



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

| Name | Constituency | Party |
|--------------------------------------|--------------------|-------|
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| ANSTETT, Andy | Springfield | NDP |
| ASHTON, Steve | Thompson | NDP |
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Monday, 3 October, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the committee present:

Hon. Messrs. Mackling, Penner and Storie
Messrs. Anstett, Ashton, Brown, Graham,
Harapiak, Nordman and Mrs. Oleson

WITNESSES: Dr. W. Potter, Private Citizen

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23
of The Manitoba Act.

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MR. CHAIRMAN: Committee, come to order. Gentlemen, I have been advised of the resignations of Messrs. Lecuyer, Scott, Enns, and Mrs. Dodick. I understand their replacements are Messrs. Harapiak, Ashton, Mackling, and Mrs. Oleson. Could I have a motion to that effect, please?

Mr. Graham.

MR. H. GRAHAM: I would move it.

MR. CHAIRMAN: Thank you. Is that agreed? Agreed and so ordered.

The committee had agreed to hear Dr. Potter first this morning. Is Dr. Potter here, please? That's No. 39 on the revised list, gentlemen, and then we'll be starting at 6, which is where we left off.

Please proceed.

DR. W. POTTER: M. le président, membres de la Commission, Mesdames et Messieurs.

Je m'appelle Dr Winnifred Potter. Je suis . . .

MR. CHAIRMAN: Order please. We weren't aware you were going to be speaking in French.

DR. W. POTTER: Pardonnez-moi.

MR. CHAIRMAN: Could you allow the members just a chance to put on their headsets? I would remind members of the gallery, if you wish a headset, you can sign one out with the technician behind the translation booth.

DR. W. POTTER: M. le président, je voudrais commencer en français.

Je m'appelle Dr Winnifred Potter. Je suis présidente du parti de la liberté de choix. C'est un petit parti du

Québec, dûment enregistré et autorisé par la loi concernant le financement des partis politiques au Québec.

C'est un parti qui lutte pour le choix pour tous les francophones et anglophones au Québec; tous les choix de la langue en ce qui concerne l'enseignement et la langue de travail.

Et je suis aussi commissaire d'école, commissaire de la Commission des écoles protestantes du grand Montréal. C'est-à-dire, je suis commissaire de la Commission scolaire protestante qui est la plus grande dans la province du Québec.

Cependant, je suis devant vous comme en tant qu'individu. Je ne suis pas une porte-parole pour ma commission, ni pour le parti dont je suis le chef. Je suis ici comme simple citoyenne québécoise, mère de famille.

Je sais qu'aujourd'hui nous discutons l'avenir de toutes les minorités officielles au Canada. Et moi, étant Canadienne, étant Québécoise, j'ai un intérêt vif en ce sujet parce que nous tous, tous les Canadiens, nous avons une appartenance à une minorité.

Mr. President, my name is Winnifred Potter. I'm the president of a little political party in Quebec. There are 13 political parties in Quebec, actually. The one I am the head of is the Freedom of Choice Party. It is a party that is fighting for, or supporting the right of all Quebecers, English and French, to have the choice of language in education and work, and in life generally.

For the past seven years, I have also been a school board commissioner or trustee - this is an elected position - in the Protestant School Board of Greater Montreal, which is the largest Protestant and, consequently, the largest English-speaking school board in the entire province.

I haven't come here today, however, as the spokesperson for either the party of which I am the head or the school board of which I am a member. I come as a citizen raised in Ontario, but a long-time resident in Quebec, and one who is concerned about the status of official language minorities in Canada.

Initially, one can see that there is a resemblance between Manitoba and Quebec. From its very beginning in 1870, as an immature province, Manitoba had close similarities with Quebec in terms of a high percentage of French-speaking inhabitants, including the Metis; a bicameral Legislature including a Senate on the model of Quebec; and a system of denominational or sectarian schools, again corresponding to the Quebec model. The denominational schools reflected the same kind of linguistic division - the Protestants were English-speaking and the Catholics, apart from the Irish, were French-speaking.

So at the beginning of these two what were to become provinces, Quebec and Manitoba, it seemed that French and English institutions would be combined in a bicultural fashion in the governments of the new province of Manitoba, as was the case in the much more mature Province of Quebec.

But immigration into the West introduced the element of multiculturalism. The newcomers assimilated to the English community in terms of public language, although many conserved their mother tongue in their homes, and the French were reduced to a vulnerable minority. We all know the history thereafter of The Manitoba Language Act of 1890 and its infringement on the rights constitutionally protected by Section 23 of The Manitoba Act.

The recent restoration of those rights, in terms of equality for the English and French languages in the Legislature and in the courts, corrects what was a historical wrong, but that correction does not address the broader question of the bicultural nature of the governance provided for in the legislation of the immature province, but which the province had outgrown demographically as it approached maturity.

If it is any comfort in thinking about this dilemma, the linguistic balance in Quebec has also been upset since the 1950's by demographic flows. The disturbance became most evident in education. Originally, the Protestants were English and the Catholics, apart from the Irish, were French, but after World War II there was a heavy influx of new Canadians who were of neither English nor French mother tongue, such as, the Jews, the Greeks, the Italians and a potpourri of people from all over the world. These tended to assimilate to the English community, and most of them, with the exception perhaps of the Italians, attended Protestant schools.

The 1960s were accompanied by two relevant developments. One was the adoption of the birth control pill, and a precipitate drop in the birth rate in French Canada; and two, the re-emergence of French nationalism in Quebec.

The late Donald Creighton, the eminent historian, dealt with the significance of that nationalism in his article, "John A. Macdonald, Confederation and the Canadian West." It led to what Creighton called, "the radical new interpretation of Confederation." I would like to emphasize this, because this is the basis of the idea I am trying to put to you, "the radical new interpretation of Confederation."

Creighton described an elite of politicians, lawyers, historians and journalists, "mainly French-Canadian, but with some English-Canadian associates" that have sought, on the one hand, "to improve the status and enlarge the rights of French-Canadians in the nation as a whole. On the other, they have sought to emphasize the separateness and strengthen the autonomy of the Province of Quebec." He commented that they believe in a united Canada, but also virtually an independent Quebec.

How perceptive Donald Creighton was. Since he wrote that in 1967, his observations have been confirmed beyond dispute. The language policies of the Federal Government are a striking example of this change in the nature of the Canadian Confederation.

In response to the elections of the Parti Quebecois in 1976, and its policies of French unilingualism, which was contrary to The BNA Act and the guarantees given to the English Quebecers; in response to this election, the Federal Government in June, 1967 released a statement on official language policy entitled "A National Understanding, Un Choix National." It is a very revealing document.

In that government paper, the basic thrust is the equality of status of the English and French languages throughout Canada. The justification given for this equality in the words of the statement is: "the underlying duality of Canada, a duality" in the view of the statement, "which is reflected in the mixture of the hopes and aspirations of the two linguistic partners of Confederation." Although the partners were not numerically equal," it continues, "they were recognized as linguistic equals."

According to the authors of this statement, Confederation determined the conditions in which the French could exist and grow as a fully functioning community. Such conditions would include French and English institutions in the governance of provinces which conditions were, in their words, "inspired by an unwillingness to permit the will of the majority to be imposed on the French-Canadian minority."

Three striking features of this official language policy statement confirm the late Professor Creighton's observations. One is the double standard for educational rights, one standard for Quebec and another for the other provinces. This double standard is graphically crystalized by the Honourable John Roberts when he introduced this document into the House of Commons.

I quote now from Hansard of June, 1977, "The principle that Canadians have a right to have their children educated in the official language of their choice also recognizes that the people of Quebec might decide that circumstances there could require a determination that full freedom of choice should be deferred until present elements of insecurity for the French language and culture are removed or reduced."

When the Honourable John Roberts was asked by the press, well how long do you think this full freedom of choice of the language of instruction should be deferred in Quebec, John Roberts said, "Off the cuff, oh 25 or 30 years." In one casual sentence, the Minister was willing to discard what had traditionally been the great protection for the two cultures in Quebec, the right to dissent from the preference of the distinct religious majority for whatever reasons, language of instruction, unsatisfactory teachers or religious conscience, as long as these dissidents professed a religious faith different from the majority. As a class of persons they could choose a preference other than that of the local majority.

This has always been the great defence for both English-speaking and French-speaking Catholic and Protestant in the Province of Quebec; that they had to dissent in educational matters from the majority and form their own school system, and that is why we have had in Quebec the Protestant school system and the Catholic school system accommodating both linguistic groups.

In Quebec, the Federal Government, professing regret, was willing to overlook the violation of that individual freedom that has been in the law statutes of Quebec since 1841. By so doing it accommodated the French nationalism and also the cultural conscription of non-Francophones into French schools. Under that term "cultural conscription of non-Francophones into French schools," I think of all the little children from the ethnic families that I personally know who wanted to attend English schools because their friends had

done so and were suddenly told, no, you have to go elsewhere, you are a different kind of citizen in the Province of Quebec, you do not have the same rights.

Furthermore, this cultural conscription was justified by spurious statistics, since repudiated by their authors, and enforced by provincial laws, first of all, Bill 22 in 1974 and then Bill 101 in 1977, adopted with an irresponsibly reckless and shallow examination of the authorities and statutes that should buttress the legislation on such an important question.

Yet, the federal policy statement issued in 1977, three years after Bill 22 with its violation of minority rights and the cultural conscription of non-Francophones began in Quebec, had no matching statement for the non-Francophones in Quebec along the lines of its "unwillingness to permit the will of the majority to be imposed on the French-Canadian minority." It is relevant to note in this regard that the target of cultural conscription in Quebec, the ethnic minorities, those whose mother tongue was neither of the official languages, exceed in number the combined French minorities in New Foundland, Prince Edward Island, Nova Scotia and New Brunswick, Manitoba, Saskatchewan and British Columbia.

The language law in Quebec is a violation of individual rights that were guaranteed by the Royal Proclamation of 1763 and were reinforced by The Quebec Act of 1774, The Constitution Act of 1791, The Act of Union of 1840 and The British North America Act of 1867. Their infringement was and is an abuse of provincial autonomy by Quebec to which the Federal Government has failed to respond.

Another striking feature of the official languages policy statement that I have referred to was its implicit concept of Canada. It spoke of the underlying duality of Canada; but the concept of Canada that emerged under the federal arrangement at the time of Confederation was not that of linguistic duality, rather the concept was of a political dual duality and, by a political dual duality, I mean the French a minority in Canada and a majority in Quebec, and the English a majority in Canada and a minority in Quebec. What was to keep that dual duality in balance was the Federal Government discharging its responsibilities towards both the French minority in Canada and the English minority in Quebec.

A telling confirmation of Professor Creighton's contention that the Canadian quiet revolutionaries are rewriters of history is supplied in the government's statement on language policy.

