

**German-Canadian
Committee on the Constitution**

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Submission to the
Joint Committee of the Senate and
of the House of Commons on the
Constitution of Canada

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We welcome this opportunity to present to you this submission on the proposed Resolution for a Joint Address to Her Majesty the Queen regarding the Constitution of Canada. We feel that the patriation of the Canadian Constitution is important and hope that this expression of our concerns will aid in your deliberations.

This brief is presented to you on behalf of German-Canadian organizations, Umbrella Organizations and individuals across the country.

After Canadians of Anglo-Saxon or French background, German-Canadians are the largest ethnic group in Canada. There are over 1.3 Million Canadians of German origin. In a number of Provinces German-Canadians are second only to the Anglo-Canadian majority. The fact that German-Canadians have their roots in many parts of Central Europe is reflected in the number of Umbrella Organizations, each representing a different homogenous group. They all, however, have in common the collective will to exist and preserve their cultural heritage in Canada.

We wish to begin by emphasizing that we are dismayed to see this very important decision making process hurried through the committee stage in this way. We are even more worried about the consequences this may have on the country as a whole, since this process is not supported either by the majority of provinces or all the major political groupings at the federal level. We as German-Canadians are dismayed by the growing rift between the various regions and interest groups of the land. Our commitment to Canada is total. We are opposed to any force, political, cultural or economic, that may threaten the unity of this great nation.

Having made this general statement we would now like to address ourselves solely toward the proposed Canadian Charter of Rights and Freedoms, Part 1.

We recognize that an entrenchment of a Bill of Rights in a constitution will limit the supremacy of Parliament and thus may, after some time, fundamentally change this democratic society to which we emigrated. It is hard for us to accept the argument that an entrenched Charter of Rights will better protect the rights of minorities, in view of the limitations in Section 1 of the proposal in front of us. A "generally accepted" limitation of Rights and Freedoms in a parliamentary democracy is a limitation which is accepted by the majority. This means, ultimately, that a parliamentary majority may tomorrow take any rights which it grants today. Still worse, this majority may reflect the views, not of Canadians as a whole, but of a few provinces. This leaves the rights to be granted in this charter in a rather tenuous position. Any Bill of Rights must be carefully formulated. The Americans have a Bill of Rights. This did little to protect German-Americans during both World Wars. In fact the American record was worse than that of Canada. There are no reports of German-speaking peoples being killed in Canada through lynching or other means, which was certainly the case in the United States. In fact, many Hutterites left the United States for Canada after World War 1 because they saw minorities being more fairly treated here. In both Canada and the United States peoples of German origin were interned without due regard for the process of the law. We have all heard of the internment of peoples of Japanese origin in both Canada and the United States. Granted, Japanese Canadians had to endure a much longer internment, the fact remains that the American Bill of Rights did little to protect a minority when the majority saw fit to punish it: If Canada is to have an entrenched Bill of Rights we recommend that it be drafted with great care and a guarantee for basic Rights and Freedoms under all circumstances.

In its present form, Section One is unacceptable to us.

In his proclamation of an official policy of Multiculturalism in October 8, 1971, the Right Honourable Prime Minister of Canada, Pierre Elliott Trudeau, spoke^{of} two official languages but no official culture. He added that no ethnic group should take precedence over any other, and that all should be treated fairly. The German-Canadian Cultural Community of Canada has fully supported and worked within this framework of a Multicultural and Bilingual Society. We are, therefore, disturbed to find the concept of Multiculturalism excluded from the proposed Bill of Rights.

If the present Bill is to adhere to democratic principles and is to be in accordance with the International Bill of Human Rights of the United Nations, it will have to be a just bill for all Canadians, recognizing the rights and aspirations of all, regardless of race, religion, ethnic origin, age, sex and date of arrival.

The spirit of the International Bill of Human Rights was given concrete expression by Canada's implementation of its Multiculturalism, supported by all our political parties. If this policy is to continue to have meaning, it cannot be limited to dances, costumes, singing and ethnic festivals, excluding the most important right- the right to perpetuate one's mother tongue.

It is in this regard that we are registering with you our strongest reservations.

German settlement in Canada dates back some 227 years. They were pioneers in the opening many areas of Nova Scotia, Ontario and the West. Peoples of German origin constitute some 10 % of the population of Manitoba, 17 % of the population of Saskatchewan, 14 % of Alberta and are by a wide margin the second largest group in British Columbia. We are Canada's largest group of neither French nor British origin. For us language is the key to our culture. Entrenching language rights for two cultures alone is discriminating against all other cultures. Section 15(1) of the proposed bill enunciates the right to equality before the law and to equal protection of the law without discrimination because of race, national or ethnic origin, colour, religion, age or sex. There is neither mention of cultural rights nor any guarantees to educate children in a third language. The United Nations Bill of Human Rights, which Canada endorses, grants minorities the right to culture and language. From this, as well as because of its failure to mention Multiculturalism, one can very well assume that the proposed Charter disregards all cultural minorities. Still worse, by entrenching the language rights of two cultures it makes Canadians of neither French nor British origin second class citizens in our own land.

We understand the political motives behind this Minority Language Bill, however, we cannot help but feel that this is a betrayal of the Federal Government's promise in October 1971, to have no ethnic group take precedence over any other. It may also be said if the survival of a

culture can only be guaranteed by giving it special rights, special financial aid, even forcing it upon people who would prefer to opt for another culture, the results may be artificial and temporary and possibly not worth the price. A culture that is alive and vibrant does not need entrenched preferential treatment and protection by courts. We must add, however, that Canadians of German origin have no problems in motivating their children to learn both official languages. Many of our children are in fact trilingual. We know that fluency in a foreign language can easily be achieved through a high calibre school system, providing the motivation is there. Motivation, however, can neither be legislated nor purchased.

We strongly recommend that educational and cultural rights remain unqualified under provincial jurisdiction. If a proposed Charter of Rights is to make any qualifications on this matter, these should be general and to the effect that all Canadians are to be guaranteed the right to choose and to develop their own culture.

Another of our concerns is Section 2(b) of the proposed Charter, as it applies to the freedom of expression. As individuals and as a group Canadians of German origin have in the past been victims of mass hysteria, in particular during wars. Today we are the victims of negative stereotyping. During both wars thousands of Germans were interned, almost always with no justification given to the person so affected. Return soldiers in Winnipeg during World War 1 celebrated the victory over Germany by breaking into the homes of German-Canadians and beating up the occupants. While we can say more about this subject, we would rather recommend to the members of this committee to read the enclosed excerpt from Maclean's Magazine, October 6, 1980, in which a MLA from Manitoba describes his personal experiences. Experiences as those outlined by Russel Doern make us favour some form of effective prohibition of hate propaganda. Although we realize how difficult it is to draw the line between such desirable prohibition and the restriction of freedom of expression that we all value. We do recommend, however, that the government implement laws which make in particular the mass media accountable for any negative stereotyping and put additional means at the disposal of minority groups, so that they can more effectively protect themselves against such slander.