

Honourable Donald Neil Plett – Leader of the Opposition makes historic speech in Senate over PM Trudeau’s Emergencies Invocation – Feb. 23 2022

Video link <https://youtu.be/YIZO3OhqCUY>

Transcript

[First sentence cut off in video] That was enough for the Prime Minister and his caucus members to decree that the truckers and the millions of Canadians cheering them on were terrible people. The Prime Minister's characterization of them as racist, misogynist, insurrectionist, and a fringe minority was. He portrayed them as dangerous, potentially violent, and possibly terrorists. They all had intolerable views. How can we tolerate these people? He asked.

This is incredible. The Prime Minister of Canada goes on television and asks the questions about millions of his fellow citizens. How can we tolerate these people? There were, yes there were idiots with racist views in this group. And no one in this Chamber should tolerate the display of racist signs. But if you paint everyone with the same brush, all those who attended this protest, all those who supported the convoy on its way to Ottawa, all those who admired their courage to demand an end to the mandates, then you missed the point.

Can someone, can anyone in this Chamber really think that Jagmeet Singh's brother, his own brother would contribute \$17,000 to a far right racist movement. I don't think so. Yes, there were bizarre theories offered by some participants in the protests, but if you think that all the people here in Ottawa or across Canada who are fed up with the Trudeau government's heavy handed approach are wearing tinfoil hats, then you yourself have become a believer in conspiracy theories.

Yes, there were incidents between the protesters and residents of Ottawa, but if you describe that as a violent protest, then you have forgotten dozens of events in the last 25 years or so. Including a few writes after such politically charged events like the Stanley Cup playoffs. Yes, there was talk about evicting the Prime Minister. But there was no credible plot of an insurrection. People who want to take over the government do not come here in their own truck with the name of their company on the door and announce their arrival on every social media platform and then spend three weeks in front of parliament in a hot tub or roasting a pig. They would not turn a street corner below the Prime Minister's office window into a journalist called Ottawa Hottest nightclub and dance the night away.

For millions of Canadians, the trucker convoy was their hope for a way out they were tired of being pushed aside and they wanted their message, heard. Colleagues, you and I go back to our communities every week and we hear people who are fed up with the government saying, “what can we do?” They feel powerless, and when you begin to strip their fundamental rights away from them, their feeling of powerlessness turns to desperation. Eventually, people get tired of being controlled and will look for a way out.

This is how their Prime Minister responded to them on January 31st. The concerns expressed by a few people gathered in Ottawa right now are not new, not surprising, are heard but are a continuation what we've unfortunately seen in disinformation and misinformation online. Conspiracy theories about microchips, about God knows what else that go with the tinfoil hats. They had come to voice their concerns, but the Prime Minister just insulted them, sounding more like a bully than a true statesman.

That is part of the problem we are facing. We have not done a good job of listening to the voices. Of those who have a different view than us on vaccinations and on heavy handed public measures. The primary debate is not about whether these measures are right or wrong. It is about whether someone can have a different view for whatever reason and not be censored. It is about whether someone can have different values or different beliefs and be allowed to live in accordance with those. People that have viewpoints and opinions and beliefs that sometimes don't line up with the accepted CBC version of reality, but if they voice them, they are shunned and criticized.

Colleagues, we need to do better. We need to do better at listening. We need to do better at allowing people to live according to their beliefs. This is the price of a civilized society in today's 21st century world. Trying to force conformity is only tearing our social fabric in ways that could take generations to repair. This is partly why it is so devastating that the Prime Minister would not even talk to the people from the Congress. His impertinence just solidified in their minds that he doesn't care about them. He only cares about their obedience to his edicts. It is this impertinence which resulted in the convoy to Ottawa spawning local convoy protests in cities across the country and eventually blockades in Coutts, Alberta, Emerson Manitoba, Surry BC and the Ambassador Bridge in Ontario.

Had the Prime Minister Deescalated the situation by opening up a dialogue, we would be in a very different situation today. Some people say that the Prime Minister could not meet the leaders of the convoy that these people were dangerous and had crazy ideas. Fair enough, but Justin Trudeau could have asked a third party mediator to listen to the protesters concerns. Just like Robert Bourassa did in 1990 by appointing Justice Ellen B Gold. The father of our government leader to mediate the Oka crisis. He could have done what premiers like Francis LA Goal, Doug Ford, Scott Mole or Jason Kenney have done, tell Canadians that he heard them. Tell us that he had a plan to end the mandates and other restrictions. Tell us that there is hope.

Instead, the Prime Minister's approach has been to try and smear the protesters and paint them all with the same brush. On January 31st, with respect to the Ottawa protests, the Prime Minister said, "we are not intimidated by those who hurl insults and abuse at small business workers and steal food from the homeless. We won't give in to those who fly racist flags. We won't cave to those who engage in vandalism or dishonored the memory of our veterans." As I have already noted, this is not a fair characterization of the people who have been protesting outside this Chamber.

Yet he never backed down from that characterization. The Prime Minister should chose gamesmanship over statesmanship.

