primed this doctor with some farcical story and when I was picked up and interviewed in the police station the doctor was literally shaking. I said, "Who put ideas into your head, you don't even know me?" He asked me, "Are you being harassed and followed by the police", I said yes, signed a paper and I'm hauled away.

What is the Constitution going to do about that? Use of mental institutions for political purposes. If you want documentation read a book called Mind Control written by Americans. They have a great Constitution, the best in the world. There are horrors committed there and abroad against all peoples of the world including us. They have CIA in our government that know before our own government what is happening in our own country.

This Ombudsman in Winnipeg thinks I'm crazy; I've written him; I don't dare write him. There was a series of harassments before Christmas and psychiatrists understand that a man who is lonely at this time of the year is you know kind of tetched. So if I had complained, I did complain but to David Orlikow and he promptly told me one time I can't help you, I've done all I can, I've written to the Attorney-General, after the 39 pages that I gave him — I'll be done in a minute gentlemen. I didn't think I would ever get this far.

I would give my life for freedom, but not for this country and what it's done to me and I'm not naive any longer and I know that freedom does not exist anywhere on the earth unless you are afforded it by an honourable government and state.

I thank you gentlemen for your patience. This is the greatest liberty ever afforded me.

Thank you.

MR. CHAIRMAN: Thank you, sir

Is there a person present, S. K. Varma? Mr. Varma. I see, sir, that you have a presentation. Are

you appearing as a private citizen or representing a group?

MR. S. K. VARMA: I'm representing myself.

MR. CHAIRMAN: Could you get closer to the microphone or speak a bit louder, please.

MR. VARMA: I have a written brief, a copy of which, I believe, the Clerk of the Court has already distributed them, the brief that I have in front of me.

MR. CHAIRMAN: Would you proceed please, sir.

MR. VARMA: Mr. Chairman, ladies and gentlemen. I am here as a result of an aberration that occurred eight years ago on the world scene in the name of Field Marshall Idi Amin Dada. I daresay you've all heard of him and I'm very thankful that he did appear on the world scene and gave me the opportunity to become a Canadian citizen.

During the last eight years I have felt, and I've heard, and I've assimilated many things that have changed my life considerably. Very recently I was given the distinct honour of becoming a Canadian citizen and as a result of that honour I wrote to the Prime Minister of Canada giving him a few of the feelings that I have for this country as a citizen and as a person.

There is a climate of concern in this country today which I, as one of those people who were uprooted from another country, feel very deeply about and if there is something I can contribute to this country as a result of my experiences elsewhere I would like to share with my fellow Canadians and through you as a committee examining the new Constitution that is coming into being.

There are many experts in the field who can give you all the technical and legalistic jargon at their disposal. They're well qualified in that field; I not being an advocate or a lawyer, the only language that I know of is the language of plain people like myself, and the brief that I addressed to the Prime Minister of Canada, which I wrote with my own hand, I have alluded to feelings which are subjective rather than objective. I have titled this "A Challenge of Growth", "Being a Canadian — A Challenge of Growth". With your permission, I will read this brief for the four or five pages that there are.

I suppose each one of us has something to say on this subject, that is, being a Canadian. Especially these days when so much is happening in this regard; what with Quebec pulling one way, Maritimes the other and western Canada yet another. It seems as though this unending struggle between contending forces of one kind or another will either result in the disintegration of this fledgeling entity called "Canada", or conversely, lead to the forging of a union beyond the wildest imaginings of our founding forefathers. It all depends upon where one is at, in terms of consciousness and levels of awareness, regarding that something which constitutes or contributes towards the making of a "Canadian".

To a relatively new participant of this living drama like myself, with memories of one's past still sufficiently fresh to raise the occasional sentimental tear, this business of forming yet another "identity" to relate to, in terms of country, nationality and political credo, assumes a very significant challenge requiring an extraordinary willingness and ability to

accept changes in one's outlook and values. These changes can be quite radical in their nature and at times fairly trying. As such, they are not easy to accommodate, especially if they happen to touch upon certain areas of susceptibility and sensitivity in terms of personal worth or of group affinities such as language, race, religion, etc. Nevertheless, the current milieu within which one happens to be functioning at any given time both helps to shape as well as be shaped by the values of the participant.

Such perhaps is the case with the vast majority of people from the diverse cultural and ethnic backgrounds that have come to inhabit this great land, whether of recent domicile or of several generations down the line. The conflicting emotions and ideas to which one is subjected under such circumstances add to the questionings already prevalent within, as to one's state of being, direction and purpose of life at the individual level. At the larger group level, this discontent becomes even more pronounced when local and regional "interests" vie with the national ones to add to the turmoil.

Is it any wonder then that the individual feels somewhat helpless, and at times even frustrated, in the attempt to "do something" in order to bring some semblance of order and sanity in the apparent chaos that one discerns to be prevailing around? In such a climate of surface disorder the general tendency is for everyone to blame the rest of society for the difficulties being experienced whilst building a protective shell of individual self-centredness around oneself, leaving it to a faceless entity such as "government" to sort out the mess. In the meanwhile, of course, there is a free-for-all whereby everyone feels sufficiently threatened to justify "looking after No. 1", and let the rest be damned.

This should come as no surprise because, really, none of us have truly looked in the right place to begin with — at one's own self]

And yet, this is precisely what has to be done, regardless of the size, structure or character of the aggregate unit involved if a true "Canadian" identity is to come into being in the real sense of the word. Until such a time as this happens and the right attitudes and values emerge to hold sway in our consciousness towards those that we mistakenly consider as "others", the formation of a truly united Canada that we so passionately desire will keep on illuding us. And for this to happen an awareness has to dawn and firmly establish itself in the daily interface of life around, that the only sure way of building a harmonious whole is to be harmonious, is to be supportive and appreciative of those that comprise this diverse grouping, regardless of their cultural, linguistic, ethnic or racial origins, even if it takes an extraordinary effort to do so.

The key to this heightened awareness lies in the response mechanism that one brings to bear on any pressure situation involving people, events or circumstances. Should this be of the unthinking, negatively conditioned, uncaring and self-centred variety, characteristic of our sub-human ancestry, then the resulting awareness is bound to be the equally unregenerate, soul-less throwback to the past that still haunts us to our present day. If, on the other hand, our reaction to the challenges of life that test our integrity is of the open, caring and positively considerate variety, characteristic of the supra-

human potential that lies within, then the consequent awareness is equally momentous. In this case, conditions are created that favour the establishment of true harmony and real growth, both inwardly as well as outwardly.

In the context of this inner awakening the fortuitous accident of our multifaceted diversity may incidentally serve another yet higher purpose quite unbeknown to ourselves as a nation. If in blazing a new trail towards this creative harmony we happen to make a positive contribution towards the creation of a better world for all to live and grow in, then our place in the comity of nations is assuredly worthy of the trust placed in us in the larger scheme of nature.

I beg of you, gentlemen, in your deliberations, pay some attention to this inner need that is growing and willing, not only in Manitoba, but the rest of Canada. You can write all the legalistic arguments in a Constitution, but if you don't pay heed to the essential man then nothing will be worth it. There is an awakening in this world today to a new reality to which our legislators must pay some attention. We have paid far too much attention to the outer reality of life, but there is a greater reality to which we must awaken.

I thank you for your attention.

MR. CHAIRMAN: Thank you, sir. Would you permit questions from members.

MR. VARMA: Oh, most certainly.

MR. CHAIRMAN: Are there any members of the committee that wish to question Mr. Varma? Seeing none, thank you kindly, sir, for your presentation.

The Ukrainian Women's Association. Is it Anna Stelmaschuk?

MRS. ANNA STELMASCHUK: Right. My name is Anna Stelmaschuk and I represent the Manitoba Executive of the Ukrainian Women's Association of Canada. You have a brief I believe distributed and I shall read it.

The Manitoba Provincial Executive of the Ukrainian Women's Association representing Canadian women of Ukrainian (Orthodox) descent are proud to be residents and/or citizens of this great country Canada. We consider it a privilege to bring to this committee a selected number of very important recommendations regarding the proposed constitutional revision.

