

## **The Journey of the Constitution Express to Ottawa**

Report prepared at the request of The Union of B.C. Indian Chiefs in partial fulfillment of UBC Geography 429: Research in Historical Geography, for  
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## **Abstract**

The Constitutional Express was a response to the federal governments proposed changes to the Canadian Constitution in 1980. As a result of the Union of B.C. Indian Chiefs analysis of these proposed changes, a state of emergency was declared and First Nations from across Canada mobilized to fight against their rights being extinguished. After protests nationally and internationally, Section 35 was added to the 1982 Canadian Constitution. Section 35 provides constitutional protection to the aboriginal and treaty rights of Aboriginal peoples in Canada. There is debate concerning whether or not Section 35 positively or negatively impacts Aboriginal Rights in Canada. Despite the controversy, the Constitution Express was a significant event because it was a political movement led by grassroots participants. However, current literature focuses on the result of the Constitution Express and the leader of the movement. There is a gap regarding the mobilization of this event and the journey. This paper aims to share the story of this grassroots movement by analyzing participant's experiences and primary sources.

## **Introduction**

The Union of British Columbia Indian Chiefs (UBCIC) was founded in November of 1969, partly in response to the federal government's 1969 White Paper. The mission of the UBCIC includes improving intertribal relationships through common strategies to protect Aboriginal Title and continuing to defend Aboriginal Title.<sup>1</sup> In 1980, the Federal Government proposed to amend the soon-to-be patriated Canadian Constitution. In September of 1980 the UBCIC, in reviewing the position of the Federal Government on Patriation of the Canadian Constitution discovered that First Nation people would lose their aboriginal rights should this occur. The aboriginal people of British Columbia decided to take action, which resulted in the Constitution Express to Ottawa. The purpose of this project is to analyze the story of the Ottawa Constitutional Express.

The UBCIC mobilized support by making presentations to the communities and the media. Hundreds of Band members, UBCIC Employees and Chiefs boarded the Constitution Express, trains that left Vancouver, British Columbia in November of 1980 bound for the nation's capital.<sup>2</sup> The trains made stops along the way, picking up more passengers. Approximately one thousand people arrived in Ottawa to give speeches to the communities and lobby the government officials. The primary goals of the Express were to keep the focus of both the national and international public's

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<sup>1</sup>Union of B.C. Indian Chiefs, *Our Mission*, About UBCIC Vancouver. Retrieved from [http://www.ubcic.bc.ca/about\\_us](http://www.ubcic.bc.ca/about_us). April 5, 2015.

<sup>2</sup>"Constitutional Changes: March to Demand Full Participation." *Our Indian World: the Choice is Ours*. Vancouver: Union of British Columbia Indian Chiefs. Vol. 3, No. 1 (1980): 4. Print.

attention on the Constitution issue, to bring Indian people together in a united front against the assault on their rights and to prevent the Trudeau government from quietly passing the resolution.<sup>3</sup> As a result, constitutional protection for aboriginal and treaty rights in Canada was added to Section 35 in the 1982 Constitution Act.<sup>4</sup>

There is debate concerning the impact of the Express, as well as Section 35. Stó:ló author Lee Maracle feels as if Section 35 reinforces colonialism by recognizing Canadian law as supreme.<sup>5</sup> Lawyer Mary Ellen Turpel also argues that by accepting the Constitution, a colonial form of rule based in Western ideologies prevails. In reference to Section 35 Turpel states, “everything has to be adjusted to fit the terms of the dominant system.”<sup>6</sup> Additionally, some argue that there is a disparity between the concept of Aboriginal rights being upheld by Section 35, and the daily lives of Aboriginal peoples. According to the UBC Indigenous Foundations Project, there are a considerable number of Indigenous people who either are not directly aware of the Express and Section 35 or they believe it is meaningless in their lives.<sup>7</sup>

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<sup>3</sup>M. Poplar, *We were fighting for nationhood not section 35*, in: A. Walkem, H. Bruce (Eds.) *Box of Treasures or Empty Box? Twenty Years of Section 35*, Penticton: Theytus Books Ltd, 2003, 35.

