

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS
Monday, 1 December, 1980

Time — 2:00 p.m.

CHAIRMAN — Mr. Warren Steen (Crescentwood).

CONSTITUTIONAL REFORM

MR. CHAIRMAN: Can the committee come to order now, please? It's been brought to my attention that we have two parties that wish to make representation this afternoon, Marion Hodge and Joan Wright. Marion Hodge, are you prepared to go first? Would you come and sit before this microphone, please? A question I ask most persons when they come before us, are you representing yourself as an individual or a group?

MRS. MARION HODGE: No, I'm representing myself.

MR. CHAIRMAN: Okay, please proceed. Have you copies of your presentation?

MRS. HODGE: I have only one copy and it's pretty scratched up. Could I possibly tidy it up and then submit it to you?

MR. CHAIRMAN: It's all going to be recorded on Hansard anyway, so please proceed.

MRS. HODGE: While I wholeheartedly support the protection of human rights, I oppose the entrenchment of a Charter of Rights on principle. I find entrenchment to be totally contrary to our traditional and successful parliamentary government and thereby not in the best interests of Canadians. I am not satisfied that those who advocate change have demonstrated that change is needed. I believe the issue before the Canadian people is not whether the rights of individuals should be protected. I believe all of us are deeply committed to providing such protection.

Each of our governments through such legislation as Human Rights Acts, Employment Standards Acts, acts governing Health and Safety in the Workplace, and the kinds of measures to protect the rights of women and children, have already taken real, substantive and effective steps to assure and protect the rights of our citizens. I don't say that the system is perfect or that there are not at time grave lapses in enforcing, for example, health and safety in the workplace, but I don't believe entrenchment is going to change the rate of human failure which can and does occur despite well constructed legislation. Furthermore, I don't believe entrenchment is going to effect more flexible change in attitudes in society, which is, after all, the prime mover towards development of legislation.

The system of parliamentary responsible democracy which exists in Canada recognizes and protects the rights of our citizens on an evolving basis without making judgments as to which rights are fundamental and which are of only secondary

importance. A decision to entrench a Charter of Rights would in effect move our familiar, traditional and successful parliamentary form of government towards that of a republican system, replacing a system of protection of rights that has worked in Canada for 113 years with a system that has not worked as well in the United States.

Infringements of what might be considered basic rights are rare in our history as a nation. The most obvious and most sighted example, the treatment of Japanese Canadians during the Second World War was paralleled by similar treatment of Japanese Americans, despite the fact that the U.S. has and had an entrenched Bill of Rights.

I might also mention certain pieces of current labour legislation; for example, Newfoundland's move to allow only Newfoundland residents to work in the oil fields. There is no historical justification for the entrenchment of a Charter of Rights in the Canadian Constitution. The need for such a fundamental change in our system cannot be demonstrated.

Apart from the absence of historical justification for this proposal, I oppose the concept on the basis of the following principles: An entrenched Charter of Rights would remove the supremacy of Parliament and of Legislatures which, because it leaves the determination and protection of rights in the hands of elected and accountable representatives of the the people, is a cornerstone of our parliamentary system of government. Parliament and Legislatures are better equipped to resolve social issues than judges who are not accountable to the people. How can a judge born and raised in Montreal, no doubt from a middle or upper class family who moves in a elite social circle quite far removed in time and space from the north, understand particular aspects of northern life?

An entrenched Charter would involve the courts in political matters, a fact recognized by many jurists, including former Supreme Court Justice Pigeon, who has recently pointed out that entrenching a Charter of Rights grants to the courts an important part of the legislative powers now vested in Parliament. Entrenchment involves a loss of judicial impartiality and judicial independence, two cornerstones of our present respected judiciary. Statute law, because it can be more easily amended, permits more flexible response to social and other changes so as to better protect the rights of citizens. An entrenched Charter would encourage litigation with respect to legislation and introduce a dangerous element of uncertainty into the processes of government. An entrenched Charter by its inflexibility would inhibit the development and acknowledgement of new rights such as the rights of handicapped people or the right to privacy.

To quote Professor J.P. Brown of Carleton University, "Such a transfer of legislative authority would amount to a Constitutional Revolution entailing the relinquishment of the essential principle of parliamentary democracy, the principle of parliamentary supremacy." Let me reply briefly to the

arguments advanced in favour of an entrenched Charter of Rights. First, it is suggested that such an assertion of a commitment to fundamental rights serves to guarantee those rights, but we all know that the vilest dictatorships can boast the most elaborate Bill of Rights.

Here I would to quote on an article concerning governmental practices. "Important as our constitutions, laws and declarations, equally important, if not more so, are the actual practices of governments. Here we find extremes and many shadings between extremes. While the USSR Constitution guarantees freedom of religious worship, it is only anti-religious propaganda that is permitted and collective religious instruction to children under 18 is prohibited. Freedom of the press is guaranteed, but the government decides who will have a printing press and stocks of paper. Citizens are ensured the right to unite in public organizations, but only the Communist Party of the Soviet Union is permitted to exist."

There are other examples, of course. For example, in Saudi Arabia, Islamic religion is the foundation of all rights. The practice of other religions is subject to restrictions and right now we see in Iran where the high faith people are actually being killed for their beliefs. The real protection of rights lies in the commitment of people and governments to see them protected and enhanced as they have been protected and enhanced in Canada through our parliamentary form of government.

Secondly, it is argued that entrenchment of rights renders them immutable but rights require interpretation and every country with a Bill of Rights has been obliged to redefine the so-called immutable rights in response to social and other changes. The meaning of these so-called immutable rights is often far from clear. Even the most fundamental of all rights, the right to life, has been variously interpreted in accordance with varying opinions about abortion, euthanasia and capital punishment.

Bills of Rights define general rights in such eloquent terms as freedom of religion and freedom of expression, but what rights do such broad phrases actually confer and by whom are they determined. Does freedom of religion mean that we can no longer have prayers in schools? Does it mean that governments cannot combat cult activity? Does it mean the Ku Klux Klan can flourish in Canada? Does freedom of expression mean we cannot combat pornography or censor or classify films to reflect our community values? Of course, an entrenched Charter can recognize justifiable limitations to fundamental rights, but who decides what limitations are justifiable? Once such a Charter is entrenched, these decisions will be made, not by the people themselves through their elected and accountable representatives, but by judges appointed by governments to serve until mandatory retirement age.

Throughout our history our rights have been protected by those the people elect to represent them. I can see no reason to transfer that function and responsibility to appointees, who however capable in their own areas, are not involved with the consequences that recognition of rights has on economic resources nor with the need for pragmatic compromises.

The Prime Minister has described the entrenchment of a Charter of Rights as a mechanism that would give more power to the people. In fact, it takes power from the people and places it in the hands of men, albeit men learned in law, but not necessarily aware of every-day concerns of Canadians. The Canadian record on the protection of rights is enviable. We have not had the experience of our neighbours to the south where judges create rights on occasion in direct defiance of the peoples elected and accountable representatives and in the process dictate social policy. Nor have we had the experience of significant rights entrenched in the Constitution inhibiting the development of new rights. For example, the right of Americans to bear arms has hindered the development of effective gun control legislation. Their way would not suit us; let us retain our own heritage and reject experiments with concepts foreign to our tradition. In Canada, liberties are no less valued, nor in practise less secure than in the U.S. Canadians have preferred to give ultimate responsibility for the protection of their rights to their elected representatives rather than to their judges. It should not be overlooked that the most comprehensive study of human rights, the McRuer Commission in Ontario, did not recommend the concept of entrenchment.

