



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

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

31-32 Elizabeth II

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



MG-8048

**VOL. XXXI No. 30 - 10:00 a.m, TUESDAY, 20 SEPTEMBER, 1983.**

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

**Members, Constituencies and Political Affiliation**

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

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

**Tuesday, 20 September, 1983**

**TIME — 10:00 a.m**

**LOCATION — Brandon, Manitoba.**

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

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

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

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

**WITNESSES:** Rev. Michael Skrureda, West-Man  
Multicultural Council

Mr. Aaron Berg, Private Citizen

Reeve Einar Sigurdson, R.M. of Lakeview

Mr. Gene Nerbas, Councillor, R.M. of  
Shellmouth

**MATTERS UNDER DISCUSSION:**

Proposed Resolution to amend Section 23  
of The Manitoba Act

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**MR. CHAIRMAN:** Committee come to order. I believe we now have all our equipment working. I would ask those members of the media who are responsible for the bright lights to ensure that they are only on when they are required. They are a bit of a distraction in the faces of members, particularly making it difficult to view witnesses before the committee. There is certainly no objection to them being on when they are needed, but if they're not needed, we would appreciate them being dimmed. Thank you.

The first name on our list this morning is Mr. Aaron Berg. Mr. Berg, please.

Next, Reeve J.R. Guthrie, R.M. of Pipestone. Reeve Guthrie, please.

Reverend Michael Skrureda, West-Man Multicultural Council. Reverend Skrureda, please. Please proceed.

**MR. M. SKRUMEDA:** Mr. Chairman, members of the committee, the West-Man Multicultural Council is an umbrella organization for approximately 21 ethnic and cultural organizations of Western Manitoba, numbering over seven-hundred members and their families.

The Board of the West-Man Multicultural Council in their meeting on September 12th, 1983, voted that a presentation be made to the Standing Committee on Privileges and Elections, hearings to be held on September 19th, 1983, supporting the resolution to provide limited French Language Services.

Specifically, the West-Man Multicultural Council wishes to express its support for the principles and

objectives which the government is seeking to achieve in presenting its amendments to the Constitution relative to the official languages of Manitoba and the extension of French Language Services. By enshrining French language rights in the Constitution, we have an opportunity to redress the unconstitutional manner in which French language rights were abrogated in 1890. The West-Man Multicultural Council is in accord with those amendments to entrench French language rights and to ensure protection for the French-speaking minority. We would like to add, however, that such entrenchment should not be done so as to endanger education in French, as well as in English. Nor should such entrenchment be done at the expense of government positions. Here we recognize the real concerns of the MGEA.

Since the West-Man Multicultural Council is concerned about the ethno-cultural heritage of its member constituents, and since language is an integral part of one's culture, the West-Man Multicultural Council is concerned about the unfair and unwarranted hostility shown by some politicians and some sectors of the public toward minority language rights. The West-Man Multicultural Council believes that the maintenance and survival of the French language in Manitoba is something that is in the best interests of the province and Canada as a country.

The West-Man Multicultural Council, as part of its mandate to encourage the traditions and beliefs of all its member groups, would like to go on record as advocating the expansion of French language education in Manitoba schools. We believe that a fully bilingual country, where traditions and languages are used interchangeably, is the best way to ensure the continuance of language and traditions of all ethno-cultural minorities.

Canada did sign the International Covenant on civil and political rights and the covenant includes two sections relating to language. Section 26 guarantees protection against discrimination on the grounds of language, among other things, and Section 27 guarantees the language rights of linguistic minorities. Manitoba, as part of Canada, indeed the Keystone province, is a party of this covenant. If our words are to mean anything, then it is incumbent upon the government to ensure that the French language rights of its French-speaking citizens are protected.

While the West-Man Multicultural Council advocates the position that French has an equal position with English in all areas of Canadian life, we recognize another aspect of Canadian life - that of linguistic diversity. Two points are relevant here; first, under the Canadian Constitution other languages do not have constitutional equality with either French or English. It makes neither legal nor constitutional sense to say that since a large proportion of Manitoba's population speaks German, then that should also be an official language. Carried to its logical conclusion, such notions would lead to a linguistic balkanization of both Manitoba

and Canada. Secondly, while recognizing the constitutional position of both French and English, the West-Man Multicultural Council wishes to draw to the attention of the committee Section 22 of the Charter of Rights, which tells us where other linguistic traditions prevail, those traditions shall continue in force, this despite the position of English or French. We see this as a highly desirable state of affairs. On the one hand, both province and country promote, protect and enhance ethno-cultural diversity; while on the other hand, the province and country acknowledge the right of any citizen to seek services in the official language of his/her choice.

The West-Man Multicultural Council believes that important bridges can be erected between Anglophone rights in Quebec and Francophone rights in Manitoba. Before 1870, under Section 23 of The Manitoba Act, French and English had equal status before the courts. This provision was derived from Section 133 of the BNA Act. A similar provision was made in Quebec in 1867. In 1890, we abrogated our responsibility to French-speaking Manitobans by denying them linguistic freedom, similarly, the Parti Quebecois passed Bill 101 which, among other things, denied Anglophone rights in Quebec. The Supreme Court of Canada in both the Forest and Blaikie cases reasserted the rights of the linguistic minority in both Manitoba and Quebec respectively.

We believe that the restoration of Francophone rights in Manitoba can have a positive effect on the right of Anglophones in Quebec. It will demonstrate in a most unequivocal manner to both Quebecers and other Canadians that Manitoba is concerned about individual freedoms and supports the concept of one nation from sea to sea.

Finally, Mr. Chairman, the West-Man Multicultural Council would like to ask what kind of province and what kind of country do we have here? We like to think that as it is with people, the policies and institutions of a country grow wise and become mature with age. We believe it to be the maturing society which recognizes that when issues become contentious the rights of the minority should never be determined by the will of majority. Such rights, we believe, need protection by our elected representatives, who, functioning like statesmen, can take a wider and historical perspective on a particular issue. Furthermore, we view it as a sign of maturity knowing that those government services, which directly touch their lives, whether they be at the federal, provincial or municipal level, will be available to them in the official language of their choice.

Thank you for permitting the West-Man Multicultural Council to present this submission to the committee.

That concludes this presentation on behalf of the West-Man Multicultural Council, and if I may add just a couple of comments on my own. This is not necessarily representative of the West-Man Multicultural Council, although the motion had been made and supported by the majority of the members of the Multicultural Council. The door was left open to each individual constituent member of the Council to make its presentation, either pro or con.

In this event, I feel that attention must be drawn to the fact that many things are often thrown out of proportion and sometimes misunderstood. After just

one day of listening yesterday to all the presentations, I have to feel that someone or somewhere we have to define what democracy is really all about.

We have our elected representatives, who we feel were duly elected in 1890, had made a decision and it seems that that was all right. Now upon a proposal by the present government, who are elected officials, who wish to make amendments, by some it is considered undemocratic. That is not what we consider right.

Some of us are recommending a referendum. I don't know if I can say that I am any legal authority on the terms of law, but I feel that when something of a legislation is definitely going to be hard on the majority, a referendum is only chosen when, in some form of legislation, there is the conscience of the politician that is elected, he can't make a decision. But we have made a choice, we have elected officials, who through their conscience should know also what their constituents feel, and they will come back and make the right decision.

In proposing a referendum, I think that it's only fair to say that for a referendum to be fair and equitable, on the ballot we would have to put, not only a short question, but I think it's necessary to have some historical background. We would have to have a legal opinion and also maybe a complete text of the amendment proposal. Wouldn't that be difficult to put on one simple ballot? I think that the time has probably come for us to maybe mature with age and the opportunities that are offered for us to become educated are available and maybe if anything can be gained out of these hearings and these talks, it will be just one page of the book of education that we'll be able to read.

Thank you.

**MR. CHAIRMAN:** Thank you, Rev. Skrumeda. Questions for Rev. Skrumeda by members of the committee. Seeing none, Rev. Skrumeda — (Interjection) — Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Rev. Skrumeda, when you had completed the official presentation, you felt in your own mind it was necessary to add some words of your own, and for that we thank you.

I detected in your personal remarks some concern that you seem to have about the question of a referendum or the various factions that seem to be at play in this whole scene.

When we choose to change a Constitution, that change does not occur very often, and usually it happens after a great deal of consideration. Would you think that it would be a wise choice for the government at this particular time to go slowly, to take their time, and consult with everyone and try and arrive at a consensus, rather than taking one specific approach and saying, this is it, like it or leave it? Could I have the benefit of your advice on a situation such as that?

**MR. M. SKRUMEDA:** It's not an easy thing to do. I feel that a question like that is not easy to answer, but from what I have either experienced or from what I know, I would be able to share with you. For any elected

official that will participate in a change that will be made to the Constitution, certainly he would know, or should know, the feelings of his constituents instead of always when there is an issue at hand as maybe serious as this, that a constitutional amendment has to be made, that immediately we go to try and sift out the feelings of the public. I think that's what the elected official is there for. He will make that decision and through conscience he will know whether that decision is right or wrong. The public will decide later through the election process whether that government was definitely right in proposing that.

**MR. H. GRAHAM:** A further question then to Rev. Skrumeda, if there appears to be a difference of opinion between politicians that are presently in the political arena here in Manitoba, not maybe about the French language at all, but about whether or not a Constitution should be changed to enshrine services, and there seems to be, in my opinion, a serious difference of opinion. Do you think the government should proceed with their announced program if there is a serious difference of political opinion prevalent on that issue? Because they have the majority, should they proceed or should they attempt to reach a consensus before they make a constitutional change.

**MR. M. SKRUMEDA:** With a consensus, as you may be speaking that we again go to the public and obtain their opinions on something like this should the government proceed. If that is the will of the majority, I'm not so sure that the conclusions that will come out of it will be for the benefit of the minority. I feel that in many ways there will be an imposed will on a minority in some way. I don't know if that answers your question or not.

**MR. H. GRAHAM:** Well, maybe I should go back, I guess it would be the first page of your brief, where you say on the fourth or fifth line. "By enshrining French language rights in the Constitution, we have an opportunity to redress the unconstitutional manner in which French language rights were abrogated in 1890."

Are you aware, Rev. Skrumeda, that that has already been done? That was done in 1870, the 1870 law still stands. The Supreme Court ordered it in 1979 and the province addressed the question with Bill No. 2 in 1980, so we're not talking about enshrining French language rights, that has already been done.

**MR. CHAIRMAN:** Order please. Order please.

**MR. H. GRAHAM:** Is it . . .

**MR. CHAIRMAN:** Order please. Mr. Graham, you're going on at great length with a lengthy preamble to provide information, and the purpose of questions is not to provide information or engage in debate, but to seek clarification. I would ask you to be more direct with your questions, please.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. I did that very specifically because it appeared that this committee was not aware of that. If you are aware of that, would your concerns be the same today if you had been aware of that before this brief was presented?

**MR. M. SKRUMEDA:** Yes, they would be.

**MR. H. GRAHAM:** So your concerns then are about the service of the French language, the extension of the services, or the restriction of the service of the French language in Manitoba. Is that right?

