



Ontario
Civil Liberties
Association

"The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today."

—John Carpay,
President,
Justice Centre for
Constitutional Freedoms

"I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies."

—Noam Chomsky,
Institute Professor, MIT

"Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom."

—Robert Martin,
Professor of Law,
Emeritus,
Western University

September 20, 2022

[By Email](#)

Public Order Emergency Commission
perspectives@poec-cedu.gc.ca

Re: Ontario Civil Liberties Association's submission to the Public Order Emergency Commission regarding the Government of Canada's February 2022 invocation of the *Emergencies Act*

Dear Commissioner, Counsels, and Commission Researchers and Advisors,

The Ontario Civil Liberties Association (OCLA) strenuously opposed the Government of Canada's invocation of the *Emergencies Act* to quash peaceful protest in February 2022.

The protests at and around Parliament Hill in Ottawa constituted eminently peaceful expression of opposition to the removal of Canadians' fundamental freedoms by the sitting government via its vaccination mandate regimes.

The OCLA submits the attached package of files containing OCLA's public statements and communications with Canadian political representatives about the *Emergencies Act* invocation, from February and March 2022.

OCLA volunteers were on the ground observing the protest at Parliament Hill throughout January and February 2022 and our positions were informed by their reports and observations.

Please receive the contents of this package as OCLA's submission to the Public Order Emergency Commission.

Sincerely,

Joseph Hickey, PhD
Executive Director
Ontario Civil Liberties Association (OCLA) <https://ocla.ca>
joseph.hickey@ocla.ca
c: 613-252-6148

Attached:

Pages	Date	Document
3	2022-02-15	OCLA blog post: "OCLA Statement on the Government's Use of the Emergencies Act"
4-5	2022-02-17	OCLA blog post: "OCLA Calls on MPs to Reject the Use of the Emergencies Act to Crush Peaceful Protest at Parliament Hill"
6-9	2022-02-17	OCLA email to Canadian Members of Parliament and Senators
10-11	2022-02-19	Email response to OCLA from MP John Williamson (New Brunswick Southwest)
12-14	2022-03-03	Email response to OCLA from MP Richard Cannings (South Okanagan-West Kootenay)

OCLA

Ontario Civil Liberties Association

OCLA Statement on the Government's Use of the Emergencies Act

Posted on [February 15, 2022](#) by [admin](#)

The Ontario Civil Liberties Association (OCLA) condemns the federal government's use of the *Emergencies Act* (formerly the *War Measures Act*) to dispel peaceful protests in Canada.

Peaceful protest and civil disobedience are essential in a democratic society – without these mechanisms of peaceful expression, demonstration, and opposition there can be no democracy.

There is no national emergency caused by the Freedom Convoy protesters. Therefore, the government's use of the *Emergencies Act* can only be understood as an opportunistic political act intended to eliminate protest that opposes the policies of the sitting government, to manipulate public opinion by further demonizing “the unvaccinated”, and to advance the ongoing degradation of civil liberties in Canada by setting an extreme precedent of governmental intervention to freeze or appropriate the assets of individual citizens who peacefully oppose the policies of the government of the day.

Related statements by other organizations and individuals are linked below:

- [Justice Centre for Constitutional Freedoms \(JCCF\) statement](#)
- [Canadian Constitution Foundation \(CCF\) statement](#)
- [Statement by Derek Sloan, Leader of the Ontario Party](#)
- “This is the furthest thing from a national emergency one could imagine ...” — [statement by Ontario lawyer Nicolas Wansbutter](#)
- [Twitter thread by the Canadian Civil Liberties Association \(CCLA\)](#)

The full text of Prime Minister Trudeau's Feb. 14, 2022, *Emergencies Act* announcement can be read at the link [here](#) (published by *The Peterborough Examiner*).

This entry was posted in [COVID](#), [Freedom of Speech](#), [OCLA Opinion Statements](#), [Social and political theory](#). Bookmark the [permalink](#).

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Ontario Civil Liberties Association

OCLA Calls on MPs to Reject the Use of the Emergencies Act to Crush Peaceful Protest at Parliament Hill

Posted on February 17, 2022 by admin

The Ontario Civil Liberties Association (OCLA) sent the following email today to Canadian Members of Parliaments and Senators.

