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COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

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**Commissioner / Commissaire
The Honourable / L'honorable
Paul S. Rouleau**

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City of Windsor

Ms. Jennifer L. King
Mr. Michael Finley
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IV

Appearances / Comparutions

Mr. Peter Sloly

Mr. Tom Curry

Ms. Rebecca Jones

Mr. Nikolas De Stefano

Ottawa Police Service

Mr. David Migicovsky

Ms. Jessica Barrow

Ontario Provincial Police

Mr. Christopher Diana

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V

Appearances / Comparutions

| | |
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| The Democracy Fund, Citizens for Freedom, JCCF Coalition | Mr. Rob Kittredge Mr. Antoine D'Ailly Mr. Alan Honner Mr. Dan Santoro Mr. Hatim Kheir Mr. James Manson |
| Canadian Civil Liberties Association | Ms. Cara Zwibel Ms. Ewa Krajewska |
| The Convoy Organizers | Mr. Brendan Miller Ms. Bath-Sheba Van den Berg |
| Insurance Bureau of Canada | Mr. Mario Fiorino |

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1 Ottawa, Ontario

2 --- Upon commencing on Thursday, November 3, 2022, at 9:30 a.m.

3 **THE REGISTRAR:** Order. À l'ordre. The Public
4 Emergency Commission is now in session. La Commission sur
5 l'état d'urgence est maintenant ouverte.

6 **COMMISSIONER ROULEAU:** Good morning. Bonjour.
7 Well, we're going to start the day a little differently today.
8 Rather than have one of the convoy or protester witnesses, we're
9 going to start with a Commission counsel presentation.

10 **MR. DANIEL SHEPPARD:** Yes. Good morning, Mr.
11 Commissioner. It's Daniel Sheppard for the Commission. If Mr.
12 Clerk could bring up the PowerPoint presentation.

13 **--- PRESENTATION BY MR. DANIEL SHEPPARD:**

14 **MR. DANIEL SHEPPARD:** Mr. Commissioner, today the
15 Commission is presenting its next overview report dealing with
16 fundraising in support of protesters. Next slide, please.

17 COMOR00000005 describes the major fundraising
18 activities that took place to provide money to support
19 protestors in Ottawa. This overview report describes a variety
20 of entities that were involved in this process including
21 crowdfunding platforms, financial institutions, payment
22 processors, as well as cryptocurrencies.

23 The report provides a narrative of meetings and
24 decision-making that took place with respect to how these
25 fundraisers would be organized and constructed, and how money
26 would be distributed, and it provides information available to
27 the Commission about the ultimate sources and disposition of
28 approximately \$24M in donations. Next slide.

1 Before getting into the results of the
2 investigation, a few words about the process that the Commission
3 used. It began by reviewing information provided by the parties
4 to the proceeding, however, a great deal of the information
5 necessary to complete this investigation was not in the hands of
6 the parties. The Commission, using its powers of summons, as
7 well as negotiations, obtained additional documents from six
8 non-parties to this proceeding as well as engaging in a open-
9 source investigation for further information. Commission
10 counsel also interviewed 10 witnesses who provided statements
11 that then were used to complete this report. Next slide,
12 please.

13 There were certainly a number of fundraisers that
14 were in play during the Ottawa protests. This overview report
15 focuses, however, on four main sources of funding, the GoFundMe
16 and email money transfer campaigns associated with the Freedom
17 Convoy, the Adopt a Trucker crowdfunding and email money
18 transfer campaign, the second Freedom Convoy fundraiser posted
19 on the GiveSendGo platform, and a subset of cryptocurrency
20 campaigns that raised virtual currencies in support of
21 protestors. Next slide.

22 This represents the results of the investigation.
23 Each line depicts a different source of funds and tracks how
24 those funds were distributed and how they were dealt with at
25 various points by a number of different intermediaries. The
26 thickness of each line represents the amount of funding in
27 question. I'll return to this slide towards the end of my
28 presentation to review exactly what the Commission learned about

1 the sources and final destinations of funds. Next slide,
2 please.

3 Before turning to that, however, it's useful to
4 review some of the individuals and entities that played
5 significant roles in the fundraising associated with the Freedom
6 Convoy. Some of those individuals include Tamara Lich, who was
7 the creator of the original GoFundMe and email money transfer
8 campaigns for the Freedom Convoy; Chris Garrah, the organizer of
9 the Adopt a Trucker Campaign and its associated fundraisers; Chad
10 Eros, an accountant who provided advice to the Freedom Convoy
11 organizer, created the Convoy Corporation and played a
12 significant role in the creation of the GiveSendGo campaign; and
13 Jacob Wells, the co-founder of GiveSendGo who was also involved
14 in the move of the Freedom Convoy crowdfunding campaign to his
15 platform. Next slide, please.

16 There are also a number of companies that were
17 involved in the various forms of fundraising. You've already
18 heard me refer to GoFundMe and GiveSendgo which are two
19 crowdfunding platforms that take in donations in support of
20 causes. There are also Canadian financial institutions that had
21 important roles, such as the Toronto Dominion Bank and the Royal
22 Bank of Canada. These were two financial institutions that
23 received some of the funds. And finally, payment processors
24 like Stripe and it's Canadian subsidiary, Stripe Payment Canada
25 Limited, played an important role in the background to these
26 fundraisers, as I'll discuss later in my presentation and is set
27 out in more detail in the overview report. Next slide, please.

28 One thing that will become apparent as one

1 reviews the overview report is that frequently there were events
2 that were taking place in parallel.

3 It is not a strictly linear story that can be
4 told, but rather one has to understand that different actors
5 were engaged in different forms of fundraising conduct at the
6 same time.

7 The first part of the story that the overview
8 report details has to do with the period January 14 to February
9 2nd of 2022 associated with the creation of the Freedom Convoy
10 GoFundMe campaign and its associated e-transfer campaign.

11 Next slide, please.

12 The story begins with Tamara Lich and the
13 creation of a crowd funding campaign on the GoFundMe platform on
14 January 14th of 2022. At the same time, or rather four days
15 later, Ms. Lich also made a post to Facebook that put forward an
16 email address that solicited direct email money transfer
17 donations in support of the Freedom Convoy. Both the GiveSendGo
18 campaign and the email money transfer campaign were associated
19 with a bank account at the Toronto Dominion Bank in Ms. Lich's
20 name.

21 And both campaigns began to receive funds on the
22 days that they were created.

23 Next slide, please.

24 In its interview with Commission counsel,
25 representatives from GoFundMe indicated that they became aware
26 of the crowd funding campaign on their platform within hours of
27 its creation. This was because it was flagged through its
28 algorithms due to the very high rate of donations that were made

1 very early in its creation.

2 This flagging caused individuals within GoFundMe
3 to review the campaign and relatively early on those individuals
4 began to be concerned about the ability of this fundraiser to
5 comply with the GoFundMe terms of service. In particular, the
6 concern related to the GoFundMe terms related to campaigns
7 distributing money in accordance with their description.

8 When an individual creates a crowd funding
9 campaign they have to describe what it is that they're going to
10 do with the money that's raised. GoFundMe requires people who
11 organize campaigns on their platform to actually distribute
12 money in accordance with what they tell the public they will do
13 with it.

14 In the case of the Freedom Convoy fundraiser the
15 description said that it would do certain things with the money
16 such as:

17 "We are asking for donations to help
18 with the costs of fuel, food, and
19 lodgings. Funds will be spent to help
20 cover the costs of fuel for our
21 truckers first and foremost will be
22 used to assist with food if needed, and
23 contribute to shelter if needed. Any
24 leftover donations will be donated to a
25 credible veteran's organization which
26 will be chosen by the donors."

27 GoFundMe reported that it had concerns with these
28 statements. They indicated that, for example, they were

1 uncertain how it would be possible for what was now thousands of
2 donors to all agree on a credible veteran's organization that
3 could receive leftover funds.

4 Because of these initial concerns they tasked
5 what they called their VIP team to reach out to Ms. Lich. This
6 is a group of GoFundMe employees who are responsible for dealing
7 with high profile fundraisers and they reached out to Ms. Lich
8 starting on January 16th of 2022 to discuss the fundraiser and
9 how the funds might be spent.

10 Next slide, please.

11 These communications continued between the 16th
12 and January 27th, initially with Ms. Lich about very quickly
13 turned over to a group of other individuals who were working
14 with her to manage the campaign and to deal with GoFundMe.

15 Over the course of this period, GoFundMe
16 representatives posted questions and received answers. And by
17 January 27th they had reached the part where they felt
18 comfortable releasing at least some of the money that had been
19 raised. Up until this point, donations remained in the control
20 of GoFundMe.

21 On January 27th, in order to formalize the
22 assurances that Ms. Lich and her associates had provided
23 GoFundMe, they provided something that they referred to as the
24 attestation letter.

25 The attestation letter was a document that they
26 asked Ms. Lich to sign that set out a number of obligations on
27 her part that she would have to agree to in exchange for access
28 to the first \$1 million of funds. This included pledges that she

1 would act as a fiduciary for the beneficiaries of the fundraiser
2 -- that is to say the truckers involved in the Ottawa protests;
3 that she would deliver funds in a manner that was consistent
4 with what she had set out in the fundraiser itself; a series of
5 accountability mechanisms such as requiring truckers to sign
6 registration forms and to provide receipts in order to receive
7 reimbursement; and to make reimbursements through email money
8 transfers to create a form of a digital paper trail that could
9 be tracked.

10 Finally, there was a requirement for the group of
11 advisors that had surrounded her on these matters to form a
12 formal finance committee that would be involved in overseeing
13 the distribution of funds.

14 Ms. Lich signed the attestation letter on January
15 27th and returned it to GoFundMe.

16 Next slide.

17 It is at this point that GoFundMe decided to
18 release \$1 million Canadian to Ms. Lich's bank account.
19 However, the money did not actually get transmitted on January
20 27th and this led to some confusion amongst the various actors.
21 As the Commission discovered, while GoFundMe had reached the
22 decision to release the funds on January 27th it wasn't until
23 February 1st that an actual transaction was initiated.

24 In the time between January 27th and February 1st,
25 Chad Eros, the accountant who had by this point had been brought
26 in by the organizers to assist them in their dealing with
27 GoFundMe, began to express concerns about the idea that funds
28 would be sent directly to Ms. Lich's personal bank account. In

1 his view it would be more appropriate for there to be a non-
2 profit corporation that would received donated funds and would
3 manage their distribution.

4 To that end, on January 30th, again after the
5 money was agreed to be released but before any release of funds
6 took place, Mr. Eros incorporated the Freedom 2022 Human Rights
7 and Freedoms non-profit corporation which is referred to in the
8 overview report as the Convoy Corporation.

9 As I've mentioned, February 1st was the date which
10 the actual fun fund transfer from GoFundMe was initiated.
11 Records obtained from Toronto Dominion Bank indicate that on
12 that date Chris Barber was added as a second signatory to Mms.
13 Lich's account that was receiving the funds. Records also
14 showed that second account at TD Bank was opened jointly between
15 Ms. Lich and Mr. Barber on that date. The overview report
16 refers to these as the first and the second TD accounts,
17 respectively.

18 February 2nd, in the early morning hours was when
19 the \$1 million was in fact deposited into the first TD account.
20 However, for reasons that I'm going to get into later in my
21 presentation, very little of that money was ever accessed. And
22 on February 3rd, TD Bank itself placed holds on both the first
23 and the second TD account.

24 Next slide, please.

25 Before continuing the story of the GoFundMe
26 fundraiser I'm going to speak a little bit about a second
27 fundraiser that was taking place during the same period of time,
28 the Adopt-A-Trucker fundraiser on the GiveSendGo platform.

1 Next slide, please.

2 Chris Garrah articulated the concept of Adopt-A-
3 Trucker on Facebook. The idea was to pair Ottawa area residents
4 with incoming truckers so that the truckers could receive
5 support like showers, food, and billets.

6 In order to support this concept, Mr. Garrah
7 created a crowd funding campaign on January 18th on GiveSendGo.
8 This campaign was attached to a bank account in his name located
9 at the Royal Bank of Canada.

10 Sometime after the creation of that crowd funding
11 campaign he also, with the assistance of a man known to the
12 Commission as Serge created a website. The website did a number
13 of different things including soliciting email money transfer
14 donations. Those donations were associated with an email
15 address that was also connected to the same RBC account.

16 And again, on January 18th, these campaigns began
17 to raise funds.

18 Next slide, please.

19 So I'm going to return now to the GoFundMe
20 campaign and discuss the events that took place that eventually
21 led to that campaign being shut down.

22 Next slide.

23 Now, I've already indicated that on January 27th,
24 GoFundMe had authorised the release of \$1 million in funds.
25 We'll recall that January 28th was the first day on which
26 protesters, as part of the Freedom Convoy, began to arrive in
27 Ottawa.

28 GoFundMe representatives told the Commission that

1 on January 28th they began to receive conflicting media reports
2 about the nature of the protests that were taking place. They
3 were aware of some media reports that described the protests as
4 peaceful, and other reports that described it as involving
5 harassment or unlawful activities. This led GoFundMe to have
6 concerns about term service compliance, not only with respect to
7 whether the funds would be distributed in accordance with the
8 description, but also their requirement that funds not be used
9 to fund unlawful conduct.

10 A series of further communications between
11 GoFundMe and convoy organisers then took place. On
12 January 31st, GoFundMe sent emails to organisers asking a series
13 of questions, and in particular, asking them to confirm that no
14 funds would be given to protesters that were engaged in a range
15 of unlawful activities. One of the activities specifically
16 mentioned by GoFundMe in their communications was blockades of
17 roads.

18 Subsequently, on February 1st, the day in which
19 the \$1 million transition was actually initiated, GoFundMe
20 emailed organisers asking a further series of questions,
21 including whether or not they would agree to publicly disavow
22 unlawful conduct that GoFundMe was concerned may be taking place
23 in Ottawa. GoFundMe asked the organisers to respond to their
24 questions within 24 hours. A response was not received within
25 that timeframe, and on February 2nd, the same day that
26 \$1 million was received into the First TD account, GoFundMe
27 decided to suspend the fundraiser pending further investigation.

28 Over the course of the next two days, a series of

1 important meetings took place. On February 2nd, representatives
2 of GoFundMe met with Deputy Chief Bell, of the Ottawa Police
3 Service, and on February 3rd, with Mayor Watson, of the City of
4 Ottawa.

5 On February 3rd, the Freedom Convoy organisers
6 also had a series of communications with GoFundMe. A letter
7 drafted by Keith Wilson, acting as counsel for the Convoy
8 Corporation, was sent responding to the questions posed in
9 GoFundMe's February 1st email. Subsequently, a telephone
10 conversation took place involving Mr. Wilson, Mr. Eros, other
11 associates of the fundraisers, and the GoFundMe platform.

12 In their interview with Commission Counsel,
13 GoFundMe representatives indicated that they left that meeting
14 unsatisfied with the responses that they had received, and they
15 continued to have concerns about the lawfulness of the protests
16 and the role that the funds might play in those protests.

17 On February 4th, GoFundMe had a second meeting
18 with Deputy Chief Bell. It was also on that date that
19 representatives of GoFundMe reported that they believed that
20 individuals associated with the Freedom Convoy leadership were
21 using social media to encourage harassment of GoFundMe
22 employees. GoFundMe reported that its employees had received a
23 number of threats after the decision was made to suspend the
24 fundraising campaign, and those threats increased in frequency
25 on February 4th.

26 In the evening of February 4th, GoFundMe made the
27 decision to cancel the fundraiser, and over the course of the
28 next 24 hours arrived at the conclusion that they ought to

1 refund all donations made to the platform.

2 Next slide, please.

3 The Overview Report also describes the events
4 that took place surrounding the move of the Freedom Convoy
5 fundraiser from the GoFundMe platform to the GiveSendGo
6 platform. But as I mentioned before, often events were taking
7 place in parallel, and as it turned out there were critical
8 events involved in that move to GiveSendGo that were taking
9 place as early as January 26th, even before Ms. Lich had signed
10 the attestation letter, let alone the GoFundMe campaign being
11 shut down.

12 Next slide please.

13 In order to understand this part of the story,
14 there is some additional individuals who have to be introduced.
15 On January 26th, a man named John Ballard reached out to Jacob
16 Wells, the co-founder of GiveSendGo. Mr. Ballard is understood
17 by the Commission to be associated with an American-based social
18 media platform called CloutHub. In the January 26th meeting,
19 Mr. Ballard spoke to Mr. Wells about the possibility of the two
20 men working together to convince the Freedom Convoy organisers
21 to move their crowdfunding campaign off of GoFundMe and onto
22 GiveSendGo.

23 In furtherance of this discussion, on
24 January 27th, Mr. Wells created what he described to the
25 Commission as a mock-up of a campaign on his platform, showing
26 what a Freedom Convoy fundraiser would look like on GiveSendGo.
27 Although to be clear, this was not active campaign; it was not
28 capable of receiving funds.

1 On January 28th, Mr. Ballard obtained Mr. Eros's
2 contact information by way of Mr. Garrah. Mr. Ballard contacted
3 Mr. Eros and asked him to join a phone conversation to discuss
4 the possibility of the Freedom Convoy raising funds on
5 GiveSendGo. Mr. Eros agreed to join that conversation.

6 However, before that phone call took place,
7 Mr. Eros reports receiving a phone call from another man named
8 James Peloso, who is associated with the organisation Taking
9 Back Our Freedoms. Mr. Eros and Mr. Peloso had not previously
10 had interactions with each other. Mr. Peloso indicated that he
11 should be involved in any phone call involving GiveSendGo
12 because Taking Back Our Freedoms had funders who would not agree
13 to fund the Freedom Convoy unless one of their individuals was
14 on the inside for discussions related to fundraising activities.

15 On January 31st, a meeting took place between
16 Mr. Eros, Mr. Wells, Mr. Peloso, Mr. Ballard, and another
17 individual named Jeff Brain, who is the founder of CloutHub.
18 During that meeting, Mr. Ballard described a plan to move the
19 Freedom Convoy off of GoFundMe and onto GiveSendGo. As part of
20 this plan, he also suggested that Freedom Convoy organisers
21 should use CloutHub as their main web presence to advertise
22 their campaign, and indeed, their movement as a whole.
23 Mr. Ballard also described how CloutHub would provide a secure
24 means of communication between organisers of the Freedom Convoy.
25 Mr. Brain, again the founder of CloutHub, also offered to
26 provide Freedom Convoy organisers a quarter-million dollar loan
27 to finance their operations, pending the ability for them to
28 access donated funds.

1 At the end of this meeting, no decision was made
2 with respect to taking CloutHub up on its offer to use its
3 services, or indeed to accept a loan from them. Indeed,
4 Mr. Wells and Mr. Eros, in their interviews with the Commission,
5 found it confusing that CloutHub was involved in these meetings
6 at all.

7 However, as a result of this meeting, Mr. Eros
8 and Mr. Wells did form a connection, and as a result of that
9 connection, an agreement was made to create a crowdfunding
10 campaign on GiveSendGo connected to the Convoy Corporation.
11 That campaign was created and went live on January 31st, again
12 prior to the release of funds the next day from the GoFundMe
13 campaign.

14 Ultimately, when the GoFundMe campaign was shut
15 down, Ms. Lich advertised the fact that the GiveSendGo campaign
16 was in existence, and funders then moved and made donations
17 there.

18 Next slide, please.

19 I mentioned before that payment processors played
20 an important role in the story of the fundraising of the Freedom
21 Convoy. This was a role that was played largely behind the
22 scenes, and it had the most significance when it came to the
23 GiveSendGo campaign. To the public, there was only ever one
24 campaign on GiveSendGo associated with the Freedom Convoy
25 fundraiser. However, for reasons connected with how Stripe
26 operates there were in fact, in effect, two campaigns associated
27 with the Freedom Convoy fundraiser on GiveSendGo. And in order
28 to understand why that came to be, one has to understand a

1 little bit about what payment processors are and how they
2 operate. Most crowdfunding platforms don't actually accept and
3 distribute funds themselves. They are, in effect, kind of a
4 social network shell that provides a platform to attract donors.
5 The actual work of receiving electronic donations and
6 distributing those donations to bank accounts are done by
7 payment processors like Stripe.

8 On the GiveSendGo campaign, in order to set up a
9 campaign at all, one needs to have a Stripe account. However,
10 in order to create a Stripe account, an individual has to have a
11 bank account to associate with it. This presented a unique
12 difficulty for Mr. Eros because, at this point, the Convoy
13 Corporation did not have a bank account. Recall that the Convoy
14 Corporation was only created the day before on January 30th. He
15 therefore could not create a Stripe account, and he therefore
16 could not attach it to the GiveSendGo campaign.

17 As a temporary solution to this problem, Mr.
18 Wells suggested that he use his Stripe account, attach it to the
19 campaign on GiveSendGo, and that is what happened. And so
20 between January 31st when the campaign first went live and
21 February 7th, the GiveSendGo campaign was actually attached to
22 Mr. Wells' Stripe account, and through that, his personal bank
23 account.

24 On February 7th, Mr. Eros did create a Stripe
25 account. However, that account was not connected to the Convoy
26 Corporation directly. By February 7th, the Corporation still did
27 not have a bank account. In order for Mr. Eros to create a
28 Stripe account, he reached an agreement with Keith Wilson to

1 have the Stripe account attached to Mr. Wilson's trust account
2 at his law firm. Once this took place on February 7th, the
3 fundraiser was switched over from Mr. Wells' Stripe account to
4 Mr. Eros' Stripe account. And from February 7th until February
5 10th or 11th, the evidence on that point is conflicting, donations
6 made to the GiveSendGo campaign went into Mr. Eros' Stripe
7 account. On either February 10th or 11th, the Stripe account was
8 switched back to Mr. Wells' Stripe account and all further
9 donations made to the GiveSendGo campaign went there.

10 Next slide, please.

11 I'll return to the crowdfunding campaigns in a
12 moment, but before I do, a few words about some of the
13 activities involving cryptocurrencies that were taking place.
14 The majority of these activities occurred between January 27th
15 and February 17th of 2022.

16 Next slide.

17 There were a number of cryptocurrency campaigns
18 and fundraisers taking place during the Freedom Convoy. This
19 overview report focuses on three main ones. The first was a
20 cryptocurrency campaign associated with Mr. Garrah's Adopt A
21 Trucker campaign. I'd mentioned before that an individual named
22 Serge created a website for Adopt A Trucker. In addition to
23 soliciting email money transfers, that website also provided
24 information that would allow individuals to donate any of six
25 different types of cryptocurrencies to the Adopt A Trucker
26 campaign. However, it appears that those cryptocurrencies were
27 not in the control of Mr. Garrah directly but were rather
28 controlled by Serge.

1 A second different type of cryptocurrency
2 campaign took place in association with Pat King. This was the
3 Freedom Convoy token campaign, a new cryptocurrency that was
4 created and marketed in association with the Freedom Convoy.
5 The idea behind this campaign was that individuals would
6 exchange pre-existing cryptocurrencies for this new
7 cryptocurrency called Freedom Convoy token. Built into Freedom
8 Convoy token was the process by which four percent of every
9 transaction involving it would be diverted to an entity called
10 the Freedom Convoy Foundation, the idea being that this would
11 provide a long-term source of funds for convoy protesters.
12 However, the Commission was unable to determine whether or not
13 such an entity even exists, and it appears that there is not an
14 active market today for Freedom Convoy token, and therefore,
15 funds are not flowing to any such entity.

16 The most significant cryptocurrency campaign
17 addressed in the overview report was the HonkHonk Hodl campaign.

18 Next slide, please.

19 This campaign was started by an Ottawa area
20 resident named Nicholas St. Louis on or about January 27th.
21 While Mr. St. Louis was the creator of the campaign, there were
22 a number of individuals that were associated with it at
23 different stages, including Benjamin Dichter. Using a
24 cryptocurrency crowdfunding platform called Tallycoin, this
25 campaign ultimately raised approximately 22 bitcoin in
26 donations. The value of those 22 bitcoin at the time was
27 approximately \$1.2 million Canadian, although today, the value
28 would be significantly lower. Of that money, approximately

1 800,000 was distributed to protesters involved in the Ottawa
2 protests. This was done by splitting \$800,000 worth of bitcoin
3 into 100 individual electronic wallets and then handing out in
4 sealed envelopes 100 sets of instructions on how to access 1 of
5 those unique online wallets. These were distributed to truckers
6 in Ottawa over a 24-hour period on February 16th and 17th of 2022.

7 Next slide, please.

8 We get to the part of the narrative contained in
9 the overview report that deals with how all of the funds we've
10 just been discussed were eventually blocked from arriving in the
11 hands of fundraisers. In order to understand this, it's useful
12 to understand two types of court orders that were involved in
13 the process that led to these funds being blocked. The first is
14 something called a restraint order. This is a type of order
15 that can only be obtained by the Attorney General of a province
16 or of Canada, and it exists within the *Criminal Code's* proceeds
17 of crime provisions. In essence, a restraint order is obtained
18 by the Attorney General when they're able to show that there are
19 reasonable grounds to believe that some property meets the
20 definition of offence-related property. Offence-related
21 property is defined to mean any property that is used in any
22 manner in connection with an indictable offence or is intended
23 to be so used. The effect of a restraint order is to prohibit
24 anyone from dealing in any way with the property in question
25 unless in accordance with the terms of the order.

26 The second type of order to understand is called
27 a Mareva injunction. A Mareva injunction is a civil court
28 order. It is ordinarily obtained by plaintiffs in civil

1 proceedings against defendants. It is used to freeze and
2 preserve a defendant's assets and funds where there is a risk
3 that they may be dissipated. Its purpose is to freeze those
4 funds in place, so that if plaintiffs are successful in their
5 lawsuit, there will be assets that they are able to execute
6 judgment against. Both of these types of orders, restraint
7 orders and Mareva injunctions, played a significant role in how
8 funds that were raised were ultimately disposed of.

9 Next slide.

10 On February 10th, the Attorney General of Ontario
11 applied ex parte to the Ontario Superior Court of Justice and
12 obtained a restraint order against the funds that had been
13 raised on the GiveSendGo platform, those being the Freedom
14 Convoy campaign, as well as the Adopt-a-Trucker campaign.

15 As a result of the restraint order, Stripe froze
16 the accounts of Mr. Garrah and Mr. Eros. It did not, however,
17 freeze the account of Mr. Wells, as it was held not by Stripe
18 Payment Canada Ltd., but by the American payment company Stripe,
19 which Stripe felt was beyond the reach of the Ontario restraint
20 order.

21 I've mentioned before that it is either February
22 10th or 11th that Mr. Wells changed over the Stripe account
23 associated with the Freedom Convoy fundraiser from Mr. Eros'
24 frozen stripe account to his own active Stripe account.

25 Mr. Wells also took action with respect to the
26 Adopt-a-Trucker campaign. While Mr. Garrah's stripe account was
27 frozen by the restraint order, Mr. Wells switched that campaign
28 over to a backup payment processor based in the United States

1 called RallyPay.

2 Thus, while both of the fundraising campaigns
3 remained attached to active payment processors and could
4 continue to receive funds, it would be difficult for those funds
5 to arrive in the hands of the organizers.

6 By this point in time, both TD Bank and RBC had
7 been put on notice of the restraint order and they too were
8 prevented, by its terms, from dealing in any way with the funds
9 raised on GiveSendGo.

10 On February 17th, Zexi Li, in her role as the
11 representative Plaintiff of a proposed class action of Ottawa
12 residents, obtained a Mareva injunction. This order applied to
13 a broader set of categories -- assets. It included those assets
14 covered by the restraint order, but also applied to several
15 other individuals and other assets. For example, it applied to
16 assets that were raised by Mr. King and it applied to a range of
17 crypto currencies that were not the subject of the restraint
18 order.

19 On the same day, the Toronto Dominion Bank
20 applied to court to pay in, through an interpleader,
21 approximately \$1.4 million that were in the first and second TD
22 accounts in the joint control of Ms. Lich and Mr. Barber. They
23 did so on the basis that the true owners of those funds were
24 unknown and that the funds should be held by the Court until
25 such time as the proper recipients of that money could be
26 determined.

27 The money then stayed in these various bank
28 accounts in various locations, frozen by both the restraint and

1 the Mareva orders.

2 This changed on March 9th, when the Mareva
3 injunction was varied to allowed these funds essentially to be
4 pooled in the hands of an escrow agent, who would hold them all,
5 pending the outcome of the Ottawa litigation.

6 And in the days and weeks that followed, the
7 funds that we have been discussing so far were transferred to
8 the escrow agent, where the Commission understands they remain.

9 Next slide, please.

10 This then takes us, then, to what the Commission
11 understands about the sources of the various funds and their
12 ultimate destinations.

13 Next slide.

14 During the events in question, there were many
15 public statements and questions raised about the issue of
16 foreign versus domestic funding. And in the Order in Council
17 creating this Commission, this issue is also flagged for the
18 Commission's consideration.

19 As a result of this, the Commission made
20 inquiries with various entities about the sources of funds, both
21 in terms of number of donors and in terms of the value of
22 donations.

23 The result of these inquiries show different
24 patterns for different fundraisers. The simplest are the email
25 money transfer campaigns associated with the Freedom Convoy and
26 Adopt-a-Trucker. Those campaigns were 100 percent Canadian, in
27 that they relied on the email money transfer system that exists
28 within Canada. All donations to those fundraisers originated,

1 at least immediately, from a Canadian domiciled financial
2 institution.