**MR. M. SKRUMEDA:** Yes and no.

**MR. H. GRAHAM:** Well, Mr. Chairman, now I am probably more confused than . . .

**HON. R. PENNER:** On a point of order . . .

**MR. CHAIRMAN:** Mr. Penner, on a point of order.

**HON. R. PENNER:** Mr. Graham asked two questions, whether they would be concerned about extension or whether they would be concerned about restriction. I take it that the yes and no answer was directed to those two questions. Perhaps Mr. Graham would want to rephrase his question so that it is somewhat more clear than it . . .

**MR. H. GRAHAM:** Very well, Mr. Chairman.

**MR. CHAIRMAN:** I think the answer, Mr. Graham, that you received highlights the point that if the questions are short and succinct, the answers will be clear. If the questions are convoluted, the answers might well be misunderstood.

**MR. H. GRAHAM:** All right, I will then ask the question of Rev. Skrumeda, would you like to see services, rather than a principle, enshrined in the Constitution.

**MR. M. SKRUMEDA:** Could you repeat the question?

**MR. H. GRAHAM:** Would you like to see the services of a French language enshrined in a Constitution, where it would be difficult to change at a later date?

**MR. M. SKRUMEDA:** If this is what's being proposed now, according to the amendment in what was handed out yesterday, and we never had the opportunity of reading it beforehand, the services that would be provided in French, I would answer yes.

**MR. H. GRAHAM:** Mr. Chairman, for the benefit of Rev. Skrumeda, what the government is proposing is that . . .

**HON. R. PENNER:** Objection. Point of order.

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

**HON. R. PENNER:** Mr. Graham is about to pronounce on what the government intends to do, and I don't think that Mr. Graham is a spokesman for the government, and can put the government's position to the witness. The government's position, about which the witness can be questioned, is available in documents which are before the committee, and about which questions, of course, can be asked. They are available in the form of the resolution that's tabled; they are available in the

form of the amendments to those resolutions, which were also tabled.

**MR. CHAIRMAN:** Order please. Mr. Graham is entitled to his interpretation of what the government is proposing and he is free to express that. He is not free to express it here, he's free to express it in the appropriate place for debate. The purpose of this forum is to ask questions, not to provide information to witnesses.

Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. I appreciate your concerns and I appreciate the concerns of Mr. Penner. I would never attempt to explain the policy of the present government in Manitoba.

**HON. R. PENNER:** Thank God. That's the most positive thing I have heard this morning.

**MR. H. GRAHAM:** Mr. Chairman, through to Rev. Skrumeda. Rev. Skrumeda, I would ask you to ignore the remarks of the Honourable Attorney-General, his latest remarks.

**MR. CHAIRMAN:** Question please.

**MR. H. GRAHAM:** You have expressed a desire to entrench services of the French language in the Province of Manitoba. Should those needs for service change in the next ten or twenty years, would you suggest that the Constitution then be changed at that time to continue the enshrinement of services?

**MR. M. SKRUMEDA:** I believe that in the Province of Manitoba we still have many more years to go before any change will be required. I believe also that in a country such as ours, and I think throughout the whole world we have more languages than there are nations, and definitely within a country as large as ours is. If it has to refer to the Province of Manitoba, where we have to do this and enshrine that services be provided in a certain language, I cannot see why it cannot be done.

**MR. H. GRAHAM:** No further questions.

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

**MR. R. DOERN:** Mr. Chairman, do you in your organization, or in your church, encourage young people to study Ukrainian?

**MR. M. SKRUMEDA:** We not only encourage it, we offer specific programs that will preserve that language.

**MR. R. DOERN:** Do you believe that by making Manitoba officially bilingual, or extending French language rights and French language services, and encouraging the study of French, that this will encourage people to study Ukrainian?

**MR. M. SKRUMEDA:** Yes, it will.

**MR. R. DOERN:** Can you explain how?

**MR. M. SKRUMEDA:** I'm expressing a feeling of my own. I feel that if an official minority is going to be denied a certain right there is nothing stopping any future government from saying that something can be taken away from you. If I may draw to everyone's attention something that did happen in the past history. In 1916, I understand - it was long before my time - it was illegal to use any other language in the school, other than English. As a result, 100 Ukrainian schools were closed and, by the same token, 3,000 Mennonites moved out of Manitoba. I wouldn't want to see that happening.

**MR. R. DOERN:** Let's say that a young person came to you who wanted to study Ukrainian, would you tell them they should study French and Ukrainian, rather than Ukrainian?

**MR. M. SKRUMEDA:** I would encourage, and I have done in my practice, but this is referring to more the field that I am in, rather than representative of the council, which I'm doing today. I have encouraged the learning of one language and the other. If it need be, if we had the opportunity to learn other languages, I would do the same.

**MR. R. DOERN:** If a young person came to you for advice and said, "I want to study German," would you tell them they should study Spanish and then German, or French and then German in order to study German?

**MR. M. SKRUMEDA:** If they were found in a community where there were quite a number of people that spoke Spanish, I would encourage it, but I don't think that's the going issue.

**MR. R. DOERN:** If they were in a community which was predominantly Ukrainian, you would tell them to study French and Ukrainian?

**MR. M. SKRUMEDA:** It's leading on, Mr. Doern, what community you're going to be in as to what languages would be encouraged. If it was very farfetched I think that it would be to the discretion of the individual as to what language you wanted to study, but I can certainly assist.

**MR. R. DOERN:** So, you're saying that the encouragement of language and the promotion of language might be related to the practical use of it?

**MR. M. SKRUMEDA:** Yes, I am.

**MR. R. DOERN:** In other words, if you were living in Dauphin there might be more people studying Ukrainian than in a community which was say, mixed, in terms of language or ethnic background?

**MR. M. SKRUMEDA:** I don't know if that's always so, Mr. Doern, that where a community is predominantly Ukrainian, that they study Ukrainian. Over my number of years, and that's maybe not very long, and maybe I shouldn't give that to myself as a credit for the experience that I've seen, but in many Ukrainian communities I have seen that French, or sometimes

maybe even another language will be encouraged but, in this case, it will be French.

**MR. R. DOERN:** Some Ukrainian people, like some German-Canadians and Polish-Canadians, etc., feel that they are second-class citizens. I say some because, of course, many don't, but some do. Do you think that with the passage of this legislation and the promotion of official bilingualism that this is going to make those people feel like first-class citizens, or is it going to make those people feel like third-class citizens?

**MR. M. SKRUMEDA:** Anytime that anyone brings up the issue or any titles of third class or even sometimes the word "minority," it hits a soft spot in my heart because it makes us, right from Day One, in some way, unequal. I believe very much that there are many constituents in, not only my parish, but in my Ukrainian community that maybe will say that, that somebody is receiving special privileges and we are not. That's not going to add in any way to the building of a nation. I know that there is special recognition that is given to one group or another group but, at any one time, I think we have to admit to the fact also that, although we all speak the English language, some more fluently than others, aren't Anglophones maybe more privileged than anyone else?

**MR. R. DOERN:** I'm still trying to get possibly a crisper answer. I'm still saying to you that you know as well as I do that there are people of Ukrainian descent who feel somewhat handicapped by their heritage, in the sense that they feel that other people do not treat them as equals or don't see them as equals; I'm saying, some people, I don't mean a majority and I'm just saying, do you think that this type of legislation is going to make them feel as equals, or are they going to feel that they are losing ground?

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

**HON. B. URUSKI:** Mr. Chairman, just on a point of order. I don't believe that Mr. Doern should be here as the spokesman of the Ukrainian community. I believe there are enough members in the Legislature of Ukrainian background who can speak for themselves. I totally reject Mr. Doern trying to put words in other people's mouths, or in my mouth, speaking on behalf of the Ukrainians in the Legislature.

**MR. M. SKRUMEDA:** If I may, Mr. Chairman . . .

**MR. R. DOERN:** On the point of order.

**MR. CHAIRMAN:** Mr. Doern, on the point of order.

**MR. R. DOERN:** Mr. Chairman, I have never pretended to be a spokesman for the Ukrainian community. I come from a culture and I come from a part of Winnipeg that was heavily peopled by people of Ukrainian descent, No. 1; German descent, No. 2; and Polish descent, No. 3; it's called the North End of Winnipeg. I have many friends who are Ukrainian; I have some appreciation of their views of this country and this province. I

recognize and, if you don't, I do, I recognize that some people who are of Ukrainian descent, and Polish descent, and German descent, etc., feel that they are regarded as second-class citizens. I think I have a right to ask that question. That's what I'm asking Rev. Skrumeda. I'm asking him, again, whether he thinks that this kind of legislation, the promotion of official bilingualism nationally and provincially with millions of dollars being poured in behind it is going to make people of other ethnic groups feel like second-class citizens, which some of them do, or will it raise them up and make them feel equal now - I don't know how - or will some of them even feel they are losing ground and, instead of being second-class citizens, becoming even third-class citizens, or having to run harder and harder and harder on the spot to maintain their previous status?

**MR. M. SKRUMEDA:** I don't ever want to be considered a third-class citizen. I'm not going to walk around talking that I'm not equal with anyone else. I feel that if I want to learn my language and promote my culture and be Ukrainian, I will be. I refuse to talk in my community that I am third class. If we keep bringing something like that up, definitely we will instill in ourselves that way of living it.

If I may cite an American actress who was asked - by the way was born in Europe - in Paris what the definition of love is and she began to say: "Well, in America, we have a number of definitions, but here in Europe we do it." By the same token, we have presently a job to do. We want to build a nation; we want to build bridges; let us begin doing it. We want to take the narrow end of the wedge and start splitting things up. I don't think that's going to be done by the enshrinement of a language. In my case, I will be equal, I will abide by it, I will follow that law.

Just to go to my upbringing, I am fourth generation Ukrainian in Canada. Now if you want to tell me to go back home I likely would, go open the doors for me. If the rest of the world was quiet when things were happening in 1932-33 in the Ukraine, well maybe they continue to be so, however, I came out of a home where I was taught Ukrainian, but I did not speak it too well, I couldn't read or write it. I completed high school with four years of French, and then I took it upon myself to learn Ukrainian. I have learned to read and write it on my own, and I have to be definitely fluent in Ukrainian. So if I can do it, I'm sure that others can do it; the opportunity is there.

I can speak some French. I think if I went into Quebec I would probably learn that language immediately, any language, whatever it might be in the numbers that they come in, because French or the language, whether it's the people that make up the bulk of this country, we are told that's the second language. We are to be bilingual, that's official bilingualism, however it's presented to us we, in this country, can accept it. I don't think at any time that I would like to consider myself - I at times don't even like listening to people that say that they are third class - that will make me third class; that's not making me equal, I don't accept that.

**MR. R. DOERN:** Just a final question at this point, Mr. Chairman, on this topic. Can you explain how the

promotion of official bilingualism will help Ukrainian Canadians in Manitoba?