In their attempt to reinterpret history by substituting linguistic duality for political dual duality, the authors only partially quote Sir George Etienne Cartier speaking on the Confederation debates in 1865. Cartier said: "It is a benefit, rather than otherwise, that we have a diversity of races," and the quote in this national understanding ends there. It's significant it ends where it does because Cartier then goes on, in these Confederation debates, to discuss the role of the Federal Government in protecting minorities, and this is what he says after he has said it is a benefit rather than otherwise that we have a diversity of races. "Of course the difficulty, it would be said, would be to deal fairly by the minority. In Upper Canada, the Catholics would find themselves in a minority; in Lower Canada the Protestants would be in a minority. Under such circumstances, would anyone pretend that either the

local or general governments would sanction any injustice? What would be the consequence, even supposing any such thing were attempted by any one of the local governments? It would be censored everywhere, whether it came from Upper Canada or from Lower Canada, any attempt to deprive the minority of their rights would be at once thwarted. The nature of the political duality and the mechanism of external response to maintain the balance is clear."

It is significant that the Federal Government deleted this quotation in its language policy statement, since it depicts the Federal Government's role in defending the English-speaking minority in Quebec, as well as the French-speaking minorities outside of Quebec.

The Federal Government's soft tread in relation to Quebec might be difficult to understand since Parliament, being just across the Ottawa River, at least some of its members must see and hear the evil and the discrimination that is legislated policy now in Quebec. But the official languages statement - that is, this statement - contains a paragraph that explains, although it does not justify, the government's indifference. The Federal Government is firmly of the view that the French language should be, as generally the language of work in the Province of Quebec, as the English language is in the Province of Ontario, for instance.

Now, given the demographic data, it is difficult to see how the Federal Government can be firmly of this view without it also having an equal firm disregard of the rights of non-Francophones in Quebec. At the time of Confederation, and even in 1977, the linguistic profiles of Ontario and Quebec differed significantly. In 1871, just the first census after Confederation, the French-speaking in Ontario were a minority of 2 percent. The English-speaking in Quebec were a minority of 25 percent. In 1976, those in Ontario claiming French as a mother tongue were a minority of 6.3 percent and those unilingually French were 1 percent of the population. In Quebec, in contrast, the non-Francophone minority, those who may have a proprietary interest in English language rights, were 19.2 percent, and 10 percent of the population, almost the equal of the total population of Prince Edward Island and Newfoundland combined, in 1970 since was unilingually English. So it's difficult to reconcile the Federal Government's view and any concern about the protection of minority rights in Quebec.

A further confirmation for Professor Creighton's contention that the strategy of the Canadian quiet revolutionaries is to extend minority rights outside Quebec and contract them inside Quebec, is to be found in the treatment of educational rights in our new Constitution of 1982.

Contrary to a widespread belief, the Federal Government has always, in Section 93(3) and (4) of the Constitution 1867, had a role in education in regard to parents' rights in denominational schools. It has the right to legislate in limited circumstances to protect minorities. There is a dispute whether the scope is restricted to violations of the freedom of religious conscience, the Quebec Federation of Home and School.

In its court case against Quebec's Bill 101 contends, with very good legal grounds, that it is not so restricted. But no one, to my knowledge, denies it is the Federal

Government that has the responsibility as the guarantor of constitutional rights to protect educational minorities as defined in the Constitution, 1867. Yet ever since Quebec's Bill 22 in 1974, there has been a systematic trend at the federal level not to redress Quebec's violation of constitutional rights in education, but to accommodate their violation. Section 23 of the Constitution, 1982, is an illustration. Its contorted Articles 23.1(a) and 23.1(b) are so written to accommodate Quebec's Bill 101.

These sections incorporate into a Charter of Rights a national language policy for education that discriminates against naturalized Canadians whose mother tongue was neither English nor French. Such Canadians are given no constitutional protection against coercion by a Provincial Government in regard to choice of official language for instruction of their children. That this distinction between native-born and naturalized Canadians violates Section 22 of The Canadian Citizenship Act does not seem to bother anyone.

Having assured all Canadians who were viewing the proceedings on their TV's that the provincial accords of November 5, 1981 guaranteed equality of official minority language educational rights in Canada, the Federal Government then surreptitiously in November, 1981, with a minimum of disclosure and a maximum of haste, constrained the rights of the full Section 23 to only the provinces where the official minority language was French. This was done by inserting a new Constitution, an additional section at the very end of the Constitution, Section 59.

It excludes Section 23.1(a), the mother tongue clause, from application in Quebec until such time as the National Assembly of Quebec concurs. By so doing, it increased the number of those lacking constitutional protection from coercion by a Provincial Government to include naturalized Canadians in Quebec whose mother tongue is English.

I think of that incident, ladies and gentlemen, where someone in anger because of another issue scattered ink over one of the copies of our Constitution. It is a superficial blot. The blot, in my opinion, is Section 59 of the new Constitution, which deprives a large segment of English-speaking Canadians citizens of the right now to go into Quebec and have their children educated in English. Whereas French-speaking citizens, not born in Canada but having become naturalized, do have full rights to the choice of the language of instruction in the rest of Canada.

Within three weeks of this Article 59 being broached, the new Constitution had passed through three readings, been passed by Parliament and sent on its way to England. Manitobans, I am sure, can appreciate what indecent haste that was. There had not even been time for over 1 million non-Francophones scattered throughout Quebec to read and digest the new insertion, let alone to react to it.

This justification for the gross abuse of parliamentary procedure was explained by 11 Members of Parliament in a press release on December 3, 1981. These were MPs from Quebec. It said, "Bon nombre de fédéralistes au Québec croient fortement que l'imposition du critère de la langue maternelle fournirait inutilement des arguments au mouvement séparatiste à ce moment-là." "A good number of federalists in Quebec strongly believe that the imposition of the criterion of the

maternal language will uselessly furnish arguments for the separatist movement at this time."

What clearer example can there be of the double standard in Ottawa for minority rights? In Quebec, their non-Francophone constituents should only possess minority language educational rights provided they are Canadian-born, because to give all Canadians equal rights would be an unnecessary provocation of a segment of the local Quebec majority which is separatist. But of course, an opposing segment of local opinion in provinces other than Quebec is no deterrent to the extension of minority rights.

In other words, outside Quebec, the Federal Government conscientiously performs according to the George Etienne Cartier model. It is responsible. It protects minority rights. But in Quebec, it encourages the provincial aggressor by treating such behaviour of the majority as perfectly normal community relations in Canada that should be facilitated by entrenchment of Article 59 in the Constitution.

As for the other sources of controverting pressure on the provincial majority à la George Etienne Cartier model, the other provinces, all that can be said of their Premiers is that in the exchange of telex's after November 5th that modified the provincial accords, each one only had authority to accept changes affecting his province, but all, except Premier Levesque, concurred in entrenching inequality of minority language educational rights into the Constitution by means of Section 59 of the Constitution, 1982.

It is interesting how the Canadian quiet revolutionaries rationalized the double standard on minority rights. The Montreal Gazette, for example, in a lead editorial in February of this year attributed the whittling of rights of English Quebecers thus, "The other provinces, in fact, bent over backwards to accommodate Quebec's concerns in the reformed Constitution to the point where they were willing to sacrifice any protection at all for English Quebecers' education rights, while committing themselves to education rights for Francophones outside Quebec. It was the Federal Government, headed by French Quebecers, which instead insisted at least on some rights for Anglophone Quebecers."

The Gazette described this circumstance as the Federal Government insisting on at least some rights for Anglophones in Quebec, but a more accurate description would be, the Federal Government evading its duty and insisting on no more language of education rights for the minority in Quebec than envisaged originally in that province's language law, Bill 101.

So far, we have described the responses being far different from the balancing mechanism described by George Etienne Cartier that was to keep language relations in a harmonious and equitable state, but the Canadian quiet revolutionaries in the process of rewriting history have abandoned the George Etienne Cartier model.

This brings me to the language issue in Manitoba. On this issue, the Canadian quiet revolutionaries have turned the propaganda volume up to full blast. The Montreal Gazette, for instance, sent one of its reporters out to Manitoba to write feature stories on the people involved, and back flowed front page features of interviews with opponents of the proposed legislation. The implications planted in the reader's mind was that the opponents of the legislation were naive, racial bigots. Naive racial bigots.

As I read these articles and looked at the names and noticed the professions and the activities of these people, it came to me that what was standing day after day before you, the members of this committee, was the whole panorama of ethnic mix of this Province of Manitoba, and that it was somehow wrong that these people should be seen in these terms. People who are not familiar with legal phraseology, people who have not, because they are busy farming and earning a living and bringing up their children, who have not watched all the fine detail that has been going on in the legal battles over the years concerning language rights, but people who were genuinely concerned that a change was taking place, a change that would somehow impinge on their lives. They were concerned that they did not understand what this change would be, and they were asking questions. Very frequently there would be references to Quebec. Sometimes derogatory references, sometimes references that were full of concern.

I would suggest that these people are right in the kind of atmosphere they are suggesting from their statements that all of Canada is in a state of flux. They sensed that there are movements of which they have no tangible evidence but which they feel around them. They are trying to formulate questions which need to be answered, questions about the future of our country and the kind of country it is going to be. They look at Quebec, and they know that strange things are happening there; and, that what is happening in Quebec somehow has significance for them in Manitoba.

When you think of what has been taking place in Quebec, remember that at the time of Confederation, there was an English community that was spread over all of Quebec, not constricted into the Island of Montreal as it is now where 80 to 85 percent at least of Anglophones live on the Island of Montreal.

The reverse was the case in 1867 when more than three-quarters of the English speaking population were off the Island of Montreal. Montreal was 50 percent, at the time of Confederation, English speaking, but 75 percent of the English speaking population lived in other parts of the Province of Quebec - in the eastern townships, in the the Gaspé and in the Ottawa valley. In the eastern townships and in the Ottawa valley, it was the English speaking that had been the original settlers. It is they who had come after the fall of New France, chopped down the trees, built the roads, started the schools and built their own institutions.

It was they, in combination with the economic interests in Montreal, that started the railways, that started the economic, the banking system that spread across Canada and that started an educational system that culminated in McGill University and a fine educational tradition, tradition in education and in medicine.

MR. CHAIRMAN: Five minutes.

DR. W. POTTER: Now they find that the English who were given constitutional guarantees in 1867 specifically in The BNA Act, constitutional guarantees concerning Article 80 which no one remembers today; Article 80, concerning certain protected territories so that the English would have a guaranteed number of members in the national assembly; Article 93, which dealt with

education and Article 133, these are now almost all set aside.

Article 133, which is the equivalent of your Article 23, is honoured more, not in the observance, but in the breach. Our Article 93, The Education Act, will disappear completely if the new law, Bill 40, of the Education Minister, goes through it. It's already has its first reading. Article 80 was set aside many years ago. What does this have to do with Manitoba?