<sup>4</sup>1982 Constitutional Accord on Aboriginal Rights. Ottawa: Government of Canada, 1983. Print. [Vertical Files: Aboriginal title and rights – Constitutional aspects – Canada – Union of British Columbia Indian Chiefs Resource Centre]

<sup>5</sup>L. Maracle, *The Operation was Successful, But the Patient Died*, in: A. Walkem, H. Bruce (Eds.) *Box of Treasures or Empty Box? Twenty Years of Section 35*, Penticton: Theytus Books Ltd, 2003, 309-315.

<sup>6</sup>M. E. Turpel, *Aboriginal Peoples and the Canadian Charter of Rights and Freedoms: Contradictions and Challenges*. *Canadian Women's Studies* Vol. 10 No. 2 & No. 3, 1991, 149-157.

<sup>7</sup>Constitution Act, 1982 Section 35, *UBC Indigenous Foundations*, Vancouver, 2009.

On the contrary, it is claimed that due to the Express and Section 35, the Canadian government learned they ought to consult Aboriginal People. John Borrows from the Law Foundation at the University of Victoria believes the recognition of Aboriginal rights in Section 35 places the issue “squarely in the public eye” and this was and remains crucial for the Canadian public’s acceptance of pre-existing Aboriginal rights.<sup>8</sup> Despite the controversy, the Constitution Express was a significant event because it was a political movement led by grassroots participants. The Express was a unique movement that involved First Nation people from across Canada. Lynn Crompton, a UBCIC In House Lawyer during the Express stated “[t]he first thing that comes to mind is we have not been as strong since. It stands out as a period in Indigenous History.”<sup>9</sup>

## **Literature Review**

Current literature and analysis concerning the Constitution Express has a focus on two primary topics. The first is George Manuel, who was the UBCIC President at the time and the leader of the movement. George Manuel was very admirable and influential. It is said “there will not be another George Manuel for another 10,000 years.”<sup>10</sup> The second focus in current literature is the result of the Express, known as Section 35 of the Constitution Act, which reads as follows:

(1) The existing aboriginal and treaty rights of the aboriginal people in Canada are hereby recognized and affirmed.

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<sup>8</sup>J. Borrows, *Measuring a Work in Progress: Canada, Constitutionalism, Citizenship and Aboriginal Peoples*. in: A. Walkem, H. Bruce (Eds.) *Box of Treasures or Empty Box? Twenty Years of Section 35*, Penticton: Theytus Books Ltd, 2003, 225.

<sup>9</sup>Ibid.

<sup>10</sup>Oral Interview of Lyn Crompton by Vicki L. George for UBCIC & UBC, 2007.

(2) In this Act, “Aboriginal Peoples of Canada” includes the Indian, Inuit, and Métis Peoples of Canada.

(3) For greater certainty, in subsection (1), “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this act, the aboriginal and treaty rights referred to in subsection are guaranteed equally to male and female persons.<sup>11</sup>

However, participants and First Nation communities in Canada feel pride towards the materialization of the Constitution Express and this is lacking in current literature. There is a gap in information regarding the creation of the Express and concerning the journey itself. The Express did not receive any federal funding. First Nations who were “struggling to get a loaf of bread” fundraised for train fares and First Nation communities from all across Canada came together to present one cohesive position.<sup>12</sup> Thus, the Constitution Express was as much as a people’s movement as it was a political lobby.

The method for this research involves analyzing the UBCIC Constitution Express Digital Collection and resources held at the UBCIC resource center. As previously mentioned, there is a gap in available literature that references the Constitution Express journey and the story leading up to departure. Therefore, in order to fill the gap primary sources that were consulted consist of UBCIC News Bulletins, First Nations news articles, photographs, positional papers and oral interviews. Vicki Lynne George completed interviews of eight Constitution Express participants as a part of her First Nations Studies Practicum at the University of British Columbia in

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<sup>11</sup>1982 Constitutional Accord on Aboriginal Rights. Ottawa: Government of Canada, 1983. Print. [Vertical Files: Aboriginal title and rights – Constitutional aspects – Canada – Union of British Columbia Indian Chiefs Resource Centre]

<sup>12</sup>Oral Interview of Mary Williams by Vicki L. George for UBCIC & UBC, 2007.