**MR. M. SKRUMEDA:** I think it refers to one of the statements that was made before, and that is, if an official minority is denied its language rights, then somewhere along the line other minorities are going to be denied certain rights, whether it's going to be by a government or whether it's going to be by some legislation. As I said, Manitoba being part of Canada, and Canada which did sign an international covenant allowing for the recognition of minority languages, we should respect it and abide by it.

**MR. R. DOERN:** Dauphin Town Council yesterday, or today, whatever - I guess it was last night probably - indicated that they would continue to print their parking tickets in English. They were advised or encouraged by the Attorney-General's Department to have bilingual parking tickets, and they said they believe there was no need for that in that community and that they would continue to print their tickets in English. Do you have any comment on that?

**MR. CHAIRMAN:** Mr. Penner, on a point of order.

**HON. R. PENNER:** Neither the Town Council of Dauphin, nor any other town council was advised or encouraged to have their parking tickets in one language or two languages. Officials of the Registrar of Court Services advised town councils a year ago about changes in The Summary Conviction Act and the effect of this, and advised them that the government itself would be, in Winnipeg, using a bilingual form and provided them with a copy of the form if they wanted to use it. I do not want Mr. Doern, especially Mr. Doern, to tell a witness what the provisions of the government services are, or what the government did, or what certainly my department did when that is false.

**MR. CHAIRMAN:** Order please. There is no point of order, but obviously differences of opinion between members, or differences as to the facts are going to occur, and continue to occur if members introduce questions containing extraneous material to the brief at hand.

**MR. R. DOERN:** On the point of order, Mr. Chairman.

**MR. CHAIRMAN:** I have already said there is no point of order, but I will rule the question out of order. Do you have a further question, Mr. Doern?

**MR. R. DOERN:** Let me try again. In view of the fact that John Plohman, not somebody in the Attorney-General's Department, or someone in the department, not the Attorney-General, but John Plohman, the Minister of Government Services encouraged the Dauphin Town Council, which is a predominantly Ukrainian community, to print their tickets in French and English . . .

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

**MR. R. DOERN:** I was just wondering whether you had a comment on that.

**MR. CHAIRMAN:** Order please, order please. Mr. Doern, when I call for order, I expect you to stop talking. I won't call for order three times. I would ask you to ask questions that seek clarification of the material in the brief. I saw no reference to this in the brief.

**MR. R. DOERN:** Mr. Chairman, on the point of order.

**MR. CHAIRMAN:** Please proceed, on the point of order.

**MR. R. DOERN:** We are talking in general, in my judgment, about multiculturalism in Manitoba, and we are talking about bilingualism. There is a specific instance which I think is relevant and that I think Rev. Skrumeda might be prepared to comment on. We're in an area which, I think, is predominantly Ukrainian. There is a bilingual question before that community, namely, the printing of parking tickets. The Attorney-General's department made some advice to the council; the Minister of Government Services, John Plohman, went and suggested that the town council carried that out, and I am simply asking a question. It's not a trick question, it's a question to Rev. Skrumeda whether he believes that, in a community such as that, there should be French and English parking tickets. Does that make sense?

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

**HON. R. PENNER:** Yes, two questions. The question is based on false premises. I tabled in the Legislature, in response to questions asked by the Member for Minnedosa. Those questions were asked; the documents were tabled, and the Member for Minnedosa knows that those documents were tabled, which shows that is not the fact, namely, that any municipality was asked to print tickets in two languages. They were advised as to what the law was.

Secondly, the . . .

**MR. CHAIRMAN:** Order please, order please. Would you please address your comments to the question of whether or not the question asked by Mr. Doern is appropriate in this hearing, which is the matter at issue?

**HON. R. PENNER:** Thank you, Mr. Chairman. Indeed, I will abide by your instructions. In my view, the question is totally out of order. You have ruled frequently, in the course of these hearings, very fairly; I have been ruled against, by you, that questions must be relevant to the extent that they deal with clarification of briefs presented.

**MR. CHAIRMAN:** Based on the arguments I heard, I see no reason to change my suggestion to Mr. Doern that he pursue another line of questioning, and continue to rule the rephrased question out of order.

Mr. Doern, do you have another question?

**MR. R. DOERN:** Yes. I am sorry, Mr. Chairman, that I offended the sensibilities of the Attorney-General, such as they are.

I would also like to ask you Rev. Skrumeda if you could give us some indication of the funding of your



organization, as to what your budget is, and what the sources are?

**MR. M. SKRUMEDA:** I am not afraid at all to disclose our sources of funding. I would think that the amounts that we are getting, because they are out of the public purse the exact figures I couldn't give you, but to bring up a question like that I feel that we are being singled out. We are funded, partially, from the Cultural Affairs Branch, Province of Manitoba; also from the Secretary of State. We presently provide programs which involve the Canada Employment and Immigration Commission. It is not so much how we're funded, or how much, but the services that we provide.

We have done a great deal in the area of immigrant settlement adjustment programs, citizenship classes, the promotion of human rights, cultural programs. We have always advocated unity, understanding and, at times, I think, we have come into areas that have in many ways enhanced the quality of life in the City of Brandon.

By listing the sources of funding, if the committee or any member of the community, at any time wants to review our books, they certainly may do so.

**MR. R. DOERN:** Do you have any idea of the extent of funding of other Ukrainian-Canadian organizations? For example, the Franco-Manitoban Society has an annual grant of some \$650,000 a year and, if my figures are correct, it's very hard to determine the extent of bilingual funding in the province, but one rough estimate I have from '80-'81 is about \$10 million. Do you have any idea of how much money Ukrainian organizations receive federally or provincially in the province?

**MR. M. SKRUMEDA:** Mr. Doern, if I may, I would choose to not answer your question in regards to any specific grants or monies that are given to Ukrainians only. I think that I made a comment from myself; I am here to represent the West-Man Multicultural Council. If someone suggests that monies are being spent from the public purse, and comments are always being passed around that public-purse monies not be spent for cultural programs, sometimes even language programs and, very true, the success of either private or individual groups point to the fact that maybe they do not require funding. However, I also have to say that the public purse has always been open to fund other activities, sports facilities, and who knows what kind of buildings have already been built. Public-purse monies have been given to encourage sometimes unemployment, where people are on the welfare roll. We encourage, in many ways, leisure. If I may ask, what contributed to the fall of the Roman Empire if it wasn't public-purse monies that were spent in certain areas that were not building some form of a culture?

I would say that maybe the monies are large that are spent on certain groups. I have to applaud what some organizations are doing. If they be French, hooray for them; if they be the Indian, hooray for them, as well. Obviously, they know how it is done and, if monies are available, then it should be continued.

In my recent travels to Eastern Canada, and hearing some opinions from people that, obviously, because of their maybe partisan feelings, think that public money

should never be spent on cultural activities, I disagree with them, as well as others that advocate that.

**MR. R. DOERN:** My final questions, Mr. Chairman, are these. First, isn't it true that the Ukrainian-Canadian Community is one of the most vibrant and vital cultural groups and has been quite independent in regard to funding for the past 50 or more years?

**MR. M. SKRUMEDA:** I think it has been, it is, it always will be. Thanks to compliments such as you're making, maybe we can set an example but, once again, I don't want the Ukrainians to be singled out.

**MR. R. DOERN:** Finally, isn't it true, I think as you just suggested, that if every single group was cut off from government funding that the Ukrainian Community would survive and flourish because they have that degree of independence and pride and organization that would allow them to continue whether they received any government monies or not?

**MR. M. SKRUMEDA:** It preserves a sense of dignity to be independent, but I believe that there are many many groups that are in maybe smaller numbers, not as culturally rich as the Ukrainians are - I'm not only talking about the costumes - but there are groups that require assistance. I think that some of the programs that are available encourage these smaller groups to do their work.

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

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

**MR. D. BLAKE:** Thank you, Mr. Chairman. I want to compliment Rev. Skrumeda, not only for the brief that he has presented, but for the patience he has shown, not only to this committee, but he sat all day yesterday through the hearings and fortunately he's on early this morning.

I just have a couple of quick questions, Rev. Skrumeda. I noticed earlier in the briefs that were going to be presented, there was a brief to be presented by Manitoba 23, which seems to be a phantom organization that has sprung up recently promoting the government's position on the resolution. It was going to be presented by a Dr. May Yoh, who I notice is Secretary of the West-Man Multicultural Council; is the West-Man Multicultural Council connected with the Manitoba 23 movement?

**MR. M. SKRUMEDA:** No, we're not. Dr. May Yoh, who was supposed to make a presentation obviously was not properly informed, and I can't comment further on it.

**MR. D. BLAKE:** Thank you very much, Mr. Chairman. Thank you, Rev. Skrumeda.

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

**HON. B. URUSKI:** Mr. Chairman, on behalf of members here, we also would like to thank you, Rev. Skrumeda, for making your presentation and for being as clear and sensitive of minority rights in this province and

throughout this country, in the hope to having the West-Man Multicultural Council allow the flourishing of minorities in our province.

To maybe screw up the taping I want to say . . . (Ukrainian spoken) . . . For my honourable friends, I wanted to say that we wanted to thank Rev. Skrumeda very much for his presentation and his patience of waiting yesterday and today, and the West-Man Multicultural Council, who he is representing, for their enlightened brief on the matter of minority rights in our province.

Thank you very much.

**MR. M. SKRUMEDA:** . . . (Ukrainian spoken) . . .  
Merci beaucoup.

**MR. CHAIRMAN:** Rev. Malinowski.

**MR. D. MALINOWSKI:** Thank you, Mr. Chairman. Also I would like to thank very much Father Skrumeda for his time and effort that he put and for his wonderful presentation.

I have one question, if I may ask you, Father. How many members does your Council have and how often your Council is meeting during the year?

**MR. M. SKRUMEDA:** The present Multicultural Council is composed, as I mentioned, we are an umbrella group of approximately 21 ethnic groups and organizations. The board itself is composed of the immediate executive, as well as a representative from every constituent group. We meet monthly and we also have an annual meeting with a general meeting held every two years where officers are elected.

**MR. D. MALINOWSKI:** Another question, Father. This one might be a little personal. Would you tell me, or us, in what language are you praying most of the time?

**MR. M. SKRUMEDA:** Prayer is very personal in my case, and I think that the language of communication between God and myself . . .

**MR. D. MALINOWSKI:** You didn't answer my question.

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

**MR. M. SKRUMEDA:** If you're talking about the official language of our church, it's Ukrainian, and I have to abide by it, although I have made, by reasons of "economia", to allow the use of the English language. In Quebec, it is French, so we do have priests that are Ukrainian and have to use the French language.

**MR. D. MALINOWSKI:** . . . (Ukrainian spoken) . . .  
Merci beaucoup . . .

**MR. CHAIRMAN:** Mr. Doern.

**MR. R. DOERN:** I have to ask this question. In your prayers, have you ever had a response in Ukrainian?

**MR. CHAIRMAN:** I shouldn't have allowed the first question.

**MR. M. SKRUMEDA:** A response in Ukrainian - I think miracles are always possible.

**MR. CHAIRMAN:** Further questions by members of the committee? Seeing none, Rev. Skrumeda, thank you to you and the West-Man Multicultural Council for being here today.