To quote the late W.A.C. Bennett, "Even an incomplete study of these proposals reveals that we are being asked to discard the constitutional philosophy of 1867 and embrace the constitutional philosophy of 1776." As Professor Brown noted, Canadians must understand clearly what is at stake. The question is not whether we should have a Bill of Rights, but whether we should entrench it. This means in practical terms that we must decide whether to leave the ultimate responsibility for defining our civil liberties with the federal and provincial parliaments or to hand it over to the Supreme Court. Our Constitution history, governmental system, federal structure, cultural needs and social ideals all dictate the answer. Our elected and accountable representatives must retain the ultimate authority to define and reflect our basic social values as a nation.

Thank you.

MR. CHAIRMAN: Marion Hodge, would you permit questions from members of the committee?

MRS. HODGE: Yes.

MR. CHAIRMAN: Are there any members of the committee that wish to question the delegate? Mr. Parasiuk. Before Mr. Parasiuk starts, I might point out though that if you are being questioned in an area that you wish not to comment you are free to say so. Mr. Parasiuk.

MR. WILSON PARASIUK (Transcona): Mrs. Hodge, you said that the proposal for an entrenched Bill of Rights would lead us towards republicanism. You said that earlier on in your brief and yet as I grew up I found that the most vocal, vigorous advocate of a Bill of Rights, who said that it ultimately should be entrenched in the Constitution, was also a person who I considered probably to be the strongest parliamentarian and the strongest monarchist that I

have known through my political life, John Diefenbaker. He pushed for an entrenched Bill of Rights. He was a strong monarchist; he was a strong parliamentarian. Do you think that anyone proposing an entrenched Bill of Rights therefore somehow wants us to move towards a republican state?

MRS. HODGE: I'm sorry, did he call it an entrenched Bill of Rights?

MR. PARASIUK: Yes, when he in fact talked about it in the House of Commons, he brought in a Bill of Rights and he said ultimately, this Bill of Rights is a first step and it should be ultimately entrenched in the Constitution.

MRS. HODGE: I'm sorry. I can't comment on that.

MR. PARASIUK: Okay, that's fine. Secondly, with respect to parliamentary supremacy, right now you say that Parliament is supreme in Canada, given the present system of government we have. Yet at the same time, if there are disputes between Parliament and Legislatures about the Constitution, those disputes are referred to the court and ultimately the final arbitrator of that is the Supreme Court. Disputes between Parliament and an individual, or disputes between Legislatures and an individual may or may not be referred to the courts depending upon the situation, and people who propose a Bill of Rights say that what governments have . . .

MRS. HODGE: I'm sorry, sir, nobody is opposing a Bill of Rights.

MR. PARASIUK: With respect to an entrenched Bill of Rights, I just want to get your conception of parliamentary supremacy and see whether in fact you wish to have the same type of parliamentary supremacy for governments that you have for individuals.

MRS. HODGE: I'm far from an expert on constitutional concerns or on parliamentary government, etc. However, even though Mr. Peckford intends to take the Government of Canada to court concerning the way Mr. Trudeau wants to move forward bringing home the Constitution, the patriation of the Constitution, still if this power is automatically put with the Supreme Court we're still losing the other advantages that we have with the parliamentary government.

MR. PARASIUK: Did you know that in the Thirties the Quebec Government brought in a padlock law which said that the government could go lock up certain types of churches and lock them up and prevent people from in fact going into those churches and practicing their religion? Those people had no vehicle to remedy that action apart from waiting until the next election or the following election to try and remove that government which used its majority to pass that padlock law. Do you think there should be some type of recourse to the courts to try and prevent that type of thing from happening again which did in fact happen in Canada?

MRS. HODGE: I'm not familiar with the padlock law situation.

MR. CHAIRMAN: Mr. Schroeder.

MR. VIC SCHROEDER (Rossmere): Thank you, Mr. Chairman. You indicated that an entrenched Bill of Rights would be contrary to our system of government, not only to our history but in our system of government. Could you name any countries other than Great Britain of the western democracies who don't have an entrenched Bill of Rights?

MRS. HODGE: No, I am afraid I can't.

MR. SCHROEDER: You indicated that Canada has an enviable record of protection of human rights. Are you aware that Amnesty International rates Canada as No. 17 on the world scene and if so, do you have any comments on that?

MRS. HODGE: No. 17 of how many?

MR. SCHROEDER: No. 17 on this planet.

MRS. HODGE: How many nations?

MR. SCHROEDER: Well, I'm sure that you would have about as good an idea of that as I do.

MRS. HODGE: I would say in reply that again no system that we have is going to be perfect and while any travesties against civil liberties are as unacceptable in this country as any other country compared to Argentina or Guatemala as what is going on now, Canada is much further ahead.

MR. SCHROEDER: I would certainly agree and you have indicated that the Soviet Union has a Bill of Rights and one of the problems there is, as you have indicated, there are no remedies in the Soviet Union. However, would you not agree that the fact that the Soviet Union and Iran, which you also mentioned have a Bill of Rights, in no way limits the rights of those people. That is, the problem is not the fact that there is a Bill of Rights there, the problem is that they have a government which is not concerned about human rights.

MRS. HODGE: In other words what you are saying is, we can have a Bill of Rights but if people aren't willing to respect those rights then all it is is a bunch of words.

MR. SCHROEDER: I'm saying first of all that in those particular Constitutions, as far as I am aware, there is very little in terms of remedies. There is nothing in the Soviet Union's Bill of Rights that I have ever heard of and Mr. Mercier has read from it on occasion to this committee, he has never read anything to me with respect to any rights that a citizen of that country would have to go to some court or some place to make right a wrong that has been done to him. Without that type of right the paper is meaningless and as you say, if there is not a will there to protect the rights of minorities then whether we have a Bill of Rights or not, an entrenched Bill of Rights or not will make very little

difference. Do you agree with that? You're nodding your head.

MRS. HODGE: Would you say it again please?

MR. SCHROEDER: Well maybe I will just move along to an example of Iran. You mentioned specifically the people of the Bahai faith who are being killed for their faith and that is certainly a tragedy. It's something that shouldn't be allowed to occur and it is a more extreme example than what you used in Canada with, for instance, the Japanese internment during the Second World War. In Iran, if they didn't have a Bill of Rights for instance, what you are saying is that the people would have the right to throw out this nasty government for behaving improperly toward the people of the Bahai faith. The problem in Iran is that the people of the Bahai faith are the minority and in general it is the majority which approves of what the government is doing, and if you don't have a Bill of Rights which the people of the Bahai faith can use to go into a court to ask for a remedy, then there may well not be a remedy in even a democratic country. Do you have any comments on that?

MRS. HODGE: No, I don't.

MR. SCHROEDER: Would you disagree with that?

MRS. HODGE: Okay, I am going to have to backtrack here because my head is just spinning. My basic belief, my impression right now and my reason for coming here and making this presentation is that with the system that we have now, I can call Rod Murphy and get immediate and direct access to him, my Member of Parliament. Petitions can be formed on some issue which concerns us in the north, whatever, that if power is taken away from him to direct the way that Parliament creates legislation, if it's put into the Supreme Court, then it becomes an indirect way of creating legislation and because it's one step removed from the people, then it brings in all sorts of variables which I believe do not exist with the parliamentary form of government that we have. I am under the impression — of course there is a lot of strengths with the American government, I am assuming that there is a lot of strengths with the American system of government, but the thought of leaving legislation in the hands of people who are appointed for life just makes me really scared, it really makes me nervous.

MR. SCHROEDER: I would suggest to you that practically all of the law that we have in the country in terms of civil law is law which has been made by our judges. In fact, our Parliaments and Legislatures have in many areas simply added patchworks on to it and I'm thinking specifically of commercial law, which in general has formed through the common law. Now you have indicated you are very close or you can be close to an elected representative who is recallable.

