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Thorson, J. T. (1970-1974).

35-24

T.G. Norris Papers

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ORIGINAL ORDER

VOM 1PO

April 12th 1974

The Honourable Joseph T. Thorson, P.C. Q.C.,
160 Elgin Street,
14th Floor,
Ottawa, Ontario
K2P 2C4

Dear Joe,

It was kind of you to write me as you did on April 5th sending me a copy of the judgment in the Jones versus the Attorney General of Canada case. I am sorry that the result was as it is but I am glad to hear that you will continue your battle on the Bi-lingual Act. There are many people here, including myself, who agree with you one hundred per cent and wish you all success.

I enclose herewith my cheque for $100. - a small donation to be applied against your personal expenses.

I am sorry that I did not get a chance to see you when I was in Ottawa but the weather was abominable and I was there merely for the purpose of the Conservative meeting in order to try and make up to Michael Meighen for the treatment his grandfather received at the hands of the Conservative party.

My wife sends her very best wishes to you and Mrs. Thorson. Do look after yourelf. We need people like you in Canada. There are only too few of them.

Yours sincerely,

JOSEPH T. THORSON, P.C., Q.C.
160 ELGIN STREET
14TH FLOOR
OTTAWA, CANADA
K2P 2C4

April 5, 1984

TELEPHONE 236-4341
AREA CODE 613

Hon T. G. Morris, Q. C.,
Highways
B. C.
PO



with a copy of
ment of the Supreme
the Jones v. Attorney
et al. case
e from these reasons
ce of success in
.
d of the road so
s is concerned. I shall
the against the
n some other point
ever that I
Allen gives me the best wishes
to you and yourself
Sincerely Joe.

Thorson, J.T. (1970-1979)

35-24

JOSEPH T. THORSON, P.C., Q.C.
160 ELGIN STREET
14TH FLOOR
OTTAWA, CANADA
K2P 2C4

TELEPHONE 236-4341
AREA CODE 613

April 5, 1974

Hon T. G. Norris, Q. C.,

8-12-74

We are both as well as we have any right to expect Allen's second cataract operation was not a success. Her eyesight is dimmer but this is gradual I have received from my cancer operations of October 73 and am in good health

I go to the office every day and still have some legal work. And I've done quite a lot of work in the garden. which has been better than ever

Our children and grand

"And she shall bring forth a son, and thou shalt call his name Jesus, for he shall save his people from their sins."

Matthew 1:21

children are all well. We are expecting to be grandparents again in

1975.

I'm hoping to get working on memoirs early in the new year.

We send our warmest wishes to you both

Allen & Joe.

May the joyous spirit
of Christmas
Remain with you
Throughout the coming Year

Allen joins me in

to you wife and yourself

Sincerely Joe.

Thorson, J. T. (1970-1974)

35-24

JOSEPH T. THORSON, P.C., Q.C.
160 ELGIN STREET
14TH FLOOR
OTTAWA, CANADA
K2P 2C4

TELEPHONE 236-4341
AREA CODE 613

April 5, 1984

Hon T. G. Morris, Q. C.,
1955 Longhead Highway
Pitt Meadows, B. C.
V0M 1P0

Dear Tom,

I enclose herewith a copy of the reasons for judgment of the Supreme Court of Canada in the Jones v. Attorney General of Canada et al. case.

You will see from these reasons that I have no chance of success in my Ontario action.

This is the end of the road so far as the litigation is concerned. I shall have to fight my battle against the Mundeau government in some other forum.

Allen joins me in best wishes to you, Mrs and yourself.

Yours sincerely,

Joe.

Thorson, J.T. (1970-1974)

35-24

JOSEPH T. THORSON, P.C., Q.C.
160 ELGIN STREET
14TH FLOOR
OTTAWA, CANADA
K2P 2C4

TELEPHONE 236-4341
AREA CODE 613

April 18, 1974

The Honourable
T. G. Norris, Q.C.,
1951 Lougheed Highway
Pitt Meadows B.C.
V0M 1P0.

Dear Tom,

I thank you for your very kind letter and your cheque in my favour for $100. I have received payments from Mr. G. I. Mutton of Moncton, New Brunswick to cover all my disbursements in the Jones case but I have, of course, spent a great deal of time in the case. I told Mayor Jones that I would not charge any fees for my services in connection with the litigation.

Since the date of the judgment I have discontinued my action in the Supreme Court of Ontario. I had no alternative other than to do so.

But I do hope that I will be able to further my battle in certain areas in Ontario when there is hope of P.T.O.

Thorson, J. T. (1970-1974)

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defeating a Trudeau Government candidate. Eventually, of course, the issue of what kind of a Canada the people want their country to be will have to be determined at the polls. If they feel strongly enough on their opposition to Trudeau's attempt to make Canada a dual French-English country they can register their opposition against Trudeau Government candidates when the next election comes, which may be very soon. At the risk of sticking my neck out, I forecast Conservatives 122, Liberals 94, N.D.P 32, Social Credit 16.

I thank you and your family for your kind wishes and your kind comments.

We hope you are in the best of health.

Yours sincerely

JDG

Thomson, J.V. (1970-1974)

35-24

JOSEPH T. THORSON, P.C., Q.C.
160 ELGIN STREET
14TH FLOOR
OTTAWA, CANADA
K2P 2C4

TELEPHONE 236-4341
AREA CODE 613

September 25, 1973

The Honourable T.G. Norris, Q.C.,
19551 Lougheed Highway,
Pitt Meadow, B.C.

re: My book "Wanted: A Single Canada"

Dear Tom:

I am sending to you, under separate cover, a copy of my book and I add that it has given me great pleasure to autograph the copy that I am sending to you with my thanks and best wishes.

I suggest that when you read my book ~~that~~ you should read the first chapter first, then the last chapter, and then the chapters in between.

The book has met with a mixed reception. There have been some adverse book reviews but, on the other hand, there have been many favourable comments.

I am awaiting the judgment of the Supreme Court of Canada on my appeal from the judgment of the Court of Appeal for Ontario. While the only question in this appeal is whether I had status to maintain the action that I launched and to recover the relief that was sought, the Court thought that the matter was of sufficient importance to warrant consideration by the whole panel of nine judges.

I received a very good hearing and was optimistic of success but I am keeping my fingers crossed.

My other appeal to the Supreme Court of Canada from the judgment of the Appeal Division of the Supreme Court of New Brunswick has been inscribed for hearing during the coming sittings of the Court but there is no certainty that it will be dealt with during this sittings.

I am glad to be able to tell you that I am in good health. I was pretty low this summer but I feel much better now. I had sprained a muscle in my back early in June which made it impossible for me to do any work in the garden but I have completely recovered from this and have been doing quite a lot of work in the garden. I am now doing some necessary fall work. We have had cool weather but thus far not any frost.

Alleen joins me in the best of wishes to your wife and yourself.

Yours sincerely,

J. T. Thorson

JTT/tstg

VOM 1PO

November 24th 1973

Joseph T. Thorsen, Esq., P.C., Q.C.,
160 Elgin Street,
14th Floor,
Ottawa,
Ontario
K2P 2C4

Dear Joe,

During my absence in Britain your letter of September 25th arrived on my desk at home and an acknowledgement has been delayed because of the accumulation of correspondence as a result of my holiday. It was very kind of you to send me the autographed copy of your book which I have read with greatest interest. I had already bought two or three copies and sent them to my friends. I think that your book is excellent and puts your case forward extraordinarily well.

I am glad that you had a good hearing in the Supreme Court of Canada and I hope that the result will be satisfactory.

I am sorry that you ~~are~~ were "low" this summer but I am glad that you are feeling better. For goodness sake look after yourself and do not overdo it.

You will be sorry to hear that Arthur Clark's son-in-law Jack Maguire died suddenly a few days ago. He was an able counsel and I had great admiration and respect for him and was always glad to hear him on an appeal. He had been a diabetic for many years but I think that he died of a heart attack while overdoing his strength. I know that Arthur might appreciate a note from you as the Clarks are a very close-knit family and Jack was always a favourite with him. Arthur had some trouble with his eyes but I think the cataract operation was very successful and he carries on as usual. He and his wife Jean are magnificent.

My wife wishes me to thank you for the good wishes of yourself and your wife and joins with me in wishing you both many years of happiness and success.

Kindest regards.

Yours sincerely,

File J.T. Thorson

THE SINGLE CANADA LEAGUE

~~802 ROYAL TRUST BUILDING~~
~~116 ALBERT STREET~~
~~OTTAWA 4, ONTARIO~~

160 Elgin Street,
14th Floor,
Ottawa, Ontario.
K2P 2C4

TELEPHONE 236-4341
AREA CODE 613

November 15, 1972

Acknowledged Nov. 19th and thanked on reasons for judgment of Kerr J. and enclosed.

The Honourable T.G. Norris, Q.C.,
19551 Lougheed Highway,
Pitt Meadows, B.C.

re: The Single Canada League

Dear Tom:

I thank you for your very kind letter of November 8, 1972, with its cheque in my favour for $100.00.

When I first received your letter I was at a loss to know what I should do with your cheque. I have made it clear to myself and to others that I must not allow myself to receive any remuneration for my activities either in connection with the litigation relating to the Official Languages Act or with my activities in connection with The Single Canada League.

But I have thought of a way to give effect to your very kind intentions. The Single Canada League owes me several hundred dollars for loans which I have myself made to The Single Canada League in order to enable it to carry on its functions.

I have a special trust account out of which I pay any out-of-pocket expenditures in connection with the litigation. I have received contributions for this express

Thorson, J.T. (Respondent)

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purpose and have thus far been able to pay all disbursements required in connection with the litigation.

The situation with regard to The Single Canada League is somewhat different. I have therefore endorsed your cheque to the order of The Single Canada League and the amount will be deposited in its bank account. I enclose herewith, therefore, a receipt for its amount. Your letter and my reply will go into a special file of persons who have made contributions for the purposes of the League. I will then issue a cheque from The Single Canada League to myself for $100.00 by way of repayment on account of the amount which The Single Canada League owes me for loans which I have made to it.

I hope that you will not mind this disposition of the matter. I showed your letter to my wife. She was deeply appreciative of your kind thoughts and she joins me in thanks to you and she sends also her regards to your wife as well as to yourself.

I am glad to be able to report that I knocked out the motion to strike out my appeal against my income tax assessment. This motion came before Mr. Justice Kerr of the Federal Court of Canada on November 8, 1972. Mr. Ainslie made an elaborate argument on the merits, as he put it, but I relied on pronouncements in the well-known case of Dyson v. Attorney General. In view of your interest in the matter I enclose herewith a copy of the reasons for judgment.

I am anxiously awaiting the judgment of the Appellate Division of the Supreme Court of New Brunswich on the Reference that the Government of New Brunswick made to it

of certain specific questions relating to the Official Languages Act, the Evidence Act of New Brunswick, and the Official Languages of New Brunswick Act. I appeared, by courtesy of the Court, as counsel for Mayor Jones of the City of Moncton and am glad to be able to tell you that I had a very good hearing. While I am optimistic of the result I have got to the stage that I await the reasons for judgment. Thus far the score is against me by 3 to 2. I lost the first three rounds in the Ontario courts but I won the last two, the first in the Supreme Court of Canada and the second before the Federal Court of Canada.

