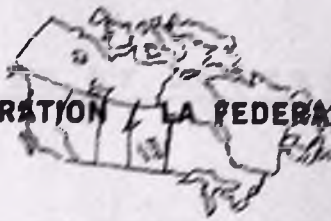
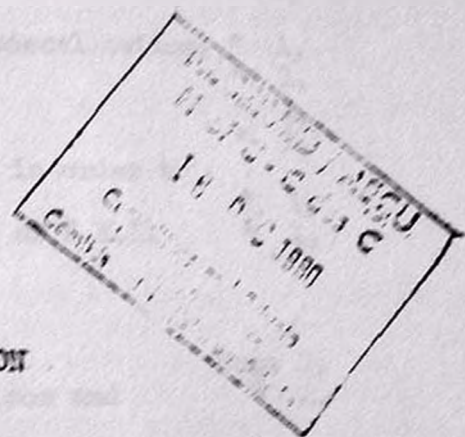


CANADIAN CITIZENSHIP FEDERATION / LA FEDERATION CANADIENNE DU CIVISME



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**PRESENTATION BY
THE CANADIAN CITIZENSHIP FEDERATION
TO
THE SPECIAL JOINT COMMITTEE
ON THE CONSTITUTION OF CANADA**

OTTAWA, DECEMBER 13th, 1980.

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I. INTRODUCTION

The principal aim of our Federation is the preservation and promotion of good citizenship. Therefore, we are pleading before this Special Joint Committee and are asking that all presentations be examined and synthesized in the light of CIVISM.

Our intention is to emphasize principles, rather than to search for legalistic wordings or specific amendments.

II. OPINIONS ON THE PATRIATION AND AMENDING PROCESS

A -a- Whereas Canadian patriotism constitutes a common bond among our members, we firmly believe that time has come to patriate Canada's Constitution. While we sincerely deplore the present situation of dissents, no one among us can honestly pretend that provincial unanimity on key issues could be reached within reasonable delay. Therefore we accept as timely and inevitable the historically imperative initiative and the unilateral action of the Canadian Government.

-b- We deplore the fact that the patriation issue and the entrenchment of a Charter of Rights and Freedoms became to a great extent a partisan affair. With respect to anybody's best intentions, we did expect and would have much preferred an interpartisan approach, if necessary, even through a Royal Commission or a constituent assembly with advisory powers.

We applaud all those organizations which, through their testimonies, succeeded in keeping these hearings as much non-partisan as possible.

B -a- We also believe that patriation without an amending formula would not mean more than an act of tokenism with insignificant, only symbolic value.

-b- The future choice of an amending formula will be the responsibility of those governments who will be ready to cooperate for a solution without putting forward other unrelated interests. Since Fulton & Favreau, our best constitutional brains conceived a number of workable formulae. One such proposition can be found in Part V. of the proposed Act too. It is one usable proposition among several others, not perfect but not worse than the others.

-c- We hope that our federal and provincial governments will not shy away from the task and will make serious efforts to utilize Part IV. of the Act, in order to defuse a rather chaotic situation with such components as partisanship, fractionalism, distrust and overacting righteousness.

- In the light of CIVISM, we would welcome an amendment to the Act, as already suggested by some other delegations, which would endow our smallest province, Prince Eduard Island, with some means to influence the outcome of future amendments within the framework of the present Act.

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III. CHARTER OF RIGHTS AND FREEDOMS

A/ Our Federation, by its very nature, did extensive pioneering work in helping to create public awareness of Human Rights. We also did our share in advocating their enactment in provincial and national laws. Human Rights are an essential part of our system of civic values. Being consequent to our former actions, we are supporting the entrenchment of a Charter of Rights and Freedoms into the Canadian Constitution.

We would still prefer and lend our enthusiastic support to an agreement between our governments in this respect. While such an agreement is beyond our sphere of influence, we accept facts as they are and will limit our comments to the text of this Act which is the subject of these hearings.

B/ It is a country wide consensus among our members and supporters that Rights Freedoms cannot be maintained without the acceptance of Responsibilities and Civic Obligations.

Nowadays, new immigrants are imbued with ample notions of rights and freedoms of which, having been brought up under dictatorships, many are hardly able to grasp the real meaning. This a complete reversal of the past when novices had to accept obligations first, before reaching some rights or freedoms. While that situation was unjust, the present extreme is often disruptive to our society.