We respectfully petition this committee to include in its representation to the parliament of Canada:

- 1) A request to repatriate the Constitution of Canada.
- 2) If a Charter of Rights and Freedoms is entrenched, it is imperative that:
 - (a) the right be included to educate our children in English and such other language as the majority of the people of a school district may support;
 - (b) in addition to expressing the dominant Canadian culture, the right be included to practice an ethnic culture;
 - (c) in addition to giving proper recognition and allegiance to the Canadian flag, the right be included to display and recognize an ethnic flag.
- 3) We consider the language of the constitution to be of great importance. It is language that stirs

the heart and sparks the imagination. In order to imbue future Canadian generations with the love and purpose of country, it is essential that the preamble to the Constitution be written in imaginative and inspiring language.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Would you permit questions, Ma'am?

MRS. STELMASCHUK: Only if I'm able to answer them.

MR. CHAIRMAN: Are there any members of the committee that wish to . . . Mr. Blake.

MR. DAVID BLAKE (Minnedosa): Thank you, Mr. Chairman. Just one question in relation to the final paragraph of your presentation. I wonder if you've had a chance to consider the amendment put forward by a member of the Constitution Committee, The Honourable Jake Epp, to do with the preamble.

MRS. STELMASCHUK: I have not studied it or read it concisely.

MR. BLAKE: The gist of it where we recognize the supremacy of God and that will be, if it hasn't been voted down I understand it's going to be voted down. Do you have any comments on that?

MRS. STELMASCHUK: Because I have not discussed that in particular with my executive I would prefer not to comment at this time.

MR. BLAKE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any other questions to the delegate? Seeing none, thank you kindly for your presentation.

Is Arthur Cramer present? Mr. Cramer just before you start, my usual two questions, are you representing yourself as a private citizen or a group, question 1 and question 2 is do you have a prepared text?

MR. ARTHUR CRAMER: Well to the first question, sir, I'm here as a private citizen and, to your second request, I have a written presentation, unfortunately due to a variety of circumstances that are basically beyond my control I wasn't able to compose a final typed copy of my discussion. However, I would be willing to distribute copies within the next two days of a typed copy of my discussion.

MR. CHAIRMAN: Mr. Cramer, we can get it from Hansard. There's no need for you to personally go to the trouble of preparing additional copies. Please start.

MR. CRAMER: Thank you, Mr. Chairman. Before I start I would like to take this opportunity to thank the provincial government for allowing the citizens of Manitoba this forum to air their opinions on this matter, I think it's a matter of great importance to all Canadians and I think that this sort of a forum is both useful and very opportune. Having said that I guess I'll go on with my discussion.

The intent of this presentation is to discuss the philosophical and intellectual issues as they pertain

to the question of the insertion of a Charter of Rights in a new Canadian Constitution. I have no intention of dwelling on the actual mechanics involved in drafting such a charter or any of the issues of legality such a discussion could ultimately raise. Instead, this paper will focus on an examination of the various factors which make the insertion of a Rights Charter, within the framework of a new Canadian Constitution, both desirable and imperative. Prior to discussing which specific rights should be involved in a proposed Rights Charter a brief discussion of what rights are and how they evolve follows. It is hoped such a discussion might shed some light upon the issues involved in dealing with this question.

Firstly, what are rights? In the very simplest of terms, rights are an expression of recognition on the part of society of the uniqueness and independence of the individual. The very notion is in itself an acknowledgement that under ideal circumstances all persons should be the sole and only masters of their will. If rights are thus a societal acknowledgement of the uniqueness of the individual how do these rights evolve and how do we protect and quantify these rights.

It is obvious that society is not a static monolith imposing its will upon the individual. Society is a changeable creature, a fusion of all the individuals in the society. Consequently it is these individuals who, by acting in concert, arrive at a broad-based decision as to how they shall govern their affairs. Hence the final authority in any society are the people, a varied group of individuals. It might appear then that the individuals should enjoy unlimited privilege and initiative and be free to conduct his affairs in any manner he deems fit. However, this is not the reality. Perhaps such an untrammelled existence would be possible if the individual were the sole inhabitant of Daniel Defoe's *Deserted Isle*. However as a society is composed of many persons it naturally follows that the degree to which individuals within any society can exercise personal initiative will be limited by the way in which these initiatives affect others in that society. Clearly, individual behaviour will be determined by the accepted norms of society of which he is part. Hence, in speaking of the rights of the individual, we are in fact speaking of the degree to which an individual can exercise independent initiative within the social framework.

It is apparent then that the individual in society clearly is restricted in exercising personal initiative by limitations imposed upon him by the society of which he or she is part. What becomes very clear is the fact that as long as the society as a whole is in agreement an individual can continue to enjoy these so-called rights only so long as the society continues to embrace and support these rights. However should the society as a whole revise its perception of these rights it automatically follows that the continued existence of these rights are in jeopardy. Perhaps then the use of the word "rights" to convey the idea of freedom of the individual in our society has to exercise, in terms of independent initiative, is inappropriate. A more precise word to describe the basis on which the individual may claim the freedom to act might be the word "privilege". Privilege seems to have the necessary connotation of the transitory and impermanent which seems to best express the

informal and unstated customs and conventions which society has been pleased to assume in describing, defining and protecting the rights of the individual.

Within the Canadian historical experience we have had a number of instances where so-called rights have been changed or even totally suspended at the whim of Legislatures. Thus, to say that Canadians have certain fundamental rights is to fly in the face of history. For example, we loudly proclaim the rights of Canadians to freedom of political affiliation, yet in 1970 several hundred Canadians were placed under arrest at the time of the FLQ terror because they subscribed to one of the aims of that group, an independent and sovereign state of Quebec. Thus these persons were, by association, assumed to be the same kind of threat to national order and security as the federal government's perception of the FLQ. So much then for the right of political affiliation.

The basic premise upon which a submission is based then is the view that Canadians have no fundamental rights as such. We enjoy a climate of freedom based on privilege which may be abrogated or modified at any time. The state of affairs, in my view, is undesirable. In order to live in and maintain a free and pluralistic society we need a written Bill of Rights enshrined in the Constitution. Some politicians, notably some of the provincial Premiers say, "Leave it to us, we'll protect you". Well, the fact is, the record of both federal and provincial governments inspires in me no deep conviction that the politicians can or will protect fundamental rights. Politicians have been known to act in reaction to proper hostile sentiments, as in the case of the federal government's treatment of Japanese Canadians in the 1940s. Sometimes governments have acted against interests of its citizens on behalf of their vested interests as in the asbestos strike of Quebec, in Quebec in 1949. Sometimes governments have victimized individuals because of the petty peak of powerful politicians, as is the case of Premier Duplessis cancelling a liquor licence seemingly because the holder was of the Jehovah Witness persuasion. I believe that incident was in 1944-45, I can't remember the exact year.

Canadians need then to be protected from and against any and all possible arbitrary subjective or otherwise unreasonable legal or legislative sanctions, a Charter of Rights would thus fulfill this need. Clearly diverse groups within Canadian society, such as Canada's native population, women and the handicapped, continue to find themselves forced to deal with various forms of discrimination, both at home and in the workplace. Further, as the notion of pluralism is basic to Canadian society, formal legal options must be provided for those Canadians who wish to exercise their right to dissent. These needs can best be met by a Rights' Charter. It might be argued that what is being spoken of here are not individual rights but are in fact societal responsibilities. In response it should be noted that it's simply not sufficient to acknowledge that we do have problems and then simply leave it at that in the hope that somehow these problems will work themselves out over time. Clearly, if we accept the premise that all persons within our society are theoretically equal, then we must acknowledge that

every possible avenue for equality must be explored. It may indeed be necessary to force certain individuals, institutions, corporations and governments to respect the individual and his rights. Thus, the Rights' Charter would be the most effective societal weapon to compel such respect. On the one hand, it would provide the necessary means and incentive by which responsible persons of goodwill could effect useful and constructive changes to the fabric of Canadian society. On the other hand, it could push those who sought to evade these responsibilities to comply with the wishes of society.

Having laid down this framework I am going to go on now to discuss some of the, sort of, considerations for what I would believe appropriate rights being included in a Charter of Rights. The first of these is the protection of the citizen against possible infringement upon their personal liberties by all Canadian law enforcement organizations and their agents. Such a provision in a Charter of Rights would offer some protection in a system which is heavily overbalanced in favour of those enforcing the law. Law enforcement officers should be required to advise the suspect of their rights, including the right not to make a statement, the right to counsel, and the immediate right upon detention and I stress the word "immediate" to communicate with family and/or counsel.