**MR. M. SKRUMEDA:** Thank you.

**MR. CHAIRMAN:** Next on our list Mayor McKinnon, Mayor of Virden. Mayor McKinnon, please.  
Mr. Uruski.

**HON. B. URUSKI:** I have just been handed a note from Aaron Berg. I understand he was unable to be here at 10:00 a.m. and has to be in the City of Winnipeg this afternoon. I am asking, on behalf of Mr. Berg, who was on the list - I gather the first on the list or the second - would the committee grant leave so that he may be able to present his brief this morning?

**MR. CHAIRMAN:** The normal practice is that anyone who is not here and his name is called is dropped to the bottom of the list, and that's where Mr. Berg's name is now. It is up to the committee to decide if they want to make an adjustment in that list.

Mr. Penner.

**HON. R. PENNER:** I would suggest that we hear Mr. Berg, he is here, and we made allowances of that kind yesterday.

**MR. H. GRAHAM:** Mr. Chairman, I share some of your concern. I know there are people - everybody that's on this list, I think, has some priority or another - and I know there are many reeves of rural municipalities that may or may not be completed harvest, so that I think we are getting into a very dangerous situation. I know we did it for an outside-of-the-province person yesterday morning, but if we do it indiscriminately I think we're going to end up in a real shemuzzle.

**HON. R. PENNER:** I wasn't proposing that we do it indiscriminately, and I would hope that Mr. Graham is not advancing a position that would deprive a member of the public, who sat here all day yesterday and came this morning, of the opportunity to be heard. That would be unfair, we shouldn't do that.

**MR. CHAIRMAN:** As your Chairman I do have a problem because the adjustment of lists, and the giving of preference has been done in the past and I think I should advise the committee, as well as the public, on two bases: it's been granted to people from out of the province on those rare occasions when that has occurred; and then generally it has been granted to people who have come a far distance from the community in which the hearings are being held. Normally, a hearing in Winnipeg, where the vast majority of hearings are held, people from outside the City of Winnipeg receive preference, but beyond that, the juggling of positions on lists has been left to the discretion of the committee, but has only rarely been done. I can offer that advice to the committee.

Mr. Uruski.

**HON. B. URUSKI:** Mr. Chairman, I believe Mr. Berg is from Neepawa, I think, and sent me a note that he has to be in Winnipeg this afternoon. He was on the list, and I am assuming that he was here yesterday. I am asking the committee's indulgence of that request.

**MR. CHAIRMAN:** Mr. Nordman.

**MR. R. NORDMAN:** Mr. Chairman, is there an extenuating circumstance here? Is this man a farmer that has to get back to his combine? — (Interjection) — He's from Winnipeg?

**MR. CHAIRMAN:** I understand from Mr. Uruski that Mr. Berg was here yesterday, arrived a few minutes late this morning, so was not here when his name was called, but has a commitment in Winnipeg this afternoon.

I have a motion then by Mr. Uruski that Mr. Berg be heard. Is that agreed? (Agreed)

Mr. Aaron Berg, please.

**MR. A. BERG:** Thank you, Mr. Chairman, and members of the committee for allowing me to speak at this time. I might indicate that the reason I was late is that I am, by profession, a lawyer. I received a call from a client late yesterday afternoon who had an appointment in court in Minnedosa this morning, and the reason I was not here at the time the hearings commenced was that I had to stop at Minnedosa and make arrangements with other counsel to be present in court to make representations on behalf of this individual. I apologize for the delay and I thank you for your indulgence.

I'm going to be very brief because I know that you are already running behind time.

As has been indicated, my name is Berg, Aaron Berg. I live in Neepawa; I am, by occupation, a lawyer. I am here, though, in my capacity as a private citizen. I do not purport to represent any particular occupational group, any particular cultural or social group, and I am just taking advantage of the opportunity which you have provided to indicate some of the reasons why I adopt the position which I do, with respect to the proposals this committee is dealing with.

I would like to begin by indicating that I am unilingual and only English speaking. There was a time when I was proud of that fact. There was a time when I was in high school that I was antagonistic towards the teaching of French in the schools, I was disinterested in the curriculum. There was a time when I would brag that I was defiantly unilingual. I look back with some chagrin on those times, because I feel in many ways I cheated myself of some of the experiences and some of the opportunities that come with the broadening that you have with knowledge of other languages.

I think it's obvious from those comments that I am here to express my support for the proposals that have been put forward by the present administration. I have approached them perhaps a little bit differently than some of the people that you have already heard. I'm not going to give you any learned dissertation, because I don't have the qualifications to do that. I'm just trying not to tell you what you should think, but to explain to you what I think about this legislation.

I've begun by looking at the proposals themselves and at their substantive purport. In looking at them I cannot see how what is being proposed represents any radical break from what exists today. It's trite, I think, to say that the legislation breaks down into three parts. The first part affirms that French and English are the official languages of the province; the second part establishes a schedule for translation of the statutes into French and English; the third part then provides some extension of French Language Services.

Looking at the first of these, as Mr. Graham has already pointed out in his questioning, that is just an affirmation of what is already law today, because of the Forest decision. Section 23 of the original Manitoba Act is still the law in this province, so I see no change with respect to that part of the government proposals.

With respect to the second phase, the scheduling of translations with respect to those enactments of the Legislature that have come into effect between 1890 and 1979, I see in fact a change that has to stand to the advantage of all Manitobans in an economic sense. Here I agree with the government in its suggestions that the identifying of a certain specific set of statutes, and the timetabling of the translations of these statutes, in effect, represents a change that benefits me as a taxpayer. It's not introduction of something new, because I think both this government and the preceding government acknowledge that, as a result of the Forest decision, translations were going to have to occur. So, again, I see nothing in this part of the proposals that causes me any concern or that I regard as any radical new change.

With respect to the final portion of the proposals, then, the extension of French Language Services, this seems to be the one area where there is something new in the legislation, but even here it seems to me that the changes are modest in scope. As I read the legislation, what means is that a Franco-Manitoban, or a Francophone, will have the right to obtain government services in certain very restricted geographic areas, or in certain very restricted levels of government, in his own language. That seems to be a logical extension of what was already in process in this province as early as several years ago, as early as, I believe it was in 1980 when the preceding administration began itself to introduce a French Language Service Program. The change, as I see it, is that the introduction of French Language Services is made a matter of statute, a matter of legislation, rather than just a matter of administrative whim, so that Franco-Manitobans, in dealing at these various levels, can deal in their own language because they have the right to do so, rather than because a certain level, perhaps middle level bureaucrat or a certain government, has chosen, as a matter of policy for the time being, to extend those services.

In looking at all three of these aspects of the legislation, I can't help but think that if this furor that we have at the present time had never evolved, if the Bilodeau case had never come into being, if the current legislation had never been proposed by the government, two or three years from now we would still be in much the same position, in actual effect, as is being proposed here. The only difference is that what the government is proposing is that this be done by way of a constitutional enactment.

That, it seems to me, is the real issue before the Legislature today, whether or not it should be done by

way of constitutional enactment; and as a person with some legal training and an interest in that area, although by no means an expertise in constitutional law, that is the area that interests me.

I see a constitutional approach to this situation as a necessity in this situation. Mr. Penner, I understand, when he introduced this legislation, suggested that the reason for it was to try to avoid the consequences of the Supreme Court of Canada possibly ruling that Manitoba's legislation passed between 1890 and 1979 was invalid.

In all fairness, he indicated that the government experts had indicated that that possibility was not a very strong possibility, a possibility but not a probability. I agree with that. I think the members of the Supreme Court of Canada are a very cautious group of jurists. I think that they would be hesitant in the extreme to make a decision that would, in effect, wipe out all or a vast area of the legislation that has such a great effect on our day-to-day lives today in Manitoba.

I am sure that they would explore every possible avenue before they would take so drastic a step, however, that doesn't mean that there is no possibility of such a result occurring. These men, for all their practical awareness, also have, from my reading of their decisions, a deep respect for the rule of law, and if forced into a realization that logically there was not realistic alternative, then I think the supposedly unthinkable could become thinkable.

In the end, I think the question that may well haunt those learned judges is this: If there was a manifest reluctance to enforce constitutional principles merely because there may be a degree of public dislocation, what is to stop every unscrupulous administration from enacting legislation abrogating such rights on the understanding that, while such legislation may be ultimately overruled by the court, mischief occasioned by it would be allowed to remain in place? So that it seems to me that while the possibility of the Bilodeau case resulting in the type of chaos that has been portrayed is very remote, it is not totally beyond the realm of imagination.

When I deal with my own clients in any type of litigation situation, I look for a settlement. Essentially, that's what this legislation is, which will avoid unpalatable consequences at an acceptable cost. Here the odds of the Supreme Court of Canada ruling in favour of the worst possible scenario were small, but the costs, if that happens, are so great in terms of social and economic costs, as to be practically beyond the realm of comprehension.

Just as an example, if the odds were one in 10, if I was to put my jogging suit on and go out and run around the Victoria Inn, that I would stub my toe, my interest in physical fitness would probably overcome those odds and I'd be prepared to take them. If the odds were one in 10,000 that if I were to do so in this type of weather I would get pneumonia, I would probably be more inclined to just slip into the bar for a quick scotch.

In this particular case that we're dealing with here, the odds are — (Interjection) — you can't water it too much. In this particular instance we are dealing with long-shot odds, but we're dealing with potential costs that are far beyond I think the comprehension of the average citizen, and certainly far beyond my

comprehension. That being the case, my approach is to look at, if you want to call it, the cost of settlement.

I have already indicated that in looking at the substantive nature of the legislation itself I see very little radical change from what is already the trend in this province today. So it seems to me that what we have here is the possibility of avoiding extremely unpalatable consequences at minimal social cost and minimal economic cost. From that standpoint alone I take the view that the legislation that is presented for your consideration today is not only justifiable, but also a very laudable piece of negotiating.

I know there are some who have taken the position that we ought not to be afraid to let the Bilodeau case go to the Supreme Court. I believe the wording of the referendum that has been proposed in the City of Winnipeg is to that effect. There are suggestions that we should let the Supreme Court make its decision and let the chips fall where they may.

I don't agree with that, not only for the reasons I have just set out to you, but for another reason, and I haven't heard this advanced before the committee, although I am sure that you have now heard everything there is to hear under the sun on all these topics, and that is, I'm concerned that if the Bilodeau matter simply goes to the Supreme Court for decision the Supreme Court may decline respectively to rule on the greater issue of the validity of Manitoba Statutes from 1890 to 1979. Anyone who has had experience with our court system knows that the courts prefer to avoid broad general principles if they can decide an issue on the specifics before it.

If that was to happen here the result would be that the uncertainty that we face now would continue into the future, perhaps into the very distant future. If they were to decide on a technicality, either in favour of Bilodeau or in favour of the state, then this question of whether or not Manitoba Statutes passed during the period between 1890 and 1979 are valid remains unanswered. That means that over the next three months, six months, a year, two years, five years, the Supreme Court would be deluged with new cases on a similar type of argument. The uncertainty would continue, the expense would continue, my profession would benefit, but I don't think anyone else in this province would benefit from that.

