INVESTIGATING THE CANADIAN FEDERAL GOVERNMENT'S JUSTIFICATION OF THE EMERGENCIES ACT (EA) UTILIZATION IN THE 2022 FREEDOM CONVOY

Mitchell R. Miller

Submitted to the Department of L'nu, Political and Social Studies

Cape Breton University

In partial fulfillment of the requirement for the degree of

Bachelor of Arts (Honours) in Political Science

April 2025

Acknowledgements

I would like to first thank my thesis supervisor, Dr. Jan Hancock, for his constant support, feedback, and mentoring throughout the process of creating this thesis. Having started the thesis research process in the Fall of 2024, Professor Hancock's guidance since the start has been a cornerstone of this study's undertaking. Being able to work with him has been an incredible experience, in which I am wholly grateful for. In the future, I would be honored to work with Jan, and I hope our paths will cross again.

I would also like to thank my thesis course advisor, Professor Ian Brodie, and all of my peers whom shared this learning space with me. From our long talks, I was able to grow as a researcher, and apply many distinctive methods to my work that are not found in my field of study. For this, I am thankful to all of you.

However, without my friends and family, none of this process would have happened. I am both humbled and appreciative to them for the encouragement they have given me through my entire life. Their support has been foundational to my academic career, and for this I am indebted to all of them.

Table of Contents

Abstract

This study examines the 2022 Freedom Convoy Protest, and how the situation led to the Canadian Federal government's use of the Emergencies Act (EA) to end the protests. Through multiple major studies and inquiries, the EA's use has been disagreed upon since 2022. From this study, the government's justification for the use of the EA is deconstructed, reviewed, and then argued to be less then substantial with regards to the invocation threshold of the EA. Furthermore, by using dialectic research methods, this study presents and contrasts the two sides of the larger debate on the Convoy; Pro, and Anti Emergency Act. Using dialectic presentation methods allows for a more nuanced opinion to be formed, of which, helps readers to engage more deeply with this work's arguments. Also, through this methodology, the conclusion on the government's justification being both unsubstantiated and possibly setting a potentially dangerous precedent is formed.

Chapter 1: Introduction

The Emergencies Act was first drafted in 1985, with official ascension not being until 1988.[1] The piece of legislation would not see use until 34 years later, with its power being enacted on February 14th 2022, in order to bring about the end to the 2022 Canadian Freedom Convoy.[2] The appropriateness of its use is highly debated, as many saw these protests as nothing more than examples of those seeking to exercise their rights to assembly, in order to influence Canadian public policy.[3] While others see these protests as a deeply troubling display of anti-Canadian, and even illegal, values such as racism, homophobia, and anti-religious sentiment.[4] This divide was deepened, as soon after the EA was revoked, the government of Canada sought the review of a Public Inquiry Commission, to determine if the act's use was justified.[5] After a few months, the commissionaire, Justice Paul Rouleau, found the government justified in using the act.[6] However, this commission is not legally binding in its decision making ability, and thus an official judicial review would take place, as prescribed by the EA's official document.[7] Unlike

[1] Legislative Services Branch, "Consolidated Federal Laws of Canada, Emergencies Act," Canada Justice Laws, June 22, 2023, https://laws-lois.justice.gc.ca/eng/acts/e-4.5/page-1.html.
[2] Public Safety Canada, "Government of Canada Response to the Public Order Emergency Commission Recommendations," Public Safety Canada, March 6, 2024, https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/2024-pblc-rdr-mrgncy-rcmmndtns/index-en.aspx.
[3] Emma Graham-Harrison and Tracey LindEAn, "Freedom Convoys, Legitimate Covid Protest or Vehicle for Darker Beliefs?," *The Guardian*, February 13, 2022, sec. World news, https://www.theguardian.com/world/2022/feb/13/freedom-convoys-legitimate-covid-protest-or-vehicle-for-darker-beliefs.
[4] Luke LeBrun, "'It Was Violent' People's Commission Report Shines Light on Violence, Harassment and Hate Crimes During 'Freedom Convoy,'" *PressProgress* (blog), February 1, 2023, https://pressprogress.ca/it-was-violent-peoples-commission-report-shines-light-on-violence-harassment-and-hate-crimes-during-freedom-convoy/.
[5] Paul S Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview" (public order emergency commission, February 2023).
[6] Rouleau.
[7] Branch, "Consolidated Federal Laws of Canada, Emergencies Act"; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General), No. T-316-22; T-306-22; T-382-22 T-347-22 (Federal Court January 29, 2024).

Rouleau's finding, Justice Richard Mosley found the government to be unjustified in its decision to use the act, and found it Ultra Vires (unlawful.)[8]

Due to this major discrepancy among the most influential pieces on the Convoy, it is imperative to both understand the facts of the Convoy, and to evaluate whether the EA's use was justified. Specifically, it must be established whether or not the necessary criteria that legitimize use of the act were all met. For example, both in the EA's white paper, and the government's official declaration of the EA, violence and threats to Canada's statehood must be observed before use.[9] In addition, violence must raise to a "serious" level in which it becomes a threat to national security.[10] By itself, serious violence is not defined within the EA, which poses its own issues such as what can be considered serious, and what cannot be. However, it is noted that the EA's term "serious violence" is in reference to an elevated threshold of violence, which goes beyond single examples of violence.[11] Thus, this study focuses on the central question of whether or not "serious" violence and extreme ideology were truly evident by way of the situation as it unfolded. Moreover, it is also essential to establish what level of threat to Canada's security was posed by the infrastructure blockades that formed a component part of the protests.[12] These questions will be answered in this study's pursuit of establishing whether or not the federal government of Canada should have utilized the EA during the 2022 Freedom Convoy Protests.

---

[8] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 297
[9] Branch, "Consolidated Federal Laws of Canada, Emergencies Act."
[10] Department of Justice Government of Canada, "February 14, 2022 Declaration of Public Order Emergency," February 18, 2022, https://www.justice.gc.ca/eng/csj-sjc/section58.html; Branch, "Consolidated Federal Laws of Canada, Emergencies Act."
[11] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 266
[12] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."

1.1 Background on COVID-19 and the Freedom Convoy:

In March of 2020, the world saw the ravaging effects of a new virus. The COVID-19 pandemic resulted in almost every country being shut down to stop the spread of the infectious disease; Canada being no exception. By late 2021, COVID-19 vaccinations and social mandates, such as masks and social distancing, were being policed across Canada, with 86 percent of Canadians being fully vaccinated.[13] Going into 2022, the Canadian federal government announced new COVID-19 restrictions, specifically on Canadian truckers both entering and leaving Canada.[14] Specifically, the government imposed the new restriction that forced unvaccinated truckers into quarantine if they crossed the United States-Canada border.[15] On top of growing anti-COVID mandate sentiment, along with this new restriction on truckers, Canadians came together to light the flame that started the Convoy.[16] The protests quickly spread, with border blockades occurring at key crossings between Canada and the United States; namely, the Ambassador Bridge, Ontario and Coutts, Alberta blockades receiving special attention for their scale and seizure of firearms.[17] In response to these protests continuing for roughly 3 weeks, on February 14, 2022, the Canadian federal government invoked the Emergencies Act (EA) in order to solve what it described as a public order emergency and national threat to the state.[18]

---

[13] Statistics Canada Government of Canada, "COVID-19 Restrictions Index Update," Statistics Canada, August 24, 2022, https://www150.statcan.gc.ca/n1/pub/36-28-0001/2022008/article/00002-eng.htm; Statistics Canada Government of Canada, "COVID-19 in Canada: Year-End Update on Social and Economic Impacts," Statistics Canada, December 22, 2021, https://www150.statcan.gc.ca/n1/pub/11-631-x/11-631-x2021003-eng.htm.
[14] Jessica Murphy, "Freedom Convoy, Why Canadian Truckers Are Protesting in Ottawa," *The BBC*, January 29, 2022, https://www.bbc.com/news/world-us-canada-60164561.
[15] Murphy.
[16] Murphy.
[17] AL Jazeera Staff, "Trudeau Says Emergency Powers Needed to Disperse Convoy Blockades | Police News | Al Jazeera," November 25, 2022, https://www.aljazeera.com/news/2022/11/25/trudeau-says-emergency-powers-needed-to-disperse-convoy-blockades.
[18] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."

In doing so, the EA granted the power to the federal government to ban the participation in protests that the government deemed "expected to lead to a breach of the peace."[19] Moreover, the EA also set out areas which are banned for any demonstration, whether they be peaceful or not (protected places.)[20] This gave the authority to local and federal authorities to arrest those in areas designated under these regulations, such as in Ottawa.[21] However, many protesters left these areas before the police could truly crackdown on them, but 196 arrests were still made during the time of the EA's effect, with 110 of those being officially charged.[22] Besides arresting protesters, more individualist regulations were also created to end the protests through using the Emergency Economic Measures Order, such as seizing assists, namely vehicles, and freezing bank accounts of suspected or known protesters.[23] This economic order gave the power to financial institutions to freeze the accounts of suspected individuals that were violating the EA's regulations; in total, 257 bank accounts were frozen.[24]

With these powers being exercised, the Convoy was quickly brought to an end, with the Ottawa protest being dispersed only 7 days after the EA was used.[25] As for the rest of the country, protests, unlike the one in Ottawa, were smaller in scale, with local authorities being

---

[19] Public Works and Government Services Canada Government of Canada, "Canada Gazette, Part 2, Volume 156, Number 1: Emergency Measures Regulations" (Government of Canada, Public Works and Government Services Canada, Integrated Services Branch, Canada Gazette, February 15, 2022), https://gazette.gc.ca/rp-pr/p2/2022/2022-02-15-x1/html/sor-dors21-eng.html.
[20] Government of Canada.
[21] Paula Newton Elamroussi Jay Croft,Aya, "Police Arrest 47 of the Remaining Protesters in Ottawa," CNN, February 19, 2022, https://www.cnn.com/2022/02/19/americas/canada-trucker-protest-covid-saturday/index.html.
[22] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 58
[23] Public Works and Government Services Canada Government of Canada, "Canada Gazette, Part 2, Volume 156, Number 1: Emergency Economic Measures Order" (Government of Canada, Public Works and Government Services Canada, Integrated Services Branch, Canada Gazette, February 15, 2022), https://gazette.gc.ca/rp-pr/p2/2022/2022-02-15-x1/html/sor-dors22-eng.html; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 338
[24] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 55
[25] Juile Ireton, "How the End of the Downtown Occupation Unfolded in Ottawa | CBC News," CBC News, February 23, 2022, https://www.cbc.ca/news/canada/ottawa/timeline-how-police-took-back-ottawa-streets-from-protesters-1.6358994.

able to control and end localized issues arising from the protests before the use of the EA, such as the blockades.[26] By February 23rd, 2022, the government of Canada revoked the EA after deciding that the reason for its use, the Convoy situation, was stabilized.[27]

[26] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 254
[27] The Federal Court of Canada. Section 347

1.2 Review of the Current Literature:

The use of the Emergencies Act (EA) in Canada during the Freedom Convoy is a highly divisive event in modern Canadian history.[28] Consequently, literature surrounding the topic is very divided. Specifically, the literature seems to reflect two very different ideologies. With this in mind, it seems appropriate that the literature then be split into two frameworks to then draw main conclusions from, and provide a short analysis on each article. The two frameworks, or perspectives, will split the literature up into two sections, those that disagree with the government's justification and use of the EA, and those that support the government's reasonings to why it used the EA; so, Anti-EA, and Pro-EA respectively. This dialectic method will be used throughout this study.

The format of this literature review is as follows. There are 2 sections, the first discusses and reviews the current literature that discusses why the EA was wrongfully used, and its possible repercussions. The second looks at and reviews the current literature that disagrees with the Convoy protests, and gives credence to the government's use of the EA. These two frameworks knowingly clash, and due to this, a better view of not only the literature, but also of the situation the government was facing, can be brought to light.

Anti-EA Literature

The Anti-EA framework distinctively places itself against the act by raising issues of 1. Legal, and 2. Political (abusing the EA) reasonings.

[28] Tina Askanius, Bàrbara Molas, and Amarnath Amarasingam, "Far-Right Extremist Narratives in Canadian and Swedish COVID-19 Protests: A Comparative Case Study of the Freedom Movement and Freedom Convoy," *Behavioral Sciences of Terrorism and Political Aggression* 0, no. 0 (n.d.): 1–21, https://doi.org/10.1080/19434472.2024.2340492.

On Legal grounds, the federal government's use of the EA has been found to stand on less than solid justification. Specifically, it is argued in the article "Invoking the Emergencies Act in Response to the Truckers" by West, Nesbitt, and Norris, that the government's interpretation of the EA's use case, was "stretched;" as the government's justification for the EA use hinges on the CSIS interpretation of threat to national security.[29] For example, while the protests did result in an economic issue for the state, such problems are not stipulated in the EA, and thus the use of the act was not only unprecedented, but also provided a potential authoritarian route to class all disruptive protests as a national threat.[30] West, Nesbitt, and Norris' article approach this topic from a very similar lens as this study does, but they focus much more on the white paper aspect of the topic at hand. In this regard, their work is foundational for this study, as understanding the intended and stated threshold of the EM is necessary. Similarly to the West, Nesbitt, and Norris' article, Lieutenant-Commander Andrew MacInnis of the Canadian Forces College wrote on the same topic. In MacInnis' research, much of the same conclusions are drawn, with MacInnis also finding that while the border blockades needed to be dispersed, the Convoy posed no national security concerns for the country.[31] In this case, MacInnis too finds that the government's justification for the EA falls into a conundrum, as while the protests were disruptive, they were still not violent nor presented a threat to national security.[32] Specifically, MacInnis notes that fact that there is little evidence to support the belief that the Convoy was going to use violence to reach its goal of ending Covid mandates.[33] Corroborating this point, author Mark Mancini

---

[29] Leah West, Michael Nesbitt, and Jake Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful," *Criminal Law Quarterly* 70, no. 2 (May 1, 2022): 262–91, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4136678.

[30] West, Nesbitt, and Norris.

[31] Andrew MacInnis, "COVID-19 and the Freedom Convoy: Twin Tests of the Emergencies Act" (Canadian Forces College, 2022), https://www.cfc.forces.gc.ca/259/290/23/305/MacInnis.pdf.

[32] MacInnis. Page 17

[33] MacInnis. Page 13

touches on how the EA was used with little evidence of security concerns being present in the Convoy.[34] While mainly focusing on deference within the judicial review of the EA, Mark goes on to note that without evidence beyond speculation, the government cannot use the EA on the basis of possible violence.[35] Moreover, as West, Nesbitt, and Norris also state, Mancini highlights that the use of economic damage to justify the EA does not constitute a national emergency.[36] Mancini's breakdown of the judicial review does help in highlighting crucial talking points, such as governmental speculation, that will be used through this study. In this same sense, MacInnis' and the West, Nesbitt, and Norris' agreement on the disruptive, yet not violent, situation of the Convoy, help give credence to the arguments in this thesis.

In a similar vein of justifiability, some authors have taken the stance that since the EA was not justified, its use could be abused in the future. This talking point is highlighted again in MacInnis's article, with the point that since the government's justification for the EA is not solid, uncritically accepting this justification could "open the door to the violation of the right to peaceful protest."[37] Adding to this, the previously mentioned West, Nesbitt, and Norris' article also discuss this point, with them concluding that the use of the EA, while standing on unstable grounds, does open the door to future use of the act without just cause.[38] Specifically, they conclude that if the government can use the act on dubious footing, that is to say they either too broadly define the EA threshold or create novel methods to use the act, then the government runs

---

[34] Mark Mancini, "Judicial Review in the Federal Courts: The Emergencies Act," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, April 21, 2024), https://doi.org/10.2139/ssrn.4802382. Page 7
[35] Mancini. Page 7
[36] Mancini Page 7; West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Page 23-29
[37] MacInnis, "COVID-19 and the Freedom Convoy: Twin Tests of the Emergencies Act."
[38] West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Page 30

the risk of using the act with disregard for the legislation's lawful intended use. [39] With all this said, the point that the government's use of the EA being not only dangerous, but possibly trend setting, is presented here. However, in both cases, the authors leave a bit to be desired, as it would be useful if they provided examples or arguments as to why this could be the case. Nevertheless, their works will still prove useful for this study.

With these articles presented, one thing is clear, lack of variety. To date, literature critical of the government's use of the EA is limited. However, from what little is done, these works tend to cross on the same topics as one another, as shown above. Issues such as speculation, future abuse, and stretching the threshold of the EA are all themes amongst these works. With this said, the following will be a breakdown on the Pro-EA framework to see if these themes continue.

Pro-EA / Anti-Convoy Literature

While the anti-EA works tend to focus on the legality and possible future abuse of the EA, pro-EA sentiment tends to focus on the Convoy itself. With this, violence and police response to the Convoy are key themes.

