

What Constitutes an Emergency Is "Not in the Eye of the Beholder"

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Police in Ottawa clearing Freedom Convoy protest under *Emergencies Act*, February 19, 2022

The Federal Court of Canada issued a decision on January 23 that the Trudeau government's invocation of the *Emergencies Act* on February 14, 2022 in response to the Freedom Convoy violated the *Charter of Rights and Freedoms* and was therefore unconstitutional. This refers to the series of protests and blockades in Canada against COVID-19 vaccine mandates and restrictions which began in early 2022 during the COVID pandemic.

The ruling followed a judicial review of the government's invocation of the *Emergencies Act*, conducted by Justice Richard Mosley of the Federal Court. Justice Mosley accepted applications for a review of the *Proclamation Declaring a Public Order Emergency*, issued on February 14,

2022; the Emergency Measures Regulations and Order in Council PC 2022-108; and the Emergency Economic Measures Order made on February 15, 2022 from four parties. The Canadian Civil Liberties Association (CCLA) and the Canadian Constitution Foundation (CCF) were granted public interest standing. Two applications for review from individuals were also approved from a retired police officer and a Canadian military veteran, both of whom participated in the Convoy and whose bank accounts and credit cards were frozen.

In his decision, Justice Mosley expressed sympathy for the federal government, stating that he might have made the same decision at the time. "I considered the events that occurred in Ottawa and other locations in January and February 2022 went beyond legitimate protest and reflected an unacceptable breakdown of public order," he stated. Nonetheless, he concluded that the decision did not meet the threshold required by law to invoke the *Emergencies Act*.^[1]

"I have concluded that the decision to issue the Proclamation does not bear the hallmarks of reasonableness -- justification, transparency and intelligibility -- and was not justified in relation to the relevant factual and legal constraints that were required to be taken into consideration. In my view, there can be only one reasonable interpretation of EA [*Emergencies Act*] sections 3 and 17 and paragraph 2c of the *CSIS Act* [*Canadian Security Intelligence Service Act*] and the Applicants have established that the legal constraints on the discretion of the GIC [Government in Council] to declare a public order emergency were not satisfied."^[2]

In short, Justice Mosley did not accept the Trudeau government's assertion that what he concluded was a breakdown of public order met the test of a "national emergency." That is, he did not accept that the situation exceeded the capacity or authority of a province to deal with it and could not have been dealt with by enforcing existing legislation. He further rejected the government's argument of a "threat or use of acts of serious violence."

Justice Mosley concluded however that the *Charter* right to freedom of association had not been violated, because it protects "the freedom to form and maintain associations, not the activity itself." He also found no breach of the *Charter* right of peaceful assembly, stating that he agreed with the federal government that "gatherings that employ physical force, in the form of enduring or intractable occupations of public space that block local residents' ability to carry out the functions of their daily lives, in order to compel agreement [with the protesters' objective] are not constitutionally protected."

However, he concluded that the regulations which banned participation in public assemblies violated the *Charter* right to free expression, because they captured people who were not engaged in any illegal actions, but "who simply wanted to join in the protest by standing on Parliament Hill carrying a placard." He also found that the federal government had failed to meet an "objective standard" in making orders to financial institutions to freeze bank accounts and credit cards, and that the RCMP basically made it up as they went along, thus breaching the *Charter* prohibition against unreasonable search and seizure.

Deputy Prime Minister Chrystia Freeland responded quickly to the findings of the Federal Court, stating that the government would appeal the decision. The appeal was subsequently filed on February 23. CBC News reported that in the appeal the federal government argues that the federal court applied the "reasonableness standard" of the *Charter* "in an incorrect manner" and that it adopted an "overly narrow articulation" of the *Charter*.

The decision of Justice Mosley for the Federal Court is certainly a rebuke of the Trudeau government's use of its police powers which are, by definition, above the rule of law. It is thus understood that the reasons a government gives of what constitutes an emergency must have a material basis and be persuasive for a government to invoke police powers -- which are tantamount to declaring a state of exception and entail the suspension of civil liberties and other draconian measures and are thus above the law.