A PDF of the email can be read at the link [here](#).

Dear Member of Parliament,

There is no national emergency caused by the Freedom Convoy protesters in Ottawa.

There is only a peaceful protest of Canadians who are opposed to government policy (mandatory medical procedures) that objectively violates the human rights of life, liberty, and security of the person, and of conscience and religion.

This peaceful protest is taking place on the street immediately facing the Parliament Buildings, the most appropriate site for a protest that one can imagine in Canada.

OCLA volunteers have been observing the protest in person since the convoy arrived in Ottawa in late January. The protest has been eminently peaceful and should be a model of democratic engagement for future generations of Canadians to look up to.

There is no national emergency happening in Ottawa, and no rational basis to use the Emergencies Act (formerly the War Measures Act). Doing so will be an explicit act of government authoritarianism that will permanently damage democracy in Canada.

The Ontario Civil Liberties Association implores you not to do this. It is wrong. It is unconstitutional. It is undemocratic. We ask that you do everything in your power as an elected representative to protect our democracy and reject this misuse of the Emergencies Act to crush peaceful protest.

OCLA's public statement on this matter can be read at the link here: <https://ocla.ca/ocla-statement-on-the-governments-use-of-the-emergencies-act/>

Sincerely,

Joseph Hickey, PhD

Executive Director

Ontario Civil Liberties Association (ocla.ca)

joseph.hickey@ocla.ca

c: 613-252-6148

Cc: Canadian Senators

Update — Responses received:

2022-02-19: [Response from MP John Williamson \(Conservative\)](#)

2022-03-03: [Response from MP Richard Cannings \(NDP\)](#)

This entry was posted in [COVID](#), [Freedom of Speech](#), [OCLA Opinion Statements](#), [Press Releases](#), [Vaccines](#). Bookmark the [permalink](#).

OCLA

OCLA calls on MPs to reject the use of the Emergencies Act to crush peaceful protest at Parliament Hill

