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C O N S T I T U T I O N A L R E F O R M

D O C U M E N T

Submitted to the Joint Committee of the House
of Commons and the Senate of Canada

December 1, 1980

1 WE ARE EITHER CANADIAN OR WE ARE NOT!

We are Quebeckers!

*We are Canadians!

**We are here too!

*On May 21th, we chose to remain in a strong united Canada.

We are Canadians of Italian origin and, since we are citizens whose origin is neither French nor British, may we join with other Canadians who, like us, share this characteristic, in order to remind you that, since we make up approximately 30% of the total Canadian population, we are here too and we wish to share on an equal footing the responsibilities and duties which fall on all Canadians.

We have a special interest in Canada because, historically, we were the first to discover it with John Cabot. Since 1880, Canada has borne the mark of our builders and our working men and women.

*In the minds and hearts of those who chose Canada, the vision of this land was that of a country where regardless of cultural background, of origin, or of race, people could work together to create "a new way of life". Canada was and is perceived to be a land of equal opportunity, a country where no dream is impossible.

*Canada has evolved from (from) the initial compact of 1867. The Constitution of Canada should reflect all the elements in the Canadian mosaic. The Constitution of Canada should be an act of political or partisan compromise... it must be a statement of principles.

*Original in English

**Original in Italian

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*The document entitled "THE CANADA ACT" is sterile, insipid; as if Canada were not worthy of an identity, not worthy of accolades. We deplore the fact that a preamble was omitted from the Canada Act. Who are we, Canadians? The preamble should have recognized the which is homogenous; the preamble should have recognized the existence of two major linguistic communities neither of which is homogenous; the preamble should have recognized the existence of two major linguistic communities neither of which is homogenous; the preamble should have recognized the historic significance of the French and English communities; however the preamble should also have recognized a Canada rich in cultural diversity.

*The document entitled "THE CANADA ACT" is vague and imprecise: there is question of "reasonable" and "unreasonable" limitation to people's rights. These limitations subject the Bill of Rights to interpretations and restrictions which may actually reduce the individual's rights and freedoms. Furthermore, the proposed Bill of Rights fails to recognize the rights of Native Peoples to a separate and distinct identity, and it fails to make any mention of the rights of the minority groups to pursue their own cultural activities. Lest we forget, no one cultural groups forms the absolute majority in Canada.

*If the Bill of Rights cannot state unequivocally that all Canadians are equal regardless of linguistic "appartenance"; that Canada "ad mare usque ad mare" belongs to all Canadians; that certain rights and freedoms are absolute; then we cannot support a document which appears to be drafted to please politicians and is not a Bill of Rights for all Canadian citizens.

3 It is a wonderful thing to be Canadian, and the simple fact that so many people all over the world want a Canadian passport means that there is something attractive here. Nothing in this document, however, which might have been written by a computer, communicates this spirit or these emotions. What a shame! The preamble could have provided the occasion for a series of statements of fundamental principle which would have enlightened all citizens as to the type of country we want and the desire we might have to take advantage of this by calling upon all citizens to rally around a number of basic concepts.

We are confirmed federalists, and we share the vision that the Prime Minister of Canada has so inspiringly brought to the attention of all Canadian citizens on a great many occasions.

*We agree that Man's peace, dignity and power of self-expression must be protected before any changes be made to the separation of powers between governments.

*But the proposed Bill of Rights is a gesture only. In Canada, linguistic rights are fundamental to the fulfillment of the individual. Remember the words of T. Jefferson:

*"We have it in our power to begin... over again.
'tis not the concern of a day, a year or an age;
posterity are virtually involved in the contest,
and will be more or less affected (for generations)
by the proceedings now..."

As Jefferson so aptly put it, we must build, then, not only for today, but also for the future.

In this connection, Section 23 of the proposed resolution in its present form presents a certain number of disadvantages. These disadvantages are removed by the Rizzuto amendment, but this amendment in turn creates new problems, as we shall explain below.

4 1) In its present form, Section 23 creates a great many categories of citizens. Members of the Italian community whose mother tongue is Italian would thus be excluded from the guarantees offered by Section 23, even though they may have been Canadian citizens for some time or have received their schooling in English.