Now of course you are, I would suggest, a part of the majority. You might find that if you were living in a Quebec situation and you happen to be a Jehovah's Witness, and you are a part of the minority, the two or three percent, that you might not have that close an access. Your right to lobby would

be fairly meaningless when the majority wishes to trample on your right and it is only when you have the right to litigate, if you are a part of a minority, that you have any real power. If you don't have that right to litigate, if you don't have a piece of paper that says, I have these rights and it may well be that 97 percent of the people disagree with me but without these rights, without that piece of paper, the three percent are the losers and this of course is one of the reasons why I believe that we ought to be considering the Bill of Rights. You mentioned the Japanese, Canadians . . .

MRS. HODGE: An entrenchment of the Bill of Rights.

MR. SCHROEDER: An entrenchment, well . . . Earlier this morning Mr. Mercier indicated to the committee that only on two occasions had our current Bill of Rights ever been used in a beneficial way for any Canadian and I think it was understood by him, and it's understood by this committee and by most members of the public, that the Bill of Rights, which was enacted by Mr. Diefenbaker, did not achieve what he had hoped that it would achieve, and those results speak for themselves. In fact, while we have this Bill of Rights, we have Sandra Lovelace, an Indian woman from Canada who has no right to litigate in Canada. She is before the Human Rights Commission of the United Nations in Geneva asking that her right be protected.

I would ask you to comment on that if you feel that our current Bill of Rights is something that is adequate.

MRS. HODGE: I am not familiar with Sandra Lovelace.

MR. SCHROEDER: That is a case where an Indian woman married a white man and then was separated or divorced, I am not sure which, and wished to retain or get back her status as an Indian. If she had been an Indian man married to a white woman, there would have been no problem. The fact that she was a woman put her into a different position from that of an Indian man.

MRS. HODGE: But on the other hand and of course she's . . . I know that there are other women in that position. On the other hand the recent Conservative government made a very definite commitment to effect legislation that removed that discrimination, so that it can happen through Parliament.

MR. SCHROEDER: Yes, I would agree with you that it can happen but possibly that illustrates the point that I was trying to make, that in fact governments aren't elected or defeated on those issues. The Quebec government wasn't elected or defeated on the padlock laws. The Canadian government didn't change over our treatment of the Japanese and despite the good intentions of that Conservative government, they were defeated. That did not become an issue in the election campaign. Rights for minorities, I suggest to you, are very very seldom issues in election campaigns. If they were issues, then the position that the people will decide would, I suggest, have a lot more validity.

You also indicated that the establishment of basic human rights in an entrenched Charter would inhibit the establishment of new rights and you also later on indicated that in American courts, the court was creating new rights and it appeared to me that there was a contradiction there. On one hand you indicated that in the United States you didn't feel that they should be creating new rights and in Canada you felt that by passing this legislation we would be inhibiting new rights. Could you expand on that?

MRS. HODGE: I think what those points referred to is, and the material that I have been reading to prepare this brief, that to take legislation to the Supreme Court that involves rights is a more inflexible way and it's more difficult to change these laws through the court process than it is to do that through a parliamentary system.

You know the thought just occurred to me when you were talking about the Jehovah Witness; I presume that's who you mean when you were talking about the padlock law, that they at one time were being persecuted in Quebec. If they still only represent two or three percent of the population I am sure they don't even represent that many. If they are in a minority position, surely even if we did have this entrenchment of the Bill of Rights so that the Supreme Court has responsibility over the laws governing civil liberties and civil rights, surely they would still be stuck if there is such a minority. Could you explain to me then how they would be able to take it to court if they were so weak, because if they have nobody supporting their case, they would have to be terribly rich.

The other thing is that I am under the impression that there are different courts. There are courts that deal with family matters and business matters and criminal matters, and that all of these courts are absolutely snowed under with just the caseloads, and that right now it's very difficult to have some cases heard fairly, I don't know whether they are just pushed through or off, or that it takes two or three years sometimes to have cases heard.

MR. SCHROEDER: If you had a Bill of Rights which states that a person is entitled to freedom of religion and you then have the state coming along and hanging a padlock on your church door, your congregation would be entitled to go to court. It seems to me that one little extra case is not going to break the camel's back, so to speak.

MRS. HODGE: You say, all right, I'm going to bring a lawsuit against the government for locking up my church and so they do take it to court. But I wonder if they're going to get any more protection because, for sure, the judge is going to be prejudiced against them, and just as likely they are going to lose their case even though you do take it to court.

MR. SCHROEDER: One would hope — you know that is the reason why a judge is appointed for life, so that they will not be at the mercy, so to speak, of an electorate who may be very angry with a specific minority at a specific point in time. A good example of that is Gordon Fairweather, the current Commissioner of Human Rights for Canada who, in

1970, voted in support of The War Measures Act. and when he appeared before a parliamentary committee in support of a Charter of Rights, he sat there and told the members that one of the reasons was the fact that he, as a politician, had been under considerable stress in 1970, political pressure, he would have preferred to have voted against The War Measures Act but he chose the political course and voted in favour. That was one of the reasons he was before that committee asking for an entrenched Charter which would allow people to protect minority rights without that type of concern. Do you have any comments on that?

MRS. HODGE: I think that it would be naive to think that judges are not above intense political pressure, not necessarily legal pressure, to bring about a particular decision.

MR. SCHROEDER: As a lawyer who has practised in our courts, I will just prefer to be naive. Thank you.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Do you think the people in Thompson know the difference between the Victoria Charter and the Vancouver Consensus?

MRS. HODGE: No.

MR. MERCIER: Do you think they understand the proposals for patriation?

MRS. HODGE: No, I don't.

MR. MERCIER: Do you think that the people understand this issue of an entrenched Charter of Rights in the Constitution versus the existing system?

MRS. HODGE: Again, I don't think so because I'm getting the impression that people who oppose an entrenchment of the Bill of Rights are being called "against motherhood" and are being called "rednecks"; because they are against entrenchment of the Bill of Rights, therefore, they are against rights, whatever rights.

MR. MERCIER: Do you think these issues that are presently before the committee, the Joint House of Commons Senate Committee, do you agree or disagree with the timetable or the method of the committee sitting in Ottawa to deal with this issue within a restricted period of time?

MRS. HODGE: No, it is my understanding, as Mr. Clark's statements were presented by him that Thursday evening several weeks ago after Mr. Trudeau's presentation of his proposals, the main idea that I got out of it was that if the federal government ultimately did not agree with the ideas of the provincial governments that they could just veto those, and that the provincial governments did not have an equal recourse. I'm not expressing it very well.

MR. MERCIER: How would you like to see amendments, this whole process of amendments, to the Constitution handled?

MRS. HODGE: I believe that the Premiers' Conferences are not the failure that Mr. Trudeau calls them, that the Premiers' Conferences mean amendments to the Constitution and that the patriation of the Constitution is an ongoing process which does not develop in a vacuum, that there are constantly factors within the fabric of current Canadian life which feed into how the conferences are conducted.

I believe that these conferences are working and as far as this business of bringing the Constitution home in a very definite time period, which is very soon, within a matter of months, and everybody achieving consensus, I'm a little bit cynical and believe that there is a certain amount of expediency involved there and that the expediency rests on the head of Mr. Trudeau and his personal career plans; that he would like to see the Constitution patriated just in time before he goes away and becomes Secretary-General of the U.N., as the rumours seem to indicate.

MR. CHAIRMAN: Thank you. Mr. Uskiw.

MR. SAM USKIW (Lac du Bonnet): Would you give us a preference with respect to whether or not you would want at least the language rights entrenched in the new Constitution? Yes or no. I mean French and English.

MRS. HODGE: Are you saying that there should be language rights, or are you asking do I want language rights?

