

FREEDOM OF CHOICE PARTY BRIEF
ON THE CONSTITUTION

DEC. 1980.

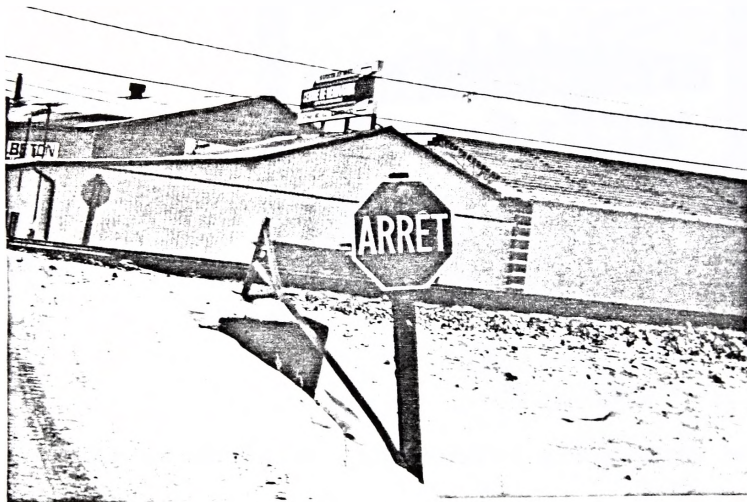
INTRODUCTION

This brief is in three sections.

First, we argue that Quebec's anti-English stance in recent years is unusual, unconstitutional and unreasonable.

Second, we argue that the proposed Constitution does not ameliorate the hindrances placed upon English-speaking Canadians living in Quebec. Indeed, the new Constitution occasionally legitimizes Quebec's anti-English actions.

Third, we make our recommendations.



THE NEW (DEC. 1980) RAILWAY CROSSING SIGN ON THE C.N. TRACKS
8 MILES FROM MONTREAL.

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FIRST SECTION: THE UNUSUAL, UNCONSTITUTIONAL AND UNREASONABLE
NATURE OF MODERN QUEBEC

"Should not the will of the majority be imposed upon the minority; the answer to this question depends upon one's attitude to freedom."

Sir Ivor Jennings.

We use signs, labelling and education to summarize modern Quebec.

Most Canadians are aware of the French-only requirements in supermarkets, highways and advertising. Even English newspapers must advertise in French.

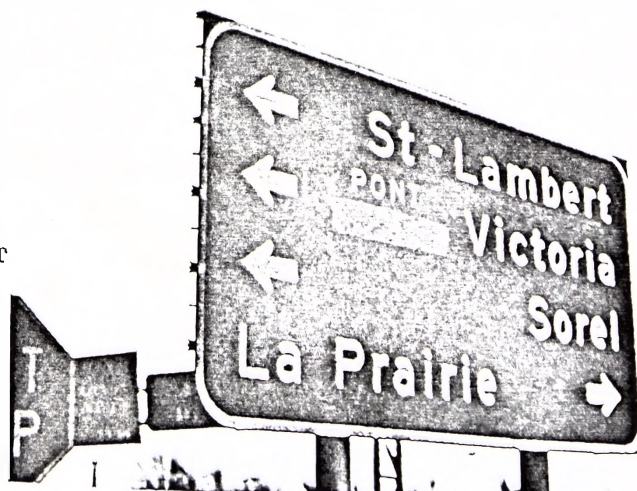
ADVERTISING
ENGLISH
NEWSPAPERS
IN QUEBEC.



As is shown on the cover, after some hesitation the elimination of the word "Stop" from "Stop" signs continues.

Even provincial signs on FEDERAL land are unilingual NOT bilingual in Quebec. For instance, the sign indicating the Victoria Bridge at the St. Lambert lock has a large metal plate

EXAMPLE OF PROVINCIAL
SIGNS ON FEDERAL LAND.
(ST. LAWRENCE SEAWAY
COMMISSION. ST. LAMBERT
LOCK)

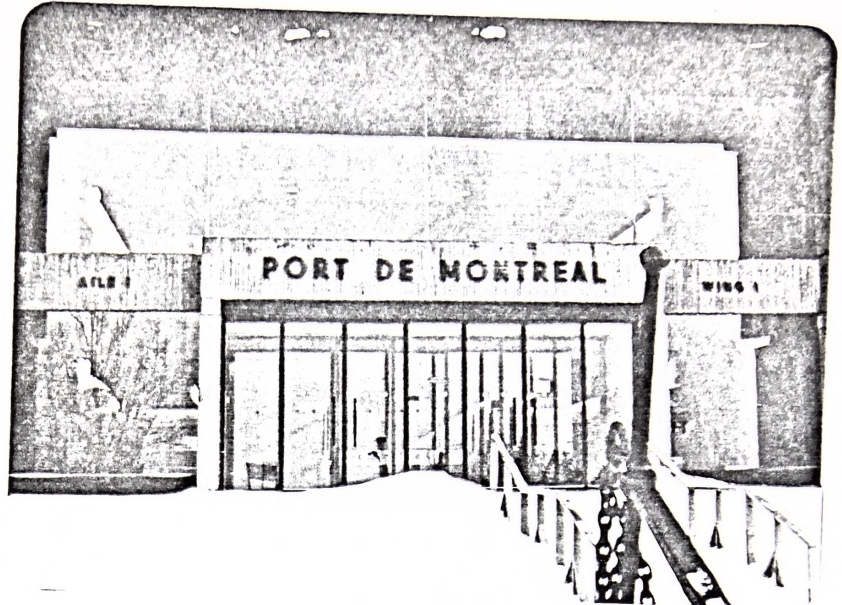


welded over the word "bridge" and all the signs to the lock have

Indeed, FEDERAL signs

are frequently unilingual French in Quebec.