Last week, in response to a question from Conservative Member of Parliament, Melissa Lancement. The Prime Minister said, and I quote, "Conservative Party members can stand with people who wave swastikas. They can stand with people who wave Confederate flags. We will choose to stand with Canadians who deserve to be able to get their jobs, to be able to get their lives back. These illegal protests need to stop and they will."

The pathetic irony of what the Prime Minister said to a Jewish member of the House of Commons is self-evident. Asked several times to apologize, Justin Trudeau refused to do so. He will apologize for events that happened 100 years ago, but never for his own words. For three weeks, the Prime Minister did little more than hurl insults. He actually left town and let the crisis fester and worsen. He is supposed to be the Prime Minister for all Canadians, even those he may disagree with, but he clearly does not see things that way and the result is that his policies are seriously dividing Canadians.

Then after three weeks of inaction, Justin Trudeau came out and used the ultimate tool in his toolbox. The nuclear option, the Emergencies Act. It is hard to refute the accusation that this is a Prime Minister who is at war with many of his fellow citizens. Instead of trying to understand their concerns and the impact of his government measures on them, he is now using all the power he can muster to crush them. He has taken the sweeping powers of the Emergencies Act and turned it on the very people who were just asking to be heard.

This is a Prime Minister who does not like opposition. He admires the basic dictatorship of China. He does not listen. He preaches he does not debate, he insults. He does not convince, he imposes. So here we are, we now have to deal with a motion to confirm whether the government can continue to use the measures invoked last week for another three weeks or so.

Colleagues, I want to concur with what Senator Delfont said in his speech. We are not voting on whether the Emergency Act was useful since February 14th and we are not voting on whether the act could be useful if some unknown event happens in the not so distant future. What the government is asking us is this. Do you think considering the facts as they are today, that the government needs these extraordinary powers until March 16?

This declaration of emergency is unprecedented. It is the first time that the Emergency Act is being used in Canada and the first time in more than 50 years that any of this kind of legislation is being used in Canada, and only the third time in Canadian history. This fact is crucial in our decision on emotion before us.

By invoking the Emergencies Act, the government is effectively arguing that what we faced on Wellington St and a few other adjacent streets in Ottawa was the worst public order emergency that our country faced in the last 34 years. The government is also saying that this public order emergency requires the use of this extra ordinary piece of legislation. It is saying that the ordinary authorities and the powers of the Canadian state are insufficient to deal with a few 1000 protesters with a few 100 pickup trucks and semi-trucks.

These are extraordinary claims colleagues. We need to recall that many emergencies Canada has faced since 1988 where the Emergencies Act were *not* invoked. There was the orca crisis in 1990 that I mentioned before. That armed standoff lasted for 78 days, a police officer had been killed, a piece of critical infrastructure, the Mercier Bridge, was closed forcing people to drive each day up to four hours to get to work. The army was deployed because the scope of what was being faced was beyond what the police were able to deal with. Yet the Emergency Act was not invoked.

There were the attacks against North America on 9/11, as a result of those attacks all air travel in North America was shut down. There were significant fears that a new terrorist attack could be launched not just in the air, but by any means, and at any time. However, the Emergency Act was not invoked.

October 22nd 2014 center block was attacked. For several hours no one was sure that there was only one gunman. Police forces treated this attack as an ongoing operation for 12 hours. The Emergency Act was not invoked.

In 2001, 50 thousand people invaded Quebec City during the summit of the Americas, and there were four days of nonstop violence in 2010 at the G7 summit. More than 1000 people were arrested. And after more than 10,000 protesters rioted in downtown Toronto in 2012 during the Maple Spring in Quebec, police forces had to deal with 13170 protests, some of them ending in violent clashes and mass arrests. None of these events warranted the use of the Emergencies Act.

For the past 16 years, colleagues there has been a land standoff in Caledonia ON where people have been forced from their homes, roads and transportation corridors have been blocked and the matter remains unsolved. Alderman Mayor Ken Hewitt noted earlier this month that we have had violence, intimidation, the disruption of roads, you'd think we'd get us a response from the federal government. And we've heard nothing. The Emergency Act has never been invoked to address this, not even temporarily, not even during the worst moments of that standoff.

And since 1988, there have been numerous, often prolonged road, rail and pipeline blockades sometimes occurring in multiple locations simultaneously by all kinds of groups, for all kinds of reasons. Yet, the Emergencies Act has never been used.

The Emergencies Act also incorporates public welfare emergencies such as fires, floods, and other natural disasters. Since the act came into force, how many fires, floods or storms has Canada experienced? How many of these emergencies could be said to have been ones where there was a danger to life or property? Social disruption or a breakdown in the flow of essential goods, services and resources as defined in the act, how many times has the Emergency Act been invoked? The answer colleagues is never. Even during the current COVID pandemic, the Emergency Act has not been used. We need to think about that.

The current health crisis has now gone on for two years. There were certainly times when the government's ability to respond effectively seemed to have been in question, yet no emergency act was necessary. This goes to the heart of why the act has never been invoked in Canada before. It has not been invoked because the normal powers and authorities of law enforcement agencies in Canada are sufficient to address challenges such as the one we see, and the legal bar for using the Emergency Act is actually quite high.