3 The Freedom Convoy GoFundMe campaign was also
4 largely Canadian in its origin. GoFundMe reported that 86
5 percent of donors were based in Canada, and that by value, 89
6 percent of donations originated in Canada.

7 The two campaigns on GiveSendGo, however, show a
8 different pattern. Both of those campaigns were largely
9 American based, in terms of where donors were located. Freedom
10 Convoy, 59 percent of donations originated from the United
11 States, 51 percent for Adopt-a-Trucker.

12 However, when measured in terms of the value of
13 donations, the values are slightly different. Fifty-five (55)
14 percent in terms of the actual dollars donated through Adopt-a-
15 Trucker originated in Canada. And in terms of the Freedom
16 Convoy campaign, and equal amount of money originated from
17 Canada and the United States at 47 percent each. The remainder,
18 from other countries around the world.

19 Next slide, please.

20 So we'll return then to this chart that describes
21 the value of money flowing into and out of a number of different
22 entities.

23 I'll begin with the GoFundMe campaign. The
24 GoFundMe campaign raised in excess of \$10 million Canadian. One
25 million dollars of that was released to Ms. Lich's Toronto
26 Dominion bank account. However, the full amount was also
27 refunded to donors. In other words, while GoFundMe released a
28 million dollars, it also refunded all donors the full amount of

1 their donations, making up the \$1 million shortfall themselves.

2 In addition to the \$1 million that was deposited
3 into Ms. Lich's TD account from the GoFundMe fundraiser, she
4 also received \$419,416.63 in email money transfer donations.

5 Out of this approximately \$1.4 million put into
6 the first and second TD account, only \$26,000 was accessed. The
7 remaining \$1,393,000 and change was placed ultimately into
8 escrow as part of the Mareva injunction.

9 With respect to Adopt-a-Trucker, Mr. Garrah
10 raised around \$800,000 Canadian on GiveSendGo. Of that amount,
11 approximately \$330,000 was released by Stripe into Mr. Garrah's
12 RBC account. The remaining money contained in Mr. Garrah's
13 Stripe account was either ultimately paid into escrow, or was
14 the subject of a variety of credit card disputes, charge backs,
15 or fees by various financial institutions.

16 In addition to the \$330,000 that Mr. Garrah
17 received into his RBC account, he also received approximately
18 \$31,000 in email money transfer donations.

19 Of this amount, approximately \$220,000 was
20 released from Mr. Garrah's RBC account and spent on a variety of
21 things. Approximately \$141,000 was paid by RBC from that
22 account into escrow.

23 With respect to the Freedom Convoy campaign on
24 GiveSendGo, it begins to become a little bit difficult to
25 provide precise figures. This is because GiveSendGo was
26 reporting donations in U.S. funds, but that those donations were
27 made over a period of time, subject to a number of different
28 exchange rates.

1 What we can say is that GiveSendGo reported
2 receiving approximately \$9.8 million U.S. in donations and that
3 using the February 10th Bank of Canada exchange rate, that would
4 be equal to roughly \$12.4M Canadian. Of this, around \$3.75M was
5 put into Mr. Eros' Stripe account and the remaining
6 approximately \$8.6M went into Mr. Wells' Stripe account.

7 The money in Mr. Eros's Stripe account was sent
8 into escrow; it was not provided to Mr. Eros or into the trust
9 account of Mr. Wilson. There is a bit of a discrepancy there
10 which was explained by Stripe being taken up again by credit
11 card chargebacks and a variety of fees.

12 In terms of Mr. Wells' Stripe account, while we -
13 - the Commission did not have access to any banking records
14 associated with this, in communications between Mr. Wells and
15 Stripe that the Commission did review, it appears that all
16 donations made and put into his Stripe account were refunded to
17 donors with the exception of certain fees that were subtracted
18 as well as components of those donations that donors had
19 indicated should go directly to GiveSendGo.

20 With respect to the HonkHonk Hodl Campaign, as I
21 mentioned before, out of approximately \$1.2M of Bitcoin that was
22 raised, \$800,000 of that was distributed to protesters. Paid
23 into escrow was 7.57 Bitcoin which at the time was worth
24 approximately \$413,000.

25 Finally, there was a \$10,000 bank draft that was
26 also paid into escrow. This money originated from a very brief
27 period of time when the Convoy Corporation did have a bank
28 account at the Steinbach Credit Union. Next slide, please.

1 The overview report contains substantially more
2 detail about these transactions and the events surrounding them.
3 For the parties, the overview report is available in the
4 participant database. And for members of the public, this
5 overview report will soon be published in both English and
6 French on the Commission's website along with over 100 source
7 documents that provide further detail on the things that I've
8 discussed in my presentation.

9 With that, Mr. Commissioner, I'd ask that
10 COMOR00000005 be entered into evidence.

11 **COMMISSIONER ROULEAU:** Okay, thank you very much.
12 So that will have detail on all the movement of funds.

13 Now, are we in a position to move to the next
14 phase?

15 **MR. JOHN MATHER:** Yes, sir.

16 **COMMISSIONER ROULEAU:** Okay.

17 **MR. JOHN MATHER:** The next witness is Benjamin
18 Dichter.

19 **THE REGISTRAR:** Mr. Dichter, will you swear on a
20 religious document or do you wish to affirm?

21 **MR. BENJAMIN DICHTER:** Religious document.

22 **THE REGISTRAR:** We have the Bible, the Koran, or
23 the Torah available.

24 **MR. BENJAMIN DICHTER:** You have Torah? Yeah,
25 please.

26 **THE REGISTRAR:** Sorry?

27 **MR. BENJAMIN DICHTER:** Torah.

28 **THE REGISTRAR:** Oh, Torah.

1 **MR. BENJAMIN DICHTER:** Thank you.

2 **THE REGISTRAR:** For the record, please state your
3 full name and spell it out.

4 **MR. BENJAMIN DICHTER:** Benjamin Dichter, b-e-n-j-
5 a-m-i-n, Dichter, d-i-c-h-t-e-r.

6 --- MR. BENJAMIN DICHTER, Sworn:

7 **MR. JOHN MATHER:** Good morning, Mr. Dichter.

8 **MR. BENJAMIN DICHTER:** Good morning.

9 **MR. JOHN MATHER:** While the registrar takes the
10 Torah, your counsel here, Jim Karahalios, I believe, wants to
11 make a brief statement before we begin.

12 **MR. BENJAMIN DICHTER:** Okay.

13 --- STATEMENT BY MR. JIM KARAHALIOS:

14 **MR. JIM KARAHALIOS:** Thank you, Mr. Mather. My
15 name is Jim Karahalios. I'm counsel for the witness, Mr.
16 Dichter. My last name is spelled k-a-r-a-h-a-l-i-o-s. Thank
17 you, Mr. Commissioner, for giving me a minute in the
18 introduction.

19 Mr. Dichter has a couple of requests. As the
20 Commission had posted on their website, Mr. Dichter made a late
21 application for standing. That was dismissed. In that
22 application, the application for standing was done jointly with
23 Mr. Christopher Garrah who, as we saw in the previous report,
24 was the lead on Adopt a Trucker Campaign. Mr. Garrah has
25 standing as a member of the -- what we are calling "the convoy
26 organizer group". Mr. Garrah's in attendance here today.

27 We received yesterday the time allocations today
28 with regards to after the evidence in-chief is provided. It

1 provides for 15 minutes for the convoy organizers and five
2 minutes for, I believe, the Democracy Fund, the JCCF, and 10
3 minutes for Mr. Dichter's counsel.

4 Given that the convoy organizers and the JCCF
5 Democracy Fund have very similar interests, Mr. Dichter would
6 like to ask the Commissioner, with the approval of Mr. Garrah
7 who's a member of, jointly, the convoy organizers in standing,
8 and gives his approval, to consider -- and I hope my friend from
9 the convoy organizers would agree to reallocate some of the 15
10 minutes provided to the convoy organizers to Mr. Dichter's
11 counsel at the end for further questions.

12 **COMMISSIONER ROULEAU:** Okay. So if understand
13 correctly, you're seeking to have a transfer from the convoy
14 organizers of five minutes to your final submissions or
15 presentation?

16 **MR. JIM KARAHALIOS:** That's correct. I think
17 that would better balance the time allocation after the evidence
18 in-chief with the interests of everyone involved.

19 **COMMISSIONER ROULEAU:** Okay. I don't know if
20 that's been discussed with the convoy organizers or not.

21 **MR. JIM KARAHALIOS:** I haven't had a chance to
22 discuss with my friend but Mr. Garrah is here today in
23 attendance and he's a member, jointly having standing with the
24 convoy organizers, and he gave his blessing. So I apologize,
25 Mr. Commissioner, I haven't had a chance to talk to legal
26 counsel of the convoy organizers in advance.

27 **COMMISSIONER ROULEAU:** Well, I see convoy
28 organizers' counsel's just walking in. So that obviously hasn't

1 been discussed so we can address it when we get to the point of
2 cross-examination if it hasn't been sorted out before then. And
3 I can assure you, we won't be shortchanging the witness. We've
4 been quite understanding about the situation for witnesses who
5 are not represented by counsel.

6 **MR. JIM KARAHALIOS:** Thank you. Thank you, Mr.
7 Commissioner.

8 The second brief thing I'd like to ask on behalf
9 of Mr. Dichter is, in his application to have his counsel lead
10 his testimony here today, you correctly pointed out, Mr.
11 Commissioner, Rule 59 that allows Mr. Dichter to apply for
12 additional time in the evidence in-chief led by his counsel, if
13 I understand it correctly. At the end of Mr. Mather's evidence
14 in-chief, if you could just give Mr. Dichter a little bit of
15 time to decide whether he want that Rule 59 Application to be
16 brought forward to you for more time in evidence in-chief by me,
17 that would be appreciated.

18 **COMMISSIONER ROULEAU:** So that's a similar --
19 it's sort ---

20 **MR. JIM KARAHALIOS:** Different periods of the
21 testimony but yes, similar.

22 **COMMISSIONER ROULEAU:** Well, the same response.

23 **MR. JIM KARAHALIOS:** Okay.

24 **COMMISSIONER ROULEAU:** We're -- we will, of
25 course, endeavour to make sure it's fair to the witness and we
26 obtain the evidence we need.

27 **MR. JIM KARAHALIOS:** Thank you, Mr. Commissioner.

28 **COMMISSIONER ROULEAU:** Okay.

1 --- EXAMINATION IN-CHIEF BY MR. JOHN MATHER:

2 MR. JOHN MATHER: Good morning again, Mr.
3 Dichter.

4 MR. BENJAMIN DICHTER: Good morning.

5 MR. JOHN MATHER: My name is John Mather. I'm
6 Commission counsel.

7 MR. BENJAMIN DICHTER: Hi, John.

8 MR. JOHN MATHER: I just have a few questions
9 about your background to start. I understand you're from
10 Toronto; is that correct?

11 MR. BENJAMIN DICHTER: Yes, I grew up in Toronto
12 in a middleclass, Bayview, North Mills. I grew up in a Jewish
13 home. I was adopted and I hit the jackpot with my family. And
14 later in life, I found out from my biological siblings who found
15 me, I am the descendent or the grandson of Brigadier General
16 Denis Whittaker. So yeah.

17 MR. JOHN MATHER: And what's your current
18 occupation.

19 MR. BENJAMIN DICHTER: I'm a trucker and I
20 produce podcasts.

21 MR. JOHN MATHER: How long have you been a
22 trucker?

23 MR. BENJAMIN DICHTER: Several years, about four
24 years, approximately, and I've been an owner/operator for a
25 couple of years.

26 MR. JOHN MATHER: And can you just give the
27 Commission a sense of the nature of your trucking business,
28 where you travel, what sort of loads you carry?

1 **MR. BENJAMIN DICHTER:** Yeah. I drive to the
2 United States, mainly, and as we call it, the upper-right
3 corner, so Rhode Island, New York, New Jersey, all that sort of
4 stuff.

5 With the carrier I work with, predominately
6 commodities, paper, that sort of stuff.

7 **MR. JOHN MATHER:** And can you give the Commission
8 a sense of the sort of podcasts you produce?

9 **MR. BENJAMIN DICHTER:** A variety of stuff, so
10 Professor Stephen Hicks, we produce a podcast called "Open
11 College". I do a legal podcast called "Not on Record" with a
12 couple of lawyers and a really well-known legal researcher, so
13 I've been learning a lot over the past couple of years, so a
14 wide range of stuff. And we've changed some of the stuff that
15 we've had on this little -- it started as a hobby, and we're
16 slowly growing it into a small little side business.

17 **MR. JOHN MATHER:** Any other podcasts?

18 **MR. BENJAMIN DICHTER:** There's a few of them.
19 There's -- we did for a while, "You Too" with Mike Bullard.
20 We're not doing that any more. "UnTrue Crime", Diana Davison;
21 "One Godless Woman" -- she's a Saudi activist; "The Quiggin
22 Report"; and at the most, I think a total I've produced and
23 created seven different podcasts with different creators.

24 **MR. JOHN MATHER:** Sometimes podcast companies
25 have -- or they fall under an umbrella. Like, is there a name
26 for your podcasting publishing platform?

27 **MR. BENJAMIN DICHTER:** We have "Possibly
28 Correct".

1 **MR. JOHN MATHER:** "Possibly Correct", okay.

2 **MR. BENJAMIN DICHTER:** A little tongue in cheek
3 humour.

4 **MR. JOHN MATHER:** And were you podcasting with
5 "Possibly Correct" in January 2022?

6 **MR. BENJAMIN DICHTER:** Yes. It was a little bit
7 slow. Things were, you know, if you're coming off the new year
8 and it kind of ebbs and flows. There's different times where
9 it's busier depending on what my creators are sending me.
10 They'll do their scripts, they'll do the recordings and send it
11 to me, and depending on their availability, that's when I'll
12 upload content.

13 **MR. JOHN MATHER:** And the Commission has read
14 reports that indicated that you've also had jobs including being
15 a gemologist, designing safety equipment for motorcyclists, and
16 owning a commercial printing shop. Is that accurate?

17 **MR. BENJAMIN DICHTER:** I went to school for
18 gemology and I was a diamond grader, was my specialty. I
19 patented a product for motorcycles many years ago and moved that
20 to Canada when my girlfriend at the time was diagnosed with
21 cancer. And I had a printing business on Ryerson University's
22 campus -- well, adjacent to Ryerson University's campus for
23 several years, yes.

24 **MR. JOHN MATHER:** I also understand you ran for
25 city council in 2014; is that correct?

26 **MR. BENJAMIN DICHTER:** Ran for city council in
27 2014 and also ultimately ran for federal politics for the
28 Conservatives.

1 **MR. JOHN MATHER:** Right, and that was in 2015?

2 **MR. BENJAMIN DICHTER:** In 2015, yeah.

3 **MR. JOHN MATHER:** And I should -- when I say
4 "city council" in this setting, I should say that was the city
5 council of Toronto, not ---

6 **MR. BENJAMIN DICHTER:** Yes.

7 **MR. JOHN MATHER:** --- the city council of Ottawa;
8 is that correct?

9 **MR. BENJAMIN DICHTER:** Yes.

10 **MR. JOHN MATHER:** And you've also founded a group
11 called "LGBT" -- sorry, "LGB Tory"?

12 **MR. BENJAMIN DICHTER:** Yes.

13 **MR. JOHN MATHER:** Can you tell the Commission
14 what that group is?

15 **MR. BENJAMIN DICHTER:** Yeah. LGB Tory was
16 basically a community organization for friends of mine who were
17 Conservative, and in the gay community, there was a lot of
18 tension that was building up, and they felt very -- I don't
19 know, I would say alienated. And where my business was was
20 adjacent to the gay -- because I have a lot of gay friends --
21 and so we decided let's put together an advocacy group, a
22 meeting group, whatever, just to allow people to come out and
23 you know, just to talk to a friend. It was me always says it
24 was easier to come out as gay than it was to come out as a
25 Conservative in the gay community when we started.

26 **MR. JOHN MATHER:** And is that group still active?

27 **MR. BENJAMIN DICHTER:** Periodically. We actually
28 -- we had a meeting a couple of months ago and looking at moving

1 forward in the near future. I'm so busy with so many other
2 things at this point, so they just kind of meet with me for my
3 ideas, advice, messaging, that sort of stuff.

4 **MR. JOHN MATHER:** Shifting now to the protest in
5 Ottawa in January and February 2022, how did you get involved?

6 **MR. BENJAMIN DICHTER:** Tamara Lich called me on
7 January 15th and yeah, I knew Tamara -- it seems to be, from I'm
8 learning in testimony, I knew her the longest, and she reached
9 out to me. She said, "We've started a GoFundMe campaign within
10 the past couple of days. It seems to be taking off. If you
11 could come on board, help me with messaging, pressers, press
12 releases, all that sort of stuff?"

13 And I said, "Yeah, sure."

14 So I decided to get involved with her.

15 **MR. JOHN MATHER:** And how did you first meet Ms.
16 Lich?

17 **MR. BENJAMIN DICHTER:** I met her 2017 or 2018. I
18 was in Alberta. I was connected to her through some other
19 people. I went to Medicine Hat and that's where I met her. I
20 stayed at her house, actually.

21 **MR. JOHN MATHER:** When you say you connected with
22 her, it was through some other people. Who were those people?

23 **MR. BENJAMIN DICHTER:** People that were fans of
24 one of the podcasts that I was doing, and so they invited the
25 podcast around, and I just kind of tagged along and got to see
26 Medicine Hat and Grande Prairie for the first time in my life.

27 **MR. JOHN MATHER:** And what was that podcast that
28 they were fans of?

1 **MR. BENJAMIN DICHTER:** "The Quiggin Report".

2 **MR. JOHN MATHER:** "Quiggin Report", okay.

3 **MR. BENJAMIN DICHTER:** Yeah.

4 **MR. JOHN MATHER:** So sorry, you said that was
5 around 2017, 2018?

6 **MR. BENJAMIN DICHTER:** Yeah, '17, '18, somewhere
7 there.

8 **MR. JOHN MATHER:** And after you first met Ms.
9 Lich, how frequently were you in contact between then and
10 January 2022?

11 **MR. BENJAMIN DICHTER:** Pretty frequently,
12 actually. We would -- sometimes it was every couple of weeks,
13 sometimes once a month, just, "Hey, catching up, how are you?"
14 that sort of thing.

15 Me and her really bonded on the whole -- I think
16 I made fun of positivity sort of woo woo, good energy, sort of
17 thing. We really connected when we first met each other, and
18 she had interests in politics, and so we would discuss politics
19 in general. And there were a lot of concerns from people in
20 rural Alberta what had been going on in Canada from the
21 perspective of people in her community.

22 **MR. JOHN MATHER:** What did you come to learn
23 about Ms. Lich's political interests?

24 **MR. BENJAMIN DICHTER:** When I was in Medicine
25 Hat, I didn't know that she had been involved politically and
26 knew people in politics out there. I thought she was just, you
27 know, just a fan, sort of thing. And I just kind of, okay,
28 fine. She knows people in politics. Great. I just didn't

1 really delve all that much into it at that point.

2 **MR. JOHN MATHER:** But it sounds like you had
3 subsequent conversations with her about politics; is that right?

4 **MR. BENJAMIN DICHTER:** Oh, yeah, yeah. Yeah, for
5 sure. That's one of the things we would talk about. She'd call
6 me and you know, just general, "What do you think about what's
7 happening?"

8 **MR. JOHN MATHER:** And through those
9 conversations, what did you learn about Ms. Lich's politics?
10 What was she trying to do? What was she hoping to achieve?
11 What was her interest?

12 **MR. BENJAMIN DICHTER:** You know what? I don't
13 know. It's really interesting because she's totally practical
14 and I wouldn't call her extreme to any side. I would say she's
15 -- I don't like the labels; it's the problem, so the political
16 spectrum thing, I would call her maybe very centre right, if
17 we're going to use that antiquated definition, which I don't
18 think is accurate. She's very, very pro -- you know, she knows
19 I'm libertarian on social issues and she's the same way, so we
20 passed over a lot of that stuff.

21 **MR. JOHN MATHER:** And I'm not asking to put a
22 label on Ms. Lich. What I'm interested in understanding is,
23 through your conversations with her, what did you understand,
24 you know, the causes that she was interested in, what was she
25 trying to achieve, regardless of what the label is?

26 **MR. BENJAMIN DICHTER:** I don't know. I know she
27 -- like, she ended up with this Maverick Party and which I tried
28 to explain to her, like, Jay Hill, who's leading the Maverick

1 Party, is a Conservative Party MP. "Like, that's establishment,
2 it's not a real party, Tamara," is what I told her. "What are
3 you spinning your wheels with this for?"

4 But she said, "No, I'm going to give it a chance.
5 You never know, like, you know, we need to have more voices for
6 people in Alberta."

7 I'm like, "Okay."

8 And actually, leading up to prior to the convoy,
9 the conversation, I guess before Christmas, if I'm remembering
10 correctly, and she seemed to be coming around. She said to me,
11 "Yeah, I think you're right all this time. I think I'm just
12 getting frustrated," because she knew this was all people tied
13 to the Conservative Party in Maverick. I don't know the
14 details. That's just what she was communicating to me.

15 **MR. JOHN MATHER:** So the sense I get from that
16 response is that she was involved in the Maverick Party and you
17 raised with her, "You know, this is tied to the Conservative
18 Party or has a relationship and that's an establishment party."

19 It sounded like that was something you weren't in
20 favour of; is that fair?

21 **MR. BENJAMIN DICHTER:** No, it's kind of the
22 deceptive tactic that if you're the Conservative Party, then
23 just be part of the Conservative Party, don't make fake parties.
24 Like, just -- you see a lot of that going on lately, and I just
25 find it's deceptive to the voter base who may not understand
26 this is the sort of thing that goes on in politics. I just
27 don't support that. Just be who you are, right?

28 **MR. JOHN MATHER:** At that point in time, in

1 December 2021, were you still a supporter of the Conservative
2 Party?

3 **MR. BENJAMIN DICHTER:** You know, I still -- I
4 have some people in that party who love me and I have some
5 people in that party who hate me because I will call the
6 Conservative Party out when I think they're doing something
7 wrong. So I don't know, it shifts, depends on the month and
8 what's going on and who's leader, and I personally just, leading
9 up to the convoy, I just feel like I'm done with politics, just,
10 it's not for me.

11 **MR. JOHN MATHER:** Again, setting aside labels,
12 how would you describe your political views in December 2021 to
13 January 2022.

14 **MR. BENJAMIN DICHTER:** In the downtown, middle
15 class -- I grew up middle class -- Canadian, fiscal
16 conservative, libertarian on social issues, let's all get along,
17 let's all talk to one another and let's not get into these
18 different echo chambers and siloes which is something that I've
19 see worsen over the years. And I saw this particularly on the
20 university campus when I had my business there.

21 **MR. JOHN MATHER:** So Ms. Lich calls you and I
22 forget you said what day you thought it was, but it was January
23 2022 and she asks you if you can come and assist with messaging
24 and press releases.

25 **MR. BENJAMIN DICHTER:** Yeah.

26 **MR. JOHN MATHER:** I think we know from the
27 evidence that you took her up on the request; is that fair?

28 **MR. BENJAMIN DICHTER:** Yeah.

1 **MR. JOHN MATHER:** Why did you want to participate
2 in the convoy?

3 **MR. BENJAMIN DICHTER:** I was very uncomfortable
4 with the mandates and the ArriveCan app and the data tracking.
5 I know lots of truckers that were being affected by it. I'm
6 vaccinated myself but I saw the amount of stress that it was
7 causing on people and I figured if I can -- I know where her
8 frame is in terms of being very positive. And I figured we
9 might work well together to get a positive message out there --
10 peace, love, unity, and freedom, which are the four words I kept
11 repeating over and over again.

12 **MR. JOHN MATHER:** What day did you arrive in
13 Ottawa?

14 **MR. BENJAMIN DICHTER:** January 28th.

15 **MR. JOHN MATHER:** And how did you get there?

16 **MR. BENJAMIN DICHTER:** I drove.

17 **MR. JOHN MATHER:** Your truck?

18 **MR. BENJAMIN DICHTER:** No, I drove my car. I
19 never -- because of the nature of my contract with my owner
20 operator I only have insurance when I'm hooked up to a load. So
21 I -- and I had no desire to bring my truck here.

22 **MR. JOHN MATHER:** Did you consider at all whether
23 or not you could find a truck or another commercial to bring
24 with you in solidarity with the other truckers that had arrived?

25 **MR. BENJAMIN DICHTER:** No, because my -- I was
26 there to be messaging, right? And I figured I'm going to be
27 spending all my time doing interviews and talking. I'm not --
28 I'll try to get out on the street but I wanted to just get

1 maximum exposure and again convey that message of peace, love,
2 unity, and freedom.

3 **MR. JOHN MATHER:** What did you hope to achieve by
4 participating in the convoy?

5 **MR. BENJAMIN DICHTER:** I hoped we would help to
6 convey -- we would effect some positive change and help bring
7 some people together. And I've got to tell you, on the 28th it's
8 amazing. We're in front of the Chateau Laurier. I see
9 thousands of people walking across from into Quebec because we
10 know how strict the regulations were in Quebec, with Canadian
11 and Fleur de Lys together, signs that said "Liberty and
12 Freedom". And they came up, and they were on Parliament Hill
13 and they're hugging these Albertan truckers and Saskatchewan
14 truckers. Like, everybody is finally getting along.

15 And so this division of, you know, Quebec doesn't
16 like Alberta, that was gone. Everybody was getting along.

17 And you know, Keith stole one of my experiences.
18 And I'm glad he conveyed it yesterday with these two truckers in
19 Tim Hortons. One was from Saskatchewan, and the other one was
20 from Quebec. And they were communicating via Google translate.
21 They were hanging out, they were joking. It was amazing. It
22 was absolutely beautiful.

23 **MR. JOHN MATHER:** And so again you said that you
24 were there to assist with messaging and public relations. Is
25 that fair?

26 **MR. BENJAMIN DICHTER:** Yeah, that's a good way to
27 look at it.

28 **MR. JOHN MATHER:** And was there anyone else who

1 was working on that aspect of the organization?

2 **MR. BENJAMIN DICHTER:** Yeah, we ultimately had a
3 team of three people working with me as well in my hotel suite.
4 And we were the ones putting out most of the press releases and
5 messaging and all that sort of stuff.

6 **MR. JOHN MATHER:** Okay. And maybe if you could
7 assist the Commission and give us a sense of what it involved to
8 be doing messaging and press releases, and public relations.
9 What did your day to day involve?

10 **MR. BENJAMIN DICHTER:** Scheduling lots of
11 interviews. My email and Twitter threads -- sorry, DMs, social
12 media, direct messages -- I was getting requests from all over
13 the world from every news agency imaginable. And I was trying
14 to figure out who can we go to where I know we'll get fair
15 representation and compared with who's going to have enough
16 engagement and enough views that it will allow us to be
17 effective.

18 **MR. JOHN MATHER:** And as the Commission
19 understands, you gave some television interviews during the
20 convoy; is that correct?

21 **MR. BENJAMIN DICHTER:** Many.

22 **MR. JOHN MATHER:** And those included with outlets
23 like FOX News?

24 **MR. BENJAMIN DICHTER:** Tucker Carlson, Hannity,
25 NewsMax. I did a lot of podcasts, Gad Saad, Jordan Peterson,
26 Steven Crowder, like just -- I looked for what is -- what I
27 believe is current media.

28 **MR. JOHN MATHER:** Okay. And you, as I understand

1 it, you also gave at least one interview with Russia Today; is
2 that correct?

3 **MR. BENJAMIN DICHTER:** Yes, I did.

4 **MR. JOHN MATHER:** And you say you gave interviews
5 with what you view as current media. Could you just explain
6 what you meant by that?

7 **MR. BENJAMIN DICHTER:** Yeah. So media that has
8 been successfully able to leverage alternative media platforms.
9 So we're not doing an interview with a media organization that's
10 going to have 30,000 people watch at night and then it's not
11 going to be uploaded so there's no archival of it. So it's kind
12 of a balance of those newer platforms, and I actually -- with
13 Russia Today I explained that they're one of the -- like them,
14 or not, they were one of the platforms that was able to leverage
15 both online media as well as alternative media.

16 **MR. JOHN MATHER:** So when you say "current media"
17 you were looking for, in your view, the media that had the
18 largest platforms that would reach the largest audiences? Is
19 that what ---

20 **MR. BENJAMIN DICHTER:** That's right; that would
21 be the most effective, yeah for sure.

22 **MR. JOHN MATHER:** And I understand that you would
23 not give interviews to media organizations such as the CBC, the
24 Toronto Star, the Globe and Mail; is that correct?

25 **MR. BENJAMIN DICHTER:** That's right.

26 **MR. JOHN MATHER:** And why wouldn't you give
27 interviews to those Canadian media?

28 **MR. BENJAMIN DICHTER:** Well, for example, the

1 Toronto Star put out a meme and I can't remember the exact
2 cartoon but it was completely defamatory of the truckers. You
3 already saw some narratives coming out from established Canadian
4 media trying to tie us to January 6th which has nothing to do
5 with this protest. And we saw in testimony here that there were
6 text messages coming from the Prime Minister's office which
7 proved exactly that. So I was right.

8 **MR. JOHN MATHER:** We've heard some evidence from
9 different witnesses so far about you having suffered some
10 injuries during -- on your way to Ottawa and during your time in
11 Ottawa.

12 **MR. BENJAMIN DICHTER:** Yeah.