PORT OF
MONTREAL
HEADQUARTERS



C.B.C. PARKING
LOT

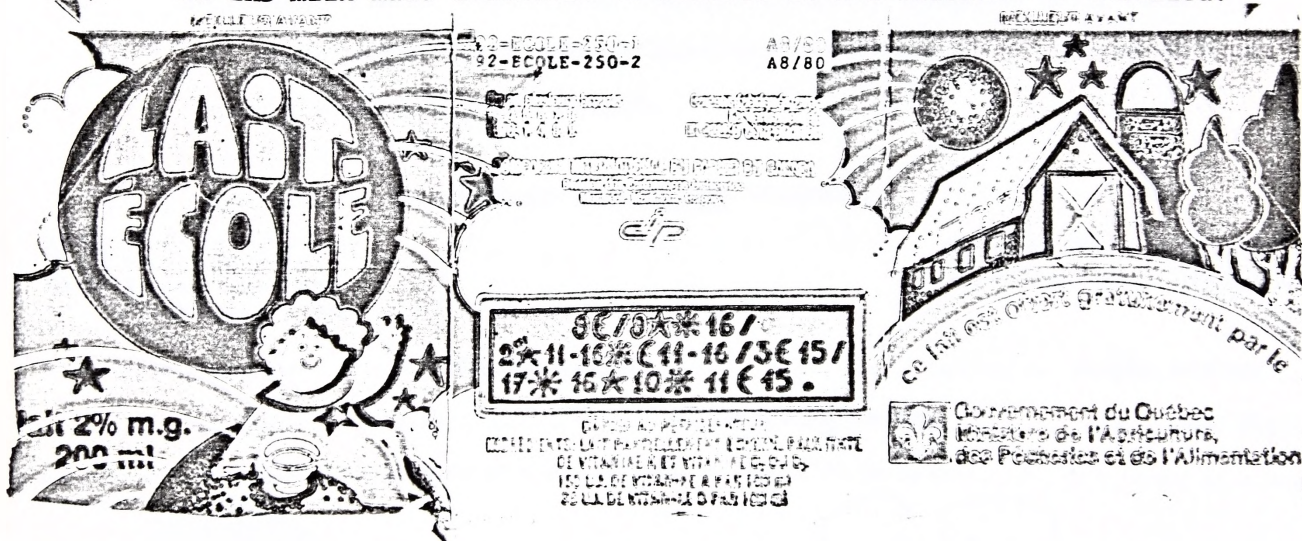


FEDERAL BILL-
BOARD FOR
THE TRAVELLING
PUBLIC AT THE
VICTORIA BRIDGE.



However, there is one sign that always has English - the one exhorting young people to join the army.

Turning to Labelling, Quebec Government products such as the milk made available to schools is not bilingually labelled.



Article 54 of Bill 101 requires a separate version of educational games and toys. This has resulted in the elimination of many EDUCATIONAL games and toys such as "Mothercare" toys from England that may not have a separate French version available. "Mothercare" toys are trilingually labelled (English, French, German).

In addition, medicines and quasi-medicinal products such as the diabetic Barton's chocolate were banned if available only with English labelling. However, the application of Bill 101 to medical products appears to have been relaxed.

All documents issued by the Quebec Government from driving licenses to birth certificates for English-speaking children are French only.

Quebec Quebec	
EXTRAIT DU REGISTRE DES NAISSANCES	
Nom	Date de l'enregistrement
Prénoms	Extrait certifié conforme du registre de
Lieu de naissance MONTREAL	Trinity Anglican, bTL
Date de naissance	pour l'année
Père	Le 1980-11-03 MONTREAL , Québec, Canada
Mère	
Prototaire	

Turning to education, we see that high school graduation diplomas, report cards from English Catholic schools, and, even the application forms and eligibility certificates to attend English schools are unilingual French.

ELIGIBILITY CERTIFICATE TO ENGLISH SCHOOLS.

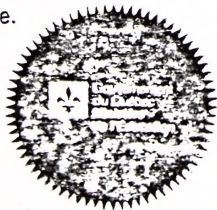


Gouvernement du Québec
Ministère de l'Éducation
Bureau de l'admissibilité
à l'enseignement en anglais

DÉCLARATION D'ADMISSIBILITÉ
À L'ENSEIGNEMENT EN ANGLAIS

Le soussigné déclare que _____ fils (fille) de _____
_____ et de _____, né(e) le _____

est admissible à recevoir l'enseignement en anglais en vertu de l'article 73, paragraphe A, de la Charte de la langue française.



1979-09-19
(date)

désigné par le Ministre

In professional areas licensed by the Province, students may qualify ONLY in French even if working entirely in English with English-speaking people. As has been publicized, English Quebecers such as nurses in training have much higher failure rates than French Quebecers who do NOT take French tests let alone tests in English. Yet, pilot studies indicate that approximately 15% of FRENCH Quebecers would fail the FRENCH tests.

Last but not least in education, English-speaking PROTESTANT Canadian children are being coerced into French CATHOLIC schools. The six child plaintiffs in the Quebec Federation of Home and Schools case against Bill 101 are English Canadian PROTESTANTS including one Jehovah's Witness who are being coerced into French Catholic schools. This coercion is Quebec Government POLICY - according to a statement by Premier Lévesque at MacDonald-Cartier High School, March 1979.

There is little need to emphasize how unusual and unreasonable Quebec is in a Canadian content, especially as the Federal Government pursues an often fanatically bilingual policy throughout the rest of Canada. Whereas other provinces are required to have bilingual labelling, bilingual Federal signs and are criticized for their attitude to the "other" Official Language, Quebec is not. For instance, we hear endlessly about bigotted Canada anglophones who want French removed from cornflakes. Yet, we never hear criticisms of the bigotted Quebec francophones who actually HAVE removed the English from the milk children might pour on to those cornflakes.