Recently in Canada, as a whole, and Manitoba, in particular, there have been instances of physical abuse of suspects by police. It is doubtful that police should be entrusted with the investigation of such abuses by their own colleagues. An independent police commission — and I would like to qualify that a bit here or rather expand it for just a moment to say that I believe that, in terms of discussing other self-regulating agencies, I don't believe the police alone should be singled out, for example, doctors. I wonder if doctors should be a self-regulating group, as I wonder about lawyers. I guess the reason for my mentioning this is just to make it clear that I'm not specifically setting the police, I believe that abuses are possible in all forms of occupation, for lack of a better way to describe that. When speaking of the Police Commission, it should be vested with this responsibility. Moreover, these commissions should be more broadly based, being partly appointive and partly elective. Some funds should also be provided to allow for an investigative function by these commissions. The commission should also be empowered to hear appeals by police officers on matters of internal discipline where an officer feels his rights have been abrogated. In order to perform these functions the Police Commission should have the right of access to all necessary documentation and the right to call witnesses and their decisions should be binding but subject to appeal in the courts. Lastly, all decisions of such commissions should be made available to the public — and I think this last provision is extremely important.

A second consideration for possible rights being included in a Rights' Charter is something that I would call, for a lack of a better definition, freedom from religion. The purpose of including such a section in a Canadian Charter of Rights would be to give formal and official acknowledgement, by both governments and Canadian society as a whole, of the right of all individuals who choose to do so to

abstain from embracing a particular religious belief. Such an approach would go much further in acknowledging the right to abstain than does the notion of freedom of religion which implies only that all persons have the right to follow any religion they choose but does not acknowledge the prerogative persons not to hold religious beliefs. This section would thus rule out as unconstitutional the imposition of prayers in public school which impinges on the rights of parents to raise their children without religious beliefs. To do otherwise, it should be noted, would be to make these people second-class citizens by ignoring their basic prerogative to abstain from religious belief. As well, to attempt to impose prayer in schools would be inconsistent with the concept of pluralism and thus inconsistent with the Charter. Moreover, all too often in applications, hospital admissions, military enlistment documents, etc., religious persuasion is questioned. Certainly these questions are irrelevant and in fact could make possible discrimination against an applicant. Certainly most offensive is the persistent attempt by evangelic groups to attempt to proselytize adherence of other faiths. Often a simple "no" is not protection from this harassment. Under the right of freedom from religion individuals would have protection from such abuse.

Admittedly a provision for freedom from religion would have to be drafted with great care — and I stress this so that it in no way impinges with the corollary of the right to freedom of religion. Consequently an ambiguous provision could permit laws and religious advertising, religious broadcasting, Christmas carols in public places, etc., laws that would in effect impose on the rights of individuals to practise religion. This of course would be, as I said, the situation would be inseparable and insupportable.

However, despite technical difficulties some serious consideration should be paid to this issue. It's another right that I thought would be appropriate for inclusion in the Rights' Charter is the right to medical care. This might more accurately be labelled a responsibility than a right. Nevertheless, I believe the concept should be included in any proposed Canadian Charter of Rights. It is vital because this concept of universally available government-sponsored medical care, in my opinion, is under real attack from both governments attempting to trim budgets as well as from members in the medical profession.

And another topic of possible consideration in terms of rights for inclusion in the Charter is the right of workers to organize and to belong to trade unions and their rights to bargain collectively. The intent of this provision is to give formal recognition, by both society and the state, of the right of workers to organize and bargaining collectively. As well the provision should also state that all employers must bargain collectively with their employees if their employees have organized themselves into trade unions. As well this provision would ensure that organized workers have the right to bargain with their employers in good faith. Such a resolution making the employment of outside or scab labour, the use of walkouts, the relocation of business for purposes of avoiding this provision, illegal.

I go on now. I've talked about some of the rights that I believe should be included in the Charter but

there is also a right which I don't believe should be included in the Charter and this is the question of property rights. The ownership of property implies that the possessor is free to its unbridled enjoyment. Such a state of affairs is often in conflict with the interests of society as a whole. The sanctity of property is often generated by it's being perpetrated upon workers in industrial disputes as authorities have used this notion as a pretext to smash strikes and break unions. Moreover, the unbridled enjoyment of property has been a licence to destroy the environment. Property rights have been more than adequately protected by common law. Enshrining property rights in a Charter of Rights could potentially have a bad effect as they might supersede the very rights we are trying to protect as they are inconsistent, the rights we are trying to protect in terms of the rights of the individual.

In conclusion, it would seem to me at least, a Canadian Charter of Rights is very much overdue. Canada is a country with great human strengths. It has some obvious weaknesses, many of these show up as stresses in the area of individual rights. It is my conviction that the subsequent strains in the Canadian social fabric produced by these stresses can be reduced or repaired by a Charter of Rights. A Charter of Rights cannot in itself perfect man or society but it can ameliorate many imperfections.

That concludes my presentation.

MR. CHAIRMAN: Mr. Cramer, would you permit questions from members of the committee?

MR. CRAMER: Yes, I would.

MR. CHAIRMAN: Mr. Desjardins.

MR. LAURENT L. DESJARDINS (St. Boniface): Just for clarification, sir, we haven't got a copy of your brief, we'll see that later. I want to make sure — I hope I misunderstood — but did you say that it wouldn't be proper to permit to have a Christmas carol in a public place?

MR. CRAMER: No, no, I said that I thought if a freedom of religion provision could potentially infringe upon individuals who choose to have Christmas carols in public places . . .

MR. DESJARDINS: You're not suggesting that . . .

MR. CRAMER: No, I'm not.

MR. DESJARDINS: Oh..

MR. CRAMER: I would suggest wholeheartedly that that's a right that needs to be protected.

MR. DESJARDINS: I'm much happier. Thank you.

MR. CHAIRMAN: Mr. Uskiw.

MR. SAMUEL USKIW (Lac du Bonnet): I'm most interested in a comment you made on the need to entrench labour law in the Constitution. According to my understanding, and you may correct me if you wish, it's your view that if there is a plant struck by a trade union, in other words, the plant is on strike, that the constitutional provision be that that employer could not hire other employees. Would that be correct?

MR. CRAMER: Yes, that's correct.

MR. USKIW: Let me ask you then to clarify, because in that is an inherent assumption that the demands of the trade union that is on strike are justifiable. I don't know how you can give a blanket endorsement to a demand of one party to the negotiations without having some kind of protection for the other party.

MR. CRAMER: I see, that's a very good observation, it's very fair. I suppose, in response to that, my reason for stating that such a provision should be in the Charter of Rights again goes back to sort of the central part of my argument, the idea that basically, as the situation exists now, in industrial disputes the situation, in terms of the resources, of both the state and employer seem overwhelmingly balanced in favour of the employer. If one examines the situation that's been faced by Canadian workers both in the past and even today, for example, here in Winnipeg and the difficulties they've had at the Winnipeg Clinic, I believe, we see a situation where, for example, at the Winnipeg Clinic, outside labour was brought in and the strike was both broken and the union was broken. Although, you're right, there should be a balance, I think there is a need to sort of balance things in a way that's equitable to all.

MR. USKIW: Are you aware that the New Democratic Party has within its policy such a provision, but which the governing party at that time was unprepared to implement for the obvious reason that I stated? Are you aware that has been part of the policy of our party, the New Democratic Party, but that the government in its wisdom decided it was not a practical solution to that kind of concern? I mean the former government; I don't mean this government.

MR. CRAMER: I wasn't aware of it specifically. It would seem sort of natural that there would be something like that within your parties, a constitutional framework, as it would be consistent with what I perceive to be the basic embracement to the rights of workers that your party seems to support. I can understand again, as I say, I understand the dilemma that such a provision presents to workers and employers in society as a whole. There are, I'm sure, instances and there have been instances in the past and I'll acknowledge that fact that there have been cases of strikes that probably shouldn't have been called and that weren't really justifiable, but again, I stress the need — I guess what I am attempting to do is I'm trying to grope towards some way by which we can devise a more equitable balance. I feel that this sort of a thing is something that's much much overdue.

MR. USKIW: Well it's on that note that I hesitate to accept your suggestion in that we have looked at it and have found it impractical and I for one would not want to entrench something that we were unable to put together in a Constitution. I could see massive problems throughout the country if such power was entrenched in the Constitution, power to one group in society. Whenever there's an argument about something, whether it's wages or working conditions,

it is not an argument from one side, there are two sides to the argument. I find it awfully difficult to agree with you on that point.

