

Canadian Justice Review Board

In Alta Tende, Integritatem Pete Prinipiaque

February 14, 2022

The Right Honourable Mary Simon,
Governor General for Canada
Rideau Hall, 1 Sussex Drive
Ottawa ON K1A 0A1

Your Excellency:

You are no doubt aware that the Prime Minister of Canada, the Right Honourable Justin Trudeau, and his Cabinet, including your Privy Council, has invoked the *Emergencies Act* in your name. Since many have questioned the need for such a draconian and unprecedented measure and considering that the Provinces have sufficient legal remedies that have been implemented, there does not appear to be any justification to direct such powers against the peaceful protest of your subjects.

The proclamation of this Act is within the authority of your Office. Since it appears well established by the Globe & Mail that the Trudeau government decided in September of 2021 to use vaccinations as a political wedge, and since trucker operators have not been mandated during the two years that were the riskiest height of the covid situation, the obvious question is: why now? There is a concern that Her Majesty the Queen's official representative is being misused purely for partisan purposes. This improper purpose has been revealed by the public remarks of Liberal member Joel Lightbound who represents the Louis-Hebert riding in Quebec City as well as by other like-minded Liberal Parliamentarians who possess inside knowledge of Mr. Trudeau's true partisan motivations.

There are a number of sections in the *Emergencies Act* that confirm your legislative authority to revoke, by proclamation, the declaration. As set out in 2009 "*These emergency powers are properly known as the 'royal prerogatives' or 'reserve powers'; and they include, the prerogative to dismiss and appoint first ministers, to disallow or reserve legislation and to refuse the dissolution of parliament. Essentially, should circumstances arise, these eleven so-called 'ceremonial' vice-regals have the power to dismiss their premier or prime minister, call for an election, offer the government to an opposition party or coalition and even veto legislation. All of which powers do not seem too 'ceremonial'. Yet, while it is true that the royal prerogatives are rarely used this does not preclude their future use, as in 1938, the Supreme Court ruled "that even though a power has not been used for a long time, it does not mean that it is no longer legal authority."*¹

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¹ "The Governor General and Lieutenant Governors: Canada's Misunderstood Viceroys"

Therefore, and in light of the objections that have been expressed by Provincial Premiers, it would be most appropriate that you exercise your authority to disallow the use of the *Emergencies Act* in the interest of peace, order and good government and the preservation of the Constitutional right to peaceful protest. The use of this Act is reserved for dire circumstances and not for partisan political ones.

With deepest respect

A handwritten signature in black ink, appearing to read "E Marshall". The signature is written in a cursive, flowing style.

Elizabeth F. Marshall,
Chairperson – Canadian Justice Review Board