The published decision includes the memo to Cabinet urging it to invoke the *Emergencies Act*. Even in its very heavily redacted form made available to the public, it is clear that powerful private interests and pressure from the Biden administration were directing the decision-making. This includes the definition of "national security" as including transportation and energy corridors and supply chains to feed the U.S. economy and war machine.

There was never any attempt to respect freedom of speech and have a rational national discussion about the measures taken by the federal government during the COVID pandemic or why violence was the chosen method to deal with serious differences which arose over COVID mandates and restrictions.

During the COVID pandemic, Canadians rose as one to fight on the front lines in the health care sector, in senior's homes and within the educational institutions and the measures they proposed were treated with utter contempt and dismissed despite calling front line workers heroes. Industrial, transportation, utility and other workers in the food industry who kept the country running were not even acknowledged. The demand of certain sections of the ruling class to criminalize the fight of any section of workers for their rights prevailed because it disrupted the aim of the rulers to make maximum profits no matter what and ensure the functioning of the war economy, one reason the Convoy was targeted. Their criminalization of speech and conscience, and actions emanating from it were the greatest casualties. Workers were forced to work in unsafe and untenable conditions due to years of the anti-social offensive coupled with losses from COVID-19 which especially made the health care sector very short staffed.



Health care workers protest attacks on rights and working conditions during COVID-19, Kenora, August 27, 2020

Governments which base their decisions on what they call a rules-based system indulge their own prejudices and beliefs and then blame others for what they themselves do. Self-serving concerns are at the centre of decision-making while the rulers declare that they are protecting Canadian values, national security, the economy and so on. Far from uniting contending factions behind what are called national interests, the contradictions fester and violence is looked at as the only recourse.

Following the decision of the Federal Court finding the use of the *Emergencies Act*

unconstitutional, the CCLA issued a press release titled, "Emergency is Not in the Eye of the Beholder: Federal Court Grants Victory to CCLA in *Emergencies Act* Challenge."

"From the moment the *Emergencies Act* was invoked, the CCLA raised our concerns," the press release said. "Emergency is not in the eye of the beholder. Emergency powers are necessary in extreme circumstances, but they are also dangerous to democracy. They should be used sparingly and carefully. They cannot be used even to address a massive and disruptive demonstration if that could have been dealt with through regular policing and laws. The threshold for invoking the *Emergencies Act* is extremely high. The government must demonstrate that there is an emergency arising from threats to the security of Canada and that that emergency truly has a national scope. The Federal Court agreed that this threshold was not met.

"The CCLA stood up to the government's use of the *Emergencies Act* and challenged the government in court. The Federal Court's decision sets a clear and critical precedent for every future government."

The CCF Executive Director Joanna Baron said the decision is good news for all Canadians. "The invocation of the *Emergencies Act* is one of the worst examples of government overreach during the pandemic and we are very pleased to see Justice Mosley recognize that *Charter* rights were breached and that Cabinet must follow the law and only use the Act as a tool of last resort."

CCF Litigation Director Christine Van Geyn said she was thrilled with the decision. "These were very detailed reasons and a complete vindication of the position of civil liberties organizations who viewed the invocation of the *Emergencies Act* as illegal, unjustified and unconstitutional," she said. "We know the government has said that they plan to appeal, and with these reasons they now have a mountain to climb. We look forward to the fight."

Chris Barber, a trucker from Swift Current, Saskatchewan who owns a small independent trucking business and was one of the main organizers of the Freedom Convoy has launched a suit against the federal government for using the *Emergencies Act* to freeze his bank accounts. In his statement of claim, Barber states that the federal government's unprecedented move to invoke the Act constituted an abuse of power.

Barber's personal and business accounts were frozen without notice the day after the *Emergencies Act* was declared. He could not access money for daily living expenses such as food, fuel or medicine, and his salary and business revenue payments were going into frozen accounts which he could not access. According to the lawsuit, Barber states that he is still being rejected for business funding applications and has been told his bank accounts will be "marred indefinitely."