In an international context, the Quebec situation is unusual. One may qualify in English in many countries such as Germany, Denmark and Sweden that have no native English population as is found in Quebec. As regards the coercion of Protestants into Catholic schools, no other country, including the Third World Countries, appears to do that. The last European case seems to be French in 1871. Turning to toys, only five non-communist countries ban toys besides Canada. For instance, two Latin American dictatorships ban Sesame Street toys because of their American "values".

As for public signs, Montreal has now fewer public signs in English than cities such as Athens, Paris or even Tokyo that have no native English-speaking people.

TOKYO SIGNS

PUBLIC GUIDES IN ENGLISH

COMMERCIAL ADVERTISING (FOR NIPPON PAINTS) IN ENGLISH.



Besides being unusual and unreasonable, the Quebec situation is often unconstitutional.

The Canadian Consumer Packaging and Labelling Act (1971) Section 8 (2) says:

"All information required by the Act and these Regulations to be shown on the label of a prepackaged product shall be shown in both official languages..."

Yet, the Quebec Liquor Commission's own products - as opposed to the bilingual imports - are now labelled ONLY in French in the liquor commission outlets and in grocery stores selling wines.

QUEBEC LIQUOR COMMISSION

UNILINGUAL LABEL (1981)

11% alc./vol.

750 ml

Bordeaux

APPELLATION BORDEAUX CONTRÔLÉ

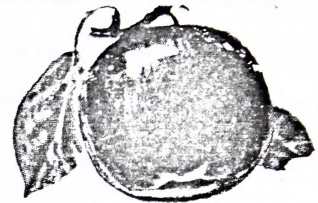


Produit de France

VIN IMPORTÉ ET MIS EN BOUTEILLES PAR
SOCIÉTÉ DES ALCOOLS DU QUÉBEC
MONTRÉAL, QUÉBEC

NOVA SCOTIA'S PRODUCTS

WHEREAS THERE ARE VIRTUALLY NO FRENCH SPEAKERS
IN NOVA SCOTIA, QUEBEC HAS OVER 1 MILLION
ENGLISH SPEAKERS. YET, NOVA SCOTIANS MUST USE
FRENCH WHEREAS QUEBECKERS NEED NOT USE ENGLISH.



Turning to the unconstitutional nature of signs in Quebec, we see that the Official Languages Act requires the travelling public to have bilingual signs. Yet, as has been illustrated, the travelling public often has access only to French signs in Quebec.

Moving to the unconstitutional education situation in Quebec, Articles 72, 75 and 79 of Bill 101 are a direct constitutional challenge to Section 93 of the B.N.A. Act. (See Appendix 1) Indeed, despite a Supreme Court of Canada decision in the 1950's specifically forbidding the coercion of Jehovah's Witnesses into Catholic schools, as indicated, one of the child plaintiffs in the Q.F.H.S. case against Bill 101 is a Jehovah's Witness coerced into a French Catholic school.

Besides trampling upon religious rights, Quebec's actions trample upon other educational rights.

As can be seen in Section 93(2) of the B.N.A. Act (Appendix 1) school boards in Quebec have a legal existence and legal powers under the Constitution. Legally, the powers held by school boards prior to 1867 were continued AFTER 1867. According to the Consolidated Statutes of Lower Canada (1861) which have never been repealed, included among the rights and privileges of School Trustees was the exclusive right to determine the language of instruction in schools.

In addition to violating the Constitution as regards language and religion in education, Bill 101 violates the Constitution when it requires only French to be used for professional qualifications. The Supreme Court of Canada decision in Dec. 1979 stated:

"it would be overly technical to ignore the modern development of non-curial adjudicative agencies which play so important a role in our society, and to refuse to extend to proceedings before them the guarantee of the right to use either French or English by those subject to this jurisdiction."

Although the Supreme Court decision clearly requires English, the Quebec Government continued with their language tests. People such as nurses in training are still being failed one year AFTER the Supreme Court of Canada's decision.

SECOND SECTION

"Laws can, and often are subverted."

Jennings

Having given a very brief summary indeed about the situation in Quebec, we now relate this to the Constitutional proposals.

First Argument

Neither the Federal Government nor the Quebec Government is upholding the present constitution as far as English Quebec rights are concerned.

(a) Whereas there are offices of the Commissioner of Official Languages from Victoria, B.C. to New Brunswick for Franco-phones outside Quebec, there is no Quebec office for Anglo-phones inside Quebec. There is no telephone number for the Commissioner in the Montreal telephone book.

The Freedom of Choice Party have had meetings with Mr. Yalden and his aides, sent them photographs, labels, complaints, and letters, yet the violations against the Official Languages Act continue in Quebec.

For instance, the C.M.H.C. listings from the Federal Government were issued only in French after Bill 101. We complained to Mr. Yalden, the listings became bilingual again but after a few months reverted once again to unilingual French.

FEDERAL LISTING FROM THE C.M.H.C. (See Appendix 4 Unilingual Listing)

The information contained in this listing is correct to the best of the Listing Broker's knowledge - Les renseignements apparaissant sur cette inscription sont exacts au meilleur de la connaissance du Courtier Inscripneur.