2006.<sup>13</sup> These oral interviews provide valuable first hand experience that is largely absent in published literature. In addition, secondary sources were reviewed. To date, *Brotherhood To Nationhood: George Manuel And The Making Of The Modern Indian Movement* by Peter McFarlane is the only secondary literature that shares the story of the journey.

### **The Journey of the Constitution Express to Ottawa**

The Constitution Express was designed in conjunction with other political and legal moves instituted to delay patriation and buy time for the First Nation people in Canada to consolidate a strong position regarding the Government's proposition. The first discussion concerning the new Constitution occurred in UBCIC's June 1978 newsletter. The editor stated:

*"Ten years later, the Federal Government is still proposing to recognize us. The recognition of legitimate aboriginal rights, sounds good, but what does it really mean? Our definition of legitimate aboriginal rights is different from the Federal Government's. Will the new Constitution safeguard our interests, or those of the Federal Government?"<sup>14</sup>*

In September of 1980 George Manuel instructed in house lawyers to review the position of the Federal Government on Partition of the Canadian Constitution. The results instigated fear and in the October 1980 *Indian World* a "State of Emergency" was declared.<sup>15</sup> According to the UBCIC in house lawyers, Aboriginal rights and

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<sup>13</sup>*The Constitution Express: A Multimedia History* (DVD). Produced by Vicki L. George for UBCIC & UBC, 2007.

<sup>14</sup>L. Dey. Ed. "Editorial." *UBCIC News*. Vancouver: Union of British Columbia Indian Chiefs. June (1978): 2. Print.

<sup>15</sup>"Constitutional Changes: March to Demand Full Participation." *Our Indian World: the Choice is Ours*. Vancouver: Union of British Columbia Indian Chiefs. Vol. 3, No. 1 (1980): 4. Print.

freedoms could be legislated out of existence in three years due to the fact that legal basis for these 'rights and freedoms' would be left out of Constitution. The State of Emergency resulted in a fast response from UBCIC to mobilize First Nation Communities.

The first stage of the movement was education to raise support. UBCIC employees were organized into pairs and travelled across the province to educate First Nations about the potential impact of the new Constitution. Dr Winona Wheeler, who was a young UBCIC employee at the time, explained within a ten-day period her partner and herself visited seven different bands.<sup>16</sup> The UBCIC also released educational information about the Constitution in their October 1980 News Bulletin. Moreover, in this newsletter was the first mention of the Constitutional Express as well as a call for fundraising.

IF ANYONE KNOWS THE HISTORY OF TRUDEAU SINCE HE CAME TO POWER IN 1967, THIS HAS ALWAYS BEEN HIS INTENTION: TO WIPE OUT THE SPECIAL RELATIONSHIP OF INDIAN PEOPLE TO OUR LAND, OUR RESOURCES AND OUR RIGHT TO GOVERN OURSELVES.

THE PATRIATION OF THE CONSTITUTION, AS PUT BEFORE THE HOUSE OF COMMONS, IS TO LEGALIZE HIS "WHITE PAPER POLICY" OF 1969 (the Termination of Indian Peoples' Rights). IF HE SUCCEEDS WITH THE B.N.A. ACT, IT WILL BE A LAW VERY DIFFICULT TO CHANGE.

His goal is to have all this completed by July 1st, 1981. The Resolution has been debated in Parliament and is now in Committee Hearings. These end on December 9th. The Resolution will then go to second and final Reading in the House of Commons. Approval there will send Trudeau to England to get the British Parliament to release the B.N.A. Act to the Canadian Government. Canada will be an independent nation.

**ACTION!**

**POLITICAL ACTION**

The Constitution Express will take thousands of Indian people to Ottawa to demonstrate to the Canadian Government, Canadian people and to the Cabinet Committee which is reviewing Trudeau's resolution, that we will not accept termination of Indian rights.

If it's not successful in Ottawa, the Constitution Express will go to New York to demonstrate to the United Nations that our Treaties, Declarations, etc., are being violated.