MR. CRAMER: All of what you say is very true. I guess what it really ultimately comes down to in dealing with issues of labour dispute is the willingness of both parties to argue in goodwill, and again as I say the basic intent of my decision to include these proposals in my discussion was basically I am attempting to grope at some way by which we can achieve a balance. I don't believe that industrial disputes are a constructive thing — I think they hurt workers, I think they hurt employers and I think they hurt Canadian society as a whole and it seems to me that this is the 1980's now and it seems to me that the time is ripe because we are faced with the prospect of the drafting of a new Constitution with a Charter of Rights, the time is ripe for some serious attempt to sort of solve this problem in a way that's sort of equitable and agreeable to all.

MR. CHAIRMAN: Mr. Blake.

MR. BLAKE: Yes I have a question for Mr. Cramer. He used as an example, and he may have just been using it as an example, I believe he used the Winnipeg Clinic strike where the management broke the union. Are you fully conversant with both sides or are you assuming that the workers were right and that the management was wrong, or was that just an example you used?

MR. CRAMER: I know that having talked to union representatives as well as people on the picket line, as well as what I've garnered from the media, it was maintained the strike was illegal and it had something to do with certification, and I believe the argument is that they went on strike without negotiating for a contract but I've also been led to believe that part of the reason for the union's decision to go on strike was the unwillingness of management to recognize that a union existed in the clinic and that would seem to be a major point of disagreement between both parties in the dispute.

MR. BLAKE: I think, Mr. Cramer, when you're in this business for a while you learn not to maybe take, extract too much from the media reports. I think probably if you'd of sat down with management and got their story, then sat down with the labour people, you may have come to a different conclusion than the one you have.

MR. CRAMER: That's entirely possible. It's possible to suppose that somehow the media's coverage was less than equitable. As I've said I've spoken with people on the picket line, I've spoken with members of the union, I've read some letters by management in the paper, I've read their reports. It's very difficult being an outsider, it would be absurd for me to walk in to the Winnipeg Clinic and go up to whoever the head administrator is and say, okay, I want to know what's management's side, tell me everything. It's sort of an unprecedented type of thing — I imagine we'd have all sorts of Winnipegers walking into the building and ask that sort of thing. As you say there's probably more to that strike that meets the eye, but being an outside observer I naturally tend to be at a bit of a disadvantage.

MR. BLAKE: I just want to follow up from Mr. Uskiw's argument that it's very, very difficult to enshrine something like that in rights in the Constitution. It would be extremely difficult.

MR. CRAMER: As I say, I am fully aware of that, but I guess it comes back to the key point. It's basically an attempt on my part to sort of grope towards some type of an understanding perhaps that will in some way allow us to establish a way of balancing things in such a way as to be sort of equitable and agreeable to all parties.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Cramer, you've indicated you would like to see entrenched in the Constitution some aspects of labour law and rights of workers. Is that correct?

MR. CRAMER: For lack of a better way to describe that, yes.

MR. MERCIER: How would you feel, sir, would you acknowledge then that that courts in Canada, the Supreme Court, would be making the final interpretation then on what those rights actually meant?

MR. CRAMER: That's interesting from two standpoints. First of all, we've got the issue of provincial jurisdiction and the Supreme Court's a federal court, and then second we have the issue of subjectivity of judges for lack of a better way to put it. Granted there are dangers in relying on the courts to make binding decisions. However, in the light of past historical experience my prejudice is towards trying something new, as I don't believe the past Canadian historical experience really indicates that the overwhelming history of labour disputes in this country has really been handled the way that was really equitable in terms of the worker.

MR. MERCIER: Are you then acknowledging, sir, that there are dangers as far as you see it from your personal point of view as to how those rights would be interpreted. They could be interpreted in a way that might be exactly contrary to the way in which you would have liked to have seen them interpreted.

MR. CRAMER: There is that possibility. That is indeed a good consideration. Again it comes down to what I guess I spoke to Mr. Uskiw about, this concept of somehow trying to achieve some sort of consensus within Canadian society and within our industrial sector in such a way that it benefits all Canadians to the benefit of Canada as a nation.

I admit that there are probably inadequacies in my argument, but I think that as we are looking at the entrenchment of rights within a Charter of Rights and that within the framework of a new Canadian Constitution, I think the time is very appropriate to look at these matters and attempt to seriously deal in a constructive way with these sort of problems.

MR. MERCIER: Thank you, sir.

MR. CHAIRMAN: Mr. Walding.

MR. D. JAMES WALDING (St. Vital): Yes, Mr. Chairman, I'd like to ask Mr. Cramer whether he is

suggesting that these four areas, which I jotted down as you were speaking Mr. Cramer, are to be the only rights put into this Charter of Rights or are these four additional items that you wanted to see put in?

MR. CRAMER: One of them is an additional item, there hasn't been too much discussion of the rights of labour unions, and then of course freedom from religion is entirely my own. As far as other rights, you know I could have written a book so to speak, but so much of the other discussions, for example, Native rights, the rights of French Canadians to learn French, and the rights of them to have bilingual courts and all those sort of things. Those have all been discussed and handled in a manner which is beyond my area of expertise and was handled in a manner that was far beyond my capacity. I decided that in light of my somewhat limited experience that I would sort of go with basically what I knew.

Granted, it's obvious I'm a supporter of the Charter of Rights and I support women's rights and Native rights and again the idea of bilingualism and the rights of French Canadians to speak their language and preserve their culture, but I decided for the sake of efficiency that I'd concentrate my discussion on just those four topics.

MR. WALDING: Mr. Cramer, I don't doubt your feeling for people's rights and having to agree with it, but looking over these four I don't see these four items as giving any rights, I see them all as taking away rights.

MR. CRAMER: I'm not sure if I understand in which way.

MR. WALDING: You mention the requirement and the industrial disputes and that an employer must bargain and is forbidden to hire scabs. What you are suggesting is a restriction on the right of employers. (Interjection)— Can I just run through the others?

MR. CRAMER: Oh, I'm sorry, certainly.

MR. WALDING: As far as the matter of apprehension by the police, what you are doing there is to limit the ability of the police to do their job in a very efficient way. They are saying that there are certain requirements needed of them.

Freedom from religion, what you are saying there is a restriction on the freedom of other people's ability to proselytize was what you mentioned yourself.

The matter of medical treatment, what you are saying there is that a doctor is not permitted to refuse to treat someone; if someone has a right to refuse treatment someone has an obligation to give that treatment. Are you not four things perhaps bestowing benefits on people by restricting the rights of some others?

MR. CRAMER: That might be argued and I can see the basis for why you would be saying that. I understand the argument, it's very logical. But at the same time a famous scholar once said, and I can't remember who it was, he said, "Sometimes to create rights you have to take away rights from others". And basically in my discussion I attempted to deal

with the idea of sort of striking a greater degree of balance within the fabric of Canadian society than what I believe currently exists.

At the same time, for example, the idea of freedom from religion, I didn't say that people shouldn't have freedom of religion, I said the two are different. I see the Rights Charter as basically a testimonial to the pluralism of the Canadian experience and of Canada itself. The Rights Charter is a pluralistic document and consequently because Canada is therefore a pluralistic nation the concept, for example, of freedom from religion is a recognition of this pluralism, the recognition that although maybe not all people don't embrace a religious belief, still there exists a number of people that do and you have to respect it.

You see, people have rights. Ultimately if you say you have a right to something you're going to be taking away from someone else and again it ultimately comes back to this consideration of how do we strike a balance, how do we create a more equitable type of even society? How do we correct some of the imperfections that exist and how do we deal with these complex issues in such a way as to benefit all Canadians?

Admittedly I'm not a lawyer so I can't discuss how we would go about doing this legally. I guess I'm somewhat of a Fabian in terms of sort of seeing that perhaps some type of a Utopian state is down the line. You might say that's perhaps unrealistic, but I do believe that we have within ourselves the abilities as well as the resources, both intellectually and physically, and physically not only in terms of the person physically in terms of the natural resources to embark on sort of a new journey, to be a bit poetic.

That's why I chose to discuss this. Again it comes to this concept of trying to achieve a greater degree of balance and develop some kind of consistency, some type of thing that'll sort of bind us together as a nation.