An article written by Askanius, Molas, and Amarasingam, finds that the Convoy was a vehicle for alt-right radicalism in Canada, and in some examples, encouraged violence.[40] However, even with this said, the authors do not provide their definition of what "Far/Alt-right" means in relation to the study. While they do make some connections with otherwise hateful political groups that hold extreme views such as anti-Islam and anti-immigrant sentiment, they still do not provide a useable definition.[41] This does present an issue in their work, as anyone can

[39] West, Nesbitt, and Norris. Page 30
[40] Askanius, Molas, and Amarasingam, "Far-Right Extremist Narratives in Canadian and Swedish COVID-19 Protests."
[41] Askanius, Molas, and Amarasingam. Page 2

make these claims or connections, but without proper parameters and standards, far-right radicalism could encompass anything from simply disagreeing with the government, to planning terrorist attacks; clearly, these two points are highly different, and so giving a definition for this claim is necessary. Although, Askanius, Molas, and Amarasingam's article is not the only one to come to this conclusion on the alt-right, with another article written during the protests itself (January 29, 2022) by The Canadian Association for Security and Intelligence Studies (CASIS) Vancouver, stating that the Convoy is normalizing extreme ideology, and is a national security concern.[42] Both articles present a key argument for the government's use of the EA, especially with the statement in the CASIS article directly calling the Convoy a national security concern.[43] Furthermore, a public inquiry report into the Convoy, and in turn the government's use of the EA, found this same conclusion. Specifically, the Public Inquiry Commission, which was tasked with determining if the EA was justified after its use in the Convoy, concluded that there was in fact violence across the protests, with damage to property, and blockades also being an issue.[44] For example, Rouleau, the commissioner presiding over the inquiry report, states that protesters were vandalizing property, and in some cases, threatening non-protesters with physical violence.[45] Due to this, Rouleau, in his decision, found the EA to be justified due to the national security concerns in which the government was facing.[46]

---

[42] CASIS West, "OTTAWA FREEDOM CONVOY," *The Canadian Association for Security and Intelligence Studies Vancouver*, n.d., https://vtsm.org/wp-content/uploads/2022/01/5TA-Freedom-Convoy-2022.02.04.pdf.
[43] CASIS West; West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful."
[44] Paul S Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 2: Analysis (Part 1)" (public order emergency commission, February 2023), https://publicorderemergencycommission.ca/files/documents/Final-Report/Vol-2-Report-of-the-Public-Inquiry-into-the-2022-Public-Order-Emergency.pdf.
[45] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pages 139 - 200
[46] Rouleau.

These articles present a uniform case, however, there are certain faults. The CASIS article uses generalizations, with the framing pointing towards painting all the protests in a negative light.[47] In this case, the article does not make distinctions between those peacefully protesting, and those waving Nazi flags.[48] This leaves the reader thinking every single protester was a hateful bigot. Unlike the CASIS article, however, Askanius, Molas, and Amarasingam's article is quite careful in their painting of the protest, with even admitting the protest was general peaceful, and hateful actors were mainly outside forces imposing themselves in it.[49] Similarly, the public inquiry report commissioner found that both the Convoy was mostly peaceful, but also supported the government in using the EA.[50] This seems to be a paradox in this case. Particularly, this paradox comes from the fact that the EA is a tool of last resort, and if this is the case, then finding that the protests were generally peaceful would also mean that the EA was much too powerful of a piece of legislation for the situation.[51] So, while most certainly an important work that needs to be addressed in this paper, there are still flaws in the commission's conclusion.

In total, these articles provided a stark contrast to the first framework's literature. Instead of discussing the novel nature of the EA invocation and the possible future repercussions of it, the Pro-EA literature tends to favor a mix of highlighting individuals in the protest, with emphasis put on the violence and extreme rhetoric. Even with the faults of some of these works, they still provide key insights, arguments, and give a voice to the people who were both

[47] CASIS West, "OTTAWA FREEDOM CONVOY."
[48] CASIS West.
[49] Askanius, Molas, and Amarasingam, "Far-Right Extremist Narratives in Canadian and Swedish COVID-19 Protests." Page 17
[50] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 2: Analysis (Part 1)"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview."
[51] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Page 197

physically and mentally effected by the Convoy. However, there is still more in the pro-EA literature besides violence.

The Pro-EA literature highlights an issue that the anti-EA side seldom talks about. Policing during the protests has been noted as being slow, and in certain cases, ineffective.[52] Eisler and Lynch make the point that law enforcement not only failed in their duties, but also completely broke down in the face of the Convoy.[53] Furthermore, they point out that this was an issue of leadership from all levels, including federal.[54] This same sentiment is corroborated by another author, Graham Knight, who finds that policing, especially in Ottawa, was ineffective in containing and dispersing protesters.[55] Specifically, Knight notes the fact that the Ottawa police restrained their action on the protests, limiting it to trying to contain the protesters in single areas, rather than targeting trouble makers.[56] Knight does give a possible reason for this, as the police department feared escalation in response to a police crackdown; thus, the police refrained from any large scale operations on the protest.[57] Adding to this, one study found that protesters were draining police resources, by targeting police with harassment and "swatting;" "Swatting is typically used as a tactic to harass the "threat" identified in the call by sending police SWAT or, in Canada, Emergency Response or Tactical Unit members to someone's home."[58] To illustrate this point more, when people "swat" others, it drains and ties up resources of the police that

---

[52] Rouleau.
[53] Dale Eisler and Kevin Lynch, "The Truckers Convoy: Examining the Consequences for Canada," *Johnson Shoyama Graduate School of Public Policy*, March 9, 2022, https://www.schoolofpublicpolicy.sk.ca/documents/research/policy-briefs/jsgs-policybriefs-the-truckers-convoy_web.pdf.
[54] Eisler and Lynch.
[55] Graham Knight, "Framing Social Drama: Panic, Protest, and the Canadian Trucker Convoy," in *Folk Devils and Moral Panics in the COVID-19 Pandemic* (Routledge, 2024).
[56] Knight. Page 87
[57] Knight. Page 87
[58] Laura Huey and Lorna Ferguson, "'All These Crazies': Right-Wing Anti-Authoritarian Politics and the Targeting of Public Police," *Deviant Behavior* 0, no. 0 (n.d.): 1–20, https://doi.org/10.1080/01639625.2024.2338890. Page 8

could have otherwise been used to help maintain safe protests.[59] Combining these facts, it is shown that the police responsible with dealing with these situations did not have the resources to properly handle them. This line of thinking in the literature paints the picture of showing why the government needed to use the EA, as if lower levels of authority cannot deal with the protests effectively, then the EA is justified as a last resort.[60] Thus, lack of resources[61], weak police response,[62] and no clear leadership[63] are all issues authorities faced in regards to dealing with these protests. These articles, like the violence related ones above, give a strong pointer as to why the government used the EA.

The policing response to the protest(s) can be noted as a reason why the government needed to act themselves. If the police system truly had a break down, the government should step in to lend a hand, whether that be fiscally or with manpower. To go back to Knight's article on this, it seems more likely that the police response failure was an issue of possible escalation of violence within the protests, which was compounded by the straining of police services.[64] However, it should be noted that police and local government did negotiate with protesters to moderate success.[65] As a matter of fact, in one article by Tessa Griego, they found that if lines of dialogue were open between the protesters and federal government, it had the potential to have resulted in negotiated terms to end the blockades.[66] Griego notes that the federal government actually refused to attempt such dialogue, and so it is hard to say for sure if such negotiations

[59] Huey and Ferguson. Page 8
[60] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Page 197
[61] Huey and Ferguson, "'All These Crazies.'" Pages 8-16
[62] Knight, "Framing Social Drama."
[63] Eisler and Lynch, "The Truckers Convoy: Examining the Consequences for Canada."
[64] Knight, "Framing Social Drama."
[65] Teresa (Tessa) Griego, "Shifting into 'Neutral': Evaluating Mediation as a Peaceful Alternative to the Forceful Resolution of the 2022 Canada–Freedom Convoy Dispute," *Pepperdine Dispute Resolution Law Journal* 23, no. 1 (April 4, 2023): 60–69.
[66] Griego. Page 64

would have resulted in any measurable success.[67] Although, this fact shows that the government did have options to help the police besides the EA. Adding to this, it also could have alleviated some of the police resources.[68]

Due to these problems, these articles will help within the thesis proper to provide a larger context to the situation; by showing government action vs options they had besides the EA. They also provide a basis for why the government needed to act in the first place.

Conclusion

This literature review has consolidated, reviewed, and provided an outline of the arguments made in the current literature on both the use of the EA in 2022, and the Convoy. The works within this review give a strong basis for the future study to come. They provide arguments to pick apart, insights into the on-ground situation of the protest, and help in understand the government's reasonings on using the EA more critically. Going forward, along with this research, this study will structure the work done here to provide a strong analysis into this topic, and pull conclusions from them.

[67] Griego. Page 62-64
[68] Griego. Page 62

Chapter 2: Methodology

When conducting the literature review and systematic study of literature overall within this study area, the grouping of works done on the EA and Trucker Convoy is done to highlight their unique perspectives. Primary and secondary source literature will be allocated to the Pro-EA or Anti-EA perspectives based on their defense or critique of the use of the EA.

In the case of placing literature in the Pro-EA category, works must reflect anti-Convoy and Pro-EA invocation sentiment. For example, if an author is openly hostile to the goals of the protest, that being opposing government Covid mandates, then it would fit in this category. Likewise, if an author finds the government's justification for the EA to be reasonable in light of the situation, then it too would fit this category. Simply put, Pro-EA works for this study's purpose must highlight not only the negative sides of the Convoy, such as violence, but they must also position themselves in a way that denotes their appreciation for the government's intervention.

As for the Anti-EA category, works must put forward arguments and evidence to show the government was not justified in their use of the EA. For example, if an author directly contradicts the government's justification for the EA, such as denying there was truly a national emergency, then it would fit into this category. Similarly, if an author holds sympathetic views towards the Convoy, such as supporting their reasoning for protesting, then these works would also fit into this category. In general, works that are placed in this category must directly conflict with the Pro-EA literature, both in evidence and presented facts; the reverse is true for the above category.

2.1 Dialectic Research Lenses:

The dialectic research method allows for quite a few benefits within this particular study. First and foremost, this two-framework methodology allows for sections within this thesis to be highly nuanced in both directions. As of today, the current academic landscape for this topic is very pro-EA leaning; that is, academic works on the Convoy tend be highly critical of what it was perceived as standing for, and how it unfolded. For example, via this study's categorization of works utilized, there are 38 pieces of literature and articles that are categorized in the Pro-EA framework, and only about 15 for the Anti-EA framework. What this leads to in this type of study is that arguments and conclusions are drawn based on anecdotal, and in some cases, hyperbole-like retelling of events. For example, during the research for this study, quite a few articles drawing on political extremism in the Convoy, used generalizations of protesters which could be an example of confirmation bias.[69] This fact is best highlighted in the CASIS West article as discussed before, with their generalization of the Convoy as a vehicle for extremism, without acknowledgement of the peaceful and decent protesters.[70] For these reasons, the 2 perspective framework outlined above allows for the primary and secondary source material on both sides to be systematically examined and compared and thereafter evaluated for their respective capacity to explain the use of the EA by the federal government.

[69] CASIS West, "OTTAWA FREEDOM CONVOY."
[70] CASIS West.

2.2 Definitions:

Justification: For the purposes of this study, the government's choice to invoke the EA will only be found to be justified if had met the legal criterion, threshold, of the EA's use case. If there is no evidence to support this conclusion, then the act's use will be found unjustified.

Violence: Violence, when in relation to the Convoy and this study, refers to any physical (including property) and mental damage that was of a direct result of the protests; this is in line with the Canadian Criminal Codes definition(s) of violence/assault.[71] In using this definition, it is possible to gage whether or not the Convoy had a level of "serious violence" that can rise to the threshold that the Emergencies Act is expressly used to counter.[72] Likewise, serious violence for the purposes of this study fits the same definition as above. However, for violence to reach a level to be considered serious violence, the act(s) must reach a level that could threaten multiple lives and or the country of Canada's security, rather than isolated incidents.[73]

Extreme Ideology: "Ideology" is an inherently subject terminology when applied to political leanings. However, for this study, extreme ideology will be understood as beliefs, values, and political leanings that encompass views that call for the harm of others. Unlike violence, extreme ideology, while advocating for violence, does not need to manifest physically, but it does need to meet a level that proves that individuals are supporting ideology that condones violence.

---

[71] Legislative Services Branch, "Consolidated Federal Laws of Canada, Criminal Code," October 10, 2024, https://laws-lois.justice.gc.ca/eng/acts/c-46/page-38.html. Section(s) 246-268

[72] Branch, "Consolidated Federal Laws of Canada, Emergencies Act."

[73] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 272

Speculation: Speculation is the presentation of conjecture as an inevitability so as to justify a preferred policy.

Economic Damage: This will refer to any and all monetary damage that occurred due to the Convoy's presence in Canada. This can occur via physical violence, whether that be against other people or property, or by stopping commercial trade routes. Violence and economic damage can happen independently of each other, but they can also happen interconnectedly, such as with vandalism; for this reason, the two should remain separate.

Blockades: This will refer to the protester impasses that blocked all traffic on popular Canadian border crossings.

Chapter 3: Pro and Anti Emergencies Act Debates on Violence/Extreme Ideology:

Violence, the Pro-Emergencies Act Framework

The definition of violence throughout the literature and media has been loosely defined. However, with respect to the Pro-EA framework, violence was seen through two lenses: physical and threats. Physical violence in the Pro-EA perspective encompasses all damages both to property and the human body and mind, that occurred due to the Trucker Convoy protests. Threatening violence in the Pro-EA perspective is related to vocal and physical, both to people and property, manifestations of violence that have yet to physically occur. Starting with threats, according to the public inquiry report produced by the Public Order Emergency Commission, multiple instances of threatening violence occurred.[74] For example, early on in and throughout the protests, threats of violence made by protesters targeting political leaders and non-protesters were being reported.[75] In one instance, protesters threatened, with weapons, tow-truck drivers whom were stationed by the Windsor Police Station to remove vehicles that impeded traffic.[76] In another example in the public inquiry, a protester was criminally charged with uttering threats against then Ottawa Mayor, Jim Watson.[77] In line with these examples presented by the public inquiry report, the media highlighted additional cases of threatening actions. According to an article written by the Press Progress, an Ottawa pastor on various occasions was confronted by protesters, and had his congression targeted with harassment.[78] In the pastor's accounts, he discusses a confrontation in which a protester raised their fist to his face and lunged at him.[79] Along with this, the congregation under the pastor had their homeless outreach program harassed

[74] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview."
[75] Rouleau. Pg(s) 31-53
[76] Rouleau. Pg 77-200
[77] Rouleau. Pg 53
[78] LeBrun, "'It Was Violent.'"
[79] LeBrun.

and disrupted by the protesters, as well as having his church urinated on.[80] All of this was done by Convoy protesters, as found by the Ottawa People's Commission, to be targeted harassment of people who follow COVID-19 guidelines, specifically those who promoted the use of masks and COVID vaccines.[81]

However, mask wearing/supporting and vaccine supporting individuals were not the only ones being threatened by Convoy protesters. In multiple reported instances, homosexual and transexual individuals were targeted with harassment and threats by protesters.[82] Adding to this, other minority groups were also harassed and targeted by protesters, with members of the public being called racial slurs, and being subjected to protesters waving Nazi and Confederate flags, both noted for their racial and hateful meanings.[83] However, besides private citizens, politicians were also regularly threatened with violence by protesters, with Prime Minster Justin Trudeau being seen as the main target of most of the political outcry.[84] As provided with the example of threats made towards Mayor Jim Watson, protesters regularly called for the jailing, attacking, or death of multiple Canadian politicians that were viewed as "road blocks" in the Convoy

---

[80] LeBrun.

[81] LeBrun; OPC CPO, "Ottawa People's Commission's First Report Documents Residents' Experience of Violence, Abandonment during Convoy Occupation," *Ottawa People's Commission* (blog), January 30, 2023, https://www.opc-cpo.ca/ottawa-peoples-commissions-first-report-documents-residents-experience-of-violence-abandonment-during-convoy-occupation/.

[82] Kimberley Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On," *CBC News*, February 8, 2022, https://www.cbc.ca/news/canada/ottawa/downtown-residents-flee-home-protest-fears-1.6341652; Brody Levesque, "COVID-19 Protests in Canadian Capital Turn Violent and Anti-LGBTQ," February 8, 2022, https://www.washingtonblade.com/2022/02/08/covid-protests-in-canadian-capital-get-violent-homo-transphobic/.

[83] CASIS West, "OTTAWA FREEDOM CONVOY"; Oliver O'Connell, "The Controversial Moments during the Canadian Trucker Convoy Vaccine Mandate Protest," The Independent, January 31, 2022, https://www.independent.co.uk/news/world/americas/canada-trucker-protest-convoy-freedom-b2004613.html.

[84] CBC news, "Residents Abandoned to a Violent Occupation during 'Freedom Convoy': Report," *CBC News*, January 30, 2023, https://www.cbc.ca/news/canada/ottawa/ottawa-peoples-commission-freedom-convoy-report-residents-1.6730653; Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Jessica Murphy, "Freedom Convoy, Why Canadian Truckers Are Protesting in Ottawa," *The BBC*, January 29, 2022, https://www.bbc.com/news/world-us-canada-60164561.

movement.[85] Moreover, in some cases politicians were having their personal home address leaked online through social media sites, which resulted in Convoy protesters gathering at their homes to protest COVID mandates.[86]

It seems in the Pro-EA literature and media that no one, besides other protesters, were truly safe from these words and actions. That is to say, politicians, LGBTQ+ members, racial minorities, COVID-mask wearing persons, and COVID vaccine endorsers were all targeted.[87] However, threats, even without physical action, take a toll on one's mental health. The trauma and mental health effects of the Convoy cannot be understated, and demand discussion here.