Barber and fellow organizer Tamara Lich were arrested on February 17, 2022, charged with mischief, obstructing police, counseling others to commit mischief and intimidation. Their lawyers point out that organizing a protest is not an illegal activity, and is protected under the *Charter*. In a press conference following Justice Mosley's decision, Barber also contested baseless media and government portrayal of the Freedom Convoy and its participants as law breakers and dangerous.

The Trudeau government's response to Justice Mosley's ruling indicates that it is going to continue defending the arbitrary use of executive powers to achieve the self-serving agenda of Canadian and foreign elites. This is coupled with a series of bogus "public consultations," surveys and polls to fabricate justifications for revising the *CSIS Act* which at present contains the definition of what constitutes a threat to national security which must be met to invoke the *Emergencies Act*.

While rejecting the government's claim of "serious violence" being committed, Justice Mosley himself, in his decision, suggested that the option of revising the definition of what constitutes a threat to national security was open to the government. He stated:

"It may be that Parliament will wish to revisit the question of whether the *CSIS Act* definition,

which serves the several purposes of that statute, adequately covers the different harms that may result from an emergency situation when they may fall short of 'serious violence' to property. This Court can only apply the law as it finds it. It has no discretion to do otherwise...."

Justice Mosley reached a conclusion different to the one reached earlier by Justice Paul Rouleau in his *Report of the Public Inquiry into the 2022 Public Order Emergency*, released February 17, 2023. Justice Rouleau was appointed Commissioner of the Public Order Emergency Commission (POEC) into the invoking of the *Emergencies Act* enforced from February 14-23, 2022, and the measures taken for dealing with the emergency. The Order in Council 2022-0392 required that the report of the Public Inquiry be laid before each House of Parliament by February 20, 2023.

Rendering his conclusion, Justice Rouleau said that invoking the *Emergencies Act* was justified. However, in his final report, he also recommended that the legislation be revised to provide a new definition of what constitutes a public order emergency. He suggested that the definition no longer be coupled with the *CSIS Act* definition of a threat to national security. While he did not make specific recommendations regarding the *CSIS Act*, he stated, "The evidence presented during both the factual and policy phases of the Commission show that there is a need to consider whether Canada's national security and intelligence system is properly suited to modern realities." Further, Rouleau made a number of recommendations concerning the need to redefine the national interest and a public order emergency with the aim of protecting trade routes, supply corridors and critical infrastructure.

On the face of it, it looks as if Mosley and Rouleau reached different conclusions. Rouleau tried to square a circle by accepting the government's definition of what constitutes a national emergency. At the same time, he suggested that the law be "updated" as to what constitutes the national interest and a public order emergency. Mosley said the law is the law and if this is what you want to do, and perhaps need to do, then you should change the law.



In essence, however, in the name of ensuring that current laws address current realities, both justices endorse current practice of using government majorities in Parliament to enact laws which lift all hitherto accepted limits on ministerial powers. None of it addresses the fundamental issue raised by the CCLA that what constitutes an emergency is "Not in the Eye of the Beholder." It does not address the fact that the more governments give themselves arbitrary powers to achieve self-serving aims of supranational elites, the more the measures they take and the means they use to achieve them silence discussion, criminalize opinion and disinform the coherence of the body politic so as to make sure there is no organized opposition to the conditions elites are imposing on society.

While Justice Mosley's decision seems to contradict that of Justice Rouleau, both provide justification for the use of arbitrary emergency powers, and both decisions prepare conditions to enact more draconian legislation whose aim is to enable a war government to be seen to act within the law, even as the rule of law lies in tatters.

The significance of the ruling by Justice Mosley is that across the country all of us need to discuss these matters, especially how to fight to provide our rights with a guarantee on the basis of modern definitions. Despite the rebuke to the government, it is clear that for the working class and people, their security lies in their own fight for the rights of all.

