***Ottawa Public Law Tour – Track 2 War Memorial***

**Transcript of podcast**

Track 2: The War Memorial. The National War Memorial was built to commemorate the soldiers who fought and died in the two World Wars and Korea. It includes the winged Victory and Liberty at its apex, and the highly realistic representation of World War One soldiers passing through its arches. Since 2000, it has also hosted the Tomb of the Unknown Soldier, the remains of an unidentified soldier from the First World War, representing the approximately 28,000 soldiers who died in service of their country, but have no marked gravesite.

The War Memorial has hosted many moving ceremonies, especially on Remembrance Day each year – an event you should attend during your studies. It was also the site, in October 2014, of a new tragedy, when Corporal Nathan Cirillo was shot three times in the back by a terrorist before that terrorist stormed Parliament’s Centre Block and was ultimately stopped by security and police metres away from where hundreds of MPs and the prime minister were meeting.

This was not the first time political violence has touched this part of Ottawa. Only a short distance away, down what is known as Sparks Street, a pedestrian mall, one of the most famous figures of the Confederation era, Thomas D'Arcy McGee, was assassinated a year after confederation. McGee had been an Irish nationalist, but had turned against the violence of the Fenian Brotherhood. Patrick James Whelan, a suspected Fenian sympathizer, was convicted of the murder in a procedurally doubtful trial. He hanged before 5,000 spectators in Ottawa.

But let us move on to happier things. Walk now to the eastern part of the War Memorial Square. On your right, as you face the Parliament buildings and Wellington Avenue, in keeping with the War Memorial theme, here you will see some bronze busts and statues, called the Valiants Memorial. These depict individuals who played major roles in conflicts through Canadian history. Pause to read the accompanying information. When you’re done, continue this podcast.

Look also east now, down Wellington Street and down the slight rise. On the north side of Wellington you will see the Chateau Laurier. When you have a chance, it is worth visiting this majestic hotel, famous not least for its four o’clock teas. This old railway hotel, opened in 1912, has hosted its fair share of dignitaries, and a particular favorite exhibit of mine are the famous photos taken by Yousuf Karsh, who lived in the hotel for eighteen years. Other residents of the hotel included, at least for a time, Prime Ministers Bennett and Pierre Trudeau. Guests have included King George VI, Queen Elizabeth and her consort Prince Philip, Winston Churchill, Charles de Gaulle, the King and Queen of Siam, US President Herbert Hoover, Nelson Mandela, and the Dalai Lama, among many others.

The hotel has also been the scene of some serious public law history. It hosted the premiers of Canada’s provinces – or at least most of the premiers – during the difficult negotiations over the patriation of Canada’s constitution from the United Kingdom in November 1981. The premiers and Prime Minister Trudeau, with their officials, negotiated across the street in the old Union Station, which you can see also from where you are standing. It is the stately building on the south side of Wellington. This building was then a Government Conference Centre, and now as this is being recorded, is being temporarily being repurposed to house the Senate during renovations on Parliament Hill. It was the site for this last, best-hope negotiation in November 1981. But across the street, in their suites at the Chateau Laurier, in between negotiations, the so-called “Gang of Eight Premiers” – those of Quebec, Alberta, Manitoba, PEI, Newfoundland, BC, Saskatchewan, and Nova Scotia – debated a compromise plan that would have taken the Canadian Charter of Rights and Freedoms off the table in the negotiations process. Trudeau rejected this proposal in an angry confrontation, and ultimately a compromise was hatched, one that in constitutional lore commenced when the Federal Justice Minister, Jean Chrétien, and his Saskatchewan and Ontario counterparts, Roy Romanow and Roy McMurtry, met in an unused kitchen pantry in the old Union Station conference centre.

There is dispute over whether there is much truth to this mythology around the negotiation process. But whatever the truth, the compromise resulted ultimately in the Charter – but one affixed with the notwithstanding clause, a partial override of the Charter, preserving a huge swatch of parliamentary sovereignty and found now as Section 33 of the Charter. Incidentally, Section 33 has so far never been used federally, and only in a small handful of cases provincially.

But this compromise hashed out in the nighttime, again in hotel suites, did not include Quebec. The Quebec delegation was staying across the Ottawa River, so it was presented to Quebec Premier René Lévesque as a done deal in the morning. This led Levesque to claim betrayal in what was dubbed “The Night of the Long Knives.” Quebec never agreed to the final repatriation deal, something that turned out to have no legal significance, but fueled, and continues to fuel, discussions about how Quebec never agreed to the 1982 constitutional settlement. Whether Lévesque would ever have agreed anyway is an interesting question, but this history strongly suggests that constitutional negotiators should always stay in the same hotel.