In relation to the traumatization of non-protesters, the mental violence that was inflicted upon non-protesters is a very problematic topic. While threatening violence happened in the Convoy on multiple different levels, and to different degrees, the mental effects of the Convoy are very heavily discussed within Pro-EA media and literature. For example, in multiple news articles written on the aftermath of the protests, the people of downtown Ottawa are having been found to have "mild PTSD," due to the Trucker Convoy.[88] With the mix of loud horns blaring all night, toxic vehicle fumes, and the possibility of the protests becoming violent, the media clearly presents just how much of a toll the Convoy had on those not involved.[89] In one specific case that was covered in the news media, a female lawyer in Ottawa who testified in public inquiry

---

[85] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 139
[86] Huey and Ferguson, "'All These Crazies.'" Page 11
[87] Levesque, "COVID-19 Protests in Canadian Capital Turn Violent and Anti-LGBTQ"; CBC news, "Residents Abandoned to a Violent Occupation during 'Freedom Convoy.'"
[88] Nicole Williams, "The Trucks Have Left Ottawa, but 'phantom Honking' Lingers for Many Downtown," *CBC News*, February 26, 2022, https://www.cbc.ca/news/canada/ottawa/convoy-protest-phantom-honking-1.6363104; Solarina Ho, "Truckers Protest: Mental Toll from Protest Lingers for Residents | CTV News," March 1, 2022, https://www.ctvnews.ca/canada/honking-fumes-and-anger-mental-toll-from-trucker-protest-lingers-for-ottawa-residents-1.5801609.
[89] Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview"; Ho, "Truckers Protest: Mental Toll from Protest Lingers for Residents | CTV News."

hearing on the Trucker Convoy, stated that she has suffered hearing loss, lung and throat problems, vertigo, and mental injury due to the mentioned issues non-protesters faced.[90] She is not alone in this, with many more residents of Ottawa reporting similar post-protest problems.[91] Moreover, the Pro-EA perspective characteristically makes no distinction between the physical and mental violence that occurred during the Convoy, as one interviewee puts it, the Convoy was "Torture."[92] To be specific, as torture can be about breaking the spirit and body of a person to further one's cause, the violence people faced during the convoy has been presented in the media as exactly this definition of torture, as the above examples and following examples show.[93] However, even though the Pro-EA framework seems to make no full distinction between the mental and physical violence residents near the protests faced, actual physical cases of violence in the Convoy can be highlighted.

Instances of protesters attacking and assaulting members of the public were presented by the Public Inquiry Commission. In one example, the inquiry found that mask wearing individuals were being assaulted on more than one occasion.[94] Specifically, the report highlights an instance in which a security guard and "service user," were assaulted by a large group of Convoy protesters in a shopping mall.[95] A security guard in a homeless shelter in Ottawa was also assaulted by a group of Convoy protesters.[96] Other cases of physical violence include a CBC

[90] Jacquie Miller, "'Freedom Convoy' Protest Left Her with Physical and Mental Injuries, Ottawa Lawyer Tells Inquiry," ottawacitizen, October 12, 2022, https://ottawacitizen.com/news/local-news/freedom-convoy-protest-left-her-with-physical-and-mental-injuries-ottawa-lawyer-tells-inquiry.
[91] Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Williams, "The Trucks Have Left Ottawa, but 'phantom Honking' Lingers for Many Downtown"; Ho, "Truckers Protest: Mental Toll from Protest Lingers for Residents | CTV News."
[92] Williams, "The Trucks Have Left Ottawa, but 'phantom Honking' Lingers for Many Downtown."
[93] Williams; CBC news, "Residents Abandoned to a Violent Occupation during 'Freedom Convoy.'"
[94] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 53-54
[95] Rouleau. Pg 51
[96] LeBrun, "'It Was Violent.'"

reporter being spit on[97], a child being "egged" by a group of protesters[98], and multiple claims of violent conduct were reported to the Ottawa Police department.[99]

While the above specific cases of violence were reported, the Pro-EA perspective tends to rely on theoretically possible future cases of violence. As the public inquiry report and Federal court ruling on the unjustified use of the Emergencies Act state, the EA was used to counter the possible future violence which the Convoy could result in.[100] Adding to this, a cache of firearms was seized by police, which protesters were hiding in their trucks at the protest in Coutts, Alberta.[101] Along with these firearms, the general feeling and reception to the Convoy was that of a "violent nature/atmosphere."[102] Combining the firearms seized in Coutts, and the continued violence in Ottawa, and the general fact that the protesters were becoming restless, the Pro-EA literature paints the Convoy overall as a public emergency.[103] It should be noted that the idea of a "violent nature and atmosphere,"[104] is a subjective conclusion. This is an important fact, as the law, and especially the invocation of the EA, is not built on the ability to be used to charge those

---

[97] Sobia Moman, "Man Who Spat on CBC Journalist at Freedom Convoy Protest in Surrey Sentenced," North Delta Reporter, December 10, 2024, https://www.northdeltareporter.com/local-news/man-who-spat-on-cbc-journalist-at-freedom-convoy-protest-in-surrey-sentenced-7698661.

[98] "'Traumatised': Mask-Wearing Girl Egged, Abused by Convoy Protesters," NZ Herald, February 9, 2022, https://www.nzherald.co.nz/nz/covid-19-convoy-protest-mask-wearing-17-year-old-egged-by-aggressive-convoy-protesters/WA4GVCKPH5SLC7UUFCMNOGZHXE/.

[99] Luke LeBrun, "Violent Convoy Occupiers 'Attacked' People in the Streets of Ottawa, Former Police Chief Testifies," *PressProgress* (blog), October 28, 2022, https://pressprogress.ca/violent-convoy-occupiers-attacked-people-in-the-streets-of-ottawa-former-police-chief-testifies/.

[100] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview"; Mancini, "Judicial Review in the Federal Courts."

[101] CBC Staff, "Defence Suggests Some of the Guns Seized from Coutts Border Blockade Used for Hunting," *CBC News*, July 10, 2024, https://www.cbc.ca/news/canada/calgary/coutts-trial-alberta-border-blockade-1.7260052

[102] Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview" Pg 50

[103] Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview"; CBC Staff, "Defence Suggests Some of the Guns Seized from Coutts Border Blockade Used for Hunting"; CBC news, "Residents Abandoned to a Violent Occupation during 'Freedom Convoy.'"

[104] Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview."

on speculation of a crime.[105] Although, the nature of the Convoy, along with the threating and actual use of violence, the Convoy protests do seem to present a conclusion that's more than conjecture. Specifically, as the facts point to above, violence in all manifestations were occurring, and so while stating the atmosphere was violence is subjective, the facts still point towards the Convoy being violent in the Pro-EA perspective.

In the case of the protests in Ottawa, statues, property, and memorials were regularly found to be desecrated, damaged, or otherwise defaced by protesters. In the two most famous examples of property damage, a statue of Terry Fox and the Tomb of the Unknown Solider were defaced by protesters with the symbols of Trucker Convoy; furthermore, in the case of the Tomb of the Unknown Solider, a woman was recorded dancing on top of the Tomb.[106] While in these specific examples no major damage was done to the monuments, the meaning behind the actions is what needs understanding. Terry Fox was and still is a national hero for Canada, and the Tomb of the Unknown Solider represents those who went to war protecting Canada but never returned. Thus, the protesters actions at these sites provide a stark view of the protests at large. However, more serious cases of property damage and vandalism were reported by the Pro-EA literature. With regards to the media, reports of rock throwing, public urination, theft, and business inventory damage perpetrated by the protesters, all being highlighted across media.[107]

---

[105] Mancini, "Judicial Review in the Federal Courts."

[106] Simon Little, "'Just Sickening': Backlash after Terry Fox Statue 'Appropriated' at Ottawa Trucker Rally | Globalnews.Ca," January 29, 2022, https://globalnews.ca/news/8580543/terry-fox-statue-trucker-rally/; Lee Berthiaume, "Politicization of National War Memorial Sparks Debate: Desecration or Demonstration? | Globalnews.Ca," Global News, July 31, 2022, https://globalnews.ca/news/9027795/war-memorial-tomb-unknown-soldier-protest-freedom-convoy/.

[107] Guy Quenneville, "Social Media Post Praising 'heroes of the Occupation' Draws Ire, Restaurateur Says," *CBC News*, February 23, 2022, https://www.cbc.ca/news/canada/ottawa/ottawa-truck-convoy-protest-business-tensions-rideau-centre-1.6360433; McKenzie Sadeghi, "Fact Check: Posts Mislead about Crowd Size, Peacefulness at Canada 'Freedom Convoy' Protest," USA TODAY, February 16, 2022, https://www.usatoday.com/story/news/factcheck/2022/02/16/fact-check-canada-freedom-convoy-protesters-dont-number-100-000/6787141001/.

Combining these reports with the damages sustained at the Terry Fox and Tomb of the Unknown Solider monuments, property damage was most certainly an issue. In the cases highlighted by the media and testimony given in the public inquiry report, property damage was a problem that could have gotten worse without preventative measures.[108]

In summary of the Pro-EA perspective on violence during the Convoy, it is clear that the literature and especially the media found these protests to be violent in one way or another. These works report cases of physical assault, property damage, and even mental tolls that are similar to the effects of torture. With the damage of property, physical altercations of protesters with non-protesters, the mental toll the protests took on non-protesters, and with the possibility for escalation to major violence, the Pro-EA framework clearly presents the protest as a vehicle for civil disruption at the best, and violent at the worst.

With the Pro-EA perspective given, the claims and accepted facts as laid out above are heavily scrutinized in the Anti-EA framework. Adding to this, the Anti-EA framework also tends to stray away from the individual cases of violence, in favor of debating the problem on a large scale. Thus, in the following section, the Anti-EA framework on violence will look more at the evidence which was present during the time of the Convoy; that is to say, the Anti-EA media and literature does not truly concern itself with speculative nature of possible violence, as the Pro-EA frame work does.

[108] AL Jazeera Staff, "Trudeau Says Emergency Powers Needed to Disperse Convoy Blockades | Police News | Al Jazeera."

Violence, the Anti-Emergencies Act Framework

Unlike the Pro-EA framework's stance on the Convoy at large, ideology, and definition of violence, the Anti-EA perspective is much simpler. Instead of concerning itself with specific and individualistic cases of tangible and mental violence (as seen with the Ottawa Lawyer for example)[109], the Anti-EA perspective looks mainly at the overall picture of the Convoy. This means the Anti-EA literature strays away from the mental violence as a consideration and focuses on tangible violence. Moreover, the legality and justification for the EA's use is heavily scrutinized by this perspective. Thus, with these facts in mind, the following section will focus on legal cases and definitions, as well as the reasonability and reported level of person-on-person/property violence, all of which led, in some part, to the use of the EA. However, before looking at specific cases in this framework, as said above, the legality of the EA is a major topic within in this framework. With this in mind, the current legal stance on the EA should be given here.

Currently, in order for the Federal government of Canada to legally use the Emergencies Act, a certain threshold must be met.[110] In the case of the Trucker Convoy, the government would have to reliably prove that the situation was both a national emergency, and threatened Canada's national security.[111] For this purpose, the Canadian Security Intelligence Service

[109] Miller, "'Freedom Convoy' Protest Left Her with Physical and Mental Injuries, Ottawa Lawyer Tells Inquiry."
[110] Tina Tai, "Q&A With Professor Leah West: The Emergencies Act and the 'Freedom Convoy' - Centre for Constitutional Studies," accessed October 13, 2024, https://www.constitutionalstudies.ca/2022/08/qa-with-professor-leah-west-the-emergencies-act-and-the-freedom-convoy/?print=print; Kylie Chastelain et al., "Federal Court Finds Emergencies Act Orders Exceed Government's Powers | Insights | Torys LLP," January 26, 2024, https://www.torys.com/en/our-latest-thinking/publications/2024/01/federal-court-finds-emergencies-act-orders-exceed-governments-powers.
[111] Chastelain et al., "Federal Court Finds Emergencies Act Orders Exceed Government's Powers | Insights | Torys LLP"; West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful."

(CSIS) and the CSIS Act have defined both what is a national emergency and what is considered a threat to Canada's security.[112] In the public inquiry report, the defining of an national security problem, as laid out by CSIS, is describe as such,

"A threat to the security of Canada, in turn, is defined by the Canadian Security Intelligence Service Act (CSIS Act) to mean one of four things: espionage or sabotage against Canada; foreign influenced, clandestine activities; activities involving the threat or use of acts of serious violence for the purpose of achieving a political, religious, or ideological objective; and activities directed at the overthrow of Canada's system of government – 21 Volume 1 – Executive Summary The Emergencies Act can be invoked when the Government reasonably believes that the conditions for one of the four types of emergencies have been met."[113]

Thus, the framework for the proper legal EA use threshold is as such. 1. The situation must fit one of four categories of a threat to national security, as outlined in the quote above. 2. The government truly believes the situation fits one of the above categories. Lastly, 3. The situation must fit the definition of a national security risk to Canada; of which, as been defined with the following:

"A national emergency is an urgent and critical situation of a temporary nature that cannot effectively be dealt with under any other law of Canada and that: (1) seriously endangers the lives, health, or safety of Canadians and exceeds the capacity or authority of a province to deal with it; or (2) seriously threatens the government's ability to preserve Canada's sovereignty, security, and territorial integrity."[114]

With these facts in mind, the use of the Emergences Act has a long legal pathway to be used, and clearly is not meant to be easily invoked.[115] All of this legal background is important for the Anti-EA perspective, as this framework puts heavy emphasis on whether or not the

[112] Legislative Services Branch, "Consolidated Federal Laws of Canada, Canadian Security Intelligence Service Act," June 20, 2024, https://laws-lois.justice.gc.ca/eng/acts/c-23/; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview."
[113] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 20
[114] Rouleau. Pg 20
[115] Chastelain et al., "Federal Court Finds Emergencies Act Orders Exceed Government's Powers | Insights | Torys LLP."

Convoy was violent from a legal perspective. Thus, this background knowledge will be needed with the rest of this section's results.

For example, in 2024 the Federal Court of Canada, through a judicial review, found the government's use of the EA to be unjustified; thus, unlawful.[116] Specifically, Justice Mosley, the Federal Court judge overseeing the case, found both that there was no national emergency to justify the use of the EA, and that the provinces and cities, other than Ottawa, were dealing with the protests effectively.[117] Moreover, in the case of the Ottawa protest, Justice Mosley found that while civil disruption caused by the protest lead to residents being unable to enjoy public spaces, this disruption did not come from any use of threats or violence.[118] Mosley found that any and all threat to Canada's national security was purely speculative, and that the protests presented no national security concern.[119] Furthermore, on this same topic, Mosley also notes the fact that reports of violence emanating from the protest were largely vague, and, besides the firearms at Coutts, presented no case of substantiated reports of violence.[120]

Some of Mosley's arguments made in this decision reflect how the Anti-EA framework views the claimed violence within the Convoy. For example, Mosley accepts and presents in the case that the government of Canada had no probable reasoning to believe that the Convoy was a threat to Canada's security.[121] Expressly, as Mosley goes onto say, CSIS informed the Liberal government's cabinet that after an assessment was done on the threat of the Convoy protests, they told cabinet that the protest posed no threat to Canada's national security.[122] This fact holds

[116] Chastelain et al.
[117] Chastelain et al.
[118] Chastelain et al.
[119] Chastelain et al.
[120] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 290
[121] The Federal Court of Canada. Section 267-268
[122] The Federal Court of Canada. Section 267-268

quite a bit of weight in the Anti-EA arguments with regards to violence, as while Pro-EA works tend to highlight highly specific cases, of which could be explained away by single cell bad actors, the Anti-EA works tend to look at the protest on a larger scale. One way this can be viewed is how both arrest numbers and the Coutts firearm incident are framed in the court case. Starting with arrest numbers, Mosley highlights that by February 12th, only 26 arrests were made, of which, none were for violent offences.[123] Adding to this point, the firearms at the Coutts protest in Alberta, while agreed by Mosley as an example of serious violence, was almost completely resolved days before the use of the EA.[124] These two points combine to show that the documents and facts that Trudeau were given and used to justify the use of the EA, the Invocation Memorandum, had facts that were built on presumptions that did not reflect the unfolding situation on the ground.[125] Besides what is to follow on this topic, it should be noted that the people who drafted the Invocation Memorandum stated that its justifications for the EA were "vulnerable to challenge."[126] In practice, this fact can be seen with facts that the Coutts firearm incident was resolved, and with no arrests for violence being made in general, there was almost no proof or reasonability, beyond speculation, that the Convoy would result in serious violence that would pose a threat to Canada's national security.[127] Overall, these specific arguments on violence in the Mosley decision highlight two major things. One, the Anti-EA perspective strays away from highlighting single cases, and rather places emphasis on how the Convoy at large conducted itself. Two, the government had minimum evidence to support the idea that the Convoy was going to devolve into national security risking violence.[128] However,

[123] The Federal Court of Canada. Section 273-274
[124] The Federal Court of Canada. Section 245-248
[125] The Federal Court of Canada. Section 52-69 and 103
[126] The Federal Court of Canada. Section 271
[127] The Federal Court of Canada. Section 267-290
[128] The Federal Court of Canada. Section 273

the Mosley decision, while definitely the champion of the Anti-EA framework, was not the only medium to express the non-violent side of the Convoy. Rather, the media surrounding the Convoy holds much of the same sentiment even before the release of the Mosley decision.