The galleys of my book have been sent back to me with the request that I should make whatever changes I think necessary in view of the recent election. Only a few changes will be required. My book is to be published in January.

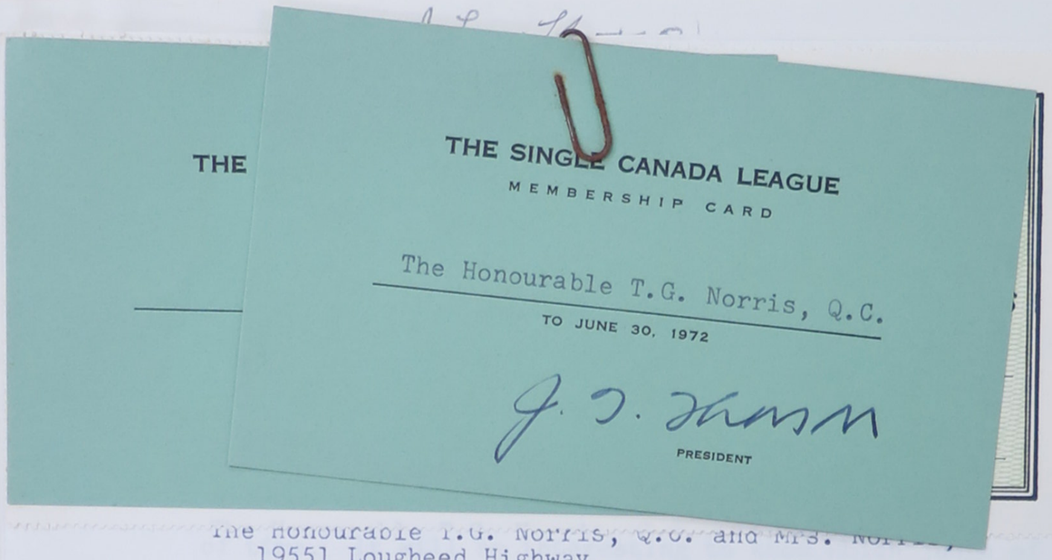
I am glad to be able to tell you that I am in good health and my wife is also well except that her eyesight is gradually becoming dimmer.

Again my thanks to you for your very kind letter.

Yours sincerely,

J. T. Thorson

JTT/tstg
Encls.



The Honourable T.G. Norris, Q.C. and Mrs. Norris,
19551 Lougheed Highway,
Pitt Meadows, B.C.

re: The Single Canada League

Dear Tom and Mrs. Norris:

I thank you for your cheque for $10.00 in renewal of the subscriptions of you both up to June 30, 1972. I enclose herewith a receipt for the amount of your cheque and also your new membership cards.

You will probably have heard that the Court of Appeal of Ontario dismissed my appeal on the ground that I did not have the necessary status to maintain the action which I launched or to recover the relief that I sought. I had come to the conclusion that I should drop my present proceedings but I have changed my mind. I now intend to appeal to the Supreme Court of Canada. You will also be interested in learning that I initiated some time ago different proceedings in which it would not be possible for the Government to allege lack of status on my part. The new proceedings that I contemplated was in the nature of an appeal against my income tax assessment for 1970.

No. 286 March 6 1972

Received from T. C. Norris

Ten /100 DOLLARS

Membership fees to June 30, 1972

$ 10.00

J. D. Thomson
per T. M. Berman

Mr. and Mrs. T. C. Norris,
19551 Lougheed Highway,
Pitt Meadows, B.C.

re: The Single Canada League

Dear Tom and Mrs. Norris:

I thank you for your cheque for $10.00 in renewal of the subscriptions of you both up to June 30, 1972. I enclose herewith a receipt for the amount of your cheque and also your new membership cards.

You will probably have heard that the Court of Appeal of Ontario dismissed my appeal on the ground that I did not have the necessary status to maintain the action which I launched or to recover the relief that I sought. I had come to the conclusion that I should drop my present proceedings but I have changed my mind. I now intend to appeal to the Supreme Court of Canada. You will also be interested in learning that I initiated some time ago different proceedings in which it would not be possible for the Government to allege lack of status on my part. The new proceedings that I contemplated was in the nature of an appeal against my income tax assessment for 1970.

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OTTAWA 4, ONTARIO

TELEPHONE 236-4341
AREA CODE 613

March 6, 1972

The Honourable T.G. Norris, Q.C. and Mrs. Norris,
19551 Lougheed Highway,
Pitt Meadows, B.C.

re: The Single Canada League

Dear Tom and Mrs. Norris:

I thank you for your cheque for $10.00 in renewal of the subscriptions of you both up to June 30, 1972. I enclose herewith a receipt for the amount of your cheque and also your new membership cards.

You will probably have heard that the Court of Appeal of Ontario dismissed my appeal on the ground that I did not have the necessary status to maintain the action which I launched or to recover the relief that I sought. I had come to the conclusion that I should drop my present proceedings but I have changed my mind. I now intend to appeal to the Supreme Court of Canada. You will also be interested in learning that I initiated some time ago different proceedings in which it would not be possible for the Government to allege lack of status on my part. The new proceedings that I contemplated was in the nature of an appeal against my income tax assessment for 1970.

I filed the required notice of objections back in August, 1971. I had to wait until after the Minister of National Revenue had had time to consider my objections and decide whether he would vary the assessment or confirm it. I received notification of confirmation of the assessment on December 9, 1971. This gave me 90 days within which to appeal to the Federal Court of Canada. I launched my appeal in plenty of time. It will be interesting to know which judge of the Court will be assigned to hear my appeal. I believe that in this proceedings the Court will have to deal with the basic issues in the case and will not be able to delay the trial of the basic issues by proceedings similar to those which were followed in connection with my Official Languages Act action in the Ontario Supreme Court.

You will also be interested in knowing that I am working on a book. This is moving more slowly than I had anticipated but it is marching along. I hope that it will be completed by the end of the month.

We have not had a very cold winter but we have had a tremendous amount of snow. I am looking forward to the spring and to working in the garden.

I send you both my very best wishes.

Yours sincerely,

J. T. Thorson

JTT/tstg
Encls.

Hon. J.T. Thorson.

Thorson, J.T. (1970-1974)

File
Thorson

THE SINGLE CANADA LEAGUE
802 ROYAL TRUST BUILDING
116 ALBERT STREET
OTTAWA 4, ONTARIO

TELEPHONE 236-4541
AREA CODE 613

February 28th 1972

Hon. J.T. Thorson,
c/o The Single Canada League,
802 Royal Trust Building,
116 Albert Street,
Ottawa 4,
Ontario

Dear Joe,

I am enclosing herewith my cheque for $10.00 to cover my subscription and that of Mrs. Norris to The Single Canada League. I am sorry for the delay but I have no secretary and your letter was filed away and overlooked.

Yours sincerely,

35-24

THE SINGLE CANADA LEAGUE

802 ROYAL TRUST BUILDING
116 ALBERT STREET
OTTAWA 4, ONTARIO

TELEPHONE 236-4341
AREA CODE 613

December 7, 1971

The Hon. T.G. Norris and Mrs. Norris,
Pitt Meadows, B.C.

re: The Single Canada League

Dear Mr. & Mrs. Norris:

This is a reminder that your subscription to The Single Canada League is due.

The accounts of the League from August 27, 1969, the date of its incorporation, to June 30, 1971, have been audited by McDonald, Currie & Co., the auditors of the League. The audit shows that during the said period the receipts from membership fees and donations, together with a loan of $500 from me, were $7,376, and the disbursements for advertising, bank charges, office supplies and postage, printing and stationery, rent, secretarial services, travel and accommodation, were $6,882, leaving a balance of $494, subject to repayment of the loan.

The accounts for the current year ending June 30, 1972, will be audited in due course.

Your support of the objects for which the League was incorporated has been deeply appreciated.

Your continuing support is essential to the continuation of the League's activities.

I earnestly request that you show this support by renewing your subscription up to June 30, 1972, by completing the enclosed form and sending it with your cheque or money order for $5.00, payable to the order of The Single Canada League, to me as directed in the said form.

Yours sincerely,

J. T. Thorson

President,
The Single Canada League.

J. L. Thorson

Clark, Wilson & Company

BARRISTERS AND SOLICITORS

J. A. CLARK, Q.C.
PERCY A. WHITE, Q.C.
JOHN S. MAGUIRE, Q.C.
KENNETH S. FAWCUS
DONALD J. HENDERSON
KENNETH M. NOBLE
JAMES M. HALLEY
KENNETH J. SMITH
DEREK J. MULLAN
WILLIAM M. BURRIS

A. D. WILSON (1965)
DONALD M. CLARK, Q.C.
GORDON W. YOUNG
WILLIAM J. ESSELMONT
ALLAN M. ROSS
BRIAN C. IRWIN
DAVID W. BUCHANAN
LEONARD T. DOUST
FREDERICK W. SHANDRO

TELEPHONE: 684-6521
AREA CODE 604
CABLE ADDRESS: "JACLARK"
TELEX: 04-507625

9TH FLOOR
STOCK EXCHANGE BUILDING
475 HOWE STREET
VANCOUVER 1, B.C.

REPLY ATTENTION OF Mr. J. A. Clark
December 14, 1970.

The Honourable T. G. Norris, Q.C., M.C.,
19551 Lougheed Highway,
Pitt Meadows, B.C.

Dear Tom:

I enclose herewith the pleadings and a copy of Joe's letter to the Attorney General of Ontario, dated November 19th, and his letter to me dated November 20th, 1970.

It seems to me that the amended pleadings are perfectly clear but I would have referred specifically to the Sections of the British North America Act which have been breached, for example, Section 133 and the 1949 amendment to the Act. If you have time to read these documents, I would appreciate your views. I will probably be out of town from January 1st, for a rather extended period and if it is possible for you to look at them before that time, it will be much appreciated.

The next time you are coming to town, please have lunch with me. I am free most of the time and it is always delightful for me to see you and discuss the affairs of state.

With best wishes to you and Joan for Christmas, I am

Yours sincerely,

JAC:EM
Encls.

P.S. The enclosures are my only copies. I shall appreciate it if you will return them when you have had an opportunity to peruse them.

Thorson, J.T. (1970-1974)

35-24

J. Thorson

THE SINGLE CANADA LEAGUE

802 ROYAL TRUST BUILDING
116 ALBERT STREET
OTTAWA 4, ONTARIO

TELEPHONE 236-4341
AREA CODE 613

December 7, 1971

NEWS LETTER

This news letter is being sent to members and supporters of The Single Canada League in over 200 localities in Canada, extending from Port Alberni in British Columbia to New Glasgow in Nova Scotia.

I Western Speaking Tour

The Honourable J.T. Thorson spoke to largely attended meetings, under the auspices of The Single Canada League, at Victoria, on April 21, 1971; at Vancouver on April 23, 1971; at Kelowna on April 27, 1971; at Calgary on April 29, 1971; at Edmonton on May 4, 1971 and at Winnipeg on May 7, 1971, on the subject "Wanted - A Single Canada".