REVENUE PROPERTY				MF 100-A		PROPRIÉTÉ À REVENUS	
District 8400 Rosemère		Address - Adresse 202-264 Hardy, 230-260 Montée Lesage, 532-542 North Cote <small>Near - Près de</small>		Gross Revenue (#) Revenue Brut Potential Potential	Cash - Comptant \$135,000.00	Price - Prix \$1,350,000.	M.I.S. No F-38742 <small>Page 1</small>
Age 1972	Size Bldg. - Dim. Bât. N/A	Size Lot - Dim. Terrain irrégulier irrégulier	Cad. Par. - Cad. & Sub. Division Voir annexe "A" See Appendix "A"	Assessment - Evaluation L/T \$ 68,700 B/E 1,116,000 TOTAL \$184,700		Stoves - Four APPENDIX "B" Refrigerators - Réfrigérateurs ANNEXE "B" Elevators - Ascenseurs Incinerator - Incinérateur Laundry - Blancherie Heating - Chauffage ANNEXE "A" Hot water - Eau chaude APPENDIX "A" Garage Exterior Parking Stationnement Extérieur 72	
Stores - Étages 2		Zoning - Zonage H.M. 888		Approx. Surf. Ter. 21,469 m ² Appointments - Rendez-vous 341-6060, 137/179			
GENERAL DESCRIPTION - DESCRIPTION GÉNÉRALE FOR 3 MONTHS DURING XXXX 1979 there was an attempt at bilingualism, then it returned to Unilingual French. VOIR ANNEXE "A" SEE APPENDIX "A"							
M G E / H Y P	\$ 1,215,000.	% 11	Due - Échéance 5/35	Mortgages - Cédantier S.C.H.L. / C.M.H.C.		Repayment - Remboursement (1) paiements égaux / equal payments \$11,153.39 (2) paiements progressifs / graduated payments \$8,419.64	
Sb. - C.V. 5-etc.		Listing Date d'Inscr. Jan. 12/79		Salesman - Agent Claude Allard Johanne L. Barrette		L.B. - C.I. S.C.H.L. / C.M.H.C. Address 2350 Chemin Manella Road Ville Mont-Royal, Québec Tel.	



Not only does the Federal Government make it difficult to buy a house and to work in English in the real estate business in Quebec, but as can be seen in the address, the Federal Government complies with Quebec's language policy and has changed the English suburb "Mount Royal" into Ville Mont-Royal.

(b) Whereas approximately \$100,000 Federal dollars was given to George Forest to fight the Manitoba Act, only \$10,000 was given to defend English Protestant children coerced into French Catholic Schools under Bill 101. NOTHING was donated by the Federal Government to Mr. M. Walsh of Montreal challenging a unilingual French parking ticket in Quebec.

(c) Whereas English Canada has become institutionally bilingual to a fanatical degree, Quebec has become unilingual French to a fanatical degree. For example, the "Fasten Your Safety Belts" and "No Explosives in the Lafontaine Tunnel" signs in English on the Federally funded Trans-Canada Highway have been carefully painted out.

(d) Federally funded Quebec groups such as Positive Action or The Council of Quebec Minorities are in fact branches of the Federal Liberal Party. In turn, one finds that such groups spend a great deal of this time attempting to rectify grievances OUTSIDE rather than inside Quebec.

(e) Mr. Warren Allmand stated as a Member of the Constitutional Committee that the Federal Government deplored both the Manitoba Schools Act and the coercion of Jehovah's Witnesses into Quebec's Catholic Schools in the 1950's. These points are made to assert the virtues of Federal bilingualism to James Richardson.

In reality, Mr. Allmand, while a Member of the Cabinet, failed to deplore Quebec's coercion of Jehovah's Witnesses under Bill 101 - when it matters. In fact, Manitoba's abolition of denominational schools in the 1890's was in the mainstream of Western educational practises of that time. In contrast, Quebec's discrimination against children in the 1980's is completely outside the

mainstream of Western educational practises of our time.

(f) To illustrate the weaknesses of this new Constitution as it applies to Quebec, we need look only at Article 15. We note that non-discrimination with respect to "race, nationality or Ethnic origin, colour, religion, age, or sex" are included. Discrimination by virtue of language is omitted. Since Quebec is the only Canadian Province to discriminate by virtue of language via laws such as Bill 101, we see that the Constitution makers are intent upon accommodating rather than challenging the nature of discrimination in Québec. (See Recommendation No. 9)

(g) The Federal Government is doing little to improve the Anti-English climate of opinion in Quebec. Indeed, it is trendy to attack English Quebecers for NOT accepting Bill 101.

As for the Quebec Government, there is little need to dwell upon their creation of an Anti-English Climate of opinion via shrill statements and dubious reports. For instance, as recently as 1970, Quebec Government studies were claiming that Montreal would be English-speaking by 1981.

Summary of First Argument

Our first argument is that since BOTH the Federal and Quebec Governments have failed to uphold the Constitutional rights of English Quebecers under the old Constitution, there are no assurances that they will uphold English rights under the new Constitution.

We want methods to enforce rights in the new Constitution since BOTH Governments have failed us.

In our 2nd and 3rd arguments, we focus on education to provide a common thread to explain our objections to the new Constitution.

Second Argument

"The action of the State must be dissected to achieve the happiness of all sections of the community; without regard to wealth, race, religion."

Jennings

Mr. Trudeau is absolutely correct when he states that the new Constitution would leave Bill 101 largely intact. In short, we agree with Mr. Trudeau and argue that this new Constitution does not restrict the often odious restrictions placed upon English and the English in Quebec.

(a) Since these new Constitutional proposals do not shape a remedy to the problems faced by English Quebecers, we must object to these proposals as inadequate. For instance, there is no remedy to speed up settlement of constitutional disputes. The Bill 22 provisions restricting access to English schools were declared moot because by the time they had reached Court, Bill 101 had replaced Bill 22. A similar fate may happen to Bill 101's educational challenges. It means that since Bill 22, many children have been forced into French schools for the last seven years - PERHAPS UNCONSTITUTIONALLY. Turning to Bill 101, the Protestant children forced into Catholic schools have been there for over THREE YEARS. We cannot prove political interference in the Court System, but it is against the Federal Liberal Party's interests to have the Courts strike down the barriers around English schools, thus taking the pressure off English Canada to change. Nevertheless, in a child's education, it is obvious that justice delayed is justice denied. Consequently, the notion of restraint and effective methods of limiting the abuse of Provincial Government power are absent from this Constitutional proposal.