MR. USKIW: I'm saying do you want them entrenched in the Constitution?

MRS. HODGE: I believe that we should continue to have English and French as official languages of Canada.

MR. USKIW: The point I'm trying to make though is whether you would want to entrench them in the Constitution. I make that point because of our own history in Manitoba where we were in violation of law for almost 100 years in denying the rights to the French Canadians who happen to live in Manitoba. I am referring to the 1890 legislation which was ruled ultra vires last year. Given that we've gone through that kind of history, would it not make sense to make certain that language rights are indeed enshrined in the Constitution?

MRS. HODGE: Can I answer your question with another question? In the material that I have read they talk about civil rights, civil liberties and then, in particular in our Canadian situation we talk about language rights. Why are language rights talked about separately from civil rights?

MR. USKIW: That's my question. Since you don't believe in entrenching human rights, I'm saying, are you prepared to entrench as a minimum, language rights, in order to deal with that longstanding problem that we've had in this country?

MRS. HODGE: I can't say "yes" to your question because it means that I'm prioritizing rights — if I say "yes" to . . .

MR. USKIW: No, you can have one without the other if you decide to do that, it's up to the nation.

MRS. HODGE: Yes.

MR. USKIW: Let me put it to you this way. Do you believe that English Canadians in Quebec should have the right to be taught in English schools?

MRS. HODGE: Yes.

MR. USKIW: In the English language?

MRS. HODGE: Yes.

MR. USKIW: Then do you believe that the French Canadians living in Manitoba should have the right to be taught in the French language?

MRS. HODGE: There is another factor involved here and that is that there are one million English living in Quebec and there aren't that many in Manitoba. Yes, I believe, even though that's the case, that the French in Manitoba should be allowed their French schools.

MR. USKIW: You see, when you're talking about rights, rights are supposed to forget about the number's game, that number's games are relevant to political people, but they shouldn't be relevant to people who are interested in rights. That's why I raised the question, since we have the French and the English question before us in a new Constitution, would it not be wise to entrench those language rights for both the English and the French Canadians in this Constitution?

MRS. HODGE: I'm going to say, yes, if that's what is necessary. Having said yes, and I'm going to get third degree burns from my husband when I get home, having said yes, I want to say in a general way that I believe that those language rights should be protected, whether ultimately we maintain our parliamentary system of government or whether it becomes this more republican type of government.

MR. USKIW: But they should be protected.

MRS. HODGE: I believe they should be protected, yes, but then I believe that all the other rights should be protected too.

MR. USKIW: I understand. You want protection through Parliament with respect to the other rights.

MRS. HODGE: Yes.

MR. USKIW: And I'm separating that out here because I recognize that Parliaments in all of our history have to date been unable to guarantee language rights to the two founding nations. We've had to live with an awful lot of turmoil as a result. So I'm saying forget about the other rights, are you prepared to go with language rights?

The last question I have is: Do you believe that a national government should be supreme over all other governments of Canada?

MRS. HODGE: I am not comfortable with that idea, not as Canada is constructed now, and by construction I'm thinking of population, resources and this sort of thing. The distances in Canada, I believe, are much larger for instance, than in the States. There is a remoteness of Ottawa from other regions of Canada. I don't believe that there should be a government that can control, for instance, how the people are to be educated.

MR. USKIW: When you say there is a remoteness, are you certain that you are simply not swept up in sort of old arguments about the central government being where it is and so distant, without truly searching out whether, in fact, it is remote? The reason why I put that question is that the federal government pays a very large part of our educational system right across Canada, pays a 50 percent share of our medical care and hospital bill right across Canada, pays our pensions to all Canadians. I don't think they're that remote, you see. I think they are real and visible and I raise that question because if they have not the national authority to do those things, then we might have a Manitoba pension plan that will pay a pensioner 50 a month as Old Age Security. Ontario might be able to afford 150; Alberta might say, with all our oil we can pay 500 or 5,000 as Mr. Desjardins suggested. You know, how can we be Canadian citizens without some uniformity of basic standards and how can that best be guaranteed? It seems to me it has to be guaranteed through a national system.

MRS. HODGE: I'm sorry, I've given you perhaps the impression that I don't believe in a national government.

MR. USKIW: Oh.

MRS. HODGE: No, no, of course, I believe in a national government. We have to have our own little United Nations here.

MR. USKIW: My question is, someone has to be at the top, sort of thing. You can't have a national system without a national government that has the power to collect wealth and to use that wealth in order to bring certain standards for all Canadians.

MRS. HODGE: For instance through equalization payments.

MR. USKIW: . . . whatever. And do you agree with that need and that power?

MRS. HODGE: Yes, I believe that need is there.

MR. USKIW: That's fine. Thank you.

MR. CHAIRMAN: Any further questions? Mr. Einarson.

MR. HENRY EINARSON (Rock Lake): Yes. Mrs. Hodge, I was very interested in listening to your

comments and to your brief — are you aware of the Premiers all across Canada, the provincial Premiers, that is, being in full agreement with patriating the Constitution from Great Britain back to Canada?

MRS. HODGE: I am under that impression, yes.

MR. EINARSON: You're under that impression that's to be true. Do I understand from your comments that what you would like to see is the constitution patriated back to Canada and any changes that are to be made will be made in Canada?

MRS. HODGE: Again, I'm under the impression that is the best way to do it. Yes, I want to see the Constitution patriated and I want to see those amendments made in Canada.

MR. EINARSON: You don't agree with the Prime Minister when he says that if he doesn't get agreement he will patriate it unilaterally regardless of how anyone feels?

MRS. HODGE: No, I don't agree with that position. That business of handing out ultimatums.

MR. EINARSON: Yes. Just to make sure that I understood your messages well, you feel that I've lived under a Constitution, or at least under The BNA Act for 113 years reasonably well, while nothing is perfect. You don't care to see any changes made until we've had an opportunity to give the Constitution after it's been patriated much more consideration as to how we make changes before we make them. Is that your concern, or one of your concerns I should ask?

MRS. HODGE: Yes. I believe that if Mr. Trudeau is allowed to unilaterally patriate the Constitution, isn't that the same thing as saying that he's going to decide how any further changes are going to be made? So that if I oppose his unilateral decisions, I also oppose . . . well, I'm assuming that he's going to place that power that we have in Parliament in the hands of the Supreme Court now.

MR. EINARSON: By creating the B and B Commission that was passed across the country a number of years ago, by bringing in The Official Languages Act in 69, by bringing in the metric system to the people of Canada, these are things that have been in your mind and you're now concerned as to what he's going to do with that Constitution. Is that what your saying?

MRS. HODGE: Yes I am. This isn't perhaps all that rational but watching the Premiers' Conferences, I simply don't trust Mr. Trudeau. There seems to be a way of doing things, a style of doing things which is deceitful and that he has a basic distrust of the judgments of the Premiers, and that what is liberal policy or what is the philosophy of one man, the attempt is being made to make that into the philosophy of the whole government.

MR. CHAIRMAN: Mr. Desjardins. Would you put the microphone in front of you please.

MR. LAURENT L. DESJARDINS (St. Boniface): I'm quite surprised at the last few minutes of discussion here. I think the whole point of your brief was that you believe in the parliamentary system and all of a sudden your distrustful of a duly elected Prime Minister, you're no longer saying, well, let's get rid of him, that's our way and you don't trust him and you don't think he should do this and he's brought metric system and so on. You know, I'm not clear any more. I thought I followed you. It seems to, and I'm not criticizing you for that, I guess I should say, I could always say, it depends what party's in power . . . if we believe in parliamentary. You made it quite clear that you did not believe in this parliamentary form of government that we have now, and you said that it was a one-man thing, and so on, you can't have it both ways. It seems to me if you believe in the system and all of a sudden it becomes a dictatorship. I think he was elected, if we like him or not, and I think there's enough members and members representing the province. (Interjection)— I'm doing the same form of questioning as was questioned here all morning, all afternoon, last Monday, last Tuesday and the Monday before. Okay.