13 **MR. JOHN MATHER:** I'll just give you an
14 opportunity. Can you just explain exactly what happened and
15 when it happened?

16 **MR. BENJAMIN DICHTER:** So on February 4th somebody
17 came into my room and said, "The lawyers just did a video that's
18 the complete opposite of our messaging." We call it the War of
19 the Worlds video now.

20 And I looked at it and I was horrified. It was
21 "Come to Ottawa; your freedoms are dying. Canada is dying."
22 Like doom and gloom, not peace, love, unity, and freedom which
23 built the movement.

24 So I went over to the ARC Hotel to explain my
25 sentiments and maybe a little aggressively, but you know, there
26 were so many problems going on at that time, it was just another
27 wrench that was thrown into the spokes of the wheel.

28 And so I went back after a 20- or 30-minute long

1 meeting about a few issues, a number of issues which I'm sure
2 we'll get into. I was presented with the class action suit and
3 a retainer. "Here, we're going to give you free legal advice if
4 you guys sign it." So that was the nature of the meeting.

5 And I went back to the Sheridan and I realize I
6 left my laptop. I was so heated I didn't even pull it out. So
7 I went back and I slipped, the first time I was going back and
8 forth. And finally, in a panic, going to get my computer -- my
9 laptop which is my life -- I slipped on this massive thing of
10 ice in front of the EDC Building and I slipped on the ice. And
11 I remember the exact moment. I still picture it. It was nine
12 o'clock, 9:30 at night on the 4th approximately, and there were a
13 couple of trucks in the parking lane, a bunch of cars; the
14 driving lanes were completely open. A couple of cars were
15 parked in front of the Sheridan dropping people off. And it was
16 silent. There was no one around. And that's when people were
17 honking, and it was dead silent. I felt very alone and
18 secluded. It was weird.

19 So I tried to get up. I heard a crack. I've
20 never broken anything but I'm wiggling my toes and I'm like,
21 "It's not broken." But I couldn't get up. And I hear from the
22 distance, in front of the ARC Hotel, a trucker, a red suit, a
23 big beard, says, "You need help?"

24 And I'm like, "I think so."

25 So he comes over and he says, "You need help?"

26 I'm like, "Yeah."

27 And he puts his hand on my ankle and he says,

28 "Jesus, Lord, God bless this ankle. Heal it now, thy Father."

1 And I was, "I love you, man, but I just need a
2 paramedic."

3 And other guys were like, "Do you need help?"

4 I'm like, "Yeah, this time send a medic, please."

5 And it was amazing, because there was -- you know, in just an
6 hour, there was so much friction, but -- and this was a common
7 thing. There was friction and then we'd get together, friction,
8 we get -- so we were able to work out our differences when we
9 needed to. They carried me onto the -- into the ARC Hotel
10 lobby. They put me on the couch. They called the paramedics.
11 And everybody just -- it was a serious moment. Everybody came
12 back to help me. Chad was by my side. Miranda was pumping me
13 with drugs. I don't know what she's giving me. Brigitte was
14 there. The doctors came down to look at me, to say that that is
15 broken. So it was amazing -- and then the paramedics got there
16 in, I don't know, 30 minutes, 45 minutes. And they said, "Yeah,
17 it's broken. You need to go to the hospital." So I said,
18 "Okay, should I call an ambulance?" They said, "Well, the
19 problem is, you're not an important case. You're just a broken
20 ankle. There's other people that have more serious cases. If
21 you can call one, it might take about an hour or so." So I
22 asked the -- our volunteers, and they said, "Yeah, we can -- one
23 of us can drive you to the hospital." And Ottawa General, I'm
24 telling -- Ottawa Hospital, 20 minutes from the hotel to having
25 a doctor cutting up my new jeans. It was crazy. It was great.

26 **MR. JOHN MATHER:** So that was that incident, and
27 then I'm going to return to a second, were you also in a car
28 accident just briefly; is that true?

1 **MR. BENJAMIN DICHTER:** Yes, I was, the day
2 before.

3 **MR. JOHN MATHER:** Okay. So you had a bit of a
4 run of bad luck.

5 **MR. BENJAMIN DICHTER:** In -- but there were other
6 things on my mind. My mind was the messaging, we need to keep
7 everybody happy and peaceful and all that sort of stuff, but
8 yeah.

9 **MR. JOHN MATHER:** So I want to pick up on the
10 context or the -- what happened before you slipped and fell.

11 **MR. BENJAMIN DICHTER:** M'hm.

12 **MR. JOHN MATHER:** You said that there had been a
13 press conference on February 4th with I think you said the
14 lawyers; is that right?

15 **MR. BENJAMIN DICHTER:** No, it wasn't a press
16 conference.

17 **MR. JOHN MATHER:** Oh.

18 **MR. BENJAMIN DICHTER:** Somebody came in and said
19 the lawyers put up a video that's doom and gloom, the opposite
20 of our messaging. And I said, "What lawyers? Who -- what
21 lawyers are you talking about?" And that's when I went across
22 to find out who these people were.

23 **MR. JOHN MATHER:** Okay. So did you see the video
24 yourself?

25 **MR. BENJAMIN DICHTER:** Yes, I did. They showed
26 it to me.

27 **MR. JOHN MATHER:** Okay. And did you recognize
28 the lawyers in the video?

1 **MR. BENJAMIN DICHTER:** No ---

2 **MR. JOHN MATHER:** Who did you come to learn who
3 the lawyers were?

4 **MR. BENJAMIN DICHTER:** Keith Wilson.

5 **MR. JOHN MATHER:** Okay. And so you were staying
6 at the Sheraton Hotel?

7 **MR. BENJAMIN DICHTER:** That's right.

8 **MR. JOHN MATHER:** And you went to the ARC Hotel?

9 **MR. BENJAMIN DICHTER:** Yeah.

10 **MR. JOHN MATHER:** And why did you go to the ARC
11 Hotel to find out who was in the video?

12 **MR. BENJAMIN DICHTER:** Because that's where they
13 were.

14 **MR. JOHN MATHER:** And who's the "they"?

15 **MR. BENJAMIN DICHTER:** So I -- we had three
16 different hotels, so the Sheraton became messaging. My team was
17 dealing with that. The ARC Hotel was doing I guess logistics,
18 that sort of -- there was always conflict there. And the Swiss
19 Hotel I think was security, communicating with the police,
20 emergency lanes, all that sort of stuff. They actually had a --
21 it took a while, but they got it pretty well organized. So I
22 was told that they're at the ARC Hotel now, go and see them.
23 That's why they sent the video, so I went there.

24 **MR. JOHN MATHER:** And they are at the hotel, the
25 lawyers?

26 **MR. BENJAMIN DICHTER:** Yeah.

27 **MR. JOHN MATHER:** And then who did you meet at
28 the hotel?

1 **MR. BENJAMIN DICHTER:** Keith, Andre, Eva and
2 Chad. I met him for the first time. There was a couple other
3 people. I think Brigitte came. Tamara came in about 15 minutes
4 after I had my heated exchange. There was maybe 10 people
5 there.

6 **MR. JOHN MATHER:** Yeah, so Keith Wilson?

7 **MR. BENJAMIN DICHTER:** Yeah.

8 **MR. JOHN MATHER:** Eva Chipiuk?

9 **MR. BENJAMIN DICHTER:** Yes.

10 **MR. JOHN MATHER:** Andre Memaury, I believe?

11 **MR. BENJAMIN DICHTER:** Yes.

12 **MR. JOHN MATHER:** Okay. Chad Eros?

13 **MR. BENJAMIN DICHTER:** Yeah.

14 **MR. JOHN MATHER:** Brigitte Belton.

15 **MR. BENJAMIN DICHTER:** Yes, and there was a
16 couple other people from the Board. I don't remember who.

17 **MR. JOHN MATHER:** Okay. And what -- describe the
18 conversation you had at that point in time.

19 **MR. BENJAMIN DICHTER:** I might have used some
20 trucker words with Keith to explain my discontent, that I just
21 spent almost three weeks of my life getting everybody on a
22 message of peace, love, unity and freedom, and it worked.
23 People are here with hippy tie dies. There's people left-wing,
24 right-wing, all wings just hanging out together, and you just --
25 I said to him, "Do you understand what you just did?" Knowing -
26 - I have a brother in policing, two nephews in policing, like, I
27 understand that world a little bit. Mood and behaviour is what
28 they're monitoring. They don't care what we say. It's mood and

1 behaviour. The mood and behaviour was positive until right now.
2 You just undid all of that. And he seemed concerned. And he
3 said, "Oh, oh, I'm sorry." Well, and you should have thought of
4 that before. Anyways, that was it.

5 And then the next thing was, "Well, you've just
6 been served, congratulation, with a multimillion-dollar
7 lawsuit." And I said, "What are you talking about? A class-
8 action lawsuit for what?" "For honking." I said, "What
9 honking?" This is the same night that it was -- I broke my
10 ankle.

11 **MR. JOHN MATHER:** So you had this conversation
12 with Mr. Wilson. You expressed your concern. Did things
13 improve after that in terms of Mr. Wilson's messaging?

14 **MR. BENJAMIN DICHTER:** No, it seemed to be on the
15 same trajectory, and I felt like -- one of the things that -- to
16 look at the convoy and stuff, when people talked about the
17 convoy organizers, there were many different groups; right? It
18 wasn't just one group. And every different group had their own
19 idea, but we were all converging on the idea of ArriveCan and
20 the mandates, but he seemed to be representing another group
21 that wanted to go in a different direction.

22 **MR. JOHN MATHER:** And what was your understanding
23 of that direction?

24 **MR. BENJAMIN DICHTER:** That it was counter to
25 peace, love, unity and freedom, and it was weird. It was -- it
26 seemed to be coming from -- you know, I started to put the
27 pieces together after a couple days that these people were
28 politically connected in some way, shape or form. And, you

1 know, you just -- within a couple days, we have -- or a few days
2 later, we have Keith Wilson and Randy Hillier's buddy Tom
3 Marazzo and Doug Ford's buddy Dean French setting up meetings
4 with people in the city, pretending to be negotiating some sort
5 of deal, and what was shocking is nobody in the Ottawa Police,
6 in the Mayor's office, in the City Council did the most basic
7 due diligence to see if these people possessed the position of
8 moral persuasion that they could speak on our behalf. It was
9 just really weird.

10 **MR. JOHN MATHER:** Did you think that Mr. Wilson
11 and Mr. Marazzo could speak -- had a position of moral
12 persuasion?

13 **MR. BENJAMIN DICHTER:** No, I didn't -- I don't
14 think so.

15 **MR. JOHN MATHER:** Why not?

16 **MR. BENJAMIN DICHTER:** Just because, firstly, for
17 -- up until that point, on the GoFundMe was myself and Tamara,
18 and that's why we were getting so much attention, so many people
19 were reaching out, so many people knew who we were. I'm a
20 trucker, so it's a little bit of a -- you know, there's a
21 culture amongst truckers as well. These were lawyers that, I
22 don't know, they seemed to have some ulterior motive, or they
23 seemed to know people in politics that I don't know that they
24 had our -- like, they may have been organizing a deal with the
25 City, but maybe they're structuring a deal for Doug Ford, but it
26 wasn't for the truckers, if that makes sense.

27 **MR. JOHN MATHER:** So it sounds to me that you had
28 a concern that they were pursuing political -- a political

1 agenda and/or ulterior motives; is that fair?

2 **MR. BENJAMIN DICHTER:** Yes, and it's one of those
3 things you can't put your finger on it. You kind of -- you
4 realize there's something going on and these people are well
5 connected.

6 **MR. JOHN MATHER:** So do you think Mr. Wilson and
7 Mr. Marazzo had the same goals as you in terms of ending the
8 mandates?

9 **MR. BENJAMIN DICHTER:** No, I don't think so. I
10 think their goals were ending the protest and getting everybody
11 out of the city as quickly as possible, because when I first met
12 Tom Marazzo, he said to me -- I thought we got somewhere. He
13 said, "Listen, I'm just going to be here dealing with the
14 trucks." I don't know who put him there. I don't -- you know,
15 there was very fluid all the time. Okay, fine. He said, "I'm
16 going to be dealing with the trucks. I'm going to be a ghost.
17 Nobody's going to know I was here. I will be invisible." And I
18 thought, great, perfect. So finally, because every day we were
19 dealing with different people setting up their own press
20 conferences, we finally got that under control. Like, great.
21 So I'll deal with the messaging. The trucks are parked, so I
22 don't know what you want to do. You want to move trucks. That
23 was a little suspect to me in the back of my head, but I just
24 kind of left it there. And then the next morning, somebody
25 comes to my hotel to tell me, "Tom Marazzo, guess what he's
26 doing?" I'm, like, "What?" "A press conference." I'm, like,
27 it's less than 12 hours ago he told me he's not going to -- what
28 is going on? And that's the cats we were trying to herd.

1 **MR. JOHN MATHER:** Did you ever speak with Mr.
2 Wilson or Mr. Marazzo about the concerns you had about what they
3 were doing?

4 **MR. BENJAMIN DICHTER:** Yes. Yes, many times. To
5 everybody. I spoke to Tamara about it and Tamara agreed with
6 me. And she put out a number of messages to people. She was
7 typing messages with me to tell people. She got on the phone,
8 because this happened numerous times, telling people no comms or
9 no communications goes out unless it's approved by Benjamin and
10 his team.

11 **MR. JOHN MATHER:** So that's with respect to who's
12 doing the messaging, but ---

13 **MR. BENJAMIN DICHTER:** That's right.

14 **MR. JOHN MATHER:** --- your concerns that Mr.
15 Marazzo and Mr. Wilson were seeking to end the protests or find
16 a way for the protest to end, is that something you ever brought
17 to them and asked them about?

18 **MR. BENJAMIN DICHTER:** I didn't say it to him
19 directly, because I'm going to go to him and say you're trying
20 to sabotage the protest? I mean, then it's a little bit jumping
21 the gun.

22 The indicators seemed to be there, but I couldn't
23 prove it.

24 **MR. JOHN MATHER:** What did you do to try to
25 understand if this is actually what they were trying to do?

26 **MR. BENJAMIN DICHTER:** What I wanted to do was
27 just to control the messaging first, stop going out and doing
28 press conferences. I remember when Keith said to me, "Yeah,

1 we're going to try and reach out to the City", and I remember
2 saying, "What are you reaching out to the City for? Just wait.
3 Dance parties, barbeques, we're feeding the homeless. Just
4 wait." "We have to have a press conference every day." It's
5 not a hostage negotiation, and you're the ones", because they
6 agreed with me that the legacy media just lies, "so you're
7 telling me the legacy media lies, yet you want to run to the
8 legacy media to do a press conference every day?" I'm like,
9 "Just calm down. Everybody relax. We'll do a press conference
10 at the end of every week, except for if something materialises
11 and we need to do a press conference when the government brings
12 some sort of representative who is going to speak with us."

13 I can't hear, they're talking.

14 **COMMISSIONER ROULEAU:** Sorry. Can you try and
15 either not talk or keep it down, please?

16 And Mr. Dichter?

17 **MR. BENJAMIN DICHTER:** Yes.

18 **COMMISSIONER ROULEAU:** We're translating all of
19 this, so ---

20 **MR. BENJAMIN DICHTER:** Oh, sorry. Slow down a
21 bit?

22 **COMMISSIONER ROULEAU:** --- please slow down.
23 It's ---

24 **MR. BENJAMIN DICHTER:** My apologies. Yes.

25 **COMMISSIONER ROULEAU:** You know, you get excited,
26 and that's okay, but ---

27 **MR. BENJAMIN DICHTER:** I'm passionate.

28 **COMMISSIONER ROULEAU:** --- try and get excited

1 with a slow speech.

2 **MR. BENJAMIN DICHTER:** Will do. My apologies.

3 **MR. JOHN MATHER:** So Mr. Dichter, I've heard, you
4 know, what you've said about dealing with the messaging and your
5 approach to the messaging, and I understand you're -- what
6 you're saying with respect to "I wasn't going to go to
7 Mr. Wilson or Mr. Marazzo and say I", you know, "I'm concerned
8 you have ulterior motives. Are you trying to ---

9 **MR. BENJAMIN DICHTER:** M'hm.

10 **MR. JOHN MATHER:** --- end the protest?" Did you
11 raise that concern with Mr. Lich, Mr. Barber, Ms. Belton, anyone
12 who I presume you didn't have a concern about?

13 **MR. BENJAMIN DICHTER:** With Tamara for sure. And
14 Tamara and I spoke all the time. There was a day-and-a-half
15 that I had to leave from the -- when I left on the 30th, came
16 back on the 2nd, ended up being the 3rd because of the car
17 accident, I must have talked to her 25 times that day. Like we
18 were in constant communication. Me and Tamara had great
19 communication during the entire time.

20 **MR. JOHN MATHER:** And what did Ms. Lich say in
21 response to your concerns?

22 **MR. BENJAMIN DICHTER:** "I'll handle it. We'll
23 take care of it. I'll talk to them." The primary thing was the
24 messaging, of course, but when this whole idea of "let's move
25 trucks to Wellington", I don't understand what is the goal of
26 that. I mean, I was just in some of these -- the streets in the
27 middle of downtown that only have a few trucks on it. I didn't
28 see these residential streets, and I'm sure people will tell --

1 give me some, you know, anecdotes of a street here and there
2 that might have had a truck on it. Okay, that might be the
3 case, but that was not my experience.

4 I just -- the whole idea of let's consolidate
5 everything into Wellington, the cops told us where to park.
6 Chris Garrah was here for a week. He got maps from the Ottawa
7 Police saying "Park your trucks here" because we wanted to have
8 safety routes so safety vehicles could get through during the
9 protests, emergency vehicles, and people could just generally
10 drive around. And I was driven around a couple of times, so I
11 was in a car when I came in and out of the city, like I got in
12 and out of the city no problem.

13 **MR. JOHN MATHER:** And we'll get to the agreement
14 with the Mayor to move the trucks more in a moment, but ---

15 **MR. BENJAMIN DICHTER:** Okay.

16 **MR. JOHN MATHER:** --- I understand that's what
17 you're referring to when you're talking about moving trucks to
18 Wellington. And the evidence we have heard so far is that the
19 Mayor wrote a letter saying that he would agree to meet with
20 some of the organisers if the organisers were able to show that
21 they could move trucks out of the residential areas onto
22 Wellington and perhaps elsewhere. And we'll get to how that
23 came about in a moment.

24 But ultimately, at some point you -- did you
25 learn that Ms. Lich had entered into that agreement with the
26 Mayor?

27 **MR. BENJAMIN DICHTER:** No. I didn't know that
28 she got into that agreement until -- like during the convoy I

1 don't even remember seeing that. It was really opaque. So it
2 was "we're doing a deal." "What?" "We're taking care of it."
3 "Okay. Well, that's the inverse of the way it's supposed to
4 work. You got to tell the messaging people first so we can
5 communicate it people because all that would do is that would
6 heighten, potentially, conflict and anxiety of the protesters
7 who have been sitting out there freezing all day. You need to
8 be able to tell them what's happening." But they wouldn't do
9 that no much how much I tried.

10 **MR. JOHN MATHER:** Right. But at some point you
11 learned that Tamara had sent those letters. I appreciate, and
12 we'll probably speak to a moment, you -- that it may be the case
13 you didn't understand what was happening at the time, but at
14 some point you learned that yes, Tamara had exchanged letters
15 with the Mayor.

16 **MR. BENJAMIN DICHTER:** I don't remember seeing it
17 during the convoy. I might have, and just amongst the thousands
18 of messages it just in and out, "Okay, great", and forgot about
19 it because I was dealing with so much other stuff.

20 **MR. JOHN MATHER:** Have you ever spoken with
21 Ms. Lich about the agreement that she reached with the Mayor?

22 **MR. BENJAMIN DICHTER:** No. I haven't spoken to
23 Ms. Lich since I gave her a hug in my hotel room the night
24 before she was arrested, and -- because I didn't want to put her
25 at any risk, and I knew the slightest misstep that she would be
26 targeted.

27 **MR. JOHN MATHER:** So Ms. Lich was arrested after
28 the agreement with the Mayor and after February 14th when we've

1 heard evidence of moving trucks onto Wellington. In that last
2 time you spoke with Ms. Lich, did you ask her at all about
3 whether or not she had agreed with the Mayor to move trucks up
4 onto Wellington?

5 **MR. BENJAMIN DICHTER:** No, I was -- because I was
6 so focussed on messaging. I just had done -- that was when I
7 did the statement on Jordan Peterson's podcast to clarify that
8 "We are not here to overthrow the government. We are -- that's
9 what elections are for. We hope that our parliamentarians and
10 our media tone down the rhetoric."

11 She was really stressed. So Tamara was coming in
12 infrequently, different days, two, three times, sometimes once a
13 day, sometimes not at all. She would disappear. And it's
14 because she was under tremendous amount of stress, not only this
15 class action suit that we were all given, we didn't know what to
16 do, everybody was scared, and we were being told we had to
17 behave in a certain way or else we're going to lose our free
18 legal advice, but at the same time, every three seconds she was
19 getting hounded with another problem here, another problem
20 there.

21 And I did communicate to her, and I said,
22 "Tamara, we need to get you a handler." And she didn't want to.
23 She wanted to deal with people directly, which I get, that's her
24 strength, she really communicates well with people. But she --
25 I mean, you know what decision fatigue is? She had decision
26 fatigue by early morning. She was just burnt out because there
27 was so many demands being put on her.

28 I put a little bit of a moat around me. I had

1 the three people in the COMS team working with me, and I said,
2 "Everything send it to us, and we'll filter it; otherwise, we
3 won't be able to deal with a million problems all at once." But
4 her management structure or system is different than mine, I
5 guess.

6 And just to further that. So she would come into
7 my room to give her a hug, and to relax and calm down, the
8 world's not falling, everything's going to work. The
9 government's not evil. They're problematic, but we have a lot
10 of love around us. And I don't know, I just remember we did a
11 bunch of those little sessions where we focussed on all the good
12 things.

13 **MR. JOHN MATHER:** So again, I take it you see
14 Ms. Lich as one of the organisers of the convoy; is that
15 correct?

16 **MR. BENJAMIN DICHTER:** Yeah, one of them.

17 **MR. JOHN MATHER:** Mr. Barber?

18 **MR. BENJAMIN DICHTER:** One of them as well, yeah.

19 **MR. JOHN MATHER:** Ms. Belton?

20 **MR. BENJAMIN DICHTER:** Yeah, one of them as well.

21 **MR. JOHN MATHER:** Anyone else who you think was
22 sort of a key organiser or played an important role?

23 **MR. BENJAMIN DICHTER:** There's so many people
24 that I wouldn't even know because there was so many... I
25 remember I went to a road captain meeting. I went and crunched
26 in the snow over to the ark because no one would come over to
27 me. I'm like okay, let me just go down sit down with all them.
28 There were 40 people in the room. I had no idea who half of

1 those people were, but they were leading different convoys from
2 around the country. They're amazing people from all over,
3 different cultures of Canada.

4 So it's not a group of two or three people, there
5 were hundreds of people, and then there were all these other
6 little groups as well. It was a very, you know, the parallels
7 to bitcoin, very decentralised. And -- but I think we had the
8 greatest, what I mentioned before, position of moral persuasion
9 that we could help influence people more, but that's not a
10 guarantee.

11 And that actually came up on the 18th when the
12 road captains came into my hotel after a trucker had guns drawn
13 at him, they smashed his windows, the police pulled guns on him,
14 arrested him in the snow. Tamara had been arrested, Chris had
15 been arrested. The road captains came into my room. There
16 seemed to be, I don't know if a lack of leadership but maybe a
17 lack of decision-making, or they needed just another head to
18 bounce ideas off of. And they told me the story, and I said,
19 "Okay. Well, I'll support what you guys want to do, but if
20 you're asking me if the police are getting violent maybe it's
21 time to leave." And to my surprise, the first person to pipe up
22 was Brigitte, and she said, "We can't let people get hurt. We
23 need to leave." And then Joe did the same thing and all the
24 other road captains that were sitting on my bed, and standing
25 up, and Johnny and everybody said, "Yeah." And I said, "Okay.
26 Call your Police Liaison Officers right now. Don't argue. Just
27 tell them we're going to leave, we're going to go, we're going
28 to communicate the message to everybody that we're going to

1 leave."

2 And then I went on to social media and I did echo
3 that sentiment in a Twitter message. I probably should have
4 done a thread to clarify it better, but little bit of a panic.
5 And then Keith Wilson called me and said, "You need to leave."
6 I said, "Well I need to -- I'm in a wheelchair with a broken
7 ankle. What do you think -- going to bust down the doors of the
8 hotel and arrest me?" And he said they just might. I'm like,
9 "Keith, don't be so dramatic. That's not -- I'm not on the
10 street." But he argued with me for 20 minutes and he convinced
11 me, he said to me, I'll always remember, he said, "Somebody
12 needs to be able to speak up for freedom and if you get arrested
13 too and end up getting subject to a gag order, then you can't
14 speak."

15 I thought, like, all right. And so I had a
16 friend in Ottawa and I called an Uber, I got out of the hotel,
17 the red zone, which is what the police wanted to clear out, and
18 I went to stay with my friend until I could get my cast off.

19 **MR. JOHN MATHER:** When you arrived in Ottawa,
20 were you aware that Pat King had had involvement in organizing
21 the travel of the Convoy across Canada to Ottawa?

22 **MR. BENJAMIN DICHTER:** January 24th or 25th, the
23 first day that Tamara left Ottawa, my social media lights up and
24 I see some videos from this guy, Pat King. Never heard of him.
25 I called Tamara, I said, "Who is this guy?" She said, "Oh, he's
26 some blogger from --" wherever he was. I said, "Okay. He's got
27 to go. We can't have this sort of rhetoric. Peace, love -- no,
28 no. This is not for here. So I don't know who he is. Tell him

1 he's got to go." And there was a lot of -- there was some back
2 and forth, a follow up call, she confirmed the videos. She
3 ended up telling him -- she told me she told him to leave and he
4 was very upset, but he said, "Fine. If I'm not welcome here,
5 I'll go home." And I said, "Great. Nothing personal, but we
6 can't have that sort of rhetoric here."

7 And then the next day or two, I don't know what
8 was going on behind the scenes, because they were driving across
9 the country. I was in Ontario preparing, doing messaging. And
10 she had said to me, "Yeah, he said he was going to leave, and
11 then he showed up at the next trucker stop." I'm like, "Well,
12 you've got to deal with this. I don't know what to tell you."
13 So.

14 **MR. JOHN MATHER:** And when you talk about Mr.
15 King's rhetoric, what rhetoric?

16 **MR. BENJAMIN DICHTER:** I don't know if he was
17 trying to be comedic, I don't know if he was serious, but some
18 offensive rhetoric to myself and -- well, not to me personally,
19 but to certain ethnic groups, Indigenous ethnic groups, Jewish
20 groups, whatever. And then I saw -- first I saw bullets -- I
21 don't know who -- I just stopped in the middle. Too much. Get
22 rid of this.

23 **MR. JOHN MATHER:** Were you able to see Mr. King's
24 testimony yesterday?

25 **MR. BENJAMIN DICHTER:** I did.

26 **MR. JOHN MATHER:** Okay. And some statements were
27 put to him, including statements he made about Indigenous
28 people, statements he made about Asians. Is that what you're

1 referring to?

2 **MR. BENJAMIN DICHTER:** Yes.

3 **MR. JOHN MATHER:** Do you remember, were those the
4 social -- were those the postings that you ---

5 **MR. BENJAMIN DICHTER:** Yeah.

6 **MR. JOHN MATHER:** --- saw at the time?

7 **MR. BENJAMIN DICHTER:** Yeah.

8 **MR. JOHN MATHER:** Okay. And I take it, and you
9 can correct me if I'm wrong, but were you concerned -- did you -
10 - let me put it to you this way. Were you concerned about the
11 fact that -- the substance of those statements, did they offend
12 you? Or were you concerned about those statements would be
13 associated with the Convoy? Or was it both?

14 **MR. BENJAMIN DICHTER:** I personally don't get
15 offended very easily. I've got thick skin. And I think people
16 who say silly things should be able to say silly things and we
17 should be able to respond to them.

18 I didn't really care about that. I really cared
19 that he would negatively impact the tenor of the Convoy, the
20 mood of the people. He might cause -- I was worried that he
21 would cause some unnecessary anxiety.

22 You know, when I was thinking about how are we
23 going to envision this protest, maybe a little too -- well,
24 personal, but I thought of -- don't laugh at me. I thought of
25 when I was younger, going to Grateful Dead concerts, or Fish
26 concerts, or Allman Brothers, or Bob Dylan. That vibe of peace
27 and love, especially the Grateful Dead. Without the drugs,
28 because I'm not into drugs. And I thought that's the feeling

1 that we need for this protest, to bring everybody together. And
2 I was worried that these sorts -- this sort of rhetoric, which
3 is completely inappropriate, just did not marry to what we were
4 trying to achieve.

5 **MR. JOHN MATHER:** So as discussed with Mr. King,
6 the media reported on some of his past rhetoric, some of his
7 past statements.

8 The media also reported on statements you had
9 made in the past. Are you -- do you know what I'm talking
10 about?

11 **MR. BENJAMIN DICHTER:** Yes. Yes.

12 **MR. JOHN MATHER:** And in particular, there was
13 reports that, and in this case from the Globe and Mail, that at
14 some point in 2018, you gave a speech to the People's Party of
15 Canada in which you allege that Islamic front groups were
16 infiltrating the country's political institutions. And they
17 quote you as saying:

18 "...the adaptation of political Islam is
19 rotting away at our society like
20 syphilis."

