

# Public inquiry endorses Trudeau's use of Emergencies Act, whitewashes his ruling class opponents' weaponization of far-right "Freedom" Convoy

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9 March 2023

Dating back to Canada's founding as a federal state, public inquiries and royal commissions have served as choice instruments of the capitalist ruling elite and its political and legal-judicial representatives to defuse crises, whitewash their crimes, and prepare important, potentially controversial policy shifts and legislative changes.

The just-concluded public inquiry into the Trudeau Liberal government's use of emergency powers to disperse the far-right "Freedom" Convoy—which menacingly occupied downtown Ottawa for more than three weeks in January-February 2022 and shut down multiple Canada-US border crossings—followed this pattern to a tee.

Headed by Ontario Court of Appeal Justice Paul Rouleau, the Public Order Emergency Commission (POEC) published a voluminous, more than 2,000-page report that:

- endorses the Trudeau government's first-ever invocation of the Emergencies Act;
- whitewashes the support given the fascist-led Convoy by much of the ruling class and their efforts to fashion it into a far-right extra-parliamentary movement to push politics far to the right;
- urges Canada's governments to enhance the repressive powers of the state, including through the "modernization" of the Emergencies Act.

The Convoy was an event without precedent in Canadian history. Although there was and is only negligible popular support for their noxious politics, the far-right elements who instigated and led the Convoy dominated the national political stage for the better part of a month, because a powerful faction of the ruling class promoted them. Much of the corporate media, the Conservative official opposition, and the hard-right premiers of Ontario, Alberta and Saskatchewan supported and fanned the far-right movement to bulldoze over opposition to the elimination of all anti-COVID public health measures and to destabilize, if not unseat, the minority Trudeau government. They promoted the Convoy as the voice of ordinary working Joes and other "patriotic Canadians" and demanded that Trudeau negotiate with its fascistic leaders.

Crucial support was also provided from within the police and national-security apparatus, as well as by retired police and Canadian Armed Forces personnel. Testimony at the POEC detailed numerous acts of omission and commission by the Ottawa Police, Ontario Provincial Police (OPP) and Royal Canadian Mounted Police (RCMP) that enabled the Convoy to occupy the environs of parliament and downtown Ottawa for weeks on end, committing acts of violence and otherwise wantonly breaking the law unimpeded.

Frustrated by this opposition from within the state and political establishment, the Trudeau Liberal government ultimately reached for emergency powers. With the full-throated support of the social-democratic

New Democratic Party and the trade unions, it invoked for the first time ever the more than three-decade-old Emergencies Act. The authoritarian powers the government deployed and empowered police to use included the rights: to designate No-Go areas; detain en masse those not following government orders; commandeer property and personnel (in this case tow-trucks and their drivers); and freeze bank accounts and suspend financial transactions.

While invoking these draconian powers, Trudeau cynically claimed that he was acting to defend democracy.

In truth, as the *World Socialist Web Site* explained at the time, the government deployed emergency powers to uphold the core economic, geopolitical and political interests of Canada's capitalist elite. The Convoy's blockades of border-crossings were threatening billions of dollars in Canada-US trade and Ottawa's relations with Washington, the cornerstone of Canadian imperialism's global strategy. There were also growing concerns in ruling-class circles that the federal government's manifest failure to enforce law and order in the national capital was undermining the authority and legitimacy of the capitalist state.

No sooner was "law and order" restored than the Trudeau government greenlighted the provinces' dismantling of whatever anti-COVID-19 mitigation measures remained—a key Convoy demand—and joined hands with the pro-Convoy Conservatives in proclaiming Canada's unbreakable commitment to the US-NATO war on Russia.