MR. WALDING: Do you believe that by writing something down on a piece of paper that that will do it?

That wasn't the question, I'm sorry, that was just a passing comment. Where do the present rights come from that we all enjoy? Do they come from a government or do they come from somewhere else?

MR. CRAMER: Okay. Formally speaking rights come from the government. Rights are represented in law and these laws, as I mentioned at the outset of my presentation, have from time to time been changed. Basically what I've been arguing is that these laws change and that rights change, and that it's not really accurate to speak of things as rights. We have more what I really consider to be privileges. Privileges are based on convention. You see, a privilege implies that, for example, Mom can I have a cookie? If you've been good you can have a cookie, but if you haven't been good you don't get to have that cookie and that implies sort of an idea of sort of the impermanence of the whole situation, it is sort of the lack of solid nature of the concept, whereas rights implies something that is set forth, is concrete and is inalienable to use the word, and then to say yes, where do rights come from? Basically rights formally come from the government but they in theory should come from the people because in

theory ultimately the people are the ultimate authority by which society conducts its affairs. Have I answered your question?

MR. WALDING: Would you believe that if we tore up all the law books, all the statutes, provincially and federally, so there were no more law, that you would have a right to do anything. You would have absolutely unlimited rights that were not given to you by government or anybody else.

MR. CRAMER: No, to suggest that would be, on my part, extremely absurd. What I am saying is it's possible to improve on the current situation. I'm not knocking Canadian society per se, I'm not knocking our institutions per se; what I'm attempting to suggest is that improvements need to be made and I see that the current discussion that is going on concerning the Charter of Rights and concerning discussions on the Constitution, I believe this is a perfect time to deal with some of these issues. We are a nation that's been around for 110 years and I believe that the world's nations are watching Canada to see what they're going to do. I think we have a chance to do something very constructive and I think we have a chance to do something that could be extremely important and I would hope that we as Canadians could strike some sort of consensus in a constructive sort of way.

MR. WALDING: Just one more question. Suppose we went along with what you're saying and we found a pretty good balance that would satisfy most people. How easy or how difficult should it then be to make changes in that? Suppose in 10 years time we run into a particular position that is quite minor but we're having problems because the Bill of Rights says that this must happen but the situation says that well, there should be some changes. How easy should it be to make changes in there?

MR. CRAMER: Well, as I stated again earlier on in my paper, I say the premise that what a society does is ultimately determined by the people. So for example the situation you describe takes place, if the people decide that the matter should be dealt with in a different manner regardless of the financial good effects or bad effects because we live in a society which embraces the concept of democracy, therefore when a majority rules, although in some cases this is at the expense of a minority, it shouldn't be I guess too difficult to bring some change. But what I'm saying is that I hope that if we're going to change things we improve them rather than attempt to destroy them for lack of a better word.

MR. WALDING: Thank you.

MR. CRAMER: Thank you.

MR. CHAIRMAN: Mrs. Westbury.

MRS. JUNE WESTBURY (Fort Rouge): Thank you, Mr. Chairperson. While I think some of the better questions that I've heard in this whole debate have come from this particular presentation — I'll leave the labour questions to those that have already spoken — covered all of my concerns, but I wanted to ask you about follow-up on some of those

statements you made about freedom of religion. I take it you are objecting to prayers in schools.

MR. CRAMER: I guess yes, I am, that's correct.

MRS. WESTBURY: Do you object to prayers in any place of assembly?

MR. CRAMER: No, I don't. Well, that depends on what you mean by place of assembly. If you're speaking in terms of churches or other . . .

MRS. WESTBURY: City council, Legislative Assembly.

MR. CRAMER: Okay, city councils, Legislative Assemblies, anything of a formal government function type of a situation, for example, schools, Legislative Assemblies, city council, even the federal parliament, I would object to the saying of prayers because by doing so what you're doing is you're ignoring the pluralistic nature of Canadian society which says that we are a group, we are a nation of different groups and different peoples with different interests and different priorities and that we must respect these differences.

MRS. WESTBURY: Do you not feel that in apparently by trying to legislate that we, the legislators of this province, cannot commence our sittings with a non-denominational prayer? Do you not feel that you are trying to take away our rights to perhaps appeal to our better selves, to our finer instincts? How do you feel that that can be justified that taking away of the right of one group of people because I would like to suggest to you if I may, Mr. Chairperson, that to an atheist hearing somebody else pray, surely that prayer should have no meaning at all if they are truly atheistic, so that it cannot hurt that atheist in any way? But for people of — and I'm assuming that the prayer would not be offensive to any religion of anybody participating in it as I believe our prayer is not offensive — I just don't see any justification for that. This has been something that's troubled me for a number of years, that people who have no religion should not be distressed by prayers.

MR. CRAMER: I don't believe that people who don't embrace a religious belief are somehow upset by others who do say prayer. What I do suggest happens to those people who don't embrace a particular religious belief is they suffer a discrimination, a very subtle type of discrimination which, although we like to think of ourselves as rational and objective human beings, we do have a tendency towards the emotional because it's part of our basic makeup, it's part of what we are. Consequently, those people who do not embrace a pretty good religious belief, do face some forms of discrimination.

Now for myself I don't know of any cases of a personal nature where that's happened. I have spoken to other people where that sort of thing has happened and I suspect that it does take place from time to time and again it comes down to my argument of pluralism and a respect of all individuals. Whereas your right to form one right means you're going to be taking away from someone else but that's basically what the whole issue comes

down to. We live in a society of constraints and we live in a society where, in attempting to govern our affairs, there are times in our attempt to do so end up infringing on the rights of others. It is inevitable that some rights will hurt, that in giving some people rights you do take away from other people's rights.

Now I'm not saying that people shouldn't have the right to freedom of religion. I'm saying people have the right, they do have that right, I want to make that very clear to the committee that I do support that concept, but I feel it is inappropriate in a public place — now this is the key — in a public place as opposed to a place of worship which is really a private institution, I feel it inappropriate in a public place for example prayers to be said because again you're ignoring the basic pluralistic fact of Canadian society. Granted that we live in a society that's run on majorities but I would suggest that although it's a society that's run on majorities we still have to take into account our minorities in order to run our society harmoniously, for lack of a better word.

MRS. WESTBURY: Thank you. In that case would you suggest that we should in some way legislate against those people who stand on street corners and hand out trash as they did in I believe they did in Quebec a few years ago? How far are you willing to go with the expression of public expression of religious conviction?

MR. CRAMER: All right, let's say that the person is issuing pamphlets on Portage and Main and say I am walking downtown and I want to walk around that particular part of the City of Winnipeg. Now if I want to go to that area I don't have to walk on that part of Portage and Main where this person is distributing pamphlets, I can cross the street or I can walk or else I can go down two streets, walk over a few blocks and come back the other way. You see, a street is really a public place but it's not a public place where you're forced to go. You don't have to go to Portage and Main. There are ways to avoid going to Portage and Main.

MRS. WESTBURY: You have the right to go there.

MR. CRAMER: Well, just perhaps if I go on I might clarify myself a bit more by what I'm going to say. But if I go to a Legislature I have to go to the Legislature or if I go to City Hall and I'm called down there because for example, I have to pay my tax bill or I've been subpoenaed to appear in front of a court, I have to go there, I can't avoid that. I must go there due to my obligations as a member of the society in which I live. Consequently, to impose upon myself or any other individual who doesn't embrace a religious belief to say to them that you must sort of put up with the fact that we say prayers in these public places, it's two different situations I guess is what I'm trying to say.

You have a right to go to Portage and Main, that's quite correct, but there is inherent in all rights and inherent in the concept of the law that the concept of what is reasonable and what is not and I think it's unreasonable for anyone to say that this person standing at Portage and Main is infringing on my rights, but at the same time I do think it's reasonable for a person to say that saying prayers in a court where I have to appear because I've been

subpoenaed, I do think it's unreasonable that that situation exists. I hope that explains a little more adequately what I'm trying to express.

MRS. WESTBURY: Through you, Mr. Chairperson, do you object then to the saying of prayers, non-denominational prayers in any public place? And do you then state that the saying of those prayers aloud in any public place is taking away the rights of who?