From: Joseph Hickey | OCLA <joseph.hickey@ocla.ca>
To: Joseph Hickey <joseph.hickey@ocla.ca>
Cc: ziad.aboueltaif@parl.gc.ca, john.barlow@parl.gc.ca, bob.benzen@parl.gc.ca, randy.boissonnault@parl.gc.ca, blaine.calkins@parl.gc.ca, george.chahal@parl.gc.ca, michael.cooper@parl.gc.ca, blake.desjarlais@parl.gc.ca, earl.dreeshen@parl.gc.ca, garnett.genuis@parl.gc.ca, laila.goodridge@parl.gc.ca, JasrajSingh.Hallan@parl.gc.ca, matt.jeneroux@parl.gc.ca, pat.kelly@parl.gc.ca, tom.kmiec@parl.gc.ca, Damien.Kurek@parl.gc.ca, stephanie.kusie@parl.gc.ca, mike.lake@parl.gc.ca, ron.liepert@parl.gc.ca, Dane.Lloyd@parl.gc.ca, kelly.mccauley@parl.gc.ca, greg.mclean@parl.gc.ca, Heather.McPherson@parl.gc.ca, glen.motz@parl.gc.ca, michelle.rempel@parl.gc.ca, blake.richards@parl.gc.ca, martin.shields@parl.gc.ca, Gerald.Soroka@parl.gc.ca, shannon.stubbs@parl.gc.ca, rachael.thomas@parl.gc.ca, Tim.Uppal@parl.gc.ca, mel.arnold@parl.gc.ca, arnold.viersen@parl.gc.ca, chris.warkentin@parl.gc.ca, len.webber@parl.gc.ca, dan.albas@parl.gc.ca, john.aldag@parl.gc.ca, mel.arnold@parl.gc.ca, Taylor.Bachrach@parl.gc.ca, parm.bains@parl.gc.ca, lisamarie.barron@parl.gc.ca, terry.beech@parl.gc.ca, rachel.blaney@parl.gc.ca, richard.cannings@parl.gc.ca, frank.caputo@parl.gc.ca, Laurel.Collins@parl.gc.ca, Marc.Dalton@parl.gc.ca, don.davies@parl.gc.ca, sukh.dhaliwal@parl.gc.ca, randall.garrison@parl.gc.ca, todd.doherty@parl.gc.ca, ed.fast@parl.gc.ca, gord.johns@parl.gc.ca, kerry-lynne.findlay@parl.gc.ca, hedy.fry@parl.gc.ca, Tracy.Gray@parl.gc.ca, ken.hardie@parl.gc.ca, peter.julian@parl.gc.ca, jenny.kwan@parl.gc.ca, alistair.macgregor@parl.gc.ca, elizabeth.may@parl.gc.ca, ron.mckinnon@parl.gc.ca, wilson.miao@parl.gc.ca, Rob.Morrison@parl.gc.ca, joyce.murray@parl.gc.ca, taleeb.noormohamed@parl.gc.ca, carla.qualtrough@parl.gc.ca, harjit.sajjan@parl.gc.ca, randeep.sarai@parl.gc.ca, Jagmeet.Singh@parl.gc.ca, Mark.Strahl@parl.gc.ca, Tako.VanPopta@parl.gc.ca, Brad.Vis@parl.gc.ca, Patrick.Weiler@parl.gc.ca, jonathan.wilkinson@parl.gc.ca, bonita.zarrillo@parl.gc.ca, bob.zimmer@parl.gc.ca, niki.ashton@parl.gc.ca, candice.bergen@parl.gc.ca, james.bezan@parl.gc.ca, daniel.blaikie@parl.gc.ca, jim.carr@parl.gc.ca, Raquel.Dancho@parl.gc.ca, terry.duguid@parl.gc.ca, ted.falk@parl.gc.ca, Leah.Gazan@parl.gc.ca, kevin.lamoureux@parl.gc.ca, larry.maguire@parl.gc.ca, Dan.Mazier@parl.gc.ca, Marty.Morantz@parl.gc.ca, dan.vandal@parl.gc.ca, rene.arseneault@parl.gc.ca, Jenica.Atwin@parl.gc.ca, Richard.Bragdon@parl.gc.ca, serge.cormier@parl.gc.ca, dominic.leblanc@parl.gc.ca, wayne.long@parl.gc.ca, Rob.Moore@parl.gc.ca, ginette.petitpastaylor@parl.gc.ca, jake.stewart@parl.gc.ca, John.Williamson@parl.gc.ca, gudie.hutchings@parl.gc.ca, yvonne.jones@parl.gc.ca, ken.mcdonald@parl.gc.ca, seamus.oregan@parl.gc.ca, Churence.Rogers@parl.gc.ca, clifford.small@parl.gc.ca, joanne.thompson@parl.gc.ca, michael.mcleod@parl.gc.ca, Jaime.Battiste@parl.gc.ca, Kody.Blois@parl.gc.ca, Chris.dEntremont@parl.gc.ca, lenametlege.diab@parl.gc.ca, stephen.ellis@parl.gc.ca, andy.fillmore@parl.gc.ca, darren.fisher@parl.gc.ca, sean.fraser@parl.gc.ca, Mike.Kelloway@parl.gc.ca, rick.perkins@parl.gc.ca, darrell.samson@parl.gc.ca, lori.idlout@parl.gc.ca, Scott.Aitchison@parl.gc.ca, omar.alghabra@parl.gc.ca, shafqat.ali@parl.gc.ca, dean.allison@parl.gc.ca, Anita.Anand@parl.gc.ca, gary.anand@parl.gc.ca, charlie.angus@parl.gc.ca, chandra.arya@parl.gc.ca, vance.badawey@parl.gc.ca, Yvan.Baker@parl.gc.ca, Tony.Baldinelli@parl.gc.ca, Michael.Barrett@parl.gc.ca, carolyn.bennett@parl.gc.ca, chris.bittle@parl.gc.ca, bill.blair@parl.gc.ca, valerie.bradford@parl.gc.ca, john.brassard@parl.gc.ca, larry.brock@parl.gc.ca, colin.carrie@parl.gc.ca, bardish.chagger@parl.gc.ca, adam.chambers@parl.gc.ca, shaun.chen@parl.gc.ca, paul.chiang@parl.gc.ca, michael.chong@parl.gc.ca, chad.collins@parl.gc.ca, michael.coteau@parl.gc.ca, julie.dabrusin@parl.gc.ca, pam.damoff@parl.gc.ca, Scot.Davidson@parl.gc.ca, Han.Dong@parl.gc.ca, Terry.Dowdall@parl.gc.ca,