For this reason, we strongly suggest, with the support of all our members, that a paragraph be added to the text of the Charter or, at least, mention of this should be made in a preamble, stating that Rights and Freedoms must be earned. They must be earned by the acceptance of responsibilities and obligations. Rights can only be guaranteed through Obligations and Freedoms can only be maintained by adopting individual and collective Responsibilities.

C/ Serious doubts have been expressed by outstanding Canadians about possibilities of the interference of judicial powers with the ultimate power of parliament, which might occur through a liberal interpretation of some Rights or Freedoms.

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In our opinion, such legitimate doubts could be alleviated by the inclusion of a preamble into the Act. Principles enshrined in a preamble would be used by the judiciary as guidelines for the interpretation of the law.

We suggest that the Special Joint Committee give serious consideration to the constitutional preamble which has been submitted to the Prime Ministers' Conference by the Province of Ontario. The ethical principles, as expressed in this preamble, would have a solidifying effect to all consequences of this Act.

D/ Our Movement was a pioneer in developing interethnic and intercultural relations on a wide scale among Canadians. De facto, the chain of Citizenship Councils across our country became the cradle of Canadian multiculturalism. The multi-ethnic fact of contemporary Canada was first recognized by the "B & B" Commission and then elevated to legal status by policies of the federal and several provincial governments.

Consequently and obviously, we wish to add our voice to previous suggestions for the entrenchment of Multiculturalism, the right to pursue and to preserve ethno-cultural heritages. Our preference would be a new section within the Act, eventually combined with section 15, establishing cultural rights and freedoms in the context of unreverseable multi-ethnic facts of the Canadian Social fabric. A minimum requirement seems to be the enshtinment of Multiculturalism either in a preamble to the Charter or to the Constitution.

E/ Our concern for the social development of Canada's Inuit and Amerindian peoples dates from the early stages of our Movement. We believe and suggest that their special status must find a place and be anchored in the Constitution. We not only believe that our society owes this to them but we also maintain the view that there is some historic urgency to embrace their problems. If they will be left in a sort of constitutional limbo or vacuum, the door will be wide open to the penetration of ideologies and to the spawning of actions which might become as detrimental to their future as to the general development of our country.

F/ Regarding the enumeration of rights and freedoms in some sections of the Act, and especially in section 15, we strongly suggest to abstain from going much further than the Universal Declaration of Human Rights and those International Covenants which Canda already ratified.

We support only a few, carefully selected additions, such as the protection of physically handicaped persons or "the equal right of men and women to the enjoyment of rights and freedoms, as recommended by the Canadian Human Rights Commission. We definitely disapprove the enactment of a long list of notions for "rights" and freedoms which, so far, are not sufficiently tested to their practicality. Their entrenchment might lead to controversies and chaotic situations, and might prove to be right those who opposed the entrenchment of a Charter at all. Mental handicaps, political beliefs, sexual orientations or other controversial social problems can reasonably well dealt with ordinary legislation. We agree with those who drafted the present text: they have no place in the Constitution.

IV. CONCLUSION

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All those Canadians who studied the proposed Act, who weighed and discussed its implications, who made an effort to agree among themselves and to delegate witnesses to this Special Joint Committee, are striving for best solutions. To put our opinions and suggestions into the proper light, we must admit there are only a few constitutional experts among our members. There are, however, a great many among us who are actively involved in community life, who acquired a grass roots' common sense expertize through their quest for higher standards of CIVISM.

The evaluation of our efforts will be at your discretion, distinguished Chairmen and Members of this Special Joint Committee.

Thank you for inviting us and for listening to us.

Nicolas M. Zsolnay, CM, Dr. Jur.
President.

INTRODUCTION OF THE DELEGATION,
BASIC INFORMATION ON THE FEDERATION.

APPENDIX No. 1.

In order to better understand, our organization and members of our delegation must be introduced.

Our principal spokesman is: Mr. Nicolas M. Esolnay, CM, Dr. Jur. He is a resident of Quebec and the President of the Canadian Citizenship Federation. He has deep roots in international scouting and, since twenty years, a leader within the Canadian Citizenship Movement.

Other delegates are:

Mr. Eric L. Teed, Q.C., a resident of New Brunswick. He is a former Member of the Legislative Assembly of the same province and a Past President our Federation. Dr. J. B. Rukhychyj, Professor Emeritus of the University of Manitoba and former Commissioner of the Royal Commission on Bilingualism and Biculturalism.