Notes

1. Section 3 of the *Emergencies Act* reads:

National emergency

For the purposes of this Act, a national emergency is an urgent and critical situation of a temporary nature that

(a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or

(b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada

and that cannot be effectively dealt with under any other law of Canada.

Section 17 reads:

Declaration of a public order emergency

17 (1) When the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 25, may, by proclamation, so declare.

(2) A declaration of a public order emergency shall specify

(a) concisely the state of affairs constituting the emergency;

(b) the special temporary measures that the Governor in Council anticipates may be necessary for dealing with the emergency; and

(c) if the effects of the emergency do not extend to the whole of Canada, the area of Canada to which the effects of the emergency extend.

2. Section 2(c) of the *CSIS Act* identifies, as a threat to the security of Canada:

activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state....

Conceptions of "Public Order"

– Pauline Easton –

On April 25, 2022, the Government of Canada established the Public Order Emergency Commission with a mandate to inquire into the circumstances that led to the declaration of emergency that was in place from February 14-23, 2022, and the measures taken for dealing with the emergency. Justice Paul Rouleau was appointed Commissioner.

On February 17, 2023, Justice Rouleau released the *Report of the Public Inquiry into the 2022 Public Order Emergency*. Following the tabling of the report in Parliament, Justice Rouleau stated, "After careful reflection, I have concluded that the very high threshold required for the invocation of the Act was met. When the decision was made to invoke the Act on February 14, 2022, Cabinet had reasonable grounds to believe that there existed a national emergency arising from threats to the security of Canada that necessitated the taking of special temporary measures."

Justice Rouleau made an argument to justify the use of the Act despite the fact that the rationale provided by Prime Minister Justin Trudeau and Deputy Prime Minister Chrystia Freeland did not concur. There was no united view in cabinet about what constitutes an emergency as defined in the

Emergencies Act, or whether an emergency as defined in the *Emergencies Act* existed and the threshold required for the invocation of the Act had been met. The rationale was so suspect that even as the *Emergencies Act* was being invoked, the possibility of its being open to challenge was noted.

Consider this statement by Justin Trudeau at the Inquiry when he was called to explain why he concluded there was a threat to Canada that could not be dealt with through any existing legislation. "What if someone had gotten hurt? What if a police officer had been put in the hospital? What if, when I had an opportunity to do something, I had waited," he what ifted. A "what if" argument is a speculative fallacy, also known as a "what if" fallacy, a counterfactual fallacy. It offers a poorly supported claim about what might have happened in the past or future, if (the hypothetical part) circumstances or conditions were different. It is speculation at best, not founded on evidence, and is unfalsifiable, hence not only a speculative fallacy but a very pathetic way for a Prime Minister of a country to explain why the *Emergencies Act* was invoked. He was perhaps following in the footsteps of former U.S. President Bush and those since, who invoked the "what if" argument for the U.S. war of terrorism against the peoples: what if another 9/11 is planned, what if terrorists are using mosques, what if we release those in Guantánamo, even though they were not charged or tried, and they commit terrorism again, etc. It is a means to both spread fear and doubt, while diverting opposition to the crimes being committed.

It is also the case that Justin Trudeau, ever drunk with his own image of himself, completely misses the theory behind the argument of "checks and balances" put forward by his father Pierre Trudeau when he invoked the *War Measures Act in 1970*. The concept puts forward that checks on rights are necessary, to be "balanced" against "national security" interests. It is used to justify sacrificing rights as necessary for the security of the rulers. In this case, ensuring the needs and demands of the U.S. war machine and its supply chain, directly raised by U.S. officials. It is meant to counter the stand of the peoples that security lies in our fight for rights.

For his part, when speaking of the tensions between order and freedom, Rouleau presented the outlook which underpins the juridical outlook on which what are called Canada's democratic institutions are based. He does not take into account the current practice of how laws are passed to remove limitations on ministerial prerogative powers, also called police powers, powers provided by the royal prerogative which is constitutionally protected. Ministers are using their arbitrary powers in every field of life to impose edicts, regulations, arrangements and criminalize those who do not abide by them. This is destroying the fabric of civil society which is based on public opinion because the prior ways of arriving at decisions and setting the direction of society no longer involve the public at all. Decision-making has been privatized.