You are considering introducing an amendment to your Constitution under Article 43 of the new Canadian Constitution. You have been told by Alliance Quebec and I believe Mr. Penner has also been quoted in the newspapers as making the statement that this would help Quebec. I am of a contrary opinion.

First of all, I think that rights are something that should not ever be bartered, that everybody should have rights; that Franco-Manitobans and English Quebecers and all the others, we are all Canadians and as Canadians in a free and open and supposedly democratic society, we should all have rights. These rights should not be contingent on the rights of others. As Canadians we should all have rights as individuals.

When you try to suggest that some rights will help others have rights, then you are demeaning all rights. So from a straight philosophical approach I would say, that to say this will help Quebecers is somehow to demean or degrade the rights.

But if you say that this is going to spite the separatist propaganda and the separatist drive towards independence, you are again mistaken.

Rene Levesque has said that the French Canadians outside of Quebec are dead ducks.

Géral Godin said, this is stupid, it is 90 years too late. And you will win no points whatsoever by this amendment to extend rights to Franco-Manitobans, none whatsoever, because the separatists will say: what are the real rights? You are not taking them to the courts. After 90 years, who can say what the real rights should be? They will say that you are dealing under duress, first of all, from the Federal Government, but you are giving a bargain basement treatment to rights and that should not perhaps the rights be greater.

Then say briefly, I will point out that you will be putting the English Canadians in jeopardy, in a double jeopardy. Because, when you go with Article 43 to change language rights for Franco-Manitobans, you set a precedent for Quebec to follow.

As I have suggested, Article 80 of the Constitution has been set aside. Article 93, it says, in bits and pieces. All we, in Quebec, now have is Article 133, and there have been statements again and again from separatists to the effect that why should they be under Article 133, which gives rights to the English in the law courts and in the national assembly.

Set the precedent and Quebec will come out and attempt to take away the one right in the Constitution that still stands, and that is the one language right Article 133. After that, we will have nothing.

Then, the questions that the people that have been coming and putting to you about the nature of Canada, is it going to be a dual duality, or is it going to be a linguistic duality will have more significance because Quebec then will be unilingually French with no rights for the English and across the rest of Canada will be - what could one say? - a bilingual Canada in varying

degrees. This has consequences and implications for all those people that came and sometimes, in incoherent or inarticulate ways, expressed to you their concern about what you are considering to do, because what you are dealing with here has implications, not only for you alone in Manitoba, not only for us in Quebec, but for all Canadians in this Confederation.

Thank you.

MR. CHAIRMAN: Thank you, Dr. Potter. Questions for Dr. Potter from members of the committee?

Mr. Penner.

HON. R. PENNER: Thank you. I'd just like at the beginning, Dr. Potter, to see if I can make sure I understand the position that you're taking which - I wasn't sure. It didn't seem to be quite the same as Dr. Shaw. I think you come from the same organization. Is that right?

DR. W. POTTER: Well there are a number of organizations I belong to, a number that Dr. Shaw belongs to. We don't necessarily hold the same exact position on every aspect of language policy. I'd really have to have a specific question about an aspect, Mr. Penner.

HON. R. PENNER: Fine, well that's fair enough. Dr. Shaw was very strongly a proponent of bilingualism. Is that your position?

DR. W. POTTER: Yes. I say that everybody should have rights. I think I mentioned, when I first made the introduction and I don't believe you were here, but I was speaking in French and I said that we belong, all of us, to minorities. We all have a "une appartenance; une minorité parce que nous sommes tous Canadiens". Certainly I am a graduate in modern languages from the University of Toronto. I have some diplomas from the University Aix-en-Provence. I believe in linguistic richness, certainly, but I do not really think that that is the question I wanted to put to this commission.

HON. R. PENNER: I understand that. I just want to get that matter, but I wanted to be sure of my ground and I didn't want there to be any misunderstanding between us.

DR. W. POTTER: No, I'm glad you asked me that question.

HON. R. PENNER: And is it also your position that bilingualism should be constitutionally protected?

DR. W. POTTER: Well I think it is in the Constitution. We have The Official Languages Act. I think that bilingual minorities, the official minorities should be protected.

HON. R. PENNER: Constitutionally?

DR. W. POTTER: Yes.

HON. R. PENNER: It may seem strange that I'm asking you these questions, because on Friday there were some people who were strongly in favour of unilingualism and

thought they had a supporter in Dr. Shaw, which seemed a bit strange to me. Now to go on, it's your contention, as I understand it, it certainly was Dr. Shaw's, that the way to resolve outstanding issues for the Anglophone minority, which we all agree is under siege in Quebec, is to have the Supreme Court of Canada resolve the full extent and meaning of Section 133, Section 23 of The Manitoba Act.

DR. W. POTTER: Yes, that's right.

HON. R. PENNER: That's the primary position? You're saying rather than do our constitutional amendment, let the Supreme court decide?

DR. W. POTTER: Yes, I think it would be much clearer. There would be less confusion, less ambiguity.

HON. R. PENNER: That puzzles me. The main thing that is new in our proposal is some extension of French language rights with respect to services, but that is not an issue before the Supreme Court. How is it, that the Supreme Court decision in the Bilodeau case, in your view, will improve the position of the Franco-Manitobans here and of the Anglophones in Quebec? That's not clear at all.

DR. W. POTTER: There is an assumption in your statement that I don't necessarily agree with. I couldn't exactly restate how you said it, but I think you did say that in clarification of the rights arising from Article 133 of The BNA Act and 23 of The Manitoba Act, this would not necessarily have anything to do with an extension of services for Franco-Manitobans.

HON. R. PENNER: That's right. That was the premise of the question.

DR. W. POTTER: Yes. And I would not necessarily agree with that because the interpretation of rights under Article 133 might be broad enough to impinge on this whole aspect of services for the minority, and this is why I think that before you go ahead with your resolution, there should be prior clarification of exactly what the rights are under 133.

You must understand - and here I go back again in history - that at the time of 1867 or before 1867, the English in Quebec were a part of the majority in the Province of Canada. The Province of Canada consisted of what is now territorially Quebec and Ontario, but the English in Quebec were part of the linguistic majority and this linguistic majority, before Confederation, had, as its basic laws, the proclamation of George III of 1763, The Quebec Act of 1774, and The Act of Union of 1840.

Now the proclamation of 1763 made all of Quebec - and Quebec then, that was the term applied to the land that became Ontario - made all of this new territory, gave all of this new territory the rights of the English-speaking citizens in the 13 colonies to the south. And what were the rights of the 13 colonies to the south? It was the unwritten law of Britain, but the right was the use of the English language and when the English in Quebec agreed to the division of the province of Canada into Quebec and Ontario, they agreed to this

under certain considerations. One was Article 80, which set aside 12 restricted electoral districts, where they were in the majority or in a very substantial minority. Remember that 75 percent of the Anglophones at this time lived off the Island of Montreal, so they had 12 of the 60 electoral districts set aside as protected electoral districts. On the Island of Montreal - they were more than 50 percent of the Island of Montreal - so they look forward to, not of course a majority in the National Assembly, but a sufficient number of elected representatives that their voice could be heard.

Now there was the article on education and 133 but, against that background, what are the implications, and what are the rights in Article 133? I could suggest that they might be very considerable, indeed. This is something that has never been clarified.

HON. R. PENNER: Let me just test that, two propositions that you've made. One relates to the Royal Proclamation and the other to 133. I just note in passing, you're aware, are you not, that the only reference in the Constitution to the Royal Proclamation deals exclusively with aboriginal rights, but with no other rights? That is, the Royal Proclamation is specifically referred to with respect to aboriginal rights, but doesn't carry forward with respect to any other rights in Section 25 of the Charter? Are you aware of that.

DR. W. POTTER: I am aware of the aboriginal rights and what Lord Denning had to say about them. I don't think it denies - I would have to see the exact wording there.

HON. R. PENNER: "The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal Treaty or other rights or freedoms that pertain to the aboriginal peoples, including (a) the rights and freedoms that have been recognized by the Royal Proclamation of October 7, 1763."

DR. W. POTTER: The language rights are carried through in Article 133, and they are based on all of the preceding rights that stem from the Royal Proclamation, so I do not really think that is a contradiction of what I have said.

I think that, given the Indian movement and the fact that the Indians had gone over to London and so on, it was especially significant and important and strategic that the mention of the aboriginal rights stemming from the Royal Proclamation be indicated there, because Lord Denning's point, I think, had been very impressive.

HON. R. PENNER: I agree with you on that. Dealing then with Section 133, first of all, you will agree with me, will you not, that Section 133 in terms of the language issue deals with language that might be used in the debates of the Houses of Parliament and the Legislature of Quebec, the records and journals of those Houses, and either of those languages might be used by any person in any pleading or process in or issuing from any court, and then with the language of the statutes? So you have the statutes, the courts, the Legislature. Now how, in your view, will it be possible for the Supreme Court to read language services by

other government institutions into that language? In asking that question, I don't want you to think that I am necessarily opposed to that point of view, I would just like to see how you come to it.

DR. W. POTTER: Simply because, as I have said before, it is against the background of a community that belonged to a majority English community previous to Confederation. Article 133 came from what had gone before. What had gone before was the union of what later became Ontario and Quebec, where English was the dominant language. English was indeed the only official language; French was used, in some instances, but the great breakthrough for French as an official language came in 1867 in Article 133.

So one must assume that the official status given the French language in 1867, one must assume this in addition to the over-riding status of English, which had been the only official language before that time.

HON. R. PENNER: You're aware, are you, Dr. Potter, that at the time Manitoba entered Confederation under the terms of The Manitoba Act in 1870, the French-speaking people were the majority in this province?

DR. W. POTTER: I think that this whole question of exactly what the populations were in Manitoba in 1870, with all respect, Mr. Penner, is one that is highly debatable.

HON. R. PENNER: You mean it's either not important or the numbers are debatable?

DR. W. POTTER: The numbers are debatable; the facts are debatable. There was a migratory population, for one thing. I have read so many conflicting statements from researchers, demographers on exactly what the population was in Manitoba that I think it's really very hard to say.

There was a very small population, given the territory. It spoke French, it spoke English, and a lot of it was Cree. It was not, to be quite frank, a sufficient number really to have any kind of decisions made about the nature of its linguistic future; it was a premature decision.

Nonetheless, it was the law. I know that you say it was a majority French. If it were a majority French-speaking, it was a very tiny majority, because the majority was very small in number because the entire number was very tiny.

So we could debate this, but . . .

HON. R. PENNER: I didn't propose to debate that particular question with you. I just wanted to get the context of your argument which seems to have shifted ground in the last moment, but let me clarify that. It seems to me that you were arguing as a basis, which I found a bit unusual, that the position of the Anglophones in Quebec today is based on the fact that at one time they were a majority.