Since 1988, all politicians felt that the federal government, the provinces, and the municipalities have had sufficient powers and resources to address any problem or crisis that they faced. This fact alone speaks to the significant authorities and resources that our governments command. These powers and resources are not easily overwhelmed. But now we are to believe that what we are witnessing outside this Chamber constitutes such a serious threat that our own security forces are overwhelmed. It is arguing that this is an emergency of such scope and scale that the normal tools available to the government and police are simply inadequate to address the threat.

So what threat do we face today that justifies an extension of the emergency until at least the middle of next month? Coming into the office this week I saw zero protesters, none. And yet the government claims that there is still an extraordinary public order emergency. It claims, in essence that what we are experiencing right now is unprecedented. They are probably right, a protest so dangerous that it constitutes a threat to our national security with a grand total of 0 protesters is certainly unprecedented and extraordinary.

Colleagues, there is a very good reason why government since 1988 refused to use the Emergencies Act. Once this genie is out of the bottle, it will be impossible to put it back in. I am deeply convinced that should the Senate adopt the government motion, so called progressive will come to regret the day. Liberals and NDP MPs and their allies in the Senate gave future governments the precedent to justify using draconian measures allowed by the Emergencies Act against the movements that they support. I think Senator Pate somewhat alluded to this in her speech or her questioning of Senator Tanis.

Think what you will about the convoy and its supporters, by allowing the government to use the Emergencies Act. This group has now set a very low bar for the future use of this legislation. Let me go to the next issue. The terms of the act. The question we have to ask ourselves is this. Did the government meet the threshold set by the Emergencies Act? I do not believe that the evidence supports the government's argument, that the invocation of the Emergency Act is warranted.

It is useful to look at the question of how a public order emergency is actually defined in the legislation. With respect to a public order emergency, the Act states and I quote, "Public order emergency means an emergency that rises from threats to the security of Canada and that is so serious as to be a national emergency." The first part of the order emergency concerns threats to the security of Canada. The meaning of that phrase is elaborated on in section two of the Canadian Security Intelligence Service Act, which describes threats to the security of Canada as follows:

- A. Espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage
- B. Foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and their clandestine or deceptive or involve a threat to any purpose.
- C. 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.
- D. The activity is directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada.

The Act further states that none of this includes lawful advocacy, protest, or dissent, unless carried on in conjunction with any of the activities I have just referenced.

At first glance, if we consider what has been going on outside this building and around the country, I do not see how we can credibly argue that these activities are ongoing threats to the security of Canada as defined in the legislation. All Canadians are living their normal lives. There is no known threat or actual activity that can seriously be set to meet this definition.

A second question concerns the definition of a national emergency as found in section three of the Emergencies Act. The act itself describes a national emergency as an urgent and critical situation of a temporary nature that 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 seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada. The act says that the emergency in question cannot be effectively dealt with under any other law of Canada.

Here again, I sincerely don't see how you can argue that what we are witnessing today seriously endangers the lives, health or safety of Canadians and is of such proportions that it is beyond the capacity of a province to deal with it. If there is a threat to the ability of the Government of Canada to preserve the sovereignty, security, and territorial integrity of Canada, I fail to see it.

It is clear that by simply referencing the terms of the Emergencies Act, the government has not met the threshold for the use of the act. The Prime Minister and members of his cabinet have offered since February 14th a list of arguments for the declaration of emergency, including the Declaration itself. Let's evaluate those arguments and answer each one.

First, the Prime Minister says measures only applied in specific areas. This is of course false and was corrected by one of his own ministers, according to the government, the emergency situation is national. In reality when the declaration was issued, the only blockade left was in downtown Ottawa.

Now I know that this is the capital, but a problem localized in Ottawa is not a national issue. The government could have limited the application of the measures to Ontario or the National Capital Region. They chose not to do that, and we don't know why.

The government claims they need the Emergencies Act to coordinate action with the provinces. While we know that 7 provinces said no to the use of the act, section 19 (3) of the act says that concerted action with the provinces must be achieved to the greatest extent possible. Obviously the government failed to do that. The declaration states that continuing blockades are occurring in various parts of the country. We all know that right now, at this moment, there are no blockades anywhere in Canada. This argument is no longer valid.

The blockades that government has argued are being carried on in conjunction with activities that are directed toward or in support of the threat or use of acts of serious violence against persons or property, including critical infrastructure for the purpose of achieving a political or ideological objective within Canada. The government never provided any evidence of this.

Remember that the seizure at Coutts was made before that statement was made by the government. Coutts was one isolated incident. Also contrary to what the government had us believe, there was no violent group in the blockade in Ottawa. There was pushing and shoving on the front lines this weekend, but no sign of organized violent groups.

The government said that the blockades are having adverse effects on the Canadian economy and a significant impact on our trading partners, including the United States. I don't know about you, but I don't think that was true once the only blockade left was in downtown Ottawa and it is even less true now that there are no blockades left.

Also, the government claimed that the breakdown in the supply chain and in the availability of essential goods and services and resources would continue as the blockades continued to increase in number. We know this is now a moot point. The emergency is said to carry the potential for an increase in the level of unrest and violence that would further threaten the safety and security of Canadians. Again, we have not seen any proof of that. The Emergencies Act cannot be based on conspiracy theories about a supposedly shadow army of ultra right supporters that we often hear about but never see an action. We have to be serious here. The government cannot suspend the rights of its citizens based on rumors and fantasies spread by its supporters.

