

Canadian Civil Liberties Association lawyer Ewa Krajewska cross-examines Deputy Prime Minister and Minister of Finance Chrystia Freeland (November 24, 2022) about the importance of protest in a democracy.

[This is an excerpt]

Ewa Krajewska (EK): *Now, Minister, from the Canadian Civil Liberties Association, our concern is that the Emergencies Act should not be used to quash political dissent. You understand that?*

Chrystia Freeland (CF): I totally do, and if I can be personal for one moment. In my life as a person and a writer and an elected politician, I would always prefer for myself to be on the same side as the Civil Liberties Association. These are values I hold very dear, so I understand the urgency with which you champion them.

EK: *So I think you would also agree that the Emergencies Act should not be used because demonstrators are disagreeing with government policy. I think that's a very low threshold here that I'm putting to you.*

CF: Yes, I absolutely agree with that.

EK: *And, I think you also know in your life, both as a as a journalist and as a minister, that on occasion, the right to freedom of assembly and freedom of expression includes actions that are of civil disobedience.*

CF: I do recognize that that sometimes happens and I also recognize that laws are enforced against people committing acts of civil disobedience. People can believe in something and can bravely commit those acts and pay the price of the legal penalty.

EK: *Exactly, and civil disobedience will on occasion also involve serious economic disruption. I'll give you a few examples: a general strike is a form of civil disobedience that causes economic disruption, you'd agree with that?*

CF: If the tendency of these questions is to equate the economic harm that was being done to Canada and that would have risen, had these illegal occupations and blockades continued with the harm done by a general strike, then I strongly disagree.

EK: *Okay. And sometimes blockades by indigenous people cause economic harm, correct?*

CF: They do.

EK: *And sometimes occupations like Occupy Wall Street or Occupy Toronto may cause economic harm.*

CF: Certainly. But the economic harm, to take those two specific instances, very, very limited, actually, compared to the damage being done to Canada. And if I may, had what was happening in Canada being about, I don't know, the field behind the National Art Gallery being occupied for a long time and maybe some comparable public park in Windsor being occupied, and so on across the country, that would have been entirely legitimate protest, but that wasn't what was happening.

***EK:** Okay, maybe I can take you to an example closer to home, for me, when Solidarity had a general strike in Poland and blocked the ports, Western democracies applauded that action. That economic disruption was viewed as a legitimate form of political protest at that time.*

CF: I'm going to allow myself one personal comment, which is I did make a bet with myself that you and I would end up talking about Solidarność.

***EK:** Coming from the Eastern Bloc, it was going to happen.*

CF: Yeah, I am aware of that and I don't think you'll be surprised to think that I thought about that at the time, and more recently and more specifically, I thought about the Maidan in Ukraine when we took this action. Let me talk about a few differences, and the main one is this: Solidarność, as you know very well, was a protest against a government that was illegitimate. That was from whence it drew its power and legitimacy. This was people rising up against an authoritarian, and I would even say, in the case of Poland, colonial regime.

In Canada, what happened was, a democratically elected government that was actually acting on policies that we had campaigned on just that summer, so it was a fresh democratic mandate. There was no lack of transparency with the people of Canada and people who disagreed with those policies were holding the country's economy hostage and that was not appropriate.

***EK:** I do want to raise a concern. I'm assuming you're not saying that democracy only operates at the time of casting our ballot. Obviously, I think you acknowledge that we are able to protest in between those times. Even after you were democratically elected, people could protest our government's policies, correct?*

CF: A hundred percent, and I am in no way suggesting that the act of protest is anti-democratic. On the contrary. The right to protest, I think, it's a feature, not a bug of democracy. But what I was saying, which I believe very strongly, is there is a big difference between acts of popular resistance and even revolution against an authoritarian regime, and protest in a democracy.

***EK:** Minister, you started your comments this morning with the bigger geo geopolitical issues here between President Putin trying to demonstrate that his way of dictatorship is preferable to Western democracies. I think you can appreciate that there have been countries in the world that have said you should invest in us because we are politically stable. We do not have general strikes. We do not tolerate dissent. I want to end on this. Surely you agree that in Canada, which*

is a democracy, the right to protest, the right to demonstration must be sedulously protected, and that economic security does not trump those rights.

CF: So many things packed in there, and many of them I agree with. I have reported on a lot of authoritarian regimes that spoke about their stability as something that should be attractive to investors, and clearly, I strongly disagree with that argument. My concern when it came to the economic security of Canada was about our ability not to not have political debate. Political debate is a sign of a healthy society. The fact we're having this commission, that's a healthy democracy. The fact that in question period, we yell at each other, I really don't like it, but it's a sign of a healthy democracy. What was undermining of Canada's economic security, sufficiently dangerously that I believe we needed to act and it was the right thing to do, was that our trade was being stopped and was being seriously blocked. And I was very worried that that was handing arguments to U.S. protectionists who were already on the move, and that had that relationship been seriously damaged, that would really hurt Canada.

EK: *Minister, my last point, you mentioned at some point that it would have been one thing for the protesters just to stand with a placard at the War Museum and protest. You mentioned that today in testimony with me.*

CF: I didn't say war museum and I didn't say placard.

EK: *Sorry, I'm thinking I'm thinking of a different Ottawa monument. But you agree that public assembly and the right to protest goes beyond simply me standing on a green lawn in front of a government building; that it does encompass more than that, and that Canada should protect that to be a vibrant democracy?*

CF: I am not going to, right now, try to define with you, specifically, what is, give examples of protests. But what I will say, and I really agree with, and I think one of the lines that was very much in my mind in this decision, is I do agree with you that in a democracy, the right to protest is important and has to be protected. I mean, that's such an obvious statement and I agree with that. So, since it's obvious, I'll say it, and I won't gild the lily.

EK: *Thank you.*