The liberal democratic institutions which were brought to Canada from England in the 19th century are now obsolete because the nation-building project introduced by the ruling class at that time based on the utilitarian conception of the greatest good for the greatest number no longer exists. The material conditions for it have been superceded by neo-liberalism which brings together conditions which are very different. These conditions have rendered practices based on the conception of what was known as "good government" obsolete. That conception was adopted in the mid-19th century along with its corollaries "peace" and "order."

"Peace" referred to the practice of using colonial armies and secret police services to brutally put down anti-colonial rebellions. "Order" referred to the penal system, laws and institutions, including the creation of jails and courts, to mete out punishment to those who violated anti-worker, anti-people laws or who were destitute, not educated or deranged through no fault of their own. "Good government" referred to the creation of public opinion in the form of a media which informed the polity about the unfolding events and decisions being taken in the parliaments and legislatures, what was behind them and their ramifications and where everyone stood on the matters at hand. The public system of education provided everyone with the same general knowledge which in turn imbued the polity with standards and measures on the basis of which judgements could be made.

Political parties were expanded into establishing primary organizations in constituencies of approximately equal size in terms of population and their accompanying electoral system whose aim was to form party government said to be representative.

This, in very brief, was the system called peace, order and good government. It was a democratic system based on serving the bourgeois class in power and, through elections, keeping the working class out of power by getting electors to cast a vote for someone else to represent them and that person must swear allegiance to the monarch of the day. This system provided the polity with cohesion and coherence and individuals and collectives could orient themselves within it.

This order for governing no longer exists. Neither the legislatures, the education system, the media nor political parties are informed by this conception of peace, order and good government but ruling elites, including governments, the cartel parties and the courts, maintain the pretence and give justifications for their self-serving actions and decisions in the name of these defunct precepts -- these general rules intended to regulate behaviour and thought.

Today what are called political parties no longer have members, all of the members of society are left to fend for themselves as a result of privatization and the destruction of public services, and public opinion has been destroyed by the narrow private interests which have usurped the decision-making power. These supranational private interests provide self-serving definitions of national interest and security according to the whim of what makes them superprofits at any time, along with the supranational political police forces and their local spokespersons in the service of economic and military blocs such as the international banking system under U.S. control and NATO and NORAD also under U.S. control.

Nonetheless, Justice Rouleau in his finding that the invocation of the *Emergencies Act* in 2022 was proper said:

"Tensions between order and freedom sit at the heart of our system of governance." "The machinery of order -- such as procedures, laws, police and courts -- create the conditions for the protection of freedom and the mediation of conflicting freedoms. While order constrains freedom -- laws, for example, limit the range of permissible actions, without order's constraints, freedom cannot exist."

Rouleau uses the word "order" in its juridical meaning, such as the one proffered by the *Oxford Languages Dictionary* which says: "1. the arrangement or disposition of people or things in relation to each other according to a particular sequence, pattern, or method. 2. a state in which everything is in its correct or appropriate place 3. a state in which the laws and rules regulating the public behavior of members of a community are observed and authority is obeyed." Taking up the third definition, Rouleau presents the argument as though defence of the rule of law is at issue. This makes the grounds cited for its suspension very significant and rightly so, but it diverts attention from the fact that the invocation of the prerogative police powers puts everything that was done subsequently outside the rule of law once all limitations are removed. Where is the accountability when the advice proffered is to change the law?

This is what has become commonplace today in all fields, whether economic, environmental, labour, heritage, education, health care, Indigenous affairs and everything else. Nonetheless, this practice is now soliciting a backlash over the invocation of emergencies legislation and proposed laws which involve judging people on the basis of definitions of the political police for terrorism, national security, hate and so on. This is what is taking place very rapidly today with the proposals for new laws to enforce these arbitrary definitions.

