The Infamous $54 Traffic Ticket

Gilles Caron, the Francophone truck driver who has [been] pleading his cause in Alberta courts since 2006, received a favourable ruling from Provincial Court Judge Leo Wenden recently. In 2003, Caron received a $54 traffic ticket for making an unsafe left turn. He proceeded to ask for a French hearing, but was denied under the Languages Act [1] that revoked these rights in Alberta.[2]Judge Wenden found the law unconstitutional, and Caron was cleared of the traffic offence. According to defence lawyer Rupert Beaudais, "the case was never about a minor traffic offence. This case was about challenging the constitutional validity of Alberta's language laws, which abolished all French language rights." [3]Lise Routhier Boudreau, the President of the Fédération des communautés francophones et acadienne du Canada, believes that the Caron decision is a step in the right direction for minority language rights in the country, adding to the recent victories of Justin Bell in Saskatchewan and Marie-Claire Paulin of New Brunswick against the RCMP.[4]

Edmund Aunger, a University of Alberta political science professor, was a key witness in the trial. He paid particular attention to new records showing that, in 1870, Rupert's Land as the western region was then known, only agreed to join the confederation if protection of French language rights was guaranteed.[5]Relations between the province of Alberta and its French-speaking citizens have historically been complicated, leading former premier Don Getty to famously announce that "Albertans believed in bilingualism by choice, not by law." [6]

Crown Prosecutor Teresa Haykowsky won a three-month stay, which gives the government the option of either appealing the case, or taking action. It is possible that if Caron is successful in higher levels of court, including the Supreme Court of Canada, Alberta could be forced to translate all the laws of the province into French, and make every service available in both official languages.[7] Many language rights advocates in the province are asking that serious consideration be given to renegotiating the Act, including Léo Piquette, the former MLA who is most remembered for the event in 1987 where he was told to stop speaking French in the legislature by the Speaker. [8] Greg Clarke, the Executive Director of the Centre for Constitutional Studies, sums up the decision that the government of Alberta is now faced with: "if the government chooses to appeal the case it will be years before we have a clear decision about what this means. If the government accepts the decision and decides to do what they have to do, presumably that means: start translating." [9]

Of note this may have been the longest trial in Alberta Court history.

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[1] Languages Act, R.S.A. 2000, c. L-6 [Act].
[2] Karen Kleiss, Edmonton Case Tests Language Law, Edmonton Journal, 3 July 2008.

[3] Ibid.
[4] Radio-Canada, “Décision saluée par la FCFA” (3 July 2008).
[5] Karen Kleiss, English-Only Laws Violate Historical Commitments, Expert Says, Edmonton Journal, 3 July 2008.
[6] Supra note 2.
[7] Ibid.
[8] Karen Kleiss, Ruling Reopens Language Act Debate, Edmonton Journal, 4 July 2008.
[9] Ibid.