MR. CRAMER: In talking about non-denominational prayers, something I think should be realized is that non-denominational prayers aren't really non-denominational prayers. What they are is, they're a prayer that's sort of acceptable a lot of times. I'm not saying this is always the case and I hope by saying this I don't prejudice myself or sound narrow-minded in some way, but in saying non-denominational prayers oftentimes they're prayers that are acceptable to those people who might be best classified as belonging to what might be broadly called the Christian faith.

For example, there are non-denominational prayers that Jewish people would find objectionable. There are non-denominational prayers, those same prayers may also be objectionable say for example, people who embrace the Buddhist faith and people who are Bahai's, so that this whole concept of non-denominational prayers is something which I think is misunderstood.

However, if we're talking about a prayer which embraces only the concept and talks about a belief in God and asking God to somehow bless the proceedings, my emotional tendency is to say that well perhaps maybe that's not all that bad. But my reason for including freedom of religion is because I'm trying to hint that there must be recognition of the pluralistic fact and although we may try to get a really broad base type of a prayer that is readily acceptable by all persons, again there is this tendency that discrimination in one form or another can come to the fore and I guess it comes down to everything I've been saying of this society, of trying to strike a balance.

MRS. WESTBURY: I think you're trying to legislate against religion and I don't intend to continue this any further, Mr. Chairperson.

MR. CRAMER: Well, it's quite fair.

MRS. WESTBURY: I think it's gone on long enough. At least my contribution has . . .

MR. CHAIRMAN: Any further questions to Mr. Cramer? Seeing none, thank you kindly, sir, for your presentation.

MR. CRAMER: Thank you very much, sir.

MR. CHAIRMAN: Mr. D. L. Campbell. We have finally gotten to your name, sir.

MR. D. L. CAMPBELL: Mr. Chairman, members of the committee, I'm sorry I don't have a brief. I see quite a few here that were in the Legislative Assembly in my time and they would know that I didn't use to have a brief even in there. I never was any good at writing a speech. Those who used to

hear me will say I wasn't any good at delivering it either. But I appear just on my own behalf, I'm not representing anyone but myself and I am going to be mercifully brief, Mr. Chairman, compared to what you would expect after hearing of my record, because so much of what I would like to have said has already been said better than I could say it.

For instance, Professor Kear, who is still with us, I think is to be complimented on the tremendous research job that he has done and used his own expertise as a political scientist to give us a history that I find very valuable and I support entirely the position that he takes regarding the importance of the First Ministers' Conferences. I think it has grown into where it's a convention now, an accepted one, and I think the possibility which certainly appears to me to exist in the proposed resolution of dissolving that convention would be a great mistake. I can't see what in the world a whole Part III, Section 32, would be put in there unless that was the purpose.

Similarly, Mr. Sid Green, some of you will be astonished perhaps to hear that I'm in complete agreement with Sid Green, but on this matter I am. I have had the opportunity of reading his brief as I had Professor Kear's and not only reading it but studying it and I'm quite impressed with it as well and I would not try to make the arguments that he makes because he made them better than I would, but of course I'd be perfectly willing to have any questions on the stands that they took or why I agree with them or anything of that kind. And then Dr. Gordon Rothney has placed before this committee one that I think is an absolutely outstanding brief. If I wanted to claim authorship for any one that's the one that I would like to adopt as my own. I think it expresses in just exact terms almost exactly what I would like to say, so those of you who have that brief can read it and you will have my views before you.

On any of these matters I am more than willing to be questioned though if the committee wishes to do so. But I took the position, Mr. Chairman, that inasmuch as you are a legislative committee I assume that you have been asked by the House — I haven't seen your terms of reference. I assume you have been asked by the House to hold these public hearings and to come to some consensus yourselves regarding a report and that that report will be given back to the Assembly. I suppose you expect that there will be a debate on it at that time. I suppose that the government expects this committee, or the whole House expects this committee, to pass its judgment after hearing all these briefs from the public on whether the proposal of the Government of Canada should be supported or opposed. I'm assuming that is the idea of the committee and inasmuch it seemed to me that there were some considerations apart from those three that I have spoken of that I particularly endorse, and give my own views in a better way than I could present them to you, that there are some other considerations beyond that I think would be useful to the committee in coming to its conclusions about whether this proposal is deserving of support or not.

Incidentally, I listened to Robert Moffat this morning and I thought his brief was very excellent too. I understood him to say, if I heard him rightly, that while he preferred to not have the Charter of Rights included in the Constitutional package that he

thought only a little harm would be done by putting it there. I differ to that extent that I think great harm would be done by including it there because I think it's enshrined completely in the face of democratic practice. I hold most strongly to the view that it's the Parliaments and Legislatures of Canada that should be deciding on these matters and that they should not be written into a constitution. The Constitution, after all, as I see it, is the framework, the skeleton upon which we are to build; it's the basic structure of bringing those four provinces, or three provinces, two of them later being divided into one into one country and it laid down the basic plan on which they were to operate. And, of course, the distribution of powers between the federal and provincial governments is, to my mind, the key of them all, but it is not the job as I see it of the Constitution to legislate and that's definitely what you are doing when you get into the principle of writing in human rights, a Charter of Human Rights. You're legislating and that belongs in the field of the Parliaments and the Legislatures in my submission. I think you can properly say to me that there is one exception to that because there was some legislation written right into the original British North America Act and that was with regard to the use of English and the French language, probably some others that could be called legislation too. But I think that we have to realize that that one with regard to the use of the English and French language had to be written into the Constitution at that time because otherwise there wouldn't have been the union in 1867. And because of that I would be quite in favour of that continuing to be in the Constitution, of course, but in general I do not believe that it's the proper place for the Constitution to legislate.

Now, the other matters that I thought might be useful to you would be a little bit of a review of some of the experience that I have had in attending many of these conferences. I don't know exactly how many because I have to confess to you that I have difficulty in thinking them over and sorting out in all cases the ones that were on economic questions, the so-called federal-provincial economic conferences and the others that were on the Constitution directly. Two I certainly remember, on the Constitution, those were the two that were held in 1950; one in the early part in Ottawa and the other one in September, I think, of the same year in the city of Quebec. It seems to me that I attended at least one other but I'm not certain of that. I attended so many of one kind and another that I might be confusing the two but at least I was paying attention to them from the beginning because I was a member of the Legislative Assembly when the first conference was held in 1927. I paid a great deal of attention to the brief that was prepared because we all had something to do with it. I remember very well Mr. John Allan, Q.C., the Deputy Minister, being our permanent representative of the province on the committees that worked at that time, and Mr. Mager, the Attorney-General of that day, being the governmental representative.

Then I certainly was very closely concerned with the 1935-36 one because by '36 I was a member of the government myself and had something to do with the discussions that went on at that time. My recollection is that I did not attend that one in Ottawa but I certainly was close to the preparation of the work here.

I have been very interested in the subject even since I reformed and left politics. Some matters I haven't kept as carefully in touch with as others and my recollection and my memory may be at fault in some cases. Those who were here in my time in the House will remember that almost every year, almost every year, I used to remind the House of the saying of Josh Billings. Josh said, "Our troubles ain't caused so much by what we don't know as by what we know that ain't so." Every once in a while I get into the position of knowing something that ain't so too, but in this case, I am sticking strictly to my own recollections and I haven't looked up the documents very carefully, but what happened in those days I am very conscious of, very well aware of.

Some of the things that have disturbed me greatly, the fact that the speeches of the Prime Minister, some of them, and the reports of the media, the published reports. I understand that the federal government has been spending a great deal of money to propagandize its case and some of the information that has been given there certainly runs contrary to my recollection of what happened. For instance, I am not just told, I have read the document, the report that the federal government sent out of Mr. Trudeau's speech on the night that he had laid this proposal on the table of the House. In that speech he talks of the tyranny of the unanimity principle. Well, I'm sure that I know and Mr. Trudeau knows better than most of us that the unanimity principle — I agree with what Professor Kear has said about it and its importance — but the unanimity principle that was suggested in the federal-provincial Constitutional conferences that I attended applied only to a small group of subjects, only to those so-called fundamental subjects, the ones that Bob Moffat mentioned this morning. Language, of course, is one of them; education is one of them; the free trade between the provinces is one of them; the yearly session of Parliament and the Legislature. Those are some of them but the unanimity principle applied only to those, not to all of the others in the proposals that were made through the years.