The conceptions of both "order" and "rights" are presented as abstractions. What is not said is that the conception of "order" on which Canada's liberal democratic institutions are based no longer serves to keep a lid on all the conflicts between disparate interests in today's societies and world. Far from maintaining order, today anarchy and violence prevail. Old ways of regulating factional

fighting within the ranks of the rulers no longer serve their intended purpose of negotiating a truce between them while the people are marginalized, dismissed and their opinion is suppressed.

The irony is that in the name of preserving the democracy against autocracy, they are establishing a kind of autocracy and authoritarian regime of their own.

According to Justice Rouleau, there is the authority which imposes order and this is the condition for freedom. He is referring to a civil society which is said to recognize civil rights with what are called reasonable limits. To preserve order, those who bestow rights must also have the authority to deprive people of them but they must argue that they are maintaining a balance so as not to eliminate freedom. CPC(M-L) maintains that the security of the polity can only be achieved when rights are provided with a guarantee, not by suspending them.

But nothing is said about rights -- where they come from, who they belong to, what they are or how they are defended. The idea that rights can be forfeited in certain circumstances prevails, while the modern conception that they must be defended under all conditions and circumstances based on mobilizing the people to provide problems with solutions, is absent. What is not said but presupposed is that authority, meaning order, is final, it cannot be changed, and the authority recognizes rights so far as they are not a threat to the authority.



Rights are an act of being. They belong to people by virtue of being human when they make claims on society which humanize the natural and social environment. Rights cannot be given, taken away or forfeited in any way. And no more can speech which is far more than a civil right; it is a human right which takes the form of an act of being, the act of a human person which lays a claim on society to something which belongs to the person by right of being.

Of course, this is not the conception Justice Rouleau is upholding. The "order" he speaks about is that of a Canada integrated into the U.S. war economy and machine and anything that threatens those interests is to be suppressed. Threats to "order" or "security" include disruption of trade corridors, transportation routes, energy corridors, supply chains, all of which are being rapidly transformed to serve the needs of U.S. imperialism's war machine. Why the disruptions take place is not analyzed at all while everything is done to justify the criminalization of Canadians and the claims they are entitled to make on society.

Consider what Rouleau had to say about the draconian freezing of bank accounts. Without saying anything about the ease with which the state commanded banks to seize people's property, he notes that if the intent was to encourage people to leave the protests, there should have been a mechanism to unfreeze accounts once the aim of having people forced to leave the protests for lack of money to sustain themselves had been achieved. The consequences of a decision that leaves people with no money for food, rent and other necessities of life without warning is not even broached. Instead his concern is for the well-being of the banks.

"The absence of any specific rules about unfreezing caused concern for financial institutions, who were unclear how to determine when an individual listed on a report provided by the RCMP was no longer a designated person," Rouleau wrote.

Referencing the fact that joint accounts were frozen, leaving people who were not involved in any way in the Freedom Convoy without access to their accounts, he said, "It is clearly unjust for individuals with no connection to the protests to have their accounts frozen. The difficulty, however, is that this appears to have been unavoidable." End of story.



Rail line blockade in Toronto in support of the Wet'suwet'en land defenders, February 9, 2020. Such blockades are presented as threats to "order" or "security."

But it is not the end of the story. Canadian workers and justice-seeking people can comprehend what is in store for them under this kind of autocratic regime.

For his part, Justice Richard Mosley, who conducted a judicial review of the invoking of the *Emergencies Act* and related orders, does not agree with the flippant manner in which the Liberal government thumbed its nose at the law as it existed, to the extent that it refused to even release to the public the opinion of its own Justice Department on the legality of what it was doing. Justice Mosley said "the law is the law." You have power to change the law through Parliament, but you are not above the law. Justice Mosley delivered a rebuke to the Liberal government, but did not address the problem that the cartel parties, using their majorities or whatever deals are cooked up to keep a minority government in power, pass laws which deprive people of their rights under all kinds of pretexts, thus making the acts "legal."