With regards to violence, the news media seemed to be quite silent on saying much in favor of the Convoy; that is to say, not much positive sentiment can be found in the mainstream news media. However, in one early article written on the Convoy, Reuters found that the Convoy protests, "held a loud but peaceful protest in Canada's capital Ottawa on Saturday against Prime Minister Justin Trudeau's COVID-19 vaccine mandates."[129] This early view on the Convoy provides a good starting point for the Anti-EA media, as it is clear that the peaceful side of the Convoy was on display from the start. Moreover, this claim of "loud but peaceful," is similar to Justices Mosley's argument on how the Convoy caused disruption, but not via violence.[130] Adding to this point, Global News reported the fact that while property, such as the Terry Fox statue, was vandalized by protesters, it was a different group of Convoy protesters that ended up cleaning up the statue.[131] This point lends itself to the idea that any violence that did occur in the protest, can be contributed to sections of bad actors; the very low number of arrests, 26 to be exact, within the Convoy, as noted again by Justice Mosley, is a good example of this.[132] Another way the peacefulness of the Convoy was highlighted is by Rouleau's own opinions, with him admitting that the protesters were generally peaceful, minus the example of the Coutts

[129] Steve Scherer, "Thousands Stage Peaceful Protest in Ottawa against Canada's Vaccine Mandates," *Reuters*, January 30, 2022, sec. Americas, https://www.reuters.com/world/americas/ottawa-set-massive-protest-against-canadas-vaccine-mandates-2022-01-29/.
[130] Scherer; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 296
[131] The Global News Staff, "Trucker Convoy: Protesters Clean-up Terry Fox Statue in Ottawa Following Outcry | Watch News Videos Online," Global News, January 31, 2022, https://globalnews.ca/video/8582676/trucker-convoy-protesters-clean-up-terry-fox-statue-in-ottawa-following-outcry/.
[132] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 273

firearms.[133] While Rouleau concluded that the Convoy had reached a level that the EA was justified, his statement should not be ignored, as it once again highlights, to a certain degree, the generally peaceful atmosphere. As a final point on the support the Convoy was garnering for its peaceful means, the Conservative Party of Canada Leader, Pierre Poilievre, on multiple accounts defended the Convoy protesters, stating they were peacefully protesting, and upholding their right to protest.[134] This fact is important in itself, as it was highly written on in the media, as having a political leader voice support for a protest which is actively going against the government could be viewed as taboo. While this could be explained as the opposition leader seeking political points over his rival, it still should be noted that the other opposition leaders acted against the Convoy, which speaks more to the point that Pierre saw the peacefulness of the protest, while other government members disagreed with the anti-government sentiment.[135]

Either way, these facts show the media in the Anti-EA section, while minimal in scope and size compared to the Pro-EA section, presents a strong example of how people saw the Convoy as peaceful. Combining this fact with the Federal court ruling, and the fact the government had no real case to believe the Convoy was a national security threat (as shown with the CSIS report, lack of arrests, and no other cases of violence beyond Coutts) the Anti-EA framework is quite clear on the claim of violence in the Convoy.[136] Comparatively, as said at the

---

[133] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Page 208-210

[134] Global News Staff, "Poilievre Reiterates Support for 'Peaceful' Convoy Protesters amid Emergencies Act Inquiry | Watch News Videos Online," Global News, November 9, 2022, https://globalnews.ca/video/9265759/poilievre-reiterates-support-for-peaceful-convoy-protesters-amid-emergencies-act-inquiry/.

[135] John Paul Tasker and Travis Dhanraj, "NDP's Jagmeet Singh Denounces Trucker Convoy, Disagrees with Brother-in-Law's Donation to the Cause," *CBC News*, January 26, 2022, https://www.cbc.ca/news/politics/singh-trucker-convoy-brother-in-law-1.6328689.

[136] Cosmin Dzsurdzsa, "Police Told Marco Mendicino Freedom Convoy Was Peaceful: Memo," June 15, 2022, https://tnc.news/2022/06/15/police-told-marco-mendicino-freedom-convoy-was-peaceful-memo/.; Canadian Frontline Nurses v. Canada

start of this section, Anti-EA sources are very much removed from the more single case view, as seen in the Pro-EA framework. Specifically, instead of highlighting single cases, which could be explained away as said above by bad actors, the Anti-EA framework employs a much larger lens in order to provide its arguments.

With violence looked at in both of the framework's approaches, it is clear that both sides have much to say on how they view the issue of violence. Whether it's the Pro-EA framework of putting a spotlight on single cases, threats, and atmosphere of the Convoy, or it's the Anti-EA framework view that the Convoy at large must be studied, and that a violent atmosphere does not give reasonable cause to invoke the EA. Both frameworks provide strong arguments, and by themselves, with regards to violence here, can easily swing one's view on the situation at hand. However, violence is not the only topic covered in this study. As stated in the methodology, extreme ideology is a major talking point within Convoy literature. While the violence sections above typically use media and government reports to argue their sides, the extreme ideology is extensively written on in the academic literature.

Extreme Ideology, Pro-Emergencies Act

The concept of extreme ideology can be quite a packed subject. With regards to the Pro-EA framework, extreme ideology has taken on multiple definitions. However, even in this case, the literature and media surrounding the concept of extreme ideology in the Convoy has been quite universal; that is to say, the muddiness that defining such a board topic can invoke, is minimal in this case. Thus, starting this section of extreme ideology, much like above, this study will be starting with the Pro-EA framework.

Starting with the public inquiry's view on extreme ideology, the report found two major areas of concern. One, it has been claimed and accepted in the report that protests sought to over-throw the current sitting Canadian government; or, as the report puts it, the protests sought to "fire" the government.[137] While "over-throw" and "fired" can be interpreted differently, multiple media sources, and government sources, claim the protesters were seeking more so to "over-throw" the government.[138] By itself, this sentiment is extreme in its own right. To prove this point, the public inquiry report states that, among other things, threatening a over-throw of the sitting government fits the definition of a public order emergency.[139] Thus, not only is it accepted that threats were being made to the government's control, but the government was being advised that there was ample enough threat to invoke the EA.[140] This is an important set of facts to highlight with regards to the Pro-EA framework, as the public inquiry report highlights the threatening of an overthrow of a government fits the definition of a public emergency; thus, justifying the EA.[141] Whether or not all protesters harbored these same views is unknown, but this set of facts is still important to understand. Moreover, with Trudeau's security and intelligence officer, Jody Thomas, saying this about the Convoy, "there's no doubt [they] came to overthrow the government," a threat was clearly presented.[142] However, the actual ability to overthrow the government by the Convoy is still contested, but, as the public inquiry found, these threats still fit the definition of a public order emergency.[143] While these threats to

[137] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 38
[138] Deniz Yildirim, "Analyzing the Freedom Convoy through Demand and Supply-Side Perspectives in Far Right Literature," December 12, 2024, http://hdl.handle.net/1993/38712; Ashley Burke, "Trudeau's Intelligence Adviser Backs Use of Emergencies Act to Clear Ottawa Convoy Protest," *CBC News*, March 10, 2022, https://www.cbc.ca/news/politics/jody-thomas-overthrow-federal-government-1.6379881
[139] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 20
[140] Burke, "Trudeau's Intelligence Adviser Backs Use of Emergencies Act to Clear Ottawa Convoy Protest"; Yildirim, "Analyzing the Freedom Convoy through Demand and Supply-Side Perspectives in Far Right Literature."
[141] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 20
[142] Burke, "Trudeau's Intelligence Adviser Backs Use of Emergencies Act to Clear Ottawa Convoy Protest."
[143] Burke; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview."

overthrow the government are contested, the Pro-EA literature looks at more examples of extreme ideology then just calls to over throw the government: racism, homophobia, and general hateful speech and symbols were found throughout the Convoy.

As was discussed with the statue of Terry Fox, protesters covered the Statue with confederate flags and other noted hateful symbology.[144] The statue is a noteworthy aspect of the Pro-EA extreme ideology section, as it highlights the point that the protesters were not only holding hateful beliefs towards minorities, as the confederate flag represents the racist history of the Southern United States, but it also highlights the hate the protesters had towards Canada.[145] Moreover, an example of this was found by CASIS, who found protesters to be not only flying Nazi flags, but also were regularly using social media to harass minorities with hateful sentiment.[146] In another example of this, the Manitoban Premier issued a statement in which they not only condemned the hate, but shined a light on just how much hate could be found in the protest: "We saw racism, we saw xenophobia, we saw we saw antisemitism, we saw Confederate flags, Nazi flags and not one single member of the PC caucus, including the premier, has condemned these actions."[147] Going even further with this point, the Okanagan Nation Alliance put out a decree to the government and RCMP to pursue charges against protesters, as multiple hate crimes were being committed against their nation's people.[148] These examples in the media show a bleak image of what was happening throughout the protest. Overall, these are not single

---

[144] Little, "'Just Sickening': Backlash after Terry Fox Statue 'Appropriated' at Ottawa Trucker Rally | Globalnews.Ca."
[145] Little; Taylor C. Noakes, "Why Are Canadian Protesters Flying Confederate Flags?," *Foreign Policy* (blog), February 9, 2022, https://foreignpolicy.com/2022/02/09/canada-trucker-protests-vaccines-covid-19-far-right-confederate-flags-ottawa-trudeau/.
[146] CASIS West, "OTTAWA FREEDOM CONVOY."
[147] CBC Staff, "Images, Symbols of Hate among Truck Convoy Condemned, Labelled Deplorable by Manitoba Premier, Others," *CBC News*, February 1, 2022, https://www.cbc.ca/news/canada/manitoba/manitoba-premier-heather-stefanson-condemns-hate-images-deplorable-1.6334461.
[148] Okanagan Nation Alliance, "Open Letter Regarding Freedom Convoy Hate Crimes – Okanagan Nation Alliance," February 15, 2022, https://syilx.org/open-letter-regarding-freedom-convoy-hate-crimes/.

and one-off situations, with hateful belief and sentiment being seen and heard during the whole 3-week protest.[149] Aggravating this issue more is the many examples of how all of this connects to the wider Alt-right political movement.

In one article written on this topic in the Behavioral Sciences of Terrorism and Political Aggression Journal, it was found that the two major social platforms that Convoy protesters used, Twitter and Reddit, were sharing both pro and anti Nazi propaganda.[150] Interestingly, this same article goes onto to state that by using both pro and anti Nazi propaganda, it would help spread the over all message of Nazi ideology, which is closely connected to the Alt-right political movement.[151] Furthermore, the authors also found in their study that through the uses of 'memes', protesters were able to push their extremist views out even further.[152] The Behavioral Sciences of Terrorism and Political Aggression article is not the only one of its kind, as a Master's thesis written by Michelle Konopka also found extremist messaging across Convoy media.[153] Specifically, Konopka argues that the use of Alt-right ideology, racism, homophobia, hate memes, and toxic masculinity by Convoy protesters can be connected to the broader Alt-right political movement.[154] Adding to this, Konopka also found that through the use of the above Alt-right connectors, protesters were "mobilising" against the government, and more broadly, all authority in Canada.[155] This connects back to the past examples of protesters seeking

[149] CASIS West, "OTTAWA FREEDOM CONVOY"; Molina, "Fearful Ottawa Residents Flee Downtown as Protest Drags On"; Levesque, "COVID-19 Protests in Canadian Capital Turn Violent and Anti-LGBTQ."
[150] Askanius, Molas, and Amarasingam, "Far-Right Extremist Narratives in Canadian and Swedish COVID-19 Protests."
[151] Askanius, Molas, and Amarasingam.
[152] Askanius, Molas, and Amarasingam.
[153] Michelle Konopka, "Understanding the Freedom Convoy Movement's Collective Identity and Roles of Conspiracy Narratives" (Lund University, 2023), https://lup.lub.lu.se/student-papers/search/publication/9132437.
[154] Konopka.
[155] Konopka.

to overthrow the government, as Konopka puts it, "[Protesters] using phrases such as "it is time to end this" without further clarifying what "this" means or the strategy on how to end it."[156]

The Pro-EA framework on extreme ideology paints a bleak and vivid picture. Through the many examples of hate speech/crimes, the use of hateful symbols, pushing a narrative of wanting to overthrow the Canadian government, and facilitating Alt-right ideology on social media, it is clear that, in the Pro-EA perspective, extremist views were steeped in the Convoy. There is truly no excuse for these actions taken by protesters, and they should be condemned. However, the Anti-EA literature and media takes a different approach to this extreme ideology.

Extreme ideology, Anti-Emergencies Act

Unlike the large-scale lens applied by the Pro-EA literature and media on violence, the Anti-EA literature and media sees cases of extreme ideology as cases of single cell bad actors. For example, in one article in the Global News, they highlighted notes taken from a conversation between Jody Thomas, the former National Defense Minister, and senior top-level bureaucrats: "Notes from a closed-door meeting between Jody Thomas and what appeared to be senior bureaucrats on Feb. 14, cautioned that actors "espousing violent extremism" had entrenched themselves in Ottawa — and these people were "distinct" from individuals seeking to participate in "legitimate protest."[157] In the case of the Anti-EA framework, this conversation matters quite a lot, as it notes the fact that the bad actors within the protest were "distinct," and had no afflation with the broader "legitimate protest."[158] Similarly, this idea of government officials recognizing

[156] Konopka.
[157] Rachel Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca," Global News, November 17, 2022, https://globalnews.ca/news/9285400/emergencies-act-inquiry-pm-national-security-adviser/.
[158] Gilmore.

that the protest was in fact peaceful, was talked about above at length with regards to the Mosley's decision.[159] Adding to this, a different article written in the Conversation found that the Convoy started off as a protest that was built on the foundation of protesting for people's livelihoods, civil liberties, and to get rid of COVID mandates.[160] However, the protest was quickly used by hate groups to espouse their message to the masses:

"This ecosystem of demands, rage and energy can easily serve as the host to smaller yet powerful groups who — with feverish commitment, organizational skills, resources and experience — hijack the agenda... These groups are not playing to the general public but to their own narrow audience of supporters, using provocative and sensational actions to gain news and social media coverage and hopefully a few more adherents. They are, upon examination, a grab bag of far-right extremists, anarchists and Donald Trump acolytes."[161]

This speaks to the general idea that the Anti-EA framework is suggesting. Specifically, this framework presents extreme ideology as not being an issue of the Convoy, and what they were protesting for. Rather, these examples were single-cell bad actors that injected themselves in an otherwise peaceful demonstration. Moreover, the Convoy organizers on multiple occasions, both in person and on social media, praised law enforcement and told protesters to remain peaceful as that is the only way their message would be heard.[162]

Thus, it can be said for the Anti-EA framework that the media and literature within it both differentiate via their take on the protest's extreme ideology, and how they perceive it versus the

---

[159] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 268

[160] Eli Sopow, "How Canada's 'Freedom Convoy' Was Overtaken by a Radical Fringe," The Conversation, February 2, 2022, http://theconversation.com/how-canadas-freedom-convoy-was-overtaken-by-a-radical-fringe-176111.

[161] Sopow.

[162] Laura Osman, "Protests Are Legal — Even the Convoy Protest, Organizers' Lawyers Argue," ottawacitizen, November 28, 2023, https://ottawacitizen.com/news/local-news/protests-are-not-illegal-not-even-the-freedom-convoy-organizers-lawyers-argue; Laura Osman, "Trial for Convoy Protest Organizers Tackles Central Question: Was Protest Lawful?," ottawacitizen, November 30, 2023, https://ottawacitizen.com/news/local-news/trial-for-convoy-protest-organizers-tackles-central-question-was-protest-lawful; The Canadian Press, "'This Is Love': Defence to Show Different Side of 'Freedom Convoy' Social Media Posts," Lacombe Express, September 14, 2023, https://www.lacombeexpress.com/news/this-is-love-defence-to-show-different-side-of-freedom-convoy-social-media-posts-6562790.

violence section. Instead of just highlighting the overall fact that the protest was peaceful, the Anti-EA framework shines a light on the hate within the Convoy, to say that it was just single-cell bad actors that obscured the message of the Convoy.[163] It should be noted about the length of this subject in this study. In the interest of avoiding repetition, much of what could be said for the Anti-EA framework will be said below. However, the above section still presents a foundation for the arguments in which the Anti-EMA perspective seeks to present against the Pro-EA framework.

[163] Sopow, "How Canada's 'Freedom Convoy' Was Overtaken by a Radical Fringe."

3.1 Arguments and Analysis of Violence/Extreme Ideology:

The interpretive nature of this study creates a certain environment that could influence one to only reflect on one side of the discussion. One must be led to an understanding and acknowledge both very diverse sides of the larger issue in debate here. Indeed, the problem of the Convoy and the later use of the Emergencies Act is too often seen with a positive lens. However, it is with the following section that the question of justification with regards to violence will be presented. Specifically, via the following breakdown of facts, the Anti-EA framework presents a much stronger set of arguments which directly rebut the claims of Pro-EA commentators.

Two of the most influential pieces on the justification of the EA's use is the Federal Court decision given by Justice Richard Mosley, and the federally appointed Public Order Emergency Commission decision given by Justice Paul Rouleau.[164] In these individual decisions, each overseer had very different, and most times conflicting, presentations of the government's justification of the EA. In both decisions respectively, entirely different conclusions were drawn from much of the same evidence. However, with regards to violence, this discrepancy becomes a much more glaring issue. For example, as is presented in the above Pro-EA framework, Rouleau cites multiple violent infractions across the protests.[165] This same sentiment has been echoed across the mainstream media, with cases of violence such as property damage, assault, and use of threats to intimidate non-protesters reported.[166] Coupled with this fact, on multiple occasions Rouleau, and even Prime Minster (PM) Trudeau, make the claim that the Convoy had a

[164] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview"; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General).
[165] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview."
[166] Rouleau, Pg 51, 77, 98; Williams, "The Trucks Have Left Ottawa, but 'phantom Honking' Lingers for Many Downtown."

possibility to become more violent in the future if left unresolved.[167] Specifically, Rouleau makes the argument that the genuine possibility of a social breakdown was at play, which is substantiated with the fact that the Convoy and its protesters were seeking the forceful removal and replacement of both Canada's current government, and system of government overall.[168] It is these facts that the public inquiry report relied on heavily to determine whether or not the government met the threshold to determine whether or not the government met the threshold to determine if the Convoy was violent, thus justifying the EA.[169] However, even with these facts, Rouleau in his Conclusions notes that the fact that, in the case of violence, it was not the majority of protesters indulging in these crimes.[170] This presents just one of the discrepancies in the assessment of the protests, as how can it be that the protest is both mostly peaceful, and still meet the high threshold of invocation with regards to violence?[171] Interestingly, this same issue has presented itself before in Canadian history, and with this in mind, it is important we look back and see both how authority and the judicial system of Canada acted.