If, for instance, I was acting in a domestic situation on behalf of a Francophone wife, she was Catholic, she didn't believe in divorce, but she wanted out of the marriage - I'm not sure when The Marriage Act in this province was enacted, but I suspect it may have been 1890 - it's possible that I could go ultimately to the Supreme Court to ask for a determination that The Marriage Act, in fact, is invalid and, therefore, that the marriage is invalid, there is annulity. It would do my client a service, but there are a lot of you people here today that would suddenly have a certain amount of embarrassment regarding your own personal positions. I have nothing to worry about, my parents were married in Alberta. But, suddenly, some of the comments or some of the names that you call yourselves across the legislative floor might have a lot more legal validity than some of you would want to be the case.

So that I see a problem here, not just the Bilodeau decision being decided contrary to the government interest, but in fact, that the Bilodeau decision may not

result in a decision at all. For that reason it seems to me that this whole issue of how do we ensure today that this vast gap, if I can call it, or this question of the validity of our statutes, the validity of most of the laws that determine what we do today in this province, can be resolved for once and for all and at the best possible cost. As I see it, the only way that you can resolve that, for certain, is by a constitutional amendment because until, in fact, the Constitution is changed to acknowledge the validity of the laws that we have now, there is always room for a lawyer, always room for a citizen to go back to the court and to ask for a determination of those very issues.

So approaching this as a taxpayer, approaching this as a lawyer, I say to myself; at very little economic cost, very little political and social cost we have here a way of ensuring that those types of uncertainties do not arise on into the future.

I have only a few more brief comments and I find them much more difficult to make. The comments I have made thus far essentially are from - and I don't mean this in any egotistical sense of the word - but basically a cerebral approach to the legislation, not an emotional approach to the legislation. I also, emotionally, support the legislation that is before you today. I share the views of those who see the French fact in Manitoba as being historically different from Ontario or in Quebec, and I believe that Section 23 of the original Manitoba Act was more than just a reluctant political sop thrown to Riel and his associates, although I know that that has been suggested by at least one Canadian historian, Donald Creighton. I would like to believe that Sir John A. and his friends were something more than tired and cynical politicians, and that there was some imaginative and innovative nation building involved. I believe that they were looking at Manitoba, with its more or less balanced English and French populations, at the time of its entry into Confederation, as being a nurturing place for both our founding cultures.

I endorse the suggestion that has been made by someone - I don't know who, I've just read the reports in the paper - to this Committee that the intent in 1870 was, in effect, to allow both Anglophones and Francophones, in their dealings with the state, to be able to deal in the language with which they felt most comfortable. At that time, the states really only intrusions into the lives of individuals tended to be in the courts or in the Legislature. So I believe with the changes that we have today, with the extension of government services to the extent that government is involved with all aspects of our life, the extension of French Language Services as part of this constitutional enactment, does not represent a radical break with the past, but a modernization of a valid historical principle that was at work at that time.

Finally, again I know I'm not the first to suggest this, I support the proposals, not just as a Manitoban, but as a Canadian. I have already mentioned my francophobia in what I now see as my ignorant school days. In the last 20 years since I got of high school, 15 years since I got out of high school, I have had the opportunity to live in four of our provinces; I have had the opportunity to visit in many of the other provinces; I have had the opportunity to spend time in Quebec; I have met many Franco-Canadians, and Canadians of other cultures. I have come to appreciate the diversity

which is Canada, but I have also come to appreciate, as I never ever did before, the French fact in Canada.

I would hate to see the apparent trend towards creation of a linguistic boundary between Quebec and the rest of Canada continued. I would hate to see a situation where the people of Quebec felt that the only place they could be comfortable in their language and culture was in Quebec, or that Francophones felt that. I would hate to see a situation where, in reaction to that, or independently of that, English Canadians, or members of the other provinces felt that they cut themselves off from the tremendous offerings that are available through French culture.

It seems to me that we have an opportunity here to show that you don't need to be a linguistic majority in order to create a vibrant culture and to nurture a vibrant culture. It seems to me that we have an opportunity here to show to Franco-Manitobans, to Francophones everywhere in the country, that we can be trusted to respect their language and their culture. That, hopefully, will encourage the present Government in Quebec and the people in Quebec to show a similar concern for the Anglophone minority there. It would, hopefully, encourage citizens in other provinces to show a similar respect for, not just Francophones, but all language groups and all cultural groups within their boundaries.

From an emotional point of view, I feel that the type of legislation that we have here can only help and not hurt in our dealings with other languages and cultures. Again, I say that as somebody who speaks English only and, at the same time, somebody who is not of Anglo-Saxon background; I am of Swedish descent. Unfortunately, that appears to be an ethnic group that seems more prone to assimilation than perhaps some, so I don't have the intellectual and cultural resources that the speaker who preceded me has to draw on and so on.

In any event, my reason for being here today was primarily to indicate to you that I think the legislation that we have can be justified, not only in emotional terms, but also in terms of economics, in terms of trying to resolve what could be a very serious problem in terms of the long-term effect of the Forest decision on the validity of the legislation in this province.

Thank you.

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

Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, to Mr. Berg, I think everyone agrees that learning other languages is a good thing, and a knowledge of other languages and other cultures is a good thing, but can you not make a distinction between that and making a specific language a condition of employment, that that may, in fact, be regarded as a bad thing. If you entrench Civil Service positions, and if you designate several hundred or thousand positions as officially bilingual, that this may be regarded by many people as not a good thing?

**MR. A. BERG:** I'm sure it will be regarded by many people as not being a good thing. That does not necessarily mean I agree with the intent of your question, as I understand it. Firstly, whether or not you have a

constitutional entrenchment of that particular aspect of this legislation, my understanding is that the preceding administration and, presumably, this administration and administrations that are to follow would have increasingly provided French Language Services, and if they would have been providing the French Language Services, then that particular requirement that you're referring to would have come to the fore. The constitutional entrenchment would have nothing to do with that.

Secondly, my understanding is that the number of jobs that we're looking at is relatively limited. The percentage, in terms of the total job force in the provincial Civil Service, the only figure I've read is 3 percent, I haven't heard any suggestions to the contrary from any other source. It would seem to me that should not be a level that's very difficult to obtain. I think the suggestion that you make of the implication that there would be some sort of coercion in this probably would not occur.

When I was a civil servant in Ottawa, of course, where there is an official bilingualism policy, the impression I received there was that once policies of this nature were enacted a good many of the civil servants were very anxious to involve themselves in language training. I remember that I had my nose out of joint because, in fact, I didn't qualify for that type of training.

I think that there will be very little difficulty in obtaining the personnel necessary to put that type of policy into practice. Again, I don't think that has anything to do with the matter of whether or not there should be a constitutional enactment.

**MR. R. DOERN:** Do you believe that the application of a policy should be related to demand or need?

**MR. A. BERG:** In very general terms, yes, but you're obviously thinking in much more specific situations. For every general situation I'm sure that there are 100 specific situations where one might indeed have a different answer.

**MR. R. DOERN:** You made a point of saying that you are very much in favour of learning other languages, etc., etc., and you regard your youth as somewhat misspent in not doing so. Have you now taken the opportunity to study another language?

**MR. A. BERG:** I feel, not just that it was misspent, but that I cheated myself. I cheated myself for two reasons, not just that I didn't learn other languages then, but that I wasted those years when the acquisition of languages seems to be most effortless. I think that anyone can tell you that it's when you are in your formative years that you seem to be able to pick up languages with no difficulty at all. I have, from time to time, decided on self-improvement programs which would include attempts to polish up my very dismal high school French, but I find it very difficult at this stage, given my family and business commitments to do that. So that in a very watered-down way, I have attempted that, but I feel cheated, myself, of the real opportunity of doing that.

**MR. R. DOERN:** Again, in your opening statement you suggested, as most people would agree, that learning

other languages is a good thing and the study of languages is a good thing, but don't you also recognize that such an argument could logically lead to a policy of official multiculturalism, etc., and the entrenching of German, Ukrainian, French, Polish, Icelandic, into our Manitoba Act?

**MR. A. BERG:** I believe that a Constitution is more than just a dormant or a dead document. I believe, and I might be idealistic in this, that a Constitution is a living, breathing instrument and if, at some point in the future, Manitoba culture, Manitoba society evolves to the point where in fact that becomes desirable, then certainly I'm not going to object to that. I would love to see an approach by government, and an approach by the people of this province, that would look on constitutions as something that is capable of change and is something that is capable of improving their lives.

**MR. R. DOERN:** Are you then taking the position that in addition to entrenching English and French, that German, Ukrainian, Polish, Icelandic should be entrenched?

**MR. A. BERG:** I have come here to talk about the legislation that's before the committee right now. If there was legislation extending that in other areas, I would certainly look at it. It may very well be, depending on the nature of the proposed changes, that I might be supportive of that. I'm certainly not taking the position that my mind is closed to constitutional change, other than in this specific area. I'm saying that for the reasons I've outlined, I think that this particular change is good.

**MR. R. DOERN:** And again, based on the belief that learning other languages is a good thing, isn't it also true that the study of history gives a person a special insight and appreciation of other cultures and peoples, and that many people know some Russian history, Chinese history, African, Middle Eastern history and yet know none of those languages? Isn't that also a useful and important study that should be encouraged?

**MR. A. BERG:** As a history major, I agree entirely. Unfortunately the reading of history books does not give you a complete understanding, but if you are totally devoid of the knowledge of history, I think that you are lost from the start.

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

**HON. R. PENNER:** Mr. Berg, thanks very much for your presentation this morning. I may say that it's probably the most thoughtful presentation that I have heard in these hearings and we've heard some very good ones, in terms of its approach to the problems created - by what you called at one point - the legal gap or words to that effect. So I address my question only to that particular point.

The actual question in the Bilodeau case before the Supreme Court is this and it's very short. Are The Summary Convictions Act and The Highway Traffic Act invalid or inoperative, by reason of the fact that they were not printed and published in both the English and

French languages, as required by Section 23 of The Manitoba Act? So that the specific question relates to two statutes, very important ones, probably two of the most important statutes in the Province of Manitoba. If the Supreme Court, ruling only on those two statutes, because those are the only two in front of it, were to say they were invalid because not printed and published in both official languages, presumably that would create a precedent affecting all other statutes in the same class?

**MR. A. BERG:** Is that your question?

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

**MR. A. BERG:** Yes and if it didn't create, in the eyes of the court, a precedent, it would certainly create a precedent at least in the eyes of practitioners in this province.

**HON. R. PENNER:** A question then as addressed to you as a practitioner. Clients come to you charged with offences under municipal by-laws passed by reason of the authority of The Municipal Act, passed in one language only; you're to defend them. Could you take that precedent and argue that The Municipal Act is invalid and therefore the by-laws are invalid?

**MR. A. BERG:** Yes.

**HON. R. PENNER:** Your answer is yes, so that there is a potential threat to municipal by-laws in validation of The Municipal Act.