(b) This proposed Constitution postpones solving, and, even occasionally accommodates the fact of anti-English legislation in Quebec. As has been indicated, school boards had a legal existence under the B.N.A. Act. Yet, school boards do not have a place in the new Constitution. This leaves the individual to face the

Quebec State alone rather than as part of a constitutionally recognized group.

As is obvious from recent events in Quebec, the power of the Quebec Government has grown, is growing and ought to be diminished.

We deplore the centralization of powers at provincial levels of authority in two senses.

First, there is a need for a greater recentralization of power to ensure a Canadian national perspective. In education, for instance, Canada is the only Western country apart from Switzerland with no Ministry of Education.

Second, there is a need for a greater decentralization of power down to local, municipal and the level of ordinary citizens. We need to create intermediate organizations between the citizen and the State.

We object then to the nature of the centralization and decentralization proposed. For instance, the absence of a strong central presence means that English Quebecers have neither the constitutional right nor the ideological reason to work and qualify in English, the major language of Canada.

We point out that the B.N.A. Act of 1867 was in marked contrast to the present proposals. The B.N.A. Act created a whole host of intermediate groups that came between the citizen and the Dominion Government. First, the PROVINCIAL Governments of Ontario and Quebec were created, and, were, in Galt's famous Sherbrooke speech of Nov. 23rd, 1864, intended to be "local governments" subordinate and clearly of a lower order than the Dominion Parliament. Second, the B.N.A. Act confirmed the position of school boards so that a constitutionally guaranteed organization would face the Provincial and Federal Government in education.

We point out that under this new Constitution, the way is open to ABOLISH school boards and indeed Section 133 of the B.N.A. Act by virtue of Articles 34 and 43 of the new Act. Articles 39 and 43 read:

"... an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation..."

Since Section 133 applies only to Quebec, the way is open to abolish it. We deplore this.

- (c) The new Constitution allows situations such as "the reconquest of Quebec" and "placing the burden of bilingualism upon English Quebecers" (Quebec's White Paper on The French Language) to continue.

In addition, no extra resources have been diverted to English Quebecers to meet this "burden". Indeed, resources such as the educational grants for bilingual education will continue to be diverted AWAY from Quebec's English minority.

1. Equal treatment as regards resources and burdens between English/French Quebecers.
 - (a) Equal economic input into English schools -- this is NOT being done.
 - (b) Equal intellectual output for English and French children (right to qualify in English).
2. Treatment as equals, that is, the right to be treated with the same respect and concern as Francophones are treated in Quebec. If it is difficult for Francophones to work in English, it is equally difficult for Anglophones to work in French. If the French language is to be respected, we want the English language to be respected to an EQUAL degree, no more, no less.

As has been shown earlier via labels and photographs, the English

language is not being treated with as much respect as it merits in many, perhaps most Western countries. Yet, as Prime Minister Trudeau admits, Quebec's anti-English stance will continue AFTER the new Constitution is in place.

Summary of Second Argument

The new Constitution does not end many of the bizarre aspects of Bill 101, does not speed up a settlement of Constitutional disputes, centralizes and decentralizes power in such a manner as to ignore the interests of English Quebecers (such as leading to the abolition of school boards, social service organizations and hospitals).

Equality for English Quebecers is conspicuous by its absence in these proposals.

Third Argument.

"Laws must not make irrelevant distinctions."

Jennings

The new Constituion does not build upon the Canadian past, ignores the diminution of Quebec's English community and has few individual rights written into it.

(a) Rather than giving powers and rights to existing school boards, this Constitution creates two classes of citizens with two classes of rights -- Provincial majorities and Provincial minorities. This is an irrelevant distinction. Nowhere does the Constitution talk about NATIONAL majorities and minorities. Using the work of Professor Kwavnick, we raise questions about determining who is part of the minority as opposed to the majority. Linguistic majorities in a Province can be Constitutionally prevented from attending minority schools.

Indeed, non English-speaking immigrants may be coerced into Quebec's French schools. Does this include Scots, Irish or Welsh Gaelic speakers to whom English is a second language? This

Constitution institutionalizes the barriers placed by the Quebec Government around English schools in recent years. We deplore the Federal Government's actions that will result in a further shrinking of Quebec's already shrinking English population. We deplore emphasizing an immigrant's past while de-emphasizing the Canadian present -- TWO systems of Quebec schools

- (b) This brings us to point out that the English are already UNDER-REPRESENTED in Quebec's school system (84.5% of Quebec's school children are in FRENCH-speaking schools).

Indeed, as has been publicly admitted by Premier Lévesque, there is NO DEMOGRAPHIC threat to French Quebec from the English community.

Yet, present Federal Government's policies are based on the assumption that it is desirable to support the continued existence of French-speaking minorities outside of Quebec, and, this attitude is reflected in the proposed Constitution. We do NOT challenge this assumption, but, assert that it is equally important to ensure the survival of the English-speaking minority within Quebec. It has not yet dawned upon Ottawa that the Anglophone minority of Quebec has become an endangered minority which merits the same support as is now given to Franco-phone minorities elsewhere. (See Appendix 2).

- (c) While we realize that British ideas have fallen into disfavour in Canada, we argue that Canadian citizens should have as many rights as have British citizens. To illustrate the British attitude to rights in for instance Education, we look at the 1944 Education Act. Article 36 of the 1944 Education Act reads:
- "It shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude, either by regular attendance at school or otherwise.