In June 2010, a series of protests regarding the G20 Summit in Toronto, Ontario were taking place. Much like the protests during the Freedom Convoy, the G20 protests were primarily political in nature, and attracted thousands of protesters.[172] These protests erupted for a multitude of reasons, with examples such as gay rights, globalization, and the issue of capitalism all being

---

[167] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview" Pg, 114-115, 119; AL Jazeera Staff, "Trudeau Says Emergency Powers Needed to Disperse Convoy Blockades | Police News | Al Jazeera."
[168] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg, 205
[169] Rouleau. Pg, 210
[170] Rouleau. Pg, 228
[171] Rouleau. Pg, 228-230
[172] Tracey Lindeman, "Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit," *The Guardian*, August 18, 2020, sec. World news, https://www.theguardian.com/world/2020/aug/18/g20-protesters-toronto-police-canada.

reasons why protesters came together in downtown Toronto during the summit.[173] In the days leading up to the summit, these protests were at first peaceful.[174] However, after the summit officially began, a noted "small group of masked protesters" that broke away from the larger peaceful protests, quickly started damaging property which resulted in, must notably, police cars being torched.[175] In response about a day after the violence occurred, the police used sweeping measures against anybody near or participating in the protests in downtown Toronto, no matter if they were peaceful or otherwise.[176] This led to the arrest of hundreds, most of which, were innocently exercising their Charter given right to peaceful assembly.[177] The actions of the police and authority in Toronto at the time of the protests were heavily scrutinized, which resulted in multiple court cases. In the end, the authority figures that were involved and responsible for the unjustified crack down on protesters were punished by way of having vacation days taken, and substantial reparations being given to those that were illegally detained.[178]

The G20 protest and the subsequent mass arrests provide a useful comparable in discussing and understanding the Convoy's outcome. At a cursory level, when compared to the Convoy, we see that the actions of a few do not warrant the punishment of the whole. Specifically, Rouleau argues that while most of the protesters within the Convoy were exercising their right to peaceful assembly, the actions of a few who were violent still justify the heavy-handed crack down of all Convoy related protests.[179] Taking this fact and contrasting it against

---

[173] Lindeman.
[174] Lindeman.
[175] Lindeman; Mark Tran, "Hundreds Arrested after G20 Protesters Riot in Toronto," *The Guardian*, June 27, 2010, sec. World news, https://www.theguardian.com/world/2010/jun/27/g20-toronto-protest-riot.
[176] Lindeman, "Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit"; The Canadian Press, "G20 Summit Report: Police Violated Civil Rights, Used Excessive Force | National Post," May 16, 2012, https://nationalpost.com/news/police-violated-civil-rights-acted-illegally-says-scathing-report-on-g20-summit.
[177] Lindeman, "Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit."
[178] Lindeman.
[179] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg, 228-230

the G20 protest and its conclusion, we see that this line of thinking is simply wrong. In a physical sense, the courts sided with the protesters that were indiscriminately arrested by the police, as it was a clear violation of both the Charter of Rights, and a overstep of police power.[180] Furthermore, the law does not automatically dictate someone guilty simply by association, but rather evidence must be given against every person that was arrested on the basis of their actions alone. While this major court case was a civil-lawsuit against the Toronto Police Department, which was settled with a judge acting as a mediator, the decision still outlines the fact that the Toronto Police and the Ontario Provincial Police must take responsibility for illegally detaining protesters.[181] Adding to this, the court also awarded damages to the plaintiff(s) on the basis of Charter right infringements that came out of the illegal detainment by the police amongst other unlawful actions, such as unlawful search and seizures.[182] Thus, we can take these facts of the situation, and then use them to question Rouleau's arguments as stated above. Specifically, Rouleau admits that the Convoy was mostly peaceful, but then he states in the same report that the government was justified in using a nationwide, and sweepingly powerful measure as the EA, to crackdown on protesters.[183] Once again, compare this same situation to that of the G20, as police elected to use heavy force when dealing with a otherwise small minority of criminals.[184] However, unlike the G20 protests and later court case decisions, Rouleau argues that the massive police response was justified, even though he notes the mostly peacefulness of the protest.[185]

---

[180] LindEAn, "Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit"; Tran, "Hundreds Arrested after G20 Protesters Riot in Toronto."
[181] The Superior Court of Justice - Ontario, Good v. Toronto Police Services Board, No. CV-10-408131CP (Superior Court of Justice October 22, 2020). Sections 3-4
[182] The Superior Court of Justice - Ontario. Section 23
[183] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pages 228-230
[184] Tran, "Hundreds Arrested after G20 Protesters Riot in Toronto"; LindEAn, "Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit."
[185] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pages 228-230

This creates legitimate questions for the validity of Rouleau's later conclusion of the justification of the EA, as the case of the G20 shows that protests and protesters are not to be held responsible for the actions of a markedly small cell of bad actors.[186] However, this is exactly what Rouleau seems to be doing in this case. This grants a certain level of skepticism to Rouleau's reasonings, as it seems to be a contradiction of not only the law, but also of the similar conclusion of the G20 protests. Taking this into account with the statedly high threshold of the invocation clause of the EA, justifying the EA while saying the Convoy was mostly peaceful would seem to be quite fallacious.[187] With these facts in mind, and with the example of the G20 protest and its outcome given, one is left with questions of what other criteria must have influenced Rouleau with regards to violence. This is exactly the place in which the Federal Court's decision by Justice Mosley takes hold.

As is discussed in the Pro-EA violence chapter, Rouleau and the government claim there was serious risk of the Convoy protesters turning towards violence.[188] However, Mosley refutes this point, and actually pushes back for the opposite of this claim. For example, Mosley states that the government had no strong evidence to believe that the Convoy could erupt into a level of violence that would threaten Canada's national security.[189] Specifically, he states that the Canadian Security Intelligence Service (CSIS) finished and presented a security assessment of the Convoy, and provided to Cabinet the fact they found no threat to Canada's national

[186] The Superior Court of Justice - Ontario, Good v. Toronto Police Services Board at 1; Lindeman, "Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit."
[187] Catharine Tunney, "Federal Government Met the Threshold to Invoke Emergencies Act: Rouleau," *CBC News*, February 17, 2023, https://www.cbc.ca/news/politics/poec-report-released-friday-1.6750919; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pages 228-230
[188] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Page 204-208
[189] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 267-270

security.[190] Furthering this point, Mosley even states that while CSIS's assessment is both non-binding and should not be the only reason why or why not the EA should have been used, the government's provided evidence to find there was violence in the Convoy rising to a national security risk hinged on the firearms sized at Coutts.[191] Thus, Mosley found that the government did not, and could not, justify the EA's criteria of enactment, as one example of violence in one part of the country is clearly not national in scope.[192] Of course, this conclusion that Mosley reached is different from Rouleau's. However, the differences truly arise from only two main disagreements: (a) whether or not the probability of violence equals justifiable reasoning to use the EA; (b) whether or not the government had strong evidence to believe the probability of violence.

As stated above, Mosley does not accept that a possibly of violence with no strong basis on which to be claimed is enough to use the EA.[193] Mosley's reasoning here is, to be blunt, how can a government be just in arresting its own citizens on the possibly of a future crime? In Canada, we are afforded the right to innocence until proven guilty, but clearly this right was suspended due to the government's own belief of a unproveable future in which serious crime was committed by the protesters.[194] However, even with the Canadian Charter, the idea that people can be and should be arrested on the basis of a crime that they have not shown any signs of committing now or later, goes directly against democratic and social values of Canada plus fundamental principles of the rule of law and of jurisprudence. Furthermore, and as Mosley points out in his decision, the government truly relied too heavily on the firearms at the Coutts

[190] The Federal Court of Canada. Section 267-270
[191] The Federal Court of Canada. Section 289
[192] The Federal Court of Canada. Sections 289-292
[193] The Federal Court of Canada. Sections 267-270
[194] Department of Justice Government of Canada, "Charterpedia - Section 11(d) – Presumption of Innocence," November 9, 1999, https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art11d.html.

blockade, and that this one area specific issue, while serious, simply can not justify a nation-wide response.[195]

In accordance with the above point, Rouleau's decision and acceptance of the EA on this matter proves to be a dangerous precedent, as the government justifying their actions off the deeds of a few, much like the G20 protests, sets in motion the argument of using extreme measures against any protest. To prove this point, the police, with the power granted by the EA, could have arrested anybody seeking to peacefully join the Convoy:

"The effect of the Regulations was to criminalize attendance at the protests by anyone, no matter if they participated in the actual conduct leading to a breach of peace. By criminalizing the entire protest, the Regulations limited the right to expression of protestors who wanted to convey dissatisfaction with government policies, but who did not intend on participating in the blockades... I agree with the Applicants that the scope of the Regulations was overbroad in so far as it captured people who simply wanted to join in the protest by standing on Parliament Hill carrying a placard."[196]

This fact proves my above point, that being the regulations of the EA encompassed even those whom sought to peacefully protest.[197] Rouleau's direct agreement with the EA against an otherwise peaceful protest[198], which ended with people being arrested who did not break the peace, shows that the government, via the EA, could capture those seeking to practice their Charter given rights without just cause, again much like the G20 protests.[199] This circles back to the point that allowing the use of the EA in a situation that neither warrants nor justifies its use, is dangerous, undemocratic, and simply irrational. These grounds reveal a weakness in the Pro-EA argument. What is presented here is the fact that not only did the government not meet the bar of

[195] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Sections 289-290
[196] The Federal Court of Canada. Sections 306-308
[197] The Federal Court of Canada. Section 308
[198] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pgs. 228-230
[199] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Sections 306-308

invocation with regards to violence with the EA, but they also arrested otherwise legally protesting people.[200] Moreover, such mass and indiscriminate presumption of future guilt reflects poorly on the government, and perhaps even shows a much too hasteful use of power. I will elaborate on this observation below.

With regards to the hasteful decision making of the government, it has been noted that the government's use of the EA happened with little notice, which also leads one to believe that the government either did not know what to do, or just wanted the protests over with quickly.[201] Evidence to this point, as something to note with the subjectivity of the use of the EA, is that these protests were directly going against policy that the Federal government was imposing.[202] While there was certainly possible security concerns such as in Coutts and other border blockades, these protests were dispersed before the use of the EA; highlighting the fact that the act was not necessary.[203] Moreover, these protesters were going directly against Trudeau's government, and thus he had a stake in ending these protests quickly. However, with the facts not reflecting a situation in which the EA was warranted, political agenda reasonings for the EA must at least be acknowledged. To illustrate this point, if the protests kept going on, it is possible the opposing government, as they were already doing up to this point[204], could have gained momentum both socially and in the polls. This proves the point that Trudeau had something to

[200] The Federal Court of Canada. 289-308
[201] West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Page 30
[202] Murphy, "Freedom Convoy."
[203] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 354
[204] Aaron Wherry, "Conservatives Hitch Their Wagons to the Convoy Protest without Knowing Where It's Going," *CBC News*, February 1, 2022, https://www.cbc.ca/news/politics/poilievre-conservative-otoole-convoy-vaccine-mandate-1.6335286; Nov. 9 Taylor 2022, "Poilievre Stands by 'Freedom Convoy' Support, but Will Wait to Weigh in on Evidence," The Toronto Star, November 9, 2022, https://www.thestar.com/politics/poilievre-stands-by-freedom-convoy-support-but-will-wait-to-weigh-in-on-evidence/article_622c6ae9-449d-5860-8818-49e690dcd3ba.html.

lose with regards to the protests, as his grip on power seemed to be slipping to a certain degree; which is reflected in the polls at the time.[205] This fact also makes itself known via the fact the protests were directly against Trudeau's very policy, but it also makes itself visible by way of the opposition parties advertising themselves. In the case of the Conservative Party of Canada, the official opposition to the ruling Liberal party at the time, not did they only benefit from the heavy anti-Trudeau/Liberal sentiment that the protests invoked, but support for the protests has been noted as likely playing a key role in Pierre Poilievre's election as leader of the party.[206] Poilievre, as we especially know in 2025, has built a brand on attacking Trudeau's policy and attacking the Liberal party as a whole. Furthermore, when looking a voting polls taken post the 2022 Convoy, it is seen that the Liberal party dropped heavily, and in the matter of a month after the EA, the Conservatives took the lead.[207] Thus, with the climb of the opposition in the polls, anti-Trudeau sentiment growing, and the presumption of mass guilt as detailed in above, a strong question can be made on if the government was acting in, at least some part, self-preservation by using the EA.

Moving away from the political issues and lack of evidence for violence in the Convoy, this study will pivot its focus to extreme ideology, as it is a major topic within the broader debate on the Convoy. While the government had no just cause to believe the protests were going to erupt into violence across the country[208], the issue of extremism was a different issue. Much like the CSIS assessment outlined before in Mosley's decision, Jody Thomas, the now resigned National Defense Minister who was in office at the time of the Convoy, stated that those seeking

---

[205] 338Canada, "Canadian Federal Polling 2021-2025," 338Canada Polls, 2025, https://338canada.com/polls.htm.
[206] News Staff, "Convoy's Purpose Still Unclear, but Poilievre Benefitted," *CityNews Ottawa* (blog), January 28, 2023, https://ottawa.citynews.ca/2023/01/28/convoys-purpose-still-unclear-but-poilievre-benefitted-6450484/.
[207] 338Canada, "Canadian Federal Polling 2021-2025."
[208] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 289-290

to do harm in the Convoy were a small cell of individuals.[209] Moreover, she also stated that these people were under no specific banner or allegiance, but were in fact only speculated to have the means and beliefs to facilitate extreme political ideology, such as attacking police, or others involved or not with the Convoy itself.[210] This statement given by Thomas highlights the same issue that Rouleau's decision on violence came from, that being a type of speculation on the situation. Not only did the police not arrest anybody for violent offences up to the point of the EA, besides at Coutts, but the fact Thomas does not cite an organization or any case of this type of violence shows that the government had no compelling reasons to believe that this could have became a major issue either.[211]

It should also be stated that the classification in which Jody Thomas placed the protesters of the Convoy in, IMVE (Ideologically Motivated Violent Extremism,) is defined by CSIS as: "violent extremism motivated by a range of influences, rather than a single specific religion or political view. Those influences include misogyny, racism, anti-government sentiment or other grievances, according to CSIS."[212] This definition highlights multiple types of possible areas in which extremism can occur, but the "anti-government sentiment" clause is most important for the topic of the Convoy. At a cursory level, in order for the above definition to be met, violence in the name of ideology must be observed. In the case of IMVE with regards to anti-government sentiment, violence in the name of overthrowing the government would have to have provably occurred for individuals to be labeled under this category.[213] Adding to this, in a statement by

[209] Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca."
[210] Gilmore.
[211] Gilmore; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 273
[212] Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca."
[213] Gilmore.

Jody Thomas, she acknowledges that the level in which this type of violence could occur in the first place was low, and that only a small group of IMVE adherents, in the most likely case, could do harm to the public.[214] However, in a separate statement, Thomas also makes the claim that there was "no doubt" that protesters came to over-throw the government.[215] All of this matters, as by not only electing to use the definition of IMVE with regards to the Convoy, stating the protesters were definitely trying to over throw the government, and then also stating the likely hood of any extremism happening is low, it is seen that the government was painting a picture of the Convoy.[216]

Presumably, this was done to quickly dry up any support for the Convoy, as it is reasonable to state that if the government viewed these protests as possible vehicles for extremism, the general public may distance themselves from the broader ideology of the Convoy. Furthermore, in order to use the EA to begin with, acts of serious and extreme violence that is a threat to Canada's security must be observed in order for the EA to be legitimately invoked.[217] To clarify, as Mosley states, for the Convoy to had reached a level in which the EA is just, the situation would have had to have been uncontrollable by all levels of local authority, and present a pressing security concern for the state through violence.[218] However, since the government had no proof beyond Coutts for a legitimate security concern of serious violence, speculation, such as Jody Thomas saying the protesters, in general, were there to over throw the government, is clearly governmental rhetoric.[219] This point can be applied to Rouleau as well, as both of them

---

[214] Gilmore.
[215] Catharine Tunney, "CSIS Didn't Feel Convoy Protests Constituted a National Security Threat under the Law: Documents," *CBC News*, November 14, 2022, https://www.cbc.ca/news/politics/convoy-protest-emergencies-act-ottawa-1.6648413.
[216] Tunney.
[217] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Sections 294-297
[218] The Federal Court of Canada. 292-297
[219] Tunney, "CSIS Didn't Feel Convoy Protests Constituted a National Security Threat under the Law."

not only agreed that the EA was justified, and to believe the EA and its powers were justified, they must have believed, if not explicitly stated, that these protests were vehicles for extremism/violence; and in the both cases they would have to believe this after stating most protesters were peaceful.[220] However, as was proven multiple times above, especially with regards to Mosley's decision on this matter, the government, besides Coutts, which was resolved by local authorities, had no strong evidence of extreme violence to warrant the use of the EA.[221] Furthermore, as noted above with Jody Thomas stating these IMVE protesters were, if they existed to begin with, only were a small group of an otherwise massive protest.[222]

Speculation on the government's behalf is presented again here, but it is made even worse by the fact that this speculation led to not just innocent people being arrested[223], but by-way of definition and the wording of the EA[224], these protests were being claimed to have been facilitators of extremism.[225] Specifically, by denoting the fact that anti-government sentiment equates to extremism if violent, and then using the EA to counter such violence, then the government is confirming the fact that, without proof, protests/protesters were adhering to IMVE ideology.[226] This is also proved by Jody Thomas stating the protesters, without proof, were in Ottawa to over throw the government; thus, once again, indirectly casting IMVE ideology on the

---

[220] Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pgs. 228-230

[221] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). 290-291

[222] Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca."

[223] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Sections 306-308

[224] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency"; Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca."