I wonder if you would care to comment, when is it that you believe in the parliamentary system and when is it that you don't?

MRS. HODGE: The word "unilateral" which is being flung around by your elected officials would indicate that Trudeau himself is not using the parliamentary system.

MR. DESJARDINS: Isn't it a fact then that, if we followed your line of reasoning, he should be turfed out of office, but in the meantime we should respect the parliamentary system. He's not breaking any laws I don't think. What is the difference between acting unilaterally federally and doing it provincially? While we're coming to Thompson to hear you make briefs, to give us an idea that the Premier of this province is saying, it doesn't matter what they say, we're going to show leadership, we're going to do what we want, and aren't they going to the courts now?

MRS. HODGE: I don't think Mr. Lyon said exactly that. I think that you are taking what he said out of context.

MR. DESJARDINS: Well, I might say, Mr. Chairman, that I heard him and I read the newspaper and that's exactly what he said. As far as I'm concerned that's exactly what he said, that he had to show leadership. I don't know if you had a chance of getting it straight from Mr. Trudeau, what he said, but I think it's the same thing. I think it's the parliamentary system. We're on an adversary system now and different parties, different governments and there's a battle all the time.

MR. CHAIRMAN: Mr. Uskiw, you have another question.

MR. USKIW: Yes, just to pursue that last point. You agree that the Prime Minister has a right to govern at the present time?

MRS. HODGE: Yes.

MR. USKIW: Okay. You agree that the Premier of this province has a right to govern at this time?

MRS. HODGE: Yes.

MR. USKIW: Okay. So they're both working within your own terms of reference, which is the parliamentary system that you say is the best system to protect your interests and mine. All right, how do you differentiate between the Prime Minister, who you say is taking unilateral action with respect to the Constitution, and our Premier in this province, who is taking unilateral action against the Constitution, notwithstanding the fact that this committee was appointed to hear the view of the people, and our Premier is in the courts battling the Prime Minister? He didn't get that instruction from this committee yet because it hasn't reported. That is unilateral action. Now, I don't say that he shouldn't do it. I think he's properly doing it, legally doing it. He wishes to do so.

MR. EINARSON: Then put your question, Sam.

MR. USKIW: My question is: How do you make a distinction?

MR. CHAIRMAN: Order please. Mr. Desjardins.

MR. DESJARDINS: On a point of order, Mr. Chairman. Are you still chairing this meeting?

MR. CHAIRMAN: Yes, I am.

MR. DESJARDINS: Would you inform your colleague twice removed there on the left . . .

MR. CHAIRMAN: Mr. Uskiw, carry on please.

MR. USKIW: Both have acted unilaterally as you describe. I think they have the right to do so. I may not agree with it, but they have the right to do so. How do you differentiate between the Prime Minister on one hand and the Premier of the province on the other. Why do you say that one is wrong and the other one is right?

MR. CHAIRMAN: Perhaps you didn't hear the question with all the other conversation that's been going on, did you?

MRS. HODGE: Yes, I just heard the question and I was just trying to formulate an answer here. When you say that Premier Lyon is acting unilaterally, has he now begun formal litigation?

MR. USKIW: Oh yes, ask the Attorney-General and he'll confirm it.

MR. CHAIRMAN: Mr. Mercier, would you . . . Mr. Uskiw has asked, through the party appearing before us, if you could answer that question?

MR. MERCIER: In view of the fact that the questions which the Manitoba Government has referred to the Court of Appeals for a declaration are as follows: If the amendments to the Constitution of Canada sought in the proposed resolution for a joint

address to Her Majesty the Queen respecting the Constitution of Canada or any of them were enacted, would federal-provincial relationships or the powers, rights or privileges granted or secured by the Constitution of Canada to the provinces or Legislatures or government be affected and if so in what respect or respects; is the first question?

The second question is: Is it a constitutional convention that the House of Commons and Senate of Canada will not request Her Majesty the Queen to lay before the Parliament of the United Kingdom, of Great Britain and Northern Ireland, a measure to amend the Constitution of Canada, affecting federal-provincial relationships or the powers, rights or privileges granted or secured by the Constitution of Canada to the provinces or Legislatures or governments without first obtaining the agreement of the provinces?

The third and final question is: Is the agreement of the provinces of Canada constitutionally required for amendment to the Constitution of Canada where such amendment affects federal-provincial relationships or alters the powers, rights or privileges granted or secured by the Constitution of Canada to the provinces or Legislatures or government?

In view of the fact they are basically three simple questions there, does the federal proposal affect . . . I may try and make them simple. Does the federal proposal affect the province's powers; secondly, is it a constitutional convention that any federal government doesn't proceed to affect the provincial powers without the consent of the provinces; and thirdly, is it legally required?

In view of the fact that those are the three questions, would it not be more accurate to describe the province's action not as unilateral action but simply a reference to the courts may determine the legality of a unilateral proposal by the federal government?

MRS. HODGE: I would agree with that interpretation.

MR. MERCIER: I think you're right.

MR. CHAIRMAN: Mr. Uskiw is not finished, Mr. Parasiuk. He asked Mr. Mercier if he would explain it. Mr. Uskiw do you have further questions?

MR. USKIW: Yes. Do you believe that this committee should have reported to the provincial government before the provincial government took any position on the Constitution?

MRS. HODGE: I'm sorry, I don't wish to answer.

MR. USKIW: I appreciate what you're saying. Then do you believe that it's a waste of your time to be here if the province is going to proceed without hearing the report from this committee?

MRS. HODGE: It's just the same question. I don't believe that it's a waste of time, and I don't believe that the government has erred in going ahead with presenting what it did before the courts, because the findings which you compile at the end of your travels around Manitoba cannot they be fed in along with the other litigation?

MR. USKIW: Are you aware that the Premier's already indicated certain very firm positions notwithstanding the report of this committee? Therefore I raise the question again, what relevance will the report of this committee have to the final outcome in your opinion? You don't have to answer that.

MRS. HODGE: No, you've made your point anyway.

MR. USKIW: Okay.

MR. CHAIRMAN: Mr. Parasiuk, do you have another question? Any further questions? If not, Mrs. Hodge, thank you very kindly.

MRS. HODGE: Thank you very much.

MRS. JOAN WRIGHT: I'd just like to say before we start, could we take a break for coffee because everybody needs a little movement here, but I really find it annoying when everybody is up and walking around. You see, we people who are lay people, we're not used to being in the Legislature where everybody gets up and goes off while everybody is talking. It seems such a disconcerting attitude. It's most disconcerting and it is intimidating.

Here is a copy of my brief.

MR. CHAIRMAN: Is it the wish of the committee to take a short recess for those that wish to get a coffee?

MR. KOVNATS: I think it would wise if we did, because if anybody had to go to the bathroom during the brief, I think that they might not.

MR. CHAIRMAN: All right, Mr. Kohnats, you're excused.

MR. KOVNATS: I don't have to. I'm just trying to save a situation for somebody else. I don't really have to go.

MR. CHAIRMAN: Five minute break, please.

Mrs. Joan Wright is appearing before us and as you have been told by her, she wishes to have your attention at all times. Mrs. Wright, would you please proceed.