**MR. A. BERG:** My view is that if the Supreme Court was to decide in accordance with your supposition, it's all of the legislation since 1890 that, in effect, is in jeopardy and that means not only the legislation, but anything that flows from that legislation.

**HON. R. PENNER:** My final question is this. As I pointed out, the two acts that are explicitly before the Supreme Court are The Highway Traffic Act and The Summary Convictions Act. Is not the enforcement of a lot of by-laws and a lot of the laws of the province based on The Summary Convictions Act? That is, without The Summary Convictions Act, you can't enforce a lot of other legislation.

**MR. A. BERG:** That's right. That is correct. At least my understanding is that all municipal prosecutions are under The Summary Convictions Act; traffic matters under The Summary Convictions Act, liquor control matters, enforcement of all provincial legislation.

**HON. R. PENNER:** Those are my questions.

**MR. D. BLAKE:** Mr. Berg, just following Mr. Penner's line of questioning, in view of the chaos and unrest and turmoil that could be created by the Supreme Court ruling in the Bilodeau case, if you were a Supreme Court judge with your training as a lawyer, what would be your feeling and how would you rule on the Bilodeau case?

**MR. A. BERG:** I hinted at that, I think in my presentation. I would do everything I could, while

maintaining my integrity as a jurist, if that's what I was, to try to avoid unnecessarily harsh consequences on the population of this province. The question would be whether or not there were any legitimate avenues of escape. If I was on the bench, I may very well just say something different, I don't know. From the little time that I've had to look at this case, there would be a real conflict in my mind as to which of those I would opt for. The temptation I think would be to say that the legislation was invalid and to try to justify it in my own mind by saying, well all I'm doing is ruling on these two specific statutes, it's not really such a big deal. But, of course, that would be just a rationalization and the effect would be far more catastrophic in terms of the way that decision would be interpreted in the province itself.

**MR. D. BLAKE:** Yes, in a lighter vein, you mentioned your Swedish ancestry and having had an opportunity over the years to meet some of that nationality of the feminine gender, I can see why they have assimilated so well in this society. A question now, could you tell me - you've expressed your feelings on the French language question and the opportunity that you had to learn French and did learn French. Can you tell me, on this particular resolution that we're facing at this time, why there has not been a stronger wave of support from the Francophone community? The strongest support seems to come from the Société Franco-Manitobaine, who may represent about one-half of 1 percent of the Francophones in Manitoba. Could you explain, in your view, why there hasn't been a much much stronger support from the Francophone community?

**MR. A. BERG:** I can give you an opinion. It will be an opinion, not based on much factual observation. Neepawa, as you know, does not have a large Franco-Manitoban community. I think it amounts to two people. I've been away from Winnipeg now for some five years. I don't know what the attitude of most Franco-Manitobans is to this legislation. I do know that many of them are supportive of it; I do also know of at least one personal acquaintance who is not in favour of it and I assume it's that type of attitude you are getting at.

The one Franco-Manitoban that I personally have talked to, who is not supportive of this legislation, essentially took the position that when he was growing up in the '20s and '30s, he lived in a small French community. He was able to speak French and go to church, worship in French, study in French. He was able to maintain his French language at that time and he couldn't see why there should be this concern today because he never had any problems. I thought quite a bit about that last week, after I talked to him, and it seemed to me that while I respected his opinion and respect his opinion, he has misunderstood what is happening here today. He has assumed that because he had no difficulty in maintaining his French roots in the '20s and '30s and '40s at a time when, it seems to me, cultural communities coincided with physical communities much more closely, that people coming up today don't have that problem. With respect, I don't think, as I recall, that his own children have been as fortunate as he has.

I think that sometimes people assume that because I have no difficulties, I don't see why anyone else should be having difficulties. You see that, for instance, in criminal law all the time. You see people that can't understand why there should be protections given to accused persons, because they, themselves, have never had any problems with the police.

I don't know if that tangent helps at all, but I think here, there are some people who are satisfied that because they themselves have retained their language, there is no problem.

My approach is not just one from looking at the French language, but also as a Manitoba citizen, who's not going to be affected by the language provisions themselves, because I'm certainly not going to have to speak to anyone in French if I don't want to. I'm still, nonetheless, going to be very very much affected by the legal constitutional aspect of this and that was where my primary concern lie.

**MR. D. BLAKE:** Yes thank you. I can only comment on this answer, Mr. Chairman, that the view of his Francophone friend that he spoke to is shared, I can assure him, by a great many French-speaking people in Manitoba.

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

**HON. A. ADAM:** Thank you, Mr. Chairman. Mr. Berg, following up on the questions posed to you by Mr. Penner, you've flagged a concern which perhaps is more real than what I even anticipated myself. In response to Mr. Penner, you indicated that even though remote, there is a possibility that our acts passed since 1890 in one language, only could be ruled invalid by the result of the Bilodeau case, and as a result of that, that the court could also adduce that the by-laws passed by those municipalities whose existence are because of The Municipal Act, that they operate under the authority of The Municipal Act, they're created under that. That disturbs me very greatly. Do you think that the present agreement would at least prevent that as it is now worded?

**MR. A. BERG:** Yes, but not because of the wording of the agreement itself, rather because it is being made a part of the Constitution. In other words, you could take exactly these same provisions and have an agreement between - I suppose between the Federal and Provincial Government, or simply have the Provincial Government announce it as policy, say this is our policy from now on - but that would not rectify the problem, that from a constitutional viewpoint, you've got a gap between 1890 and 1979, the effect of which has not yet been adjudicated upon. The fact of the agreement itself, the substantive nature of the agreement itself, does not, in my view, provide the protection or the remedy to the legal problem. It's the incorporation of that, into the Constitution, so that there is no longer a possibility of somebody going to court and saying this is not constitutional. Because now you have a Constitution that, in fact, says that the laws of the province, passed prior to such-and-such a date in English only, are affirmed to be valid. So it's the constitutional enactment that I regard as crucial.

**HON. A. ADAM:** Yes, with the specific exclusion of the municipalities, do you believe that the Supreme Court would perhaps take that into consideration and exclude municipalities from having to translate their by-laws? For instance in the case of Brandon, there would be maybe 5,000 by-laws that would have to be translated.

**MR. A. BERG:** My understanding is that if this proposal becomes law and becomes part of The Manitoba Act, then in fact, that question wouldn't even get to the Supreme Court, because quite simply the Constitution itself would read that municipalities are exempted from the Language Services provisions and it would also retroactively validate at the level of the Constitution, what may have been otherwise a very serious technical gap, in terms of the municipal by-laws of all municipal organizations in this province.

**HON. A. ADAM:** Yes, then it would be your position, that it would be much preferable not to take a chance on the results of the Bilodeau case and the toss of the dice, so to speak, of what could come out. I'm saying that your position would be that we should not, if possible, not try to settle out of court, if you will like you mentioned in your comments, that you do when you're trying to deal with two clients, try to settle out of court if possible. It would be much more preferable to go by that route than to take a chance on the toss of the dice of what the Supreme Court would say, in regard to translation of all these by-laws or The Municipal Act being found to be invalid, along with The Marriage Act, which also gives me some concern.

**MR. CHAIRMAN:** Order please. Mr. Berg, if you can find a question in that, you can answer it.

**MR. A. BERG:** I think I can, Mr. Chairman. Given what has been put forward as the cost of settlement, if I can use that expression, yes, I very much think that that is preferable than going to the Supreme Court. Now, if what was being proposed was something much more unpalatable, as a way of avoiding having the court rule on that issue, I might very well have a different opinion. If, for instance, it was suggested that every Manitoban be forced to learn a dialect of Abyssinian, then I might be inclined to say, go ahead, go to the Supreme Court. You know, the cost is worth more than the cure. Here, I think, that we are being asked to give up really nothing at all, or virtually nothing, and in return we can secure our position, in terms of the legal status of our statutes in this province.

**HON. A. ADAM:** Thank you.

**MR. CHAIRMAN:** Further questions for Mr. Berg. Seeing none, Mr. Berg, thank you very much for being here this morning.

**MR. A. BERG:** Thank you, and again thank you for your indulgence in allowing me to proceed.

**MR. CHAIRMAN:** Mayor McKinnon from Virden, Mayor McKinnon please. Einar Sigurdson, Reeve of the R.M. of Lakeview, Mr. Sigurdson please.

**MR. E. SIGURDSON:** Thank you, Mr. Chairman, members of the committee. I represent the R.M. of Lakeview and we have put together this brief.



First and foremost in our mind is the concept that Canada is a partnership of all Canadians, and whatever action we take on a national or provincial level should be action that will result in unity. The use of such terms as Francophones and Anglophones depress me because they stress difference, and as we also know there's a larger group of people who do not really fit into either category. To me language is a regional matter and to legislate language will only lead to division.

We have been told that municipalities would not be affected by the proposed amendment to The Manitoba Act, but when you study the past records of politicians and their promises it isn't hard to understand why we are concerned, why we have questions, or even why we have doubts. We have been told it is all a matter of choice, but if the municipality doesn't provide services in both languages, I believe, that there would be a potential for a legal challenge in most everything we do.

Sections 23.2(a) and 23.2(b) are very vague to me. I am not sure what determines "a significant demand", just what that is or how you define "reasonable", or the "nature of the office", as used in Section 23.2(b). Supposing in our municipality we decided there wasn't significant demand, and so services were not provided in both languages, but our one French-speaking resident commits an offence contrary to one of our municipal by-laws, in subsequent court proceedings wouldn't it be deemed his right, and it might be reasonable that proceedings be conducted in French? Would our municipal by-laws not have to be translated into the French language?

Not only would the municipality be going to court to enforce our municipal by-law, but we would also have to go to court to define the Section 23.2(a) or (b). How would significant demand be determined? We have French Canadians who are not French-speaking, but from loyalty to their French heritage these same people might demand that services in French be available. For example, it appears that if our Indian and Metis population are supporting this amendment it must be for cultural or political reasons, because very few of them speak French, at least in our area, and we have a large reservation right on our boundary.

Our municipality is a small farming community and right now this question of bilingualism, certainly at this time of the year, is not something that they are very excited about. We have no one in our municipality who doesn't understand and speak the English language and really no one that speaks French. To them it is a problem that faces someone else, it doesn't affect their life that much. Our concern, as municipal leaders, is that if this amendment is adopted, all of a sudden, their lives are going to be affected. We don't know to what extent, and there are no guarantees, it will be up to the courts to decide. We do know that anyone wishing to go into the Civil Service would have to be bilingual, all employees of head offices of Crown corporations would have to be bilingual, we are led to believe, for example, anyone in the Manitoba Telephone System, Hydro, Public Insurance Corporation, to just name a few. One of the big factors in deciding whether you are eligible for a certain job or not will be whether you are bilingual or not, and this is would be happening in a province where a very small percentage of our population speaks French.