[225] Tunney, "CSIS Didn't Feel Convoy Protests Constituted a National Security Threat under the Law"; Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca."

[226] Gilmore, "Extremists among 'Freedom Convoy' Could Attack the Public, PM's Advisor Warned - National | Globalnews.Ca"; Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."

protesters.[227] This attempt to change public perspective to delegitimatize the protesters via casting them in such a light, can present a possible social way of justifying the EA, or at least, gain public sympathy to the government's decision. Thus, what is seen with the above evidence is that not only did the federal government have no strong reasoning to believe the Convoy was anymore then a protected disruptive protest[228], but they also seen it fit to use such extreme measures against these protests on the speculation of future crime; of which, is an unlawful and unreasonable use of such powers.[229] Adding to this, it seems as though the government attempted to brand not only the protesters, but the Convoy at large, as a extremist operated and perpetrated demonstration.

Whether or not one agrees with the Convoy, it is very clear that the EA was not warranted nor justified in the case of violence here. As shown above, not only were there no arrests for violent offenses, or proof beyond Coutts for the possibly of violence, the government consistently using negative conjecture on the Convoy, and the police, aside from Ottawa, being able to deal with the protests, the EA's justification is problematic. Adding to this, the use of the EA to quickly end the protests was not distant from the idea that Trudeau wanted the protests to end quickly, as the Conservatives were gaining popularity. In all of these cases, no legal justification for the EA is presented, however. Canada is not a country in which the government is allowed to do whatever they please, this is doubly so for pursuing the use of emergency powers. However, in the case of the government electing to not even debate, or publicly talk about, the possibility of using the EA, one would question this democratic value.[230] Furthermore,

---

[227] Tunney, "CSIS Didn't Feel Convoy Protests Constituted a National Security Threat under the Law."
[228] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 306
[229] The Federal Court of Canada. Section 372
[230] West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Pg 30

as Mosley concluded, basing the use of the EA on one issue in one specific part of the country, of which was already dealt with by local authorities, is not how the act was intended to be used.[231] This fact alone invites the danger of future authority using such powerful legislation in such justifiable situations. However, when you combined this with the hasty and undebated use of the EA, we see that, at best the government "jumped the gun." While this study would be remiss to not acknowledge the specific cases of violence and damage that occurred during the Convoy, as discussed in the Pro-EA frame previously, these highly specific cases still do not reach a level of nation-wide violence.[232]

With regards to the violence justification of the EA, it is in this study's analysis and breakdown of the situation that the Canadian government was not justified in its reasoning. Furthermore, with the quasi-comparative analysis given above between the Rouleau and Mosley decisions, it is made abundantly clear that the situation is incredibly difficult. Specifically, it is true such massive gathering such as the Convoy will be both disruptive[233] and have the possibility to invite bad actors; see the G20 example. This complicates the issue, certainly. However, the actions of a few most certainly do not, and should not, dictate the response to the majority. Adding to this, the simply fallacious argument as to both the possible violence in the future issue, and the use of one event in Coutts to justify a nation-wide act to suppress Convoy related protests, do not justify the use of the nation wide EA.[234] It is for these reasons that through this study's analysis of the given facts, decisions, and media surrounding the

[231] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Sections 229-296-297
[232] The Federal Court of Canada. Section 295
[233] The Federal Court of Canada. Section 306
[234] The Federal Court of Canada. Section 254-255

justification of the EA, that the government of Canada did not meet a level of justification required to use the act with regards to the EA's section dictating violence or extremism.

Chapter 4: Pro and Anti Emergencies Act Debates on Economic Damage/Blockades

The Blockades and Economic Damage of the Convoy, Pro Emergencies Act

The Convoy's use of people and trucks to block major road ways and transit lines led to millions of dollars in lost revenue across the country; for example, just at the Ambassador bridge protest it is estimated that 390 million was lost each day the bridge was down.[235] This fact is important, as in the government's declaration of the EA, they find that these blockades, and the economic damage therein, fit the definition of a national threat.[236] Furthermore, as Justin Trudeau points out in his Inquiry testimony, these blockades were becoming so worrisome that President Joe Biden of the United States voiced his concern to Trudeau.[237] As a matter of fact, according to testimony given to the Inquiry report board, Canada sustained close to 4 billion dollars in trade damage with the United States due to the blockades.[238] However, the issues do not end with United States-Canadian trade, as the blockades also have been noted as potentially damaging future Canadian industry:

> "Keenan said the blockades could not have come at a worse time, as several U.S. companies were deliberating over new investments in automotive plans in Ontario. When Ford Canada shut down production at an Oakville plant during the Windsor border blockade, Alghabra's chief of staff noted the situation was being seen by U.S. parent companies as "just another reason not to invest in Canada."[239]

The damage sustained to both reputation and financial losses via the blockades cannot be overstated here. For example, in another piece written on this idea of damaging Canada's reputation with the United States by Eisler and Lynch, it is argued that the blockade shows to the

---

[235] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."
[236] Government of Canada.
[237] BBC Staff, "Emergencies Act: Trudeau Defends Use to End 'Freedom Convoy' Protests," November 25, 2022, https://www.bbc.com/news/world-us-canada-63736487.
[238] The Canadian Press, "Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News," November 16, 2022, https://www.cbc.ca/news/politics/convoy-economics-1.6653986.
[239] The Canadian Press.

world, but mainly the United States, that Canada is not a safe market to invest in.[240] Rather, protests such as the Convoy present clear and heightened danger to Canadian markets such as the automotive industry, as outside businesses would rather, in the future, invest in "safer" economies.[241] This is exacerbated by the points made by Trudeau and the Inquiry report, that police services were failing in their duties to properly deal with this situation.[242] Eisler and Lynch present the case that such policing failures, as just mentioned, has and will continue to lead to mistrust of the government and police across Canada; once again, this is connected to the idea of Canada's "brand" being damaged on the world stage.[243] However, the damages caused by the allowing of the blockades to continue are not limited to economic damage. Rather, the public inquiry found and argued that these blockades were not just dangerous to the economy of Canada, but by cutting off key trade, Canadians were left without food, had their livelihoods put on hold, and even risked a shortage of important imported medicines.[244] For instances, at communities along the Canadian border, grocery stores were seeing their supplies depleted, and without the ability to restock due to the protests, grocery stores were left without essentials such as fruits and vegetables.[245] As for medicines, Rouleau does not expand on this point, but there is reports of families in downtown Ottawa having to reschedule or miss their Chemotherapy appointments due to the protests in the city.[246] It is possible that the border blockades themselves

[240] Eisler and Lynch, "The Truckers Convoy: Examining the Consequences for Canada."
[241] Eisler and Lynch.
[242] Anna Paperrny, "Canada's Use of Emergency Powers during 'Freedom Convoy' Met Threshold, Commissioner Says | Reuters," February 17, 2023, https://www.reuters.com/world/americas/canadas-use-emergency-powers-during-freedom-convoy-met-threshold-commissioner-2023-02-17/; BBC Staff, "Emergencies Act."
[243] Eisler and Lynch, "The Truckers Convoy: Examining the Consequences for Canada."
[244] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pg 200
[245] Ahiza Hodges, "Trucker Protests in Canada Starts to Hurt Food Supply for Independent Grocers," NBC News, February 13, 2022, https://www.nbcnews.com/business/trucker-protest-starts-hurt-food-supply-independent-grocers-rcna15935.
[246] Rachel Gilmore, "'Freedom Convoy' Forced Kids' Chemo Delays, Rescheduling for 13 Families: CHEO - National | Globalnews.Ca," Global News, October 20, 2022, https://globalnews.ca/news/9209533/freedom-convoy-chemo-children-appointments-cheo/.

exacerbated this problem, but as said above, Rouleau does not specify. As for livelihoods of Canadians, farmers were losing out profits due to the disruption of trade in food, which speaks to the previous point of how food shortages were affecting Canadian grocers.[247]

While shorter than the past sections, the Pro-EA framework here presents a stark image, one in which, is clear that the damage Canada was suffering, and could have suffered if the blockades continued, would have been crippling. Food shortages could have persisted or worsened, medical appointments would have counited to be hindered, and people's main methods of income would have been left on pause for longer then possibly needed. Furthermore, the longer the blockades persisted, damages to not only Canada's economy would have deepened, as is shown with up to 4 billion dollars lost in the span of a few weeks, but Canada's industry reputation was being tarnished.[248] The long-term effects of this final point on the protests is a worrying prospect alone, and not just for the government, but also Canadian businesses.[249] As Eisler and Lynch note, future job markets in Canada could have been lost, if not actually lost, due to the reputation damage the protests caused.[250]These facts, along with the stated declaration of the EA, present the mindset in which was at play in those who used the sweeping act.

[247] Karen Briere, "Farm Groups Demand Gov't End Border Blockades," *The Western Producer* (blog), February 11, 2022, https://www.producer.com/news/farm-groups-demand-govt-end-border-blockades/.
[248] The Canadian Press, "Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News"; Eisler and Lynch, "The Truckers Convoy: Examining the Consequences for Canada."
[249] Eisler and Lynch, "The Truckers Convoy: Examining the Consequences for Canada"; The Canadian Press, "Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News."
[250] Eisler and Lynch, "The Truckers Convoy: Examining the Consequences for Canada."

The Blockades and Economic Damage of the Convoy, Anti Emergencies Act

Much like the pervious sections, the Anti-EA framework approach takes the same stance of questioning the legitimacy against the situation in regards to the use of the EA. As was stated above, the government's official reasoning to invoke the EA was, among other things, to end the blockades at the border.[251] These blockades were used in part to satisfy the EA's invocation clause(s,) with the government finding the economic damage they caused, and could cause, to be a public order emergency.[252] However, a study on the lawful use of the EA during the Convoy by West, Nesbitt, and Norris, points to the fact that the two major border blockades (the Coutts and Ambassador bridge blockades) had already been delt with and ended days before the use of the EA[253]; this point has been discussed at length in the violence section above. Moreover, West, Nesbitt, and Norris also state that for the blockades to have constituted an illegal and an emergency situation, it would have to be accepted as fact that an economic slowdown, rising from a protest, is a emergency.[254] In accordance with these facts, they then go on to state in their concluding remarks that:

"We shall see what both Parliamentary and judicial scrutiny offer and whether they provide clarity to either the more novel and/or controversial of government assertions or the facts used to justify its conclusions. Nevertheless, as it stands, the invocation of the Emergencies Act stands on dubious legal footing that, if applied to future protests, could indeed set a dangerous precedent."[255]

West, Nesbitt, and Norris highlight a key issue in the larger debate here. Specifically, as they state, the Coutts and Ambassador bridge blockades were tempered before the EA was used.[256]

---

[251] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."
[252] Government of Canada.
[253] West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Pg 23
[254] West, Nesbitt, and Norris. Pg 28
[255] West, Nesbitt, and Norris. Pg 30
[256] West, Nesbitt, and Norris. Pg 27-28

This point is key to the government's attempted justification of the use of the EA, since if the RCMP and local levels of police, both city and provincial levels, delt with the issue in their own respective areas of authority, then there was no emergency, as per the EA's intend threshold.[257] However, the West, Nesbitt, and Norris study is not the only piece written on the matter of how the blockades were used by the government in a politicised and selective manner to justify the EA. For example, The Canadian Civil Liberties Association (CCLA) state that while the blockades were disruptive and a serious problem, they were an issue for the police to resolve, and did not require emergency powers as granted by the federal government.[258] Likewise, in the Federal Court decision, Mosley also outlines the blockades were being effectivity dealt with by local authorities.[259]

Beyond the blockades themselves, Mosley and the West, Nesbitt, and Norris study also find the government's conclusion on using economic damage to justify the EA questionable. In the case of Mosley, he states in his ruling that since the EA has no wording to encompass economic damage in regards to the financial losses sustained due to the border blockades, then the EA cannot be used in reaction to such losses; specifically, because it does not amount to serious violence.[260] Similarly, the West, Nesbitt, and Norris study also state this, with their study also highlighting the lack of cohesiveness between the EA's wording on serious violence and economic disruption.[261] In both cases, the point to be made here is that the EA only covers economic damage that goes as far as to present a case of serious violence, such as shutting down

[257] West, Nesbitt, and Norris. Pg 23
[258] Michael Lowery, "Emergencies Act FAQs," *CCLA* (blog), January 26, 2024, https://ccla.org/major-cases-reports/emergencies-act-major-cases-reports/emergencies-act-faqs/.
[259] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 249
[260] The Federal Court of Canada. Section 281
[261] West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Page 28

the electric grid.[262] However, since this was not the case in terms of the Convoy, then as the West, Nesbitt, and Norris argue, the government would have had to find that the EA could be used in response to anything disruptive, protest or not, as along as it incurs economic costs.[263]

These conclusions made by Mosley, the CCLA article and West, Nesbitt, and Norris study, present strong points against the government's use of the EA. In the case of a national emergency, the Anti-EA framework presents just how the police responded effectively in the case of the border protests. Due to this, the Anti-EA perspective challenges the Pro-EA assertion that the police were not effectively handling the protests, and thus the EA was justified in bolstering local, provincial, and federal authorities. Furthermore, since the EA does not have the wording to account for economic losses, then the EA's own white paper circumscribes itself to only relating to economic harm that results in serious violence; as the example of the power grid above highlights.[264] For these reasons, the Anti-EA framework makes a strong set of arguments in contra to the Pro-EA perspective with regards to the blockades, and the revenue lost due to them.

[262] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 281
[263] West, Nesbitt, and Norris, "Invoking the Emergencies Act in Response to the Truckers' 'Freedom Convoy 2022': What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful." Page 29
[264] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 281

4.1 Arguments and Analysis of the Economic Damage/Blockades

The blockades and the resulting economic losses are seen critically by both the Pro and Anti-EA theoretical perspectives. Both approaches viewed the blockades as a situation which needed quick resolution. However, this is where, once again, the Pro-EA framework starts to falter. The blockades presented Canada with a situation in which was most certainly a burden. This much is known.[265] However, these blockades were delt with effectively enough by local authorities, which by itself proves that the situation did not grow out of policing ability to deal with the situation.[266]

So far, this point shows the EA was not needed, and thus defeats the very purpose of the EA's last resort function.[267] Thus, the very first section of the EA declaration/purposeful use was broken by the government.[268] Since the blockades were being dealt with by local authorities, this would immediately void section 1 of the government declaration of the EA.[269] With this legal fact in mind, one would also see the previous claim of a dangerous precedent once again. For example, if a piece of legislation has the ability to be used in a situation which it is not designed to encompass, then future laws and legislation are now left to the sitting government to decide if they are valid; removing the need for checks and balances. However, the blockades were just one part of the larger reason for the EA. Specifically, sections 2-4 of the declaration are directly linked to economic damage. However, it is important to note that an economic slow-down still does equal a national emergency. Mosley highlights this fact, stating that the government's term

[265] The Canadian Press, "Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News."
[266] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 294
[267] The Federal Court of Canada. Section 253
[268] Public Safety Canada, "Emergency Management Act and Emergencies Act," October 13, 2021, https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20210907/01-en.aspx.
[269] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency"; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 253

of "economic disruption" does not directly fit the use case stated in the EA.[270] Rather, such use would only be applicable in such cases as the power grid being shut down by the protesters.[271] In fairness to everyone who was affected by the blockades, the disruption they did cause was worrying. They caused billions in damages, as discussed before, and even threatened people's pharmaceuticals as supplied by the US.[272] This specific statement as posed by Rouleau is most certainly a valid and reasonable concern; especially for a government. In these cases, it would be understandable on the government's side to be concerned for the welfare of the citizens of places such as Ottawa. While I am sympathetic to the people affected by the protests, it still does not mean the EA was justified. As was presented above, local authorities were responding accordingly to the protests, and critical infrastructure was not being targeted by the protesters, which means in both cases, the EA was not justified.

Interestingly, after the EA was used to counter the protesters, and more specifically the economic damage therein, the response contained measures to freeze bank accounts and assets of suspected protesters.[273] While these measures were meant to target those at the border blockades, the issue was the measures were not tailored in a fashion to protect family bank accounts.[274] To go deeper on this, as Rouleau notes in his decision that the Economic Order (EEMO) that was employed by the government to counter the funding of the protests, resulted in those with no presence at the protests to be effected:

"A related scope issue that I heard evidence about pertained to joint bank accounts. An individual who had no connection to the protests could still have had their assets frozen under the EEMO if they held their accounts jointly with a protester. It is not difficult to imagine a scenario where an

[270] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 281
[271] The Federal Court of Canada. Section 281
[272] The Canadian Press, "Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News"; Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Page 201
[273] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 328
[274] The Federal Court of Canada. Section 357-358

individual would participate in the protests without the involvement of their spouse (or, indeed, against the spouse's wishes)."[275]

Mosley came to a similar conclusion on Rouleau on this point, with the argument given that, like Rouleau, people without joining the protest could be left without necessities due to their family accounts being frozen.[276] In total, 257 accounts were frozen by using the EEMO, of which, Mosley notes that most of these accounts were of those present at the blockades.[277] So, while it may be the case that most people targeted by the EEMO were at the blockades, it still does not change the fact that the scope of the regulation was created so broadly to have ensnared those who might be living on the other side of the country.[278] Moreover, the EEMO was so overpowering that Superintendent Beaudoin, the person in charge of overseeing the use of the EEMO, stated its power was not tailored with standards, such as reasonable grounds, which meant those responsible in freezing accounts were at their own discretion to do such.[279] These facts show that the EEMO, while meant to target blockaders, not only accidently captured those with no connection to the protest, but the EEMO's powers were not placed in any legal framework, such as reasonable grounds, to determine if someone should be targeted. Mosley's statements on these facts are worrying, and once again present an example as to how the EA could be abused in the future. For example, as was the case with the Convoy, if legal standards are ignored, and if just having a joint-bank account puts you on the government's watch list due to a family member's actions, then serious questions are raised if such unregulated and large-

[275] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Pages 242-243
[276] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 357
[277] The Federal Court of Canada. Section 356
[278] The Federal Court of Canada. Section 356
[279] The Federal Court of Canada. Sections 98 and 337

scale powers would be used again in a similar situation. Furthermore, the freezing of bank accounts is actually oxymoronic in its own regard.