DR. W. POTTER: No, I didn't say they were a majority. I said that at the time of Confederation, they were 24 percent. I did not say, Sir, they were a majority. They have never been a majority.

HON. R. PENNER: Good, as long as I understand your position then we're not apart at all.

The Section 133 upon which, in the fight against 101, you pin your hopes - and I may say that there is no one around this table that has supported some of the provisions of Bill 101 - has been before the Supreme Court in the Blaikie case, right? And the Supreme Court had the opportunity in the Blaikie case to give this enlarged reading of Section 133, upon which you pin your hopes, but didn't do so. Am I not right?

DR. W. POTTER: That's right.

HON. R. PENNER: But now you think, given a second chance, they might do it.

DR. W. POTTER: I would hope so. I think that this points out the double standard really of the Federal Government.

HON. R. PENNER: You're talking about the Supreme Court, not the Federal Government.

DR. W. POTTER: Yes, but given the fact that the Supreme Court really did not clarify this issue, one knows what 133 says. Basically, if you strip it down to its very least components, it says that there should be English and French in the National Assembly; to give you an instance, reports of the National Assembly proceedings in English and French and so on, you are very aware of what it says.

Now when you look at what happens in actuality in Quebec, you see something else. You see in the National Assembly an assembly that speaks mainly in French, which is perfectly all right, because most of the members of the National Assembly are French-speaking, but the reports of the debates in the National Assembly should be in English and French. They are, instead, printed in a bilingual version. By bilingual, I mean that those that speak in French are reproduced in French and, if a stray word or sentence or sometimes a paragraph is said in English, that is printed in English, but there is no translation. A person who is not French-speaking and wants to know what is happening in the National Assembly cannot go to the reports of the National Assembly, the Official Gazette, and get an English translation because there is none. When you look at the laws that are supposed to be printed in English and French, yes, they are printed in English and French but the regulations are very often frequently only in French and not in English translation.

MR. DEPUTY CHAIRMAN, H. Harapiak: Mr. Penner.

HON. R. PENNER: Section 133 was before the Supreme Court of Canada in the Blaikie case, and you and I have agreed that the Supreme Court dealt only with the issue that was before them. Those sections of 101 that clearly interfered with or derogated from Section 133 and the Supreme Court said, as they have many other times, they'll only decide the issues before them. I ask you, again, what assumption are you making that would lead you to the conclusion that in a case which directly only involves the validity of two Manitoba statutes, that somehow some sweeping remedial

decision will be made that will resolve all of the problems raised by Bill 101? How do you make that leap?

DR. W. POTTER: No, I don't make that assumption, that all of the problems caused by Bill 101 could be resolved by a broader clarification. But I think in the restoration of rights to the Franco-Manitobans, which is long overdue, that it is logical to start at the beginning, Mr. Penner, and the beginning is with the equivalent in Manitoba of Section 133. You start there. You find out what exactly having French as an official language in your Assembly, and in your Law Courts, implies. What are the services that would naturally and reasonably follow from that, and how many services? How far do these services extend down into the municipalities, into all of the organizations that flow from legal decisions?

HON. R. PENNER: If the Supreme Court of Canada does, in the Bilodeau case, what they did in fact both the Forest case and the Blaikie case and decide only the issue that is in front of them, and declares these two laws of Manitoba invalid, as they might do, what is the benefit of that for Manitoba, or do you know, and what is the benefit of that for those of you who are beleaguered in fighting Bill 101 in Quebec?

DR. W. POTTER: First of all, if the Bilodeau case goes to the Supreme Court, and the Supreme Court declares that all the laws in Manitoba from Day One . . .

HON. R. PENNER: They only have to deal with two laws.

DR. W. POTTER: Very well. You say they only have to deal with two laws . . .

HON. R. PENNER: And, by implication, that would affect the other laws that could be attacked successively. Do you want me to rephrase that?

DR. W. POTTER: Yes, I do, because I'm . . .

HON. R. PENNER: I'm sorry, I did something I shouldn't have done, I interjected. My question was, if the Supreme Court, in Bilodeau, takes the narrow view that is deciding only the case before it, as they did in Forest and Blaikie, what possible good can that be for the Province of Manitoba and what possible good can that have for the Anglophones fighting Bill 101 in Quebec?

DR. W. POTTER: In order to answer that you have to give me a little more information, Mr. Penner, about these two specific cases, about the Bilodeau case.

HON. R. PENNER: If I may, I'll just take one of them. One of them was something called The Summary Convictions Act. It's an act that sets the procedures through which all of the provincial laws and all of the municipal by-laws are enforced. If it's invalid there's no mechanism for enforcing provincial laws or municipal by-laws.

DR. W. POTTER: Because it is only in English?

HON. R. PENNER: If that's declared invalid, and the Supreme Court just looks at that issue, isn't it the case

that Manitoba, instead of benefiting, would indeed suffer great deal, and isn't it also the case that nothing beneficial would come to the Anglophones in Quebec?

DR. W. POTTER: Let's set aside the Anglophones in Quebec for one minute. If I may, and it may seem presumptuous of me, being a Quebecer, but I doubt that - and here I'm talking in hypothetical terms and I am not a lawyer, as you must realize, Mr. Penner - I doubt that the court would be that irresponsible, that much of a mischief-maker, that it would unduly cause disturbance to the legal processes, the normal, legal and acceptable processes that the government administers.

HON. R. PENNER: But isn't it the case that just a few months ago in Quebec, the Quebec Superior Court, in the teacher's case, struck down a piece of Quebec legislation which was passed in French only?

DR. W. POTTER: Yes, and what did the Quebec Government do? It accepted that. It later on had those specific items that had not been translated into English, it had them translated and it reapplied them. You know, you can use initiative. You can also, I think, depend on the courts to wish to maintain their own credibility with the general public. As I've said, the courts are not mischief-makers, they have to be seen to be working for the good of the entire population and for the legal good of the entire population. I really do not understand why you are so fearful of taking the Bilodeau case to the Supreme Court. It would clarify the ambiguity that is hanging over this province concerning, I think, Franco-Manitoban rights, because it would at least start the clarification where it should begin, take it back to the 90 years. How can you make up for the 90 years of rights that were not there? If you take your resolution and give what Rene Levesque might very well term bargain basement rights to Franco-Manitobans, considering the lapse of 90 years when they were without rights, you are giving ammunition to the Péquiste.

HON. R. PENNER: So, it comes to this then, doesn't it? You are making one assumption about what the Supreme Court might do in the Bilodeau case, an assumption I may say not in any way founded on anything the Supreme Court has ever done up till now. We are making another assumption, admittedly just a possibility, so that basically you're coming here to Manitoba, as did Dr. Shaw, and say you take the risk, you run in there and put your laws on the line, maybe it'll help us. That is what your saying, isn't it?

DR. W. POTTER: What I'm saying is this, that if you use Article 43 of The Canada Act, 1982, you are setting a precedent as a Provincial Government in determining rights for the minority in this province, and you are leading the way, which I predict the Péquiste Government in Quebec will very quickly follow to take an action against Article 133. We have a right to intervene here and bring this to your attention, because, what you do does impinge on us.

The retraction of Article 133 would mean, in the future, a legally unilingual Quebec with a Federal Government

whose double standard is encouraging the expansion of French rights and French minorities across Canada - and I'm not against that - while, at the same time, it is constricting rights and helping to constrict rights in the Province of Quebec. There is an unevenness here whereas, at the time of Confederation, the Fathers of Confederation understood what the linguistic make-up was of Canada at that time, and they tried to legislate giving rights to the English in Quebec.

MR. CHAIRMAN, A. Anstett: Mr. Penner.

HON. R. PENNER: You say that the proposed amendment, pursuant to Section 43 of the Charter, which is an amending mechanism, would be seen as a precedent by the Péquiste and they might follow it. Everyone here, Mr. Doern and the opposition, and the government have said that what we're doing represents an extension of rights. You come here and you argue that it is restriction of rights, is that the case?

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

MR. H. GRAHAM: Mr. Chairman, on a point of order, it's perfectly all right for Mr. Penner to speak for members on the government side if he so desires, but for him to make a blanket assumption that this is the position of the opposition, or this is the position of Mr. Doern, I think, is maybe going a little bit too far. I think the members of the opposition and the members of the New Democratic Party that don't agree with Mr. Penner can very well voice their own opinion, even if they are censored by their party from time to time.

MR. CHAIRMAN: Order please. I think the danger inherent in the point of order, or the subject matter of the point of order, is that when we get into what is rapidly approaching a debate, we go beyond the bounds of questions for clarification of the presentation that has been made by Dr. Potter. I think Mr. Penner would be wise to observe that caution. The question should be strictly for clarification. We have been on the borderline of entering into an actual debate for some time now, and I have been waiting for an opportunity to say that we have crossed that line and it's been very close.

Mr. Penner, please proceed.

HON. R. PENNER: I accept your ruling and I certainly accept the point of Mr. Graham, that neither he or his companions or Mr. Doern believe that this is an extension of French language rights.

MR. CHAIRMAN: Order please.
Mr. Graham.

MR. H. GRAHAM: On a point of order, Mr. Chairman. Again, Mr. Penner is trying to put forward a position of the opposition that he hasn't got the right to put forward. That is the opposition's job to put forward their own point of view. I would suggest that he is presuming an awful lot, which he has done for many years.

MR. CHAIRMAN: Mr. Doern, to the same point of order.

MR. R. DOERN: Mr. Chairman, I just wanted to support you when you said that for, not border-line, I believe for about the last 20 minutes Mr. Penner has been debating, as opposed to questioning.

MR. CHAIRMAN: Mr. Scott, to the same point of order.

MR. D. SCOTT: To Mr. Graham's point of order, Mr. Chairman, when we had a presentation from Reeve Peltz, which was one of the most strident ones against the resolution thus far, we had Mr. Graham saying he agreed with it. His words almost to the effect were "and I agree with you." Now he's trying to say that he doesn't agree with positions of that if there is any reference made to it by the Attorney-General. I find it quite preposterous.

MR. CHAIRMAN: Order please. It's not the purpose of a point of order to engage in debate as to what the positions of the respective groups and philosophies on this issue represented on this committee are. In fact, the purpose of questions is to be for clarification. It shouldn't even be a subject matter of discussion at this point in the committee process as to what the positions of various individuals or parties on the committee happen to be. The purpose is for questions of clarification. The parties represented here, and the individuals represented here, will have adequate opportunity, at the report stage of this committee and in the House after the committee has reported, to debate their respective positions, to state their positions, to qualify their positions. The purpose of this portion of our hearings is to hear representations and ask questions for clarification. If I have allowed the questioning on occasion, and I know I have, to enter into debate on occasion, that's because the Chair cannot catch every single comment. If the committee is directing that the Chair be even more vigilant than it has been, I'll accept that direction.