The Liberal government's hostility to Canadians' democratic rights emerged strikingly in the testimony of the prime minister, Justice Minister David Lametti, and other top officials before the POEC. There they admitted that the cabinet had secretly reinterpreted—in effect, rewrote—the Emergencies Act so as to meet the legal threshold for invoking emergency powers. To this day, the government steadfastly refuses to make public the Justice Department's reinterpretation of the Emergencies Act, the legal instrument whereby it rewrote the law. This sets, to say the least, a most ominous precedent. The very legislation that is meant to stipulate under what purportedly exceptional circumstances the government can suspend basic democratic rights can be secretly amended to make it easier to do so at will, behind the backs of the Canadian people and parliament.

Not even Justice Rouleau in his capacity as head of the POEC was allowed to see the government's legal justification for invoking the Emergencies Act. He criticized this both during the POEC's hearings last November and in his final report. Nevertheless, this did not stop him, in his rush to paper over the growing breakdown of Canada's bourgeois democratic order, from asserting in the commission's report that the government's resort to emergency powers was "appropriate" and "the very high threshold for invocation was met."

## **Rouleau covers up the reactionary political forces who backed the Convoy**

In like fashion Rouleau's report minimizes the fascistic character of the Convoy and, even more importantly, politically exonerates those sections of the political establishment and police-national security apparatus that encouraged it and sought to use it as a weapon to intimidate the public and destabilize the elected federal government.

Rouleau attributes the authorities' inaction in the face of the Convoy's occupation of Ottawa and subsequent border blockades to what he calls "failures" in "federalism" and "policing."

The so-called failure in federalism he puts down to excessive political partisanship. Adopting the language of a high school civics class, he explains that Canada's federal system demands that "governments at all levels, and those who lead them ... rise above politics and collaborate for the common good." During the Convoy crisis, he goes on to lament, "Unfortunately, ...this did not always happen."

All of this serves to cover up that a powerful faction of the ruling class—comprised of those who are typically the most vehement in denouncing and quickest to illegalize working class opposition and who treat addicts and the homeless as criminals—encouraged the Convoy in what Rouleau himself calls "lawlessness" for definite reactionary political ends.

The POEC report does single out Ontario's hard-right, Doug Ford-led Progressive Conservative government for special criticism, calling its actions "troubling." It observes that for weeks the Ford government refused to take any serious action to bring the Ottawa occupation to an end, although it, not the federal government, had the constitutional responsibility and authority to do so. On Ford's orders, Ontario ministers and officials also systematically boycotted planned tripartite Ottawa-Ontario-federal government meetings to discuss the crisis. The Ontario government's laissez-faire attitude only changed when the automakers and other sections of big business demanded it put an end to the blockade of the Ambassador Bridge that joins Windsor, Ontario and Detroit.

The political motivations for the actions of Ford—an erstwhile Donald Trump enthusiast who has cultivated his own far-right following—and his government are clear. Like the federal Conservatives, they sought to use the Convoy as a bludgeon against anti-COVID measures and to destabilize the Liberal government. They wanted Trudeau to have to "politically own" any police action against the Convoy, so as not to upset their allies in the far-right. Moreover, in the event it ended in violence, they calculated that they could use it to blame and muster opposition to the Liberal government.

Rouleau however scrupulously avoids drawing any such political conclusions. He merely expresses his frustration that Ford and Ontario's Deputy Premier and then- Attorney-General Sylvia Jones went to court to escape having to testify before the POEC.

Rouleau is similarly willfully blind when it comes to evaluating the many police "failures." Numerous police and police-intelligence witnesses before the POEC, all of them senior officials, expressed their sympathy for the Convoy. Other evidence revealed police top brass were concerned whether any order they might issue to take meaningful action against the Convoy would be followed. Convoy leaders, for their part, testified that they benefited from numerous leaks from the police and Canadian Security Intelligence Service (CSIS).

Yet Rouleau attributes the police's failure and apparent inability to enforce the law against the Convoy and disperse it in a timely fashion to jurisdictional squabbles among the various police and national-security

agencies, legal impediments to their joint action, incompetence, and resentments over the recent appointment of Ottawa's first-ever black police chief.