I think that Mr. Trudeau has not given the information that the public has a right to expect in indicating that quest for unanimity was a tyranny that held back the progress that otherwise could have been made. As Professor Kear has pointed out this morning many, several amendments have been made and been made on the basis of that unanimity principle. I haven't brought them with me, I didn't bring any material but I can furnish the committee, I'm sure, with documentary evidence of the fact that, I'm not sure about Sir Wilfred Laurier, but going back as far as Mr. Borden and Mr. Meighen, Mr. King, Mr. La Pointe and others of the federal people have enunciated, on more than one occasion, what they considered to be the very definite principle that had become a convention through it being agreed to through the years that no Government of Canada would think of approaching the United Kingdom for an amendment that dealt with provincial matters as well as federal without a conference and agreement by the provinces. Certainly that was the position that was taken in the early years.

Mr. Chairman, I'm sure that one of the documents that has been filed here will be a booklet that was issued by the federal government in 1965 that is

called, if I remember the title correctly, "Amending the Constitution of Canada" or "Canada's Constitution". That document issued by the federal government in Mr. Pearson's time and with a foreword by Mr. Pearson, that document states as though it is an accomplished fact that agreement had been reached. Surely, most of you have seen that document. I think it's absolutely essential to the discussion that is being carried on in this committee. If you haven't had it, if no one has presented it to you yet, I would suggest that it be laid on the table for the use of the members of the committee because Mr. Pearson refers in that document to the fact that agreement has now been reached. Agreement has been reached and he recounts the many conferences that have been held and tells about what happened at different ones. He gives great credit to Mr. E.D. Fulton, who was the Minister of Justice at one time, and to Guy Favreau, who was Minister at another time; he gives credit to both of them and says that because of these continuing conferences that agreement has been reached. That same document in 1965 has a draft bill in there, a bill that Mr. Pearson says has now been agreed to and is to be submitted as a bill to the United Kingdom Parliament for passage and that includes the amending formula. I don't know what happened to that agreement; I wouldn't wonder but probably Professor Kear knows what happened to that agreement but it didn't go through. But you can look through that document issued by the federal government, and you will find that time and time again it is mentioned in that document that it has been agreed that on these so-called fundamental principles, the ones that I mentioned a little while ago, and have often been mentioned as the fundamentals, language, education, free trade between the provinces, yearly sessions of Houses and so on, that on those fundamentals the agreement of all the provinces shall be required. On the other matters, on all the other matters, there didn't have to be unanimity, there is a whole list of the different formula there. Matters that concern the Federal Parliament only will be dealt with by the Federal Parliament; those that concern the Federal Parliament in one province only; by the Federal Parliament and the one province, and so on all the way through. But when they came to those fundamentals then the agreement of all the provinces was necessary. My complaint with the present proposal is that we've got away from that completely as Professor Kear pointed out this morning. This I think is a breaking, a complete breaking of the convention that had been accepted all the way through and was actually published as an agreed upon bill to be submitted to the U.K. in a government document of 1965.

There are some other things where I think that the government information is less than frank. That's a very restrained language for me to use, that it's less than frank. I think it is misinformation because there is certainly an implication running through a lot of the so-called information that has been published that the provinces have been holding up patriation, that they are in some way opposed to patriation. I sat in those conferences or read the proceedings of them all through the years and I know of no case where any single individual, any province, or any

representative of any province opposed patriation as much. The whole question in those early days was the amending formula: How is the Constitution to be amended once we get it back into Canada's own possession? I must say that I still think that was the key point to decide upon. I think that will be the key point still that this proposal, if it goes through, will fail on and that there isn't, in my opinion, the right kind of an amending formula. But no province, no representative of any province that I ever heard of, opposed patriation as such and yet it's being suggested that the provinces have some way held up the patriation principle.

Then there is a suggestion by some people — I do not accuse the Prime Minister of this because I know of no statement that he has made on it — there certainly has been the suggestion made in some places that people who oppose the inclusion of the Charter of Human Rights, the whole charter package are some way opposed to those human rights. I'm just as much in favour of the human rights as anybody, and I'm sure everybody sitting around this table is in favour of the human rights, but there is an honest difference of opinion as to whether it should be entrenched in the charter or not. I am one of the ones that believes that it should not be, that it should be left to the Legislatures and the Parliaments. I think one of the best evidences, and you have had some of it here today and you have it all the time — I've been watching on Channel 7 some of the presentations that have been made to a committee similar to your own, Mr. Chairman, which is sitting in Ottawa and if you have been watching there you will notice that there isn't a session, not one comes up, and I suppose the same has been in your case, but there have been further suggestions for further inclusions in the Charter of Human Rights which is another indication of how difficult, how almost impossible it is to define them to anybody's satisfaction because there are so many. I'm not a lawyer either; I have heard several people use that expression, "I'm not a lawyer either", but I have heard lawyers whom I have great respect for through the years point out the danger of trying to define matters of that kind in a statute for fear of the fact that the very leaving out of any of them would be taken as an indication that there were not considered important.

So I think that in balance I certainly have no hesitation in coming down on the side of the exclusion of the charter from the entrenched clauses, in fact, from the Constitution Bill at all. And that's not just because I would rather leave that kind of thing to the Parliament to decide than to the courts to decide, it's because I think it's contrary to the whole spirit of the democratic institutions to do it that way.

I am disappointed — again I am using restrained language when I am saying that I am disappointed — the fact that the Prime Minister has seen fit to give this matter the priority that he is giving it and he is literally forcing Parliament and your Legislative Assembly, literally forcing it — and I think that's undemocratic — to deal with this subject on an urgency basis; to meet a timetable including a deadline date and including a very heavy-handed use of the power of closure in Parliament. I do not say that the Constitution is unimportant, in fact, quite the

contrary, I say it is very important. I do not say that it is not important to bring it back home. I agree with what I understood Mr. Moffat to say this morning that — well, I won't try to quote Mr. Moffat for I might not quote him correctly — but to give you my own opinion, I think there is some advantage, some definite advantage, in having the Constitution, our basic law, a Canadian Statute. I do not consider that unimportant either, I think that the feeling of the people, largely perhaps because of this debate that has been going on, I think the feeling of the people now is generally that it should be brought home but I certainly definitely do agree with what I thought Mr. Moffat was suggesting this morning that it does not justify the leaving these many more important subjects in abeyance while it is rushed through or put through against a deadline. I think that's completely unrealistic and undemocratic.

Mr. Chairman, I have spoken to you longer than I needed to. I am sure that you will have gathered by now that if I was to answer the question that I assume you are being asked, of whether should we report in favour of the Constitutional package or against it, that my vote would certainly be against it. I repeat that I do not say it's unimportant; I just say that the urgency of it is not so important that it should push these other matters aside at this time. So it's the urgency of it that I am speaking of, rather the importance of the subject itself.

Mr. Chairman, of course, I am happy to try and answer any questions if any are asked.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, sir, I think it's an honour for all of us on the committee to have you see fit to present your views to the committee. Sir, in your experience, 10 years as Premier of this province and some 47 years as a member of the Manitoba Legislature, can you recall any instance where any federal government attempted to mend the Constitution over the objection of a province or provinces?

MR. CAMPBELL: No. No, that's one of the points I have been trying to make, I think that is very undemocratic. I think it's a change in the convention that we have come to regard as accepted practice. I remember no case of that kind before.

MR. MERCIER: Sir, you associated yourself with Mr. Rothney's brief. Professor Rothney concluded his brief by stating that the government and Legislature of Manitoba should resist by all legal means the proposed federal attempt to return to Colonial status by asking the British Parliament to impose changes which cannot be obtained by established Canadian constitutional procedure; in his view that was unanimity among the 11 governments. The government has referred the constitutional validity of the federal proposal to the Court of Appeal in this province, has presented a brief to the Joint House of Commons Senate Committee urging patriation alone and urging the federal government to ask for a resumption of discussions on the Constitution. Would you have any advice as to any other means that could be used by the government to persuade somehow the federal government to abandon their current federal proposal?