francis.drouin@parl.gc.ca, Eric.Duncan@parl.gc.ca, kirsty.duncan@parl.gc.ca,
julie.dzerowicz@parl.gc.ca, ali.ehsassi@parl.gc.ca, Dave.Epp@parl.gc.ca,
nathaniel.erskine-smith@parl.gc.ca, michelle.ferreri@parl.gc.ca, peter.fonseca@parl.gc.ca,
mona.fortier@parl.gc.ca, peter.fragiskatos@parl.gc.ca, chrystia.freeland@parl.gc.ca,
iqwinder.gaheer@parl.gc.ca, cheryl.gallant@parl.gc.ca, mark.gerretsen@parl.gc.ca,
marilyn.gladu@parl.gc.ca, karina.gould@parl.gc.ca, Matthew.Green@parl.gc.ca,
patty.hajdu@parl.gc.ca, lisa.hepfner@parl.gc.ca, mark.holland@parl.gc.ca, carol.hughes@parl.gc.ca,
ahmed.hussen@parl.gc.ca, marci.ien@parl.gc.ca, Helena.Jaczek@parl.gc.ca,
majid.jowhari@parl.gc.ca, arielle.kayabaga@parl.gc.ca, iqra.khalid@parl.gc.ca,
kamal.khera@parl.gc.ca, shelby.kramp-neuman@parl.gc.ca, irek.Kusmierczyk@parl.gc.ca,
Marie-France.Lalonde@parl.gc.ca, melissa.lantsman@parl.gc.ca, viviane.lapointe@parl.gc.ca,
Philip.Lawrence@parl.gc.ca, Chris.Lewis@parl.gc.ca, leslyn.lewis@parl.gc.ca, ben.lobb@parl.gc.ca,
lloyd.longfield@parl.gc.ca, Tim.Louis@parl.gc.ca, dave.mackenzie@parl.gc.ca,
james.malone@parl.gc.ca, brian.massee@parl.gc.ca, Lindsay.Mathyssen@parl.gc.ca,
bryan.may@parl.gc.ca, david.mcguinty@parl.gc.ca, john.mckay@parl.gc.ca, Eric.Melillo@parl.gc.ca,
marco.mendicino@parl.gc.ca, mike.morrice@parl.gc.ca, dan.muys@parl.gc.ca, yasir.naqvi@parl.gc.ca,
john.nater@parl.gc.ca, mary.ng@parl.gc.ca, jennifer.oconnell@parl.gc.ca, rob.oliphant@parl.gc.ca,
erin.otoole@parl.gc.ca, pierre.poilievre@parl.gc.ca, Marcus.Powłowski@parl.gc.ca,
scott.reid@parl.gc.ca, anna.roberts@parl.gc.ca, Lianne.Rood@parl.gc.ca, anthony.rota@parl.gc.ca,
Alex.Ruff@parl.gc.ca, ruby.sahota@parl.gc.ca, yaara.saks@parl.gc.ca, jamie.schmale@parl.gc.ca,
Kyle.Seeback@parl.gc.ca, marc.serre@parl.gc.ca, judy.sgro@parl.gc.ca, terry.sheehan@parl.gc.ca,
Doug.Shipley@parl.gc.ca, Maninder.Sidhu@parl.gc.ca, sonia.sidhu@parl.gc.ca,
francesco.sorbara@parl.gc.ca, sven.spengemann@parl.gc.ca, jenna.sudds@parl.gc.ca,
filomena.tassi@parl.gc.ca, leah.taylorroy@parl.gc.ca, Ryan.Turnbull@parl.gc.ca,
rechie.valdez@parl.gc.ca, Tony.VanBynen@parl.gc.ca, Adam.vanKoeverden@parl.gc.ca,