The reception given to Mr. Thorson at his meetings, with particular reference to the fact that at Victoria, Calgary, Edmonton and Winnipeg he received standing ovations, indicates the intensity of the opposition to the attempt of the Trudeau Government to make French an official language throughout Canada with a status equal to that of English and to change the basic character of our nation by making it a dual French-English Canadian nation.

II Membership Drives

As the result of membership drives in Kelowna, Edmonton and Winnipeg and of meetings at Hamilton on November 3, 1971, and at St. Catharines on November 5, 1971, the membership in the League has been increased by more than 500.

III The Official Languages Act

The Trudeau Government has thus far succeeded in delaying the trial of the basic issues involved in the action which Mr. Thorson launched in the Supreme Court of Ontario on June 26, 1970, for the purpose of challenging the constitutional validity of the Official Languages Act and the legality of the expenditures made for implementing its provisions. He brought the action as a taxpayer of Canada, both on his own behalf and on behalf of the other taxpayers of Canada.

In its statement of defence the Government contended that Mr. Thorson did not have status or standing to maintain the action or claim the relief sought in it.

Counsel for the Government succeeded in a motion under Rule 124 of the Ontario Judicature Act before Chief Justice Wells of the High Court of Ontario at Toronto on March 5, 1971, for leave to have the issue of Mr. Thorson's status or standing determined prior to the trial of the action. On October 15, 1971, this issue was heard at Toronto before Mr. Justice Houlden of the Supreme Court of Ontario and on October 21, 1971, he dismissed the action on the ground that Mr. Thorson did not have status or standing to maintain it or claim the relief sought.

Mr. Thorson has given notice of appeal to the Court of Appeal of Ontario from the judgment of Mr. Justice Houlden and this appeal will be on the list of appeals to be heard in Toronto in January.

missed.

Thorson, J.T. (1970-1974)

35-24

Mr. Thorson has also applied for leave to appeal to the Court of Appeal of Ontario against the order made by Chief Justice Wells. This motion came before Mr. Justice Hughes of the Supreme Court of Ontario at Ottawa on November 12, 1971. He reserved his decision on the application, and, at the date of this letter, it had not been rendered.

Thus the standing of the litigation is that the real issues in the action will remain undecided until the issue of Mr. Thorson's status has been determined. If the litigation continues to be confined to this issue it will take at least a year before the final decision on the issue can be obtained from the Supreme Court of Canada.

IV Book Publication

Mr. Thorson is now working on a book on the subject "Wanted - A Single Canada". It is hoped that it will be published late in March or early in April of next year.

V Ontario Speaking Tour

In view of the circumstances outlined in this letter, the speaking tour which began with meetings at Hamilton on November 3, 1971, and at St. Catharines on November 5, 1971, has had to be postponed.

VI Cost of Bilingualism

The Trudeau Government continues to spend millions of dollars in its attempt to make French an official language throughout Canada with a status equal to that of English and to make our nation a dual French-English Canadian nation.

As set out in the News Letter of March 31, 1971, the cost of the Bilingualism Development Program, which has been entrusted to Mr. Pelletier, for the current fiscal year 1971-1972 is estimated at $78,783,000.

And the cost of the language training program undertaken by the Public Service Commission for the said fiscal year is estimated at $8,831,000, notwithstanding the fact that out of 22,000 public servants who have taken this training only 2,000 have graduated to the desired efficiency level.

In addition to the items of expenditure set out in the News Letter of March 31, 1971, the Trudeau Government has announced a five year $8,000,000 program to promote bilingualism in the Canadian Forces and new language training centres are to be set up at 28 bases in Canada and Europe.

VII French Language Units

The Trudeau Government has designated 457 units in sections of the federal civil service as French-language units. The objective of the units will be to encourage the development of French as an equal language of work within the federal establishment.

VIII Federal Bilingual Districts

By its report, dated March 31, 1971, made public on May 4, 1971, the Bilingual Districts Advisory Board, acting under the assumed authority of the Official Languages Act, recommended the establishment of 37 Federal Bilingual Districts in Canada, based on the 1961 census, as follows, namely, 1 in Newfoundland, 1 in Prince Edward Island, 2 in Nova Scotia, all of New Brunswick, all of Quebec, 12 in Ontario, 8 in Manitoba, 7 in Saskatchewan, 3 in Alberta, 1 in British Columbia and 1 in the Northwest Territories.

And the Board has recommended for consideration, based on the 1971 census, the establishment of several other federal bilingual districts.

missed.

Thorson, J.T. (1970-1974)

35-24

The cost of establishing and maintaining the federal districts will run into many hundreds of millions of dollars. This was alleged as a fact in the statement of claim in the action and not denied by the Government in its statement of defence.

This expenditure will be a senseless waste of public money. The establishment of the districts will not make for national unity. On the contrary, the likelihood is that they will be centres of discord and dissension.

The Public Service Alliance of Canada with 130,000 members has appealed to the Government to delay the proclamation of any bilingual districts until after the 1971 census figures have been compiled.

Thus far the Government has not established any federal bilingual district.

missed.

ADDRESS

by

Hon. J. T. Thorson

on

Wanted - A Single Canada

to

The Single Canada League

. . . . . .

Vancouver, British Columbia
October 23, 1970

missed.

Ladies and Gentlemen:

I welcome this opportunity of speaking to you, under the auspices of The Single Canada League, on the subject - Wanted - A Single Canada.

This meeting is the second in a campaign, which I hope will be nation wide, for the purpose of arousing the people of Canada to opposition against the attempt that is being made to make French an official language throughout Canada and to change the basic character of our country by making it a dual French-English country. I opened the campaign in Victoria three days ago.

I recall with pleasure the reception which the members of the Women's Canadian Club of Vancouver accorded to me when I spoke to them in February of 1967, on the subject - The Shape of Canada in its Second Century.

In the course of my remarks I stated that to be truly great a country must have a national purpose, that with the richness of her resources and the strength of her people of many origins Canada should be an example for less fortunately situated countries of the world to follow of a country which has shown that it is possible for people of different racial origins and religious beliefs to live together in a state of amity on the basis of equality with one another and mutual respect and that the establishment of Canada as such an example ought to be

missed.

our national purpose as we enter upon our second century. For the fulfilment of this purpose it was necessary to clarify our concept of Canadian nationhood. We must, therefore, clear away certain misconceptions that disturb a great many Canadians, recognize the fact that Canada is now a different country from that which was established in 1867, and that there are persons other than only the British and the French who have helped to make the Canada of today. We must also reject the concept that Canada is a two nation country. We must also recognize the right of French Canadians to maintain the existing difference between themselves and the other components of the Canadian nation if they wish to do so. Finally, I expressed the belief that the fact that there are differences between French Canadians and other Canadians and that such differences are likely to continue should not stand in the way of the fulfilment of the national purpose of which I spoke and that Canada could build a free and orderly society which would not only guarantee to its individuals freedom to develop their talents as they may choose, without any compulsion or attempt to force them into a common or particular mould, but would also establish the social, economic, educational and cultural conditions that would enable them to enjoy their individual freedom in a manner befitting the dignity of man. I ended my remarks with the statement that Canada could build such a society, that this was the kind of society that she should build and that this should be the shape of Canada in her second century.

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As we look back on the decade that is coming to an end and review the events that have happened we see that steps have been taken to change the shape of Canada of which I spoke.

When I speak to you of the need for a Single Canada I have in mind the Canada of which Canadians have dreamed, in which all Canadians, regardless of differences in ethnic origin, whether British or French or neither British nor French, stand on the footing of equality with one another in the enjoyment of their rights and the fulfilment of their duties.

Now we face an attempt to change the basic character of our country and make it a dual French-English country. This carries with it an attempt to foist a dual French-English Canadian nationality on our people.

It is my purpose this evening to outline the steps that have been taken in this attempt.

I refer first to the so-called "quiet revolution" that has taken place in Quebec since Premier Lesage came to power after the election of his Liberal party in 1960. There has been a great upsurge in that province of French Canadian and Quebec sentiment. Its leaders have been making ever increasing demands for wider provincial power. There have been advocates of a particular status for Quebec on the ground that it is not a province like the others. Others have urged an associate statehood for Quebec with the rest of Canada. More recently, there has been a strong movement under Rene Levesque, a former member of the Lesage government, for a sovereign state in Quebec in a Common Market relationship with the rest of

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Canada. Mr. Levesque is the leader of a new political party in Quebec, le parti quebecois. While the party, in the recent election, elected only 7 members to the Quebec National Assembly, as the Legislative Assembly of Quebec is now called, it obtained 22 per cent of the total vote. All the Quebec leaders, Premier Lesage, Premier Johnson and Premier Bertrand have professed a belief in a Canadian federalism, but their primary loyalty has been to Quebec. They have looked upon French Canadians as members of the French Canadian nation and have regarded the Province of Quebec as the homeland of all French Canadians. It has been asserted by Mr. Faribault, for instance, that Quebec is in fact the nation state of French Canadians. It is perhaps too early to assess the position of Premier Bourassa, the new premier of Quebec.

The leaders of Quebec have not been basically concerned with the position of the French Canadians outside of Quebec. The efforts to provide equality of linguistic and educational rights to them would not satisfy the demands of the leaders or advance the cause of national unity. Their primary concern has been for power and political equality with the rest of Canada. Their slogan has been "equality or independence". And they have made it clear that the equality of which they speak is equality in power and influence with the rest of Canada. Their demand is, in effect, an assertion that Canada is a two nation country, Quebec being one nation and the rest of Canada the other and that the two nations are equal. Thus Quebec really makes two demands. Its leaders

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insist with increasing intensity that Quebec should have complete autonomy in respect of its own affairs. They also insist that Quebec should have equal power and influence with the rest of Canada in the determination of Canadian national policies. Their demand for autonomy in respect of their own affairs is understandable. It cannot matter to the rest of Canada how Quebec handles her own affairs so long as Canadian interests are not injuriously affected. But the demands of the Quebec leaders for equality between Quebec and the rest of Canada are wholly unacceptable and must be resolutely rejected. There is no room for flexibility or diplomacy in respect of them. A showdown with the leaders of Quebec in respect of their demands was urgently needed.

There was no possibility of any such showdown during the regime of Prime Minister Pearson. He was a firm believer in the concept of a Canadian duality. In an address to the Canadian Commission for the International Year for Human Rights at Ottawa on December 15, 1967, shortly before the Constitutional Conference, 1968, he stated that he believed in the accomplishment of "the official duality of our national society" and that its accomplishment was essential to national unity.

In this belief he sought to give life to the concept of duality between the French Canadian component of the Canadian nation and the rest of the nation.

He stated that Canada is a bilingual country in which French and English are its official languages

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throughout Canada and that our Constitution guarantees their equal status throughout the country. His attention was called to the fact that his statement was erroneous. But the assertion that he made has been repeated so frequently by others and with such an intensity of feeling that Canadians have been in grave danger of being "brain-washed" into the belief that the statement is true. The contention is not true, either as a matter of law or in fact. Yet the "brain-washing" process continues and the belief in the truth of the contention spreads across the land.

In my addresses to Canadian Clubs I set out the exact legal status of the French and English languages as expressed in precise terms by section 133 of The British North America Act. It is important to set it out again. The section provides as follows:

> "133. Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.
>
> The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed in both those Languages."