Mr. Penner.

HON. R. PENNER: Thank you. My question is this, you are taking the position, as I understand it, that what we are proposing, in terms of French Language Services, operates as a restriction of rights implicit in Section 23 of The Manitoba Act?

DR. W. POTTER: I'm saying it might well be.

HON. R. PENNER: It might well be.

DR. W. POTTER: We do not know at this stage because there is no legal interpretation of this whole matter.

HON. R. PENNER: And that's what you're hoping for in the Bilodeau case?

DR. W. POTTER: That's right.

HON. R. PENNER: Finally, Dr. Potter, have you felt that this has been a debate between us?

DR. W. POTTER: In a sense.

HON. R. PENNER: Well, you don't seem to have suffered.

MR. CHAIRMAN: Further questions?
Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. As a sort of follow-up, Dr. Potter, you have stated at the end that you believe that this case should go to court, hoping that there could be a further clarification of the issue. Do you see the ruling from that being beneficial both to Manitoba and to Quebec?

DR. W. POTTER: It's hard to say. We are talking in hypothetical terms here, it would depend on the ruling. I think it would be beneficial for Quebec, yes. I think we need to know, also, because in Quebec we are uncertain of our rights. I certainly think that clarification in Manitoba is the reasonable way to begin to return rights to the Franco-Manitobans.

MR. H. GRAHAM: Mr. Chairman, the Supreme Court of Canada, I would think, in all cases would make rulings that apply to all of Canada and would be to the benefit of all of Canada in most cases. Would that be a correct assumption?

DR. W. POTTER: I've learnt from experience that what seems to be a uniform ruling has different implications and is implemented in different ways in different provinces.

MR. H. GRAHAM: Mr. Chairman, through you to Dr. Potter, the case that you are basically pleading then is for an official bilingualism policy that applies right across the board to every part of Canada. Am I correct in assuming that is your argument?

DR. W. POTTER: No, I wouldn't say that, because I wouldn't accept something that is so generally stated that I would not understand the implications of it, Mr. Graham. Situations vary and the circumstances vary in the different provinces, and the historical backgrounds are different in the different provinces.

I think that there has to be a flexible policy of rights for the official minorities wherever they may be. I think it's a question of supply checks and balances. What I tried to suggest when I talked about the original agreement at the time of Confederation in 1867 was that the Fathers of Confederation took this into consideration, and tried to have a balance whereby Quebec would have its own province, which it had not had before in Confederation, it had been joined with Ontario, it was given its own province so that the majority of Francophones would have an Assembly where they were in the majority. All provinces were given jurisdiction over education, with the exception of Article 93 which gave the Federal Government certain rights to intervene in case the rights of confessional dissident school groups were impaired by provincial law; there was a give and take.

What you suggest would really have to be much more greatly elaborated. A uniform bilingual policy, what does that mean? I have just received, just a couple of days ago, the latest issue of the Commission of Official Languages. It's a special issue, and it deals with a colloquium, a conference that was held a year ago at the University of Trent. One of the topics under

discussion is the language of work. Now we have been exposed to many discussion of the language of work and the francisation of English businesses in Quebec, this is part of the law. Section 141 of Bill 101 calls for the generalization of French at all levels of the business community and at all levels of each business entity.

Here you are having a whole session dealing with the possible francisation of elements of commerce across Canada. Is that one of the aspects? I don't know. Is that one of the aspects that is contemplated in this bilingual policy that you're suggesting? I don't know. There are so many facets to it.

MR. H. GRAHAM: Mr. Chairman, through you to Dr. Potter, at the present time we have an Official Languages Act of Canada, and under that Official Languages Act of Canada, French and English are given equal status. Is it in every province, or is there special provision for the Province of Quebec under The Official Languages Act?

DR. W. POTTER: No, The Official Languages Act is operative in Quebec, as well as in the other provinces. It's a question of how much it is implemented.

MR. H. GRAHAM: Mr. Chairman, in the implementation and the carrying forward of the intent of The Official Languages Act of Canada, have the people of Quebec seen that implementation occur in Quebec, or has the Federal Government been involved and said, well we will not interfere with Bill 101 which is a provincial statute, at the present time we are not going to be interested in dealing with that matter.

DR. W. POTTER: The Official Languages Act assumes certain services in both languages from the Federal Government - in the post office, for instance. It is becoming increasingly more difficult in Quebec for English Francophones in some areas to get federal services in English. The number of Anglophones in the federal Civil Service in Quebec, as you no doubt know, has been decreasing over the years, despite the protestations to the Commissioners of Official Languages. It is the policy of the Commissioner of Official Languages to make the Crown corporations in Quebec Francophone, and this means that Anglophone Quebecers are finding it more and more difficult to get jobs at the federal level in Crown corporations in Quebec.

It is a contradiction that French and English are official languages in Quebec, and yet, an Anglophone cannot put a sign up in English in Quebec. The Federal Government has not intervened in these matters. It has been requested to. Six hundred thousand people signed a petition against Bill 22 to Prime Minister Trudeau. There was no response. The Home and School requested Mr. Trudeau, when Bill 101 was passed, to refer Bill 101 immediately to the Supreme Court of Canada, so that there might be a ruling on the constitutionality of many of the sections of Bill 101. Mr. Trudeau said, "No, use the political process. Take it through the lower courts and also use the political process and get rid of the Parti Québécois." But a minority of some 14 or 15 percent cannot alone unseat the party in power.

MR. H. GRAHAM: In essence then, Dr. Potter, you are saying that the official bilingualism policy of the Federal Government is not being implemented in the Province of Quebec, when you make those kind of statements. Is that right?

DR. W. POTTER: I'm saying that it's being implemented, but not with the generosity and not with the frequency, in some respects, that it should be.

MR. H. GRAHAM: Mr. Chairman, through you to Dr. Potter. You made mention of the post office and you also mentioned the language of work. Here we're dealing with amendments which only concern certain services, and again I say certain services, because we're not dealing with unlimited services in the French language in the province, and you indicated that even though there's a bilingual policy in Quebec that in the application of those services, that the language of work is playing a significant role in the post office and an Anglophone is not able to get a job there. Am I correct in that?

DR. W. POTTER: Well, I would say that an Anglophone is not able to get a job in the post office, but there are areas in Montreal where in the sub-post offices, for instance, it's difficult to find a postal clerk who can speak English, give you service in English.

MR. H. GRAHAM: If we followed that through then, if, here in Manitoba we put in certain services and entrenched them in the Constitution, would we then see any attempt - and I'm asking this question of you because you made reference to the post office - would it be logical then under your argument to see the language of work and bilingualism occur in the post offices here in Manitoba?

DR. W. POTTER: I think it's difficult for me to reply here because first of all I'm not a Manitoban. I'm aware that the population is very slight - the Franco-Manitoban population is slight, but the fact is that federal services, under The Official Languages Act, are supposed to be offered in both official languages.

MR. H. GRAHAM: They are. Well, Mr. Chairman, the argument or the information - I shouldn't say argument - the information provided by Dr. Potter does alarm me a little bit because by implication it infers that there might be a distinct possibility that here in Manitoba once this policy was put in place, we might possibly see, not the service but the language of work change in the post office here in Manitoba. That would be a real concern to me and I thank her for providing us with that information of what is happening in the various post offices in Quebec.

Dr. Potter, to carry on, the Attorney-General and the Premier, on numerous occasions in this province, have made statements that we are putting forward a Made-in-Manitoba bilingualism policy, separate and distinct from the federal and I believe it was a couple of weeks ago the First Minister of the Province of Manitoba and the First Minister of Canada met and the newspaper reports we got out of that was that the Premier of this province requested the Federal Government not to

intefere in what he considers to be a Manitoba matter. If that policy was carried forward, would that then adversely affect your position in the Province of Quebec?

DR. W. POTTER: A Made-in-Manitoba solution? I tried to suggest at the beginning, I think, of my intervention - on no, it was towards the end of my intervention - that in Quebec we have a government that is intent on a certain political ideology, part of which is separation of Quebec from the rest of Canada. Whatever happens in other provinces for them will be interpreted as they see fit to promote their basic goal of independence, and they are wonderful manipulators of the word and they're great public relations people, so that your Made-in-Manitoba solution will be looked for for all the weaknesses that are in it, and in anything in this world there are weaknesses. We all live in an imperfect world. You are not in a situation where people are looking to Manitoba for something - where the Government in Quebec is looking to Manitoba for solutions that they can emulate, solutions that they can admire.

MR. H. GRAHAM: Dr. Potter, I realize that I may be getting very close to the question of being involved in debate, but you had stated earlier you wanted the Supreme Court to rule on the Bilodeau case, and you felt that would benefit or clarify your position in Quebec, would help at least to clarify it, it might help to clarify the situation here in Manitoba. But if the Province of Manitoba is fairly insistent on forming its own bilingual policy that applies only to the Province of Manitoba, would that not assist the Government of Quebec in their efforts to implement a Made-in-Quebec language policy that they could apply to the Province of Quebec?

DR. W. POTTER: First of all, I have tried to show that, personally speaking as a Quebecker, to use Article 43 of the Canadian Constitution will create a precedent that Quebec could use to the detriment of the English-speaking community.

The answer to the other question is that they already have a Made-in-Quebec language policy, and that language policy is Bill 101 which has, as its foundation, the continuing diminution of the English-speaking population. You have been told, I think, of the tens of thousands of people from the English-speaking community that have left in the last five years, from 1976 to 1981. Just a little more than a week ago, a demographic forecast came out from the Conseil Scolaire de l'Île de Montreal, the Island Council, the School Council of the Island of Montreal which is not from my school board but which is a consortium of the eight school boards, six of them Catholic, the other two Protestant, on the Island of Montreal. It forecast that after the Protestant population has already undergone a 50 percent decrease since 1977 to 1982, from 1982 to 1988 the French population will stabilize and will increase at the rate of .8 percent each year, whereas the Anglophone population, still reeling under the impact of Bill 101 - and this is the school population I'm talking about now - the school population will decrease another 32 percent in the next five years.

So the Made-in-Quebec language policy is one of a decreasing, a deliberate diminution of the English population. Of that, there is no doubt.

MR. H. GRAHAM: Those are all the questions I would care to pursue at this particular time, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Graham.
Mr. Doern.

MR. R. DOERN: Dr. Potter, there are a number of associations in Montreal with which you're familiar, and I think you said you belong to several of them. Are any of those organizations federally-funded or supported by direct grants federally or provincially?

DR. W. POTTER: I don't think you exactly mean a school board by an organization, do you?

MR. R. DOERN: No.