anita.vandenbeld@parl.gc.ca, Karen.Vecchio@parl.gc.ca, arif.virani@parl.gc.ca,
kevin.vuong@parl.gc.ca, ryan.williams@parl.gc.ca, Jean.Yip@parl.gc.ca, salma.zahid@parl.gc.ca,
sean.casey@parl.gc.ca, lawrence.macaulay@parl.gc.ca, heath.macdonald@parl.gc.ca,
robert.morrissey@parl.gc.ca, xavier.barsalou-duval@parl.gc.ca, mario.beaulieu@parl.gc.ca,
Rachel.Bendayan@parl.gc.ca, Stephane.Bergeron@parl.gc.ca, luc.berthold@parl.gc.ca,
Sylvie.Berube@parl.gc.ca, marie-claude.bibeau@parl.gc.ca, Yves-Francois.Blanchet@parl.gc.ca,
Maxime.Blanchette-Joncas@parl.gc.ca, Alexandre.Boulerice@parl.gc.ca, Elisabeth.Briere@parl.gc.ca,
Alexis.Brunelle-Duceppe@parl.gc.ca, Louise.Chabot@parl.gc.ca,
francois-philippe.champagne@parl.gc.ca, Martin.Champoux@parl.gc.ca,
Claude.DeBellefeuille@parl.gc.ca, gerard.deltell@parl.gc.ca, Caroline.Desbiens@parl.gc.ca,
Luc.Desilets@parl.gc.ca, anju.dhillon@parl.gc.ca, emmanuel.dubourg@parl.gc.ca,
jean-yves.duclos@parl.gc.ca, faycal.el-khoury@parl.gc.ca, Greg.Fergus@parl.gc.ca,
rheal.fortin@parl.gc.ca, marc.garneau@parl.gc.ca, jean-denis.garon@parl.gc.ca,
MH.Gaudreau@parl.gc.ca, bernard.genereux@parl.gc.ca, marilene.gill@parl.gc.ca,
joel.godin@parl.gc.ca, jacques.gourde@parl.gc.ca, Steven.Guilbeault@parl.gc.ca,
anthony.housefather@parl.gc.ca, angelo.iacono@parl.gc.ca, melanie.joly@parl.gc.ca,
Annie.Koutrakis@parl.gc.ca, emmanuella.lambropoulos@parl.gc.ca, david.lametti@parl.gc.ca,
Andréanne.Larouche@parl.gc.ca, Patricia.Lattanzio@parl.gc.ca, stephane.lauzon@parl.gc.ca,
diane.lebouthillier@parl.gc.ca, Richard.Lehoux@parl.gc.ca, Sébastien.Lemire@parl.gc.ca,
joel.lightbound@parl.gc.ca, Steven.MacKinnon@parl.gc.ca, Richard.Martel@parl.gc.ca,
Soraya.MartinezFerrada@parl.gc.ca, alexandra.mendes@parl.gc.ca, Kristina.Michaud@parl.gc.ca,
Marc.Miller@parl.gc.ca, Christine.Normandin@parl.gc.ca, Pierre.Paul-Hus@parl.gc.ca,
monique.pauze@parl.gc.ca, Yves.Perron@parl.gc.ca, louis.plamondon@parl.gc.ca,
alain.rayes@parl.gc.ca, Yves.Robillard@parl.gc.ca, pablo.rodriguez@parl.gc.ca,
sherry.romanado@parl.gc.ca, Simon-Pierre.Savard-Tremblay@parl.gc.ca,
francis.scarpaleggia@parl.gc.ca, peter.schiefke@parl.gc.ca, brenda.shanahan@parl.gc.ca,