The "or otherwise" gives British parents the right to educating children themselves. Canadians do NOT have this right.

Article 76 of the 1944 Education Act reads:

"...so far as is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents."

The 1944 Education Act is studded with the rights of parents and children. The contrast with Canada's proposed Constitution is obvious. By failing to include the rights of parents, the proposed Constitution once again accommodates the anti-English legislation of the Quebec Government. We believe that this proposed Constitution is wrong in principle if it allows the Quebec Government to separate English from French schools, and, to place entrance barriers around English schools.

We assert that the critical educational relationship is that of the parent and the child. In contrast, this Constitution establishes the Province and the child as the critical educational relationship.

In addition this example of British as opposed to proposed Canadian rights illustrates the abandonment of INDIVIDUAL rights in the proposed Constitution. We are not merely abandoning the B.N.A. Act and its 19th century liberalism, but by emphasizing "provincial majorities" and "minorities" we are abandoning the basic individualism inherited by all Canadians.

- (d) Unlike the present proposals, previous Constitutional re-arrangements in Canada were accompanied by territorial re-alignments to accommodate linguistic groups.

(d) Continued...

1. 1763 Proclamation Act: shrinks Quebec's boundaries.
2. 1791 Constitutional Act: divides Quebec into Upper and Lower Canada.
3. 1841 Act of Union: unites Upper and Lower Canada.
4. 1867 B.N.A. Act: creates Quebec and Ontario Provinces and creates separate Provincial assemblies.

The fact that there has been no consideration of geographical or territorial re-alignment in this present Constitutional proposal points again to the reluctance of the Constitution makers to consider the need for English Quebecers for some form of legal or territorial guarantee.

One very important past Canadian solution to political problems -- territorial division -- has been deliberately avoided.*

Summary of Third Argument

The new Constitution creates a new concept (provincial majorities) and builds irrelevant distinctions; does not acknowledge that English Quebecers are an endangered minority; does not acknowledge individual rights to the degree such rights are acknowledged in countries such as Britain and represents a serious breach with past Canadian Constitutional proposals.

* This can also be applied to the question of native rights in Canada, the Labrador Boundary dispute and the refusal of Quebec to allow Newfoundland power to be transmitted over its territory to the United States.

THIRD SECTION

RECOMMENDATIONS

"Liberty is a consequence not of laws and institutions but of an attitude of mind."

Jennings

While we object to the concept of a Bill of Rights -- we have more rights than can be contained in a Bill of Rights -- we suggest the following should be added if we must have such a Bill.

As indicated in the brief, the new Constitution sins by omission in that it does little to ameliorate the plight of English Quebeckers.

1. There must be a mechanism to control Federal and Provincial officers who ignore or subvert the Constitution, whatever it may be. The right to sue officials should be included in the Constitution.
2. There should be improved legal mechanisms to speed up challenges to Federal and Provincial laws by CITIZENS.
3. School boards and local government should have a place in the Constitution.
4. The rights of PARENTS should be put in the Constitution. We suggest Article 26 of the Universal Declaration of Human Rights, which says "Parents have a prior right to choose the kind of education that shall be given to their children."
5. An independent tribunal be set up to oversee and enforce the Constitution.
6. Related to Recommendations 2 and 5, three Human Rights Commissioners named who would form an independent tribunal to protect English, French and other minority rights in Canada under the Constitution.
7. No legal prohibition upon the individual to speak and work in the Official Language of his/her choice.
8. An equal distribution of resources and burdens between the two language groups be guaranteed.

RECOMMENDATIONS Cont'd.

9. Regarding the articles of the Constitution Act specifically referred to in the body of our brief, we make the following recommendations for change:

Article 6, Mobility Rights

Subsection 3 should be modified to include the additional underlined words:

(3) the rights specified in subsection (2) are subject to

- (a) any laws or practices of general application in force in a province other than (i) those that discriminate among persons primarily on the basis of province of present or previous residence and (ii) those that discriminate on the basis of language normally spoken.

Article 23, Minority Language Education Rights

This article, both in its original version and in the amendments offered by the government should be radically altered so that all Canadian parents enjoy the same right: the right of choice of either of Canada's official languages as the child's language of instruction, regardless of residence, origin, parental language learned in schools or first spoken at home.

Articles 34 and 43: the Amending Formula

By exception these two articles should be made inapplicable to those provisions of the British North America Act dealing with educational guarantees and language rights (sections 93 and 133).

EDUCATIONAL CLAUSES OF
THE B.N.A. ACT, 1867

"93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions--

- (1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
- (2) All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
- (3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:
- (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section."

EDUCATIONAL CLAUSES OF
BILL 101, 1977

"Article 72. Instruction in the kindergarten classes and in the elementary and secondary schools shall be in French, except where this Chapter allows otherwise.

Article 75. The Minister of Education may empower such persons as he may designate to verify and decide on children's eligibility for instruction in English.

Article 79. A school body not already giving instruction in English in its schools is not required to introduce it, and shall not introduce it without express and prior authorization of the Minister of Education

The Minister of Education shall grant the authorization referred to in the first paragraph if, in his opinion, it is warranted by the number of pupils in the jurisdiction of the school body who are eligible for instruction in English under Section 73."

The complete indifference usually shown toward Quebec's minority appears attributable to the belief, widely held at Ottawa, that the English-speaking minorities elsewhere, to such an extent that support is completely unnecessary. This myth has been actively encouraged by the present provincial government, in documents tabled during the hearings on Bill 101 and in subsequent reports issued by the Ministère de l'Immigration and others. (a)

It is, of course, quite true that there has been very little assimilation from English to French, so the danger to the English language within Quebec is quite dissimilar to that threatening the continued existence of the Francophone minorities in other provinces. This, however, does not mean that the English-speaking population of Quebec is holding its own; on the contrary, we believe that attrition from outward migration is weakening the English minority in Quebec to such an extent that its survival is as uncertain as that of the French minorities outside Quebec.