The historical background of our Movement and the objectives of our Federation are described in APPENDICES No. 2 & 3.

Our Federation is an umbrella organization comprising not only local Branches and regional Citizenship Councils but also other national or local organizations who, among a wide range of objectives, all share with us the concern for good citizenship. Such member organizations are: The Canadian Council for Christians and Jews, The Canadian Home & School and Parent/Teacher Federation, the National Chapter IOOE, The Salvation Army, The National Council of YMCAs of Canada, The Ontario Teachers' Federation, Women's Canadian Clubs, Councils of Women and others. They are englobing hundreds of smaller groups or organizations with a membership adding up to several hundred-thousands of Canadians. The majority of those who belong to our Citizenship Councils are Canadians of different ethno-cultural backgrounds. They are first-generation Canadians who share a deep concern about Canada's future as a nation and about the constitutional framework which will shape our common future.

Some of these groups already have sent their spokesmen with presentations to this Special Joint Committee. They have made their particular contributions to the hearings by focusing on their special group interests. We do not, neither to duplicate nor to weaken their suggestions.



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A FLASHBACK ON OUR FORTIETH ANNIVERSARY

The Canadian Citizenship Movement had its roots in the early years of World War II. It was conceived 40 years ago by Canadian patriots and humanists of different backgrounds in order to promote "CIVISM", or in other words "good citizenship" among Canadians. Sooner or later, local and regional Citizenship Councils took up the task, joining into a national organization. They received ample moral and financial support from governments and from the public.

From the postwar years onto the Centennial, the integration of immigrants became the main practical objective of the Movement. In order to enhance the impact of civic values on our society, ideologically, the moral acceptance and the legal implementation of human rights became a foremost priority. During those years, it was quite fashionable to belong to one of the Citizenship Councils and it was regarded a status symbol if one's name appeared on a Council's letterhead.

Changes became apparent after the patriotic climax of the Centennial. Factors, such as latent intellectual fatigue, emotional complacency, governments' shifting priorities, fiscal overspending, the general acceptance of even glorification of senseless radical dissent, and the diminishing support of the business world induced a sudden decline of the Movement, which was soon abandoned by many of its former leaders and supporters.

By then, fortunately, the integration of New-Canadians became such a far reaching success and civism so deeply entrenched in the minds of our citizenry, that the Grass-Roots were determined to take the Movement into their hands and "to go it on their own". Local and regional Councils took up the challenge and joined forces for a nationwide renewal. By late 1968 the objectives had been remodeled, activities reoriented towards present needs and the "Canadian Citizenship Federation - Fédération Canadienne du Civismisme" emerged in its present structure.

Subsequently, in order to offset the lack of funds, tens of thousands of yearly man-hours were offered by voluntary teams. They welcomed immigrants and helped them integrate into Canadian society. They organized receptions for new citizens and participated in campaigns among residents to apply for Canadian citizenship, always responding to the times. They organized Citizenship Week activities and school essay contests, and offered awards to outstanding citizens. They promoted interethnic relations, multicultural activities and programs of "approchement". They encouraged the respect of Canadian Symbols and emphasized awareness of a distinct Canadian identity. They submitted briefs and recommendations to various levels of government, successfully influencing legislation in the fields of Citizenship, Human Rights, Multiculturalism, Immigration, Education, etc.

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As a result of such activities, while entering the "Eighties", there is a renewed interest in our Movement which is gaining momentum again and is gaining more and more recognition. The credibility of our objectives and the usefulness of our activities are becoming more and more evident as we are facing a crucial period in Canadian History.

Flanked by several hundred individual members, twenty-three organizations, including eight Citizenship Councils and Chapters, are now the backbone of our Federation. Some of these organizations are branching out across Canada. Others, like the major Citizenship Councils, are regional umbrellas comprising some fifty to seventy member organizations and thus englobe tens of thousands of concerned citizens.

Members of the Canadian Citizenship Federation are certainly humble in the assesment of their achievements and their future potential; however, as they look ahead into the 80's, they are uncompromisingly proud of their ideals.

OTTAWA, January 1980.

Nicolas M. Zsolnay, CM, Dr. Jur.
President

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NOTE: Thirty, as of Dec. 1980.