Fund-raising will be needed to get Band people to Ottawa. Billboards can declare our position. To gain support, we will have to educate the non-Indian population of our rights and concerns.

**LEGAL ACTION**

Join the court action launched by B.C. Bands to stop Trudeau from acting beyond his powers in trying to wipe out Indian rights.

Support the court action to be launched in Europe to ensure that Great Britain stands by the Proclamations, Treaties, etc., which protect Indian Nations.

Individual people, as well as Bands, can join court actions.

More detailed information is being sent to all the Chiefs of Canada.

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<sup>16</sup>Oral Interview of Winona Wheeler by Vicki L. George for UBCIC & UBC, 2007.

<sup>17</sup>"State of Emergency: Trudeau's Constitution would wipe out Aboriginal Rights." Our Indian World: the Choice is Ours. Vancouver: Union of British Columbia Indian Chiefs. Vol. 3, No. 7 October (1980): 4-6. Print.



Within days of the community workshops being finished the Constitution Express was supported and organized due to a series of serendipitous events.

The second stage of the movement was funding. Lyn Crompton, who was a UBCIC in-house lawyer, recalls participants raised over \$90,000 on the day all money was due for the trains.<sup>18</sup> Everyone had to pay their own \$200 fare, bring their own food and their own supplies; however, participants joined forces and fundraised together.<sup>19</sup> A Local Chief and a leader of the trip explained young families sacrificed everything they had because they really believed in the cause.<sup>20</sup> People would sell their belongings, for example their stereo, in order to have money to go on the train. Mary Williams recalls people would warm up the deer and canned fish meat on top of the radiators on the train because it was too expensive to eat in the dining hall.<sup>21</sup> Even non-participants across the country tirelessly supported the movement and at stops local First Nations would voluntarily provide those partaking in the Constitution Express with gifts and food.

On November 5, 1980, this UBCIC News Bulletin released the Express schedule. As per this schedule, there were two trains departing to Ottawa from Vancouver. The first half of the Constitution Express, Train #104, left Vancouver for Ottawa at 8 p.m. on November 24 via Calgary and Regina. The second half of the Constitution Express, Train #102, left Vancouver for Ottawa at 9:45 p.m. via Edmonton and

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<sup>18</sup>Oral Interview of Lyn Crompton by Vicki L. George for UBCIC & UBC, 2007.

<sup>19</sup>Oral Interview of Louise Mandell by Vicki L. George for UBCIC & UBC, 2007.

<sup>20</sup>Oral Interview of Wayne Christian by Vicki L. George for UBCIC & UBC, 2007.

<sup>21</sup>Oral Interview of Mary Williams by Vicki L. George for UBCIC & UBC, 2007.

Saskatoon. Train #104 made 14 stops prior to arriving in Winnipeg and train #102 made 16 stops prior to arriving in Winnipeg.

## SCHEDULE

### CONSTITUTION EXPRESS

**Monday, November 24th** The first half of the Constitution Express, Train #104, leaves Vancouver for Ottawa at 8 p.m. via Calgary and Regina. The second half of the Constitution Express, Train #102, leaves Vancouver for Ottawa at 9:45 p.m. via Edmonton and Saskatoon.

**Wednesday, November 26th** Half of the Constitution Express (Train #102) arrives in Winnipeg at 17–25 p.m. The other half of the Express (Train #104) is scheduled to arrive one hour later at 18:25 p.m. Here in Winnipeg the two trains will join into one. The Constitution Express will continue its journey to Ottawa at 20:15 p.m.

**Friday, November 28th** Constitution Express finally arrives in Ottawa at 9:30 a.m.

**Saturday, November 29th** Workshop Sessions are scheduled in preparation for the All-Chiefs Conference.

**Sunday, November 30th Monday, December 1st & Tuesday, December 2nd** Second All-Chiefs Conference

**Wednesday, December 3rd Thursday, December 4th & Friday, December 5th** Workshop sessions to follow-up and prepare for International Lobby if necessary.