21 Do you know the media report I'm referring to?

22 **MR. BENJAMIN DICHTER:** The Globe and Mail, I
23 don't remember, it's been a few years, but yes. In general,
24 yeah, I do.

25 **MR. JOHN MATHER:** Is that something you said in
26 2018?

27 **MR. BENJAMIN DICHTER:** Yes. And I entered my
28 testimony in the Ontario Legislature into evidence in this

1 hearing, where I quoted numerous Imams that were quite extreme
2 in their rhetoric about Jews and the gay community. And amongst
3 LGBTQory, there were a lot of people that supported us that were
4 part of our group that were really concerned about that sort of
5 rhetoric. So I stand by those statements.

6 **MR. JOHN MATHER:** Did you have any concern -- and
7 I appreciate you stand by the statements, but do you have any
8 concern about how those statements might affect the Freedom
9 Convoy, given your role in the Convoy?

10 **MR. BENJAMIN DICHTER:** No. No, I didn't.

11 **MR. JOHN MATHER:** As you've noted, you've
12 provided context to those statements in the Legislature. Is
13 that correct?

14 **MR. BENJAMIN DICHTER:** Yeah, in the Ontario
15 Legislature.

16 **MR. JOHN MATHER:** At the time, did you take any
17 steps to contact the media who were reporting on those
18 statements and provide the context you've provided the
19 Legislature and now provided today?

20 **MR. BENJAMIN DICHTER:** No. I mean, I look at
21 during the -- I mean, my skepticism for legacy media is quite
22 high. I saw during the Convoy a headline from the same
23 newspaper that the truckers are weaponizing freedom in the name
24 of white supremacy or something like that, and I just kind of --
25 at this point, I dismiss it all. I really don't care what they
26 write.

27 **MR. JOHN MATHER:** The Commission has heard a fair
28 bit of evidence about Mr. King's role, and we've spoken about

1 Mr. King, and also about Mr. James Bauder.

2 As someone who was involved in the organization,
3 in your view, how influential were Mr. King and Mr. Bauder to
4 the Convoy?

5 **MR. BENJAMIN DICHTER:** I don't even know what
6 James Bauder looks like. I've never seen him before. I -- he
7 had some MOU thing that was written in 2019. I thought it was a
8 meme, it was a joke. Like, that's not how people are serious
9 about litigation and political change; right? So I just
10 dismissed him.

11 There was the other guy, Jeremy Mackenzie, who
12 has been my personal troll because I'm a Jew for the past
13 several years.

14 These are all people that have almost zero
15 following, but the legacy media seems to be wanting to make
16 these people who have very little or nothing to do with the
17 Convoy into celebrities. That's why I was really concerned that
18 in the case of Mackenzie, that he's being asked to testify here.
19 Why? Nothing to do -- not a trucker, had nothing to do with the
20 Convoy. There's just rhetoric. Do we want to make him famous?
21 I don't get it. It makes no sense to me.

22 **MR. JOHN MATHER:** When you say Mr. Mackenzie was
23 your personal troll, can you expand on that?

24 **MR. BENJAMIN DICHTER:** Yeah, he has made several
25 comments throughout the years about Jewish conspiracy units. He
26 -- I laughingly say he makes Mel Gibson look like a rabbi. He
27 is really, really aggressive towards Jews. Whatever. That's
28 fine. I don't really care.

1 And while I was producing a podcast several years
2 ago, this woman who is a Saudi refugee who grew up under
3 extremism, she was a doctor and moved to Canada, and he was
4 harassing her online, he was harassing me online. Like, that's
5 what he does. Apparently that's comedy. Whatever. Fine.

6 **MR. JOHN MATHER:** Do you think what Mr. Mackenzie
7 does is comedy?

8 **MR. BENJAMIN DICHTER:** No.

9 **MR. JOHN MATHER:** What do you think it is?

10 **MR. BENJAMIN DICHTER:** I think we're living in
11 this era where people, they -- when they want to -- when they
12 say something that is extreme rhetoric, then they say, "Oh, it's
13 just comedy," but when it's, you know, digestible, then they
14 say, "Oh, I'm -- this is serious." They want it both ways. And
15 I think he kind of -- he goes in that category.

16 And that's why these people have such small
17 followings.

18 But again, there are personalities in the media
19 that want to elevate these individuals. It just makes no sense.
20 When people say, "Oh, they have, you know 20,000 followers."
21 Firstly, that's not very much. And secondly, yeah, he would
22 have two if it weren't for you. Keep talking about him. The
23 Streisand effect; right?

24 **MR. JOHN MATHER:** I'm going to return now, and we
25 got to it already a bit, but I just have a few more questions
26 about the agreement that was reached between Ms. Lich and the
27 mayor and some of the events that's surrounding that.

28 So the mayor and Ms. Lich exchanged letters on

1 February 12th. On February 13th, there was a news report that
2 came out saying that the agreement that was reflected in those
3 letters had been reached. And then if we could pull COM831.
4 And so this is a tweet for your Twitter account. If we can
5 scroll down, you can see the timing, just so we can scroll down
6 to the bottom, from 8:24 p.m. And if we could scroll up, it
7 says, "More fake..." -- and this is -- you're referencing the
8 media report I referenced. It says:

9 "More fake news. This time from CityTV
10 News. No deal has been struck. The
11 federal government has not yet lifted
12 its mandates and passports. Do not
13 watch #fakenews. It's bad for your
14 mental health. This is completely
15 false."

16 Why did you send that tweet?

17 **MR. BENJAMIN DICHTER:** From the original time
18 that I was told by Keith that he's going to reach out the City,
19 I mentioned before, and I said, "Why? Just wait for the
20 government to -- you know, they will come to us." But no, just
21 went over my head, went over -- my sense from the rest of the
22 board is that they felt the same way. Maybe I'm wrong. Maybe
23 they told him differently but that was not my sense.

24 So throughout that week, I would, yeah, maybe
25 tease Keith a little bit. We actually had a pretty good working
26 relationship, which is why I was shocked yesterday, and I would
27 say to him, "So, Keith" -- I'd say, "Keith, how's the deal
28 going?" And he would say, "Oh, well, not great." And on

1 February the 13th, I did the same thing. I said to Keith, "How's
2 the deal going?" And he says, "Not great." So either he was
3 lying to me or he was lying in this scenario; I don't know.

4 And then that night, I went onto -- I was
5 starting to go into Twitter spaces to communicate with people
6 and I just got destroyed -- sorry, I got attacked by a couple of
7 thousand people in a Twitter space, "You're a bunch of
8 sellouts." Randy Hillier put out a tweet. So I don't know, if
9 you can't convince Randy Hillier, Tom Marazzo's buddy, that we
10 have a deal, then how will convince the City or anybody else
11 there's a deal. But okay, fine.

12 And so I sent a message to Keith the following
13 morning and I said, "Keith, I just got attacked last night. I
14 think I got everybody calmed down and whatever. What's the
15 status of this deal so I can put an end to it?" I can't
16 remember how I worded it exactly. And he said, "Neither Eva nor
17 myself have drafted anything for the City. More rumours."
18 Okay, so everything is the same as I have been told the entire
19 way throughout. Fine.

20 **MR. JOHN MATHER:** So if we could pull up
21 BJD00000017. And this is a document that you provided to the
22 Commission I believe yesterday.

23 **MR. BENJAMIN DICHTER:** Okay.

24 **COMMISSIONER ROULEAU:** What was the date of the
25 tweet we just saw?

26 **MR. JOHN MATHER:** It was February 13th at 8:24
27 p.m.

28 (VIDEO PLAYBACK)

1 **MR. JOHN MATHER:** I must have the wrong number.
2 Perhaps I'll -- I think we have the message you're referring to.
3 I don't have the number now. I thought maybe I'd have an
4 opportunity to show it to you and confirm that's the message but
5 -- so you had a text exchange with Mr. Wilson, or a messaging
6 exchange ---

7 **MR. BENJAMIN DICHTER:** Signal, yeah.

8 **MR. JOHN MATHER:** Signal exchange with Mr. Wilson
9 on the 14th when you said, "What's going on?" and he said,
10 "There's been nothing with the mayor." And again, we will --
11 when we have the opportunity, we'll pull that up. My question
12 for you now is, between when you read the news article that you
13 tweeted about and when you tweeted about it, did you ask anyone
14 whether the news article was true or make any inquiries about
15 the news article?

16 **MR. BENJAMIN DICHTER:** No, just out of time,
17 being overwhelmed with stuff and, you know, I already
18 communicated my skepticism on legacy media. And I'm getting it
19 directly from the source; I'm getting it from our lawyers who's
20 telling me, "No deal." I mean I know the ---

21 **MR. JOHN MATHER:** Right, but your lawyer told you
22 that on the 14th, not on the 13th when you tweeted it out.

23 **MR. BENJAMIN DICHTER:** No, no, no, when I say --
24 I spoke to him on the 13th as well ---

25 **MR. JOHN MATHER:** Oh, sorry.

26 **MR. BENJAMIN DICHTER:** --- before. So during
27 that, I did another, "So how's that deal going," and he says,
28 "Not so good." I thought, "Okay, fine." And when -- late at

1 night, into the Twitter space and then had to reconfirm it again
2 the next day.

3 **MR. JOHN MATHER:** So that conversation you had
4 with Mr. Wilson on the 13th, was that in writing or was that ---

5 **MR. BENJAMIN DICHTER:** No, face to face. I think
6 it was in my hotel room if I'm not mistaken, or the adjacent
7 room. We were always in and out. I would sometimes go to the
8 other hotel rooms, Tamara's and the others, or they would come
9 to me.

10 **MR. JOHN MATHER:** And then if we could pull up
11 COM841. So the first -- your tweet, which is there, says:

12 "More fake news from CityTV. No deal
13 has been struck."

14 And then we see this is a retweet by Tamara Lich
15 -- or, sorry, from Ms. Lich's account, which I think is an
16 important distinction ---

17 **MR. BENJAMIN DICHTER:** Yes.

18 **MR. JOHN MATHER:** --- as we'll get to, three
19 minutes later in which Ms. Lich's account says:

20 "The media lies to their viewers no
21 'deal' has been made. End the
22 mandates. End the passports. That's
23 why we are here."

24 The Commission had heard and received evidence
25 that you had access to Ms. Lich's Twitter account and that you
26 were the one who made this tweet.

27 **MR. BENJAMIN DICHTER:** Oh, from the very
28 beginning. Yeah, she asked me to take over. She didn't know

1 Twitter very much. She did Facebook. She said, "You deal with
2 Twitter."

3 **MR. JOHN MATHER:** Fair enough. And did you --
4 did, then, you do this retweet from her account?

5 **MR. BENJAMIN DICHTER:** Yes, and it was very
6 important because what was happening, this -- remember I
7 explained earlier I was trying to go for peace, love, unity, and
8 whatever, and there seemed to be another counter-narrative that
9 was creating anxiety and people were starting to attack Tamara,
10 myself, everybody, "You're a sellout. I never got my money for
11 gas. What are you doing?" You could see the tenor already of
12 frustration was building up. So I needed to communicate to
13 everybody that, "No. Relax. Nothing has changed. If it is,
14 we'll let you know," kind of was my thought, but you could
15 already see the anxiety being ramped up. And I think the last
16 thing we could have was any sort of conflict and violence and
17 that's why I was trying to echo that statement until we get
18 something substantive. If we go a deal in writing and it said,
19 "Hey, we are" -- okay, fine, that's a different story. But that
20 never materialized.

21 **MR. JOHN MATHER:** You were in regular contact
22 with Ms. Lich?

23 **MR. BENJAMIN DICHTER:** Oh, yeah, for sure.

24 **MR. JOHN MATHER:** Is there any reason you didn't
25 speak with her before you sent out this tweet?

26 **MR. BENJAMIN DICHTER:** Because we had a
27 communication team of myself and two other people, so all the
28 comms were amongst us on the Twitter, which became a primary

1 platform that we were using. And, you know, if we were doing
2 that on every little tweet, then we would get nothing done. And
3 Tamara didn't have much interest in Twitter. I noticed -- was
4 it that day? Around that time, like, she would do a positive
5 good morning message. I saw those would pop up periodically, so
6 she had access to the account as well, right? And -- but that's
7 about it. And I guess because she was overloaded, she was
8 dealing with so many other things, and she was, I think,
9 primarily on Facebook, if I'm not mistaken, which I was not.

10 **MR. JOHN MATHER:** So, Mr. Commissioner, I've come
11 to the end of my time. If I could have five more minutes just
12 to address one more document and then one more item.

13 **COMMISSIONER ROULEAU:** Okay. And you'll come
14 back to that one document you wouldn't ---

15 **MR. JOHN MATHER:** Yes, if ---

16 **COMMISSIONER ROULEAU:** Okay.

17 **MR. JOHN MATHER:** Yes. Actually, why don't we do
18 that document right now. So it's BJD18. I was one digit off.
19 My apologies, Mr. Dichter. So, on the screen, this appears to
20 be a message you've provided to us. I take it this is the
21 message that you sent Mr. Wilson on Signal.

22 **MR. BENJAMIN DICHTER:** Yeah.

23 **MR. JOHN MATHER:** And then, if we scroll down, we
24 have his response?

25 **MR. BENJAMIN DICHTER:** Yeah.

26 **MR. JOHN MATHER:** Is that what you're referring
27 to?

28 **MR. BENJAMIN DICHTER:** Yes.

1 **MR. JOHN MATHER:** Okay. Mr. Wilson has both
2 given testimony and also had an interview with the Commission.
3 And in his interview, Mr. Wilson stated that you were, at least
4 to his understanding, aware that an agreement had been reached
5 with the mayor -- between the mayor and Tamara, and he expressed
6 some surprise that you sent your tweet and Tamara's retweet.
7 And specifically, Mr. Wilson has identified this -- the
8 following document as evidencing that knowledge, HRF1491 --
9 HRF00001491.

10 So we'll scroll down. You'll see that this is
11 February 12th at 3:47 in the afternoon. Mr. Wilson writes to
12 you. The middle paragraph says:

13 "Hence the drafting committee will keep
14 working on the broader document for
15 review by the Board tomorrow but in the
16 meantime below is a draft communication
17 for the captains/truckers specific to
18 the mayor's arrangements to allow you
19 to advance into Wellington and Elgin
20 while at the same time taking away the
21 excuse that Trudeau wants to unleash
22 the police goons and seize trucks.
23 Remember, we are trying to block
24 Trudeau from having the justification
25 to cause the police to use the new
26 emergency power against the truckers
27 and to allow the truckers to stay here
28 in Ottawa for as long as it takes, et

1 cetera."

2 And then if you scroll up, sorry, to the top you
3 then replied shortly afterwards, saying:

4 "Looks good to me."

5 What did you understand Mr. Wilson to be talking
6 about in his email when you responded, "Looks good to me"?

7 **MR. BENJAMIN DICHTER:** This was a communication
8 to the Premier's office, was my understanding. It's that they
9 were going to be drafting something for Doug Ford. They're
10 making some headway with him. And that's how it was
11 communicated.

12 Okay fine, good to me. If we get a response,
13 they want -- they're finally going to talk to us on a provincial
14 level. That's progress.

15 **MR. JOHN MATHER:** In Mr. Wilson's email he says:
16 "... below is a draft communication for
17 the captains/truckers specific to the
18 mayor's arrangement to allow us to
19 advance into Wellington and Elgin."

20 What did you understand that to mean?

21 **MR. BENJAMIN DICHTER:** In terms of the mayor's
22 arrangement, I don't know. I don't know the details because
23 again, everything was opaque. I wasn't told any specific sort
24 of details whatsoever.

25 **MR. JOHN MATHER:** Did you take any steps to learn
26 what Mr. Wilson was talking about in that email?

27 **MR. BENJAMIN DICHTER:** No. What I was trying to
28 do was explain what the messaging, not step on everybody's toes.

1 This is the drafting or the legal committee. Okay, fine.
2 You're going to do what you can. If you have something signed,
3 whatever, send it to me when you have something prepared and
4 whatever, and let me know.

5 **MR. JOHN MATHER:** And my final question for you,
6 Mr. Dichter is you referenced that you had a good working
7 relationship with Mr. Wilson and you were surprised by his
8 testimony yesterday. Other than what we've spoken about, is
9 there anything else that surprised you?

10 **MR. BENJAMIN DICHTER:** Yeah. Well, there was one
11 caveat which I started to -- you know, people say things and you
12 put the red flag up in the back of your head. So with the class
13 action suit there were the injunctions, motions put forward and
14 whatever. Okay, we already signed off with him and the JCCF;
15 turns out our retainer was with the JCCF. They were going to --
16 okay, fine.

17 And he came back and he said to me, to all of us
18 individually. But I remember him saying to me, "Okay, so I have
19 good news. We've got a number of items that the class action
20 suit wanted, the people on the -- the complainants wanted. And
21 they've all been rejected with one exception. The one exception
22 is the horn honking has to be limited in scope and to one
23 designated area."

24 And I said to him, "Who cares about the horn
25 honking? That's not what we're here for. We're here for
26 mandates, whatever."

27 And that's how he communicated it to me. And
28 that was it. So then, what I didn't tell him is I took that

1 document and I sent it to a friend of mine who is a legal
2 researcher at a firm. And I said, "This is what I was told this
3 document says. I don't read legalese. Can you just interpret
4 it because he's saying that the media is lying that we actually
5 won. What is your interpretation?"

6 And she said to me, "I don't know who's telling
7 you you won. They wanted the horns stopped or whatever that
8 was, the part of the injunction. And they won. So whoever is
9 telling you you won is not being honest with you."

10 And I thought, is he just overselling it because
11 he's trying to be compassionate and he knows we're under a lot
12 of stress? Or was it just dishonest? I don't know.

13 I tried to give him the benefit of the doubt at
14 that time; maybe he's just trying to be supportive in some sort
15 of way.

16 **MR. JOHN MATHER:** Thank you. Those are my
17 questions.

18 **MR. BENJAMIN DICHTER:** Thank you very much.

19 **COMMISSIONER ROULEAU:** Okay.

20 **MR. BENJAMIN DICHTER:** Commissioner, sorry?

21 **COMMISSIONER ROULEAU:** Yes.

22 **MR. BENJAMIN DICHTER:** Would I be able to submit
23 my application for Rule 59 to have some more leading testimony
24 from my lawyer?

25 **COMMISSIONER ROULEAU:** The normal is your lawyer
26 will do it at the end. And that's when I would do it., I mean,
27 unless there's any particular reason to do it now, I would
28 suggest we do it at the end which is the normal.

1 **MR. JIM KARAHALIOS:** If, Mr. Commissioner, you're
2 going to make us pick between now or the end, I think you're
3 right, the end is better. I think what Mr. Dichter is
4 suggesting that I be able to ask a couple of question now,
5 leading questions, and at the end have the opportunity to close
6 with non-leading questions, as per Rule 59.

7 **COMMISSIONER ROULEAU:** And how long do you
8 propose to be?

9 **MR. JIM KARAHALIOS:** At this time, five minutes.

10 **COMMISSIONER ROULEAU:** Five minutes of some
11 leading questions?

12 **MR. JIM KARAHALIOS:** Yes.

13 **COMMISSIONER ROULEAU:** Okay. Are there any
14 objections or concerns?

15

16 **MR. DAVID MIGICOVSKY:** I do have a -- perhaps I
17 had missed but counsel for the witness who was not a party now
18 wants to ask him leading questions? Is that what I'm
19 understanding?

20 **COMMISSIONER ROULEAU:** Yes, I denied the right to
21 -- the application have his counsel lead the evidence. And now
22 he seeks to have five minutes to do that. There may be some
23 additional at the end and so that's what is being proposed. And
24 they would be leading questions for five minutes.

25 **MR. DAVID MIGICOVSKY:** So I would oppose it
26 because if he was not given standing then I question why he's
27 allowed to examine his client. I guess further to that, if he
28 is allowed to examine his client, why would he be allowed to ask

1 him leading questions as opposed to non-leading questions?

2 **MR. JOHN MATHER:** So Mr. Commissioner, just for
3 you assistant and for the assistance of the parties and the
4 public, I just want to read what Rule ---

5 **COMMISSIONER ROULEAU:** Read the Rule, yes.

6 **MR. JOHN MATHER:** --- 59 says.

7 So Rule 59 says that:

8 "If a representative or a witness
9 intends to adduce evidence in-chief not
10 adduced by Commission counsel, the
11 representative will examine the witness
12 immediately following Commission
13 counsel and then will have a right to
14 re-examine the witness following
15 questions by the other parties.

16 There is no reference to leading or non-leading
17 in the Rule.

18 **COMMISSIONER ROULEAU:** Okay.

19 **MR. DAVID MIGICOVSKY:** So with that
20 clarification, I suppose he can ask his questions now but I
21 would suggest that what's contemplated and what's fair is that
22 the questions be asked in a non-leading fashion. He obviously
23 doesn't have the right to cross-examine his client.

24 **COMMISSIONER ROULEAU:** Okay. Well, I guess
25 there's some uncertainty in the Rule. What a surprise. So I
26 think what I'll do is I will let the questions go, and if
27 there's a problem we'll deal with it. But I think it's
28 preferable to get that evidence out so before the parties do

1 their cross-examination.

2 **MR. JIM KARAHALIOS:** Thank you, Mr. Commissioner.

3 **--- CROSS-EXAMINATION BY MR. JIM KARAHALIOS:**

4 **MR. JIM KARAHALIOS:** I'd like to point the
5 witness to BJD40, sorry BRB40, my mistake.

6 Mr. Dichter, do you recognize the screen shot?

7 **MR. BENJAMIN DICHTER:** Yes, I do. That is one of
8 the group chats in signal where we were communicating -- myself,
9 Tamara, the lawyers, the Board.

10 **MR. JIM KARAHALIOS:** And who was part of this
11 group chat?

12 **MR. BENJAMIN DICHTER:** Like I said, most of the
13 Board that were involved, Chad, Keith Wilson, Eva, Tamara, Chris
14 Garrah. Like, all of us were in it.

15 And this echoes the same sentiment of the other
16 text message.

17 **MR. JIM KARAHALIOS:** You made a statement in that
18 group chat on February 14th at 6:51 a.m. talking about how you
19 were being accused of certain things from supporters on your
20 Twitter space the night before or early morning ---

21 **MR. BENJAMIN DICHTER:** Yeah.

22 **MR. JIM KARAHALIOS:** --- depending how you look
23 at it, 1:00 a.m.. What was the response to your -- if we can
24 scroll down, we can see a response to Mr. Dichter's statement
25 there.

26 Can you read that out for the Commission?

27 **MR. BENJAMIN DICHTER:** Yeah, from Tamara.

28 "I haven't seen any statement yet so

1 don't worry about meeting at 9:00. If
2 I hear anything I will let you know."

3 **MR. JIM KARAHALIOS:** Where was Ms. Lich staying
4 during the protest?

5 **MR. BENJAMIN DICHTER:** The Sheraton.

6 **MR. JIM KARAHALIOS:** Where were you staying
7 during the protest?

8 **MR. BENJAMIN DICHTER:** In the Sheraton.

9 **MR. JIM KARAHALIOS:** What floor were you on?

10 **MR. BENJAMIN DICHTER:** The 16th floor.

11 **MR. JIM KARAHALIOS:** What floor was she on?

12 **MR. BENJAMIN DICHTER:** I think the 14th, but I
13 might have that wrong.

14 **MR. JIM KARAHALIOS:** How often did you guys see
15 each other?

16 **MR. BENJAMIN DICHTER:** Frequently. There were a
17 couple of days where she wasn't around, but frequently.

18 **MR. JIM KARAHALIOS:** Did she ever mention to you
19 in those frequent interactions that she was working on or had
20 reached any kind of deal with the mayor?

21 **MR. BENJAMIN DICHTER:** No, and if she did, I've
22 forgotten it, but I don't think I would forget that.

23 **MR. JIM KARAHALIOS:** And this exchange on the
24 group chat seems to confirm that?

25 **MR. BENJAMIN DICHTER:** That's right.

26 **MR. JIM KARAHALIOS:** Mr. Commissioner, am I
27 allowed to ask about the email HR1491 that Mr. Mather was asking
28 Mr. Dichter about just now, a different aspect of the content?

1 **COMMISSIONER ROULEAU:** If you like. So far you
2 haven't been leading, so ---

3 **MR. JIM KARAHALIOS:** HRF1491.

4 **COMMISSIONER ROULEAU:** -- try avoid being leading
5 and that makes it easier.

6 **MR. JIM KARAHALIOS:** I'll do my best.

7 If we can scroll down. This was referenced in
8 Mr. Wilson's testimony yesterday. He suggested to the
9 Commission that this was your sign off on a deal.

10 Can you read the first sentence or line of the
11 first sentence of the second paragraph of this email from Mr.
12 Wilson?

13 **MR. BENJAMIN DICHTER:**

14 "Hence, the drafting committee will
15 keep working on the broader document
16 for review by the Board tomorrow, but
17 in the meantime, below is a draft
18 communication for the captains,
19 truckers, specific to the mayor's
20 arrangement to allow us to advance into
21 Wellington Street and Elgin while at
22 the same time, taking away the excuse
23 that Trudeau wants to unleash the
24 police goons and seize trucks."

25 **MR. JIM KARAHALIOS:** Did a draft communication
26 ever follow?

27 **MR. BENJAMIN DICHTER:** No.

28 **MR. JIM KARAHALIOS:** Did you receive any other

1 email?

2 **MR. BENJAMIN DICHTER:** Not that I'm aware of, no.

3 **MR. JIM KARAHALIOS:** Can we scroll down to the
4 attachment that was with this email? Can you have a quick
5 review of this attachment document, Mr. Dichter?

6 **MR. BENJAMIN DICHTER:** Okay.

7 **MR. JIM KARAHALIOS:** Let me know when you're
8 done.

9 **MR. BENJAMIN DICHTER:** Yeah.

10 **MR. JIM KARAHALIOS:** Does this look like a
11 document that's a deal or a contract between two parties?

12 **MR. BENJAMIN DICHTER:** No. Well, that was my
13 whole point. There's no witness, signature, date, nothing.
14 It's just a letter.

15 **MR. JIM KARAHALIOS:** What is this? Like, in your
16 experience as a communications person, what is this document?

17 **MR. BENJAMIN DICHTER:** Public relations.

18 **MR. JIM KARAHALIOS:** Like a press release?

19 **MR. BENJAMIN DICHTER:** M'hm.

20 **MR. JIM KARAHALIOS:** Okay. If I can ask the
21 Commission to pull up a document that I'm -- BJB12? It's an
22 article in the Toronto Sun talking about Dean French working on
23 a deal.

24 If we can scroll down to, I think, the fourth
25 page on some text, maybe go up? Okay, down, sorry, the next
26 line in the article. Maybe it's page 3. Sorry to have you
27 fishing.

28 There's an article in this document, Mr. Dichter.

1 Have you seen this article?

2 **MR. BENJAMIN DICHTER:** Yes, I have.

3 **MR. JIM KARAHALIOS:** Where Mr. French gives his
4 public perspective ---

5 **MR. BENJAMIN DICHTER:** Yes, and he's ---

6 **MR. JIM KARAHALIOS:** --- on the protest, and he
7 says, on page 6 of the document, "I don't believe in protesting
8 or honking on residential streets."

9 Do you know who Dean French is?

10 **MR. BENJAMIN DICHTER:** He is Doug Ford's former
11 chief of staff and friends since the 1990s.

12 **MR. JIM KARAHALIOS:** How did he end his tenure as
13 chief of staff to the premier?

14 **MR. BENJAMIN DICHTER:** He resigned in disgrace.

15 **MR. JIM KARAHALIOS:** Did you read or hear the
16 mayor's testimony on Dean French?

17 **MR. BENJAMIN DICHTER:** Yes, and was confused when
18 he thought he was a credible person that he could reach out to.
19 And the other problem is, how do you have somebody negotiating
20 on behalf of the truckers who's not a trucker, who's connected
21 to the premier's office, who's critical of the trucking protest?

22 **MR. JIM KARAHALIOS:** Former Chief Sloly testified
23 that the mood on the ground was a powder keg. If the truckers
24 heard that their interests were being represented by the first
25 chief of staff of the premier who was responsible for most of
26 the mandates in Ontario at a provincial level, how would the
27 mood have changed on the ground, or did it change when reports
28 came out that it was Dean French talking to the mayor and Mr.

1 Wilson and Mr. Marazzo?

2 **MR. BENJAMIN DICHTER:** That's where you saw some
3 of the conflict, and I can understand where Chief Sloly might
4 have interpreted the powder keg issue, because again, I said
5 before, the mixed messages, you want to go to a trucker and say,
6 "Hey, yeah, the guy who brought in your provincial mandates,
7 he's negotiating a deal for you guys to leave," which is not a
8 deal, that's capitulation. A deal's both sides get something,
9 and we would have gotten nothing.

10 That would have -- these are the sorts of things
11 that were causing so much anxiety and division. Furthermore,
12 you know, the first week was really stressful. We were
13 overloaded, we had far more people than we imagined would be
14 here, and it took about a week to get everybody finally, on the
15 organizational side of all the different groups, slowly to talk
16 together, or at least decide, go your separate ways, in some
17 scenarios, and then this started. And the level of distrust all
18 of a sudden came back again.

19 **COMMISSIONER ROULEAU:** I think your time is up,
20 Mr. Karahalios, so I'm going to ask you to wrap up this part of
21 your questioning. You asked for five minutes; I've already
22 given you much more.