Mario.Simard@parl.gc.ca, nathalie.sinclair-desgagne@parl.gc.ca, gabriel.ste-marie@parl.gc.ca, pascale.st-onge@parl.gc.ca, luc.theriault@parl.gc.ca, Alain.Therrien@parl.gc.ca, justin.trudeau@parl.gc.ca, Denis.Trudel@parl.gc.ca, dominique.vien@parl.gc.ca, Julie.Vignola@parl.gc.ca, rene.villemure@parl.gc.ca, Sameer.Zuberi@parl.gc.ca, kelly.block@parl.gc.ca, Rosemarie.Falk@parl.gc.ca, randy.hoback@parl.gc.ca, robert.kitchen@parl.gc.ca, Michael.Kram@parl.gc.ca, Jeremy.Patzer@parl.gc.ca, Brad.Redekopp@parl.gc.ca, andrew.scheer@parl.gc.ca, Warren.Steinley@parl.gc.ca, Corey.Tochor@parl.gc.ca, fraser.tolmie@parl.gc.ca, Gary.Vidal@parl.gc.ca, cathay.wagantall@parl.gc.ca, kevin.waugh@parl.gc.ca, brendan.hanley@parl.gc.ca, MargaretDawn.Anderson@sen.parl.gc.ca, David.Arnot@sen.parl.gc.ca, salma.ataullahjan@sen.parl.gc.ca, Michele.Audette@sen.parl.gc.ca, denise.batters@sen.parl.gc.ca, diane.bellemare@sen.parl.gc.ca, WandaThomas.Bernard@sen.parl.gc.ca, doug.black@sen.parl.gc.ca, robert.black@sen.parl.gc.ca, Peter.Boehm@sen.parl.gc.ca, pierre-hugues.boisvenu@sen.parl.gc.ca, Gwen.Boniface@sen.parl.gc.ca, Patricia.Bovey@sen.parl.gc.ca, Yvonne.Boyer@sen.parl.gc.ca, Patrick.Brazeau@sen.parl.gc.ca, Bev.Busson@sen.parl.gc.ca, larry.campbell@sen.parl.gc.ca, claude.carignan@sen.parl.gc.ca, daniel.christmas@sen.parl.gc.ca, Bernadette.Clement@sen.parl.gc.ca, jane.cordy@sen.parl.gc.ca, Rene.Cormier@sen.parl.gc.ca, Brent.Cotter@sen.parl.gc.ca, Mary.Coyle@sen.parl.gc.ca, jean-guy.dagenais@sen.parl.gc.ca, PierreJ.Dalphond@sen.parl.gc.ca, Donna.Dasko@sen.parl.gc.ca, dennis.dawson@sen.parl.gc.ca, colin.deacon@sen.parl.gc.ca, Marty.Deacon@sen.parl.gc.ca, Tony.Dean@sen.parl.gc.ca, percy.downe@sen.parl.gc.ca, Pat.Duncan@sen.parl.gc.ca, Tony.Dean@sen.parl.gc.ca, Renee.Dupuis@sen.parl.gc.ca, Eric.Forest@sen.parl.gc.ca, Brian.Francis@sen.parl.gc.ca, george.furey@sen.parl.gc.ca, Raymonde.Gagne@sen.parl.gc.ca, rosa.galvez@sen.parl.gc.ca, Amina.Gerba@sen.parl.gc.ca, Clement.Gignac@sen.parl.gc.ca, marc.gold@sen.parl.gc.ca, stephen.greene@sen.parl.gc.ca, Diane.Griffin@sen.parl.gc.ca, peter.harder@sen.parl.gc.ca, Nancy.Hartling@sen.parl.gc.ca, Leo.Housakos@sen.parl.gc.ca, mobina.jaffer@sen.parl.gc.ca, Marty.Klyne@sen.parl.gc.ca, Stanley.Kutcher@sen.parl.gc.ca, Patti.LaBoucane-Benson@sen.parl.gc.ca, Frances.Larkin@sen.parl.gc.ca, Tony.Loffreda@sen.parl.gc.ca, carol.smith@sen.parl.gc.ca, michael.macdonald@sen.parl.gc.ca, fabian.manning@sen.parl.gc.ca, elizabeth.marshall@sen.parl.gc.ca, martin@sen.parl.gc.ca, sabi.marwah@sen.parl.gc.ca, paul.massicotte@sen.parl.gc.ca, MaryJane.McCallum@sen.parl.gc.ca, Marilou.McPhedran@sen.parl.gc.ca, marie-francoise.megie@sen.parl.gc.ca, terry.mercer@sen.parl.gc.ca, julie.miville-dechene@sen.parl.gc.ca, percy.mockler@sen.parl.gc.ca, Lucie.Moncion@sen.parl.gc.ca, Rosemary.Moodie@sen.parl.gc.ca, thanhhai.ngo@sen.parl.gc.ca, senator.oh@sen.parl.gc.ca, Ratna.Omidvar@sen.parl.gc.ca, Kim.Pate@sen.parl.gc.ca, dennis.patterson@sen.parl.gc.ca, Chantal.Petitclerc@sen.parl.gc.ca, don.plett@sen.parl.gc.ca, rosemay.poirier@sen.parl.gc.ca, jim.quinn@sen.parl.gc.ca, Mohamed-iqbal.ravalia@sen.parl.gc.ca, David.Richards@sen.parl.gc.ca, pierrette.ringuette@sen.parl.gc.ca, raymonde.saint-germain@sen.parl.gc.ca, judith.seidman@sen.parl.gc.ca, Paula.Simons@sen.parl.gc.ca, larry.smith@sen.parl.gc.ca, Karen.Sorensen@sen.parl.gc.ca, scott.tannas@sen.parl.gc.ca, josee.verner@sen.parl.gc.ca, pamela.wallin@sen.parl.gc.ca, davidwells@sen.parl.gc.ca, Howard.Wetston@sen.parl.gc.ca, senatorwhite@sen.parl.gc.ca, YuenPau.Woo@sen.parl.gc.ca, H.Yussuff@sen.parl.gc.ca