Thus, it is only in the debates in the Parliament of Canada and the Legislature of Quebec and in the Federal Courts, such as, for example, The Supreme Court of Canada and The Exchequer Court of Canada, and in the Courts of Quebec that

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the French and English languages stand on the footing of equality of status with one another. Either language is permissible in the specified fields but neither is compulsory. And it is only in the cases specified, namely, in the case of the records and journals of the Parliament of Canada and the Legislature of Quebec and in the case of the printing and publishing of the Acts of the Parliament of Canada and the Legislature of Quebec that both French and English must be used. The use of French is not required in any other case.

There is no provision in section 133, or in any other section, or in any law, that makes French an official language throughout Canada or gives it the status of equality with English as an official language across Canada.

It follows, as a consequence of law, that, except as specified in the section, French is not an official language of Canada anywhere in Canada. It also follows that, except as specified in the section, the French language does not have any special status anywhere in Canada. As a matter of law, except as specified in the section, the French language does not have any greater status anywhere in Canada than that of any of the languages spoken by Canadians of origins other than English or French.

The legal consequences to which I have referred may, perhaps, be subject to qualification, so far as New Brunswick is concerned, by reason of recent legislation in New Brunswick purporting to make French an official language in that province.

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It must be accepted also that, except as provided by section 133 and perhaps in New Brunswick, the only official language in Canada is English.

It is clear, beyond even a shadow of doubt, that this was intended by the Fathers of Confederation. The section guaranteed to the new province of Quebec, formerly Lower Canada, equality of status of the French and English languages in the Legislature and in the Courts of Quebec and it guaranteed similar equality of status in the new Parliament of Canada and in the Federal Courts. This guarantee was gladly accepted by the French speaking Fathers of Confederation. It is significant that this equality was not extended to the Provinces of Ontario, Nova Scotia and New Brunswick. There is no justification for assuming that the Fathers of Confederation intended any such extension. On the contrary, it is clear that they intended that it should not extend to them. This intention was deliberate. Indeed, it may fairly be assumed that if there had been any attempt to make French an official language in the Legislature or the Courts of Ontario, George Brown would have left the coalition government of the Province of Canada, with the result that Confederation would have been set back or would never have been accomplished at all. Similarly, it may fairly be assumed that if any attempt had been made to make French an official language in Nova Scotia or New Brunswick it would have been strenuously opposed by Charles Tupper and Leonard Tilley. There is support for this assumption in the views expressed by Professor D.G. Creighton, our most distinguished Canadian historian.

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Section 133 of the British North American Act sets out an essential condition of Confederation and any legislation that is in conflict with it is a breach of an essential condition of Confederation.

Nor is there any foundation in fact for the pretention that Canada is a bilingual country. According to the census of 1961 only 12.2 per cent of the people of Canada were bilingual, in the sense of knowing both French and English. In the western provinces the percentages ranged from 7.4 per cent in Manitoba, 4.5 per cent in Saskatchewan, 4.3 per cent in Alberta to 3.5 per cent in British Columbia. And most of the persons in these percentages were French Canadians. How can it be said in the face of these facts that Canada is a bilingual country? It is not. Indeed, Canada never was a bilingual country, it is not a bilingual country now and it never will be a bilingual country. The contention that Canada is a bilingual country in which French and English stand on the footing of equality with one another throughout Canada is a deliberate "false pretence". Yet the false pretence continues to be made. Acceptance of the contention grows as the false pretence is repeated and it will continue to do so until the people realize its falsity and rejects it.

In the belief that the promotion of bilingualism throughout Canada, even to the extent of compelling its acceptance, would meet the demands of the leaders of Quebec and was essential to Canadian national unity, Prime Minister Pearson embarked upon a programme of fastening official bilingualism

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on the people of Canada. In so doing he advanced the cause of making Canada a dual French-English country.

The stages of his programme are clearly defined. In July of 1963, shortly after the election of the Liberal party, in one of the sixty days of alleged decision, Mr. Pearson appointed the Royal Commission on Bilingualism and Biculturalism. The mandate to the Commission, as set out in the terms of reference to it, was:

> "to inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution; . . ."

The basis on which the B and B Commission was instructed to proceed, namely, that Confederation was a compact of linguistic and cultural equality between the French and the English was false. Confederation was not, in any sense, such a compact. The British North America Act was an English statute and the Confederation which it created was a political union of three British Colonies in North America, the provinces of Canada, consisting of Upper and Lower Canada, Nova Scotia and New Brunswick. There was no suggestion that it created a partnership between the French on the one hand and the English on the other. The contention that it was based on the union of two founding races, the English and the French, is equally false. The falsity in the terms of reference to

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the Commission vitiates many of its recommendations. Two of them are of particular importance. One proposed an amendment of section 133 of the British North America Act and the other an amendment of section 93 dealing with education.

One other comment is appropriate. Realizing that there are millions of Canadians of foreign origin who could not be described as English, but who speak English in addition to their mother tongue, the Commission invented the term "Anglophone" in order to include them with the Canadians of British origin and classified all Canadians as Francophones, if they spoke French, or Anglophones, if they spoke English, and dealt with the two groups so classified as if there was an equality of status between them. The word "francophone" is known but the word "anglophone" cannot be found in the standard dictionaries of the English language. It had to be invented. This fantastic classification of Canadians with its connotation that Canada is a two community country, one French speaking and the other English speaking, with each community equal to the other, cannot be accepted by any Canadian who believes in a Single Canada and a single Canadian nationality.

Mr. Pearson's next move towards the accomplishment of "the official duality of our national society", to use his own expression, was the imposition of bilingualism on the Public Service of Canada. This was done in 1966. Time does not permit a review of the details of this policy or how it came about but there is no doubt that Mr. Pearson was under pressure

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from the French Canadian members of his Cabinet to put the policy into effect. In any event, the proponents of official bilingualism succeeded in making bilingualism, in effect, a condition of employment in the Public Service of Canada and a condition of promotion in it in Ottawa and other areas where there are large numbers of French Canadians. The imposition of the policy caused alarm, particularly to the older persons in the Public Service who could not speak French and could not learn it. Realizing this alarm Mr. Pearson gave a solemn pledge that inability to speak both official languages would not prejudice the careers of unilingual public servants, particularly those of long service. This solemn pledge by Mr. Pearson has been broken. There have been several examples of its breach. Recently, a person in the Public Service in Montreal was denied the promotion for which he had applied because he could not speak French and the promotion went to a less qualified French speaking competitor. Supporters of the government sought to place the blame for this breach of Mr. Pearson's pledge on Mr. Carson, the Chairman of the Public Service Commission. The fact is that the blame for the breach must be put on Mr. Pearson himself and the members of his Cabinet. They caused the enactment on February 23, 1967, of the Public Service Employment Act, Statutes of Canada, 1966-67, Chapter 71. This Act included section 20 which provides:

> "Employees appointed to serve in any department or other portion of the Public Service, or part thereof, shall be qualified in the knowledge and use of the English or French language or both, to

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> the extent that the Commission deems necessary in order that the functions of such department, portion or part can be performed adequately and effective service can be provided to the people."

Thus Parliament vested a specific discretion in the Public Service Commission and it was its duty to obey the law laid down for it.

The policy involves a departure from the merit system. There have been several instances of English speaking persons being replaced by French speaking persons, usually French Canadians. The bonus given to bilingual persons, most of whom are French Canadians, puts them in a preferred position and is unfairly discriminatory against the many persons in the Public Service who find it difficult or impossible to learn French. In my addresses to Canadian Clubs I drew attention to the fact that Canada has learned better than any other country, except perhaps the United States, the value and importance of leaving Canadians alone with each individual in her society free to develop the talents with which he or she has been endowed. We have rejected the melting pot theory of assimilation and have never made any attempt to press our people into a common or particular mould. This regard for the individual and this absence of compulsion has been a basic policy of our country. It had endeared Canada to the persons who have come to her shores from other lands and made them and their sons and daughters ardent and devoted Canadians. It is contrary to this basic policy that any person should be compelled, directly or indirectly, to learn

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French as a condition of employment or promotion in the Public Service. The policy is a source of discontent and constitutes a serious grievance. There is a strong resentment in the Public Service against this unjust policy. Every person in it should register a protest against it. And if the fear of discrimination against them prevents their open expression of their resentment, the people of Canada should come to their aid and register their protest against the policy with its unfair discrimination against English speaking Canadians in the Public Service and the unfair preference to French Canadians in it.

Mr. Pearson made a further attempt to advance a French-English duality in Canada when he called the premiers of the provinces of Canada to the Constitutional Conference, 1968, which was held at Ottawa on February 5, 6 and 7, 1968.

Justice Minister Trudeau, as he then was, had prepared a Canadian Charter of Human Rights for submission to the Conference. This included certain linguistic rights proposals. It was realized that the guarantee of equality of status between French and English expressed in section 133 is a limited one. It was also considered that in matters of education the existing guarantees of separate or denominational schools do not include any guarantee of the right to use French or English as a medium of instruction. It was, therefore, proposed that the existing limited guarantees be extended to institutions of government other than those specified in section 133 and to education, as had been recommended by the B and B Commission,

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and it was suggested that these extended guarantees would prove effective if they were incorporated into a constitutional Bill of Rights. The proposed extension of linguistic rights implied amendments of section 133 and section 93 of the British North America Act. This could be accomplished only by the Parliament of the United Kingdom.

It was not disclosed how the proposal for these linguistic rights came to be included in the Canadian Charter of Human Rights, as if the asserted rights were Human Rights. No ethnic group has a "Human Right" to have its language made an official language in addition to the existing official language and to compel its acceptance by the public, or to have its language made a compulsory medium of instruction in the educational systems of the provinces and paid for by the public. The asserted linguistic rights are not "Human Rights" in the sense in which the term is ordinarily understood. The proposal in respect of them should not have been included in a Charter of Human Rights.

At the Conference, Mr. Pearson pleaded with the provincial premiers in favor of approving the linguistic rights proposal so that the necessary amendments of the Canadian Constitution might be made by the Parliament of the United Kingdom on the request of the Parliament of Canada without waiting for an agreement on a formula for amending the Constitution in Canada.

If the premiers had approved the lingusitic rights proposal French would have been permanently fastened on Canada as an official language throughout Canada with a status equal

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to that of English and Canada would have been pushed back into a state of national duality, French and English, similar to that which existed under the Act of Union of 1840 and from which Confederation saved Canada in 1867.

Fortunately for Canada, the attempt and the plot involved in it of presenting the linguistic rights proposal under the guise of the proposed Canadian Charter of Human Rights as if the asserted rights were Human Rights, failed. The premiers did not reach the consensus for which Mr. Pearson had pleaded. On the contrary, there was such strong objection to the proposal that it had to be abandoned. Premier Bennett was against it. Premier Manning stated that Alberta would veto any entrenchment of linguistic rights in the Constitution. And Premier Robarts, at a press conference called by him after the first meeting of the Conference, made it clear that his government would not declare Ontario officially bilingual and also that he would resist the federal proposal that linguistic rights should be entrenched in the Constitution. And Premier Johnson made a strong plea for leaving language rights in the hands of the provinces.

There was almost a frenetic quality in Mr. Pearson's unsuccessful plea to the provincial premiers.

