

## For Justin Trudeau, It Only Matters Who Is Blockading

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On Tuesday, February 15, Canadian Prime Minister Justin Trudeau invoked the Emergencies Act of 1988 to try to end the continuing demonstrations by truckers in that country. The demonstrators called themselves a “freedom convoy”. Opponents have claimed that the convoy has been supported monetarily and logistically by certain right wing factions, including those based in the United States.

The truckers came thousands of miles from across Canada to descend on the capital of Ottawa, where they refused to leave until Trudeau's vaccine mandate for truckers entering from the United States is repealed. However, Trudeau refused to meet with the truckers, who later expanded their protest by blocking certain international crossings and other infrastructure. The Prime Minister then vilified them and in effect declared martial law.

The day after invoking the Emergencies Act, Trudeau gratuitously accused a grandchild of Holocaust survivors of supporting people who wave swastikas. Before she could demand an apology, Trudeau fled the Parliament.

While little noticed, this is not the first time Canada's Liberal Party under Justin Trudeau has faced protestors blockading vital Canadian economic infrastructure. Exactly two years ago, protestors opposed to a natural gas pipeline in the Canadian west blockaded and shut down Canada's rail system.

That protest eventually fizzled following the outbreak of the coronavirus pandemic, but Mr. Trudeau's language and response were far different then to what they are now, although arguably the threats to the interests of the country were and are of the same scale and type.

Unlike now, Trudeau never threatened to invoke the Emergencies Act against the railroad blockaders. He also never called the protestors racists, bigots, science-deniers, followers of swastikas or any of the other slurs and epithets to which he has subjected the truckers. Why not? If anything, the protests of 2020 were far more dangerous to the Canadian economy and the interests of its citizens than those of 2022.

The cynic in all of us says that the reason Trudeau took such a hard line with the truckers while playing nice with the railroad blockaders had less to do with the danger to Canada than with his political agenda. The railroad blockaders were speaking Trudeau's language. They were protesting fossil fuel pipelines, putting their protests in lock step with the Liberal Party agenda.

By contrast, the truckers are protesting vaccine mandates, which are heavily supported under the Liberal Party agenda. As with the pandemic itself, the politics of all of this remain unclear. Oil and gas prices are skyrocketing. The feeling certainly in Canada's west is that thanks to the anti-fossil fuel sentiment so often expressed by the Liberal Party and the resultant policies that among other things have left Canada with no domestic ability to export liquid natural gas, Canada has lost a great chance to improve its economy while helping Western security and even the ecology (by encouraging the shift away from coal). However, it is just too early to draw any conclusions about how Trudeau's invoking of the extraordinary powers may play in the long term.

What is clear is that there is growing controversy up north as to where Canada goes from here. With about a 90% national vaccination rate and currently high levels of compliance with vaccine mandates and the like, Canadians have overall been far more supportive of governmental controls on its citizens to fight the pandemic than in the United States. However, Trudeau has now given himself and his government truly extraordinary powers generally considered, until now, to be reserved only to face a true existential threat. The coronavirus is a lot of things, but it hardly seems to be that. But with Trudeau and the Liberal Party having chosen one type of economic blockade to invoke such an extreme measure yet not with another that is very similar, will this lessen the tolerance of Canadians for such laws to be on the books at all? The Emergencies Act was ratified by the Parliament on February 21, but not without substantial public outcry. Will public sentiment begin to shift in greater numbers away from such things as mandated mask wearing and vaccine compliance? Indeed, will Parliament overreact and consider forbidding or making it more difficult for the government to do anything similar in the future, when perhaps it might really be needed in the face of a true existential threat?

Since the pandemic began, perhaps the single item that has most infuriated citizens about their political leaders in many locations has been the growing sense among the public that their political leaders may be using the pandemic for their own (*i.e.*, political) purposes and interests. For two years Canadians largely avoided such political polarization and, as noted, have shown a high level of national compliance with coronavirus restrictions in that country. In the last few months, however, as Canada's vaccination rate approached 90% but its obtrusive anti-coronavirus mandates still remained in place with no hint from the government as to when they would ever be lifted, that sense of national solidarity has begun to wane. Now, with the invoking of the Emergencies Act it has frayed even more so. The fact that Prime Minister Trudeau acted entirely differently when faced with a similar blockade of key Canadian infrastructure just two years earlier can only heighten that sense of inconsistency, if not politicization.

Two years ago, it would have been extraordinary to imagine that the single western democracy most at knife's-edge would be Canada. The next few weeks will be crucial to see how our brethren to the north can navigate their way forward, and perhaps some lessons can be learned in the United States from Canada's experience as well.

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**ATTORNEYS MENTIONED**

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