This narrative underpins the POEC's 56 recommendations, which as a whole would further empower the very repressive institutions of the state that the Convoy crisis revealed to be chock-full of far-right sympathizers.

## **Bolstering the repressive powers of the state**

Many of Rouleau's recommendations are aimed at making the national security apparatus and police more effective in responding to and, if need be suppressing, large-scale protests and social unrest. These include increasing police inter-operability so forces can be more rapidly deployed, including across provincial boundaries; and better pooling intelligence, including by reducing or eliminating any remaining legal barriers to intelligence sharing between CSIS, the premier domestic spy agency, and the country's police forces.

Rouleau urges the federal and provincial governments and police and intelligence agencies to establish a national intelligence coordinator for "major events"—a catchphrase which could subsume everything from official international gatherings to strikes, indigenous protests or mass anti-war actions—of a "national or interprovincial or inter-territorial dimension." The Ontario government is similarly urged to create a "major event management unit."

Rouleau recommends the federal government work with other levels of government to identify critical trade transportation corridors and infrastructure, and establish protocols to prevent them being disrupted or shut down by protests.

He proposes Canada's governments empower police to create exclusion zones to exclude large protests and or vehicles from important public spaces and facilities, citing repressive laws in Britain and Australia as models to follow.

He further recommends the federal government consider tasking a specific agency or department with monitoring—that is spying on—social media.

Rouleau justifies the above and many of his other recommendations as a means of avoiding having to use such a blunt, transparently anti-democratic instrument as the Emergencies Act.

Yet he also recommends that the Emergencies Act be "modernized" to give the federal government greater latitude in its use by including all "situations that could legitimately pose a serious risk to the public order, now and in the foreseeable future."

In their testimony at the POEC, Deputy Prime Minister Freeland, other top Liberal government officials, and the current and several previous CSIS directors argued that the government needed a more expansive definition of threats to public order—specifically one that identified threats to the "economic security" of Canada as national security threats.

This would make it even easier to invoke emergency powers against any upsurge in the class struggle, be it a general strike or mass defiance, as undertaken by Ontario education support workers last November, against a draconian anti-strike law that precipitated large-scale sympathy strikes.

On February 8, 2022, less than a week before Trudeau invoked the Emergencies Act, a *World Socialist Web Site* Perspective warned, "Absent the political intervention of the working class, all possible outcomes to the current standoff in Ottawa will produce only a further lurch to the right, imperiling the most fundamental democratic and social rights of the working class."

This prognosis has been validated in spades.

The Rouleau report—with its sanctioning of Trudeau’s resort to emergency powers, whitewashing of the support extended to the far-right Convoy by much of the political establishment and state apparatus, and its proposals to enhance the repressive powers of the state—constitutes a further warning as to the extent to which Canadian democracy is rotting on its feet.

While the population has been bombarded over the past month with unsubstantiated claims from anonymous intelligence-agency sources that China is seeking to subvert Canadian democracy, the evidence collected by, if not the conclusions of, the Rouleau report underscore that workers’ democratic and social rights face an incomparably greater threat from all factions of the ruling elite—be they supporters of the far-right Convoy, more expansive powers of state repression, or both.

The breakdown of bourgeois democracy is a global process, exemplified by Trump’s failed January 6, 2021 coup and the derisory response of the Democrats. The latter are more concerned with propping up the Republican Party to wage war against Russia than prosecuting the coup plotters and alerting the American people to the threat to their democratic rights. Everywhere the ruling class is turning to authoritarian methods of rule and cultivating fascist forces as its shock troops to suppress an inevitable explosion of working-class opposition to war, its ruinous profits-before-lives pandemic policy, and decades of austerity and deepening social inequality.

The defence of democratic rights depends upon infusing the growing movement of the working class with an anti-capitalist, that is an international-socialist, perspective.



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