DR. W. POTTER: No, the organizations - I belong to the Freedom of Choice movement, the West Island Citizens movement. Neither one of these two organizations is funded by either of the governments you have mentioned. There was at one time - we've met several times with the Commissioner of Official Languages, but we have always been told to go to Alliance Quebec for funds; that they were the conduit through which federal funds would flow to groups that were fighting for minority rights in Quebec.

MR. R. DOERN: What is your candid opinion of Alliance Quebec, is it a Liberal front or how do you characterize that organization?

DR. W. POTTER: Well, I had at one time, a close relationship with the forerunner of Alliance Quebec. Alliance Quebec came into being a couple of years ago after the Quebec Council of Minorities was disbanded. The Quebec Council of Minorities was founded originally in the hope that it would be an English Quebec equivalent of the Francophone or Quebec. I was one of the members of an ad hoc committee; I was a representative from my board; there were others that met and over one summer attempted to create an English equivalent of the Francophone or Quebec but we very soon realized, some of us, that what was wanted was not an organization that would fight for the restoration of rights to the English-speaking minority, it was an organization that was designed to absorb the anger and the frustration of the English-speaking community and to help it accommodate to the kind of restricted living that was legislated upon us by Bill 101.

So that the two were very different in their nature. After a couple of years the Council of Quebec minorities disbanded in order to enlarge and become the Alliance Quebec. In each case the President remained the same, it was Alex Maldooff.

MR. DEPUTY CHAIRMAN, H. Harapiak: Mr. Doern.

MR. R. DOERN: I just asked you for a further clarification there. Did you say then that the first organization was designed to fight for English language rights in Quebec and that Alliance Quebec evolved into an organization to accommodate or have people feel better about losing their rights or staying in Quebec and not fighting as hard. Did you say something along those lines?

DR. W. POTTER: No, I'm sorry. I said I was on an ad hoc committee, along with a number of other representatives from English organizations and English institutions that hoped to form an English counterpart to the Francophone or Quebec but what eventually took place at the constitutional meeting when large groups came from all over to vote on the actual Constitution was that the objectives which hopefully would have gone into the Constitution objectives, such as the defence of the rights of the English-speaking Quebecer, these were voted out. The ones that wanted, that were pushing for assimilation, pushing for accommodation to Bill 101 were the ones that actually won the day in that constitutional meeting, formed the Quebec Council of Minorities, and then later on, because the Quebec Council of Minorities was receiving a good deal of criticism that it was not strong enough, that it was not actually fighting for rights, they reformed, had received a lot of money from the Secretary of State's Department, were able to go out into the surrounding districts, hold local meetings and they filled a kind of vacuum, because there was no group that had money enough to do what they were able to do to get grassroots organizations that were given busy work while the same group that had run the Council of Quebec Minorities became the directors of the Alliance Quebec.

MR. CHAIRMAN, A. Anstett: Mr. Doern.

MR. R. DOERN: In your judgment is Alliance Quebec - it's obviously heavily funded from Ottawa - heavily influenced from Ottawa?

DR. W. POTTER: Yes, I do believe it is. To give you an instance, in my paper I referred to Article 59, and the way Article 59 was very quickly inserted into the Constitution just three weeks before it was taken over to London. Now, there were rumours that this article was going to be inserted. We had been promised as I said in November, a public statement was made, that there would be equal rights in education for both official minority language groups. Yet, the rumours were circulating that there was going to be a change made to the detriment of the English speaking in Quebec. Alliance Quebec that had sufficient funds did nothing. The Freedom of Choice Movement with no funds, nonetheless, sent over one spokesperson to lobby as best she could the various members of Parliament in London. But there was nothing done by Alliance Quebec that had the resources to send people over to London.

Another aspect is Alliance Quebec's stand on the new education bill, Bill 40. This Bill 40 will do away with school boards as they now exist, and the existence of Catholic and Protestant school boards is one aspect of Quebec life that is guaranteed in the Canadian Constitution by Article 93, the rights of Catholic and Protestant classes of persons to have their own school system. Whatever else the Quebec Government can do, it cannot take away this right. It is in the Canadian Constitution. But what it is doing, because it is not certain that this right guarantees English and French education and English and French schools, is offering a kind of plum to the population to accept instead French and English school systems as opposed to

Catholic and Protestant systems which are guaranteed in the Constitution.

Alliance Quebec is siding for French and English school systems which have no guarantee in the Canadian Constitution, which can be given by the Pequist Government and then at the will of that government taken away. Obviously they will not do away with the French school system, but they could give an English school system one year and take it away the next because there is no constitutional guarantee for this. This is setting the future of the Protestant and majority English educational system at risk. Yet, they are doing this.

MR. R. DOERN: Are you saying then that Alliance Quebec will fight up to the federal position but not beyond it? They will not contradict it?

DR. W. POTTER: That's absolutely right.

MR. R. DOERN: We also have the impression that they make waves. They appeared to come here to make waves, do they make any waves in Quebec?

DR. W. POTTER: I'm surprised to find out how active they have been here because we don't get a great deal of information about what Alliance Quebec does outside. In the years that they have been in existence, they have achieved no change at all in any one of the articles of Bill 101, not one single change, and I am sorry I did not bring an article along, a letter from Mr. Maldoff that was in one of the Winnipeg papers, which stated they had been able to exert some changes because I could take the four changes or improvements he suggests and point out how very misleading these statements were.

If my memory holds good, he spoke first of all about some changes to a cinema bill that Quebec has introduced, a cinema bill whereby there will be a limited number of English versions of a film, and then the whole thing has to be dubbed into French, and there will be a constriction of the number of English films that will be able to be shown in the Province of Quebec. True, there has been a change, but this change was brought about, not uniquely by Alliance Quebec but also by the Liberal members of the National Assembly. One John Ciaccia, for instance, the member for my own riding of Mount Royal, who has very strongly fought again this. Another one, the second one strangely enough or interestingly enough pointed to a change in the unemployment insurance commission policy of not paying unemployment insurance to people who are taking a language course, and this is, of course, a French language course for Anglophones. Now, the adult education departments of school boards . . .

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

HON. A. MACKLING: Mr. Chairman, I'm very interested in hearing clarifications of the positions of Dr. Potter, clarification of statements she has made in her brief that somehow create some difficulty for members to understand, but I'm certainly not eager to hear Dr. Potter analyse the modus operandi, the rationale, the arguments, the strength of them, of other people who

have put briefs to this committee. Speculating on their motives, how they are funded, everything else, she is being asked those questions and I think those questions are out of order.

The questions must relate somehow to the position that Dr. Potter is taking in connection with the resolution, not what other groups' positions are being taken. Otherwise we could be here forever, and it's an abuse of those who are waiting to make their views known, not comment on the views of others who have been here before the committee, but give the benefit of their advice to the committee on what we should be doing.

MR. H. GRAHAM: Mr. Chairman, I'm finding it rather passing strange that Mr. Mackling is objecting not to the question asked by Mr. Doern, but he's objecting to the answer given by the witness, and I find that very very strange indeed that members of this committee should be telling witnesses what they can say and what they can't say. I object strenuously to the point of order raised by Mr. Mackling.

MR. S. ASHTON: On the same point of order, Mr. Chairman, that is clearly not what Mr. Mackling said. He objected to the questions, if Mr. Graham would have only listened, and I would also object to the question as being out of order. I'm sure, Mr. Chairman, that we can all understand your desire to give the broadest leeway in terms of questioning to the questioners, but it's clear that the question Mr. Doern asked has led the committee into an area which it should not really be discussing and is causing some considerable delay for other people who are quite anxious to make presentations. So I would ask, Mr. Chairman, that you rule the line of questioning that Mr. Doern used as being out of order since it clearly does not relate to the brief presented by the witness.

MR. CHAIRMAN: Mr. Doern.

MR. R. DOERN: Mr. Chairman . . .

MR. CHAIRMAN: Order please, from the gallery.

MR. R. DOERN: Just on that last one, it's funny how Mr. Ashton is now concerned about other speakers. When Mr. Penner was questioning, he didn't have that concern.

MR. CHAIRMAN: Order. The rules regarding gallery participation are clear. I will not mention them again. The Chair has the prerogative to clear the gallery, and will do so if there are any further displays.

Mr. Doern, please.

MR. R. DOERN: Mr. Chairman, I think the question was in order because Alliance Quebec has been to Manitoba many times. It purports to speak for English Quebecers. It purports to speak for the whole English-speaking populace. It gave that impression. It has been here on numerous occasions, and I think that it's in order to ask somebody who does not come from that group, who comes from one of maybe a dozen groups that are in existence whether they think that group represents the English-speaking minority. Dr. Potter has made reference to Alliance Quebec in her brief.

I think what has happened is simply that the Minister, Mr. Mackling, doesn't enjoy and doesn't want to hear any criticism of government supporters.

MR. CHAIRMAN: Further contributions to the point of order?

Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, let it be clear that I would be delighted if Dr. Potter spoke for three or four hours to me personally or to other members of the committee. I am anxious and eager to hear her views. I sat and I had to go out for a brief moment, but I sat and I listened to her views. I was taken by the sincerity of them.

I had indicated to the Chairman that I thought the question was out of order, but he indicated to me quietly that out of courtesy to Dr. Potter that I not raise my objection. But the answer was becoming fairly extensive and detailed into matters which I felt were not relevant.

So, Mr. Chairman, my interjection was not to interfere with Dr. Potter's answering, but to indicate my concern as to the relevance of questions that are put to the witness. They should relate to the witness' submission to this committee, not to the submissions that have been made by other people. I know that I am waiting to put a question or questions to Dr. Potter directly related to what she has testified this morning, not to what others have said about the issue weeks and months ago.

MR. CHAIRMAN: Ladies and gentlemen, clearly the Chair was not in a position to interrupt an answer. The Chair will not interrupt answers given by witnesses or delegations before this committee. The Chair allowed the question. The Chair has to give the witness the prerogative to respond to the question. That's clear.

What is also clear though is the further afield we go from the direct contents of the brief or the direct subject matter before the committee, the more likely we are to have points of order and the more likely we are to engage in debate. I would suggest that further questions be related more directly for clarification of the brief, but I would ask Dr. Potter to continue with her answer. Please proceed.

DR. W. POTTER: The answer I was giving was that when Mr. Maldoff supposedly pointed out some of the achievements, he was referring to a change in unemployment insurance policy so that people taking a French course would continue to receive unemployment insurance. Yet this is something that is strictly a federal matter. It had nothing to do with Bill 101, and was completely irrelevant to the topic.

Then he also mentioned the fact that the Provincial Government had taken the advice supposedly of Alliance Quebec, and was offering English and French school systems which is, as I have already pointed out, something that, if accepted, will put the English educational system at risk and lead, I believe as an educator, to its very quick demise because there is no constitutional guarantee in the Canadian Constitution for English schools and English school boards, only Catholic and Protestant school boards.