When a truck full of guns were stolen in Peterborough last week, the Liberal Twitter universe claimed that this was proof of an armed coup was about to happen. When the truck was recovered, along with almost all of the guns, you could hear crickets. In any event, what was really the problem in Ottawa?

The Prime Minister himself was in the House on several occasions other than last Friday. Both Houses of Parliament functioned normally and there has been no violence. The CPC even managed to change its leader while the blockade was up. Again, other than last Friday, the RCMP and the PPS never told MPs

and senators there was any danger. I walked from the Senate of Canada building up to West block through the processors on more than one occasion the other week to attend meetings. Do you really, seriously believe our Security Service would allow this if they had any proof that there were such violent people around?

When he invoked the Emergencies Act, the Prime Minister asserted it is now clear that there are serious challenges to law enforcement ability to effectively enforce the law. We now know that this is false. According to Minister Mendicino, the police needed the powers given to them by the Trudeau government so they can define a safe zone, a red zone the minister calls it, directing traffic and limiting movements of people is done on a regular basis by all police forces in Canada, and in the specific case of protests by truckers. The police were successful in limiting their ability to move, subject to restrictions in Quebec City, Toronto, Winnipeg, Regina, Saskatoon, Edmonton, Calgary, Vancouver, and other cities. That was all accomplished prior to the use of the Emergencies Act.

The government says the emergency powers are needed to commandeer tow trucks, according to Minister Lametti. That is the first thing the Prime Minister mentioned when asked which necessary powers were given to the police under the emergency declaration. The problem is that the Criminal Code could have been used to do that. And frankly, I cannot imagine that the Ontario and Canadian governments need to use the extraordinary measures of the Emergencies Act to get five or six tow trucks. If so, we need to question ourselves on the fragility of our government.

The government says the police need the emergency measures to be able to coordinate across jurisdictions, I am sure you will agree that in the past 34 years there have been several police operations across jurisdictions. None required the Emergencies Act.

The government insists it needs to freeze the financial assets of protesters and anyone who financed the blockades, and that only the measures adopted last week allow them to do so. This is the same government that claims it has all the tools necessary to combat international and domestic terrorist groups, organized crime, and other money laundering operations. And we are to believe that they now require special measures for the convoy of truckers. Let me say I don't believe that.

The government has failed to make its case on 2 counts. It failed to explain why it is absolutely necessary to free without a court order, the assets of some of its citizens to stop a blockade in Ottawa. And it failed to explain why the tools used against much bigger and more dangerous organizations are insufficient now when dealing with people who were clearly not experts in these matters. The government is pushing the idea that the movement is financed by some dark foreign forces. Let me quote Minister Blair, "We will not let any foreign entities that seek to do harm to Canada or Canadians erode trust in our democratic institutions or question the legitimacy of our democracy." He goes further and says "we have seen strong evidence that it was the intention of those who blockaded our ports of entry and largely foreign, funded, targeted and coordinated attack, which was clearly and criminally intended to harm Canada to harm Canadians, to interrupt vital supply lines, to idle our workers and close our factories. Yet the government gave zero evidence of this. The blockades have now been

cleared, and there was no sign that this is anything more than a conspiracy theory from a cabinet minister.

Let me point out the irony of this Liberal government now being worried about foreign financing and the threat of an attack by a foreign power on our democracy. After millions and millions of dollars have been funneled from American environmental groups to movements in Canada, all of whom are rabid anti conservative. After the involvement of China in our last federal elections and their actions against a Conservative party, which cost it between 4-7 ridings in favor of the Liberals, now that the foreign money may be on the other side, it suddenly becomes a problem.

Another charge made by the government has been that the blockades were organized by extremists. We're talking about a group that is organized, agile, knowledgeable, and driven by extremist ideology, where 'might makes right', said Minister Mendicino. The principal concrete incident that the government has pointed to in order to support this claim, is the conspiracy to murder charges laid in Alberta against 4 individuals. The government argues that these are indicative of the fact that some potentially violent individuals are participating in the protests. These are certainly serious charges. Nobody would dispute that, and I think we are all grateful that police were able to act decisively in order to address this situation that could have been very dangerous.

However, we have yet to see evidence or even credible assertions that these individuals had anything to do with the vast numbers of peaceful protesters who had come out over the past several weeks, or who were at the border crossing in question in Alberta. In fact, a Canadian Press story describes the interaction between police and protesters on the same day that the arrests were made as follows. There was celebrating when the protest started winding down late Monday. A video posted to social media showed RCMP members shaking hands with and hugging protesters, RCMP members shaking hands with and hugging protesters. People holding hats or hands to their chest or with arms draped across each other shoulders singing Old Canada.