The 1968 Constitutional Conference marked Mr. Pearson's last attempt to accomplish "the official duality of our national society" that he desired. Shortly thereafter his tenure of office as Prime Minister came to an end.

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I now come to the entry of Pierre Elliott Trudeau on the Canadian scene. He was a welcome newcomer to the Liberal party. He was a brilliant and courageous Minister of Justice. His campaign for the leadership of the Liberal party was spectacular. Its election, under his leadership, was the most exciting election in Canadian history. The victory was entirely due to him. His expression of his belief in Canada, his rejection of the two-nation concept of Canada and his espousal of a just society captured the imagination of Canadians, young and old, and particularly the young. His plea to the people of Quebec that they should rely on their federal members for the protection of their rights rather than on their provincial ones made a great impact on the Quebec electorate. And there is no doubt that many thousands of electors in the rest of Canada voted for Liberal candidates in the belief that Mr. Trudeau would confront the leaders of Quebec in respect of their intolerable demands for the equality of Quebec with the rest of Canada and reject them.

Thus far, Prime Minister Trudeau has not confronted the Quebec leaders in respect of their demands, as many thousands of electors hoped that he would do, and it is not likely that he will ever do so. Indeed, there is no greater likelihood that he will do so than there was in the case of Prime Minister Pearson.

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On the contrary, and as a matter of fact, Prime Minister Trudeau, with the support of the French Canadian members of his Cabinet, particularly Gerard Pelletier and Jean Marchand, is carrying on Prime Minister Pearson's campaign for a dual French-English Canada from where Mr. Pearson left off and is doing so with greater intensity and more effectively.

The facts in support of this statement should be enumerated. One of these is that French Canadian leaders have carried the spirit that inspired the so-called "quiet revolution" in Quebec and fanned the fires of intense French Canadian nationalism in that province into other provinces of Canada, particularly Manitoba and Alberta. There has been a great upsurge of French Canadian nationalistic sentiment in Manitoba, with its inevitable, and regrettable, reaction of a strong anti-French sentiment in that province. And in Alberta Secretary of State Pelletier carried on an intensive, and successful, campaign in support of French television, at the public expense. These movements have had Mr. Trudeau's blessing and encouragement.

It is clear, beyond dispute, that Prime Minister Trudeau has determined that French must be made equal in status to that of English throughout Canada. His real concern is for the advancement of French rather than for the advancement of bilingualism. In a speech that he made to The Canadian Bar Association in Quebec on September 4, 1967, in his then capacity as Minister of Justice, he said:

> "But there are rights of special importance to Canada arising, as I have said, from the fact that this country is founded on two distinct linguistic groups. While language is the basic instrument for

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> preserving and developing the cultural integrity of a people, the language provisions of the British North America Act are very limited. I believe that we require a broader definition, and more extensive guarantees in the matter of recognition of the two official languages. The right to learn and use either of the two languages should be recognized."

Apart from the fact that Mr. Trudeau's statement that Canada is founded on two distinct linguistic groups was fallacious in view of the fact that it was based on a distortion of historical fact, he recognized that under the British North America Act the French and English languages are not equal in Canada, except to the limited extent provided by section 133, as I have set out. With this knowledge he set for himself the task of making French equal in status to that of English. If he could not do it in one way he would try it in another.

Earlier in my address I stated that it was not disclosed to the Constitutional Conference, 1968, how the proposal for linguistic rights in the Canadian Charter for Human Rights that was presented to the Conference came to be included in the Charter as if the asserted rights were Human Rights. Now it may fairly be assumed that Mr. Trudeau was himself the author of the proposal and responsible for its inclusion in the Charter. He had a plan such as this in mind before he was elected as a member of Parliament. In an essay that he wrote in 1965 while he was at the University of Montreal there is a statement to this effect:

> "A Bill of Rights could be incorporated into the constitution to limit the powers that legal authorities have over human rights in Canada. In addition to protecting political and social rights, such a bill

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would specifically put the french and english language on an equal basis before the law."

The fact that his plan of including the linguistic proposal referred to in the Canadian Charter of Human Rights as if the asserted rights were Human Rights, which I have described as a plot, failed when the provincial premiers refused to accede to Mr. Pearson's plea at the Constitutional Conference, 1968, did not put a brake on Mr. Trudeau's efforts.

While he failed, in his capacity as Minister of Justice, in his attempt to advance French to the status of equality with English by an amendment of the British North America Act, which would have been made if the provincial premiers had not rejected Prime Minister Pearson's plea, he announced that if his party was elected he would cause an Official Languages Act to be enacted. This would accomplish in part what the provincial premiers had rejected.

Soon after Mr. Trudeau became Prime Minister he introduced the Official Languages Act, as he had promised to do. The Bill received its first reading on October 17, 1968. On November 12, 1968, I wrote to Prime Minister Trudeau expressing the opinion that the proposed Act was not within the legislative competence of Parliament and suggested that before it was allowed to go into effect the proposed Act should be submitted to the Supreme Court of Canada for adjudication of the question whether it was constitutionally valid or not. I received a courteous reply from the Prime Minister setting forth his

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reasons for differing from the opinion that I had expressed. But he declined to make the reference that I had suggested. Subsequently, the Act was enacted and came into force on September 7, 1969. Steps were then taken to put its provisions into effect. A Commissioner of Official Languages for Canada was appointed, a Bilingual Districts Advisory Board was set up for the purpose of inquiry and report on the establishment of federal bilingual districts, the administration of the Act was entrusted to Mr. Pelletier, the Secretary of State for Canada, an able and relentless, even ruthless, advocate of the advancement of French Canadian claims and countless millions of dollars of the public moneys of Canada are being spent for the purpose of putting the provisions of the Act into effect and advancing the objects for which it was enacted.

The Official Languages Act is only one step in the attempt to advance the status of French in Canada and make our country a dual French-English Canada. Other steps will follow. We may be sure that efforts will be made by Mr. Pelletier to apply the provisions of the Act wherever possible. We shall also see concerted efforts to make French a compulsory medium of instruction, at the public expense, in the provincial educational systems wherever there are French Canadians. It is reported that Mr. Pelletier has said that he would like to see a French school in every city of Canada. There have been efforts in Ottawa to establish high schools in which the medium of

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instruction is to be French. These schools are to be at the public expense. The validity of these attempts is before the Supreme Court of Ontario. French radio and French television will follow. The people of Edmonton know the extent of Mr. Pelletier's efforts in respect of French television in their province. And in pursuance of the policy of advancing the status of French there have been many instances of English speaking persons in the Public Service being replaced by French Canadians.

By causing the enactment of the Official Languages Act Prime Minister Trudeau has stirred up a controversy, not yet fully vocal, of such dangerous proportions that Canada is now in the most critical period of her history so far as the relationship of French Canadians to the other components of the Canadian nation is concerned.

Quite apart from the question whether Parliament had jurisdiction to enact the Official Languages Act there are serious objections to it. But before I set these out I should enumerate another fact in support of the statement that Prime Minister Trudeau is continuing Prime Minister Pearson's attempt to make Canada a dual country.

When Mr. Trudeau expressed his rejection of the two-nation concept of Canada in favour of a one nation concept he stated that the one nation that he had in mind was a nation of two languages. He has never defined what he meant by his statement. He could not have meant a one nation consisting of

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persons who spoke both French and English. The Canadian nation is not such a nation and it is absurd to think that it will ever be such a nation. In the absence of a definition by Mr. Trudeau of what he really meant by his statement his actions speak for him. His dominating intention, from which he has never swerved, has been, and is, the advancement of French to the status of equality with English. It may, therefore, fairly be assumed that the one nation that he had in mind is a dual French-English nation in which there is to be linguistic and cultural equality between two equal components of the Canadian nation, the French Canadians on the one hand and all non-French Canadians on the other. Prime Minister Trudeau believes in such a nation and is insistent that it must be established.

In the light of the actions of Mr. Trudeau, it becomes difficult to see wherein his views of the nature of Canada really differ from the two nation concept of Canada that was espoused by Mr. Faribault.

Actually, the Government of Canada has painted, for the view of the world, a picture of Canada in which there are two Canadas, one French and the other English, and a Canada of two nations with a duality in every aspect of Canadian life. I have, under my hand, a brochure called "Canada", which I wish that every Canadian could see. It was published as a documentary on Canada at Osaka, in Japan, in connection with Canada's participation in the international exhibition at Osaka. The responsibility for the brochure was that of the Department of Trade and Commerce. In this brochure it is stated, at page 6,

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"there are two canadas:
for we are of two worlds
the old and the new
one foot in each"

and, at page 7,

"there are two canadas:
un pays du pacifique
autant que de l'atlantique."

and, also at page 7,

"there are two canadas:
the one we can measure;
the one that we feel with out hearts."

and, at page 9,

"there are two canadas:"

and at page 11,

"je me souviens . . ."

What is it that I remember? The answer is given at page 11,

"there are two canadas:
two nations,
english and french-speaking canadians;"

and, at page 50,

"but he who has conquered by force
has only half-vanquished his enemy."

and, later on the same page,

"la langue française ne périra point.
ces gens sont d'une race
qui ne sait pas mourir."

This is an assertion that in spite of the defeat of the French in Canada in 1759, there has not been any change in their character.

And, also at page 50,

"have you heard anything lately
as to what is to be done with this country?

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and, at page 52,

"how long is this state of pupilage to last?"

and, later on the same page,

"england would be better off without canada.
it keeps her in a prepared state for war;
endless expense, perpetual danger."

And, finally, at page 53,

"these gigantic difficulties:
we have two races
two languages
two systems of religious belief
two sets of laws
deux littératures distinctes
two systems of everything . . ."

It appears from the brochure that the statements referred to are quotations and the names of the authors are given. But the statements are in bold type and the names of the authors are in such small type that only persons with a keen eyesight can read them. The result is that the brochure constitutes a proclamation by Canada to the world that Canada is a country of two Canadas, one French and the other English, and of two nations, one French and the other English.

It is also noted that when Prime Minister Trudeau spoke at the opening of the Canadian exhibit at Osaka his first words were in French.

This is consistent with the present Canadian policy. I have been told that in Washington every embassy answers telephone calls in English, except the Canadian embassy. Its answers are in French.

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I do not apologize for the length of time it has taken to outline the image of Canada which the Government of Canada presented to the world at Osaka. I have only one comment to make. The image is false and the people of Canada must reject it.

We are now reaching a state where there is cause for wonder whether the demand for equality in power and influence between Quebec and the rest of Canada to which I referred earlier has not spread into the Canadian field in the effort that is being made to establish a dual French-English Canada and we may ask ourselves whether there is really a basic difference between the demands being made in Quebec and the contentions implied in the effort to establish the dual nation to which I have referred.

I have spoken to forty-two Canadian Clubs, all the way from Arvida in Quebec to Victoria in British Columbia, on the subject, "The Shape of Canada in its Second Century" and I have spoken to Canadian Citizenship Council meetings across Canada from St. John's in Newfoundland to Victoria in British Columbia. I know from speaking to these Clubs and at these meetings and from my knowledge of Canada over a long period of years that there are countless thousands of Canadians who are deeply concerned with recent developments in Canada and strongly resent the attempts to force bilingualism on the people of Canada that are being made. This resentment is deep seated and wide

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spread. It is strong in Western Canada, but I know that it is even stronger in several parts of Ontario. Unfortunately, people have been reluctant, and sometimes afraid, to express the resentment that they feel deep down in their hearts.