From the vantage point of the working class and people, the issue is not how to make the criminalization of people legal when they defend their rights. Or when they exercise their right to conscience. When the authority does not do its duty, then there is a clash between the authority which refuses to do its duty, and the act of being where the people do their duty by laying claim to what belongs to them by right. What the conditions require is clashing with the authority. Instead of arriving at decisions through discussions, by providing convincing arguments and reaching warranted conclusions, state violence is used in the name of high ideals. This must be stopped.



Rights are affirmed when the working class leads the people to assert an authority which changes the conditions in favour of the people and the people carry out their duty by ensuring that authorities do such a thing. People can perform their duty only if they exercise their right to conscience. This struggle, then, is central to the democratic renewal of Canada's democracy.

For a Modern Definition of the National Interest

– Hilary LeBlanc –

The note to Cabinet urging the *Emergencies Act* be invoked on February 14, 2022 and testimony of Chrystia Freeland and others at the Public Order Emergency Commission reveal a ruling elite for whom the national interest or national security means doing the bidding of supranational private interests and serving the U.S. war machine. There is nothing national about it. It is nation-wrecking, not only of Canada, but against the peoples of the world fighting for their right to self-determination, independence and their own nation-building projects.

Whether the ruling elite speak of the "national interest," "economic security" or "national security," it is all about schemes which benefit narrow supranational interests. An important aim is to disinform public opinion by destroying the norms and standards the polity has used as a measure to exercise judgement in the past. This is devastating to the coherence of the body politic which is left rudderless, without orientation or direction.

A polity requires publicly recognized standards and norms the people can count on to make judgements about the matters at hand. When definitions and regulations are given on a whim or secretly at the behest of foreign political police forces and their Canadian spokespersons, the entire polity is left out of the discourse. Limiting consultations to selected experts from academia, business, media and what are called stakeholders leaves the people and their concerns out of the discourse. And/or their opinions are silenced when they are reduced to filling out surveys which only ask them to state their preferences between pre-selected choices. This is very destructive to the cohesion of the body politic which tends to "drop out" for lack of an alternative of its own. The fact that the regulations, rules and arrangements feed the U.S./NATO war machine makes the consequences of the so-called rules-based system very dangerous.

The testimony at the Public Order Emergency Commission hearings on why the *Emergencies Act* was invoked reveals an embarrassing and humiliating picture of ministers and politicians who ask "how high?" when the U.S. administration, CEOs of the big banks and financial institutions, or owners of the biggest oligopolies command them to jump. The most embarrassing is that these ministers and politicians say this is how to defend Canada's security and national interest.

Most of the discussion reports indicate took place in the federal cabinet about approving the invocation of the *Emergencies Act* has been redacted (blacked out). The Trudeau government, claiming "solicitor-client privilege," even refused to tell the Rouleau Commission whether its own Department of Justice considered that it was acting according to the requirements of the law. But what has been brought to light reveals a wretched sell-out government in contempt of the right of Canadians to self-determination, as well as the rule of law and the rights of the people.

The memo to cabinet states,

"Specifically, PCO [Privy Council Office] is of the view that while municipal and provincial authorities have taken decisive action in key affected areas, such as law enforcement activity at the Ambassador Bridge in Windsor, considerable effort was necessary to restore access to the site and will be required to maintain access. The situation across the country remains concerning, volatile and unpredictable. While there is no current evidence of significant implications by extremist groups or international sponsors, PCO notes that the disturbance in public unrest is being felt across the country and beyond Canadian borders, which may provide further momentum to the movement and lead to irremediable harms -- including to social cohesion, national unity and Canada's international reputation. In PCO's views, this fits within the statutory parameters defining threats to the security of Canada though this conclusion may be vulnerable to challenge."