With the exception of a brief period in 1974-76, the decade just ended has been marked by heavy outward migration from Quebec. As more than three-quarters of Quebec's Anglophones live in Montreal, it is particularly significant that the population of the metropolitan area increased only moderately during the period 1971-76 and has actually decreased since 1977 (b). This exodus has particularly affected the Anglophone minority; to quote a recent study by Iachapelle and Henripin:

"de 1971 à 1976, la propension à émigrer du Québec vers la reste du Canada atteint 12.4% chez le groupe anglais et 0.9% chez le groupe français" (c)

The census to be taken in June of this year will show what has happened to Quebec's population during the 1971-1981 decade. It is certain that the English-speaking minority is continuing to slip, as a percentage of the total population; it is almost certain that the results of the census will show that there are fewer English-speakers today than there were in 1971. If its numbers are dropping, then the Anglophone population of Quebec has become an endangered minority which merits the same support as that now given to Franco-
phone minorities elsewhere.

APPENDIX 3

As a slight aside to our main arguments, we notice that one reason for the Bill of Rights and giving more power to the Supreme Court was that the coercion of Japanese-Canadians during the war would have been stopped. In reality, while the British are passing the 1944 Education Act, we note that the American Supreme Court in 1944 stated that it was constitutional under the American Bill of Rights to deport the 112,000 Japanese Americans from California. Therefore, if the mechanisms of a Bill of Rights and Supreme Court failed to prevent the Japanese-Americans being deported, we fail to see why such mechanisms would operate in Canada.

VENUE PROPERTY				PROPRIÉTÉ À REVENUS	
MF 100-A					
TE-JULIE 6800	Address - Adresse 94 boul. des Haut-Bois		Gross Revenue Revenu Brut	Cash - Comptant	Price - Prix
	Name - Prénoms			210,000.	210,000.
	Site Bldg. - Dim. Bldg. 21.14 m. X 17.60m	Size Lot - Dim. Terrain irr. par irr.	Cad. Par. - Cad. & Sub. Division lot 607-1273-1 Par. Ste-Julie	Assessment - Evaluation L/T \$ 13,900. B/E \$205,400. TOTAL \$219,300.	M.L.S. No. 2 72548 Page 1
GENERAL DESCRIPTION - DESCRIPTION GÉNÉRALE			chutes à déchets oui Laundry - Buanderie oui Heating - Chauffage électrique Hot water - Eau chaude chauffe-eau individuel Garages --- Exterior Parking Stationnement Extérieur oui		
voir ANNEXE "A"					
Due - Échéance		Mortgages - Crédanciers		Repayment - Remboursement	
---		---		COMPTANT	
S.A. - C.P. S-etc.	Listing Date d'Inscr. 80-07-29	Salesman - Agent Nicole Gervais ou Pierre Archambault	Tel. (Night - Soir)	L.B. - C.I. Société canadienne d'hypothèques et de logement, suite 100 99, Pl. Charles Lemoyne Longueuil	Address Adresse Tel.
SCHLMALONG			J4K 4Y3 (670-4600)		

MF 100-A (Oct 1975)

Appl. No. No. App.	Rooms Pièces	Rental Loyer	Lease Expiry Échéance Baux	EXPENSE STATEMENT - FRAIS GÉNÉRAUX	MLS No. 2-72548 Page 2
Pour liste des baux, voir annexe "B"				Taxes: Municipal (rs) \$ 3618.45	
Clause Annexe "C"				School Scolaire C P M \$ 2207.00	
1- Servitude				Water - Eau Amél. loc \$ 2280.96	
2- Buanderie				Heating - Chauffage \$ 1600.00	
3- Assurance hypothécaire				Electricity - Électricité \$ 688.00	
4- Délai signature de vente				Insurance - Assurance \$ 10,394.41	
5- Dépôt avec offre d'achat				Maintenance - Entretien \$	
6- Limite d'achat				Les montants des taxes doivent être vérifiés auprès de la ville et des commissions scolaires.	
Les offres d'achat doivent être présentées sur les formulaires de la S.C.H.L.				NET REVENUE REVENU NET \$	
Payments - Paiements				Int. 1st Mgt. - Int. 1ère Hyp. \$	
				Int. 2nd Mgt. - Int. 2ème Hyp. \$	
				Est. of S. - Est. de V. \$	
				Principal - Remboursement de Capital \$ N/A	
NET YIELD RENDREMENT NET %				CASH FLOW LIQUIDITÉ \$	

94 Boul. des Haut Bois Ste-Julie 6800		ANNEXE "A"	\$210,000.	2-72548
		DESCRIPTION DE LA BATISSE		
Cet ensemble d'habitations est composé d'une bâtisse de 16 unités de logements répartis 3 étages et demi au-dessus du sol. La construction de cette bâtisse est d'une ossature de bois revêtement de brique. Le début de la construction date du 13 juillet 1977. Le toit est plat avec membrane asphaltée recouverte de gravier; solin galvanisé. Chaque logement est muni d'une porte patio donnant sur un patio au rez-de-chaussée et sur un balcon aux autres étages. Le stationnement est extérieur avec prise de courant. Les halls d'entrée sont en céramique. Les planchers de passage et des appartements sont recouverts de tapis. Chaque logement comprend un système d'intercom. Les services tels que l'eau chaude, chauffage électrique et électricité domestique sont aux frais des locataires. Certains logements possèdent des entrées de laveuse et sècheuse. Au sous-sol de chaque bâtisse, on retrouve une buanderie, salle communautaire, salle à vidanges pour chute. Le terrain est gazonné et l'aménagement paysagé est agréable. Les bâtisses comprennent 16 unités de logements qui se répartissent comme suit: 1 logement de 2 1/2 pièces, 1 logement de 3 1/2 pièces, 13 logements de 4 1/2 pièces et 1 logement de 5 1/2 pièces.				
Services inclus: Tapis mur à mur, chute à déchets, intercom, stationnement avec prise de courant, conciergerie.				
Bon réseau routier et centres commerciaux à proximité.				
Certificats au dossier confirmant leur éligibilité à la clause 31 et 32 des règlements de l'impôt sur le revenu.				
.../ANNEXE "B"				