MRS. WRIGHT: Thank you. I would like to bring to your attention that I was concerned that I didn't see an ad in the paper this past week and I am not trying to drum up business for the newspapers, but I do think it is very important that people have to be told more than once that something like this is on, because everybody seems to lead a very busy life. Now this ad was in on November 11th and also November 12th, which is great. I think it's important that this be in three weeks ahead of time. I also saw the ad in the Free Press, but I think it would have been very helpful had there been an ad the past week. I don't think you can tell people enough. I don't say the ad has to be that big; it can be a lot smaller, but I would say run it three times a week. I am sure that is why we have such a poor turnout, one of the reasons, and the other reason is that people seem to be indifferent.

You have my brief in front of you. It is not just from me, it's from a group of interested people. This is a very hard thing to talk about because none of us are properly trained in this kind of thing. It's just that we cannot have a committee come up here and not put something before it to show that people are concerned. I would suggest that Marion's brief and my brief is a "gut" brief. There are some recommendations in this brief just for the fact that you should try to give something positive if you can and I didn't have it ready, it was "whomped up" at noon hour, so that's why I didn't bring it sooner.

The Canadian Constitution needs change. It appears that most Canadians including those in northern Manitoba desire some changes in the Constitution of Canada. This has been evident by the large volume of mail to our newspaper pro and con the Liberal government's proposals to repatriate the Constitution, to amend the Constitution and to tack on a Bill of Rights to the amended version of the new document.

To our way of thinking the government has moved in too much haste to make a dramatic change in the fundamental document concerning Canadian life. The more haste and less thought that is put into the process now, the more the regrets will crop up as the years go by.

The legislation was only recently introduced into the House of Commons and to most Canadians it is still a very puzzling subject. Not one Canadian in a thousand even knows what amendments are being proposed or has considered the implications of the Bill of Rights.

Canadians need to take time to assimilate the suggested changes and to come forward with their own versions of what shape the documents should take before they become written in stone.

It appears to us that Prime Minister Trudeau has decided what will be in the Constitution and what will be in the Bill of Rights and is now rushing it through the House of Commons before Canadians have a time to react to the document. He has announced that he will retire shortly and obviously will consider the new Constitution and Bill of Rights for Canada as his monument. For a single man with eastern Canadian background and his roots in Quebec, to decide the fundamental faith of western and northern Canada, whose origins and problems are so different from his own, in our opinion is pure folly.

We in the west and north agree the Constitution should be repatriated. On this point nobody seems to disagree. However, the imposing of an amending formula without provincial agreement seems to us to guarantee that the fight over who has what power and who has what rights will go on for decades. The document can only cause deepening divisions between the provincial and federal governments and the regents of Canada with the federal government.

Our original British North America Act was put forth forward to bring together three distinct regions of Canada. The Maritimes, Upper Canada and Lower Canada met and agreed to give up some of their powers and to take such actions as they deemed necessary in common. The rights of language, the common actions for defence and the powers necessary to allow the central government to efficiently run Canada as a country were spelled out. A new BNA Act imposed to the federal government's

power in the House of Commons and with an amending formula that could bypass provincial agreement, would fundamentally alter this relationship. No provincial rights would remain safe from federal powers.

We fail to understand the urgency to change a document that has served all of Canada's people so well for more than one hundred years. Surely consensus can be reached on the needed changes and the Canadian people asked to vote on the proposals.

So that the rights of provinces, the rights of the regions, and the rights of individuals may be considered, we ask that the following steps be taken:

1. That by common agreement the provinces and the federal government convene a constitutional convention based on one delegate from each federal constituency elected by the voters of that constituency at large without party interference to consider together a new Constitution and Bill of Rights for Canada;

2. That the said electors be allowed at least two years to complete the process and that they should be paid by the Government of Canada while they are conducting this historic task;

3. That the results of their deliberation should be put to a national referendum;

4. That Canada should consider an elected Senate with two Senators from each province to better represent provincial rights and those of their region;

5. That in order for the Constitution to be amended, the federal government acting with consent of two-thirds of the provinces will be the required majority before changes can be made;

6. That groups representing the treaty Indian people of Canada be allowed to elect a group of delegates to the proposed constitutional convention;

7. That provincial governments be required to put into place provincial Senates which would be used to reflect regional representation within the province. These Senates should not be elected by population but to serve a specific geographic region such as northern Manitoba.

We can understand the anger and bitterness of provincial officials and many minority groups who feel threatened by changes they do not understand. The process of constitutional changes must be slowed down before we all end up with a hasty ill-considered document that will not satisfy any group of Canadians let alone the majority.

We must also enshrine the protection for regions from other regions so that the fundamental rights of all areas to seek a better economic condition will not be hampered by a heavy-handed regime in Ottawa using a Constitution that was never approved by the majority of Canadian citizens.

If Canada is to be reshaped, let it be by men of goodwill acting together in a common desire, not to take present rights we do understand away from us only to substitute them for rights that it will take generations of court procedure to define.

MR. CHAIRMAN: Thank you, Mrs. Wright. Would you permit questions from members of the committee?

MRS. WRIGHT: Certainly.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Yes, I would like to pursue a comment that you have inserted into the bottom of the first page. You say that you are making reference to the Prime Minister as being a single man from eastern Canada. In your opinion if he was a single man from western Canada would that make any difference to you?

MRS. WRIGHT: Certainly, my biases will all show.

MR. USKIW: Okay.

MRS. WRIGHT: Okay, but let me . . .

MR. USKIW: The other question I have is whether or not you are aware that this person married a western Canadian girl?

MRS. WRIGHT: Well, that was a very political move.

MR. USKIW: All right. Are you also aware that this western Canadian girl left with our Prime Minister two or three children, I can't remember how many, for him to raise?

MRS. WRIGHT: Yes, right, I'm quite aware of all that.

MR. USKIW: I am wondering why the reflection on a person being eastern.

MRS. WRIGHT: It's not single in the concept of being married.

MR. USKIW: Okay, that's a point of clarification.

MRS. WRIGHT: Right. I thought, for a one person, because that's how it appears to be.

MR. USKIW: Okay. You can see how you can misinterpret some things.

MRS. WRIGHT: Certainly.

MR. USKIW: You also end up by stating that the Constitution should be reshaped by men of goodwill. Do you not consider our Prime Minister to be a man of goodwill?

MRS. WRIGHT: No.

MR. USKIW: Why?

MRS. WRIGHT: Of course, this is turning into a very political question.

MR. USKIW: No, not at all.

MRS. WRIGHT: No, certainly it is because we all have our own political biases and I think that is right, and I do not think he is a man of goodwill, I think he is a man of extreme power and he's trying to exert his personal will on us.

MR. USKIW: How would you define a Prime Minister that would be a man of goodwill? How would one identify one?

MRS. WRIGHT: Well . . .

MR. USKIW: If this one isn't, how would you know it if you had one?

MRS. WRIGHT: Well, I am sure if you asked every person in this room you would have a different opinion of that, so really, I mean . . .

MR. USKIW: But the fact that the majority of Canadians elected Mr. Trudeau as Prime Minister, does that not indicate that in the minds of the majority of Canadians he must be a man of goodwill.

MRS. WRIGHT: No, not at all because that majority comes from the Province of Quebec, which is just one region in Canada, and it's true he does not represent all Canadians. They just happen to have the power by population. We in Manitoba don't have that kind of population. That is why we're asking that the Senate, there be two men from each . . . two people, pardon me, two people from each province to represent, because we are represented by population and let's face it, we're on the short end of the stick.

MR. USKIW: How many seats are there in the Province of Quebec represented in the House of Commons?

MRS. WRIGHT: I don't know the exact number but the majority.

MR. USKIW: Are you not aware that there are only about 70-some odd seats in the Province of Quebec? The Prime Minister enjoys the support of some 160-odd MPs or somewhere thereabouts.

MRS. WRIGHT: I understand what you are saying but I am still saying the power comes from Quebec —(Interjection)— and Ontario, yes, and I said that previously, and Ontario, two provinces.