For instance, Rouleau states that medical supplies coming from the US were cut off, and thus creating an emergency.[280] By itself, this is worrying for anybody in Canada, especially factoring in the possibly of those that require special diets that are imported from the US. However, by using the EEMO, the Canadian government cut off the protesters' and, in some cases, non-protesters' ability to get food and medical supplies by freezing assets.[281] This fact is concerning itself, as it is a direct breach of Charter right section 1, Reasonable Limits[282], but it also presents a bit of a double standard. While the blockades were both illegal and were possibly blocking medical supplies coming into Canada, it is interesting that the government's response to this issue was to invoke the same issue. If blocking food, medicine, and other imports into Canada by the blockades were such a worrying prospect, then freezing the accounts of protesters, which prevents them from purchasing necessities, would be fighting fire with fire.

Making this issue worse, and to connect this back to the previous points on legality of the EA's use, local authorities were dealing with these blockades already, and while they perhaps dragged on, that still does not give the government the legal power to use the EA.[283] Likewise, and as said so many times in this study, the government had a fear based on speculation that new blockades would pop up across the country.[284] Once again, speculation does not and cannot

---

[280] Rouleau, "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." Page 201
[281] Christopher Nardi and Catharine Lévesque, "Bureaucrats Say They Froze Freedom Convoy Bank Accounts to End Protest | National Post," The National Post, November 17, 2022, https://nationalpost.com/news/politics/bureaucrats-who-froze-bank-accounts-of-freedom-convoy-leaders-werent-trying-to-get-at-the-family.
[282] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 358
[283] The Federal Court of Canada. Section 253
[284] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."

justify the pre-emptive use of the law; especially speculation built on future facts that cannot be accurately predicated in advance. Adding to this, after meeting with the Premiers of all the provinces, and specifically discussing the blockades and whether or not the Premiers supported the idea of the EA, most of them stated that the act should not be used nationally, if at all.[285] Specifically, the Premiers noted that local levels of authorities were more then capable with dealing with any blockades if they presented themselves.[286] Even with this said, the government does have the right to use the act even without the support of the provinces[287], but it should be noted that these meetings happened on the same day of the act's invocation.[288] Furthermore, this point also denotes the fact that the Premiers felt as though the local levels of authority, provincial and municipal, were capable in dealing with the protesters.[289]

Thus far, it is clear by way of the evidence that the government was not of the ability to justify the EA on grounds of economic damage, police response, and from the pleas of the Premiers. Adding to this, by way of using the EEMO, the government infringed on both Charter rights of Canadians, and used such powers in a situation that otherwise did not justify the use of the EA; which presents just how dangerous of a precedent its use is in the case of the Convoy. This creates a sort of vacuum for the government, as without these justifications, one must turn to other means of justification, such as the United States' own interests.

During a call on February 11th 2022, President Joe Biden and Prime Minister Justin Trudeau exchanged a call discussing the Canadian blockades on the border.[290] This particular call

[285] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 245
[286] The Federal Court of Canada. Section 245
[287] The Federal Court of Canada. Section 244-245
[288] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency"; The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 244
[289] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 245
[290] The Federal Court of Canada. Page 177

is of considerable importance. This call marks not just an important talk between key trading partners, but it also presents another possible justification for the use of the EA 3 days later. For example, it is stated in the declaration of the EA that the US lost about 51 million in prospective trade with Canada, as well as threatening future investment in Canadian industry.[291] Moreover, in the official declaration of the EA, the government cites US trading interests, and their damage due to the Convoy, as point 4 within the document.[292] With this in mind, the fact that the United States officials such as the Secretary of Homeland Security, urged Prime Minister Trudeau to use federal powers to end the protests is not surprising.[293] So, with these facts stated, it is possible to conclude two things. One, the US, via these talks, directly put pressure on the Canadian government to dislodge protesters, and re-open trade routes on the border.[294] Two, these talks go back to the point that it is possible that political agenda setting was present here. Starting with the first claim, this fact alone is worrisome, as the secretaries of homeland security suggested to the Canadian government to use Federal powers to quell the protests.[295] With this in mind, an argument can be made here that, with the EA being enacted three days later, that the US talks with Canada during this time played a role in the use of the EA.

Specifically, while the EA declaration lists a multitude of reasons, this call and the pressure put on Canada to use the act highlights that the Canadian government, in part, used the EA to help American business interests. The call by itself proves this point, as business dealing were a central point in the talks, as the US wanted trade routes opened quickly.[296] Taking this

[291] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."
[292] Government of Canada.
[293] The BBC staff, "Freedom Convoy: US Urges Canada to End Blockade by Truckers," February 11, 2022, https://www.bbc.com/news/world-us-canada-60342800.
[294] The BBC staff.
[295] The BBC staff.
[296] The BBC staff.

point, and applying the fact the US directly argued for federal powers to be used, which they were 3 days later, it is clear that US interests were part of the EA's declaration.[297] This is made doubly so once applying the unlawful nature of the use of the EA against the facts of the situation, as up to this point of the act's use, no lawful justification was presented. Due to these facts, what is left is that the government had to act in order to save US-business favor, as it is clear that the US was becoming restless on the Convoy. Moreover, if the situation were to drag on, as the government claimed in the declaration of the EA, then such favor would continue to wane to the point that US business interest could go else where; thus, damaging Canada further.[298] This political environment presents another justification as to why the government chose to use the EA, even knowing that it was unneeded for the situation. While it is understandable that wanting to protect US relations is important, it is also important that the Canadian government works for the Canadian people; not the Americans. The economic impact on the US due to the Convoy is certainly regrettable, but this still does not triumph over Canadian law. The point that the phone call was simply a suggestion is a fair one, but the quick timeline between the call and the EA, plus the US directly calling for federal powers, calls this point into question.[299] Along with this, the EA declaration itself highlights American business, which also speaks to the point that the US' interests played a role. Nevertheless, since the government chose to use the EA, and with the facts as laid out above, American interference on this point is unarguable.

These facts, as argued and presented by this study, show a deeply concerning factor of the EA that has gone less talked about with regards to the blockades. While the internal damage of

[297] The BBC staff.
[298] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."
[299] The BBC staff, "Freedom Convoy."

the otherwise illegal blockades caused to Canada are problematic, they were being dealt with at a level in which did not require the EA to be used. Furthermore, one fact remains true no matter how one looks at it, the US played a role in the EA's use. The EA declaration directly cites the US-Canada relationship as an issue concerning the use of the EA.[300] While the relationship between the two countries is important, that much is a given, it still does not excuse an otherwise illegal use of the EA within Canada. On top of this, the pressure of the US on Canada playing a role in the use of the EA presents an argument to be made on foreign interference within both Canadian policy, and law. In total, this study finds two main takeaways from the government's use of the EA with regards to their economic and blockade concerns. One, the economic damage sustained, close to 4 billion dollars[301], was a problem that needed to be fixed. Two, the situation still did not justify the EA's use. To be able to invoke the EA's power on the justification of an economic criteria, would present arguments to be made about any disruptive protest. However, even disruptive protests are protected in Canada, and as proven in Harper V Canada, protests are bound to result in some form of disruption, which could lead to some type of economic disruption.[302] Thus, it is entirely probable that if the EA and the judiciary were to accept economic disruption as an argument for the EA's power, then any form of protest could be inherently seen as a justified standard for the act.

When taking this into account, the police response, the short timeline of the event, and the pressure put on Canada by the US, the fact is made clear the government had no lawful justification for their response. Thus, this study concludes this chapter, much like the previous

[300] Government of Canada, "February 14, 2022 Declaration of Public Order Emergency."
[301] The Canadian Press, "Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News."
[302] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 306

analysis, that the government of Canada did not reach a level of justification that justified the Emergencies Act, in regards to the economic and blockade reasonings given.

Chapter 5: Conclusion:

From the start of this study's research, I have remained as close to objective on the protests as possible. As the research commenced, and as more and more of each side of the debate was dug into, I continued to change my answer. Interestingly, this fact is a sentiment in which both Rouleau and Mosley shared, with both saying, directly or indirectly, that their views have or could be changed with future work.[303] In fact, it is for this reason that I, under the guidance of my supervisor, used the two-lenses model. In doing so, this study allows for readers to both understand the process and why this study has drawn its arguments and conclusions. Furthermore, the two lenses allow for the reader to enjoy a broader understanding of the issues at play, and perhaps make their own works detailing their positions.

With the Convoy being a rather new topic in Canadian history, this is doubly so as this the first time in Canadian history that the Emergencies Act was used, all voices are welcome. From this study, via the presentation and deconstruction of both sides of the larger debate, this study sought to understand both why and how the government came to their justification of the EA. Furthermore, this study sought to establish whether or not this justification was reasonable and lawful. Through the analysis of the current arguments, court and inquiry decisions, literature, and media, this study has come to the conclusion that the Canadian government not only did not meet a level of justification required for the EA, but has possibly also set a dangerous precedent.

---

[303] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General), No. T-316-22; T-306-22; T-382-22 T-347-22 (Federal Court January 29, 2024) Section 370; Michael Spratt, "Rouleau's Emergencies Act Report Has Sharp Words for the Ottawa Police Service," Canadian Lawyer Mag, February 24, 2023, https://www.canadianlawyermag.com/news/opinion/rouleaus-emergencies-act-report-has-sharp-words-for-the-ottawa-police-service/373934.

This precedent needs to studied in the future. As of today, the Mosley decision is being appealed by the federal government, and if overturned, the ability to invoke the EA at a whim is present. For example, research should, and must, be done on the lowering of the bar for the EA's use in practice. What would this result in? Could otherwise acceptedly peaceful protests be suppressed? Perhaps parliament could re-word the EA to allow for an even larger set of invocation reasonings[304], but if this happens, what other criteria should be addressed? Once somebody not only lowers the bar of entry for something, but creates new methods to use legislation, the opening of the possibly of all sorts of new justifications becomes an issue. However, while these are most certainly issues, I believe the EA still does serve a purpose. Being able to grant extra powers to authority in the time of war, or other crises, is reasonable. Although, when such powers are either abused or used for little to no reason, as is the case with the EA's use in 2022, it presents a point to be made on creating stricter bars for invocation; such as requiring the majority of parliament to agree on its use. Without such changes, perhaps even in the near future, a new government with no regard for the Charter or Constitution could use the EA, and the consequences of this would be astronomical. These issues that the EA itself presents are prime areas for future work.

With all of this said, one issue that should be addressed is that of hindsight. The government in 2022 was most certainly presented with issues that stimmed from the Convoy. It was an incredibly large protest, with most of the provinces seeing demonstrations one size or another, with Ottawa alone seeing thousands of people.[305]On top of this, the Convoy was a rather novel concept, as Canadians are not known for such political out-cry. While that is not to say

[304] The Federal Court of Canada, Canadian Frontline Nurses v. Canada (Attorney General). Section 281
[305] John Paul Tasker, "Thousands Opposed to COVID-19 Rules Converge on Parliament Hill," *CBC News*, January 29, 2022, https://www.cbc.ca/news/politics/truck-convoy-protest-some-key-players-1.6332312.

political protests never happened in Canada, on the contrary as shown with the G20 protests, but it is new in the idea that Canada is known for stable and relatively friendly social-governmental relations. The Convoy truly turned this fact on its head. All of this to say, the government of Canada was facing a somewhat new challenge. However, even with this said, it is clearly provable, as this study has done, that the government did not have any evidence to suggest that this situation grew out of control. While it is true that the protest was large and persisted for over 3 weeks, it does not change the fact that such events do not justify the EA in response.

The Canadian government's response to the Convoy was not only unreasonable, but it seems to come from a point of hasty and brash decision making. That is to say, the government relied on otherwise insufficient evidence to justly invoke the EA. Moreover, with the protests both being highly political, and with the US becoming restless on the matter, political pressure on the government was mounting. While this study has also presented the illegal and morally reprehensible side of the Convoy, such as the blockades at the borders and the firearms at Coutts, Alberta, the fact remains that local authority had more than enough resources to deal with these situations; as proven with the fact such events were delt with prior to the EA use. Furthermore, the government's overreliance on "what if" statements to justify the invocation of the EA is legally indefensible, especially after taking into consideration there was little proof to this belief. Canada is not a country in which the government and law enforcement have the power to assign guilt to a party before the commission of a crime. However, as this study has proven, this is exactly what the government in 2022, with the use of the EA, did.

Moving forward on this fact, hopefully the government, as presented in the case study of the G20 protests, uses the Convoy as an example to gather both better and more evidence before using such an act. Since this study is of a select few seeking to both answer and even present

both sides of the Freedom Convoy's debate, the knowledge granted goes further than this study's results. While the arguments made and the evidence provided via this research creates new facts/points for the anti-EA framework, it also allows for those seeking to understand the issue in total the chance to do so. Both I, as the researcher of this study, and many others in the political research sphere, agree on the fact that studies should be both informative, reforming, and give future researchers the ability to build upon this created knowledge; of which, this study has committed itself too.

References:

338Canada. “Canadian Federal Polling 2021-2025.” 338Canada Polls, 2025. https://338canada.com/polls.htm.

AL Jazeera Staff. “Trudeau Says Emergency Powers Needed to Disperse Convoy Blockades | Police News | Al Jazeera,” November 25, 2022. https://www.aljazeera.com/news/2022/11/25/trudeau-says-emergency-powers-needed-to-disperse-convoy-blockades.

Askanius, Tina, Bàrbara Molas, and Amarnath Amarasingam. “Far-Right Extremist Narratives in Canadian and Swedish COVID-19 Protests: A Comparative Case Study of the Freedom Movement and Freedom Convoy.” *Behavioral Sciences of Terrorism and Political Aggression* 0, no. 0 (n.d.): 1–21. https://doi.org/10.1080/19434472.2024.2340492.

BBC Staff. “Emergencies Act: Trudeau Defends Use to End ‘Freedom Convoy’ Protests,” November 25, 2022. https://www.bbc.com/news/world-us-canada-63736487.

Berthiaume, Lee. “Politicization of National War Memorial Sparks Debate: Desecration or Demonstration? | Globalnews.Ca.” Global News, July 31, 2022. https://globalnews.ca/news/9027795/war-memorial-tomb-unknown-soldier-protest-freedom-convoy/.

Branch, Legislative Services. “Consolidated Federal Laws of Canada, Canadian Security Intelligence Service Act,” June 20, 2024. https://laws-lois.justice.gc.ca/eng/acts/c-23/.

———. “Consolidated Federal Laws of Canada, Criminal Code,” October 10, 2024. https://laws-lois.justice.gc.ca/eng/acts/c-46/page-38.html.

———. “Consolidated Federal Laws of Canada, Emergencies Act.” Canada Justice Laws, June 22, 2023. https://laws-lois.justice.gc.ca/eng/acts/e-4.5/page-1.html.

Briere, Karen. “Farm Groups Demand Gov’t End Border Blockades.” *The Western Producer* (blog), February 11, 2022. https://www.producer.com/news/farm-groups-demand-govt-end-border-blockades/.

Burke, Ashley. “Trudeau’s Intelligence Adviser Backs Use of Emergencies Act to Clear Ottawa Convoy Protest.” *CBC News*, March 10, 2022. https://www.cbc.ca/news/politics/jody-thomas-overthrow-federal-government-1.6379881.

Canada, Public Safety. “Emergency Management Act and Emergencies Act,” October 13, 2021. https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20210907/01-en.aspx.

———. “Government of Canada Response to the Public Order Emergency Commission Recommendations.” Public Safety Canada, March 6, 2024. https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/2024-pblc-rdr-mrgncy-rcmmndtns/index-en.aspx.

CASIS West. “OTTAWA FREEDOM CONVOY.” *The Canadian Association for Security and Intelligence Studies Vancouver*, n.d. https://vtsm.org/wp-content/uploads/2022/01/5TA-Freedom-Convoy-2022.02.04.pdf.

CBC news. “Residents Abandoned to a Violent Occupation during ‘Freedom Convoy’: Report.” *CBC News*, January 30, 2023. https://www.cbc.ca/news/canada/ottawa/ottawa-peoples-commission-freedom-convoy-report-residents-1.6730653.

CBC Staff. “Defence Suggests Some of the Guns Seized from Coutts Border Blockade Used for Hunting.” *CBC News*, July 10, 2024. https://www.cbc.ca/news/canada/calgary/coutts-trial-alberta-border-blockade-1.7260052.

———. “Images, Symbols of Hate among Truck Convoy Condemned, Labelled Deplorable by Manitoba Premier, Others.” *CBC News*, February 1, 2022.

https://www.cbc.ca/news/canada/manitoba/manitoba-premier-heather-stefanson-condemns-hate-images-deplorable-1.6334461.

Chastelain, Kylie, Kyle Bernstein, Yael Bienenstock, Jeremy Opolsky, and David Outerbridge. “Federal Court Finds Emergencies Act Orders Exceed Government’s Powers | Insights | Torys LLP,” January 26, 2024. https://www.torys.com/en/our-latest-thinking/publications/2024/01/federal-court-finds-emergencies-act-orders-exceed-governments-powers.

CPO, OPC. “Ottawa People’s Commission’s First Report Documents Residents’ Experience of Violence, Abandonment during Convoy Occupation.” *Ottawa People’s Commission* (blog), January 30, 2023. https://www.opc-cpo.ca/ottawa-peoples-commissions-first-report-documents-residents-experience-of-violence-abandonment-during-convoy-occupation/.