MR. CAMPBELL: I agree entirely with Dr. Rothney and that suggestion. I think the proposal should be resisted by every legal means. The very fact that several of the provinces are contesting the matter in the courts I would think would have a great bearing on the public's view of this matter. I would hope that it would have a bearing on the way the United Kingdom looks at it. As Professor Kear said this morning it is undoubtedly the tradition of the United Kingdom that it has been their practice, I think it can be said to be their tradition, and I am afraid it might obtain still that they will pass anything that is asked of them by a joint Address from the Houses of Parliament at Ottawa. Quite frankly I'm afraid of that other one still obtaining, but I still hope that the United Kingdom Parliament might take cognizance of the fact that this proposal is being challenged in the court, not just by a province or two but several provinces, and that I would hope that they would say, and I have great confidence in the calm, cool, considered, able judgments of the people of the United Kingdom, I would hope that they would say that, well, at least we should take a look at this until the court cases are decided.

So the only other suggestion that I would have, Mr. Chairman, would be I would hope, in spite of the time that has been taken on this up-to-date, I'm all in favour of patriation. I still would think that we should try to get unanimity of opinion among the provinces and the federal government as far as possible on the method of amendment because I don't like the method that is in this proposal. I think a much better one can be devised.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: That was going to be my next question, sir. The Victoria formula is one that is proposed. Do you have any comment on that formula? Or the amendment by referendum as an acceptable means or any other amending formula that you feel deserves some consideration or support?

MR. CAMPBELL: Mr. Chairman, I don't like the principle of a referendum on a subject as complex as this one. I think it is extremely complex. You folks who have been studying it certainly are better informed on it than when you started to study it. Even before you started to study it, being members of the Legislative Assembly, I think you were better informed even then than the average rank and file of the public and yet you see today how difficult it is. I think it's unfair and unreasonable to ask the public at large to pass judgment on a subject that's as complex as this one.

Then of course you come to the question of how the referendum would be conducted and how the different provinces would vote and as Professor Kear pointed out this morning the clout, to use the vernacular, that Manitoba has in a referendum where it has 5 percent or less of the total population is not very big. So I do not favour the referendium principle in this regard.

MR. MERCIER: Do you favour, sir, the Victoria formula which would give to two provinces a perpetual veto?

MR. CAMPBELL: I do not. As a matter of fact this is one of the things that I feel very keenly about

because as I have intimated earlier this 1965 document — and I suggest that you read it and that you read it carefully — this document says time and time again that with regard to what we would call the fundamental principles, that there shall be complete uniformity and I say that on those fundamental questions, language, education, these others that I have mentioned, on those there should be complete unanimity.

I must say that it's just since the time of Mr. Trudeau's arrival on the scene that the change has taken place from that complete agreement that is reported under Mr. Pearson's signature in 1965, complete agreement on that unanimity formula to where we've got around to the present proposal that instead of giving a veto to every province where these fundamentals are concerned that it gives a veto only to Quebec and Ontario and I believe under the present, temporarily at least to British Columbia. I think British Columbia also gets a veto because I think that under the grouping that they have that it is impossible to get a majority of the western provinces and impossible to get any two provinces that will have a majority without B.C. So I believe that at the present time under this formula that B.C. also has a . . . But I believe in complete unanimity on that question.

MR. MERCIER: Thank you very much, sir.

MR. CHAIRMAN: Mr. Brown.

MR. ARNOLD BROWN (Rhineland): I don't know if Mr. Campbell will want to comment on this question or not. If he does not wish to, this is perfectly all right. But in the Section 16(1) of the proposed resolution it says, as you know, "That French and English are to have equality of status and equal rights and privileges as to their use in all institutions of the parliament and government of Canada." Now there are 400 major federal government institutions operating in Canada at the present time. I wonder, Mr. Campbell, that you have a reputation of being somewhat a prudent man and a very practical man, I wonder if you would like to state your opinion as to how workable this is going to be.

MR. CAMPBELL: How workable it's going to be?

MR. BROWN: That's right, and whether this is going to be a very expensive thing for Canada.

MR. CAMPBELL: Certainly it's going to be expensive. It's already been tremendously expensive but in addition to that one of the things that I have been a severe critic of and still am is the method that has been employed by the federal government to deal with the increased use that The Official Languages Act permits for the use of French in this country.

I think that the French language was starting to be appreciated by more and more people all the time but since this method that has been adopted by the present government of pressing it so firmly on the people and spending so much money in that regard and doing some things that in my opinion just fly in the face of common sense in order to implement that program, I think it's built up a resistance to it that wouldn't otherwise have been there. It will likely

astonish people that know of my reputation as a legislator and as an administrator, it'll astonish you to hear that the very first step toward increased use of French in this province was taken during the time that our government was in office. I think that was starting to be the trend all through the western provinces. Now I think it has changed. There's resistance, partly because of the way the program has been implemented, or attempted to implement. I'm afraid I haven't answered Mr. Brown's question but you folks are politicians too, you will understand the time-honoured system of if you can't answer it, ignore it. May I have it again? Can I give a more specific answer?

MR. BROWN: I'm wondering whether you can see any practicality in this whatsoever. We know that for instance in some of the institutions it would be necessary for them to be bilingual, some of them possibly French only, some of them possibly English only, but to have all of these institutions operating in bilingualism really means that the country as a whole then is going to be forced into bilingualism.

MR. CAMPBELL: I think the program is being oversold, if that's an answer to the question. Incidentally I think that the subsection to that 16 that you quoted, you quoted the first part, I think the subsection to that one also applies the French language to Manitoba, to the provincial institutions as well. Isn't that right?

MR. BROWN: That's right.

MR. CAMPBELL: Quite frankly I think that is unconstitutional. I'm not charging anybody for that advice, Mr. Mercier, but I think that is unconstitutional. I think that they just do not have the authority to do that because of the civil rights that is definitely in the jurisdiction of the provinces, so I'm not impressed by that part of the program.

MR. CHAIRMAN: Mrs. Westbury, did you have a question for Mr. Campbell?

MRS. WESTBURY: No.

MR. CHAIRMAN: Mr. Einarson.

MR. HENRY J. EINARSON (Rock Lake): Yes, Mr. Chairman. Just one question here again if Mr. Campbell cares to answer or not. This is a right I think he knows that he has. I'm just wondering, Mr. Campbell, if you'd like to express a view of whether or not The Official Languages Act passed in 1969 by the present Prime Minister has done more harm than good in your view or vice versa?

MR. CAMPBELL: Speaking as a westerner my assessment of the situation is, and I don't pretend to be an expert on it and perhaps to quite an extent this is my own reaction, I think it has caused a backlash which is very unfortunate.

MR. EINARSON: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any further question to Mr. Campbell? Seeing none, sir, we thank you very kindly for being with us today.

MR. CAMPBELL: Thank you very much for the opportunity of getting back to my old stamping ground. I've enjoyed it. Thank you.

MR. CHAIRMAN: To the members of the committee and maybe before I pose the question I should find out from those present. I believe Professor Gallop is present and I had the Clerk go down and ask him what the length of his presentation would be and he said approximately half an hour. Are there any other persons present that wish to make a presentation? Is that Mr. Neely, and Mr. Elias? I will then ask the committee members. Tomorrow morning I believe at 10:00 a.m. the Rules Committee sits. Is there a number of members of the committee that could come back say tomorrow afternoon from 2:00 until 5:00 and we would hear these three persons that have come today? My second question is, can those three persons come back tomorrow afternoon? I see them nodding yes. Okay it's 4:55. It's not fair to start someone and just hear five minutes of them. Can members of the committee be back tomorrow afternoon for 2:00 o'clock and we'll go from 2:00 till 5:00 or some period less than 5:00? Mr. Einarson — to hear the three. I will again ask is there anyone else present that wishes to make a presentation? Seeing and hearing none. Mr. Mercier.

MR. MERCIER: Mr. Chairman, I take it then and I see some nodding from the other side, I take it then that will complete the public representations.

MR. CHAIRMAN: Mr. Uskiw, a comment on that question?

MR. USKIW: A suggestion, if it is clearly understood that we will only hear the three then we won't be in a position of having built up expectations for others that we will be meeting all tomorrow.

MR. CHAIRMAN: The reason I suggested that is that we're not advertising tomorrow's meeting. We advertised today and we did a week ago's meeting and so on and it was our hope when we started out this morning to conclude the hearings today. Do I have an agreement from the committee that we will sit at 2:00 tomorrow and hear those three presentations starting with Professor Gallop, Mr. Neely and then Mr. Elias, because Mr. Elias has spoken once before and the other two have not? Okay. Is that agreed? The committee will rise now and meet tomorrow at 2:00.