MR. R. DOERN: Dr. Potter, just for general information, you have a doctorate. Could you describe your field briefly?

DR. W. POTTER: Yes, it's a doctorate in modern languages, and especially comparative literature from Bryn Mawr College. I'm a B.A. and an M.A. from the University of Toronto, a gold medalist in modern languages, and then a Ph.D. from Bryn Mawr and post-doctoral work at the University of London. I also have a diploma in French from the University at Aix-en-Provence. I used to teach at McGill University for some years before I became a full-time mother and then eventually a school commissioner.

MR. R. DOERN: Do you speak any languages beyond French and English?

DR. W. POTTER: German and Spanish.

MR. R. DOERN: As a result of the P.Q. policies, the very thing that you're fighting, I just wonder if you could make a brief remark on what losses you have experienced in friends and family in the last seven years.

DR. W. POTTER: It's hard to be brief about something like that, but take an ordinary church-going person. Suddenly the community which had 350 going to the church is reduced by, say, 150 to 200. So all the church activities are suddenly diminished. If you like roses and you belong to the local rose club, people are transferred. Head offices have closed. People have private businesses and, because of the francisation policies, decide that it's more profitable and more convenient to have their business elsewhere. They move.

There has been such an exodus of the English in Quebec and some French-Canadians too who do not like the diminution of rights generally, because remember, French Quebecers also have their rights diminished. They cannot send their children to English schools, as used to be the practice when we had freedom of choice. So there is a general diminution of the very normal things in life, the normal joys.

At the same time, because of the francisation, the generalization of French at all levels of the business community, you find people that normally would have expected promotions now being set aside because, according to Bill 101, there has to be an increasing Francophonisation and a francisation of business. If the language police come and investigate your firm, they will look down the names of the employees. That is one of the ways they can gauge the increasing or decreasing francisation of a firm.

It's very hard, Mr. Doern, very briefly to say how one's life has been impinged upon, by Bill 101. What I particularly feel regret for is the experience of the young children, especially the illegal children. Bill 101 was promulgated in 1977; it has been in effect for six full years, and each year children are exposed the trauma of wondering whether one more year they will go back to school where they will be illegal and ineligible, really, legally to attend an English school. They know that when they graduate from high school they are not given a Certificate of Graduation because the Ministry of Education will not give them one. They have been living a kind of uncertain existence. I have children who have developed nervous tendencies over the years, who do not sleep well at night. This kind of experience no child should experience year after year, nor the parents.

It's very difficult really briefly to explain, but you see a restriction in English universities, Concordia University, and McGill University, for instance, it is becoming increasingly difficult to bring people in from outside to work in English language educational institutions because, first of all, their children will have to go into a French school. They know also that the university population is diminishing so that in educational institutions, in social service institutions, it is becoming increasingly difficult to get reinforcements from the other provinces in Canada and from the United States. The ebb and flow of a community that has viability has been greatly decreased.

MR. R. DOERN: Dr. Potter, you just said something that I wanted to ask you about, that the new immigrants to Quebec, from other linguistic groups and so on, are they becoming trilingual? Are they studying French only? Are they going into French schools? What is happening to them in regard to the English language?

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

HON. A. MACKLING: On a point of order, Mr. Chairman. I did not interfere, it was a lengthy answer as to how friends are affected by policies in another jurisdiction. Bill 101 is not before the committee. We are not dealing with Quebec language rights directly; they come up indirectly and that is permissible. But now to be asked a further detailed effect of a policy of another government on — (Interjection) — yes, a related matter, but the detailed effects of that policy, to this witness, is an abuse of this committee's time. It may be very very interesting to know that, but it is not relevant to the matter we have before us. I object to the further questioning along those lines. That did not come up in the brief.

MR. R. DOERN: Mr. Chairman, Dr. Potter is an educator; she is quite familiar with the educational system. We are told that there is a direct connection - may I continue? We have been told that there is a direct connection between what Manitoba does here and what happens in Quebec and vice versa; we're told this by Alliance Quebec, by government spokesmen, by Mr. Mackling, and I did not ask for a detailed answer. I asked what I thought was a short question, and my question was simply to ask what is happening, in terms of new immigrants in Quebec. Are they studying French only? Are they studying French and English and their native tongue? That was the question.

MR. CHAIRMAN: To the point of order, I think it's clear that some members have expressed a great deal of interest in comparing, because of the representations before this committee, certain developments in the Province of Quebec as they impact upon member's analysis of the resolution in this province. One of the issues that has come up in discussion, the impact of the resolution, hearing questions of various witnesses, has been the impact upon the ancestral language groups, the heritage language programs in Manitoba, and how the resolution impacts on that. Bearing that in mind, I think the question is relevant to the discussion and I'd certainly ask Dr. Potter to answer the question.

DR. W. POTTER: Okay, I'll try to answer it as quickly as I can. Those children, of what we term an ethnic background, now automatically go into French schools. They learn French and, hopefully, they retain their native tongue. However, English begins to be taught rather inadequately in French schools in I think it's Grade 4. Now, in the Protestant system, in our French Protestant schools, English traditionally was taught from kindergarten upwards. A few years ago, because of Bill 101, we had to cease teaching English beginning in kindergarten, this was illegal.

However, a very interesting situation has happened whereby a Catholic Board - that is a majority French board in Chateau-Guay a couple of years ago said that its parents insisted the children have English from the beginning of the school system and they were going to implement this course of English starting in Grade 1. They did so; they were told by the Ministry of Education that this was illegal. Our own board, seeing their example, followed suit and reinstated in our French Protestant schools English starting in kindergarten and Grade 1 and we are now in court with the Minister of Education on this very point - the right of school boards to decide the curriculum and to give English instruction in their French schools starting at Grade 1, if the school boards desire.

We base this on the rights of school boards, going back to the consolidated statutes of education in Quebec in 1861, which was carried over into The BNA Act in Article 93, which guarantees the rights of school boards.

MR. R. DOERN: Dr. Potter, you said previously in your brief or in answer to questions, "strange things are happening in Quebec." You talked about strange things; I'm just wondering what that statement related to. Was it the P.Q. policies, or were you talking about the fact that the Federal Government has a "hands-off" policy in regard to Quebec?

DR. W. POTTER: I'm sorry, I'd have to know more of the context there, Mr. Doern, I can't answer that.

MR. R. DOERN: Do you find it strange that the Federal Government is not interfering, or is not attempting to overturn Bill 101? Do you expect that of them?

MR. CHAIRMAN: Mr. Mackling.

HON. A. MACKLING: I object, Mr. Chairman. I object to a question being put to this witness, do you find it strange that the Federal Government is not taking some course of action elsewhere, in respect to another issue. I think that does not relate to the brief that's before us and I object to it. Overrule me, if you will.

MR. R. DOERN: Mr. Chairman, I'm concerned about Mr. Mackling's ulcer so I'll move on.

MR. CHAIRMAN: Further questions, Mr. Doern?

MR. R. DOERN: Mr. Chairman, Dr. Potter, I believe, made the remark that, if Manitoba proceeds with the proposed legislation, that this will put the English in Quebec in jeopardy. I wonder if she could explain what she means by that.

DR. W. POTTER: I'm glad for the opportunity to clarify that statement. My meaning is not that if you proceed eventually to return rights to Franco-Manitobans, that will put Quebec in jeopardy. I do not mean that at all. I mean the process, the procedure, you are intending to use, and that procedure is to use Article 43 of The Canada Act, which allows a Provincial Assembly with the Senate and the House of Commons of Canada to pass the same resolution dealing with matters pertaining to language, because this will send a message to Quebec and especially to the Parti Québécois Government which has instituted, as you know, a series of procedures against their minority. It will send a message that Manitoba is setting a precedent and using Article 43 to legislate on language rights.

MR. R. DOERN: So, do you concur with the position of Dr. Shaw, when he was here on Friday, when he said in his brief that, "We believe that language rights must remain the responsibility of the Federal Government and must not be enacted by the provinces."

DR. W. POTTER: That's exactly the point I was trying to make and I was trying to point out in my brief how the Federal Government instead of being an impartial defender of both language minorities has in the last 15 or so years played a double role, had a double standard. This was the whole point of my referring to the policy, the national understanding, showing instances where it has a language policy which, in effect, duplicates the restrictive policy, the restrictive linguistic policies, now used and employed in Quebec; first with Bill 22 and then with Bill 101.

MR. R. DOERN: Mr. Chairman, the last question I wanted to put to Dr. Potter was: she expressed quite a concern that although some people in Manitoba believe that the government's proposals will be an inspiration to the Quebec Government or will influence the Quebec Government in doing more for the English-speaking minority, I believe I understood you to say that the P.Q. will not, in fact, be inspired and that they will twist and turn whatever we do to serve their purposes and that they will use the Penner-Pawley-Pierre deal as a weapon against your compatriots rather than do something more for them.

DR. W. POTTER: Yes, I think this is true. You see, you have to assume good will on the part of the P.Q. Government and immediate past history has shown that there is no good will towards the Anglophone community on the part of the P.Q. Government.

MR. R. DOERN: Thank you.

MR. CHAIRMAN: Thank you, Dr. Potter.
Mr. Mackling.

HON. A. MACKLING: Dr. Potter, the main thrust, I think, of your concern is the effect of the initiative actions here as it relates to the Province of Quebec, and your concern is as someone who is defending Anglophone rights there. Is that not correct?

DR. W. POTTER: That's only partially correct.

HON. A. MACKLING: That's a big part of it then, your submission this morning?

DR. W. POTTER: Yes.

HON. A. MACKLING: Now, you have implied; in fact, you have stated that the initiatives that we have taken here are opposed by you because you're concerned that it is a Made-in-Manitoba decision that can be replicated in Quebec.

DR. W. POTTER: No, I would't say that. You really didn't let me finish the question you had asked. I said, yes, I am here as a representative, as a person coming from Quebec, but I'm also a Canadian, and I'm a Canadian first before I'm a Quebecer. For some people in Quebec, it's the other way around, so this is an important distinction that I make. You see, it has meaning that you wouldn't understand it as an important distinction. But there is a total country . . .

HON. A. MACKLING: We're aware of the total country.

MR. CHAIRMAN: Order please. Please proceed, Dr. Potter.

DR. W. POTTER: I'm afraid I'm finding it difficult, Mr. Chairman.

MR. CHAIRMAN: Just ignore all the members and answer the question and you'll be well off.

DR. W. POTTER: What is the nature of this country going to be? At one time, as I have tried to point out, it was a political dual duality and there was a system of checks and balances built in. There was an idea, I thought, that all Canadians should have rights. Now we find that there are going to be rights given if there are other rights partially given somewhere else, and I say that this is degrading, that there has to be an understanding that everyone who is a Canadian citizen has rights.