MR. USKIW: All right, that makes sense. Do you believe in the parliamentary system?

MRS. WRIGHT: Certainly, but I don't think it's perfect. I think we need a benevolent dictator, but let's face it, we live in a democracy and we have to play by the rules of the game. That doesn't mean to say I have to like them.

MR. USKIW: No, but how would you restructure a parliamentary system?

MRS. WRIGHT: By trying to get better people into Parliament.

MR. USKIW: That's we all do.

MRS. WRIGHT: Certainly.

MR. USKIW: But the numbers are still there. If you have numbers of people concentrated; for example, this town has one MLA for the town, but around this town we have half of the Province of Manitoba, the geography, represented by one other person.

MRS. WRIGHT: Yes, it will be ever thus. I don't know how we're going to change it.

MR. USKIW: Should we take away some power from the one man that is here and give an additional man to the geographic area around Thompson in order to fulfill what you want?

MRS. WRIGHT: Well, let's face it, this constituency is probably the largest or the second largest in Canada and it's ridiculous for one man to try and cover it.

MR. USKIW: No, but my point is, should we have two men or three in that region . . .

MRS. WRIGHT: Certainly we should have more.

MR. USKIW: . . . and just have the one here in Thompson, notwithstanding that you have the population in Thompson to support another member?

MR. CHAIRMAN: I think before you answer, Mrs. Wright, I think Mr. Uskiw is talking provincially and you are answering federally.

MR. USKIW: Mr. Chairman, I merely outlining an analagous situation. In Western Canada we don't have the population, so we're not entitled to the number of MPs. The same as northern Manitoba, doesn't have the population and can't control problems in Winnipeg.

MRS. WRIGHT: Exactly. That doesn't mean I have to like it though.

MR. USKIW: No, I know, but . . .

MRS. WRIGHT: That's why I make those inferences.

MR. USKIW: We don't like it, none of us like it, but how can we change it without destroying the rights of the majority?

MRS. WRIGHT: Yes, but that's not the question here anyway.

MR. USKIW: What is the question?

MRS. WRIGHT: I'm here to try to answer something.

MR. USKIW: Okay.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mrs. Wright, on Page 2 of your brief, you talk about the rights, "so that the rights of the province . . ." may be considered; then you go on to suggest a constitutional convention at which there would be one delegate from each federal constituency, and that the results of their deliberations would be put to a national referendum. How do you see provincial rights in a province like Manitoba, Prince Edward Island, Saskatchewan, Newfoundland, New Brunswick being projected through that kind of process, where we would simply

not have the voting capability to control or protect in any way provincial concerns in Manitoba, or other provinces wouldn't have sufficient voting power to protect their provincial concerns?

MRS. WRIGHT: Okay, that wasn't my . . . this group that we sat down and discussed this with, this was one of their ideas to try to come up with suggestions because it's just about impossible to say how we could revamp this. I think our intent is that it's going through too quickly. That is the main thrust. I think it would be damned hard to get something like this organized. How could ever elect one person without a lot of political — you know, you would have 2,500 people running for that particular spot. I think that's a weak point there, but they wanted to put it in, so I said fine.

MR. MERCIER: That was my next question, so I won't ask that one.

Point Number 5, you refer to a method of amending the Constitution, the federal government acting with consent of two-thirds of the provinces. The one that is proposed in the federal proposal, that has been referred to as the Victoria Charter, is where you require the consent of two of the western provinces with at least 50 percent of the population and the consent of two of the four Atlantic provinces with at least 50 percent of the population, plus Ontario and Quebec, who have a provincial veto in perpetuity. This formula, I just wonder without going into detail whether you were attempting to refer here to what has been referred to as the Vancouver Consensus, which is a formula whereby two-thirds of the provinces, with at least 50 percent of the population, could approve amendments and the federal government would also have to approve to protect the national interest.

MRS. WRIGHT: What we're saying here is that right now that it would be done by population and again the west would be the losers. What we're saying, out of the 10 provinces, have two-thirds.

MR. MERCIER: Don't you think that you have to have a requirement that those two-thirds of the provinces make up at least 50 percent of the population?

MRS. WRIGHT: Fifty percent, say in the Province of Manitoba you would have to have 50 percent agreed.

MR. MERCIER: No, the seven provinces who would form the two-thirds would have to make up at least 50 percent of the population.

MRS. WRIGHT: No.

MR. MERCIER: You don't think so?

MRS. WRIGHT: I don't think so. I'm just saying that . . .

MR. MERCIER: You think that you could — well, it's an interesting concept, I suppose, the western provinces and the Atlantic provinces could pass amendments to the Constitution without the consent of Ottawa and Quebec.

MRS. WRIGHT: Well, that will never happen anyway. It's sort of theoretical, but it would be lovely. No, I really mean two-thirds of the 10 provinces.

MR. CHAIRMAN: Are you finished, Mr. Mercier?

MR. MERCIER: Just one other question, what do you think would be the role of a provincial Senate? That was done away with in Manitoba some years ago.

MRS. WRIGHT: Obviously, you can tell from the tone that we in the north, and you must get tired of listening to us, we sound like a bunch of cry babies, but we do feel a bit chippy because everybody seems to think that Dauphin is northern Manitoba. We really sort of feel we never get our voice across, so that's why we're suggesting that. Let's face it, the power is in Winnipeg, we're quite aware of that, but it doesn't mean that we should quit time. I mean you don't have to take these to heart; it's just to make you think.

MR. MERCIER: Okay, thank you, Mrs. Wright.

MR. CHAIRMAN: Mr. Blake.

MR. DAVID BLAKE (MINNEDOSA): Mrs. Wright, as to one point, you mentioned the results of the committee that would be set up, the results of their deliberations should be put into a national referendum. Who would you suggest word the referendum and what do you think the referendum should say, what questions should you ask the people on the referendum?

MRS. WRIGHT: That's a very loaded question.

MR. BLAKE: Would this committee do it?

MRS. WRIGHT: Of course, if they had that committee I would suggest that 10 provinces and one federal government would be able to come up with a question that wouldn't be like the Gallup poll, that would be a reasonable question that people could answer honestly.

MR. BLAKE: That would be the key I should think.

MRS. WRIGHT: I would think it would have to be.

MR. BLAKE: It wouldn't be misleading in any way because it could sway them or lead them.

MRS. WRIGHT: Sure, that's right. Yes, I'm not suggesting that kind, but people in good faith elect representatives to carry these tasks out for them. You just hope that's what would happen, but I do think there should be a referendum. I don't really think you know the feeling of Canadians without that referendum and I think people should have another couple of years to really think about this. Maybe the one good thing that Prime Minister Trudeau has done has provoked people into getting off their butt and reacting, but now he should allow us two years to come up with something else and for the provinces to get their message across to the people.

MR. BLAKE: Thank you, Mr. Chairman. Thank you, Mrs. Wright.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: I'd like to ask a question.

In No. 5 also, I would like you to elaborate a little more. You don't believe at all representation by population?

MRS. WRIGHT: I guess I haven't thought enough about it. All I know is for the last 10 or more years it seems to me all the power is in the east and I don't think it's really going to change that much, but the west has a lot to offer to this country too, and I feel like a western Canadian right now.

MR. DESJARDINS: I think we all do but I mean if we believe in representation by population, I don't see how we can accept 5, for instance, when you say in order for the Constitution to be amended the federal government would be acting on consent of two-thirds of the province. That means seven, so you can have a change in the Constitution without Ontario, Quebec and Alberta. Do you think that would work? What part of the population would you leave out? You know, when you're talking about a province like PEI, that's half of Winnipeg or something like that or a quarter or whatever.

MRS. WRIGHT: I understand what you're saying.