23 **MR. JIM KARAHALIOS:** Am I allowed one more
24 question, Mr. Commissioner?

25 **COMMISSIONER ROULEAU:** Yes, sir.

26 **MR. JIM KARAHALIOS:** Thank you.

27 You mentioned a War of the Worlds video. You
28 mentioned dealing with a Jordon Peterson podcast, I think,

1 talking about how we're not here to overtake the government.
2 Specifically, is the War of the Worlds video that you're talking
3 about submitted a video, Mr. Wilson, BJD-8, and the reason that
4 you felt you needed to explain that you guys weren't here was in
5 response to the February 8th press conference of Tom Marazzo,
6 correct?

7 **MR. BENJAMIN DICHTER:** That's right.

8 **MR. JIM KARAHALIOS:** Mr. Wilson yesterday
9 testified that when he met Tom Marazzo, he was very impressed
10 with his calm demeanour. I'll ask the Commission to pull up a
11 video, BJD-17. It's 20 seconds, starting at 3:40.

12 (VIDEO PLAYBACK)

13 **MR. JIM KARAHALIOS:** I think that's all we need.
14 I'm sure Ms. Zexi Li would be very proud of Mr. Marazzo talking
15 about supporters of ---

16 **COMMISSIONER ROULEAU:** I'm not sure you're here
17 to give evidence.

18 **MR. JIM KARAHALIOS:** Mr. Dichter, what can you
19 say about Mr. Marazzo's demeanour in the context of Mr. Wilson
20 saying yesterday he found him a good negotiator?

21 **COMMISSIONER ROULEAU:** I think we're going to
22 close this off at the moment. I gave you a question; you've
23 done more, so we'll ---

24 **MR. JIM KARAHALIOS:** Okay.

25 **COMMISSIONER ROULEAU:** --- put off. We can deal
26 with further questioning at the end, if need be, okay?

27 So we'll take the morning break and come back in
28 15 minutes.

1 **THE REGISTRAR:** The Commission is in recess for
2 15 minutes. La Commission est levée pour 15 minutes.

3 --- Upon recessing at 11:45 a.m.

4 --- Upon resuming at 12:01 p.m.

5 **THE REGISTRAR:** Order. À l'ordre. The
6 Commission is reconvened. La commission reprend.

7 **COMMISSIONER ROULEAU:** Okay. So now we're ready
8 to get started on the cross-examinations. For the Government of
9 Canada first, please?

10 --- MR. BENJAMIN DICHTER, Resumed:

11 **MS. ANDREA GONSALVES:** Thank you, Mr.
12 Commissioner.

13 --- CROSS-EXAMINATION BY MS. ANDREA GONSALVES:

14 **MS. ANDREA GONSALVES:** Good afternoon, Mr.
15 Dichter. My name is Andrea Gonsalves. I'm one of the lawyers
16 for the Government of Canada.

17 So as I've understood your evidence, Mr. Dichter,
18 you were the spokesperson and really generally media relations
19 person for the Freedom Convoy; correct?

20 **MR. BENJAMIN DICHTER:** Yeah, we had a team of
21 three other people and myself, and I led the team.

22 **MS. ANDREA GONSALVES:** You were one of the
23 directors of the corporation as well?

24 **MR. BENJAMIN DICHTER:** Yes, I was.

25 **MS. ANDREA GONSALVES:** And do you have any formal
26 training, degree or professional experience in communications,
27 media relations, anything of that sort?

28 **MR. BENJAMIN DICHTER:** No, I don't have a degree

1 in communications, but I worked for companies previously that
2 basically taught me general media communications, owned a
3 business for many years, had to deal with it, so I've been in
4 media -- in and out of media for business purposes for quite
5 some time.

6 **MS. ANDREA GONSALVES:** And you do your own media?

7 **MR. BENJAMIN DICHTER:** Yeah.

8 **MS. ANDREA GONSALVES:** Yeah. For instance,
9 you've got a book that's set to be released next week that
10 you're promoting through your own website?

11 **MR. BENJAMIN DICHTER:** Yes, actually, I wrote
12 that book with a friend of mine, who was an investigative
13 journalist for the Toronto Star for 30 years and a published
14 author. And I said to John, I said, "I don't know how to write
15 a book, but can you teach me, and can we do this project
16 together?" And it was amazing to have somebody in my life who
17 understood the process of investigative journalism to build a
18 framework, a timeline, all that sort of stuff, so we could get
19 the story out factually as it was, and not just my story, the
20 story of other people involved in the convoy.

21 **MS. ANDREA GONSALVES:** And during the period of
22 the protest, when you spoke or when you approved publications on
23 behalf of the Freedom Convoy, those were -- you were speaking on
24 behalf of the group that the Freedom Convoy represented; right?

25 **MR. BENJAMIN DICHTER:** That was the attempt. So
26 there were many other ancillary groups that were attached and
27 whatnot. You know, you can't speak for everybody. You do your
28 best to find a message that will resonate with all sorts of

1 people. And as you know, as you've seen by some of the people
2 here, they're quite enthusiastic. Sometimes they were upset
3 that the tenure was -- it was not as enthusiastic as they
4 wanted, so there was a balancing act with the different
5 personalities involved.

6 **MS. ANDREA GONSALVES:** Right, and you've said
7 previously you couldn't control the truckers, you couldn't
8 control the protesters?

9 **MR. BENJAMIN DICHTER:** Well, I think we were in a
10 position, and primarily because of the success of the GoFundMe
11 and the subsequent GiveSendGo, where we had the highest degree
12 of moral persuasion. So if there was a representative of the
13 government that came to speak with us, we would be in a unique
14 position that would be easier for us to sell whatever settlement
15 idea that -- agreement we would come to with the government. It
16 might take a little bit of time.

17 And for example, I mentioned on February 18th,
18 when the road captains were in my room, and they agreed with me,
19 saying, "Yeah, it's time to leave, the government is getting
20 violent." And Miranda piped up, and she said, "Yeah, but Ben,
21 some of these people are not going to want to leave." And I
22 said, "That's your job as a road captain to convince them and
23 persuade them to leave. If you need me to help, we'll try and
24 get everybody to get onboard with us."

25 **MS. ANDREA GONSALVES:** So Mr. Dichter, I've only
26 got a limited amount of time.

27 **MR. BENJAMIN DICHTER:** Okay.

28 **MS. ANDREA GONSALVES:** And what I've put to you

1 is a simple question that you have said in the past, in fact
2 you've sworn an affidavit, it's in our documents JCF0000014,
3 where you said, "I do not control the truckers and other
4 participants in the current protest in Ottawa." Do you recall
5 saying that in an affidavit?

6 **MR. BENJAMIN DICHTER:** Yeah, control and moral
7 persuasion are two different things.

8 **MS. ANDREA GONSALVES:** And I asked you about
9 control. So I just want to make sure we're talking about the
10 same thing.

11 **MR. BENJAMIN DICHTER:** Nobody controls anybody,
12 of course.

13 **MS. ANDREA GONSALVES:** Right. And do you recall
14 speaking at a press conference on January 30th?

15 **MR. BENJAMIN DICHTER:** Sure, yeah.

16 **MS. ANDREA GONSALVES:** Yeah. We have a
17 transcript of that. It's COM00000895. It's a transcript, as I
18 understand, of a video that has been prepared by Commission
19 Counsel.

20 **MR. BENJAMIN DICHTER:** Okay.

21 **MS. ANDREA GONSALVES:** Have you had an
22 opportunity to read that transcript?

23 **MR. BENJAMIN DICHTER:** I've skimmed through most
24 -- as much as I could in the past 24 hours ---

25 **MS. ANDREA GONSALVES:** Understood.

26 **MR. BENJAMIN DICHTER:** --- and it's been hard.

27 **MS. ANDREA GONSALVES:** But you would have no
28 concerns about the accuracy of that transcript?

1 **MR. BENJAMIN DICHTER:** From what I've seen so
2 far, no.

3 **MS. ANDREA GONSALVES:** Okay. And we can put it
4 up if you need your memory refreshed, but you said at that press
5 conference that there were so many truckers you lost track;
6 right?

7 **MR. BENJAMIN DICHTER:** Yeah.

8 **MS. ANDREA GONSALVES:** And the various
9 participants in the protest had a variety of viewpoints,
10 objectives, demands; fair?

11 **MR. BENJAMIN DICHTER:** No, I think what we all
12 agreed on was ArriveCAN and the mandates. Everybody has all
13 sorts of grievances with the government, but we had one unifying
14 grievance, which was the ArriveCAN and the mandates, which is
15 what we are here for, and everybody kind of understood that.
16 Right?

17 **MS. ANDREA GONSALVES:** That was the baseline, and
18 then there were others who wanted more. There were some, to
19 your knowledge, you know that were interested in a change of
20 government.

21 **MR. BENJAMIN DICHTER:** Again, not in the convoy.
22 There is -- people might have said things incorrectly, people
23 might have given that impression. There is always fringe
24 elements in these sorts of events, and -- but that's not what we
25 were about from the very beginning.

26 **MS. ANDREA GONSALVES:** When you say the Freedom
27 Convoy, you're talking about that organisation where you're one
28 of the board of directors, you've spoken about some others

1 involved, and those who subscribe to that messaging and were
2 following that group; correct?

3 **MR. BENJAMIN DICHTER:** Well, there was the board,
4 but everybody, you know, you could see as evidence online that
5 everybody saw themselves as participants of the Freedom Convoy,
6 that that's how they viewed all of this. And the board itself,
7 the name we settled on was Freedom 2022 Human Rights Freedom
8 Organisation.

9 **MS. ANDREA GONSALVES:** And there were others,
10 such as Mr. King, who participated in the protests, he had
11 followers, they had different objectives and views; correct?

12 **MR. BENJAMIN DICHTER:** Well, Mr. King has a very
13 small social media following. I heard some of the numbers he
14 threw out, and I went online and I know analytics and he has
15 nowhere that sort of -- I think he's got 3,000 followers online.
16 Which is why it's odd that we keep focussing on him, when on the
17 25th of January, I said to Tamara, 25th, 24th, whichever day she
18 left, I can't remember, "He's got to go", and we had that back
19 and forth, and she ultimately agreed with me. And then we
20 released a press release, it was our first update to the
21 GoFundMe, and it stated that Pat King represents only himself,
22 he does not represent the Freedom Convoy, and that stayed up
23 there for quite sometime.

24 **MS. ANDREA GONSALVES:** And I know the document
25 you're talking about.

26 **MR. BENJAMIN DICHTER:** Yeah.

27 **MS. ANDREA GONSALVES:** It's GFM00000001. And
28 that update to the GoFundMe page, in distancing the Freedom

1 Convoy from Pat King, you felt that was important to pursuing
2 the objectives that you and those you were aligned with ---

3 **MR. BENJAMIN DICHTER:** To get people in the
4 framework of peace, love, unity and freedom, yes, we needed to
5 ensure that people didn't get confused, that the government
6 didn't get confused and the government could understand that we
7 were reasonable people that they could speak with, and they
8 wouldn't get that impression with that sort of rhetoric, which
9 is why we all were quite concerned about it and wanted it not to
10 be -- well, not to be involved.

11 **MS. ANDREA GONSALVES:** And the -- these concerns
12 about what was being seen on the part of the protesters, this in
13 fact prompted you to put out a number of public statements
14 distancing the Freedom Convoy from violence; correct?

15 **MR. BENJAMIN DICHTER:** Oh, of course. Yeah, of
16 course.

17 **MS. ANDREA GONSALVES:** And that had to be done
18 repeatedly. For example, there is a Sun article on
19 January 26th, COM00000630. There was an Official Daily Event
20 and Safety Report put out on January 27th, HRF00000008.

21 And in fact, could we put that document up on the
22 screen?

23 Is this the type of document that would've been
24 approved through you or one of the other three working on
25 Communications?

26 **MR. BENJAMIN DICHTER:** No, this was produced by
27 Tom Quiggin ---

28 **MS. ANDREA GONSALVES:** Okay.

1 **MR. BENJAMIN DICHTER:** --- who is the
2 intelligence analyst.

3 But the reason we needed to put these messages
4 out, to answer your question, it wasn't because of the people,
5 it was because of the legacy media that was putting out a
6 narrative that was completely false about these phantom violent
7 people that I never saw, and so we had to put these things out.
8 And we saw by the text message in this testimony from the Prime
9 Minister's Office that they were doing exactly what I thought
10 they were doing.

11 **MS. ANDREA GONSALVES:** Again, I'm going to ask
12 you to just focus yourself on my question. All I did was ask
13 whether you approved these messages before they went out.

14 **MR. BENJAMIN DICHTER:** These -- the Daily Safety
15 Reports, no that was Tom.

16 **MS. ANDREA GONSALVES:** No.

17 And if we go down maybe on the second page,
18 bullet number 10:

19 "Convoy organizers are developing an
20 internal intelligence capability to
21 identify potential sources of violence.
22 A separate report on identifying
23 violent groups/individuals will
24 follow."

25 And if that's going out in the name of the
26 Freedom Convoy, it's being represented as something true and
27 accurate; correct?

28 **MR. BENJAMIN DICHTER:** Yes. It also has the word

1 "potential".

2 **MS. ANDREA GONSALVES:** Right. Now, the
3 objective, as I understood it, from the GoFundMe page of the
4 Freedom Convoy was to stay in Ottawa until all mandates were
5 lifted.

6 **MR. BENJAMIN DICHTER:** Yes.

7 **MS. ANDREA GONSALVES:** You understand, sir, you
8 do legal podcasts, you're a former candidate for Parliament,
9 that the Federal Government does not have the jurisdictional
10 authority to lift all mandates in Canada; right?

11 **MR. BENJAMIN DICHTER:** Federal mandates?

12 **MS. ANDREA GONSALVES:** Yes. Well, no, the
13 wording of the GoFundMe page was "all mandates". I want to make
14 sure we're on the same page that the best the Federal Government
15 could do was lift federal mandates; right?

16 **MR. BENJAMIN DICHTER:** Yeah, we knew if the
17 Federal Government lifted their mandates then the provinces
18 would follow. And in fact the opposite happened. The province
19 dropped all their mandates and the Federal Government held onto
20 it until last month.

21 **MS. ANDREA GONSALVES:** And sir, you didn't know
22 that, that was something you hoped would happen; right?

23 **MR. BENJAMIN DICHTER:** I think it was a good
24 educated guess, understanding how government works, yeah.

25 **MS. ANDREA GONSALVES:** But fair to say there was
26 misunderstanding on the part of at least some participants about
27 what the Federal Government could do with respect to all
28 mandates. And there were times when you found yourself in the

1 messaging ensuring that it didn't give the impression that the
2 Freedom Convoy was asking the Federal Government to do that
3 which it had no authority to do. Right?

4 **MR. BENJAMIN DICHTER:** Ask that again. I'm
5 confused.

6 **MS. ANDREA GONSALVES:** Yeah, sure, I'll break it
7 down. There was misunderstanding by at least some participants
8 in the protest as to these, you know, notions of jurisdiction
9 and what the Federal Government could or couldn't do?

10 **MR. BENJAMIN DICHTER:** Oh, there's definitely
11 people in society who need some education in civics, there's no
12 question, but in terms of people who are leading organisations
13 and groups, and within our board we understood that it was the
14 federal mandate because that's the mandate that were destroying
15 truckers' careers, their businesses, and their jobs because they
16 couldn't cross the border.

17 **MS. ANDREA GONSALVES:** And so I've seen in the
18 documents -- I don't have time to take you to them -- that there
19 were times where you had to ensure that the messaging was
20 refined to not leave the impression that the Freedom Convoy was
21 trying to get the federal government to revoke all mandates;
22 right?

23 **MR. BENJAMIN DICHTER:** It was to remove the
24 federal mandates, for sure, and the federal mandates would lead
25 would to all mandates. That was out optimistic assumption. And
26 I think evidenced by what happened on the provincial levels,
27 that was probably a good assumption.

28 **MS. ANDREA GONSALVES:** And you were asked in

1 January 30th press conference that we talked about ---

2 **MR. BENJAMIN DICHTER:** Yeah.

3 **MS. ANDREA GONSALVES:** --- about whether there
4 was any point to trying to get the federal government to lift
5 the mandate on truckers crossing the border because there was a
6 parallel restriction in place on the US side; do you remember
7 that?

8 **MR. BENJAMIN DICHTER:** Yes, but the ---

9 **MS. ANDREA GONSALVES:** Sorry, before you go on --
10 -

11 **MR. BENJAMIN DICHTER:** Yeah.

12 **MS. ANDREA GONSALVES:** --- I just want to clarify
13 that you did in that press conference say -- acknowledge that
14 fact but say that you understood that the US restriction had
15 been adopted at the request of the Canadians -- the Canadian
16 Government.

17 **MR. BENJAMIN DICHTER:** They came here first and
18 the US never enforced it.

19 **MS. ANDREA GONSALVES:** But that's what I want to
20 make we're both clear on. The US mandate was announced first;
21 right?

22 **MR. BENJAMIN DICHTER:** It was -- no, it was
23 announced after. It was the Canadian mandates that were
24 announced first, from what I remember.

25 **MS. ANDREA GONSALVES:** Okay, well, I think the
26 evidence is different on that, but I'll leave it there.

27 **MR. BENJAMIN DICHTER:** Okay, could be.

28 **MS. ANDREA GONSALVES:** And so when you and the

1 Freedom Convoy say, "We are in this for the long haul." -- you
2 recall using that statement ---

3 **MR. BENJAMIN DICHTER:** Yeah, yeah.

4 **MS. ANDREA GONSALVES:** --- at times?

5 **MR. BENJAMIN DICHTER:** Yeah.

6 **MS. ANDREA GONSALVES:** You were not willing to
7 leave until your demands were met; fair?

8 **MR. BENJAMIN DICHTER:** I was reflecting the
9 sentiment of the truckers that were coming here. It wasn't,
10 "BJ's decided we're going to stay here permanently." It's the
11 truckers that assembled their convoys -- and there were so many
12 convoys, we couldn't keep track -- they all agreed and that was
13 their sentiment. I was trying to reflect the sentiment of them
14 for the government so they would understand, which was odd that
15 there are people in the City of Ottawa that said, "Oh, they're
16 going to be here for two days." "Okay."

17 **MS. ANDREA GONSALVES:** And your understanding is
18 that that group would not be prepared to leave Ottawa, that
19 these were committed, dedicated individuals to their cause, yes,
20 as you understood it, and they were not going to leave Ottawa
21 until they had accomplished goals; right?

22 **MR. BENJAMIN DICHTER:** Well, I think at least, if
23 we start with somebody from the government who would hear them -
24 - because what this protest was, this was a cry for help, and
25 they felt completely alienated and abandoned and they were
26 losing everything they had. And this was an act of desperation.

27 **MS. ANDREA GONSALVES:** Mr. Commissioner, I'm one
28 minute over my 15 minutes. Could I have another five, please?

1 **COMMISSIONER ROULEAU:** Okay, in the
2 circumstances, I'll give you another five.

3 **MS. ANDREA GONSALVES:** Thank you.

4 **COMMISSIONER ROULEAU:** You've been generally
5 reasonable.

6 **MS. ANDREA GONSALVES:** Thank you.

7 And so we've heard you give some evidence about
8 the agreement, the deal between Ms. Lich and Mayor Watson, and
9 the tweets and your understanding of that series of events. And
10 just to confirm, you did come to understand that there was an
11 exchange of letters that set out an understanding, at a minimum,
12 a deal as to what would happen for there to be a sit-down
13 between the mayor and representatives of the Freedom Convoy; you
14 understand that, yes?

15 **MR. BENJAMIN DICHTER:** From what I understand,
16 there was attempts to communicate. I didn't know at the time;
17 nobody told me that people connected to Doug Ford's Office were
18 involved in that communication.

19 **MS. ANDREA GONSALVES:** And you brought -- you
20 discussed Mr. Wilson's connections with those events this
21 morning. Who did you understand Mr. Wilson's client or clients
22 was in the course of these dealing?

23 **MR. BENJAMIN DICHTER:** Well, Mr. Wilson told me
24 it was that we were his client but the retainer was with the
25 JCCF. I didn't say anything because my mother is a paralegal so
26 I know some of the basics and I knew that retainer was not
27 legitimate but I didn't even bother to pursue because there were
28 so many other things on our problem and we needed -- we were

1 desperate for free legal advice and it just became a nuance
2 argument that, "Maybe we'll figure it out in the future."

3 **MS. ANDREA GONSALVES:** And did you ever see the
4 letters that were exchanged between Ms. Lich and Mayor Watson?

5 **MR. BENJAMIN DICHTER:** No.

6 **MS. ANDREA GONSALVES:** To this day, you've not
7 seen those?

8 **MR. BENJAMIN DICHTER:** Oh, no, now I have, yeah.

9 **MS. ANDREA GONSALVES:** Now you have, but not at
10 the time?

11 **MR. BENJAMIN DICHTER:** Yeah.

12 **MS. ANDREA GONSALVES:** And so I gather you did
13 not make any efforts yourself to try and get those who were
14 parked in the residential areas of Ottawa to move their trucks
15 in accordance with this -- with this exchange of letters?

16 **MR. BENJAMIN DICHTER:** Yeah, no, that was my
17 understanding with Tom Marazzo where he said, "I'm going to deal
18 with the truck," and I said, "Great, I'll deal with the
19 messaging," and the next day, he's doing a press conference.
20 But I -- I didn't want -- there's so many things I had to deal
21 with and I didn't want to step on other people's toes. That's
22 what I was trying to do.

23 **MS. ANDREA GONSALVES:** And you never approved any
24 sort of official written communication from the Freedom Convoy
25 to its group of followers saying, "We need to leave the downtown
26 residential," or, "There's a deal with the mayor that we need to
27 make sure we comply with"?

28 **MR. BENJAMIN DICHTER:** No, no, if that --

1 anything came out under the Freedom Corp logo, I was completely
2 circumvented in that and not told about it.

3 **MS. ANDREA GONSALVES:** Okay. Thank you for the
4 indulgence, Mr. Commissioner. Those are my questions.

5 **COMMISSIONER ROULEAU:** Okay, thank you.

6 Next is the convoy organizers.

7 **--- CROSS-EXAMINATION BY. MR. BRENDAN MILLER:**

8 **MR. BRENDAN MILLER:** Mr. Dichter, Brendan Miller,
9 I'm counsel for Freedom Corp.

10 **MR. BENJAMIN DICHTER:** I've been watching you for
11 a few weeks. Nice to meet you.

12 **MR. BRENDAN MILLER:** So just a couple of things.
13 I want to get some things clarified here. You haven't been very
14 clear the dates about when things happened, so I want to get
15 that hammered down; is that okay?

16 **MR. BENJAMIN DICHTER:** Sure.

17 **MR. BRENDAN MILLER:** All right. I understand, on
18 February 4th, 2022, or maybe it was the 3rd, you were in a car
19 accident out in Kingston, you ended up in a ditch; is that
20 right?

21 **MR. BENJAMIN DICHTER:** I ended up in a ditch and
22 a tree on February 3rd ---

23 **MR. BRENDAN MILLER:** Yeah.

24 **MR. BENJAMIN DICHTER:** --- and 45 minutes later,
25 I was in Tim Hortons doing an interview on Steven Crowder.

26 **MR. BRENDAN MILLER:** Okay. And so you were in
27 Kingston and then, I take it, you got in back to ---

28 **MR. BENJAMIN DICHTER:** Kemptville.

1 **MR. BRENDAN MILLER:** Kemptville, sorry -- in
2 Kemptville and then you got back to Ottawa the evening of
3 February 4th; is that fair?

4 **MR. BENJAMIN DICHTER:** No, February 3rd.

5 **MR. BRENDAN MILLER:** February 3rd.

6 **MR. BENJAMIN DICHTER:** Yeah, I was picked up by a
7 friend who came to rescue me after the interview to get back
8 into Ottawa.

9 **MR. BRENDAN MILLER:** Right. And then was it the
10 3rd or the 4th where you broke your leg?

11 **MR. BENJAMIN DICHTER:** The 4th.

12 **MR. BRENDAN MILLER:** The 4th, so February 4th. And
13 after you broke your leg, I take it you were in the hospital for
14 a brief period of time or were you ---

15 **MR. BENJAMIN DICHTER:** I got out of the hospital
16 the next morning at seven o'clock in the morning. I don't
17 remember much of that day because of Dilaudid and all the
18 medication, but midway through the day, I started to at least
19 become aware and got back to slowly working through media and
20 stuff like that.

21 **MR. BRENDAN MILLER:** Okay, so February 5th, you
22 get out of the hospital.

23 **MR. BENJAMIN DICHTER:** No, no, no, I was out of
24 the hospital on February -- yeah, sorry, February 5th, yeah, the
25 morning of February 5th.

26 **MR. BRENDAN MILLER:** Right, the morning of
27 February 5th. So you get out of the hospital and your leg is
28 broken. I understand it was a pretty bad break, eh?

1 **MR. BENJAMIN DICHTER:** It still hurts so much.

2 **MR. BRENDAN MILLER:** It still hurts, right. And
3 so said just now you were on a bunch of medication; is that
4 correct?

5 **MR. BENJAMIN DICHTER:** Yes, for 24 hours.

6 **MR. BRENDAN MILLER:** Yeah. And what was that?

7 **MR. BENJAMIN DICHTER:** Dilaudid.

8 **MR. BRENDAN MILLER:** Okay. And I take it, then,
9 after that, you would have still been on some form of paid
10 medication, would you not?

11 **MR. BENJAMIN DICHTER:** Oh, just Advil ---

12 **MR. BRENDAN MILLER:** Okay.

13 **MR. BENJAMIN DICHTER:** --- sadly.

14 **MR. BRENDAN MILLER:** And so after that time, so
15 after February 4th, you're pretty restricted mobile-wise. You
16 stayed in your -- essentially in your hotel room for most of the
17 time, right?

18 **MR. BENJAMIN DICHTER:** Yes.

19 **MR. BRENDAN MILLER:** Okay. So you weren't out on
20 the street talking to anybody or anything like that?

21 **MR. BENJAMIN DICHTER:** I tried to go out every
22 Sunday, and I did, to -- when Pastor Hildebrandt did his
23 service. There was the Lebovich Jewish community that wanted to
24 see me for whatever reason so I would go every Sunday. The
25 pastors would give their service. And the start of the first
26 weekend, Me, Tamara, and Chris were on stage and my idea was,
27 "We have to be here every Sunday to thank everybody for coming
28 out and supporting us and all that," so I did that.

1 **MR. BRENDAN MILLER:** Right, okay. But other than
2 that, you were pretty much confined to your room; right?

3 **MR. BENJAMIN DICHTER:** I was confined to the
4 hotel. I did go -- manage to go to one meeting at the Arc when
5 my leg was broken. That was the meeting with all the road
6 captains. There was like 40 of them in there. One of the
7 people working with me said it would be a good sentiment even
8 though you can't. So I did, yeah, for sure.

9 **MR. BRENDAN MILLER:** And you weren't a road
10 captain, right?

11 **MR. BENJAMIN DICHTER:** No.

12 **MR. BRENDAN MILLER:** Okay. And so it's fair to
13 say that from February 4th onward, you weren't really on the
14 street talking physically in their presence to any of the
15 truckers, right?

16 **MR. BENJAMIN DICHTER:** No, but I had -- the
17 person who was assisting me on messaging -- she was going to the
18 ARC Hotel and the Swiss Hotel meetings every morning, keeping me
19 up to date. I was in communication with Tamara and the group
20 over Signal. So there was no lack of communication there.

21 And then I had two friends that had come up --
22 well, one is a reporter and another friend who came up to Ottawa
23 -- were staying, sleeping over in the adjacent suite. And they
24 were going out to the groups, talking to people, brining people
25 back to the hotel.

26 **MR. BRENDAN MILLER:** Right.

27 **MR. BENJAMIN DICHTER:** Like, that's how I managed
28 the ---

1 **MR. BRENDAN MILLER:** So this person you were
2 saying was keeping you up to date other than Tamara, you said
3 you had somebody in communications working with you. Who was
4 that?

5 **MR. BENJAMIN DICHTER:** His name is Salman Sima.
6 He is an activist from Iran.

7 **MR. BRENDAN MILLER:** Okay. Thank you. And you
8 had said in your evidence in-chief that Ms. Lich was constantly
9 coming to your room every day and that was happening on time?

10 **MR. BENJAMIN DICHTER:** There were a few days that
11 she disappeared. I remember one day I couldn't get a hold of
12 her all day, and you had to see the stress that she was under.
13 I really sympathized with her.

14 **MR. BRENDAN MILLER:** Right.

15 **MR. BENJAMIN DICHTER:** So she went to Quebec, for
16 example, a day and she got back to me at six or seven o'clock.
17 That happened a few times. But whenever she was in the hotel we
18 would see each other fairly frequently.

19 **MR. BRENDAN MILLER:** And I take it that frequency
20 of seeing her, it declined after February 7th; would you agree?

21 **MR. BENJAMIN DICHTER:** No. I wouldn't agree.

22 **MR. BRENDAN MILLER:** Okay.

23 **MR. BENJAMIN DICHTER:** I saw her at -- my promo
24 video is her giving me a hug the day that she was arrested. So
25 yeah.

26 **MR. BRENDAN MILLER:** I'm not saying that you
27 didn't see her; I'm saying the frequency that you would see her
28 from February 7th on declined. Would you agree?

1 **MR. BENJAMIN DICHTER:** I don't remember it that
2 way but it could be because ---

3 **MR. BRENDAN MILLER:** Okay.