Subject: OCLA calls on MPs to reject the use of the Emergencies Act to crush peaceful protest at Parliament Hill

Date: Thursday, February 17, 2022 8:22 AM

Size: 30 KB



Ontario
Civil Liberties
Association

Dear Member of Parliament,

There is no national emergency caused by the Freedom Convoy protesters in Ottawa.

There is only a peaceful protest of Canadians who are opposed to government policy (mandatory medical procedures) that objectively violates the human rights of life, liberty, and security of the person, and of conscience and religion.

This peaceful protest is taking place on the street immediately facing the Parliament Buildings, the most appropriate site for a protest that one can imagine in Canada.

OCLA volunteers have been observing the protest in person since the convoy arrived in Ottawa in late January. The protest has been eminently peaceful and should be a model of democratic engagement for future generations of Canadians to look up to.

There is no national emergency happening in Ottawa, and no rational basis to use the *Emergencies Act* (formerly the *War Measures Act*). Doing so will be an explicit act of government authoritarianism that will permanently damage democracy in Canada.

The Ontario Civil Liberties Association implores you not to do this. It is wrong. It is unconstitutional. It is undemocratic. We ask that you do everything in your power as an elected representative to protect our democracy and reject this misuse of the *Emergencies Act* to crush peaceful protest.

OCLA's public statement on this matter can be read at the link here: <https://ocla.ca/ocla-statement-on-the-governments-use-of-the-emergencies-act/>

Sincerely,

Joseph Hickey, PhD
Executive Director
Ontario Civil Liberties Association (ocla.ca)
joseph.hickey@ocla.ca
c: 613-252-6148

Cc: Canadian Senators

OCLA calls on MPs to reject the use of the Emergencies Act to crush peaceful protest at Parliament Hill

From: Williamson, John - M.P. <John.Williamson@parl.gc.ca>
To: Joseph Hickey | OCLA <joseph.hickey@ocla.ca>
Subject: Re: OCLA calls on MPs to reject the use of the Emergencies Act to crush peaceful protest at Parliament Hill
Date: Saturday, February 19, 2022 12:51 PM
Size: 99 KB

Hello Joseph,

Thank you for taking the time to write. Unfortunately, due to the NDP's support the Trudeau Government has found a willing partner in invoking the Emergencies Act. It is our hope they will reconsider their support and the Government loses the upcoming vote on Monday so that these powers are formally repealed.

Please find enclosed the statement MP Williamson issued regarding the Trudeau Government's serious misuse of federal government powers on Monday, February 14. He also reiterated his opposition to the Emergencies Act in Parliament on Wednesday, February 16.

Justin Trudeau's Liberal MPs voted against and, with support from New Democrat & Green MPs, defeated a reasonable motion calling on the federal government to provide Canadians with a plan by Feb. 28 indicating when restrictions would end. Passing the motion would have allowed the federal government to demonstrate it is committed to ending illiberal mandates and restrictions on Canadians. It would have also lowered the political temperature by giving people hope the Trudeau government can listen. Justin Trudeau didn't do that.

Hours later the Prime Minister instead invoked the Emergencies Act, the reformed and renamed War Measures Act, which gives the federal government and police sweeping and never-before-used powers. The Emergencies Act also suspends civil liberties. This is an outrageous and unnecessary overreach by a Prime Minister who's proven himself unable to govern and lead all Canadians.

Justin Trudeau has failed. He thinks using the Emergencies Act makes him look strong, but instead he looks weak by being unable to lead Canada while respecting our rights and freedoms. I will oppose this serious misuse of federal government powers. I will also vote in Parliament to end the Emergencies Act at my first opportunity.