The Manitoba Act says that all 4,400 provincial statutes and acts of the Legislature must be written in French and English. How can a deal be made, whereby we make French and English our official language and only 400 of the statutes need to be translated. With whom are we dealing? Yet the Honourable Howard Pawley, in correspondence with our municipality, June 27th of this year, 1983, states that the Province of Manitoba has not yet reached an accord with the Federal Government to have Manitoba declared a bilingual province; is this really a matter to be settled through a deal?

The Manitoba Act in 1870 treated French and English equally, there was no undue hardship on either group. We wonder why it is reasonable to make French an official language now when such a small percentage of our population is French-speaking, and an undue hardship would be placed on the majority. By English-speaking people I am referring to the many different cultures that make up our society. If we are in a position to make deals I wonder if we couldn't amend The Manitoba Act to reflect the conditions of the 1890 Official Languages Act which made English our official language and served the people of our province well for 90 years.

The money it would save would be a boon to our depressed economy. Translating statutes is just one of the costs involved, the costs would be too numerous to mention. The taxpayer is still the one digging into his pockets, whether it be federal or provincial money that is paying for it. Why spend it and increase our national and provincial debt on something that in Manitoba is not, we feel, in significant demand.

Our municipality had presented a resolution expressing our concern. We received replies from the Honourable Howard Pawley and the Honourable Roland Penner. Their replies all stressed that the only reason we were opposed to the amendment was really because we didn't understand it, and obviously there must have been a lot of other municipalities and groups in the same situation or we wouldn't be here this morning.

I can't help but wonder and my question is I'd like to be sure that the Manitoba Government fully understands the consequences of passing this amendment of The Manitoba Act.

Thank you, Mr. Chairman.

**MR. DEPUTY CHAIRMAN, D. Blake:** Thank you very much Reeve Sigurdson. Questions from the Committee now?

Mr. Doern.

**MR. R. DOERN:** Just on your last point. I was wondering whether you felt that that suggestion, that you don't understand, might really be translated as, you understand only too well. Do you feel that you have a pretty good understanding of the people of your area and the people of this province?

**MR. E. SIGURDSON:** Our municipality is a small municipality, and yes, I do believe that I understand their feelings. I'd have to admit that I wasn't sure if I understood the feelings of the whole province. I am not, like others before you here, my education is limited and I try to keep it as close to home as I can as far as expressing my opinions on things.

**MR. R. DOERN:** And do you feel that your council then is accurately reflecting the feelings of the people in your area?

**MR. E. SIGURDSON:** Yes.

**MR. R. DOERN:** Have you passed a resolution on this question and forwarded it to the Union of Manitoba Municipalities, or to the Provincial Government?

**MR. E. SIGURDSON:** Yes, we have.

**MR. R. DOERN:** And have you decided to hold a referendum or plebiscite on this question in regard to the municipal elections?

**MR. E. SIGURDSON:** We have not decided that yet.

**MR. R. DOERN:** Is that still a possibility?

**MR. E. SIGURDSON:** I would say it would be a possibility, yes.

**MR. R. DOERN:** You seem to suggest, as I myself believe, you seem to believe that you trust the elected representatives more than you trust the courts? You have more confidence in elected officials, elected politicians, as compared to the judges?

**MR. E. SIGURDSON:** I want to believe that our elected officials would act in a manner that would be acceptable to the majority.

**MR. R. DOERN:** Do you think that the elected representatives have a better appreciation of conditions in a province compared to the judges?

**MR. E. SIGURDSON:** I would like to believe that they should have, yes.

**MR. R. DOERN:** And do you want a policy established in regard to bilingualism that could be decided by the Legislature and changed by the Legislature, rather than decided upon or changed by the courts?

**MR. E. SIGURDSON:** I'm not sure if I'm qualified to answer that. As I said before, I want to believe that our elected officials would do what is right for the majority of the people that they are to be serving in the office that they hold.

**MR. R. DOERN:** Do you recognize the difference between entrenchment and non-entrenchment, that if a thing is entrenched then challenges will be decided by the courts, whereas if they are not entrenched then the policy will be decided by the government?

**MR. E. SIGURDSON:** I would hate to be asked to define the whole thing as it's written up, the act and so on, because my qualifications don't put me in that light.

**MR. R. DOERN:** And do you have some confidence in the fairness of people and the sense of fair play in the people in your community in regard to different ethnic groups and different cultural groups? Do you

think they're tolerant and understanding of other groups?

**MR. E. SIGURDSON:** I think they must be; I'm an Icelandic and they've put up with me for years.

**MR. R. DOERN:** Thank you very much, Mr. Sigurdson.

**MR. DEPUTY CHAIRMAN:** Thank you very much. Mr. Penner.

**HON. R. PENNER:** Just two questions, Mr. Sigurdson. You referred to a letter from me, which allegedly said something to the effect that you do not support the government proposition because you do not understand it. Were you actually purporting to quote me?

**MR. E. SIGURDSON:** These letters came from your office to our municipality.

**HON. R. PENNER:** Yes, I realize there were letters, but are you quoting, are you actually saying that I said in a letter words to that effect?

**MR. E. SIGURDSON:** I said that in correspondence that we'd had, both from your office and the office of the Premier - I didn't bring the letters with me or I could have shown them to you, we have them in the office - this was the understanding I received, as a layman, that if our understanding was better we would be more apt to agree with the amendment.

**HON. R. PENNER:** The reason I raise those questions, Reeve Sigurdson, is that I have never, in letters going from my department to your municipality or any municipality, made a statement to that effect, and I would ask, as a matter of courtesy to me, you send me a copy of any letter purporting to use that kind of language because I didn't and I want you to know that.

My second question is this. You said, and I understood what you were saying, that in your view and the view of your council, the problem, the question of the use of two languages . . .

**MR. DEPUTY CHAIRMAN:** Mr. Doern on a point of order.

**MR. R. DOERN:** A point of order. Has Mr. Penner not said, on more than one occasion, that one has to be a constitutional expert or a Canadian historian to be able to appreciate this question? He said that at Brandon. He's made similar statements many times. Is he suggesting that he has never used that argument before in writing, by implication?

**MR. DEPUTY CHAIRMAN:** Mr. Penner on the point of order.

**HON. R. PENNER:** To the same point of order. I have never made that statement at anytime, neither in Brandon nor anywhere else. I certainly did not. I'm capable of — (Interjection) — Mr. Chairperson, this intolerable, insufferable putting of words into the people's mouths by Mr. Doern is enough.

**MR. DEPUTY CHAIRMAN:** We're passed the point of order, gentleman.

**HON. R. PENNER:** You may use witnesses as a sounding board, but he can't use me as a sounding board.

**MR. R. DOERN:** It's on the record.

**HON. R. PENNER:** It is not on the record.

**MR. DEPUTY CHAIRMAN:** We cannot have the committee engaging in debate. We have Mr. Sigurdson before us to answer questions. Mr. Penner would you proceed with your questioning?

**HON. R. PENNER:** Thank you very much. If I may, without interruption, then proceed to the question. I'll start from the beginning because that interruption prevented me from concluding the question.

You made a statement that, in your view, the view of your council, the problem that we're discussing doesn't affect them very much because there just aren't that many French-speaking people in the municipality and you haven't heard any demands for service. You made a statement to that effect, right?

**MR. E. SIGURDSON:** Yes. By that, I meant to them individually, personally, it would not affect them in their way of life.

**HON. R. PENNER:** I understand that very much. How would your municipality be affected, in your view, if the Supreme Court held, in effect, that The Municipal Act was not legal, because it was in only one language and all your by-laws were, therefore, not effective? Would that affect you?

**MR. E. SIGURDSON:** Well it would certainly affect us, yes, but I don't know just how to answer that. It is something like - now this has been going on for 90 years, and it has never bothered us yet. We know that it could, or we are led to believe that it could. Maybe our fears are suspicions.

As I said, this presentation was probably more questions than it was statements. Maybe that isn't the way they are supposed to be, but for us country people it's like stirring up a hornet's nest. If you leave them alone, they don't bite. Maybe you can control them, maybe you can't. It is our fear of what the consequences might be of getting too deep into this.

**HON. R. PENNER:** My point, Reeve Sigurdson, and I'll conclude with this, is that particular case is now before the Supreme Court for the first time. It hasn't happened up until now, but it's there standing, waiting to be decided unless we do something about it. We're on that kind of brink.

**MR. DEPUTY CHAIRMAN:** Any further questions.  
Mrs. Oleson.

**MRS. C. OLESON:** I just wanted to thank Mr. Sigurdson for coming out this morning and presenting the views of his municipality. There was one thing that he

mentioned there that caught my attention. I hadn't heard that expressed that way before but, of course, I haven't been at all the hearings. But he mentioned something to do with the part of the resolution which deals with the translation of statutes and sets a limitation on the number. I got the impression that he felt that perhaps of that number that are not translated, someone would come and demand that they may be made available in French and, therefore, go into action on it. Did I read that correctly? Was that your intent, to express that?

**MR. E. SIGURDSON:** Yes, and probably the question involved too was with only 400 of the statutes that would need to be translated, if it were possible to make that kind of a deal that you could get away with that few, maybe we could deal better and get rid of more.

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

**MR. DEPUTY CHAIRMAN:** Thank you, Mrs. Oleson.

Are there any further questions from members of the committee? If not, thank you very much, Reeve Sigurdson, for appearing and presenting your brief to us.

**MR. E. SIGURDSON:** Thank you, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** The next member to appear before the committee is Gene Nerbas, Councillor, R.M. of Shellmouth. Is Mr. Nerbas here? Come forward, Mr. Nerbas. Do you have copies of your brief, Mr. Nerbas? The Clerk will distribute them, and you just wait until they're distributed before you proceed, please.

Proceed, Mr. Nerbas, with your brief.

**MR. G. NERBAS:** Thank you, Mr. Chairman, and members of the Committee. On behalf of the Council of the R.M. of Shellmouth, and in the absence of our Reeve, I submit this brief. I quote our resolution, passed on June 9, 1983.

It is moved by Councillor Nerbas, seconded by Councillor Burla.

"WHEREAS the Council of the Rural Municipality of Shellmouth is unanimous in the belief that we live in Canada and that we are Canadians;

"THEREFORE BE IT RESOLVED that Council is in disagreement that Manitoba be declared a bilingual province. Further, we are in unanimous agreement that we are neither English nor French nor Ukrainian, Romanian, German, Polish, Jewish, Japanese, Chinese, etc. We are Canadians and we favor legislation so that the affairs of our country, especially the province we live in should be conducted in Canadian only. Council is confident that we are speaking for 99 percent of the people of our municipality."

This resolution was carried, and it's signed by Reeve Mench.

To further elaborate on the resolution, we are not opposed to the French language or any other language. We support the teaching of any language in the home and in the school. We strongly believe culture should be preserved, but one language in the workplace. We believe Manitoba should be a multicultural province with one official working language.

We also oppose bilingual legislation on the grounds of cost. To bring about changes of this magnitude would cost the taxpayers millions of tax dollars. We have only to look at the horrendous costs of the metric conversion to the people of Canada. In economic times such as we have now, we feel this money would be better spent in a manner to benefit all people of this province, such as job creation, education and medical improvements, all of which have had to endure spending cutbacks due to rising costs. These things would benefit all Manitobans, not just a few.

