

Official Languages

● (1510)

Madam Speaker, it was at this point that the political authorities became involved. First of all, I wish to say a few words in praise of the man who was Premier at the time, Mr. Sterling Lyon, who in 1979 was Premier of Manitoba. Mr. Lyon quickly acted to repeal the unlawful and unconstitutional Act of 1890. He went even further, and started by ensuring that a certain number of services in Manitoba would be available in French, on demand. Mr. Lyon's successor, Premier Howard Pawley, tried to find a way around the eventuality that the Supreme Court would rule that everything that had happened since 1890 in Manitoba was illegal, which could even be taken to mean that the Premier's own legislature was sitting unlawfully and had no authority. Madam Speaker, it is indeed important, that the Constitution is respected, as I said earlier, both for legislators and for judges.

At this point, an agreement was reached between the Government of Canada, represented by the Secretary of State and assisted by the Minister of Justice, and the Government of Manitoba and the Société franco-manitobaine. They tried to find, as was their duty as political authorities and responsible leaders, a way of resolving this problem and thus preventing the utter chaos that might ensue if a judgment were to invalidate some ninety years of legislation. They found a formula that led to the agreement referred to in the resolution before the House today. This agreement had many advantages, one being that politicians and the community leaders were saying: It is up to us to try to solve these problems. We cannot go to the courts again. Let us try to find a solution. It was a little like what we ourselves did in the House two years ago when the Supreme Court gave us a nice problem to solve as a result of its judgment in September 1981. At the time, the political leaders of this House and the Canadian Provinces managed to find a solution to the problem, and although the going was at times a bit rough, as I think my colleague, the Minister of Energy, Mines and Resources (Mr. Chrétien), then Minister of Justice, will agree, we managed to find a solution that could be accepted by the vast majority of Canadians.

Similarly, the Pawley Government, our Government and the Franco-Manitobans drafted an agreement that had several advantages. First of all, under the agreement, Manitoba and the Parliament of Canada would be asked to adopt a constitutional amendment declaring all laws passed since 1890 to be valid, thus preventing legal chaos in this part of the country. Second, an agreement or constitutional amendment that would establish the legitimacy of the province and the Government of Manitoba would, as it were, reaffirm their constitutionality. Third, the agreement would release the province from the obligation, which it would have had pursuant to the Act of 1870, to translate the 4,500 statutes or laws still in existence that govern this province, substituting therefor an obligation to translate only the province's 400 principal statutes. The agreement would also enable the Government and Parliament of Canada to assist the Province of Manitoba financially in

accomplishing this task. Finally, the agreement would give Franco-Manitobans a number of advantages insofar as they would be able to receive services in French, over and above the provisions of the Act of 1870.

[English]

That is the situation today, Madam Speaker. It is important to repeat for those who think that this is a new right which is being given to that small minority of French-speaking Canadians in Manitoba that this is not a new right. This is a right which was given to them in 1870, which was unconstitutionally withdrawn from them in 1890, and which was restored by the judgment of the Supreme Court of Canada in 1979. This is not a matter of giving new rights and privileges; this is a matter of re-establishing certain rights. And in return for not creating the chaos which would follow from the unconstitutionality of some 90 years of invalid laws, it said uncertain services will be delivered in French beyond those authorized and required by the law of 1870.

I believe it is a very important day for us in this Parliament, Madam Speaker, that the three Parties in this place have agreed that they will make this joint statement to say that no matter how old, how forgotten, and no matter how few people were protected by it, the Constitution must stand if, indeed, we are to continue to exist as a civilized society. Wrongs must be righted.

We cannot undo the past, Madam Speaker, and I am not one of those who is constantly trying to rewrite history and trying to seek redress for decades, perhaps generations, of injustices, real or imagined. However, we can be just in our time. The events in Manitoba are calling on us to do precisely that, to assist in the re-establishment of a situation of laws where, from today onward into the future, we will not repeat the mistakes of the past.

I am encouraged, Madam Speaker, that there is a disposition in this place to speak with one voice on that basic principle. I know it has been said, even in my own Province, by some political leaders—who it must be said do not believe in Canada, who perhaps have a vested interest in that only French be spoken in my Province and only English spoken elsewhere—that these are but a small minority, that they are all but lost. Why worry about them? Well, Madam Speaker, I think it is fundamental to our existence as a people and, indeed, to our survival as a nation that we say no matter how small the minority, if they have rights, those rights will be respected.

Some Hon. Members: Hear, hear!

● (1520)

Mr. Trudeau: Lest some think that we on this side are inventing some new principle or some new basic authority or policy to govern this country, I would ask the indulgence of the House to let me make two quotations from the debates which took place in 1890 when there was a resolution before the