Once the protest organizers at Coutts learned that their peaceful protests had been infiltrated by a violent faction, they willingly and quickly disbanded. This does not seem to suggest that the vast majority of the people involved in the Coutts blockade were involved in plots to overthrow the constitutionally established system of government by violence. The government also says the police did not have the tools they needed to address situation. This argument would be laughable if the consequences of the Emergency Act were not so serious. I noted earlier in my speech a long list of events that happened in the last 34 years in gap. All of them much more serious and threatening than a blockade of truckers in Ottawa. Our brave men and women in the police forces dealt with each one of these events without having to use the Emergencies Act. Chris Lewis, former Commissioner of the Opeapea, said that the police had all the powers and tools they needed to proceed without the use of the Emergencies Act.

Throughout it all liberals tell us the Charter of Rights and Freedoms still applies. So what is the problem?

Well, I know this is what the act says, but how can the government seriously pretend that all rights of Canadian citizens are not affected by the measures it enacted last week? The seizure of property without a court order is a direct violation of Section 8. The restriction to the right of assembly is a violation of Section 2. I will not make the legal argument here, there are already court challenges on this, but please let us not accept the government's argument that just because it says so. All charter rights are protected.

Senators will notice that the Minister of Justice refused to give a Charter assessment from his department. He refuses to release the legal opinions prepared by the Justice Department. I hope some honorable senator asked Minister Lametti about this. At your briefing the other night.

The Ottawa Police Service tweeted last week we won't be allowing people to come down for the unlawful activity of gaging and demonstrations. Clearly the government talking points that rights of citizens had not been suspended, were not communicated to the police. Demonstrations in the capital of Canada are now unlawful. If there is one reason, and one reason only that you should vote to end the measure right now this is one. And finally, we were told that Canadians should trust the government. The use of the Emergencies Act is just regular business. There is nothing to see here. We should all move along, seriously. I cannot believe that the government is trying to minimize the importance of using the emergencies act for the first time in 34 years to deal with the blockade in downtown Ottawa.

You will note that the Prime Minister did not make his announcement in the House of Commons or during a formal address to the nation. No, a simple press conference will suffice to announce that the rights of its fellow citizens are now suspended. Colleagues, it is clear that the government has not made the case that the highest threshold necessary to use the Emergency Act has been met.

Let me also say that I believe that the government is making a terrible mistake in downplaying the use of the Emergencies Act. Senators, if we accept the government's position, we will normalize and trivialize the use of those extraordinary powers. The Prime Minister used the Emergencies Act in a desperate attempt to save his job, and it is now blowing back in his face. It is clear that none of these measures were necessary to clear the trucks from the streets of Ottawa.

Colleagues, when the time to vote on this motion comes, remember this, you will create a precedent. You will set the bar low for future governments to use the Emergencies Act. Your vote will matter long after you, I, and Justin Trudeau have left the stage. I will not go into too much detail about the specific measures the government enacted, but will focus on some of the particularly egregious ones.

First, the government took measures to financially choke the protesters and their supporters. Consider what this means colleagues. The powers granted by regulations include the freezing without a warrant, without a warrant, of personal financial accounts of any person believed to be engaged in, not proven to be engaged in, believed to be engaged in or supporting these protests. This step has reportedly already led some Canadians to begin withdrawing funds from their financial institutions.

We have seen an uptick in withdrawals, and some experts think that may have some short-term and long-term effects on the confidence of Canadians in their financial system. There is considerable uncertainty about whether someone who may have given \$20 to GoFundMe might suddenly find their account frozen. The government has refused time and time again to reassure the thousands of Canadians who contributed to what has, at the time, a perfectly legal and legitimate cause.

How can the government retroactively declare that a cause is now no longer worthy and that anyone who participated or contributed to it can now have their financial assets seized? I find it mind boggling that anyone in their right mind would find this acceptable in a country like Canada.

The government is telling trust us. We will not use these measures to punish ordinary folks, but at the same time the Liberals are pushing the notion that any act has consequences. What does that mean? If the government was serious in putting safeguards around these extraordinary measures, it would have included them in the regulations. By now, voluntarily vague it is doing exactly what it wants, scaring the centers, shutting down opposing views, even those of a person who contributed \$20 to a cause that the Prime Minister deems intolerable. And if by mistake your bank account is frozen because you have the same name as a protester. Well, tough luck. Folks, the Act provides cover for the banks. You will have to get in line file a form that will someday be available and wait for the compensation procedure that is not even set up yet. I find it appalling to see Liberals and NDP members cheering on legislation that gives big banks, the NDP supporting the big banks, the power to grab to seize funds without a court order while being granted immunity against any subsequent legal action.

How would a bank know if a person was involved in a blockade? At the briefing for parliamentarians, the officials didn't have an answer. Can't police go around and take plate numbers and send this to the banks and ask them to close the accounts? No notice, no court order, just a police officer taking down a number and proof bank account is frozen.

This is not how the banking system of a country where the rule of law and order prevails should work. And I am curious to know how this sharing of information is acceptable under the Privacy Act. Frankly, the lawyer for the residents of Ottawa and the Government of Ontario have already achieved the objectives that the Trudeau government pretends it made possible with these measures. I wonder if regular legal remedies such as the *mareva* injunctions and restraint orders are successfully being deployed to freeze funds? Why are the extraordinary account freezing powers afforded under the Emergency Act necessary?