**Saturday, December 6th** Constitution Express arrives in New York in afternoon.


**Monday, December 8th & Tuesday, December 9th** International Lobby.

**Wednesday, December 10th** Participants of the Constitution Express head home.

### CONSTITUTION EXPRESS STOPS AND PICK-UPS

**November 24th**

<b>Train #104 goes through</b>	<b>Train #102 goes through</b>
Edmonton and Saskatoon.	Calgary and Regina.
Vancouver 20.00 hours	Vancouver 21.45
New Westminster 20.55	New Westminster 22.45
Matsqui 21.49	Mission 23.25
Chilliwack 22.20	
Hope 23.05	
	<b>November 25th</b>
<b>November 25th</b>	Agassiz 00.03
Boston Bar 00.55	Yale 00.50
Lytton 01.55	North Bend 02.10
Ashcroft (CN) 03.30	Ashcroft (CP) 04.35
Kamloops arrives 05.10	Kamloops arrives 06.10
leaves 05.40	leaves 06.25
Clearwater 07.30	Salmon Arm 08.25
Vavenby 07.55	Sicamous 09.05
Avola 08.50	Revelstoke arrives 10.35
Jasper (Alta.) arrives 15.10	leaves 11.05
leaves 15.40	Golden 15.15
Edmonton (Alta.) 21.25	Field 16.45
	Banff 18.25
	Calgary arrives 20.35
<b>November 26th</b>	leaves 21.20
Saskatoon 07.20	Regina 08.45
Winnipeg	Join Trains



A map showing the route of the Constitution Express. A red line indicates the path from Winnipeg, Manitoba, through Saskatchewan and Alberta, ending in Ottawa, Ontario. The map includes labels for 'WINNIPEG' and 'OTTAWA'.

On the train there was no television or radio. The UBCIC took advantage of this and organized the journey in such a way that a lot of education was provided to those who were on the train. Leaders, lawyers, elders, UBCIC staff and Chiefs were split up amongst the train carts. As the train crossed Canada they shared stories and talked a lot about the land.<sup>23</sup> The trains arrived in Winnipeg on November 26, where the First Nation community in Winnipeg showed up with soup, bannok, and drums. After a brief gathering, the two trains came together to continue the journey to Ottawa.

<sup>22</sup>Union of British Columbia Indian Chiefs. "Constitution Express." November 5, 1980. Print.

<sup>23</sup>Oral Interview of Wayne Christian by Vicki L. George for UBCIC & UBC, 2007.

One prominent memory for those who were on the train was a supposed bomb scare.<sup>24</sup> Various reports recall the event occurred just after leaving Winnipeg. All participants on the train who were subsequently interviewed brought attention to the bomb scare. Peter McFarlane explains that after having departed Winnipeg, RCMP agents posed as porters on the train.<sup>25</sup> Once the train arrived at a remote location, the RCMP agents instructed the leaders to evacuate the train. This photograph shows participant's opening their personal bags as instructed prior to evacuating.



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In the dark all passengers including children and elders were forced to stand outside while the train was being searched. It is believed by participants the purpose of the supposed bomb scare was because RCMP wanted to search for weapons due to concerns of the express being a violent protest.

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<sup>24</sup>“Bomb Threat Halts Express.’ Winnipeg.” *The Citizen* [Prince George] 27 Nov. 1980: 1. Print.

<sup>25</sup>P. McFarlane, *Brotherhood To Nationhood: George Manuel And The Making Of The Modern Indian Movement*, Toronto, 1993.

<sup>26</sup>“Bomb Threat.” Photograph. Archival Photographs number F1020006, Constitution Express Digital Collection.