94 Boul. des Haut Bois Ste-Julie 6800		ANNEXE "B"	\$210,000.	2-72548	
		LISTE DES BAUX EN VIGUEUR			
ADRESSE	TYPE	LOYER INSCRIT AU BAIL	LOYER PAYE JUSQU'A EXPIRATION DU BAIL	MOIS GRATUIT	EXPIRATION DU BAIL
94 boul. Haut-Bois #101	3 1/2	\$180.00	\$165.00	1	30/06/81
102	2 1/2	160.00	147.00	1	31/05/81
103	5 1/2	265.00	243.00	1	30/06/81
Vacant	4 1/2	230.00	-	-	-
201	4 1/2	230.00	212.00	1	30/06/81
202	4 1/2	230.00	212.00	1	28/02/81
Vacant	4 1/2	230.00	-	-	-
204	4 1/2	230.00	230.00	1	31/07/81
301	4 1/2	230.00	212.00	1	30/06/81
Vacant	4 1/2	230.00	-	-	-
303	4 1/2	230.00	212.00	1	31/05/81
304	4 1/2	230.00	192.00	2	31/01/81
401	4 1/2	230.00	212.00	1	30/06/81
402	4 1/2	230.00	192.00	2	28/02/81
Vacant	4 1/2	230.00	-	-	-
Vacant	4 1/2	230.00	-	-	-

.../ANNEXE "C"

94 boul. des Haut Bois
Ste-Julie 6800

ANNEXE "C"
CLAUSES

\$210,000.

2-72548

1. Servitudes: Cet immeuble est sujet à toutes les servitudes occultes ou apparentes, actives ou passives pouvant le grever.

2. Buanderie: Un contrat est présentement en vigueur avec la compagnie Sud O Matic, et doit être assumé par l'acheteur.

3. Assurance hypothécaire: La S.C.H.L. pourra assurer une hypothèque sur cet immeuble en vertu de la Loi nationale sur l'habitation et ses règlements, si une telle demande lui est faite par un prêteur agréé.

4. Délai pour la signature du contrat de vente: Clause à ajouter aux offres d'achat de la S.C.H.L. CMHC-1470:

"Après l'acceptation de l'offre, l'acheteur aura un délai de trente (30) jours pour obtenir un prêt hypothécaire suffisant pour payer le montant mentionné au paragraphe 2(b) de l'offre d'achat; si le financement n'a pas été obtenu dans ce délai, qui sera considéré comme un délai de rigueur, la venderesse pourra, à son choix, annuler la présente offre et alors le dépôt mentionné au paragraphe 2(a) sera retourné à l'acheteur sans intérêts".

5. Dépôt avec l'offre d'achat: Un dépôt de 5% est exigé avec la présentation de l'offre d'achat, le solde étant payable au comptant lors de la signature du contrat de vente.

.../ à suivre

94 Boul. des Haut Bois
Ste-Julie 6800

ANNEXE "C"
CLAUSES

(SUITE)

\$210,000.

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6. Limite d'achat: Les offres ne seront pas acceptées et elles seront retournées avec le dépôt si elles sont reçues:

(1) de toute(s) personne(s) ou compagnie(s) qui avait(ent) des intérêts en propriété libre ou louée à bail dans l'ensemble d'habitations au moment de l'acquisition du titre par la S.C.H.L. par suite de défaut de remboursement du prêt sur hypothèque par cette (ces) personne(s) ou compagnie(s). Cette restriction s'applique aussi à toute(s) personne(s) ou compagnie(s) qui avait(ent) des intérêts en propriété libre ou louée à bail dans tout ensemble d'habitations financé aux termes de la LNH acquis directement par la S.C.H.L. ou par l'entremise d'un prêteur agréé par suite de défaut de remboursement du prêt sur l'hypothèque.

La désignation ci-dessus d'une(de) personne(s) ou d'une(de) compagnie(s) s'applique également à des compagnies affiliées ainsi qu'à des compagnies ou à des sociétés où les mandants et mandataires sont entièrement ou partiellement les mêmes.

Il pourra être exigé de l'enchérisseur qu'il produise une déclaration statutaire portant qu'il n'avait pas de tels intérêts.

.../à suivre

Les renseignements apparaissant sur cette inscription sont exacts au meilleur de la connaissance du Courtier Inscripateur. — The information contained in this listing is correct to the best of the Listing Broker's knowledge.

94 Boul. des Haut-Bois
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ANNEXE "C"
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(2) Tout associé, toute compagnie constituée ou toute personne agissant au nom d'une association, d'une compagnie constituée ou d'un(de) particulier(s) faisant une offre à l'égard de cet ensemble d'habitations doit fournir à la Société canadienne d'hypothèques et de logement les noms des commettants de l'organisme ou du(des) particulier(s) selon le cas; de plus, les compagnies constituées doivent fournir les noms et les adresses de tous les principaux actionnaires.

PHOTO

Les renseignements apparaissant sur cette inscription sont exacts au meilleur de la connaissance du Courtier Inscripateur. — The information contained in this listing is correct to the best of the Listing Broker's knowledge.

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