- In addition, this Section 23 does not remedy the problem of the retroactivity of Quebec Law 101.

- Finally, it gives more rights to immigrants whose mother tongue is one of the two official languages when they become Canadian citizens.

2) In its amended form, Section 23 remedies the problem that exists in Quebec, but extends it to the rest of Canada. It could thus happen that an Anglophone who has been educated in French might see his children refused access to English schools, just as a Francophone educated in English might see his children refused access to French schools.

In addition, we might see an "attrition" of the English sector in Quebec through lack of contributions from outside the provinces. It is important to emphasize that the aim of Section 23 is not only to protect the minority language, but also to

make it prosper; otherwise, the whole exercise is senseless.

We must therefore reconcile the protection of rights acquired by allophones who have completed their primary and (or) secondary education in Canada with the preservation of the mother tongue criterion.

It is certain, however, that the final objective is, quite logically, that all Canadian citizens will one day be bilingual.

5 Two conditions are necessary to attain this goal:

1) The preamble of the Constitution must recognize as a fundamental element the reality and the development of linguistic duality in the country.

2) The Constitution must protect the minority language and allow it to flourish, because it enriches every Canadian and constitutes a factor of national unity.

The two consequences of this would be:

a) to clearly establish the equality between the two official languages, by improving and, where necessary, making obligatory teaching of them throughout the country.

b) to place all young Canadians, at the end of their schooling, in the position of being able to express themselves correctly in the two official languages. We realize this is an ideal, but we feel that one should aim for the ideal when drawing up a Constitution for a growing country.

This means that, if the teaching of French in English schools and of English in French schools were more adequate, a great part

of the problem would be solved. It is clear, however, that the co-operation of the provinces is necessary to attain this goal, since education is their exclusive responsibility.

Since this co-operation is lacking at present, and since there is no political determination among leaders to engage in needed discussion which should go beyond political expedients, the perspective of an ideal with respect to the language of teaching is still remote.

6 We understand that language rights are not, nor can they be in the present state of development of Canadian society, rights which belong to the individual alone, and their collective dimension must be envisaged as fairly as possible.

It is a fact that free choice cannot be acceptable to the majority of our Francophone fellow-citizens in Quebec, and this opposition is justified because the prerequisite of equality between the two official languages does not exist. Nor does the foreseeable future hold out much hope for a radical change to this effect. WE UNDERSTAND THIS FEELING OF OUR FRANCOPHONE FELLOW-CITIZENS AND WE SHARE IT.

We feel that a necessary first step towards attaining real equality between the two official languages should be the extension to Ontario and New Brunswick of the application of Section 133 of the British North America Act.

IN CONCLUSION:

We believe that, in the field of language rights, the mother tongue criterion is acceptable, if steps are taken to protect

tje acquired rights of allophones already established in the country and who have received their schooling in Canada in English.

We believe that steps should be taken now to ensure that in a certain number of years - 5 or 16 years - the situation between the two official languages will have been improved to the point where the minority language will no longer fear for its survival.

Finally, because we are Quebeckers, we want to PARTICIPATE IN THE FRENCH DIMENSION of our society, by being able to communicate in French and achieve greater integration in the Quebec and Canadian community.

7 Because we are Canadians, we also want to be able to communicate with our other fellow-citizens, from one ocean to the other, without being restricted by language, legal or other barriers...

8 *WE RECOMMEND:

*That a preamble be included in the Canada Act in which would be recognized the important historical contributions made to Canada by the English and French Canadians; however, in the preamble must also be recognized that today Canada is a multi-cultural nation.

*That in the preamble should be stated the objective of obtaining equality groups to preserve their culture and their heritage.

*That instead of replacing S. 23 with the Rizzuto amendment, that the Rizzuto amendment be added to the original S. 23, thereby protecting the rights of Canadian citizens educated in Canada as well as protecting the survival of two linguistic communities across Canada; however it must be recognized that the long term objective is that all Canadians be able to communicate in English and French.