Now there is even greater cause for concern and resentment against the attempt that is being made to establish a dual French-English Canada and with it the creation of a dual French-English Canadian nationality.

Canada has already had an example of an attempt to establish a dual English-French association. This was made by the Act of Union of 1840 which united the Colonies of Lower Canada and Upper Canada in the Province of Canada. It is an undisputed fact of history that the attempt implied in that Act to establish a dual English-French colony ended in a dismal failure. Soon after the passing of the Act it became apparent that the duality attempted by it would not work. The existence of two peoples, divided by race, religion, language, social customs and systems of law, each inhabiting a separate part of the country made self-government increasingly difficult. Canada East was largely French speaking and Canada West overwhelmingly English speaking. Each had equal representation in the Legislature. This dualism ensured an almost chronic souce of sectional rivalries and disputes. Every cabinet had to have two heads and two distinct halves. It had to have the support of each half of the Legislature. A majority of members from Canada East could not make up for a minority from Canada West

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and vice versa. Neither half of the country would submit to rule by the other half. The dualism meant small majorities, short-lived governments, frequent elections and a permanent condition of government instability. Between 1854 and 1864 there were ten changes of Ministry. It seemed impossible to escape from the frustration of the dualism of the Act of Union.

It was clear that the Union Act had to go. The difficulty of making the parliamentary system work had become so great that it forced the political leaders, John A. Macdonald and George Brown, to form a coalition. Finally, a solution was found in the Confederation that was accomplished by the British North America Act of 1867. It was a political union of the three British Colonies of Canada, Nova Scotia and New Brunswick.

It may fairly be stated that one of the essential purposes of the Fathers of Confederation was to rescue Canada from the duality attempted by the Union Act of 1840 that was such a disastrous failure.

Let us not permit another attempt to create a dual nation in Canada to succeed. We must not allow our country to become another Belgium.

I now draw your attention to two steps that have recently been taken in an effort to stop the attempt that is being made to make French an official language across Canada and make our country a dual French-English country.

The first of these steps was the establishment of The Single Canada League. The circumstances under which it was established are interesting. I have already referred to the

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resentment which countless thousands of Canadians feel, deep down in their hearts, against the attempt that is being made. Unfortunately, they have not given expression to it. Their hesitation in doing so was due, in some cases, to fear and, in others, to reluctance to engage in controversy. In addresses that I made to Canadian Clubs, including an address to the Women's Canadian Club of Hamilton, which I made on February 20, 1968, I urged that this hesitation should cease and that the time had come for outspoken opposition against the drive to force bilingualism on the people of Canada that was being pressed with such intensity. Subsequently, after Mr. Trudeau had become Prime Minister and had introduced the Official Languages Act I was asked to address a public meeting at Edmonton. My audience at that meeting on June 2, 1969, consisted of Canadians of many origins, British and non-British. In the course of my remarks I said:

> "Let us, therefore, even at this date, make a drive for the mobilization of the public opinion of Canada that, deep down in the hearts of her people, is opposed to the attempt that is in the course of being made to change the basic character of our country by establishing a dual French-English nation in our country and foisting a dual French-English Canadian nationality on our people. We should set this mobilization on foot by organizing a Canadian association for the purpose of preventing the threatened attempt from succeeding and safeguarding The Single Canada that we have been building. I suggest that we call this organization "The Single Canada League". Let us establish it now."

And, later, I expressed my hope of what this organization could accomplish. I said:

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"The Single Canada League could become an organization around which all Canadians could rally for two purposes; one to oppose the attempt to change the basic character of our country that is now being made and the other to preserve a single Canada, in which all her people, regardless of differences in ethnic origin, whether British or French, or neither British nor French, stand on the basis of equality with one another in the enjoyment of their rights and the fulfilment of their duties, without any preference to anyone."

Immediately after the conclusion of my remarks the audience of more than 400 persons by a standing vote unanimously approved the establishment of The Single Canada League. Later, I was asked to cause it to be incorporated. I made an application for its incorporation under Part II of the Canada Corporations Act and, eventually, a Charter by Letters Patent was granted to it for the following objects:

"(a) To assist in building a Single Canada in which all Canadians, regardless of differences in ethnic origin, whether British or French, or neither British nor French, stand on the basis of absolute equality with one another in the enjoyment of their rights and the fulfilment of their duties, without any preferential treatment to members of any component of the Canadian nation.

(b) To unite Canadians in maintaining Section 133 of the British North America Act as an essential condition of Confederation.

(c) To promote acceptance of the opinion that, except as provided by Section 133 of the British North America Act and subject to the right of all Canadians to their own speech and way of life, English should be the only official language of Canada.

(d) To unite Canadians in opposition to any attempt to change the basic character of Canada or to establish a dual Canadian nation or create a dual Canadian nationality.

(e) To unite Canadians in opposition to the use of public funds for the preferential promotion of any particular culture.

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(f) To assist in eliminating from the Public Service of Canada any discrimination or preferential treatment.

(g) To cooperate with persons and bodies whose aims and objects are similar.

(h) To receive gifts, donations, bequests and endowments of any kind."

I am glad to be able to report to this meeting, which is the ~~first~~ second to be held under the auspices of The Single Canada League, that its objects have been favorably received from coast to coast. I have not received a single dissenting comment. Recently, a membership drive was commenced. The response to it has been tremendous. In addition to membership subscriptions substantial donations have been made.

It is the aim and the hope of The Single Canada League that it will be able to advance the objects for which it was incorporated.

Here I emphasize the fact that The Single Canada League is not an anti-French organization. It welcomes all Canadians to its ranks. It rejoices in the emancipation of Quebec from the shackles of the past. It does not dissent from the Lesage slogan that Quebec should be "maitre chez nous", master in our own home. The French Canadian who leaves Quebec in order to better his position in some other part of Canada is a welcome addition to his new community.

But he does not have any right to preferential treatment over other members of his community.

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I reject the contention that the French Canadian component of the Canadian nation is entitled to an equal partnership with the rest of Canada, meaning thereby all Canadians that are not French Canadians. The proponents of this contention have devised a new concept of Confederation. Their pretension is that Confederation was a compact of linguistic and cultural equality between the French on the one hand and the English on the other, including in the latter the Scottish and the Irish and others of various origins, including many of German origin. In their view, it was intended by Confederation that Canada should be an English-French dual nationality country in which its French and English elements should have equal status and in which French Canadians might feel at home wherever they go. There is no basis of historical fact in support of this contention. Their interpretation of Confederation is a gross distortion of history. The British North America Act of 1867 was an English statute and Confederation was a political union of the British colonies of Canada, Nova Scotia and New Brunswick.

Mr. Trudeau was himself guilty of this distortion of history when he said at Quebec that Canada was founded on two distinct linguistic groups. His statement was not correct. Confederation was not, in any sense, a compact between ethnic or linguistic groups. There is not a word by Cartier, the leading French Canadian father of Confederation in support of the contention that Confederation was such a compact. The pretension that it was such a compact is an invention of

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recent origin by French Canadian nationalists. There were economic considerations involved in the political union that was accomplished by the British North America Act of 1867 but ethnic and linguistic considerations played no part in the union, beyond certain specific provisions of the Act such as, for example, section 133.

The second step that I draw to your attention relates to the Official Languages Act. It is a matter of deep regret that the Government of Canada refused to refer the question of the validity of the Act to the Supreme Court of Canada. Criticism of its unwillingness to do so is proper. The people of Canada have the right to know whether it is constitutionally valid or not. This question cannot be settled in the political arena. The only way in which it can be settled is by an adjudication by the highest judicial tribunal in the land, The Supreme Court of Canada. It is improper that a question of such vital importance to the future of Canada should be left in doubt. If it is an unwarranted attempt to extend the ambit of section 133 of the British North America Act, without a constitutional amendment of it, which would require the consent of the provinces, it should not be imposed on the people of Canada. The political difficulty in which Prime Minister Trudeau would find himself if he ordered the reference and it should be adjudicated that the Act is invalid is not a justification for his unwillingness to have the disputed question settled.

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Since the Government refused to refer the question of the validity of the Act to The Supreme Court of Canada the only way in which its validity can be challenged is by proceedings by an individual in one of the provincial courts. I conceived it to be my duty, since I had expressed the opinion that the Act was invalid, that I should launch the necessary proceedings. It seemed to me that the most appropriate provincial court in which to do so was The Supreme Court of Ontario. On my retirement from The Exchequer Court of Canada in 1964 by reason of age, I resumed my former status as a Manitoba barrister, solicitor and attorney. But this did not give me any status to take proceedings in Ontario. I, therefore, made an application to the Law Society of Upper Canada for permission to appear as counsel in the Courts of Ontario for the purpose of testing the validity of the Act in the Ontario Courts. It was within the power of the Law Society to grant this permission to me but it declined to do so. The only course left to me, under the circumstances, was to launch the proceedings in person. No one could stop me from doing so. On June 26, 1970, I caused a writ to be issued out of The Supreme Court of Ontario for the purpose of challenging the validity of the Act and, on the same date, I filed a Statement of Claim. In that action I am the plaintiff. The defendants are The Attorney General of Canada, The Secretary of State of Canada, The Receiver General of Canada, the Commissioner of Official Languages for Canada, the Federal Districts Advisory Board and the members of the Board that are within the juris-

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

diction of the Ontario Courts. In the action I seek declarations by the Supreme Court of Ontario that Parliament did not have jurisdiction to enact the Official Languages Act and that it is invalid and that the moneys expended or to be expended for the purpose of putting the provisions of the Act into effect and advancing the objects for which it was enacted are or will be wrongful diversions for unlawful purposes of public moneys which the taxpayers of Canada, including myself, have contributed for use for lawful purposes. I also seek injunctions restraining certain defendants from making any expenditures under the Act and judgments against certain defendants that they should return to the Consolidated Revenue Fund of Canada the amounts that have unlawfully been paid to them. A Statement of Defence to my Statement of Claim has been filed by the Deputy Attorney General of Canada. This called for an Amended Statement of Claim on my part, to which there was an Amended Statement of Defence. And a Reply has been filed. It is hoped that the hearing of the action will take place in January. In view of the importance of the issues it is likely that an appeal will be taken from the decision of the court of first instance to The Court of Appeal of Ontario and from its decision to The Supreme Court of Canada. Thus it appears that the litigation will be protracted.

This is not the forum for discussing the legal questions involved in the action. They are now before The Supreme Court of Ontario for its adjudication.