Canadians and Quebeckers are well aware that the cartel parties play the greatest role in acts to divide the polity, and destroy political discourse in pursuit of their own sectarian aims and drive for

power. But the objective reality is that Canada is not made up of random individuals with random values informed by racism and social chauvinism and imbued with the spirit of the ruling elites. Canada is a country made up of people from the four corners of the world as well as the nation of Quebec, the Indigenous nations, Inuit and the Métis nation, the latter deprived of its territory from the time its leader was hanged and many of its other leaders and members massacred. The claims of the working class on society based on its role as the producer of all wealth, and of the people without whom Canada would not exist, are denied by the ruling circles and those with privileges who serve them within the cartel party system. To claim that police powers must be used for purposes of enforcing social cohesion and national unity is a real fraud which seeks to divert attention from who is responsible for the destruction of public opinion.



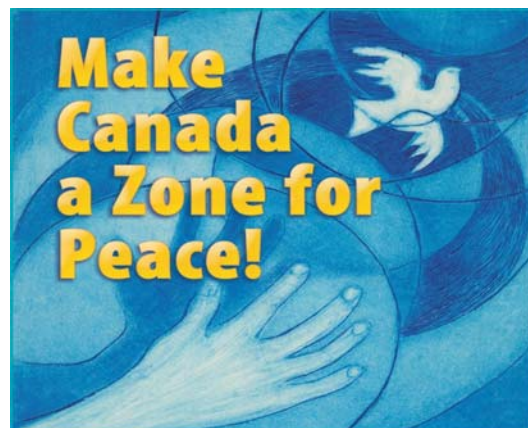
Deputy Prime Minister and Finance Minister Chrystia Freeland provided more information about the "threat to Canada's international reputation" during her testimony at the Public Order Emergency Inquiry. She said that on February 10, when U.S. President Joe Biden's senior economic adviser requested a call, she felt that was a "dangerous moment for Canada." She testified: "That one conversation was a seminal one for me. And it was a moment when I realized as a country, somehow, we had to find a way to bring this to an end." "I really do believe our security as a country is built on our economic security. And if our economic security is threatened, all of our security is threatened. And I think that's true for us as a country. And it's true for individuals," she told the inquiry. Never mind that it is the economic security of the U.S. she has in mind, not that of Canada.

Freeland went on to say that after her call with Brian Deese, director of the U.S. president's National Economic Council, she knew the blockades had set an "amber light flashing" in the U.S. regarding supply chain vulnerabilities with Canada, and that the finance department was worried that the blockades would torpedo negotiations with the U.S. on electric vehicle tax credits. "The danger was were we in the process, as a country, of doing long-term and possibly irreparable harm to our trading relationship with the United States," Freeland said.

As an aside, it is noteworthy that after the pandemic, "tax credits" were freely distributed to those involved in the production of electric vehicles.

Freeland also testified that Canadian bank CEOs told her Canada's international reputation was at risk, and that American investors were calling Canada "a joke."

Finally, she connected invoking the *Emergencies Act* with the need to "appear strong" because she had information that "Russia intended to invade Ukraine," and that she feared the convoys would affect Canada's response to the war.



The summary document of Freeland's testimony states, "Freeland also pointed out that if Canada's capital had still been occupied when Russia invaded Ukraine, in her view, such a situation would have completely discredited Canada as an ally in support of Ukraine.

"Russian media would have been focused 24/7 on what was occurring in Canada, which would have made Canada appear very weak at a time it needed to be strong. Further, it would have made it

very difficult to take action after the invasion."

For Canadians, an international reputation in which they can take pride would be to Make Canada a Zone for Peace, to uphold international law, to stand with the peoples' forces all over the world opposing impunity, neo-colonial rule, occupation, apartheid and genocide. An international reputation based on the kind of sycophancy, fawning and obsequious behaviour as that displayed by Freeland is only admired by birds of a feather.

Social cohesion is forged by all those who fight for the recognition of the claims they are within their rights to make and achieve. It is not achieved by imposing the dictates of narrow private supranational interests and the U.S. war machine. To lay claims on society for what belongs to the people by right, and to work out together how to provide these rights with a guarantee is what provides a people with dignity, pride and a way forward.

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