So, I'm concerned that there are minorities, such as the English-speaking Quebecers, whose rights have been diminished, and that the Federal Government, who under The BNA Act was supposed to be the defender of minorities is playing a dual role, increasing rights outside of Quebec - and I have nothing against that - while it constricts rights and allows the diminution of rights in Quebec on the part of the Provincial Government.

There is an inherent contradiction here. What kind of a country is this where the Federal Government promotes one group against another group?

HON. A. MACKLING: Dr. Potter, you have said that you're concerned about the precedent. The precedent, you will admit, does involve the Parliament of Canada and the Legislature of a province, in this case Manitoba, coming to a decision in respect to a question of entrenchment of rights. It is not a unilateral decision on the part of a province, and yet you're concerned about this as a precedent for Quebec.

Are you aware of the fact that in Manitoba we have a Legislature, and members have rights and have used

them extensively to debate this issue? Are you not aware of the fact that the Parliament of Canada has political parties who have views about the entrenchment of rights and are expected to make them and to be involved in a democratic process there?

MR. CHAIRMAN: Mr. Doern, on a point of order.

MR. R. DOERN: On a point of order, Mr. Chairman. Mr. Mackling is the one who is the guardian of the rights and rules and procedures of this committee, and he is clearly in violation of them. He is debating and argumentative. I think that his question is out of order; he's badgering the witness.

MR. CHAIRMAN: Certainly the question bordered on being argumentative. Perhaps Mr. Mackling could rephrase it.

HON. A. MACKLING: I'll rephrase it. In your submission, Dr. Potter, you indicated a concern for what was a unilateral decision really, a precedent that was being established here. Do you not agree that the Parliament of Canada, including Mr. Mulroney and his Conservative caucus and Mr. Broadbent and his New Democratic Party caucus, will have to make a decision as part of the parliamentary process that will follow this first decision in Manitoba on this question?

DR. W. POTTER: I didn't want to suggest that I regarded the use of Article 43 of The Canada Act as unilateral. I know it isn't unilateral, but what I am trying to suggest is that when it came to a question of a very arbitrary diminution of language rights and education in the new Constitution that both the federal authorities and the provinces agreed on the insertion of Article 59 in The Canada Act. This was done by both provincial and federal authorities. If it can be done once, it can be done again.

HON. A. MACKLING: All right. Now, what you're saying, Dr. Potter, is at this time you would rather not have a decision that involves the Legislature of Manitoba, first, making a decision on this question; secondly, the Parliament of Canada making a decision on this question. What you would prefer is the Supreme Court at Ottawa making a decision that affects the interpretation of Manitoba laws and the rights and the services that flow from that decision that they make. That is your position today.

DR. W. POTTER: I think that's the logical course.

HON. A. MACKLING: All right. Thank you.

MR. CHAIRMAN: Thank you, Dr. Potter. Further questions from honourable members? Seeing none, Dr. Potter, thank you very much for your presentation here today. Order please.

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I notice the hour is very very close to the hour of adjournment, of recess. Can you call it 12:30?

MR. CHAIRMAN: I was going to call it 12:30.

Mr. Doern.

MR. R. DOERN: Mr. Chairman, I just wanted to raise a difficult point again on time scheduling. There are three business and professional clubs; they are listed as No. 34. There's a German club, a Polish, and a Ukrainian professional and business club presenting a brief, and I wanted to make this request and I only ask.

Their spokesman, the person who is making the presentation with others, is Dr. Slogan, who is from Selkirk. He has cut short a trip last week, taken time off today to come. The request coming from him and the three organizations is whether they could possibly have a scheduled time, as in this evening or tomorrow night, because of the problems of co-ordinating three organizations and Dr. Slogan himself who is from just out of town. Is it possible? In fact, I will make that request. Could they be scheduled for tonight or Tuesday night?

MR. CHAIRMAN: I remind the committee, before I hear other contributions, that the committee has refused such requests in the past, except for people from out of the Province of Manitoba. If the committee wants to set that precedent, it's certainly the will of the committee to make that decision.

Further discussion?

HON. A. MACKLING: I think we should adjourn. I accept the recommendation. I think we should accept the recommendation by the Honourable Member for Virden.

MR. CHAIRMAN: Is there further discussion or a motion with regard to the request made by Mr. Doern?

HON. A. MACKLING: No.

MR. CHAIRMAN: Mr. Scott? Hearing no motion, I can't deal with the matter.

Mr. Nordman.

MR. R. NORDMAN: I would support Mr. Doern on the particular issue. If we could hear these people tonight, hear them tonight.

MR. CHAIRMAN: Are you making a motion, Mr. Nordman?

MR. R. NORDMAN: At 7 o'clock, yes.

MR. CHAIRMAN: The committee normally meets at 7:30. Are you suggesting . . . ?

MR. R. NORDMAN: At 7:30, I'm sorry.

MR. CHAIRMAN: It's moved by Mr. Nordman that Delegation No. 34 be heard at 7:30 this evening. Is there any discussion?

Mr. Storie.

HON. J. STORIE: Mr. Chairman, I think that we would like to give all individuals wishing to appear before the committee every opportunity to present their case. Certainly we have made exceptions for people out of

the province; however, Selkirk is relatively close to Winnipeg. I would expect that, given the number of briefs we have prior to the appearance of Dr. Slogan, it is unlikely that he would be able to appear before this evening in any event. What we did on at least one other occasion was provide for someone from out of town to be able to appear not at the beginning of the committee, but perhaps at the end, so we don't interfere with the rights of other people who have made an effort through various meetings to be here.

So I would suggest that we could possibly set a time of approximately 10:30. Pardon me, 10 o'clock for tonight.

MR. CHAIRMAN: Further discussion?

MR. R. DOERN: I'm sure that would be preferred to the present state of affairs.

MR. CHAIRMAN: I'm not clear on what . . .

HON. J. STORIE: I would like just to amend Mr. Nordman's motion to say that the committee would be prepared to accommodate Dr. Slogan if he could appear at 10 o'clock this evening. That way we would not interfere with the number of other people who would want to appear this afternoon and early this evening and have been faithfully waiting in line to do so.

MR. CHAIRMAN: The Chair has one problem with that suggestion. Does that mean that which ever delegation is in progress at 10 o'clock is interrupted, or that we finish that one and it's the first one started after 10:00?

HON. J. STORIE: Yes.

MR. CHAIRMAN: Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, I think it makes it very awkward. I think that you have indicated the concerns that the committee has felt all along. Extensive numbers of people, they wait and wait and they get close and, some, they're pre-empted.

I don't think it's fair. I think that we have worked under a system where people know what the list is, have some appreciation for whose going to come on and then appear. For those people who have to wait and then this evening be pre-empted by someone because we've decided to give them some preference, I think, is unfair. I prefer the system that way it had been.

I appreciate the fact that the committee quite logically thought that if people were coming at great distance, as Dr. Potter did from Quebec, then under those circumstances it's totally unfair to leave them. But people that live in Manitoba surely can be accommodated in the fashion we're handling them now. To do otherwise will, I'm sure, now trigger requests of others for a set time for their presentation.

I know that when I was at a break, one lady who was waiting to appear wanted to know when she'd be going on. I would have liked to have been able to tell her and assure her, because she has commitments too, to the people that are dependent on her.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, we have allotted two days, Monday and Tuesday. We do know that this group has difficulty appearing during the daytime. If we should be through with all of the briefs before 5 o'clock tomorrow, I would suggest that the committee make an exception and sit tomorrow evening to hear this brief if it doesn't come up previous to that.

I just want to make sure that we realize the problem they have. I would not want to see a special slot in the thing, but I would want to have some assurance that by tomorrow night you would be prepared to sit, even if we had finished, called all of the names and there was nobody further to be heard, by 5 o'clock tomorrow.

MR. CHAIRMAN: I think if I can for the benefit of the committee with regard to Mr. Graham's point, I think it's understood that if the committee knows that other individuals will appear, even if they are absent and the list has been exhausted, if the Clerk has been advised the groups are planning to appear at the next sitting, that the committee would hold that sitting as we did in Ste. Rose and as we did at other locations, even though the list had been exhausted.

Mr. Nordman was next.

MR. R. NORDMAN: Mr. Chairman, just considering that we are taking two extra days to listen to these people and this is a revised list. I don't know how many times it has been revised and you know every one of these people had opportunity to be here on the first four days of our hearings. They had ample opportunity to be here for the last three days of last week. If we are able to hear somebody who is here, let's hear them. We could go on forever revising this list and these people don't show up, then what do we do.

MR. CHAIRMAN: Mr. Nordman, to the point, if I can as Chair, we have gone through the complete list twice last week and for all intents and purposes exhausted the list Friday night and we're back here because there were people who we knew wanted to be heard and had not yet been heard.

Mr. Brown was next.

MR. A. BROWN: Thank you, Mr. Chairman. I would like to make a suggestion over here, that it seems to me that Dr. Slogan's concern is, will he be on tonight or will he be on tomorrow night. Certainly towards the latter part of the afternoon we should be able to tell whether Dr. Slogan's name is going to come up tonight and I'm certain that we can then notify him to be here.

MR. CHAIRMAN: I take it, Mr. Brown, if we follow your suggestion, the Chair is going to have to make a guess

and advise the Clerk accordingly at approximately 5 o'clock as to how many other people are going to be absent. You will recall on Friday night, we went through a very large portion of the list and ended up hearing the Reeve from Moosehorn even though there were 50 people between him and the previous delegation, everyone of them was absent. The Chair does run into some problem in terms of following committee direction on predicting absentees. — (Interjection) — Well, Friday night, the Chair had no idea.

Further contributions?

We have a motion. I believe the motion has been amended to 10 o'clock tonight. What is your will and pleasure?

Mr. Harapiak.

MR. H. HARAPIAK: Mr. Chairman, I think it wouldn't be fair to some of the organizations that are here at this point. I see that Don McIvor from the Manitoba Metis Federation who also speaks for a large number of people who was present this morning and I'm sure that he would like to have a time, that he would like to know that he could show up and speak. He has to come back and take his chances of when his name comes up, so I would suggest that we follow the list.

MR. CHAIRMAN: Mr. McIvor asked the Chair for a time this morning and I told him I couldn't give him one. That's not the Chair's prerogative.

Mr. Doern.

MR. R. DOERN: Mr. Chairman, I simply make this point again. These are three organizations that have co-ordinated a brief. It is more difficult to co-ordinate three than one.

MR. CHAIRMAN: Well, the committee has a motion before it and an amendment moved by Mr. Storie. Are you ready for the question on the amendment? All those in favour, please say aye. All those opposed, please say nay. The amendment is defeated.

The main motion. All those in favour, please say aye. All those opposed please say nay. I declare the motion lost.

We'll follow the list as set out.

The committee is adjourned and stands adjourned until 2:00 this afternoon.

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