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

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But it is permissible to say that if it should finally be decided that the action which I have instituted is well founded that would put an end to the compulsion involved in the Official Languages Act. It would then be impossible to force bilingualism on the people of Canada, to the extent that the Act does so. It would put an end to the compulsory use of French that the Act now provides and, to that extent, it would check the attempt that is being made to make our country a dual French-English country. This would not necessarily be the end of the attempt to make our country a dual French-English country, but it would remove the compulsion that now exists. The decision would put Mr. Trudeau in the position that if he should persist in his attempt to advance French to the position of equality in status with English and thereby make Canada a dual French-English country by the force of law, he would have to apply for an amendment of the British North America Act in order to accomplish the plan that he conceived when he was at the University of Montreal and in respect of which his plot failed at the Constitutional Conference, 1968. He would not be able to obtain his desired amendment. It would require the consent, if not that of all the provinces, then certainly that of the larger provinces, Ontario and Quebec. These provinces would not consent. It is certain that Quebec would not do so, for the proposed amendment would fasten English on the Province. Even Premier Bourassa would not consent to such an amendment.

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

Thus the outcome of the litigation which has begun will be of great importance to Canada.

If, on the other hand, it should finally be decided that the Official Languages Act is valid the Canadian electorate will be faced with the decision of whether it should accept French as an official language throughout Canada and agree that Canada should be a dual French-English country and that the nationality of its people should be a dual French-English Canadian nationality.

Quite apart from the question whether the Official Languages Act is within the legislative competence of Parliament there are serious objections to it. It will not make for national unity any where in Canada. On the contrary, its enforcement will be a source of continuous discord. This will be particularly true in the case of federal bilingual districts in which ten per cent of its people are French Canadians but their number is smaller than that of other Canadians of foreign descent. Many of the proposed federal bilingual districts are of that nature.

The Canadians of origins that are neither British nor French will resent the preference in favour of French Canadians that will follow in the wake of the operation of the Act.

And the Canadians of British origin will never accept the contention that the French Canadians stand on the footing of equality in partnership with the rest of Canada. Nor will

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

other Canadians do so. They are not entitled to the equality claimed by some of their leaders either as a matter of law or by constitutional right. Nor can they show that they have earned such equality either in peace or in war.

Moreover, the enforcement of the Act and the attempt to advance French to equality in status with English and to make Canada a dual French-English country has imposed heavy burdens on the taxpayers of Canada and will continue to do so in ever increasing measure. The B and B Commission has cost many millions of dollars. Large sums of money have been spent in sending senior civil servants and their families to Quebec in an attempt to make them learn French which they will probably not use. Millions of dollars have been put at the disposal of such bodies as the National Film Board and the Public Service Commission for the advancement of bilingualism. Some time ago Prime Minister Trudeau announced that there were two costly programmes ahead of Canada, one for bilingualism and the other for regional disparity. Recently, a grant of 50 million dollars was made for provincial bilingual education. The disposition of this grant was entrusted to Mr. Pelletier. Of this amount 24 million dollars is to go to Quebec. Projections made by the federal government show that the cost of this programme up to the end of 1973 will be 300 million dollars.

And the cost of the bilingual programme, really the advancement of French programme, has hardly begun. No federal bilingual districts have as yet been established. If they are

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

established to the extent contemplated by the Act the cost of their establishment and maintenance will run up to many hundreds of millions of dollars.

And so the expense grows and it will continue to do so unless the electors of Canada stop it.

A basic issue now faces the Canadian people. What kind of a nation should Canada be? Should it be a dual French-English nation, in which there will be continual discord and dissension, or should it be a Single Canada in which all Canadians stand on the footing of equality with one another without any preferences to the members of any particular group?

Here I sound a note of warning. The French Canadian leaders of Quebec, with federal aid and assistance, are still fighting the Battle of the Plains of Abraham and they will win unless the rest of Canada stops them.

Thus the issue is clear cut. Those who are opposed to the attempt that Prime Minister Trudeau is making to advance French to the basis of equality with English as an official language throughout Canada and to change the basic character of our country by making it a dual French-English country can register their opposition to his attempt by rejecting the candidate that supports him.

In the recent speech from the Throne it was stated that Canada is at the threshold of greatness.

It will never cross the threshold if the people of Canada allow it to become a dual French-English Canada.

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

But if the people of Canada decide to maintain the Single Canada, of which Canadians of all origins have dreamed, in which all Canadians, regardless of differences of ethnic origin, whether British or French,or neither British nor French, stand on a footing of equality with one another in the enjoyment of their rights and the fulfilment of their duties, without any preferential treatment to the members of a particular group, then Canada will be able to cross the threshold into greatness. It will then be the example to which I referred earlier in my remarks and it will have acquired the national purpose which it ought to have.

It will be the aim of The Single Canada League to give assistance in the achievement of this objective.

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

Mr. J.A. Clark

March 3, 1969

The Honourable Joseph T. Thorson, P.C., Q.C.,
Royal Trust Building,
116 Albert Street,
OTTAWA 4, Ontario.

My dear Joe:

Under date of the 10th of February, I wrote the Editor of the Vancouver Province a letter, a copy of which I enclose. The letter was not published until the 28th of February. I imagine that the letter would never have been published had I not had one of my partners make enquiries of Mr. Auger as to why no attention had been paid to it. As a result, he published it but carefully put the word "Hawaii" at the bottom of my signature and changed my quotation taken from Judy LaMarsh so that instead of the words "in the release of everyone who does not speak French and the hiring of unilingual French-Canadians", he transposed "unilingual" into "trilingual".

The campaign for the Language Bill by the Province and the Sun has been terrific. The Province, which I received during my month's vacation, was most unfair, particularly to Bennett, in its observations regarding the representations which it assumed Bennett would make. Since the Conference, the Attorneys-General met here and the Province intimated in an editorial that an agreement had been reached with John Turner regarding the terms of the Language Bill. I do not know the nature of the Conference with Turner, but I cannot believe that these Attorneys-General would agree to the passage of the Language Bill in any form after the wonderful progress made by their respective Premiers. I thought that the four Western Premiers did a wonderful job.

As soon as I can ascertain what transpired at the meeting of the Attorneys-General, I intend to write a further letter to the Province.

The experience in England when the Elector of Hanover became King as George I is most interesting. He could neither speak nor understand the English language. "The custom, therefore, of the monarch presiding over his Council, which had been maintained by Charles II and William III, thus fell into desuetude, and the influence of the senior minister, who became

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by degrees to be called the Prime Minister, was correspondingly increased. The Act of Settlement of 1701 laid down that in future ministers should be 'responsible' for the acts of the king." "Herein lies the origin of the terms 'responsible government' and 'Cabinet responsibility' which are so frequently in use in British politics." These quotations are from "A Wreath to Clio" by John W. Wheeler-Bennett.

Yours sincerely,

J. A. CLARK

JAC:dea
Enclosure

Thorson, J.T. (1930-1934)

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COUR FÉDÉRALE DU CANADA
FILED

T-1050-72 (1930-1934)

THE SINGLE CANADA LEAGUE
802 ROYAL TRUST BUILDING
116 ALBERT STREET
OTTAWA 4, ONTARIO

TELEPHONE 236-4341
AREA CODE 613

October 9, 1972

NEWS LETTER

This news letter is being sent to members and supporters of The Single Canada League in over 200 localities in Canada, extending from Port Alberni in British Columbia to New Glasgow in Nova Scotia.

I THE OFFICIAL LANGUAGES ACT

The Trudeau Government is continuing its efforts to prevent the trial of the important issues involved in the action which The Honourable J.T. Thorson launched in the Supreme Court of Ontario on June 26, 1970, for the purpose of challenging the constitutional validity of the Official Languages Act and the legality of the expenditures made by the Trudeau Government for implementing its provisions.

In his Statement of Claim Mr. Thorson alleged that Parliament did not have jurisdiction to enact the Official Languages Act and that all the expenditures made or to be made by the Government of Canada for the purpose of giving effect to the provisions of the Act or advancing the objects for which it was enacted were or would be wrongful diversions for unlawful purposes of public moneys which the taxpayers of Canada had contributed for use for lawful purposes.

Mr. Thorson brought his action as a taxpayer of Canada and also on behalf of all the other taxpayers of Canada.

In its Statement of Defence the Government pleaded that Mr. Thorson did not have status or standing to maintain the action launched by him or to obtain the relief claimed in the Statement of Claim.

Counsel for the Government made an application on March 5, 1971, before Chief Justice Wells of the High Court of Ontario for leave, under Rule 124 of the Ontario Judicature Act, to have the questions of law relating to Mr. Thorson's status or standing determined prior to the trial of the action. The leave was granted by Chief Justice Wells.

Counsel for the Government then made an application on October 15, 1971, before Mr. Justice Houlden of the Supreme Court of Ontario, for judgment dismissing Mr. Thorson's action on the questions of law raised by the Statement of Defence and he succeeded in his application.

Mr. Thorson then appealed to the Court of Appeal for Ontario from Mr. Justice Houlden's judgment. The appeal was heard on January 20, 1972, and dismissed.

On March 14, 1972, Mr. Thorson gave Notice of Appeal to the Supreme Court of Canada from the judgment of the Court of Appeal for Ontario.

Counsel for the Government then made a motion to quash Mr. Thorson's appeal on the ground that the value or amount of the matter in controversy in the appeal did not exceed $10,000 and that, consequently, the Court did not have jurisdiction to entertain the appeal.

Mr. Thorson opposed the motion and countered with an application for leave to appeal.

On May 31, 1972, the Supreme Court of Canada unanimously dismissed the motion to quash the appeal and granted the application for leave to appeal.

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It is expected that the Appeal will be inscribed for hearing during the sittings of the Supreme Court of Canada commencing on the 4th Tuesday in January, 1973, but there is no likelihood of its being reached prior to the sittings commencing on the 4th Tuesday in April, 1973.

The only issue now before the Supreme Court of Canada is whether Mr. Thorson, suing on behalf of all the taxpayers of Canada as well as on his own behalf as a taxpayer of Canada, has status or standing to maintain his action and to obtain the relief claimed, notwithstanding the allegation that by reason of the unlawful expenditures made by the Government the taxpayers of Canada will be called upon to pay higher taxes than they would have had to pay if the unlawful expenditures had not been made.

Thus far the amounts which the Trudeau Government has paid for the advancement of the objects for which the Official Languages Act was enacted come approximately to a quarter of a billion dollars.

In the belief that it would be desirable to bring judicial proceedings for the purpose of testing the validity of the Official Languages Act and the legality of the expenditures made for its implementation of such a nature that his status or standing to maintain the proceedings could not be questioned, Mr. Thorson launched an appeal to the Federal Court of Canada from his income tax assessment for 1971 on the ground that it was erroneous in amount to the extent that it was based on the excess of the total income tax levy by the Government of Canada that would have been required to meet the lawful expenditures of the Government during the said taxation year and, in any event, in excess of the amount of the total income tax levy that would have been made if the unlawful expenditures had not been made.

Mr. Thorson's Notice of Appeal to the Federal Court of Canada was dated March 2, 1971.

On July 10, 1972, Mr. Thorson was served with a Notice of Motion for an Order striking out his Notice of Appeal. The Notice of Motion contained the following:

> "AND FURTHER TAKE NOTICE that the said application will be made on the grounds that the Notice of Appeal
>
> (a) discloses no reasonable cause of action;
> (b) is scandalous, frivolous and vexatious; and
> (c) is an abuse of the process of this Honourable Court."

This Notice of Motion was stated to be made pursuant to Rule 419 of the Rules of Practice of the Federal Court of Canada.

The procedure involved in this Notice of Motion was planned by an Assistant Deputy Attorney General in the employment of the Department of Justice at Ottawa.