4 **MR. BENJAMIN DICHTER:** --- so much was going on
5 all that time.

6 **MR. BRENDAN MILLER:** Did you know that basically
7 everyone other than yourself and Chris Barber had checked our of
8 the Sheridan on February 7th, 2023 [sic] and were staying at the
9 Swiss?

10 **MR. BENJAMIN DICHTER:** I know there was a lot of
11 jockeying around with hotel rooms because we were getting death
12 threats. We went to the ARC, to the Sheridan, and I know she
13 left -- did she leave the Sheridan to Swiss? It might be. But
14 everybody was around. And I know Dagny was there with them
15 every morning and telling me what was going on.

16 **MR. BRENDAN MILLER:** Right. But you can agree
17 then that Ms. Lich wasn't staying in the same hotel as you from
18 February 7th onward? Can you agree with that?

19 **MR. BENJAMIN DICHTER:** That could be. That could
20 be.

21 **MR. BRENDAN MILLER:** Right.

22 **MR. BENJAMIN DICHTER:** It's also -- remember, she
23 had a hotel room. We had so many different hotel rooms, you
24 know, I was in the four or five hotel rooms that were Tamara's.
25 I don't know if everybody knew which hotel room belonged to who.
26 It was just a block of hotel rooms. It didn't really matter,
27 you know, whose room was whose.

28 **MR. BRENDAN MILLER:** Right. But all of these

1 folks, they had to basically come and see you because you were
2 confined to your room.

3 **MR. BENJAMIN DICHTER:** I would go to the other
4 rooms when they were around. So there was a boardroom on the 6th
5 floor, if I remember ---

6 **MR. BRENDAN MILLER:** Right.

7 **MR. BENJAMIN DICHTER:** --- that I went up to for
8 a couple of meetings. So communication was there. Like, it
9 wasn't, you know ---

10 **MR. BRENDAN MILLER:** Right. So I want to take
11 you to February 11th, 2022.

12 **MR. BENJAMIN DICHTER:** Okay.

13 **MR. BRENDAN MILLER:** You knew about that meeting
14 that was taking place between the members of the Board and Dean
15 French and the mayor, or through the mayor. You knew about that
16 on that day.

17 **MR. BENJAMIN DICHTER:** I didn't know about that.

18 **MR. BRENDAN MILLER:** You didn't?

19 **MR. BENJAMIN DICHTER:** No.

20 **MR. BRENDAN MILLER:** You're saying you didn't
21 know about it?

22 **MR. BENJAMIN DICHTER:** No, I heard Dean French's
23 name in one of the -- there was a news article. I didn't know
24 the capacity added at the time. Now I do. I didn't know the
25 details of it.

26 Again, everything was opaque. It was, "Keith,
27 we're going to go do a deal with the City."

28 **MR. BRENDAN MILLER:** Yeah. So there was a Board

1 meeting that you couldn't attend around that time. You attended
2 by phone conference because you were in your room; do you
3 remember that?

4 **MR. BENJAMIN DICHTER:** No, I don't.

5 **MR. BRENDAN MILLER:** You don't? Well, they had a
6 meeting. You were in attendance according to our records. And
7 this was all discussed.

8 **MR. BENJAMIN DICHTER:** This was on the phone, or
9 Zoom or Signal?

10 **MR. BRENDAN MILLER:** You called in. Everyone
11 else was there physically; it was at the Swiss.

12 **MR. BENJAMIN DICHTER:** I don't remember.

13 **MR. BRENDAN MILLER:** And you called in.

14 **MR. BENJAMIN DICHTER:** I don't remember.

15 **MR. BRENDAN MILLER:** You don't remember?

16 **MR. BENJAMIN DICHTER:** No.

17 **MR. BRENDAN MILLER:** Okay. Well, that's going to
18 be testified to so I have to be fair to you.

19 **MR. BENJAMIN DICHTER:** No, fair enough.

20 **MR. BRENDAN MILLER:** Right. And so all of this
21 was discussed before the deal that was discussed with the mayor.
22 Everybody knew about it and you're saying you didn't.

23 **MR. BENJAMIN DICHTER:** No.

24 **MR. BRENDAN MILLER:** All right.

25 **MR. BENJAMIN DICHTER:** So the deal, as I
26 explained before, when Keith said, "We're going to reach out to
27 the City," I questioned that strategy. And the Board was
28 willing to reach out to the City.

1 I said, "I don't agree." And I go no specifics
2 in terms of what they were going to do. Because a deal is what?
3 Leaving? How is that a deal? So I didn't understand. It
4 didn't ---

5 **MR. BRENDAN MILLER:** Let me ---

6 **MR. BENJAMIN DICHTER:** --- make any sense.

7 **MR. BRENDAN MILLER:** So the Board, the majority
8 of the Board didn't agree with you, fair?

9 **MR. BENJAMIN DICHTER:** Okay.

10 **MR. BRENDAN MILLER:** And you were eventually
11 removed from this Board? Is this correct?

12 **MR. BENJAMIN DICHTER:** This was after.

13 **MR. BRENDAN MILLER:** Yes, because you ---

14 **MR. BENJAMIN DICHTER:** Yeah, well after.

15 **MR. BRENDAN MILLER:** Right. And ---

16 **MR. BENJAMIN DICHTER:** Do you want to know why?

17 **MR. BRENDAN MILLER:** Well, I'm going to get into
18 that.

19 **MR. BENJAMIN DICHTER:** Okay.

20 **MR. BRENDAN MILLER:** And some of the animosity
21 that arose was that the Board had voted to do all these things,
22 enter into these agreements. Then you broke into or went into
23 Ms. Lich's Tweeter or Tweet account, or whatever they're called.

24 **MR. BENJAMIN DICHTER:** Broke into?

25 **MR. BRENDAN MILLER:** Well, you went into it and
26 pretending to be her ---

27 **MR. BENJAMIN DICHTER:** The entire time, as she
28 asked me to.

1 **MR. BRENDAN MILLER:** Right. But you posted
2 something that you knew was a lie.

3 **MR. BENJAMIN DICHTER:** No.

4 **MR. BRENDAN MILLER:** You knew that they had done
5 this deal. You knew ---

6 **MR. BENJAMIN DICHTER:** There was no deal, no.

7 **MR. JIM KARAHALIOS:** Mr. Commissioner, I'm going
8 to object.

9 **COMMISSIONER ROULEAU:** Yes.

10 **MR. JIM KARAHALIOS:** I think the questions are
11 getting a little argumentative and accusing the witness of
12 lying. I don't think that's their role.

13 **COMMISSIONER ROULEAU:** No. I hear your
14 objection, I think this is cross-examination and I'll give some
15 latitude.

16 **MR. BRENDAN MILLER:** So you're saying before you
17 went in to her account, representing to the public at large ---

18 **MR. BENJAMIN DICHTER:** I didn't go into her
19 account. I was using her account from the very beginning and
20 the account is linked to her cell phone number.

21 **MR. BRENDAN MILLER:** Right.

22 **MR. BENJAMIN DICHTER:** If they didn't want me to
23 be using it, which was never told to me -- guess what. You
24 could just tell me you don't want to use it, which was never ---

25 **MR. BRENDAN MILLER:** So no one ---

26 **MR. BENJAMIN DICHTER:** --- communicated to me.

27 **MR. BRENDAN MILLER:** --- on the Board and no one
28 else told you to do that. You did that on your own initiative.

1 **MR. BENJAMIN DICHTER:** No, Tamara told everybody
2 on the Board all comms go through Benjamin and ---

3 **MR. BRENDAN MILLER:** Yeah, I'm not asking about
4 that. I'm asking about the ---

5 **MR. BENJAMIN DICHTER:** No, but this is an
6 important ---

7 **MR. BRENDAN MILLER:** I understand. I would like
8 you to answer ---

9 **MR. BENJAMIN DICHTER:** She was telling me
10 everything goes through him.

11 **MR. BRENDAN MILLER:** Right. That's nice. And so
12 that gave you the prerogative to go on to her Twitter and make
13 something up and say that ---

14 **MR. BENJAMIN DICHTER:** I didn't make something
15 up.

16 **COMMISSIONER ROULEAU:** I think this is just
17 getting into argument and I think he's answered the question.

18 **MR. BRENDAN MILLER:** I'll move on.

19 So after this deal goes through and some of the
20 trucks did get moved -- are you aware of that?

21 **MR. BENJAMIN DICHTER:** Then why did Keith tell me
22 the deal is not going well? Sorry.

23 **COMMISSIONER ROULEAU:** He asked you about trucks
24 removed.

25 **MR. BENJAMIN DICHTER:** Right.

26 **COMMISSIONER ROULEAU:** So let's try and ---

27 **MR. BENJAMIN DICHTER:** Focus on that.

28 **COMMISSIONER ROULEAU:** You answer the question

1 and we'll get through this.

2 **MR. BRENDAN MILLER:** And so you did get that
3 email with the comms essentially sheet that was supposed to go
4 out to all the truckers about the deal. You did get that and
5 we've seen it up there and you replied, "Looks good."

6 **MR. BENJAMIN DICHTER:** It's a comms piece, right?
7 It's not a deal. It's a communications piece.

8 **MR. BRENDAN MILLER:** Right. So what was your
9 expectation? Did you believe that the City of Ottawa was going
10 to enter into a contract?

11 **MR. BENJAMIN DICHTER:** Well, when I followed up
12 after that I was told there was no deal. That was the whole
13 point. I was getting bombarded online. People were getting
14 upset. Truckers were getting upset. I had to communicate
15 something. That's why I reached out to them in those text
16 messages. That's why I asked Keith, "Is there a deal?"

17 "No", and he said specifically in a text message,
18 "We haven't drafted anything."

19 And Tamara as well told me, "There's nothing yet.
20 I'll let you know if there's something." And there never was.

21 **MR. BRENDAN MILLER:** Okay. And so again, you're
22 communicating. The truckers are reaching out to you. And who
23 were these truckers reaching out to you that were concerned?

24 **MR. BENJAMIN DICHTER:** Well, people online. I
25 was getting bombarded with thousands of messages.

26 **MR. BRENDAN MILLER:** Right. But nobody from the
27 Board, from the Board that you were on?

28 **MR. BENJAMIN DICHTER:** Well, the Board wasn't

1 getting angry. It's the people on the street that I didn't want
2 them to get angry and, God forbid, get violent. So I needed to
3 communicate at this point. There is no deal, there's nothing.

4 **MR. BRENDAN MILLER:** Right. And so let's talk
5 about this. So you had said in your evidence that after the
6 police started taking enforcement action ---

7 **MR. BENJAMIN DICHTER:** Yes.

8 **MR. BRENDAN MILLER:** --- that a bunch of people
9 came to talk to you because Tamara had been arrested, Chris
10 Barber had been arrested. And they asked, "What should we do?"

11 And you said, "Leave. You need to leave."

12 **MR. BENJAMIN DICHTER:** No, no. So what I said
13 specifically and directly -- I said, "I'll support you whatever
14 you want to do. If you want to ask my opinion, I think maybe
15 it's time to leave." Just to give them a little bit because I
16 thought they would attack me for it, to be entirely honest.

17 And Brigitte was the first one to pipe up and
18 say, "Yeah, I think we should leave."

19 Joe, I think, was the next one. And they all
20 said, "Yeah, it's getting violent."

21 And I said, "Okay, if that's what you want to
22 do, I'll do my best to communicate that, and call you later."
23 And we all started working.

24 **MR. BRENDAN MILLER:** Right. And so the deal that
25 that was being negotiated that I understand you say you didn't
26 know about it, but the deal there was to get the same sort of
27 thing done but to move the trucks without any violence, right?

28 **MR. BENJAMIN DICHTER:** No. The deal was to

1 consolidate trucks onto Wellington, is what I've been hearing
2 all this week.

3 **MR. BRENDAN MILLER:** To get them out of the
4 residential areas.

5 **MR. BENJAMIN DICHTER:** No, that's -- we were
6 leaving Ottawa entirely.

7 **MR. BRENDAN MILLER:** Okay.

8 **MR. BENJAMIN DICHTER:** That's what I
9 communicated.

10 **MR. BRENDAN MILLER:** All right.

11 **MR. BENJAMIN DICHTER:** Not consolidate them on to
12 Wellington Street to make it easier to kettle the trucks.

13 **MR. BRENDAN MILLER:** So you were not happy with
14 Mr. Wilson and Ms. Chipiuk and the folks doing the negotiation
15 to try and end things peacefully, but you're okay with telling
16 everybody to leave once violence has started? That's what you
17 would rather have done?

18 **MR. BENJAMIN DICHTER:** No, I was uncomfortable
19 with Keith Wilson and Eva because that's not the
20 client/solicitor relationship, them telling us what to do, and
21 going and doing off their own deals and coming -- to dictating
22 to the truckers what we have to do.

23 **MR. BRENDAN MILLER:** But you're on a board. Do
24 you understand how that works?

25 **MR. BENJAMIN DICHTER:** Of course. I was ---

26 **MR. BRENDAN MILLER:** So the Board ---

27 **MR. BENJAMIN DICHTER:** --- one of the few on the
28 Board ---

1 **MR. BRENDAN MILLER:** Right.

2 **MR. BENJAMIN DICHTER:** --- that knew that.

3 **MR. BRENDAN MILLER:** I understand that, but the
4 Board gave him instructions. It's not just what you want.

5 **MR. BENJAMIN DICHTER:** Because what the Board was
6 doing -- what the JCCF was doing to them was scaring them. They
7 offered them free legal advice, and if you don't listen to us,
8 then we're going to pull your free legal advice. Everybody was
9 scared. We had a class action suit, we didn't know what we were
10 going to see, potentially, and then had all of this pressure
11 coming from the JCCF regularly trying to dictate how the
12 messaging should -- well, not the messaging, but how the Convoy
13 should operate, how the Board should work, whatever.

14 **MR. BRENDAN MILLER:** Right.

15 **MR. BENJAMIN DICHTER:** It was really difficult.
16 It really caused a lot of problems.

17 **MR. BRENDAN MILLER:** And I also understand again
18 that you were making the decisions about what media outlets that
19 you would communicate through? Is that correct?

20 **MR. BENJAMIN DICHTER:** Which Keith supported.

21 **MR. BRENDAN MILLER:** Right.

22 **MR. BENJAMIN DICHTER:** And he mentioned yesterday
23 that -- anyways, yeah.

24 **MR. BRENDAN MILLER:** I understand. So but you
25 specifically mentioned here today Russian Today.

26 **MR. BENJAMIN DICHTER:** Yes.

27 **MR. BRENDAN MILLER:** Right. And I understand
28 that my clients had no input into you communicating with Russian

1 Today, you just did that?

2 **MR. BENJAMIN DICHTER:** Yes. Like all the other
3 interviews.

4 **MR. BRENDAN MILLER:** Right. And you're familiar
5 that Russian Today is essentially a Russian propaganda outfit?
6 You're aware of that?

7 **MR. BENJAMIN DICHTER:** Yeah, they thought it was
8 hysterical as well, because the CBC, -- I'll ---

9 **MR. BRENDAN MILLER:** So you went to a Russian
10 propaganda outfit, ---

11 **MR. BENJAMIN DICHTER:** If I can explain ---

12 **MR. BRENDAN MILLER:** --- in order to portray what
13 you believed was the message that you wanted to portray?

14 **MR. JIM KARAHALIOS:** Mr. Commissioner, is he
15 asking the question or answering on behalf of the witness?

16 **COMMISSIONER ROULEAU:** He's asking the question.
17 The witness will get a chance to answer.

18 **MR. BRENDAN MILLER:** Yeah.

19 **MR. BENJAMIN DICHTER:** Okay.

20 **MR. BRENDAN MILLER:** So you went to Russian Today
21 on your own accord, which you know is a Russian propaganda
22 outfit, and thought that that would be a good communication
23 strategy?

24 **MR. BENJAMIN DICHTER:** It's funny how back then
25 they supported me, because there was a reason I did that. The
26 reason I did that is because the CBC started disseminating some
27 more narrative that maybe the Convoy is a Russian operation.
28 And I wanted to bait the CBC into building that narrative.

1 That's how alternative media works. And they didn't take the
2 bait, but it was great. It was ---

3 **MR. BRENDAN MILLER:** But you weren't instructed
4 to do that? That was just on your own initiative?

5 **MR. BENJAMIN DICHTER:** No, I was instructed with
6 my team to do all the communications. That's what I was told to
7 do.

8 **MR. BRENDAN MILLER:** But never specifically
9 contacting a Russian propaganda outfit ---

10 **MR. BENJAMIN DICHTER:** That's a wonderful
11 narrative, but they loved it when I did it, and everybody is
12 changing their mind.

13 **COMMISSIONER ROULEAU:** Just it -- just, I think
14 it was ---

15 **MR. BENJAMIN DICHTER:** Yeah.

16 **COMMISSIONER ROULEAU:** --- a question.

17 **MR. BENJAMIN DICHTER:** All right.

18 **COMMISSIONER ROULEAU:** Okay. Next we have the
19 Ottawa Police Service.

20 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

21 **MR. DAVID MIGICOVSKY:** Good morning,
22 Commissioner.

23 Good morning, Mr. Dichter. My name is David
24 Migicovsky and I appear as counsel to the Ottawa Police Service.

25 Am I correct, Mr. Dichter, that when you came to
26 Ottawa, it was not your intention to disrupt the lives of
27 residents?

28 **MR. BENJAMIN DICHTER:** No. No. The people who

1 live here? No.

2 **MR. DAVID MIGICOVSKY:** Your beef was with the
3 government?

4 **MR. BENJAMIN DICHTER:** That's right.

5 **MR. DAVID MIGICOVSKY:** And so there would have
6 been no reason that the police would expect that when you got
7 here, you or other members of the Convoy would engage in
8 harassment, or honking, or engage in anti-social behaviour with
9 the residents?

10 **MR. BENJAMIN DICHTER:** I didn't see any
11 harassment or anti-social behaviour myself for the first few
12 days that I was walking around, or when I went on the stage any
13 of the days. I've heard a lot of claims, swastikas, for
14 example. And the woman I spoke to who had a swastika on her
15 sign. She said, "Yeah, because I'm a religious Jew and what the
16 government is doing to me is exactly what they did to us in
17 Germany in the '30s." I don't consider that anti-social
18 behaviour.

19 So people were just activists. They were just
20 protestors.

21 **MR. DAVID MIGICOVSKY:** Sorry, perhaps my question
22 wasn't clear. My question was with respect to the information
23 that was planned by members of the Convoy ---

24 **MR. BENJAMIN DICHTER:** Yeah.

25 **MR. DAVID MIGICOVSKY:** --- before they arrived in
26 Ottawa. They did not plan to do anything illegal, or harass
27 people, or engage in anti-social behaviour? Is that fair?

28 **MR. BENJAMIN DICHTER:** I don't think anybody

1 does. And the Ottawa Police have a great relationship ---

2 **COMMISSIONER ROULEAU:** Just ---

3 **MR. BENJAMIN DICHTER:** Oh, sorry.

4 **COMMISSIONER ROULEAU:** --- listen to the
5 question. It was a pretty simple question.

6 **MR. BENJAMIN DICHTER:** Yeah. Gotcha.

7 **MR. DAVID MIGICOVSKY:** Okay. So you would agree
8 with me; correct? That wasn't the intention ---

9 **MR. BENJAMIN DICHTER:** Agreed.

10 **MR. DAVID MIGICOVSKY:** --- when you came? And
11 you indicated, therefore, I guess that you would agree with me
12 that the police would therefore not expect that there would be
13 anti-social behaviour or breaching bylaws or anything like that,
14 based on what was being talked about before the Convoy got here?

15 **MR. BENJAMIN DICHTER:** This is a silly question.
16 I don't know what anti-social behaviour means.

17 **MR. DAVID MIGICOVSKY:** Okay.

18 **MR. BENJAMIN DICHTER:** I wouldn't ---

19 **MR. DAVID MIGICOVSKY:** You would expect that the
20 police would not have anticipated that the protestors would park
21 their vehicles wherever they want, or honk their horns, or
22 harass people wearing masks, or engage in racist or misogynistic
23 behaviour? That wasn't your plan, so therefore you wouldn't
24 expect the police to anticipate that; would you?

25 **MR. BENJAMIN DICHTER:** Well and parking the
26 trucks, the parked trucks were parked where the Ottawa Police
27 told us to park them. Yeah.

28 **MR. DAVID MIGICOVSKY:** So my question to you

1 again, perhaps I wasn't clear, ---

2 **MR. BENJAMIN DICHTER:** Yeah.

3 **MR. DAVID MIGICOVSKY:** --- and I'll break it
4 down, ---

5 **MR. BENJAMIN DICHTER:** No, no, no. That was not
6 our intention. Of course not.

7 **MR. DAVID MIGICOVSKY:** Right.

8 **MR. BENJAMIN DICHTER:** Of course not.

9 **MR. DAVID MIGICOVSKY:** And so therefore, the
10 police wouldn't expect that either? They would expect what you
11 were promoting was a peaceful demonstration with love and where
12 people got along; correct?

13 **MR. BENJAMIN DICHTER:** Yes, but my brother is a
14 police sergeant and I know they have protocols for everything.
15 They always anticipate that there could be problem people in
16 every protest and every organization; right? That's just the
17 way it is. You get enough people together, ---

18 **MR. DAVID MIGICOVSKY:** Right.

19 **MR. BENJAMIN DICHTER:** --- there's always going
20 to be somebody who may cause issues.

21 **MR. DAVID MIGICOVSKY:** Right. And so you're
22 aware that the police had Public Order Units on standby in case
23 that was necessary the first weekend; ---

24 **MR. BENJAMIN DICHTER:** Yeah.

25 **MR. DAVID MIGICOVSKY:** --- correct? Right. But
26 you didn't anticipate it being a problem; fair?

27 **MR. BENJAMIN DICHTER:** No.

28 **MR. DAVID MIGICOVSKY:** And certainly what you

1 were reading on social media before you got here, it wasn't
2 anticipated that this was going to be a problem? What was
3 anticipated was a peaceful protest?

4 **MR. BENJAMIN DICHTER:** Yeah, just a very large
5 one.

6 **MR. DAVID MIGICOVSKY:** Okay. In spite of what
7 you anticipated, however, subsequently, when you got here, there
8 was honking of horns?

9 **MR. BENJAMIN DICHTER:** For the first day and a
10 half, yeah.

11 **MR. DAVID MIGICOVSKY:** And there were residents
12 and businesses who complained about the behaviour engaged in by
13 at least some of the people?

14 **MR. BENJAMIN DICHTER:** All the businesses that I
15 dealt with were supporting us and thought it was amazing.

16 **MR. DAVID MIGICOVSKY:** Many of the businesses
17 were closed downtown; correct?

18 **MR. BENJAMIN DICHTER:** Well they were closed
19 after. So Rideau Centre was open initially. All the businesses
20 were open. And then the City brought in some emergency thing
21 that made it -- one of the owners of the business told me, "It's
22 \$150 penalty a day if I open today, but we're going to support
23 you. But that's why that happened, from what I understand.

24 **MR. DAVID MIGICOVSKY:** And so ultimately, there
25 was an injunction issued by a judge about the honking; correct?

26 **MR. BENJAMIN DICHTER:** Yeah.

27 **MR. DAVID MIGICOVSKY:** And then there was a
28 further injunction that the City got?

1 **MR. BENJAMIN DICHTER:** Yeah.

2 **MR. DAVID MIGICOVSKY:** And so at least a couple
3 judges found that conduct had been engaged in that was
4 interfering with the residents and the businesses of Ottawa;
5 correct?

6 **MR. BENJAMIN DICHTER:** I don't know what evidence
7 was provided to him, because I was not in that case. I don't
8 know if it was just claims of this and it was not substantiated
9 and the Judge just ruled that, "If this is happening, it can't."
10 because I was not a participant in those proceedings.

11 **MR. DAVID MIGICOVSKY:** Right. But you would
12 assume that our justice system works, where there's evidence and
13 judges make decisions based on that evidence?

14 **MR. BENJAMIN DICHTER:** Of course, but, you know,
15 judges have different leeway. You know, everybody is different
16 in what they accept.

17 **MR. DAVID MIGICOVSKY:** Treason is a very serious
18 crime; isn't it?

19 **MR. BENJAMIN DICHTER:** Yeah, I would say so.
20 Yeah.

21 **MR. DAVID MIGICOVSKY:** Okay. And so one of the
22 things you did is -- if we could please turn up JBA0080? It's
23 triple fours. That's something that Mr. Bauder put out. Do you
24 subscribe to the views of Mr. Bauder?

25 **MR. BENJAMIN DICHTER:** No.

26 **MR. DAVID MIGICOVSKY:** Okay. So you can take it
27 off. That's fine.

28 So I take it then that -- so you don't subscribe

1 to the views of Mr. Bauder and it sounds to me, from your
2 evidence, that you've had some disagreements with some of the
3 other members of the convoy as well, correct?

4 **MR. BENJAMIN DICHTER:** Yes. Do you want me to
5 expand on the MOU?

6 **MR. DAVID MIGICOVSKY:** No, no, no. I'm just
7 asking you, you've had conflict with the views of some of the
8 other members of the convoy, of the Freedom Convoy as well,
9 correct?

10 **MR. BENJAMIN DICHTER:** We were all really good.
11 We were all really tight, and we could resolve our issues in the
12 very beginning until the 4th of -- or sorry -- yeah, the 4th of
13 February when I first met people from the JCCF, and that's when
14 all of a sudden, the distrust started. And I think some of the
15 people who wanted to be on the Board got very upset.

16 But initially, things were great for the first
17 couple of weeks, working with Tamara, everything was awesome.

18 **MR. DAVID MIGICOVSKY:** Right. And so things,
19 however, fell apart and there wasn't cohesion within the group
20 any more?

21 **MR. BENJAMIN DICHTER:** On certain issues. You
22 know, when I broke my ankle, I told that story when I was on the
23 couch. Everybody came and coalesced around me. They were all
24 very supportive, and yeah, we have some differences, but we'll -
25 - it was an amazing moment. So we were able to resolve
26 conflicts when we didn't have people that were, you know,
27 fuelling some division, in my opinion.

28 **MR. DAVID MIGICOVSKY:** I've listened to the

1 testimony from convoy protestors all week.

2 **MR. BENJAMIN DICHTER:** Yeah.

3 **MR. DAVID MIGICOVSKY:** And it -- and have you as
4 well?

5 **MR. BENJAMIN DICHTER:** Yes, I have.

6 **MR. DAVID MIGICOVSKY:** And it sounds like there's
7 a lot of disagreements.

8 **MR. BENJAMIN DICHTER:** Well, I think the only
9 Board member was Chris Barber, right? He was the only Board
10 member who's testified?

11 **MR. DAVID MIGICOVSKY:** So it sounds like there
12 was a lot of disagreement among your views, Tamara Lich's views.

13 **MR. BENJAMIN DICHTER:** No. Tamara and I were in
14 sync the entire time, at least, you know, that was my
15 impression. We were messaging, calling, texting. Like,
16 everything was great.

17 **MR. DAVID MIGICOVSKY:** Right. And so as I
18 understand it, you were of the view that Keith Wilson wasn't
19 honest when he told you that there was no deal?

20 **MR. BENJAMIN DICHTER:** Say that again? What,
21 what?

22 **MR. DAVID MIGICOVSKY:** Keith Wilson?

23 **MR. BENJAMIN DICHTER:** Yeah.

24 **MR. DAVID MIGICOVSKY:** He wasn't honest when he
25 told you there was no deal?

26 **MR. BENJAMIN DICHTER:** It seems to be that's the
27 case.

28 **MR. DAVID MIGICOVSKY:** Right. And he was the

1 lawyer representing some of the group, correct?

2 **MR. BENJAMIN DICHTER:** He was representing the
3 JCCF.

4 **MR. DAVID MIGICOVSKY:** Right. So there was some
5 disagreement there, and then I believe Ms. Lich didn't tell you
6 about the negotiations with the mayor, correct?

7 **MR. BENJAMIN DICHTER:** That's right. I didn't
8 know the show they had with the mayor.

9 **MR. DAVID MIGICOVSKY:** So there was some
10 withholding of information there?

11 **MR. BENJAMIN DICHTER:** It was opaque for sure.

12 **MR. DAVID MIGICOVSKY:** Yeah. And so when you got
13 the letter that she wrote, that Freedom Manifest, you didn't
14 interpret that as telling truckers to leave, right?

15 **MR. BENJAMIN DICHTER:** No. Sorry, no, no.

16 **MR. DAVID MIGICOVSKY:** Just a -- I just want to
17 have you identify a couple of pictures.

18 **MR. BENJAMIN DICHTER:** Sure.

19 **MR. DAVID MIGICOVSKY:** I just want to move to two
20 sort of final minor points.

21 **MR. BENJAMIN DICHTER:** Okay.

22 **MR. DAVID MIGICOVSKY:** And so if I could ask you
23 please, Mr. Clerk, to turn up JBA0000002?

24 And so these are some pictures, I take it, that
25 you took on the day that enforcement action was being taken,
26 correct?

27 **MR. BENJAMIN DICHTER:** No, I didn't took it. I
28 was in a wheelchair. I couldn't go out in the snow. I didn't

1 take that picture.

2 **MR. DAVID MIGICOVSKY:** Okay, but you've seen
3 these pictures, correct?

4 **MR. BENJAMIN DICHTER:** Yeah, yeah. Yeah, that's
5 Metro Toronto Police, no?