The federal government must ask a court of law for authorization before seizing financial assets of a drug dealer, members of an organized crime or terrorist organization, but it gives itself the powers to seize without any judicial review, the bank accounts of people who are simply accused of mischief. No credible explanation has been provided as to why the government needed these unprecedented and potentially dangerous tools to quote our colleague, Senator Jeanne Yak.

The fact that the government deliberately left the rules surrounding the seizure of financial assets vague, probably to give themselves room to maneuver, is very dangerous. We all know our financial system is based on the confidence of Canadians. Banks would not survive if a large portion of their customers decide to cash in their deposits. But by staying vague on whose account can be seized and why the government has allowed all kinds of stories and rumors stay alive out there.

On Monday, Minister Freeland said, “for anyone who's concerned, their accounts may have been frozen because of their participation in illegal blockades and occupation, the way to get your account unfrozen is to stop being part of the blockade and occupation.” The thing is, there were no blockades left on Monday, So what exactly is the Deputy Prime Minister saying?

Another point on the financial regulations. Fintrac was created to combat terrorism and money laundering. Now the government is using it to combat groups whose views the Prime Minister finds unacceptable. How could the Senate allow this?

Colleagues, we need to realize the door will be opening if we vote in favor of this measure, a future government will have this decision as a precedent which suggests that you can weaponize the security infrastructure to fight ideas you don't agree with.

Last week, asked by Evan Sullivan about how far the government would go in using these measures, the Minister of Justice of all People, the one who is supposed to defend the rights of Canadians, said this, “Well, I think if you are a member of a pro Trump movement donating to this type of thing then you ought to be worried.” Once again, colleagues, what does that mean? Is the minister telling us that he is going after the assets of anyone who does not share his dislike for the former President of the United States? I find this very disturbing that in Canada the Minister of Justice can go around threatening his fellow citizens like this. It is gravely concerning. And since he made those threats to those who do not share his views, he never felt the need to retract them. This is exactly the kind of wedge politics that MP Joel Lightbound warned us about, and these are the words of our so called Minister of Justice, “How far this office has degenerated since Jody Wilson Raybould was the minister.”

The regulations also provide the ability for police or other law enforcement entities to compel a person insurance to be cancelled if the person is to be is believed to be engaged in or supporting illegal protests. There are significant unanswered questions in relation to this measure. How is an insurance company or financial institution supposed to know when an individual may be involved in a particular protest? Will they rely on the word of the police who will go around recording license plate numbers in or near protected areas? When a person insurance is cancelled, how will they then be able to move their vehicles? Have people who have moved their vehicles in advance of this week's enforcement action also had their insurance cancelled?

This is uncharted legal territory, and many questions simply have no answers at this point. But what we do know is that these powers will be exercised without a warrant, and with a completely unclear avenue

of appeal. The regulations also give authorities the power to prohibit any public assembly that the police think may lead to a breach of the peace. This again affords the police incredible discretion. As I said, the Ottawa Peace considers any demonstration to now be illegal. Clearly the regulations are neither reasonable nor proportionate or necessary.

The threshold for the use of the Emergencies Act was intentionally made high because of perceptions when the Act was drafted that the previous Act, the War Measures Act, had been misused and the errors and outreach in using that previous piece of legislation had to be corrected. The War Measures Act was only used on 3 occasions. 3 occasions, not two, as Senator Coyle indicated earlier today. Two of those occasions were during the first and Second World War. And in both those world wars, distasteful measures were enacted, including the measures to intern Japanese Canadians during the Second World War.

The act was only used once in peacetime by the current Prime Minister father during the October crisis of 1970. That latter use of the War Measures Act has remained forever controversial. For many, it represented an unprecedented and unacceptable overreach in response to what we now know was a very small group of certainly violent, but not very sophisticated radicals in Quebec. In hindsight, we know that this group did not have nearly the widespread support that was feared by many at the time. Yet, when the more war Measures Act was invoked, nearly 500 people were arrested, most of whom had absolutely nothing to do with the FLQ.

At that time in October 1970, Mr. Tommy Douglas stated his opposition to the use of the War Measures Act. In peacetime, speaking in Parliament at the time, he said, we are prepared to support the government in taking whatever measures are necessary to safeguard life and maintain law and order in this country but we are not prepared to use the preservation of law and order as a smokescreen to destroy the liberties and freedoms of the people of Canada. He said that the use of the War Measures Act was like using a sledgehammer to crack a peanut. I believe that history has judged Mr. Douglas statements at that time, as they were wise and prudent and I think history will Judge Jagmeet Singh's as well, and they will not have the same results.

I know that the Conservative Party of Canada of the day supported the use of the War Measures Act. Leader Robert Stanfield gave the Trudeau government the benefit of the doubt. It was the decision he later regretted, noted that supporting the War Measures Act in 1970 was an overreach. Two years after those dark days, Stanfield said, I think things could have quieted down with less drastic measures. He admitted the War Measures Act should never have been used. He said that voting with the government on this issue was his only regret in his political life as Nova Scotia Premier and leader of the official opposition.

More than 50 years later, we have learned a great deal about the October crisis. It is now clear that the reasons invoked by the Trudeau government for the use of the War Measures Act were not based on evidence. Some of them came directly from the imagination of members of the government they

exaggerated the threat, invented conspiracies to overthrow the government, and explain that thousands of imaginary terrorists were hiding somewhere.