MR. DESJARDINS: So it is difficult and I would imagine that most of my colleagues are thinking the same thing and nobody has brought it up yet. You talk about these name people, special people to do that, people of goodwill. That would practically exclude all of us and so on in this way, because how can you divorce a political question from politicians? That's what it's all about.

You're elected to do something, you represent all your constituency and you're saying that it shouldn't be done so soon, and in a way I have the same concern, but I also remember that I've attended a constitutional conference in the days of Pearson. I think it is the system more than anything else and I don't know if you agree with me. There are some that are for Trudeau and nobody is neutral when it comes to Trudeau, either they hate his guts or they think he's the greatest. Maybe we could say that about other Premiers and so on and it seems it's the adversary system that we have. But I don't know if you agree with me that until you have different levels of government fighting for certain rights and then they leap frog for election. One year it's going to be this province who is very concerned with the election — no, Manitoba would never do that — and another year it's the other province and you never end up. Wouldn't you think that this is divisive, this business of going on, if you have two more years and so on, it's been going on for so long? That is my concern.

MRS. WRIGHT: To get back to the first part of your question. I was not intimating that politicians were not men of goodwill, because if you are not, then we're all doomed. I really believe that we have to have faith in our governments and I think it's really

sad that they're dumped on so much and so degraded, and I think it's too bad.

I think two years is nothing. For 113 years we've had The BNA Act. I think I live in the best country in the world and I'm so afraid of seeing it pushed out. All I think we need to do repatriate The BNA Act and leave it at that. I don't think we even need a Charter of Rights because I think we do have our rights.

MR. DESJARDINS: All right, you seem to be satisfied and I agree with you, I wouldn't want to live in any other country but this country, but I think it still leaves a lot to be desired, especially if you're a member of a minority. That brings us back to the question that was asked, would you agree to at least — I think you seemed to indicate that you don't believe in an enshrined Bill of Rights — what about for language rights?

MRS. WRIGHT: Of course, I think it's a crock, anyway. I think we should be a one-language country. English, of course, because I'm of that nationality, and when you say that you're immediately labelled as a prejudiced person. I really don't think that we've really come that very far being bilingual and I believe that when in Rome, you do as the Romans do. If I were to move to Montreal, I would learn French to survive. I think that's proper. I think that's the right way to do it.

MR. DESJARDINS: Can I stop you there because you said that we should have only one, it shouldn't be a bilingual country, but you seem to indicate that here it should be only English and in Quebec only French?

MRS. WRIGHT: No, I don't mean that at all.

MR. DESJARDINS: What do you mean?

MRS. WRIGHT: But because the majority of people who live in Quebec are French, naturally that will be the language because they are a very powerful people, and if that's the way they want it, why not? But they also learn English to survive in this country of Canada and the world we live in.

MR. DESJARDINS: So you don't think this should be a bilingual country at all?

MRS. WRIGHT: No, I don't.

MR. DESJARDINS: You don't think that as a Franco-Manitobaine I have any special rights to be taught in French or my children to be taught in French?

MRS. WRIGHT: I think it's further ahead for you to be taught in English and I would love us all to take French in Grade 1, but it is not offered. Until it is offered in Grade 1 or kindergarten, there is no way we're going to be bilingual.

MR. DESJARDINS: That's not exactly my question. My question is, she might not want it . . .

MRS. WRIGHT: No, okay.

MR. DESJARDINS: . . . but I'm talking about myself. You don't think that this is a right that was promised to me as a member of one of the founding races in Canada? You don't think that I have that right myself?

MRS. WRIGHT: No, I'm afraid I'm not and I sound very redneck when I say that. I'm not saying that . . .

MR. DESJARDINS: But you convince me though that we need an enshrined Bill of Rights, if I'm going to get anywhere. I won't call you a redneck.

MRS. WRIGHT: Right, well, it doesn't matter anyway.

MR. CHAIRMAN: Any further questions? Mr. Uskiw.

MR. USKIW: Yes, just one more point on that very subject. If you were to move to Montreal, would you want the right for you to educate your children in the English language in Montreal?

MRS. WRIGHT: Exactly, because I think it should be the same right across Canada.

MR. USKIW: Oh, wait a minute. Aren't you aware though that the provinces have rights or at least established rights through their own legislation in varying degrees, enshrining language rights within their province . . .

MRS. WRIGHT: Yes, I am.

MR. USKIW: . . . as we did in Manitoba for 100 years and were proven wrong. We were in violation of the very thing that you are suggesting we should be doing, you see. The Supreme Court said we had no right to do that, so since we had no right to do it but we did it for 100 years, doesn't it make sense to now entrench the language rights so that provinces or governments don't err in that way and that people of the two founding nations are protected as to their language rights?

MRS. WRIGHT: I don't consider Canada necessarily a country of two founding nations. That seems to be a natural assumption but I think we're a pot pourri of European nationalities in this country and I think that's what makes it a better country. A melting pot. I think that's the strength of our country.

MR. USKIW: But notwithstanding what we are, I agree that in Western Canada that's true, in Quebec, it's not essentially true, but in terms of legalities, we have a provision which suggests to us that we must provide certain basic rights to French Canadians living in Manitoba.

MRS. WRIGHT: Right, and it's an accomplished fact, so there's not much point in even discussing it.

MR. USKIW: Well, it isn't an accomplished fact, you see. The fact is that since 1890 we were in violation of that.

MRS. WRIGHT: Yes, but how many even were aware or did it even matter?

MR. USKIW: That's the whole point.

MRS. WRIGHT: Most Frenchmen can speak English and they are a lot smarter than us because they can speak two languages.

MR. USKIW: But you see, you're saying how many were aware? Well, most people weren't aware that we were in violation of that legislation since 1890.

MRS. WRIGHT: And most people didn't care.

MR. USKIW: Now if you had it entrenched in the Constitution, we would very much be aware of it.

MRS. WRIGHT: Yes.

MR. USKIW: Do you not agree if it was entrenched in the Constitution we would all be aware of it?

MRS. WRIGHT: Well, certainly, probably. What I'm trying to tell you is that you cannot legislate everything. People have to just get on and do their living. I think there's enough freedoms around that it's . . . you just can't legislate people to be better to other people.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, may I ask the lady then, how do you decide what the people want? You have just stated that — and you have the right to your opinion — that it should be a one-language country. Well, who's going to decide? I happen not to agree with you. How are we going to solve this between you and I?

MRS. WRIGHT: We'll never solve it, but we can still discuss it. I happen to believe that the English won the Battle of . . .

MR. DESJARDINS: Yes, okay, so what do we do?

MRS. WRIGHT: Well then, we never solve that particular problem.

MR. DESJARDINS: Do I get those rights in the meantime?

MRS. WRIGHT: You have them right now.

MR. DESJARDINS: No, not the way I want them, and I didn't have them for 100 years, and did the English people . . . what about in Quebec?

MRS. WRIGHT: Listen, the rest of Canada has been bending over backward for Quebec for so long that we're all weary of it.

MR. DESJARDINS: Well, that is also a matter of opinion.

MRS. WRIGHT: Well, sure it is.

MR. DESJARDINS: But what I'm driving at to be honest with you, I was trying to trap you, because you were saying all through your brief, you've been saying that you don't believe in representation by population, but all of a sudden I'm a minority, and I didn't trap you by the way, I'm a minority so

therefore my rights don't count, so you, as a member of the majority, have decided what kind of rights you will allow me, but you didn't like that a while ago for Western Canada, and you don't like it for northern Manitobans. So it's the problem that we see all over.

MRS. WRIGHT: Sure, I agree with that.

MR. CHAIRMAN: Any further questions? Seeing none, thank you Mrs. Wright. Are there any further persons present that wish to make representation to the committee?

Seeing none, committee rise.