The November 1981 compromise, with some important adjustments and changes, ultimately became the basis for the Constitution Act of 1982. And for the final time the United Kingdom Parliament passed a statute that became constitutional law in Canada. This last British statute, called the Canada Act, terminated the British Parliament’s power over Canada and included the Constitution Act of 1982, which in turn incorporated the Charter and also a constitutional recognition of Aboriginal rights. Both of these things completely changed the public law trajectory of Canada.

OK, now you have a choice. The full tour continues north from the War Memorial, down along and across the Canal and up the pathway to the National Gallery and Nepean Point, before crossing into Quebec and walking along the north bank of the Ottawa River. This is a beautiful walk or run or cycle, but it is several kilometres, so make sure you have time. If you prefer the short-form tour, involving just Parliament Hill, please cross from the War Memorial towards Sparks Street and then walk up the remainder of Elgin Street to Wellington Street and enter Parliament Hill at the gates at the centre of Parliament Hill leading to the Eternal Flame. Then skip ahead to Track 7.

For those of you continuing, now descend the stairs near the Valiants Memorial. At the bottom, turn north and pass under Wellington Street and follow the canal to a set of locks that brings that watercourse down in stages to the Ottawa River. Pause now and restart this podcast when you have come out from the underpass and are looking down the slope at the locks along the Rideau Canal leading to the Ottawa River.

The path you are walking down ultimately links the pedestrian and bike path that runs along the Ottawa River with that that runs down the Rideau Canal. If you are part of the UOttawa Law Running Group, you will be running this hill during the warmer months when it is not snow-covered. You will notice that you are passing through a gorge that cuts through the topography to bring the canal down to the level of the Ottawa River.

As you go downhill, to the left of you is a steep rise leading up to Parliament. To your left, you can see the west side of the Chateau Laurier. The rocky outcrop on which Parliament now stands attracted Colonel By’s strategic eye. Originally it housed a barracks, an army hospital, and it became known as Barracks Hill. Colonel By considered the gorge you are walking through the ideal spot to commence his canal. Remember, this was a project with a military purpose and strategic interests were front and centre. After Queen Victoria named Ottawa the capital of the United Province of Canada in 1857, Barracks Hill was repurposed for the province’s Parliament. But more on that later.

Continue down the hill toward the Ottawa River, to the place where the canal meets it, called Entrance Bay. As you do so, you will pass a small limestone building, the Commissariat Building. This building has served as a military warehouse, an apartment, and of late, as a museum. Pop in if you have a moment, or perhaps pop in later in your law school career.

When you get to the bottom of the path near the Ottawa River, cross one of the locks to the other side. Yes, you are allowed to cross the locks, and yes, you can even wheel your bike across. When on the other side, follow the asphalt path that now heads north, climbing out of the gorge along the steep bank of the Ottawa River. This path is actually considered part of the Trans Canada Trail. It will take a few minutes to climb it all, so pause here and restart when you reach the intersection with the broad pedestrian walkway of gray-pinkish stone across from the glass towers of the National Gallery.

Now turn to your right and walk up the slight rise along the pathway, which in turns runs along the Alexandra Bridge road. As you do so, to your right is Major’s Hill Park. When you have a chance, or even now, pause and wander through this park. This was Ottawa’s first public park, created in 1875. It is now the setting for assorted festivals, and if you walk to its edge along the canal, you have a view of the gorge you have just walked through and of Parliament Hill. You will also find the ruins of Colonel By’s home.

But if you don’t want to pause and do all that now, then follow the pinkish pathway along the Alexandra Bridge road to the intersection with Mackenzie Avenue. If you look to your left you will see the distinctive prow of the United States Embassy. Cross Mackenzie Avenue, and then immediately cross Murray Street, so that you are now kitty-corner to where you started. Enter the memorial you see immediately in front of you: the Reconciliation or Peacekeeping Monument. Pause this podcast and start it again when you have reached the monument.

This is the only monument of its sort in the world, an exhibit dedicated to peacekeepers and specifically to the over 110,000 Canadian soldiers who have served in peacekeeping operations around the world since 1948.

You are also standing on the perimeter of the ByWard Market. If you were to continue moving east and then move a few blocks south, you would be at its heart. This is something you will surely be doing at some point in the future, not just because of the produce in the market itself, but because of the restaurants and pubs that festoon this neighborhood. But not right now.

Once you have finished at the memorial, cross Mackenzie Avenue again, and walk towards the distinctive glass-shrouded National Gallery to the north, crossing St. Patrick Street and onto the sidewalk abutting the gallery grounds. Opened in 1988, the Gallery is a spectacle that you should enjoy when you have a chance. And even if you are no art lover, the architecture is worth the visit alone. As I record this, admission is free every Thursday, from 5:00 to 8:00 p.m.

But for our tour, continue now downslope, along the sidewalk running along the Alexandra Bridge road towards the bridge. Keep following that path as it moves slightly away from the road and then upslope to what is called Nepean Point, where you see a large statue on a pedestal in the near distance. Pause now, and start on Track 3 when you reach the base of that statue.

<end of Track 2>