One could be excused to see a resemblance with what we are witnessing now. The use of the War Measures Act created resentment in many segments of the population in Quebec, and arguably strengthened nationalism and support for sovereignty in Quebec. Only six years later, colleagues, a separatist government was elected in the province of Quebec. Rather than helping, it served to undermine national unity and made some Quebecers feel less Canadian. The civil liberties of hundreds, even thousands of people would not have been violated, and the resulting resentment that had serious political implications could have been avoided.

I know the Emergency Act is not the war Measures act, but a Prime Minister elected in Quebec and bearing the name Trudeau should have known the historical symbolism of the use of the successor of the Act that was used in 1970 and created such trauma for the residents of Quebec. To play with such a stick of dynamite, simply to save your political skin is reckless. It shows again how Justin Trudeau is ready to divide Canadians by using dangerous symbols for political expediency. Just like history severely judged his father for the attack on several liberties in overreach through the use of the War Measures Act, it will not be kind to Justin Trudeau for the use of the Emergencies Act.

I am far from alone and arguing that this constitutes a serious overstep, particularly when there is no evidence that the conditions necessary to invoke the Emergency Act have even been met. Noah Mendelsohn, executive director of Canadian Liberty Civil Liberties Association, has said, and I quote, "The Emergencies Act creates a high and clear standard for good reason. The act allows the government to bypass ordinary democratic process. This standard has not been met. Echoing what Tommy Douglas said, more than 50 years ago, the Canadian Civil Liberties Association further declared emergency legislation should not be normalized. It threatens our democracy and our civil liberties."

Aaron Wudrick, a lawyer for the MacDonald Laurier Institute has stated the use of the Act is intended for crisis where there are no other options on the table until it decided to invoke the act, the federal government, along with their provincial and municipal counterparts, fail to do very much at all to attempt to disperse the Ottawa protest, making it hard for them to complain that they have exhausted all alternatives.

Leah West, assistant professor of international affairs at Carleton University and the National Security Law Scholar, has stated, the threshold for invoking this is extremely high, and I question whether or not the legal thresholds have been met here. It's a matter of actually going about enforcing the orders and regulations and laws that we have. And that's been the real issue.

Professor Ryan Alford further stated that the act can only be activated as a source of jurisdiction if no other law or set of laws is adequate to protect the safety and territorial integrity of Canada. The disagreement of five premiers about its necessity calls into serious question whether there is a rational

basis for promulgating emergency measures. Never mind whether this meets the very high legal threshold set by the act.

Professor Patrick Taylor of University Level said that the government failed to prove that the extraordinary measures were essential only on the third week of the crisis. He reminds us that the government must make the case that those emergency measures are not just useful, but they are absolutely necessary and essential to solve the crisis.

Our former colleague, Senator Andre Pratt, wrote last week despite the Liberal government efforts to paint the current events with most dramatic colors, it has become patently clear that we are not faced with a national emergency as defined by the Emergencies Act.

There are certainly legal scholars who may disagree with these arguments, but clearly the large majority agree that there is a serious question as to whether what the government is doing is either legal or constitutional. From China to Iran, the dictatorships around the world are trolling Canada for its use of the extraordinary emergency measures. India has stressed the hypocrisy of Minister Prime Minister Trudeau. He declared last year that he was supporting the protest by farmers in India and chastised the Indian government for its use of force to quell the protests.

Newspapers around the world, because they don't live in the Ottawa bubble and do not accept the government talking points as truth, saw the ham-fisted move of Prime Minister Trudeau for what it is, an unnecessary and dangerous overreach. The New York Times, the Wall Street Journal, The Financial Times, The Economist are amongst the long list of media outlets that cannot understand why the Canadian government would have to resort to such extraordinary measures simply to deal with a blockade on three or four streets in Ottawa.

Remember that Americans could not understand what took so long to free the Ambassador Bridge and offered to send U.S. law enforcement personnel to help. Once again, because Justin Trudeau's incompetence Canada's image as a country that respects human rights across the globe is being destroyed. We need to remember that invoking the Act the government must consult with each province in which the effects of the emergency occur. And, as I said earlier, government has decided that the emergency measures would be national, not confined to a specific area. Seven of the premiers disagreed on the necessity of this action. Yet, the government still went ahead and invoked the act in all parts of the country when there was clearly no consensus to do so.

The National Assembly of Quebec voted unanimously to decry the use of the Emergencies Act. Premier Jason Kenney announced last week that Alberta would launch a court challenge against the use of the act. When Tommy Douglas eloquently spoke on the War Measures Act in 1970, he said that no one questioned the obligation of the government to maintain law and order and to utilize all normal powers that lie at its disposal. No one questioned that in 1970, and no one questioned the governments right to do that today. But I believe we must object to today, just as some Members of Parliament did in 1970. It is the proposition that the government now requires extraordinary powers to address this

situation. What I fear is that the current Prime Minister is committing an even greater mistake than that of his father.

