



Written by [Michael Tennant](#) on February 21, 2022

Alberta to Challenge Trudeau's Emergency Powers in Court

The province of Alberta plans this week to file a court challenge to Canadian Prime Minister Justin Trudeau's invocation of the Emergencies Act, Alberta Premier Jason Kenney announced Saturday.

"The federal government's invocation of the Emergencies Act is an unnecessary and disproportionate measure that can violate civil liberties, invades provincial jurisdiction, and creates a very dangerous precedent for the future," Kenney said in a [video posted on Twitter](#).

Last week, Trudeau invoked the law for the first time since its 1988 passage, [claiming](#) it was necessary because the Freedom Convoy "blockades are harming our economy and endangering public safety."



AP Images
Alberta Premier Jason Kenney

According to the [Canadian Broadcasting Corporation \(CBC\)](#), "The act gives the federal government temporary powers to quell protests by, among other things, banning travel to protest zones and prohibiting people from bringing minors to unlawful assemblies. The act also allows the federal government to restrict protesters' access to bank accounts."

"Folks in this country have the right peacefully and lawfully to protest," Kenney pointed out in his video.

At the same time, "Protesters cannot be allowed to blockade the core of any Canadian city, much less our capital, Kenney explained, no matter what their cause," reported [Edmonton Sun](#) columnist Lorne Gunter. Kenney maintained that provincial law-enforcement authorities are perfectly capable of handling such situations, as they did in the cases of blockades at the Alberta-Montana border and the Ambassador Bridge between Ontario and Michigan.

Kenney claims that, in a teleconference with Trudeau last week, six out of ten provincial premiers expressed their opposition to invoking the Emergencies Act, obviously to no avail. Kenney also wrote a letter to Trudeau [stating](#) that employing the law was "contrary to the wishes of Alberta" and that the Freedom Convoy protests, while "disruptive at times," "do not represent a national emergency."

The Emergencies Act "was designed to come into effect at the failure of the state," Kenney told Gunter. "However, there is no insurrection or coup."

"So, the question then is why [is] the federal government using the power that is not necessary to seize bank accounts and assets, for example, from people arbitrarily, extrajudicially, without court orders, based on their opinions or who they've donated to, powers really designed to interrupt things like terrorist financing," Kenney said in the video.

"It doesn't make sense."



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It does make sense, however, if one understands that these arbitrary measures are intended to quash any and all dissent that does not empower the state. Indeed, governments engaging in such tactics are careful to designate dissenters as “domestic extremists, domestic terrorists, seditionists, traitors, insurrections [sic],” observed [Glenn Greenwald](#). “Applying terms of criminality renders justifiable any subsequent acts of repression: we are trained to accept that core liberties are forfeited upon the commission of crimes.”

“What is most notable, though, is that this alleged criminality is not adjudicated through judicial proceedings — with all the accompanying protections of judges, juries, rules of evidence and requirements of due process — but simply by decree,” Greenwald added.

Such decrees increasingly involve denying dissenters access to financial services, which is exactly what Trudeau is doing. His government is “even considering having financial institutions freeze the accounts of anyone who used a credit card to donate a few dollars to the convoy,” wrote Gunter.

Kenney alleged that the banking provisions of the Emergencies Act are being used not to disrupt terrorist financing, but to harass “people whose opinions they [the Trudeau government] disagree with.” And he contended that allowing the government to get away with it “sets a very dangerous precedent.”

Kenney placed most of the blame for the current impasse with the Freedom Convoy on the prime minister. “He provoked this situation,” Kenney [told a CTV interviewer](#). “He’s added fuel to the fire by essentially calling all of the protesters Nazis.”

Moreover, he said, “the trucker vax mandate has no compelling public-health rationale.” With “tens of millions of active Omicron infections across North America, the idea that a few thousand unvaccinated truckers ... somehow constitute a public-health menace is ridiculous.” It’s even more ridiculous coming at a time when most governments are easing their COVID-19 restrictions.

Friends of freedom ought to share Gunter’s “hope” that “the Federal Court agrees the Trudeau government has overstepped its bounds.”



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