We further oppose bilingual legislation, because it was not in the present government's platform during the last election campaign. This would have given the voter an opportunity to have input into what he or she preferred. It appears that the way it is being introduced is not democratic.

We feel that if this legislation is enacted, it will eventually work its way into municipal government and school boards. At this time, the Premier and the Attorney-General assure us that it will not affect municipalities and school divisions, but we feel that it will only be a matter of time before this will change. Once this legislation is enforced, all it will take is one person to press their case. If the courts rule in their favour, all the government assurances will be meaningless. Many people already fear for their jobs as more and more jobs require bilingual applicants. They feel that even if they do not, their children will experience these difficulties.

I believe the message here is simply, if the majority of taxpayers in Manitoba object, you have a responsibility to listen and further to that a responsibility to fight the Federal Government who, I believe, is the chief instigator in this issue. So we ask that you seriously examine your policy and make Manitoba a multicultural province with one official working language.

I feel any person born in Canada should accept the fact that he is a Canadian, and work for unity rather than disunity. In conclusion, we feel we are all Canadians, like our neighbours to the south who speak and govern their country in the same language as we do and all call themselves Americans.

I wish to thank this Committee for having the opportunity to present our views. We hope that our input will influence your final decision.

Thank you.

**MR. DEPUTY CHAIRMAN:** Thank you very much Councillor Nerbas. Are there any questions from the committee? Mr. Bucklaschuk and Mr. Graham next.

**HON. J. BUCKLASCHUK:** Thank you, Mr. Chairman. Mr. Nerbas, I presume you are a farmer in the R.M. of Shellmouth?

**MR. G. NERBAS:** Yes, that's right.

**HON. J. BUCKLASCHUK:** Have you ever purchased a farm?

**MR. G. NERBAS:** Pardon me.

**HON. J. BUCKLASCHUK:** Have you ever purchased a farm?

**MR. G. NERBAS:** Yes, I have.

**HON. J. BUCKLASCHUK:** And that was done through some sort of an agreement or a contract, I presume?

**MR. G. NERBAS:** Yes, an agreement to buy.

**HON. J. BUCKLASCHUK:** Would you agree that the Constitution of the province in 1870 provided for the use of two languages?

**MR. G. NERBAS:** The way I read, from 1870, yes; I think that's the way it reads.

**HON. J. BUCKLASCHUK:** And you would agree that was a contract?

**MR. G. NERBAS:** Certainly it was a contract then. I'm of the belief that it really doesn't apply now.

**HON. J. BUCKLASCHUK:** But it was a contract in the same sense, loose definition, as the contract that enabled you to buy your farm and to have ownership of that property?

**MR. G. NERBAS:** Yes.

**HON. J. BUCKLASCHUK:** And you're suggesting in your brief that the voters in Manitoba be given the opportunity to, in a sense, vote on the validity of that contract, to break that contract?

**MR. G. NERBAS:** I would have to say that if it's the wish of the majority that the contract needs updating, then you have to look at it.

**HON. J. BUCKLASCHUK:** My question then will be, what do the wishes of the majority have to do with the contract? It is a legal arrangement, an agreement, how can it be influenced by whether the majority or the minority want to break it?

**MR. G. NERBAS:** Seeing as you made mention of majority and minority, I would have to say: why are there minorities here? Why can't those poor oppressed people be raised to the ranks of the majority and become like us? There are so many minorities. How long will it be before we are a minority of some description? Why don't we try to work to becoming equal, and probably one language in the workplace might be the place to start?

**HON. J. BUCKLASCHUK:** Mr. Nerbas, I want to get back to the Constitution of 1870. Would you not agree that if the contract was to be amended or to be broken that, in fact, it should involve the parties to the contract and not some external group?

**MR. G. NERBAS:** I don't quite follow that.

**MR. DEPUTY CHAIRMAN:** Gentlemen of the committee, the hour of adjournment is now passed. Maybe Mr. Nerbas will have time to study Mr. Bucklaschuk's question or Mr. Bucklaschuk can maybe reword it after lunch and we'll continue with it.

**MR. G. NERBAS:** Mr. Chairman, I would prefer not to stay after lunch. I was here all day yesterday, right to the end, and I had to stay overnight. I wasn't quite prepared. I would like to go home and have a change of clothes and a bath. I wasn't able to have a bath last night, because I've never smelled as bad as the Brandon water. If it's all right, I would like to finish and leave.

**MR. DEPUTY CHAIRMAN:** I'm sure the committee will agree to hear your brief out, seeing as you have waited. Proceed, Mr. Bucklaschuk, with your line of questioning.

**HON. J. BUCKLASCHUK:** I appreciate this opportunity. Again, I want to make clear my understanding of Mr. Nerbas' impressions about the contract of 1870, and I've asked, is there agreement that the parties to the agreement are the ones that in a sense have the right to amend or to break that agreement?

**MR. G. NERBAS:** Yes, they should have, but really why are there too many of those people left. I would suppose all of them are born in this country, their parents are born in this country. When are they going to accept the fact that they are Canadians, in the sense as I define Canadian?

**HON. J. BUCKLASCHUK:** I don't think there is any question as to whether they are Canadians or not, I think we all accept that.

I guess the point I was trying to make and the reason I raised this question about your ownership of land, I'm really baffled as to why you would suggest that with respect to the contract entered in 1870 that there should be some sort of a vote to see whether it is any longer valid. My final question would be: would you suggest that it would quite proper for the voters in the R.M. of Shellmouth to have a referendum to see whether or not the contract you entered into with the person you bought your land from is valid? If you don't feel there is a similarity, I'd like to know why.

**MR. DEPUTY CHAIRMAN:** Mr. Bucklaschuk, that line of questioning of Mr. Nerbas if they did, he certainly has the right to go to court and challenge that ruling, which has happened, so I think that line of questioning is not going to be helpful to the committee.

**HON. J. BUCKLASCHUK:** It would have helped clarify my understanding of Mr. Nerbas' position, but that is fine.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Nerbas. Mr. Nerbas, Mr. Bucklaschuk mentioned a contract and the fact that it's been in effect for over 100 years and it is a binding contract. Have you read the proposal of the present government to change that contract?

**MR. G. NERBAS:** We had some literature, I guess it was an update, at our last council meeting. I have read it. I don't profess to fully understand it, but I think I have seen what is available.

**MR. H. GRAHAM:** It is your understanding though that this proposal is to change that contract that was entered into in 1870. Is that a correct interpretation?

**MR. G. NERBAS:** That's how we understand it and so we decided to take it a step further, because it seemed for the last 100 years it was recognized that there were two official languages, but it really didn't bother anyone. Since some people want to make issue of it, we'll go one step further and erase that and declare Manitoba just one official language.

**MR. H. GRAHAM:** So your position is that if the government feels it's necessary to change that agreement that was entered into in 1870, that really what you're saying is that, if they're going to change it, they should take account of the changing times and what has occurred in the last 113 years and change it to truly reflect what you believe is the current situation here in Manitoba and more or less bring it up to date into the 21st Century. Am I correct in reading that into your brief?

**MR. G. NERBAS:** I would think so. If they are going to truly represent the people of the province, I don't see how they would have any other choice.

**MR. H. GRAHAM:** Well, Mr. Nerbas, I have no further comments or questions. I just want to thank you for taking the busy time away from your farming operations at this time and spending so long waiting to get on here, so I won't ask any further questions.

**MR. DEPUTY CHAIRMAN:** Thank you very much. Are there any further questions of the committee? Hearing none, Mr. Nerbas, thank you very much for appearing and presenting the brief on behalf of your municipality.

**MR. G. NERBAS:** Thank you.

**MR. DEPUTY CHAIRMAN:** The committee members will now enjoy the lunch hour adjournment and we reconvene at 2:00 p.m. sharp.

**HON. R. PENNER:** Can we have an agreement - I guess people are scheduled at 2:00, could we not meet at 1:30 and there will be people here?

**MR. H. GRAHAM:** Mr. Chairman, on that point of order. The Attorney-General is constantly wanting to change the rules in the middle of the game. I hope that sometime he would learn that we have rules, that we have established rules and that we should live up to them.

**MR. DEPUTY CHAIRMAN:** On that point of order, Mr. Penner.

**HON. R. PENNER:** The agreement with respect to these hearings provided the power of the committee to set its times as the committee saw fit. If the committee doesn't agree, that's fine. My desire, and I want it on the record, is that those people who have come and have stayed and stayed and who want to be heard today, because these are the two days that we have presently scheduled here, should be accommodated and I don't need Mr. Graham to yell at me for wanting to accommodate people. If it's an inconvenience that we have to eat our lunch a little faster, so be it, so that we can hear the people.

**MR. DEPUTY CHAIRMAN:** Are we going to let the Committee Chairman take over and settle this rather delicate problem to avoid me any embarrassment, because I will be voting with Mr. Graham?

**MR. CHAIRMAN, A. Anstett:** Gentlemen, the matter under discussion is whether the committee should reconvene at the scheduled time of 2 o'clock, or the now suggested time of 1:30 p.m. Is there any further discussion?

**HON. R. PENNER:** I would make that as a motion that we reassemble at 1:30 p.m. to maximize the opportunity of people who are here to be heard.

**MR. CHAIRMAN:** Mr. Graham to the same question.

**MR. H. GRAHAM:** I would like to move an amendment to that motion that the Attorney-General personally contact every person that's on this list to advise them of the changes he suggests.

**MR. CHAIRMAN:** If I may, to attempt to accommodate the concern of members on both sides. The next person on our list is Mr. Ross Martin of the Brandon Labour Council. Mr. Martin are you here? Next person on the list Al Rogosin, Mr. Rogosin are you here? Next, Mr. David McConkey, Mr. McConkey are you here? Marriane Isitt; Fred Kolesar; Maude LeLond, are you willing to come at 1:30 p.m.?

**MS. M. LeLOND:** Yes, I would be glad to.

**MR. CHAIRMAN:** Okay. Dave Campbell; Gail Compos; Reeve Barry Dixon. Mr. Dixon, if Ms. LeLond finishes before 2:00 p.m. could you be here at 1:30 p.m., as well? — (Interjection) — Would it be agreed then that we would hear Maude LeLond, followed by Barry Dixon, and then go back to the others who are now absent so that we could start at 1:30 p.m. and have some people who would be here ready to start at that hour? Is that an agreeable compromise?

**MR. D. BLAKE:** Would you ask Ms. LeLond if she has a written brief?

**MR. CHAIRMAN:** Ms. LeLond do you have a written brief?

**MS. M. LeLOND:** I have a brief, but I have only one copy so I will have to . . .

**MR. CHAIRMAN:** Is that agreed then, gentlemen and ladies?

**MR. H. GRAHAM:** No.

**MR. CHAIRMAN:** The motion as moved by Mr. Penner then, all in favour please say, aye. All opposed please say, nay. I declare the ayes have it. Is that agreed? (Agreed)

Committee is adjourned and stand adjourned until 1:30 p.m. this afternoon.