Professor Ryan Alford, Lakehead University's Borah Laskin, Faculty of Law, has stated. It beggars belief that the Prime Minister of Canada is going to deal with protests complaining of infringements of civil liberties by suppressing them by means that are likely unconstitutional and identified as such in advance by civil liberties organizations and scholars.

What bothers me in particular is that few people on the government side even seem to be asking such questions or thinking about the longer term ramifications of this serious overstep in governmental authority. So, the question is, how should we as senators respond? We must defeat the government's motion.

Section 58 (7) of the Act said if a motion for confirmation of a declaration of emergency is negative by either House of Parliament, the declaration to the extent that has not previously expired or been revoked, is revoked effective on the day of the negative vote, and no further action under this section needs to be taken in the other house with respect to the motion. By defeating the motion, the Senate will play its true role. We will end the emergency measures.

Of course, that will not be retroactive, as Senator Delphon correctly said, all the charges laid so far will remain, but the government overreach will stop. There are several reasons why we have to defeat the motion. First, I would say that every senator in this Chamber should remember that by using this act in this way, government has created a precedent. We now have the responsibility to decide if it correctly set the bar for the use of the Emergencies Act. We cannot put the genie back in the bottle. But we can tell future governments what they need to prove before they use the act again. The next group of protesters may well have different demands. They may be indigenous protesters. They may be environmentalists. They may be Black, Lives Matter protesters. And his answers to questions, Senator Gold admitted this. All groups, including those I just mentioned, could now be the target of the federal government.

Colleagues years ago when women were fighting for the right to vote, they use civil disobedience and protests. We have a statute colleagues just outside our building here celebrating the famous 5 at the entrance of the Senate. It is painful to think that under the government emergency measures these women could not come to Ottawa today to make their point like they did some 100 years ago. If we agree to this government motion, we will have the precedent of 2022 for the use of the Emergency Act. We will live with that.

The Senate has the opportunity to step back and tell future governments that the use of the Emergencies Act requires more than the nuisance of a blockade in one location in Canada. Also, we have to remember that we are voting on the motion based on the evidence and the situation as of the moment of the vote. We are not asked if the government was correct in invoking emergency act, that

will be decided by the Joint Committee of Parliamentarians. The inquiry that the government must launch, and also by the courts.

Senator Carter raised a concern and a question to Senator Tanis this morning when he said, the trouble with voting no is that it's impossible to distinguish whether we are sending a message that the emergency should never have been declared or that it was legitimate to declare, but should be cancelled out now. Colleagues with respect, the Emergency Act is clear on what we will be voting on. This is not an exercise in communications. It is an exercise in parliamentary oversight. We have been tasked colleagues, not with sending a message, but with considering the motion laid before us and answering that question.

Are the reasons invoked in the declaration still valid? Are the measures adopted by the government still reasonable, proportionate, and necessary, considering the situation at the moment of the vote colleagues? The last blockade in Ottawa was cleared on the weekend. Yesterday we were informed that people have had their bank accounts blocked. We're now seeing them unblocked. Clearly the emergency is over and the emergency measures are no longer required if they ever were.

On Friday, before the police moved in to dismantle the Ottawa blockade, the Globe and Mail wrote, "reasonable people can disagree as to whether activating the Emergency Act and the suite of legal tools the government crafted from it made sense seven days ago. But whatever the strength of the arguments then improved circumstances leave them considerably weaker today." Imagine how weak the government's argument is now that everything is back to normal.

The Senate has to vote no on the motion because the government has not made its case that the use of the Act is legally justified, that it has met the threshold set out for the use of the Emergencies Act.

The Senate has to vote no on the motion because even if such a threshold had been met, the measures adopted by the government are not reasonable, proportionate, and necessary.

The Senate has to vote no on the motion because the use of the Act itself undermines national unity and risks deepening already existing divisions in the can.

The Senate has to vote no on the motion because otherwise we will set the bar on the use of the Emergencies Act so low that it will become just another tool for the government to use on a regular basis.

The Senate has to vote no on the motion because we must play our role in protecting the rights of minorities, even if we do not share their beliefs.

The use of the emergency tactic is a frontal attack on the rights of Canadians. If we truly believe colleagues that at all times a Canadian is a Canadian, is a Canadian, well, let's make sure that we stop the government right now from unreasonably stripping some Canadians of their rights. I disapprove of

what you say, but I will defend to the death your right to say it, said Evelyn Patrice Hall, to summarize the philosophy of Altair, a philosophy that all true believers and their right to free speech should share.

And finally colleagues, the Senate has to vote no on the motion because as senators we have a duty to defend Parliament, the rights of provinces and they clearly do not support the Emergencies Act.

Colleagues, our country is very divided today. We should be trying to find ways to restore our national unity. We should have a Prime Minister who is willing to listen to Canadians. Colleagues if ever there is an issue where we have to put partisanship political biases aside, this is the issue. As Senator Hosaka said at the start of his speech, probably the most important speech he's delivered in his 13 years here, colleagues, this is a vote that will go down in history. Certainly in this Chamber we should not be voting for motions that are likely to deepen divisions. I fear that is what we would be doing by supporting this motion. And I urge I urge all of us to step back from that precedence. I hope all senators will join in voting against this motion.

Thank you.