It is fairly open to the comment that it shows the extent to which the Trudeau Government will go in its effort to prevent the important issues involved in the appeal from being decided by the Court.

The procedure planned by the Assistant Deputy Attorney General is of the same nature as that which was strongly condemned by the Court of Appeal of England in the famous case of *Dyson v. Attorney General* (1911) 1 K.B. 410, in which Lord Justice Fletcher Moulton, speaking of a similar motion by the Attorney General in that case, said, at page 419:

> "our judicial system would never permit a plaintiff to be 'driven from the judgment seat' in this way without any Court having considered his right to be heard, excepting in cases where the cause of action was obviously and almost incontestably bad".

II MR. THORSON'S BOOK

Mr. Thorson has completed his book on the subject "Wanted – A Single Canada". It is now in the hands of the publisher McClelland and Stewart Limited and its publication is planned for January, 1973.

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Mr. Thorson wrote this book in the belief that the time is fast approaching for the decision that the Canadian people must make on the kind of Canada they want it to be. The choice is between the kind of Canada of which its builders have dreamed – A *Single Canada* in which all Canadians, regardless of differences in ethnic origin, whether British or French, or neither British nor French, stand on the footing of equality with one another, both in the enjoyment of their rights and in the fulfilment of their duties, without any preferential treatment to the members of any component of the Canadian nation and a dual French-English Canada such as that which the Trudeau Government has been attempting to establish.

In his book Mr. Thorson set out certain facts that ought to be taken into account by the Canadian people when they come to their decision. These include descriptions of the movements that have taken place in Quebec, statements of the demands made by its leaders and details of the attempt that is being made to change the basic character of our country by making it a dual French-English Canada.

He has also set out reasons for the decision that the Canadian people should make.

Mr. Thorson's further purpose in writing this book is to focus attention on the fact that, if the Canadian people are strongly enough opposed to the attempt that is being made to destroy the Canada of their dreams and substitute for it a dual French-English Canada, it is within their power to register their opposition at the polls when the time comes.

And they must keep in mind the fact that the need for a concerted effort to defeat the attempt to establish a French-English duality in Canada will not automatically come to an end with the defeat of the Trudeau Government at the coming election if that should happen.

The battle for the defeat of the attempt and for the maintenance of a Single Canada must continue, no matter what the result of the coming election may be, until the battle is won.

It is not possible in a news letter such as this to make a summary of the contents of Mr. Thorson's book, but some comments may fairly be made.

(1) In the wake of the "quiet revolution" in Quebec during the regime of Premier Jean Lesage there followed a great upsurge of Quebec French-Canadian nationalistic sentiment, an increasing sense of loyalty to Quebec rather than to Canada and a growing feeling that Quebec is the homeland of the French-Canadian nation. And a whole new generation, imbued with the spirit of the "quiet revolution", is growing up in that province to take charge of the conduct of its affairs.

(2) It is now more than nine years since Prime Minister Pearson directed the Royal Commission on Bilingualism and Biculturalism to recommend the steps that should be taken to develop the Canadian Confederation *on the basis of an equal partnership between the two founding races* and more than six years since he imposed his bilingualism policy on the Public Service of Canada.

(3) The attempt to make Canada a bilingual country with French and English as its two official languages, each being equal in status with the other, was for the avowed purpose of advancing national unity in Canada.

(4) The purpose for which the policy was framed has completely failed so far as Quebec is concerned. Its leaders are not concerned with the achievement of Canadian national unity. They do not intend that the French-Canadian nation should be merged in a Canadian nation. Its integrity must be preserved in order to enable French-Canadians "to remain themselves and to stay French", as Premier Daniel Johnson put it.

(5) And so far as the rest of Canada is concerned the attempt to force bilingualism on the people has caused deep resentment in the hearts of countless thousands of Canadians across the country. They do not want a dual French-English Canada.

(6) It is not correct, either as a matter of law or in point of fact, to assert that Canada is a bilingual country, in which French and English are its official languages, and that the constitution guarantees their equal status.

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COUR FÉDÉRALE DU CANADA
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The fact is that, except for the limited extent specified in Section 133 of the British North America Act, French is not an official language of Canada.

And the truth is that Canada never was a bilingual country, it is not a bilingual country now and it may fairly be predicted that it never will be a bilingual country.

The contention that Canada is a bilingual country is a deliberate "false pretence", but it continues to be made and it will continue to be made until the Canadian people reject it.

(7) The leaders of Quebec make two demands for their province; the first is that it must have the largest amount of provincial autonomy that is possible; and the second is that Quebec, being the homeland of the French-Canadian nation, is an equal partner with the rest of Canada and, as such, must have an equal voice with it "in all fields that concern our national life".

The first demand is understandable; the second is wholly unacceptable and must be resolutely rejected.

(8) The second demand is based on an erroneous concept of Confederation. It was a political union of three British Colonies in North America, Canada, consisting of Upper Canada and Lower Canada, Nova Scotia and New Brunswick. The contention that it was a compact of equal partnership between two linguistic and cultural groups, one French and the other English, meaning thereby all persons who were not French, is a gross distortion of historical fact, of which Prime Minister Trudeau has himself been guilty. The contention was purely an invention of militant French-Canadian nationalists who seized upon it in their attempt to justify their indefensible demand.

(9) Many thousands of Canadians voted for Liberal Party candidates in 1968 in the firm belief that Prime Minister Trudeau would confront the Quebec leaders with opposition to their unacceptable demand and reject their claim that Quebec should have an equal voice with the rest of Canada in the determination of national policies.

They have been disappointed in their belief and hope. Far from confronting the Quebec leaders, as they had hoped he would do, Prime Minister Trudeau carried on Mr. Pearson's campaign for a dual French-English Canada from where Mr. Pearson left off. The details of the steps taken by him in his attempt to make Canada a dual French-English country are set out in a lengthy chapter of 22 pages in Mr. Thorson's book under the heading – *The Trudeau Drive for a Dual French-English Canada.*

(10) While Prime Minister Trudeau has disappointed thousands of Canadians he has not failed in the considerations that have particularly dominated him. They are two-fold. While there may be doubt whether he has any defined political philosophy, there is no doubt about his concern for raising the status of French to the position of equality with that of English in every aspect of Canadian national life. He is not concerned with the advancement of bilingualism, as such. His concern for its advancement is due to his belief that this will be the best means for raising the status of French to the position that he intends to achieve for it. While that is so, the evidence is conclusive that he has even a deeper concern. This is a concern for the advancement of the position of the French-Canadians in Confederation to the position of an equal partnership between them, on the one hand, and all non-French-Canadians on the other. He has been and is a strong believer in federalism. But it may fairly be said that his adherence to it is influenced by his conviction that under federalism the French-Canadians have a better chance of ensuring the survival of French culture and maintaining and expanding their influence in Canada than they would have in any other way.

(11) In the chapter of Mr. Thorson's book under the heading – *Discrimination in the Public Service* he sets out particulars of the manner in which the administration of the Public Service bilingualism policy by the Public Service Commission has led to discrimination against English speaking persons and preferential treatment of bilingual persons, most of whom were French-Canadians.

The discrimination is unjust.

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The imposition of the bilingualism policy on the Public Service and its administration by the Public Service Commission constitute a serious grievance to English speaking members of the Public across Canada, and particularly in the national capital and its surrounding areas, and have caused deep resentment on their part against the policy and its administration.

Unfortunately, the English speaking members of the Public Service have been reluctant to give open expression to their objections to the policy and its administration and their resentment against the attempt of the Trudeau Government to use the policy and its administration as instruments for the advancement of a French-English duality in Canada. They have been fearful of reprisals against them if they did so.

There is a course that is open to them. If they feel strongly enough about the matter they can register their objection and express their resentment, without fear of reprisal, by voting against the candidate in their constituency of the government that permits this discrimination to continue. By doing so, they will take a step towards the removal of a source of serious grievance.

(12) Reference has already been made to the fact that the Trudeau Government has thus far spent approximately a quarter of a billion dollars for the implementation of the Official Languages Act.

In the chapter of Mr. Thorson's book under the heading – *The Cost of Bilingualism* he sets out particulars of the cost thus far and also refers to the fact that the greatest cost is still to come. This will be the cost of establishing and maintaining the federal bilingual districts contemplated by the Act. It is undisputed that this cost will run into many hundreds of millions of dollars.

All of these costs are a waste of public money, for Canada will never become a bilingual country.

These costs have imposed a severe strain on the Canadian economy and their ever increasing amount will continue to do so until the Canadian people decide to put an end to it which they can do by registering their opposition to the Government at the polls.

(14) In a recent Speech from the Throne it was stated that Canada is at the threshold of greatness.

Canada will never cross that threshold if its people allow it to become a dual French-English country.

But if the Canadian people decide that their country should be a Single Canada, the kind of country of which its builders have dreamed, then Canada will be able to cross the threshold into the greatness that should belong to her.

Canada will then be the great country that it can and ought to be.

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ED
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JOSEPH T. THORSON, P.C., Q.C.
160 ELGIN STREET
14TH FLOOR
OTTAWA, CANADA
K2P 2C4

TELEPHONE 236-4341
AREA CODE 613

November 27, 1972

The Hon. T.G. Norris, Q.C.,
19551 Lougheed Highway,
Pitt Meadows, B.C.

Dear Tom:

I thank you for your note of November 20, 1972, and enclose herewith a copy of the reasons for judgment of Mr. Justice Kerr of the Federal Court of Canada which I forgot to enclose in my letter to you.

I have passed your kind wishes on to Alleen.

Yours sincerely,

JOE

JTT/tstg
Encl.

Thorson, J.T. (1930-1974)
35-24

FEDERAL COURT OF CANADA
COUR FÉDÉRALE DU CANADA
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18 XI 1972
PRODUIT
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In The Federal Court of Canada
Trial Division

T-574-72

BETWEEN:

JOSEPH T. THORSON,

Appellant,

- and -

THE MINISTER OF NATIONAL REVENUE,

Respondent.

REASONS FOR JUDGMENT

(Delivered orally from the Bench at Ottawa
by Mr. Justice R. Kerr on November 8, 1972)

KERR J.:

On this application for an order striking out the appellant's Notice of Appeal I have heard the argument made by counsel for the respondent in support of the application, and the submission made by the appellant.

I do not think that the case here is beyond doubt.

I think that the respondent should file a defence and that thereafter, if any question of law or jurisdiction is raised, it may upon application be set down for argument and determination, or, in the alternative, the appeal may proceed to a hearing. The application is dismissed.

The appellant did not argue the merits of the grounds set forth in the respondent's application.

The costs of this motion shall be in the cause.

J. F. C. C.

O T T A W A,

November 8, 1972.

I HEREBY CERTIFY that the above document is a true copy of the original filed of record in the Registry of The Federal Court of Canada the 8th day of November A.D. 1972:

Dated this 8th day of November 1972:

J. F. DENIS COUSINEAU
DEPUTY CLERK OF PROCESS

PLACE OF HEARING: Ottawa
DATE OF HEARING: November 8, 1972
COUNSEL: Appellant appearing on his own behalf
G.W. Ainslie, Q.C. }
H.L. Molot } for the respondent

Thomson, J.T. (1970-1974)

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