Dzsurdzsa, Cosmin. “Police Told Marco Mendicino Freedom Convoy Was Peaceful: Memo,” June 15, 2022. https://tnc.news/2022/06/15/police-told-marco-mendicino-freedom-convoy-was-peaceful-memo/.

Eisler, Dale, and Kevin Lynch. “The Truckers Convoy: Examining the Consequences for Canada.” *Johnson Shoyama Graduate School of Public Policy*, March 9, 2022. https://www.schoolofpublicpolicy.sk.ca/documents/research/policy-briefs/jsgs-policybriefs-the-truckers-convoy_web.pdf.

Elamroussi, Paula Newton, Jay Croft,Aya. “Police Arrest 47 of the Remaining Protesters in Ottawa.” CNN, February 19, 2022. https://www.cnn.com/2022/02/19/americas/canada-trucker-protest-covid-saturday/index.html.

Gilmore, Rachel. “Extremists among ‘Freedom Convoy’ Could Attack the Public, PM’s Advisor Warned - National | Globalnews.Ca.” Global News, November 17, 2022. https://globalnews.ca/news/9285400/emergencies-act-inquiry-pm-national-security-adviser/.

———. “‘Freedom Convoy’ Forced Kids’ Chemo Delays, Rescheduling for 13 Families: CHEO - National | Globalnews.Ca.” Global News, October 20, 2022. https://globalnews.ca/news/9209533/freedom-convoy-chemo-children-appointments-cheo/.

Global News Staff. “Poilievre Reiterates Support for ‘Peaceful’ Convoy Protesters amid Emergencies Act Inquiry | Watch News Videos Online.” Global News, November 9, 2022. https://globalnews.ca/video/9265759/poilievre-reiterates-support-for-peaceful-convoy-protesters-amid-emergencies-act-inquiry/.

Government of Canada, Department of Justice. “Charterpedia - Section 11(d) – Presumption of Innocence,” November 9, 1999. https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art11d.html.

———. “February 14, 2022 Declaration of Public Order Emergency,” February 18, 2022. https://www.justice.gc.ca/eng/csj-sjc/section58.html.

Government of Canada, Public Works and Government Services Canada. “Canada Gazette, Part 2, Volume 156, Number 1: Emergency Economic Measures Order.” Government of Canada, Public Works and Government Services Canada, Integrated Services Branch, Canada Gazette, February 15, 2022. https://gazette.gc.ca/rp-pr/p2/2022/2022-02-15-x1/html/sor-dors22-eng.html.

———. “Canada Gazette, Part 2, Volume 156, Number 1: Emergency Measures Regulations.” Government of Canada, Public Works and Government Services Canada, Integrated Services Branch, Canada Gazette, February 15, 2022. https://gazette.gc.ca/rp-pr/p2/2022/2022-02-15-x1/html/sor-dors21-eng.html.

Government of Canada, Statistics Canada. “COVID-19 in Canada: Year-End Update on Social and Economic Impacts.” Statistics Canada, December 22, 2021. https://www150.statcan.gc.ca/n1/pub/11-631-x/11-631-x2021003-eng.htm.

———. “COVID-19 Restrictions Index Update.” Statistics Canada, August 24, 2022. https://www150.statcan.gc.ca/n1/pub/36-28-0001/2022008/article/00002-eng.htm.

Graham-Harrison, Emma, and Tracey Lindeman. “Freedom Convoys, Legitimate Covid Protest or Vehicle for Darker Beliefs?” *The Guardian*, February 13, 2022, sec. World news. https://www.theguardian.com/world/2022/feb/13/freedom-convoys-legitimate-covid-protest-or-vehicle-for-darker-beliefs.

Griego, Teresa (Tessa). “Shifting into ‘Neutral’: Evaluating Mediation as a Peaceful Alternative to the Forceful Resolution of the 2022 Canada–Freedom Convoy Dispute.” *Pepperdine Dispute Resolution Law Journal* 23, no. 1 (April 4, 2023): 60–69.

Ho, Solarina. “Truckers Protest: Mental Toll from Protest Lingers for Residents | CTV News,” March 1, 2022. https://www.ctvnews.ca/canada/honking-fumes-and-anger-mental-toll-from-trucker-protest-lingers-for-ottawa-residents-1.5801609.

Hodges, Ahiza. “Trucker Protests in Canada Starts to Hurt Food Supply for Independent Grocers.” NBC News, February 13, 2022. https://www.nbcnews.com/business/trucker-protest-starts-hurt-food-supply-independent-grocers-rcna15935.

Huey, Laura, and Lorna Ferguson. “‘All These Crazies’: Right-Wing Anti-Authoritarian Politics and the Targeting of Public Police.” *Deviant Behavior* 0, no. 0 (n.d.): 1–20. https://doi.org/10.1080/01639625.2024.2338890.

Ireton, Juile. “How the End of the Downtown Occupation Unfolded in Ottawa | CBC News.” CBC News, February 23, 2022. https://www.cbc.ca/news/canada/ottawa/timeline-how-police-took-back-ottawa-streets-from-protesters-1.6358994.

Knight, Graham. “Framing Social Drama: Panic, Protest, and the Canadian Trucker Convoy.” In *Folk Devils and Moral Panics in the COVID-19 Pandemic*. Routledge, 2024.

Konopka, Michelle. “Understanding the Freedom Convoy Movement’s Collective Identity and Roles of Conspiracy Narratives.” Lund University, 2023. https://lup.lub.lu.se/student-papers/search/publication/9132437.

LeBrun, Luke. “‘It Was Violent’ People’s Commission Report Shines Light on Violence, Harassment and Hate Crimes During ‘Freedom Convoy.’” *PressProgress* (blog), February 1, 2023. https://pressprogress.ca/it-was-violent-peoples-commission-report-shines-light-on-violence-harassment-and-hate-crimes-during-freedom-convoy/.

———. “Violent Convoy Occupiers ‘Attacked’ People in the Streets of Ottawa, Former Police Chief Testifies.” *PressProgress* (blog), October 28, 2022. https://pressprogress.ca/violent-convoy-occupiers-attacked-people-in-the-streets-of-ottawa-former-police-chief-testifies/.

Levesque, Brody. “COVID-19 Protests in Canadian Capital Turn Violent and Anti-LGBTQ,” February 8, 2022. https://www.washingtonblade.com/2022/02/08/covid-protests-in-canadian-capital-get-violent-homo-transphobic/.

Lindeman, Tracey. “Toronto Police Pay $16.5m to Protesters Wrongfully Held at 2010 G20 Summit.” *The Guardian*, August 18, 2020, sec. World news. https://www.theguardian.com/world/2020/aug/18/g20-protesters-toronto-police-canada.

Little, Simon. “‘Just Sickening’: Backlash after Terry Fox Statue ‘Appropriated’ at Ottawa Trucker Rally | Globalnews.Ca,” January 29, 2022. https://globalnews.ca/news/8580543/terry-fox-statue-trucker-rally/.

Lowery, Michael. “Emergencies Act FAQs.” *CCLA* (blog), January 26, 2024. https://ccla.org/major-cases-reports/emergencies-act-major-cases-reports/emergencies-act-faqs/.

MacInnis, Andrew. “COVID-19 and the Freedom Convoy: Twin Tests of the Emergencies Act.” Canadian Forces College, 2022. https://www.cfc.forces.gc.ca/259/290/23/305/MacInnis.pdf.

Mancini, Mark. “Judicial Review in the Federal Courts: The Emergencies Act.” SSRN Scholarly Paper. Rochester, NY: Social Science Research Network, April 21, 2024. https://doi.org/10.2139/ssrn.4802382.

Miller, Jacquie. "'Freedom Convoy' Protest Left Her with Physical and Mental Injuries, Ottawa Lawyer Tells Inquiry." ottawacitizen, October 12, 2022. https://ottawacitizen.com/news/local-news/freedom-convoy-protest-left-her-with-physical-and-mental-injuries-ottawa-lawyer-tells-inquiry.

Molina, Kimberley. "Fearful Ottawa Residents Flee Downtown as Protest Drags On." *CBC News*, February 8, 2022. https://www.cbc.ca/news/canada/ottawa/downtown-residents-flee-home-protest-fears-1.6341652.

Moman, Sobia. "Man Who Spat on CBC Journalist at Freedom Convoy Protest in Surrey Sentenced." North Delta Reporter, December 10, 2024. https://www.northdeltareporter.com/local-news/man-who-spat-on-cbc-journalist-at-freedom-convoy-protest-in-surrey-sentenced-7698661.

Murphy, Jessica. "Freedom Convoy, Why Canadian Truckers Are Protesting in Ottawa." *The BBC*, January 29, 2022. https://www.bbc.com/news/world-us-canada-60164561.

Nardi, Christopher, and Catharine Lévesque. "Bureaucrats Say They Froze Freedom Convoy Bank Accounts to End Protest | National Post." The National Post, November 17, 2022. https://nationalpost.com/news/politics/bureaucrats-who-froze-bank-accounts-of-freedom-convoy-leaders-werent-trying-to-get-at-the-family.

Noakes, Taylor C. "Why Are Canadian Protesters Flying Confederate Flags?" *Foreign Policy* (blog), February 9, 2022. https://foreignpolicy.com/2022/02/09/canada-trucker-protests-vaccines-covid-19-far-right-confederate-flags-ottawa-trudeau/.

NZ Herald. "'Traumatised': Mask-Wearing Girl Egged, Abused by Convoy Protesters," February 9, 2022. https://www.nzherald.co.nz/nz/covid-19-convoy-protest-mask-wearing-17-year-old-egged-by-aggressive-convoy-protesters/WA4GVCKPH5SLC7UUFCMNOGZHXE/.

O'Connell, Oliver. "The Controversial Moments during the Canadian Trucker Convoy Vaccine Mandate Protest." The Independent, January 31, 2022. https://www.independent.co.uk/news/world/americas/canada-trucker-protest-convoy-freedom-b2004613.html.

Okanagan Nation Alliance. "Open Letter Regarding Freedom Convoy Hate Crimes – Okanagan Nation Alliance," February 15, 2022. https://syilx.org/open-letter-regarding-freedom-convoy-hate-crimes/.

Osman, Laura. "Protests Are Legal — Even the Convoy Protest, Organizers' Lawyers Argue." ottawacitizen, November 28, 2023. https://ottawacitizen.com/news/local-news/protests-are-not-illegal-not-even-the-freedom-convoy-organizers-lawyers-argue.

———. "Trial for Convoy Protest Organizers Tackles Central Question: Was Protest Lawful?" ottawacitizen, November 30, 2023. https://ottawacitizen.com/news/local-news/trial-for-convoy-protest-organizers-tackles-central-question-was-protest-lawful.

Paperrny, Anna. "Canada's Use of Emergency Powers during 'Freedom Convoy' Met Threshold, Commissioner Says | Reuters," February 17, 2023. https://www.reuters.com/world/americas/canadas-use-emergency-powers-during-freedom-convoy-met-threshold-commissioner-2023-02-17/.

Quenneville, Guy. "Social Media Post Praising 'heroes of the Occupation' Draws Ire, Restaurateur Says." *CBC News*, February 23, 2022. https://www.cbc.ca/news/canada/ottawa/ottawa-truck-convoy-protest-business-tensions-rideau-centre-1.6360433.

Rouleau, Paul S. "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 1: Overview." public order emergency commission, February 2023.

———. "Report of the Public Inquiry into the 2022 Public Order Emergency, Volume 2: Analysis (Part 1)." public order emergency commission, February 2023. https://publicorderemergencycommission.ca/files/documents/Final-Report/Vol-2-Report-of-the-Public-Inquiry-into-the-2022-Public-Order-Emergency.pdf.

Sadeghi, McKenzie. “Fact Check: Posts Mislead about Crowd Size, Peacefulness at Canada ‘Freedom Convoy’ Protest.” USA TODAY, February 16, 2022. https://www.usatoday.com/story/news/factcheck/2022/02/16/fact-check-canada-freedom-convoy-protesters-dont-number-100-000/6787141001/.

Scherer, Steve. “Thousands Stage Peaceful Protest in Ottawa against Canada’s Vaccine Mandates.” *Reuters*, January 30, 2022, sec. Americas. https://www.reuters.com/world/americas/ottawa-set-massive-protest-against-canadas-vaccine-mandates-2022-01-29/.

Sopow, Eli. “How Canada’s ‘Freedom Convoy’ Was Overtaken by a Radical Fringe.” The Conversation, February 2, 2022. http://theconversation.com/how-canadas-freedom-convoy-was-overtaken-by-a-radical-fringe-176111.

Spratt, Michael. “Rouleau’s Emergencies Act Report Has Sharp Words for the Ottawa Police Service.” Canadian Lawyer Mag, February 24, 2023. https://www.canadianlawyermag.com/news/opinion/rouleaus-emergencies-act-report-has-sharp-words-for-the-ottawa-police-service/373934.

Staff, News. “Convoy’s Purpose Still Unclear, but Poilievre Benefitted.” *CityNews Ottawa* (blog), January 28, 2023. https://ottawa.citynews.ca/2023/01/28/convoys-purpose-still-unclear-but-poilievre-benefitted-6450484/.

Tai, Tina. “Q&A With Professor Leah West: The Emergencies Act and the ‘Freedom Convoy’ - Centre for Constitutional Studies.” Accessed October 13, 2024. https://www.constitutionalstudies.ca/2022/08/qa-with-professor-leah-west-the-emergencies-act-and-the-freedom-convoy/?print=print.

Tasker, John Paul. “Thousands Opposed to COVID-19 Rules Converge on Parliament Hill.” *CBC News*, January 29, 2022. https://www.cbc.ca/news/politics/truck-convoy-protest-some-key-players-1.6332312.

Tasker, John Paul, and Travis Dhanraj. “NDP's Jagmeet Singh Denounces Trucker Convoy, Disagrees with Brother-in-Law's Donation to the Cause.” *CBC News*, January 26, 2022. https://www.cbc.ca/news/politics/singh-trucker-convoy-brother-in-law-1.6328689.

Taylor, Nov. 9, 2022. “Poilievre Stands by ‘Freedom Convoy’ Support, but Will Wait to Weigh in on Evidence.” The Toronto Star, November 9, 2022. https://www.thestar.com/politics/poilievre-stands-by-freedom-convoy-support-but-will-wait-to-weigh-in-on-evidence/article_622c6ae9-449d-5860-8818-49e690dcd3ba.html.

The BBC staff. “Freedom Convoy: US Urges Canada to End Blockade by Truckers,” February 11, 2022. https://www.bbc.com/news/world-us-canada-60342800.

The Canadian Press. “Convoy Blockades Halted Almost $4B in Trade, Inquiry Hears | CBC News,” November 16, 2022. https://www.cbc.ca/news/politics/convoy-economics-1.6653986.

———. “G20 Summit Report: Police Violated Civil Rights, Used Excessive Force | National Post,” May 16, 2012. https://nationalpost.com/news/police-violated-civil-rights-acted-illegally-says-scathing-report-on-g20-summit.

———. “‘This Is Love’: Defence to Show Different Side of ‘Freedom Convoy’ Social Media Posts.” Lacombe Express, September 14, 2023. https://www.lacombeexpress.com/news/this-is-love-defence-to-show-different-side-of-freedom-convoy-social-media-posts-6562790.

The Federal Court of Canada. Canadian Frontline Nurses v. Canada (Attorney General), No. T-316-22; T-306-22; T-382-22 T-347-22 (Federal Court January 29, 2024).

The Global News Staff. “Trucker Convoy: Protesters Clean-up Terry Fox Statue in Ottawa Following Outcry | Watch News Videos Online.” Global News, January 31, 2022. https://globalnews.ca/video/8582676/trucker-convoy-protesters-clean-up-terry-fox-statue-in-ottawa-following-outcry/.

The Superior Court of Justice - Ontario. Good v. Toronto Police Services Board, No. CV-10-408131CP (Superior Court of Justice October 22, 2020).

Tran, Mark. “Hundreds Arrested after G20 Protesters Riot in Toronto.” *The Guardian*, June 27, 2010, sec. World news. https://www.theguardian.com/world/2010/jun/27/g20-toronto-protest-riot.

Tunney, Catharine. “CSIS Didn’t Feel Convoy Protests Constituted a National Security Threat under the Law: Documents.” *CBC News*, November 14, 2022. https://www.cbc.ca/news/politics/convoy-protest-emergencies-act-ottawa-1.6648413.

———. “Federal Government Met the Threshold to Invoke Emergencies Act: Rouleau.” *CBC News*, February 17, 2023. https://www.cbc.ca/news/politics/poec-report-released-friday-1.6750919.

West, Leah, Michael Nesbitt, and Jake Norris. “Invoking the Emergencies Act in Response to the Truckers’ ‘Freedom Convoy 2022’: What the Act Requires, How the Government Justified the Invocation, and Whether It Was Lawful.” *Criminal Law Quarterly* 70, no. 2 (May 1, 2022): 262–91. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4136678.

Wherry, Aaron. “Conservatives Hitch Their Wagons to the Convoy Protest without Knowing Where It’s Going.” *CBC News*, February 1, 2022. https://www.cbc.ca/news/politics/poilievre-conservative-otoole-convoy-vaccine-mandate-1.6335286.

Williams, Nicole. “The Trucks Have Left Ottawa, but ‘phantom Honking’ Lingers for Many Downtown.” *CBC News*, February 26, 2022. https://www.cbc.ca/news/canada/ottawa/convoy-protest-phantom-honking-1.6363104.

Yildirim, Deniz. “Analyzing the Freedom Convoy through Demand and Supply-Side Perspectives in Far Right Literature,” December 12, 2024. http://hdl.handle.net/1993/38712.