6 **MR. DAVID MIGICOVSKY:** Yeah. So all I -- what
7 I'm saying -- in fact, we can see some indications on the
8 picture of some badges of some officers. Then we can see on the
9 back, on the yellow vest, we can see other officers identified
10 by A12, correct?

11 **MR. BENJAMIN DICHTER:** Yeah.

12 **MR. DAVID MIGICOVSKY:** Right. So you could see
13 where the various police were coming from, correct?

14 **MR. BENJAMIN DICHTER:** I wasn't on the ground, so
15 when I was in the hotel, for example, my friend Salman, who's
16 been in many protests in Iran, he was running out and coming
17 back to me and predicting everything, saying, "This is what
18 they're going to do, this is how they're blockading everybody
19 off."

20 And he said to me, "Who put all the trucks in one
21 area?"

22 I'm like, "I don't know. I have no idea."

23 **MR. DAVID MIGICOVSKY:** Okay.

24 **MR. BENJAMIN DICHTER:** So that was my -- but I
25 was in a wheelchair. It was snowy that day, so I couldn't even
26 get out if I wanted to.

27 **MR. DAVID MIGICOVSKY:** Let me move on just to
28 address my final point.

1 You can take that picture off, please. If I
2 could ask you, Mr. Clerk, to put up JBA000028.

3 **MR. JIM KARAHALIOS:** Mr. Commissioner, just for
4 the record, I thought the parties or the rules were to provide
5 the witness with at least three days of the evidence they were
6 going to call, so I'm just, for the record, the next piece of
7 evidence and the last two, Mr. Dichter was not aware that it was
8 going to be presented to him today.

9 **MR. DAVID MIGICOVSKY:** Well, I guess I have two
10 comments about that. First of all, the witness, I'm only taking
11 him to something he referred to which was the information they
12 got with respect to traffic.

13 But of course, these documents, it was only
14 became apparent that there were documents that Mr. Dichter had
15 posted yesterday. So that database didn't exist. So unless one
16 is checking the database continuously, that database did not
17 exist.

18 But in any event, I'm only taking him to
19 something that he himself referred to, which was the information
20 they got with respect to parking when they came.

21 **COMMISSIONER ROULEAU:** Okay. Well, let's see
22 where it goes.

23 **MR. DAVID MIGICOVSKY:** Thanks. If you could --
24 you were referring to some conversations about the police
25 telling you where to stage vehicles, correct?

26 **MR. BENJAMIN DICHTER:** Not me, Chris Garrah.

27 **MR. DAVID MIGICOVSKY:** Okay. And so that's an
28 example of something.

1 "Good morning, Jason. I'm still
2 waiting to get the traffic management
3 maps from the City, but do have some
4 info I can relay. I've been told I
5 should have the map by noon today. We
6 have some staging areas set up for
7 trucks and passenger vehicles, but
8 those areas are on roads whose
9 infrastructure cannot accommodate
10 trucks with trailers. We're working on
11 a staging area for trucks with
12 trailers, and I'll pass that along when
13 I get it."

14 Correct?

15 **MR. BENJAMIN DICHTER:** Correct.

16 **MR. DAVID MIGICOVSKY:** And so you understood that
17 was information the police were giving to the convoy
18 participants as to where they could stage their vehicles,
19 correct?

20 **MR. BENJAMIN DICHTER:** Yeah. This is one of the
21 reasons I was surprised Chris Garrah was not called as a witness
22 here, because he was here for a week, so he could clearly
23 comment on these issues. I just spoke to him on the phone a few
24 times during the week, just to make sure he's okay and -- but
25 that was his area and his department, right?

26 **MR. DAVID MIGICOVSKY:** Right. And just the final
27 one in that one is JBA00000068.

28 And again, so that is giving some of the

1 information for truckers as to where they can and cannot go,
2 correct?

3 **MR. BENJAMIN DICHTER:** Yeah.

4 **MR. DAVID MIGICOVSKY:** So that was the
5 information you're referring to? So they were told to leave
6 space for vehicles, they were told where there would no -- not
7 be convoy access, and you understood, coming into the city --
8 you came in on what day?

9 **COMMISSIONER ROULEAU:** I've been -- you're way
10 over time. I thought you were just going to put a document to
11 him, and now you're going into a -- you're going to have to wrap
12 up.

13 **MR. DAVID MIGICOVSKY:** Sure. Just to finish that
14 up. What day did you come in?

15 **MR. BENJAMIN DICHTER:** The 28th.

16 **MR. DAVID MIGICOVSKY:** So that would be the
17 Friday?

18 **MR. BENJAMIN DICHTER:** Yes.

19 **MR. DAVID MIGICOVSKY:** And on Saturday, you saw
20 that a number of entrances to downtown were closed off; is that
21 correct?

22 **MR. BENJAMIN DICHTER:** Yeah. The team that was
23 at the Swiss Hotel was -- the -- just dealing with volume, that
24 was the problem. Nobody anticipated, you know, the largest
25 longest convoy in history. So that's what really caused it.
26 And I know they were working with police, from what I
27 understand, to clear up and make sure that the emergency
28 laneways were opened up, and that was their primary concern.

1 **MR. DAVID MIGICOVSKY:** Thank you very much.

2 Thank you for your indulgence.

3 **COMMISSIONER ROULEAU:** Okay. Next is the Ontario
4 Provincial Police.

5 **MS. CHRISTINE JOHNSON:** Sorry to interrupt,
6 Commissioner. It's Christine Johnson for the Ottawa Residents
7 and Businesses.

8 I'm just not sure if we were perhaps missed there
9 in the lineup? I believe we have 15 minutes with Mr. Dichter,
10 and I know it goes from most time to least time.

11 **COMMISSIONER ROULEAU:** I'm sorry, I didn't hear
12 you.

13 **MS. CHRISTINE JOHNSON:** And so with the Ottawa
14 Residents and Businesses.

15 **COMMISSIONER ROULEAU:** Yeah.

16 **MS. CHRISTINE JOHNSON:** Just checking. I'm not
17 sure if we were perhaps missed in the lineup. I believe we have
18 15 minutes with Mr. Dichter, and I know that it normally goes
19 from most time to least time.

20 **COMMISSIONER ROULEAU:** You're absolutely correct,
21 and I -- you're not the first person I've skipped in error. So
22 maybe you want to go next?

23 **MS. CHRISTINE JOHNSON:** Sure. And I'm in your
24 hands, of course, knowing that we normally take the lunch break
25 at one o'clock, if you would prefer to have a start, or perhaps
26 to carry with less time to get the lunch break. I'm in your
27 hands.

28 **COMMISSIONER ROULEAU:** I'd say get started.

1 We're going to be running late today.

2 --- CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:

3 **MS. CHRISTINE JOHNSON:** All right. Good
4 afternoon, Mr. Dichter.

5 **MR. BENJAMIN DICHTER:** Good afternoon.

6 **MS. CHRISTINE JOHNSON:** As you would have just
7 heard, my name is Christine Johnson.

8 **MR. BENJAMIN DICHTER:** Yeah.

9 **MS. CHRISTINE JOHNSON:** I'm one of the co-counsel
10 representing the Ottawa Residents and Businesses Coalition. I
11 just have a couple of areas of questioning for you today.

12 **MR. BENJAMIN DICHTER:** Okay.

13 **MS. CHRISTINE JOHNSON:** It might come as no
14 surprise that my first area of questioning for you, sir, is
15 going to be about the honking that residents and businesses
16 observed during the convoy protest.

17 **MR. BENJAMIN DICHTER:** Yeah.

18 **MS. CHRISTINE JOHNSON:** So you told us this
19 morning, Mr. Dichter, that on the evening that you fell and
20 slipped on the ice and broke your leg that you didn't hear any
21 honking at all. It was silent; is that ---

22 **MR. BENJAMIN DICHTER:** It was eerily silent. It
23 was really weird. Yeah.

24 **MS. CHRISTINE JOHNSON:** But you would agree that
25 there was loud, prolonged, frequent honking day and night
26 throughout much of the convoy protest in Ottawa?

27 **MR. BENJAMIN DICHTER:** No, I wouldn't agree with
28 that. I would agree for the first couple of days, but I was

1 living down here too in a hotel, and we all had to sleep.
2 Truckers who have their kids in their cabs, they needed to
3 sleep, so I don't know where this narrative is coming from. I
4 didn't witness that.

5 **MS. CHRISTINE JOHNSON:** You witnessed no loud,
6 prolonged honking?

7 **MR. BENJAMIN DICHTER:** For the first couple of
8 day, for sure. When -- because you had multiple convoys coming
9 in all through the night, different times of the day. People
10 were moving things around. When they had the dance parties, or
11 during the day, like, so many kids, you know, would do this, go
12 up to the trunks, honk, because it was that sort of vibe. It
13 was amazing.

14 **MS. CHRISTINE JOHNSON:** So there was honking
15 throughout the day continuing beyond the first few days?

16 **MR. BENJAMIN DICHTER:** No, because I was only on
17 my feet, remember, until the 4th. So for the first couple of
18 days, I will say there was honking for the first couple days as
19 everybody came in, but it was not sustained for weeks. I was
20 here all three weeks.

21 **MS. CHRISTINE JOHNSON:** And we heard that after
22 your fall on the ice and break of your leg ---

23 **MR. BENJAMIN DICHTER:** Yeah.

24 **MS. CHRISTINE JOHNSON:** --- you were confined to
25 the hotel most of the time; is that right?

26 **MR. BENJAMIN DICHTER:** Most of the time. I got
27 out at least once a week, and there was that meeting I went to
28 at the ARC with the road captains. There might have been one

1 other -- I remembered some other reason I was in the lobby, went
2 in and out, I just can't remember what it was, but yeah.

3 **MS. CHRISTINE JOHNSON:** So you wouldn't have
4 heard the honking directly on the street because you weren't on
5 the street for a good period of time.

6 **MR. BENJAMIN DICHTER:** Well, I was in a hotel in
7 downtown Ottawa, two blocks away from Parliament Hill. There
8 were trucks, a couple of trucks parked on the street in front of
9 the hotel. Those weren't honking. The adjacent street, they
10 weren't honking. If I'm staying in downtown Ottawa right in the
11 core of all of it and I'm not hearing honking, I don't know
12 where the honking's coming from.

13 **MS. CHRISTINE JOHNSON:** But you're aware that
14 many residents were expressing concern that they were hearing
15 frequent, loud honking and they were disturbed by that honking?

16 **MR. BENJAMIN DICHTER:** I don't want to project
17 motives onto people. I would just say that I disagree, and
18 perhaps there's other motives for it. I don't know. I just
19 know my experience and what I saw, both when I was on foot for
20 the first couple of days, which was that amazing moment where
21 everybody came from Quebec to meet with the western Canadians,
22 yeah, there was honking then. Oh, and I will admit as well,
23 during the speeches on the Sundays, that when the pastor would
24 give his speech, when somebody would finish, the trucks were
25 there, when people would applaud, and the trucks that were
26 there, the six trucks on either side, they would honk in
27 applause, but that's all I saw.

28 **MS. CHRISTINE JOHNSON:** But you are aware that

1 Ottawa residents ultimately brought an application for an
2 injunction against the honking and the court in fact granted
3 that motion?

4 **MR. BENJAMIN DICHTER:** That's right. That's what
5 I mentioned before.

6 **MS. CHRISTINE JOHNSON:** And I may have caught you
7 wrong, but I believe that you just told one of my friends that
8 you weren't a participant in that proceeding at all, in that
9 motion to obtain an injunction proceeding?

10 **MR. BENJAMIN DICHTER:** No, that was handled by
11 the lawyers that were representing us.

12 **MS. CHRISTINE JOHNSON:** And so you don't recall
13 the fact that you swore an affidavit that was submitted into
14 evidence on use -- for use on that motion on February 7th?

15 **MR. BENJAMIN DICHTER:** What did it say? What
16 specific?

17 **MS. CHRISTINE JOHNSON:** It -- I believe it
18 attested to the fact that you were in Ottawa as part of the
19 protest, and you do not own a truck.

20 **MR. BENJAMIN DICHTER:** That's right.

21 **MS. CHRISTINE JOHNSON:** So you were aware ---

22 **MR. BENJAMIN DICHTER:** No, I own a truck. The
23 truck wasn't in Ottawa.

24 **MS. CHRISTINE JOHNSON:** But you affirmed that
25 affidavit for use in the motion injunction?

26 **MR. BENJAMIN DICHTER:** I'm getting lost. Can you
27 simplify that? I don't ---

28 **MS. CHRISTINE JOHNSON:** Sir, you told us earlier

1 that you were not involved whatsoever ---

2 **MR. BENJAMIN DICHTER:** Yes.

3 **MS. CHRISTINE JOHNSON:** --- in the motion for an
4 injunction on February 7th against the horn honking when ---

5 **MR. BENJAMIN DICHTER:** Yeah, I didn't -- I wasn't
6 there. I didn't attend the proceeding.

7 **MS. CHRISTINE JOHNSON:** Okay. You didn't attend
8 the proceeding, but you did ---

9 **MR. BENJAMIN DICHTER:** Yeah.

10 **MS. CHRISTINE JOHNSON:** --- in fact supply an
11 affidavit for use in that proceeding?

12 **MR. BENJAMIN DICHTER:** I signed an affidavit for
13 my lawyers, yes.

14 **MS. CHRISTINE JOHNSON:** Thank you. And again,
15 you're aware that that motion was successful and that the court
16 was convinced on the evidence that there was honking, and it
17 would cause irreparable harm if the honking were to continue?

18 **MR. BENJAMIN DICHTER:** Okay, is that how they
19 worded it, irreparable harm? Okay.

20 **MS. CHRISTINE JOHNSON:** Were you ever provided a
21 copy of the court's decision?

22 **MR. BENJAMIN DICHTER:** I was provided with court
23 decisions later on, like, they would show us, but it was so
24 busy, there were so many things going on, and I kind of -- we
25 all left the legal stuff in the hands of legal. I dealt with
26 messaging. Certain people dealt with trucks, the security, that
27 sort of thing. So it was -- so many things came in and out;
28 right?

1 **MS. CHRISTINE JOHNSON:** So the lawyers for the
2 JCCF never provided you with a copy of that court order at the
3 time it was obtained?

4 **MR. BENJAMIN DICHTER:** It might have been within
5 the couple of days they would have sent an email, and just
6 because I was busy.

7 **MS. CHRISTINE JOHNSON:** And were you aware that
8 pursuant to that court order you were required to communicate
9 the terms of the order on your personal social media?

10 **MR. BENJAMIN DICHTER:** No, nobody told me that.

11 **MS. CHRISTINE JOHNSON:** Okay. And in fact, you
12 never did communicate the terms of the order on your social
13 media?

14 **MR. BENJAMIN DICHTER:** I don't believe so. I'm
15 trying to think. I don't believe so.

16 **MS. CHRISTINE JOHNSON:** Okay.

17 **MR. BENJAMIN DICHTER:** Could be wrong, but I
18 don't -- I -- there were so many thousands of messages that I
19 put out there, I'm trying to think if I was told -- but I don't
20 recall that. I don't recall that.

21 **MS. CHRISTINE JOHNSON:** Okay. So you've told us
22 that you didn't hear a lot of honking, you didn't think it was a
23 key feature of this protest at all; is that fair?

24 **MR. BENJAMIN DICHTER:** That's right.

25 **MS. CHRISTINE JOHNSON:** So I want to ask you
26 about your personality on social media. You have a Twitter
27 account, Mr. Dichter, that has honk in your name on Twitter;
28 correct?

1 **MR. BENJAMIN DICHTER:** Yes.

2 **MS. CHRISTINE JOHNSON:** And what is the
3 significance of that? Why did you include honk in your Twitter
4 name?

5 **MR. BENJAMIN DICHTER:** Oh, it's just humour. The
6 idea that when we came here -- I mean, it's about the humour and
7 a cry for help from the government. Like, the little bit of
8 honking that you saw, it wasn't to be aggressive. It's -- you
9 have to understand what these people's lives were going through,
10 and they were just completely desperate. And I know some of
11 them, one particular driver, a Ukrainian driver, he was very
12 passionate in the beginning for honking, because he said, "They
13 don't listen to me. What do I have to do? I have to honk or
14 something." And I'm, like, well, let's tone it down a little,
15 but that was in the first couple of days.

16 **MS. CHRISTINE JOHNSON:** So some drivers, some
17 truckers did communicate to you that they felt as though the
18 honking was a way to get their message across, get their voices
19 heard?

20 **MR. BENJAMIN DICHTER:** Yeah, but again, it was
21 just for the first couple of days, and that's when we all -- I
22 believe that's when we changed -- I changed my social media tag
23 to put that.

24 **MS. CHRISTINE JOHNSON:** Okay. So that was going
25 to be my next question was when did you insert honk into your
26 name?

27 **MR. BENJAMIN DICHTER:** I believe it was in the
28 early days, but there's so many things going on so many days,

1 it's hard to keep an eye; right?

2 **MS. CHRISTINE JOHNSON:** And one of my friends has
3 already asked you about a forthcoming book that you'll be
4 publishing ---

5 **MR. BENJAMIN DICHTER:** Yes.

6 **MS. CHRISTINE JOHNSON:** --- about your experience
7 in the convoy, and I understand that the title of that book is
8 "Honking for Freedom".

9 **MR. BENJAMIN DICHTER:** Yes.

10 **MS. CHRISTINE JOHNSON:** And again, if honking was
11 not essential feature of this protest, why would your book be
12 named Honking for Freedom?

13 **MR. BENJAMIN DICHTER:** Because there's so much
14 social media tags around the word honk and around this protest
15 because it came -- became such a divisive issue, and cry for
16 freedom didn't really have the same, you know, element in
17 communicating what was going on, and honk was just a natural
18 title for it.

19 **MS. CHRISTINE JOHNSON:** Okay. Mr. Clerk, I'm
20 going to just have this witness look at a couple of documents.
21 The first is HRF00000042.

22 And while this is coming up on the screen, Mr.
23 Dichter, you've already been asked about those daily event and
24 safety reports that were put out for convoy participants?

25 **MR. BENJAMIN DICHTER:** Yes.

26 **MS. CHRISTINE JOHNSON:** I believe you told us
27 that you didn't have direct involvement in these. They were put
28 out by Tom Quiggin?

1 **MR. BENJAMIN DICHTER:** Yeah, I'm not an
2 intelligence analyst and ---

3 **MS. CHRISTINE JOHNSON:** Right.

4 **MR. BENJAMIN DICHTER:** --- I figured he would be
5 the best person to do that, and I think everybody agreed.

6 **MS. CHRISTINE JOHNSON:** And Tom Quiggin was the
7 host of the Quiggin Report hosted on your podcast; correct?

8 **MR. BENJAMIN DICHTER:** Yeah. He also has worked
9 for the RCMP, the Bank of Canada, military. He's got a very
10 impressive CV in terms of his career working for the government.

11 **MS. CHRISTINE JOHNSON:** Okay. Do you recall
12 seeing some of these daily event bulletins?

13 **MR. BENJAMIN DICHTER:** I saw a couple of them,
14 but I just got so overloaded with stuff that I couldn't make
15 this my focus, but ---

16 **MS. CHRISTINE JOHNSON:** Right.

17 **MR. BENJAMIN DICHTER:** --- he was posting them,
18 and he also has a social media account. I believe he was
19 posting them on his as well.

20 **MS. CHRISTINE JOHNSON:** So this looks to be the
21 report from February 12th. We'll see that at the top of the
22 report.

23 **MR. BENJAMIN DICHTER:** Okay.

24 **MS. CHRISTINE JOHNSON:** And Mr. Clerk, I'll just
25 have you scroll down to the very bottom.

26 So we have Daily Humour and Meme Warfare section.
27 From looking through a few of these reports, it seems like it
28 was common to have a daily humour or a joke section at the

1 bottom of them.

2 **MR. BENJAMIN DICHTER:** Lighten the load.

3 **MS. CHRISTINE JOHNSON:** Okay.

4 **MR. BENJAMIN DICHTER:** The sort of thing Elon
5 Musk does.

6 **MS. CHRISTINE JOHNSON:** And so this meme or
7 humour section has a caricature of someone labelled "The
8 Hoonker", and it has a variety of descriptors around this
9 caricature. It says:

10 "Doesn't vandalize, just hoonks; uses
11 meme warfare in real life; creates a
12 schedule of the hoonk for maximum
13 freedom enhancing effects; disrupts the
14 status quo by not letting people sleep
15 in tyranny; withholds the soy [from
16 reaching] the soy jack until freedom
17 improves; uses the power of vibrating
18 air to chase the Prime Minister out of
19 the country; just straight says to the
20 crying soy jack 'The hoonking will
21 continue until freedom improves'; train
22 horn not enough, we need a ship horn."

23 And there are a variety of caricatures at the
24 bottom, looking to have tears pouring out of their eyes, their
25 hands on their face.

26 **MR. BENJAMIN DICHTER:** They're called NPCs in
27 internet culture.

28 **MS. CHRISTINE JOHNSON:** And can you explain to

1 that, sir?

2 **MR. BENJAMIN DICHTER:** A non-playable character
3 is the term what it means, yeah.

4 **MS. CHRISTINE JOHNSON:** And we see the reference
5 to the term "soy jack". Do you -- can you illuminate us on what
6 ---

7 **MR. BENJAMIN DICHTER:** Yeah.

8 **MS. CHRISTINE JOHNSON:** --- soy jack refers to?

9 **MR. BENJAMIN DICHTER:** The -- if you were -- you
10 have to -- this is going down the rabbit hole of internet humour
11 culture. Like it's a joke; right? It may not lend itself to
12 legal proceedings, but this is -- you know, I mentioned Elon
13 Musk, this is the sort of thing that he would put out
14 frequently, he's probably the most popular to do it.

15 And also, we knew there was a honking injunction,
16 so people would go out on social media and they would put
17 hashtag honk honk. It was people actually going outside and
18 honking, it was their way to show their support for the convoy.

19 **MS. CHRISTINE JOHNSON:** But you would agree with
20 me that this type of humour, whether it's in jest or not, is
21 perhaps not getting the message across to convoy participants to
22 lay off the horns in light of the injunction?

23 **MR. BENJAMIN DICHTER:** No, I think it's good to
24 get people to have something that -- it might not be your type
25 of humour, but for the people who were freezing in their trucks
26 for three weeks, they need something, they need some sort of
27 pick-me-up, and I think for them it's a way for people to vent.
28 Right? That's why we have free speech for conflict resolution,

1 and that's the -- that's why humour was very important.

2 And there was so many memes going around the
3 internet for all of this. Some of it was -- like for me, some
4 of it was too extreme and distasteful, I get it, but I'm not
5 going to dictate what people should say. Okay, that's not it,
6 or that's not my thing, but then other stuff was great. It
7 was...

8 You know, you have a whole range of different
9 worldviews and opinions because we're people from all over the
10 world that were supporting us. When I was in Colombia there
11 were people there who wanted to meet me because they were
12 supporting. When I was in Miami, there were people who
13 recognised me -- as Uber drivers that were supporting us. So
14 you have a whole range of people with different worldviews.

15 **MS. CHRISTINE JOHNSON:** And in the interest of
16 time, I won't take you to the second daily report of this
17 nature, but ---

18 **MR. BENJAMIN DICHTER:** Okay.

19 **MS. CHRISTINE JOHNSON:** --- for the record,
20 HRF00000043 is a February 13th daily report ---

21 **MR. BENJAMIN DICHTER:** Okay.

22 **MS. CHRISTINE JOHNSON:** --- that has a humour
23 section along these lines as well. And I don't know if you
24 recall it off the top of your head, but there was a daily humour
25 section at the bottom that said, "The supreme art of war is to
26 tire the enemy with honking." So that's something that you find
27 equally funny along these lines, I take it?

28 **MR. BENJAMIN DICHTER:** Well, it's not literally

1 honking in your truck. Again, you'll probably see those memes
2 were grabbed from the internet, where people were putting memes
3 up with the hashtag honk honk. That's where it all comes from.

4 **MS. CHRISTINE JOHNSON:** And lastly, sir, I'll
5 just ask you a couple of other questions of impact ---

6 **MR. BENJAMIN DICHTER:** Sure.

7 **MS. CHRISTINE JOHNSON:** --- just very briefly on
8 Ottawa residents and businesses.

9 We heard you say this morning that you -- it was
10 your understanding the Rideau Centre was open initially?

11 **MR. BENJAMIN DICHTER:** Yes, I was in there. I
12 got a coffee at Tim Horton's.

13 **MS. CHRISTINE JOHNSON:** And -- but you were aware
14 it was only that first weekend that it was opened. It closed
15 very soon on that first weekend of protests, and actually
16 remained closed for the duration?

17 **MR. BENJAMIN DICHTER:** And my understanding that
18 came from the City that they demanded that all the businesses
19 closed, and the Rideau Centre as well was one of them. Which
20 didn't make sense to us because the businesses we were attending
21 they had never been so busy. Like they were so happy. We had
22 so many businesses tell us that they made record profits; right?

23 **MS. CHRISTINE JOHNSON:** Yeah. So sir, I'll would
24 tell you that your information on that sounds to be inaccurate
25 from our discussions with our BIA clients.

26 **MR. BENJAMIN DICHTER:** Okay.

27 **MS. CHRISTINE JOHNSON:** So who was it who told
28 you that businesses were forced to close because of the City?

1 **MR. BENJAMIN DICHTER:** I think it was the Iconic
2 Café was one of them, one of the Shawarma places that stayed
3 open. There's a number of videos online. One that just came
4 out last week from somebody who works in one of the restaurants,
5 and she said, "If I" -- they were coming around to our
6 restaurant, the media was coming around telling these people are
7 dangerous, you should close." And she said, "If I wasn't there
8 to see the media trying to coerce us to make us think the
9 truckers were dangerous I might've believed it." But she -- "I
10 was here, I saw it, I saw everybody was peaceful. We served
11 you, and it was great."

12 So I think there was a little bit of some
13 narrative and politics going on there.

14 **MS. CHRISTINE JOHNSON:** Well, are you aware, sir,
15 that businesses, many businesses were forced to close because of
16 maskless protesters and their concern about the fines that they
17 as businesses might face if they were to stay open and have
18 maskless patrons ---

19 **MR. BENJAMIN DICHTER:** I didn't know.

20 **MS. CHRISTINE JOHNSON:** --- in their stores?

21 **MR. BENJAMIN DICHTER:** I can't comment to that.
22 That might be the case. But I do know when my business was in
23 Downtown Toronto I would try to stay open every day of the week,
24 especially when university students were in town. If had
25 something like this, it would've been amazing. I wish I
26 would've had an event like this when I had my business in
27 Toronto.

28 **MS. CHRISTINE JOHNSON:** Notwithstanding any

1 concerns that, you know, young employees might face harassment
2 or anything like that. You wouldn't have had concerns when you
3 were running your business of those sorts of things?

4 **MR. BENJAMIN DICHTER:** Truckers are very ---

5 **COMMISSIONER ROULEAU:** You're well over your
6 time, and I'm not sure this is getting anywhere.

7 **MS. CHRISTINE JOHNSON:** Thank you.

8 **COMMISSIONER ROULEAU:** So the next is -- now is
9 the Ontario Provincial Police.

10 **MR. CHRISTOPHER DIANA:** Yes, good afternoon,
11 Commissioner. I have no questions. Thank you.

12 **COMMISSIONER ROULEAU:** Okay.

13 And the -- I just -- let me just find out if
14 we're going to have much more than I think I'll take the
15 lunchbreak. Will you have some questions for the witness,
16 Mr. Karahalios?

17 **MR. JIM KARAHALIOS:** Yes, I will, Commissioner.

18 **COMMISSIONER ROULEAU:** Okay.

19 And Democracy Fund/JCCF, will you have questions?

20 **UNIDENTIFIED SPEAKER:** We'll not have any
21 questions for this witness, no.

22 **COMMISSIONER ROULEAU:** No?

23 And counsel for Mr. Sloly, will you have any?

24 **MR. ERIC BROUSSEAU:** We'll have five minutes.

25 **MR. NIKOLAS De STEFANO:** We'll have five minutes.

26 **COMMISSIONER ROULEAU:** Five minutes?

27 And re-examination?

28 **MR. JOHN MATHER:** Not at this time.

1 **COMMISSIONER ROULEAU:** Okay. So let's try and
2 get it through, then.

3 Counsel for former Chief Sloly, go ahead.

4 **--- CROSS-EXAMINATION BY MR. NIKOLAS De STEFANO:**

5 **MR. NIKOLAS De STEFANO:** I'm Nikolas De Stefano
6 for former Chief Sloly. Hi, Mr. Dichter.

7 **MR. BENJAMIN DICHTER:** Hi, Nikolas.

8 **MR. NIKOLAS De STEFANO:** So we heard a lot about
9 how you were part of a group, corporation that represented sort
10 of certain protesters; correct?

11 **MR. BENJAMIN DICHTER:** Yes.

12 **MR. NIKOLAS De STEFANO:** But there were also
13 other groups that were present in Ottawa protesting; correct?

14 **MR. BENJAMIN DICHTER:** There were so many groups,
15 yeah.

16 **MR. NIKOLAS De STEFANO:** Yeah. And you stated
17 earlier that there were more protesters than you expected there
18 would be?

19 **MR. BENJAMIN DICHTER:** I think we all agree to
20 that.

21 **MR. NIKOLAS De STEFANO:** Right. The events were
22 just on a scale that you, yourself, and sort of members of your
23 group just did not expect; correct?