ORIGINAL: <https://www.facebook.com/johnwilliamsonNB/posts/367478051869798>

VIDEO: <https://www.facebook.com/johnwilliamsonNB/videos/227885456145283>

Sincerely,

Ishwara Prematunga

Office of John Williamson
Member of Parliament
New Brunswick Southwest

Mandates and Convoy

From: Cannings, Richard - M.P. <Richard.Cannings@parl.gc.ca>
To: joseph.hickey@ocla.ca <joseph.hickey@ocla.ca>
Subject: Mandates and Convoy
Date: Thursday, March 03, 2022 11:47 AM
Size: 78 KB

Thank you for your e-mail.

Let me begin by saying that I understand your frustration about the mandates that were put in place during the past 2 years. All Canadians have had to give up many of the privileges we took for granted in order to try to stem the spread of COVID.

I believe that the various mandates and restrictions enacted by provincial and federal health officers have been essential to saving thousands of lives across Canada, and I maintain my belief that the decisions around imposing and lifting those restrictions should lie with public health officers, not politicians. We have seen the results of political decisions to lift mandates prematurely in provinces like Alberta, Saskatchewan and Manitoba, where death rates are about twice that in British Columbia.

I am also aware that the omicron variant has changed the calculus around vaccination and travel mandates and their effectiveness. That said, while hospitalization and death rates are still high (though decreasing at the moment) I would again defer to public health experts as to when these mandates should be altered or lifted.

It has become apparent that there are plans in place to begin the easing of mandates in the coming weeks. While not every mandate will be eliminated at once, these are positive moves towards our reintegration back into our social lives and activities.

My concerns around the convoy that occupied Ottawa for the first three weeks of February are on various fronts. First of all, their supporters felt that the mandates had taken away freedoms guaranteed in the Charter of Rights. This is simply not true—the first paragraph of the Charter says explicitly that any of these freedoms are limited by reasonable restrictions. We have the right to free speech, but not to use that speech to spread hatred. We have the right of assembly, but not to take a city hostage for three weeks.

Secondly, the leadership of the convoy stated that their main goal was to remove the government of Canada, a government that was democratically elected only a few months ago in an election where vaccine mandates were one of the main issues.

Once the convoy became entrenched in Ottawa it was apparent that enforcement would need special powers to remove it. On February 14th, the Liberal government invoked the Emergencies

Act, which gave local police forces the ability to quickly bring in officers from across the country to help in the operation. It gave them the ability to compel tow truck operators to provide the equipment necessary to move the trucks. And it allowed authorities to temporarily freeze the bank accounts of convoy organizers and participants to investigate concerns about where significant funding for the convoy was originating. I have to add here that allegations that donors to the convoy were having their bank accounts frozen have proven to be completely false.

I also have to state clearly that the Emergencies Act is not the War Measures Act, or anything close to it. There is no declaration of martial law. All rights under the Charter are preserved. There is no use of the armed forces. It has powerful oversight mechanisms built into it, including a special parliamentary committee that is underway now.

The NDP reluctantly supported the government in invoking the Emergencies Act because we felt the impasse in Ottawa had to come to an end, as did the various border blockades that were having serious impacts on our trade with the United States. But we said from the start that we would be watching closely and immediately pull that support if it was clear the Act was no longer needed. After the convoy was removed from Ottawa and border blockades were cleared, it was apparent that there was little further need for those powers. All parties signalled that to the government and the Act was revoked on February 23rd after 10 days of use.

Thank you again for voicing your concerns about mandates and the Emergency Act and please accept my apology for my delay in responding. My offices have been flooded with more than 13,000 emails and phone calls on all sides of the issue.

It is my hope that no matter what side of the issue you stand on, that we come together as a country to work towards a better future.

Thank you again for taking the time to voice your concerns.

Sincerely,

Richard Cannings, MP
South Okanagan-West Kootenay

Jennifer Ratz

Parliamentary Assistant to
Richard Cannings, MP
South Okanagan-West Kootenay
Room 914 Confederation Building
House of Commons
Ottawa, ON K1A 0A6

Tel: 613-996-8036

Cel: 613-294-0642

richard.cannings@parl.gc.ca

UFCW Local 232