After a tense journey, it was a relief when the train finally arrived in Ottawa. It is unknown exactly how many began the journey in Vancouver but on November 28 when the train arrived at 9:30am there was close to 1,000 First Nations who came to participate in fighting for their constitutional rights.<sup>27</sup> Ron George, who was a leader of the movement, recalls near arrival in the Mayor of Ottawa Marion Dewar went on the radio/TV and called on the city's citizens to respond with friendship and help.<sup>28</sup> Directly conflicting with this perception is Trudeau and his administration who put fences around the parliament due to fear of violence. Nonetheless, The Constitutional Express was a peaceful, non-militant protest.<sup>29</sup> Ron George affirmed it was the most significant movement he had ever been involved in. He claims it was a people's movement and it demanded they treated each other with respect, no alcohol or drugs.<sup>30</sup> Another participant Mary Williams stated, "a lot of us did not belong in the upper part of the political thing, a lot of us were just the ordinary person and they are the ones that need to know they did a great thing."<sup>31</sup>

## **Conclusion**

It is precisely due to the fact that 'ordinary' First Nation persons from all across Canada united and mobilized that bears significance to this event and establishes this as a grassroots movement. Grassroots is defined as "people at a local or low

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<sup>27</sup>P. McFarlane, *Brotherhood To Nationhood: George Manuel And The Making Of The Modern Indian Movement*, Toronto, 1993.

<sup>28</sup>"Few billets for Indians in Ottawa." *The Province* [Vancouver] 26 Nov. 1980: D11. Print.

<sup>29</sup>"Constitution Express to Ottawa." *Our Indian World: the Choice is Ours*. Vancouver: Union of British Columbia Indian Chiefs. Vol. 4, No. 1 (1981): 13. Print.

<sup>30</sup>Oral Interview of Ron George by Vicki L. George for UBCIC & UBC, 2007.

<sup>31</sup>Oral Interview of Mary Williams by Vicki L. George for UBCIC & UBC, 2007.

level rather than at the center or upper levels of an organization or movement”<sup>32</sup> or the “common or ordinary people, especially as contrasted with the leadership or elite of a political party, social organization, etc.; the rank and file.”<sup>33</sup> Therefore, despite the controversy referenced earlier in this paper, the Constitution Express was a significant event because it was a political movement led by grassroots participants. The UBCIC November 1980 Positional Paper explained “whether the House of Lords hears the case or not the record keeps the door open for future generations to carry on the struggle.”<sup>34</sup>

### **Further Research**

This research has attempted to highlight the journey of the Constitution Express and the experience of those who participated. As identified earlier there are two apparent gaps in literature, which lead to this research focus. The first is events leading up to the Express and secondly is the experience on the train. Further research can assist in filling these gaps.

Archie Pootlas and Saul Terry were two of the four leaders chosen by George Manuel have yet to be interviewed. There is currently no documented information referencing their experience. Moreover, the interviews that Vicky George Brown

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<sup>32</sup>Grassroots Definition, *The Free Dictionary*. Retrieved from <http://www.thefreedictionary.com/grassroots>

<sup>33</sup>Grassroots Definition, *Dictionary Reference*. Retrieved from <http://dictionary.reference.com/browse/grassroots>

<sup>34</sup>“Petition by the Indian People of Canada to Her Majesty Queen Elizabeth II.” Ottawa: November 1980. Print. [Vertical Files: Aboriginal title and rights – Constitutional aspects – Canada – Union of British Columbia Indian Chiefs Resource Centre]

conducted focus on leaders and employees of the movement. Further research should involve interviewing the remaining two leaders as well as participants who did not have a direct role in the movement: why did they choose to take on the high cost of the movement? What was their perception of the Journey?

Another area for further research would include broader perceptions in the mainstream media. The scope of this paper consists of research that was conducted at the UBCIC resource centre. Mainstream newspapers may provide insight into alternative perspectives that are not addressed in this paper.

### **Ways Forward**

On February 19, 1981 Indian World called out for information, “we have had suggestions that we put out a Special Edition on the Constitution Express, written by the people who were there... Deadline for all stories and pictures is March 31<sup>st</sup> 1981.”<sup>35</sup> Another call out could be investigated to obtain personal experiences. It is crucial for this research to take place while there are living Constitutional Express participants able to share their memories. The story of the Constitutional Express must be shared. Mary Williams stated, “[p]eople need to see this, not just me but other people – to have a reason for existing.”

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<sup>35</sup>“Special Edition: Constitution Express.” Our Indian World: the Choice is Ours. Vancouver: Union of British Columbia Indian Chiefs. Vol. 3, No. 10 (Feb. 1981): 10. Print.

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