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Columnists

# GUNTER: Alberta Premier Jason Kenney filing legal challenge to end Trudeau's Emergencies Act

*In an exclusive interview with Postmedia, Kenney said the use of Canada’s most powerful law was “unjustified in the circumstances,” an “overreach,” a violation of due process and “an intrusion into provincial jurisdiction.”*

Lorne Gunter  
Feb 19, 2022 • 5 days ago • 3 minute read • [292 Comments](#)



Alberta Premier Jason Kenney, left, and Prime Minister Justin Trudeau. Photo illustration

Alberta Premier Jason Kenney and his UCP government are so disgusted by the federal Liberals’ imposition of the Emergencies Act to end the truckers’ blockade of downtown Ottawa that they will file a legal challenge in Federal Court in Ottawa early next week to end Prime Minister Justin Trudeau’s arbitrary and high-handed action.

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In an exclusive interview with Postmedia, Kenney said the use of Canada's most powerful law was "unjustified in the circumstances," an "overreach," a violation of due process and "an intrusion into provincial jurisdiction."

As a consequence, lawyers representing the Alberta government will be asking judges not to overturn the act, but rather to suspend its use in the current situation.

The premier doesn't want anyone to misunderstand his motives. "The situation in Ottawa is serious. Law and order has to be restored." Protesters cannot be allowed to blockade the core of any Canadian city, much less our capital, Kenney explained, no matter what their cause.

"But the Emergencies Act was designed to come into effect at the failure of the state," at a time when it was possible our democratic institutions might fall. "However, there is no insurrection or coup," Kenney said pointedly.

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"Police services already have all the powers they need through provincial authority. All the tools already exist" to clear the blockade and restore order, Kenney believes. The feds, for instance, don't need the power to "seize and freeze" people's bank accounts and other assets.

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Police officers patrol on Wellington Street, as truckers and supporters continue to protest vaccine mandates, in Ottawa Feb. 17, 2022. PHOTO BY LARS HAGBERG /Reuters, file

The banking provisions of the Emergencies Act were, according to Kenney, “designed to interrupt terrorism financing,” to choke off the money supply of radical cells plotting attacks within Canada.

Now, according to the premier, the Trudeau government is instead using those provisions to harass “people whose opinions they disagree with.”

Federal Justice Minister David Lametti even hinted on CTV that the feds are even considering having financial institutions freeze the accounts of anyone who used a credit card to donate a few dollars to the convoy.

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Kenney thinks if the Trudeau-ites are allowed to get away with freezing the finances of their political opponents, even if only for a few days “it sets a very dangerous precedent.”

“Let’s stick to the basics here — the basics of law enforcement.”

Police in Ottawa have always had the authority to ticket and even arrest drivers parked illegally for days on end. Indeed, Kenney points out, the blockades at the Alberta-Montana border and on the Ambassador Bridge between Windsor, Ont. and Detroit were both resolved through ordinary police action.

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Kenney claims that in the PM's teleconference with premiers early this week, six of the 10 provincial premiers urged Trudeau not to implement the Emergencies Act. Trudeau went ahead and did it anyway.

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Kenney accuses Trudeau of “highly politicizing this from Day 1.”

First, “the feds provoked a bunch of truckers by mandating vaccines when they crossed the border.” At a time when most provincial governments were easing their pandemic restrictions, Trudeau decided to increase federal restrictions. “There was no defensible medical reason to require them to be vaccinated.”

It's not as if truckers were super-spreaders.

The roadblock on Highway 4 outside of Milk River heading towards the Coutts border crossing as protesters continue to slow down traffic but still keep a lane open in both directions on Tuesday, Feb. 8, 2022. PHOTO BY DARREN MAKOWICHUK /Postmedia, file

Then, of course, there was the way the prime minister fanned the flames he himself ignited, by insulting the convoyers, calling them a “fringe minority” and insisting they were racist and sexist.

Kenney doesn't expect any other province to join Alberta's court challenge, at least not right away.

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If the federal government is allowed to use the Emergencies Act to perform ordinary police functions and harass their opponents, “this sets a dangerous precedent for the future if they can reach in over top of (the provinces) and usurp our jurisdiction on law enforcement.”

Let’s hope the Federal Court agrees the Trudeau government has overstepped its bounds.

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