24 **MR. BENJAMIN DICHTER:** Yes.

25 **MR. NIKOLAS De STEFANO:** And within your group,
26 you testified that you sort of had people at the Sheraton that
27 were responsible for messaging, some of you were at the Arc
28 Hotel responsible for logistics, and others were at the Swiss

1 Hotel sort of speaking with the police and dealing with the
2 police; correct?

3 **MR. BENJAMIN DICHTER:** Yeah.

4 **MR. NIKOLAS De STEFANO:** Did you, yourself,
5 interact with any of the PLT members from the OPS?

6 **MR. BENJAMIN DICHTER:** No, I didn't.

7 **MR. NIKOLAS De STEFANO:** Can you remind me who
8 from your group was responsible for that?

9 **MR. BENJAMIN DICHTER:** I don't know. I found out
10 about -- like I didn't realise that all the road captains, I
11 don't know which ones had a PLT and which ones didn't. It just
12 seemed to be random, and maybe -- I understand the PLT is part-
13 time, that might have had something to do with it because I do
14 know there were occasions where some drivers, captains,
15 whatever, were trying to get in touch with PLT members and they
16 couldn't.

17 So -- but that's my -- I wasn't there with a
18 truck, wasn't on the ground, so there was really no need for me
19 to interact with PLTs, with the exception of the day that we
20 left, when I told all the truckers, when I told all the, sorry,
21 I didn't tell them. I said, "Do you want to leave?" And I
22 suggested, "Call all your liaison officers and I'll meet you
23 upstairs in the board meeting after -- in the boardroom
24 afterwards and I walk up and Brigitte is yelling and arguing
25 with the PL -- I'm like, "Just say you'll do whatever you want.
26 You got to go home. You got to leave." But I personally
27 didn't.

28 **MR. NIKOLAS De STEFANO:** So we heard some

1 evidence that Mr. Marazzo had been in contact with the PLT at --
2 -

3 **MR. BENJAMIN DICHTER:** Yes, that's true.

4 **MR. NIKOLAS De STEFANO:** You didn't know about
5 that at the time?

6 **MR. BENJAMIN DICHTER:** At the time, I didn't, no.

7 **MR. NIKOLAS De STEFANO:** And you would have had
8 no input into any of those discussions?

9 **MR. BENJAMIN DICHTER:** No, because they seemed to
10 be running their own show.

11 **MR. NIKOLAS De STEFANO:** Right. And we also
12 heard from you that when Marazzo or -- sorry, we heard from you
13 that when members of your group did indeed reach an agreement,
14 or purport to reach an agreement about the movement of trucks,
15 that you did not agree with the outcome of that agreement;
16 correct?

17 **MR. BENJAMIN DICHTER:** Well, the whole idea of --
18 I was told repeatedly that there's -- it's not going well. I
19 didn't assume "not going well" means there's a deal, so. And I
20 didn't understand the deal. We're not getting -- a deal is two-
21 way, right? Just capitulating and saying, "We're leaving,"
22 like, if we told that to the truckers, they would lose their
23 minds, get so angry.

24 **MR. NIKOLAS De STEFANO:** Right. And I'm not
25 going to put the text message back up on the screen but ---

26 **MR. BENJAMIN DICHTER:** Yeah, yeah.

27 **MR. NIKOLAS De STEFANO:** --- we saw a text
28 message earlier where you referred to thousands -- thousands of

1 protesters scolding you about the purported agreement.

2 **MR. BENJAMIN DICHTER:** No, not -- well, some were
3 protesters -- many of them were protesters but we had so much
4 online support. That's what was driving a lot of it. So a lot
5 of it was people within Canada were supporting people that were
6 in Ottawa that were supporting. So you had a whole mixed bag.
7 And that was going on all the time, regularly. Like, there were
8 people that were streaming in Twitter spaces -- that's like a
9 communal group -- that they would be in a group that was live,
10 meaning active, people talking for 24, 36 hours straight with
11 hundreds of people, sometimes thousands of people.

12 **MR. NIKOLAS De STEFANO:** And on February 6th, you
13 gave a press conference and you've mentioned -- there's a
14 transcription of this. I'm not going to put it up on the screen
15 but ---

16 **MR. BENJAMIN DICHTER:** Yeah.

17 **MR. NIKOLAS De STEFANO:** But you mentioned that
18 in Ottawa there were certain rabblers who were trying to
19 make this about them and they were sort of outside of your group
20 and outside of your entourage; do you remember that?

21 **MR. BENJAMIN DICHTER:** Yeah, so we always had
22 those other -- there was our, you know, Freedom Corp, well, you
23 know, aligned with, let's say, the GoFundMe, where the money was
24 being raised, and there were all these other little groups, for
25 sure.

26 **MR. NIKOLAS De STEFANO:** And you've stated that
27 you couldn't police those people; and you agree with that still?

28 **MR. BENJAMIN DICHTER:** Well, that's why I

1 explained out moral persuasion, that we definitely had influence
2 with them and could communicate to them. And one of the things,
3 by the way, we did communicate, we were relieved with Chief
4 Sloly when he said, I believe on February 3rd -- I don't remember
5 the date when he said, "This requires a political solution.
6 This is not a policing solution because it's peaceful." And
7 were like, "Great. Finally, there's a police chief that's not
8 going to politicize everything." It was such a -- it was a
9 moment of hope for us.

10 **MR. NIKOLAS De STEFANO:** But you agree that
11 members of the protest that weren't part of your entourage were
12 sort of independent operators, they were sort of free thinkers
13 and you couldn't force them to do something that they wouldn't
14 do, right? Like, for example, your aware that Pat King was
15 asked not to come to Ottawa at a certain point and then he did
16 indeed come, right? You couldn't force them to do something
17 they didn't want to do?

18 **MR. BENJAMIN DICHTER:** Which is what I understand
19 Tamara was trying to mitigate that, realizing that he's not
20 going to -- he's going to latch -- I don't about "latch on" but
21 he's going to be -- like many other people, he's just going to
22 come along. And I guess -- my understanding is the strategy
23 was, "Just keep him under control. Keep him out of the
24 limelight. And" -- but I had -- like, I never met him. I've
25 never talked to him, don't know him.

26 **MR. NIKOLAS De STEFANO:** Just one last question,
27 Mr. Commissioner. And so you would agree with me, then, that
28 even if your group was able to make some sort of agreement with

1 the police, and that there was some sort buy-in to that
2 agreement, and that it was mobilized, whether it be to stop
3 honking or to move trucks somewhere, some of those rabblers
4 could have moved in and parked their trucks in the exact same
5 spot that they were moved out of or just simply not abided by it
6 because you had no control over them?

7 **MR. BENJAMIN DICHTER:** No, I disagree. And I
8 disagree because people in the trucking industry -- it's a very
9 regulated industry. We know rules, PARS documents going across
10 the border. You know, it's not the central-casting description
11 of what a trucker is. It's far more corporate than people
12 realize. So I was not terribly worried about that. But there
13 are people that are very passionate about it. Sometimes you
14 meet people that they have to have a little bit more handholding
15 and talking and coming to consensus. And other people are just,
16 "Yeah, I'm bored. Yeah, we'll do it." It just -- it comes down
17 to the individual. It's not truckers, it's individual people
18 that you've got to reach out to.

19 **MR. NIKOLAS De STEFANO:** That's it, thanks.

20 **MR. BENJAMIN DICHTER:** Thank you.

21 **COMMISSIONER ROULEAU:** Thank you.

22 So the only remaining, then, is Mr. Karahalios.
23 I may be pronouncing that wrong but ---

24 **--- CROSS-EXAMINATION BY MR. JIM KARAHALIOS (cont'd):**

25 **MR. JIM KARAHALIOS:** Mr. Dichter, what can you
26 tell the Commission about Twitter passwords?

27 **MR. BENJAMIN DICHTER:** Twitter passwords can be
28 easily changed if you have email and telephone access to your

1 Twitter account.

2 **MR. JIM KARAHALIOS:** Who were the first seven
3 members of the Freedom Corporation, if I can call it that? You
4 gave the name earlier. Do you remember the names of the first
5 seven directors of the corporation?

6 **MR. BENJAMIN DICHTER:** Myself, Tamara Lich, Chris
7 Barber, Chris Garrah -- who am I forgetting -- Miranda, and
8 somebody else, Sean Tiessen.

9 **MR. JIM KARAHALIOS:** What's your relationship
10 with Sean Tiessen?

11 **MR. BENJAMIN DICHTER:** It was actually quite
12 good. Sean and I actually connected better than everybody.
13 Like, we were only -- I mean maybe with the exception of Tamara.
14 He seemed to be a pretty reasonable guy and I kept in touch with
15 him.

16 **MR. JIM KARAHALIOS:** When was the last time you
17 spoke to Sean Tiessen.

18 **MR. BENJAMIN DICHTER:** A few months ago. Maybe
19 it's now four or five months ago. No, I don't think that long,
20 a few months ago.

21 **MR. JIM KARAHALIOS:** Can you share with the
22 Commission your conversation with Sean Tiessen at that time?

23 **MR. BENJAMIN DICHTER:** Yeah, Sean Tiessen
24 explained to me that, "They were really upset with a tweet that
25 you made and they're going to try to pin this all on you.
26 They're going to make some narrative that it's your fault," and
27 I remember thinking like, "I don't know how they're going to do
28 that." And I said, "Well, what's the rest of the board

1 thinking," and he said, "They're all really scared. Tamara and
2 Chris have both criminal and civil charges. None of them have
3 any experience in law. And they feel like they're being held
4 hostage to the JCCF for free legal advice and legal counsel
5 because they don't have any money to fight a multimillion-dollar
6 class action suit," and he was very -- he was very direct about
7 that.

8 **MR. JIM KARAHALIOS:** Earlier, my friend from the
9 Convoy Organizers asked you -- asked you about your membership
10 or your position in the Convoy Organization. Are you still a
11 member of the Convoy Organization?

12 **MR. BENJAMIN DICHTER:** Apparently, I am.

13 **MR. JIM KARAHALIOS:** There's been some dispute in
14 the questions as to who was retained by the corporation so I'm
15 not going to get into the details of whether JCCF was retained
16 or Mr. Wilson, but can you just tell me, in your experience
17 dealing with lawyers -- I think you testified that your mom was
18 a paralegal -- what do lawyers get retained to do?

19 **MR. BENJAMIN DICHTER:** Get retained ---

20 **COMMISSIONER ROULEAU:** I'm not sure how -- where
21 this is going. I'm not sure that's evidence that is relevant to
22 the case, but maybe you can explain it to me.

23 **MR. JIM KARAHALIOS:** Sure. He was -- my friend
24 from the Convoy Organizers was asking Mr. Dichter about the
25 relationship with counsel and I don't think that evidence has
26 been provided accurately. Mr. Dichter has his -- an opportunity
27 here to answer the question, what his perspective, as a member
28 of -- Director of the Convoy Organization, what they hired

1 lawyers to do, what the job of those lawyers was to do, and what
2 they were doing on behalf of the board. That's what I'm trying
3 to get at.

4 **COMMISSIONER ROULEAU:** Do you have a submission?

5 **MR. BRENDAN MILLER:** Yes, sir. First, my friend
6 is getting into something that may in fact be privileged, and
7 the board has not waived that privilege as a whole. Second, I
8 don't understand what the relevance and materiality of any of
9 this is as to whether or not the *Emergencies Act* should have
10 been invoked.

11 **COMMISSIONER ROULEAU:** I think certainly what he
12 -- I don't believe your client can waive the privilege. I think
13 that's fundamental. So I'm not sure, again, what this is
14 relevant to.

15 **MR. JIM KARAHALIOS:** Okay. I'll ask a couple of
16 other questions and I'll see if ---

17 **COMMISSIONER ROULEAU:** Okay.

18 **MR. JIM KARAHALIOS:** --- I can reframe it.
19 You're a defendant in the class action that came up earlier.
20 After the injunction on the horn honking took place, are you
21 aware of anyone in Ottawa that faced any charges or any other
22 legal ramifications after the injunction to stop honking was put
23 in place by the court?

24 **MR. BENJAMIN DICHTER:** Charges related to
25 honking, no.

26 **MR. JIM KARAHALIOS:** You're aware, in that same
27 proceeding, there was a series of *Mareva* injunctions and escrow
28 orders?

1 **MR. BENJAMIN DICHTER:** Yes.

2 **MR. JIM KARAHALIOS:** Can you tell the Commission
3 your experience with -- as a defendant in that proceeding your
4 experience with those Mareva injunctions and escrow orders?

5 **MR. BENJAMIN DICHTER:** Well, I was receiving
6 privileged emails from Keith Wilson and his agent with regards
7 to the Mareva injunction up until, I believe, May of this year.
8 So my understanding was they were still representing me.

9 **MR. JIM KARAHALIOS:** And what were you asked to
10 do as part of those court orders?

11 **MR. BENJAMIN DICHTER:** I was to surrender the
12 seed phrase of the Bitcoin which is a combination, to the
13 Bitcoin app of which there were five codes or five see phrases.
14 And I had one of them.

15 **MR. JIM KARAHALIOS:** And what did you do with
16 that seed phrase and the code?

17 **MR. BENJAMIN DICHTER:** I submitted it to Keith
18 Wilson via his agent, Norm Groot who was representing me in the
19 Mareva agent. And my understanding is that went to the
20 bankruptcy trustee or whoever dals with it.

21 **MR. JIM KARAHALIOS:** You testified earlier with
22 my friends from the Ottawa Neighbourhood Association --
23 apologies if I'm not identifying the party correctly -- that the
24 term "honking" became popular as a tag. What was the incident
25 during the protests that led to "honking" becoming something
26 that would get traction on social media online?

27 **MR. BENJAMIN DICHTER:** The particular incident?
28 There was a number of things. Particularly when the tenor of

1 the protest changed when those first videos came out. But then
2 you start to see a lot of people getting on board. It became
3 popular. There was a Bitcoin drive. It just became like a meme
4 and a culturally significant event online with -- on Twitter and
5 social media in general.

6 **MR. JIM KARAHALIOS:** Was the "#honking" or
7 "honk" more popular after the horn injunction or less popular?

8 **MR. BENJAMIN DICHTER:** It was mor popular because
9 they couldn't honk. It was the only thing they could do is type
10 "#honk"

11 **MR. JIM KARAHALIOS:** Are you suggesting that the
12 "#honk" replaced actual honking on the street?

13 **MR. BENJAMIN DICHTER:** Yes, exactly.

14 **MR. JIM KARAHALIOS:** If I can ask the clerk to
15 bring up HRF1291, page 55. It's a long PDF. I apologize.

16 There's a series of text message between Dean
17 French and Mr. Wilson.

18 **COMMISSIONER ROULEAU:** So what page did you say?

19 **MR. JIM KARAHALIOS:** Page 55 of the PDF.

20 **COMMISSIONER ROULEAU:** Okay.

21 **MR. JIM KARAHALIOS:** Mr. Dichter, do you see
22 that?

23 **MR. BENJAMIN DICHTER:** It's fuzzy but I can see
24 it, yes.

25 **MR. JIM KARAHALIOS:** Can you read it?

26 **MR. BENJAMIN DICHTER:**

27 "Yes, he's excited to get your call.

28 Please remind your Board I never once

1 spoke to Premier Ford about this or
2 Katie Telford, Turneau's chief."

3 And it was corrected as "Trudeau".

4 **MR. JIM KARAHALIOS:** Who is Katie Telford?

5 **MR. BENJAMIN DICHTER:** That's the Chief of Staff
6 of the Prime Minister.

7 **MR. JIM KARAHALIOS:** Is there -- can you tell us
8 about the significance of this text message from Mr. French to
9 Mr. Wilson?

10 **MR. BENJAMIN DICHTER:** Well, this would indicate
11 that firstly, he has the ability to reach out to the Premier and
12 the Prime Minister if he wanted. And he's clearly a
13 significantly politically connected figure.

14 **MR. JIM KARAHALIOS:** And in your time providing
15 messaging on behalf of the protests or the corporation, did
16 anyone from the Premier's office or the Prime Minister's office
17 approach you for a discussion to get to a peaceful resolution?

18 **MR. BENJAMIN DICHTER:** No. Never, not once.

19 **MR. JIM KARAHALIOS:** Just one second, Mr.
20 Commissioner.

21 HRF1325, please, Mr. Clerk.

22 Mr. Dichter, you identified the members, the
23 directors of the corporation. You see this document seems to be
24 meeting notes from a meeting at City Hall?

25 **MR. BENJAMIN DICHTER:** Yeah.

26 **MR. JIM KARAHALIOS:** What directors from the
27 corporation were at this meeting?

28 **MR. BENJAMIN DICHTER:** It looks like Chris Barber

1 and that's all.

2 **MR. JIM KARAHALIOS:** Can you say that again,
3 please?

4 **MR. BENJAMIN DICHTER:** Chris Barber and no one
5 else. These are not Board members.

6 **COMMISSIONER ROULEAU:** Okay. Your time is up.
7 Is there anything that you need to deal with or can we wrap this
8 up?

9 **MR. JIM KARAHALIOS:** I think we're close to
10 wrapping it up, if you can just give me 15 seconds, Mr.
11 Commissioner.

12 **COMMISSIONER ROULEAU:** That's perfect.

13 **MR. JIM KARAHALIOS:** There is an email in
14 evidence-- and I'm running out of time so I'm not going to look
15 for the number. And at the -- it's an email from Mr. Wilson to
16 you. And the third line of the email says, "Trudeau will be
17 pissed."

18 Can you tell us your opinion on that line from
19 Mr. Wilson to you? "Trudeau will be pissed."

20 **MR. BENJAMIN DICHTER:** Okay.

21 **COMMISSIONER ROULEAU:** Just wait a minute.
22 There's an objection.

23 **MR. BRENDAN MILLER:** Sir, this witness is being
24 asked to interpret a document not authored by him and give his
25 opinion of it and I don't again see how any of this is relevant.

26 **MR. JIM KARAHALIOS:** It is an email from Mr.
27 Wilson to Mr. Dichter submitted into evidence. And I would like
28 Mr. Dichter to share his thoughts on what he thought of an email

1 concluding with "Trudeau will be pissed" from Mr. Wilson.

2 **MR. BRENDAN MILLER:** We don't have context. I
3 don't even know what he's referring to, sir. And I don't ---

4 **MR. JIM KARAHALIOS:** If I can take a few minutes
5 I'll find you the document. I just thought for the -- it wasn't
6 a document submitted by Mr. Dichter. I assumed the other
7 parties knew the document.

8 **COMMISSIONER ROULEAU:** Yes, if you're going to
9 refer to the document I think we have to have it brought up so
10 that ---

11 **MR. JIM KARAHALIOS:** We'll try to identify it.
12 Just give us a moment.

13 **COMMISSIONER ROULEAU:** Okay. So do you have a
14 reference for the number, or a reference number?

15 **MR. JIM KARAHALIOS:** I'm trying to find it, Mr.
16 Commissioner. I apologize.

17 **THE REGISTRAR:** Well, for counsel, do you have
18 the date at all of this potential email?

19 **COMMISSIONER ROULEAU:** Do you have the date for
20 it?

21 **MR. JIM KARAHALIOS:** HRF1276. Can you read the
22 email to yourself, Mr. Dichter? Do you see the last line I'm
23 telling you about?

24 **MR. BENJAMIN DICHTER:** Yes.

25 **MR. JIM KARAHALIOS:** When you read a line from
26 Mr. Wilson at the time -- "Trudeau is going to be pissed" -- can
27 you tell us -- can you give the Commission -- shed some light to
28 the Commission on what you're reading there.

1 **MR. BENJAMIN DICHTER:** I was quite shocked. I
2 produce a podcast with lawyers. My mother is a paralegal. I've
3 been around lawyers my whole life. I've never seen lawyers
4 speak like that. I thought we were getting professional
5 counsel. We got a ---

6 **MR. BRENDAN MILLER:** That's ---

7 **MR. BENJAMIN DICHTER:** --- in a suit.

8 **MR. BRENDAN MILLER:** Commissioner, I don't
9 understand this and I would note that my friend has just put up
10 evidence proving that this individual knew about the deal.

11 But other than that, I don't think it's
12 appropriate for him to comment on "Trudeau is going to be
13 pissed" -- and his view of what is appropriate language and what
14 is not. I don't want to get into the case law about what that
15 is and how lawyers are allowed to communicate. And I don't need
16 to, I don't think, the *Goya* decision, et cetera.

17 But sir, this is not relevant.

18 **COMMISSIONER ROULEAU:** Okay.

19 **MR. JIM KARAHALIOS:** I disagree. It goes to the
20 motivation of the individual sending the email to Mr. Dichter.

21 **COMMISSIONER ROULEAU:** Well, I think you've put
22 the question. It's been answered. The document is there.
23 We'll have to deal with it. Thank you.

24 **MR. JIM KARAHALIOS:** Thank you, Commissioner.

25 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

26 **MR. JOHN MATHER:** No, Mr. Commissioner.

27 **MR. JIM KARAHALIOS:** No.

28 **COMMISSIONER ROULEAU:** Okay. So thank you. So

1 you are now free to go. Thank you for your testimony.

2 **MR. BENJAMIN DICHTER:** Thank you very much.

3 **COMMISSIONER ROULEAU:** We're going to -- no, 55
4 minutes. We're going to take a little bit shorter today and
5 come back at 2:30.

6 **THE REGISTRAR:** The Commission is in recess until
7 2:30. La Commission est levée jusqu'à 14h30.

8 --- Upon recessing at 1:34 p.m.

9 --- Upon resuming at 2:29 p.m.

10 **THE REGISTRAR:** Order. À l'ordre. The
11 Commission is reconvened. La Commission as reprend.

12 **COMMISSIONER ROULEAU:** Good afternoon. Bonne
13 après-midi.

14 **MR. JEFFREY LEON:** Good afternoon, Commissioner.
15 The next witness will be James Bauder. And it's Jeff Leon,
16 Co-Lead Counsel for the Commission.

17 **THE REGISTRAR:** Mr. Bauder, will you swear on a
18 religious document or do you wish to affirm?

19 **MR. JAMES BAUDER:** The Bible, please.

20 **THE REGISTRAR:** For the record, please state and
21 spell your first name -- your full name.

22 **MR. JAMES BAUDER:** James, J-A-M-E-S Ralph,
23 R-A-L-P-H Bauder, B-A-U-D-E-R.

24 **--- MR. JAMES BAUDER, Sworn:**

25 **MR. JEFFREY LEON:** Thank you.

26 Commissioner, Mr. Bauder does not have counsel,
27 and he has requested to take the protections available to him in
28 giving his evidence.

1 **COMMISSIONER ROULEAU:** Okay. Well, I understand
2 you're under subpoena, Mr. Bauder; correct?

3 **MR. JAMES BAUDER:** Correct.

4 **COMMISSIONER ROULEAU:** Okay. I have deemed that
5 the witness has objected to answer each and every question on
6 the ground that his answer may tend to incriminate him or may
7 tend to establish his liability to a civil proceeding at the
8 instance of the Crown or any other person. And if but for the
9 *Act*, or the *Act* of any provincial legislature, the witness would
10 therefore have been excused from answering the question, and all
11 of the witnesses by reason of the *Act* or provincial *Act*
12 compelled to answer, the answers so given shall not be used or
13 admissible in evidence against him in any criminal trial, or
14 other criminal proceeding against him thereafter taking place,
15 other than, of course, prosecution for perjury in the giving of
16 that evidence or for the giving of contradictory evidence.

17 So that will be for each question and answer it's
18 taken that you've taken the protection afforded to you under the
19 *Charter* and the various statues. Okay?

20 **MR. JAMES BAUDER:** Thank you, Commissioner.

21 **--- EXAMINATION IN-CHIEF BY MR. JEFFREY LEON:**

22 **MR. JEFFREY LEON:** Good afternoon, Mr. Bauder.

23 **MR. JAMES BAUDER:** Good afternoon, Jeffrey.

24 **MR. JEFFREY LEON:** Can you tell me where you were
25 born?

26 **MR. JAMES BAUDER:** I was born in Kamloops, B.C.,
27 Canada.

28 **MR. JEFFREY LEON:** I understand today is your

1 birthday.

2 **MR. JAMES BAUDER:** It is.

3 **MR. JEFFREY LEON:** Well, happy birthday.

4 **MR. JAMES BAUDER:** Thank you.

5 **MR. JEFFREY LEON:** And you currently reside in
6 Calgary?

7 **MR. JAMES BAUDER:** Correct.

8 **MR. JEFFREY LEON:** And for how long?

9 **MR. JAMES BAUDER:** Better part of my life, I
10 guess. I met my beautiful wife, Sandy, and moved there 15 years
11 ago, I guess. I've been in Alberta and B.C. my whole life.

12 **MR. JEFFREY LEON:** Okay. And what do you do for
13 a living?

14 **MR. JAMES BAUDER:** I am a truck driver.

15 **MR. JEFFREY LEON:** And how long have you been
16 driving a truck?

17 **MR. JAMES BAUDER:** Since I was a kid, on the farm
18 ---

19 **MR. JEFFREY LEON:** Has that been ---

20 **MR. JAMES BAUDER:** --- and then from there, in my
21 early 20s, and then went into a different career path in truck
22 driving, and from there, I just picked up the wheels a couple of
23 years ago.

24 **MR. JEFFREY LEON:** Okay, and what was that other
25 career path?

26 **MR. JAMES BAUDER:** My background started in oil
27 and gas when I was 18 years old, and by the age of 26, I had
28 worked up to consultant level, of where then I specialised in

1 the various levels of governance, policy design, and risk
2 mitigation internationally at the C+ Director level.

3 **MR. JEFFREY LEON:** And I understand you have some
4 education in corporate governance?

5 **MR. JAMES BAUDER:** I've got a very interesting
6 CV, yes.

7 **MR. JEFFREY LEON:** Could you just briefly tell us
8 a bit about your corporate governance experience?

9 **MR. JAMES BAUDER:** So I don't know why that's
10 relevant here today. However, I spent the better part of my
11 career looking for the truth and auditing and assessing
12 governance models, looking at the root cause analysis of our
13 governance, and then cross-referencing that over to policies and
14 looking at policy design. And then using risk mitigation
15 factorings and modelling's, from there I was able to develop
16 corrective action models for projects all over the world.

17 **MR. JEFFREY LEON:** Thank you. And I want to deal
18 with some of the convoys that you have been involved in. I
19 understand that in 2019 you participated in the United We Roll
20 Convoy, that's in February 2019?

21 **MR. JAMES BAUDER:** Correct.

22 **MR. JEFFREY LEON:** And that convoy went from
23 Calgary to Ottawa?

24 **MR. JAMES BAUDER:** Correct. Red Deer, actually.

25 **MR. JEFFREY LEON:** Red Deer?

26 **MR. JAMES BAUDER:** Yeah.

27 **MR. JEFFREY LEON:** And that convoy was involved
28 in protesting legislation related to oil and gas issues?

1 **MR. JAMES BAUDER:** Yes. I believe at that time I
2 believe Naughty Notley and Justin Trudeau were ganging up on us,
3 and we said enough of that.

4 **MR. JEFFREY LEON:** And what was your role in
5 relation to that convoy, other than participating in it? Did
6 you have a role?

7 **MR. JAMES BAUDER:** Yes, I did. My role was to
8 represent Unity. I had just started the Canada Unity Foundation
9 and I got a call from some beautiful people and said, "James,
10 this is right up your alley. You should get into this."

11 And that was an amazing journey, just amazing.

12 **MR. JEFFREY LEON:** Did you play a role in the
13 planning?

14 **MR. JAMES BAUDER:** No.

15 **MR. JEFFREY LEON:** Now, you mentioned Canada
16 Unity. I understand that Canada Unity is a humanitarian
17 organization that brings people together and bases its
18 foundation on community; is that ---

19 **MR. JAMES BAUDER:** Correct.

20 **MR. JEFFREY LEON:** And one of the things that
21 Canada Unity does is oppose COVID-19 public health measures?

22 **MR. JAMES BAUDER:** What Canada Unity has
23 developed into has been my honour and privilege to serve. We
24 represent and we defend all Canadian lawful freedom of choice by
25 coming together in unity.

26 **MR. JEFFREY LEON:** Okay. And ---

27 **MR. JAMES BAUDER:** That's the mission statement.

28 **MR. JEFFREY LEON:** And you have taken a position

1 that -- with respect to COVID-19 public health measures. What's
2 that position?

3 **MR. JAMES BAUDER:** I find them all unlawful.

4 **MR. JEFFREY LEON:** And starting in August of
5 2021, I understand you started planning for a convoy to Ottawa;
6 is that ---

7 **MR. JAMES BAUDER:** Correct.

8 **MR. JEFFREY LEON:** --- correct? And you used the
9 name for that Convoy for Freedom?

10 **MR. JAMES BAUDER:** Correct. If you'd like, I
11 could elaborate a little bit on that because there is some
12 relevance to this, like, how that Convoy for Freedom was
13 originated, because it's pretty important.

14 **MR. JEFFREY LEON:** Yes?

15 **MR. JAMES BAUDER:** When I'm looking at my wife,
16 who comes to me and says, "James, it's your job to protect the
17 family," I didn't know what that would detail. However, I'd
18 just found my faith and I've got recently baptized. And that
19 day I got baptized, it stuck, it stuck deeply.

20 And you can imagine my world going from
21 international -- going -- you know, the only object of news I
22 got was CNN and BBC in an airport. So I have a pretty good
23 understanding of how corporate decision makers and policy makers
24 can get very distracted with the media and not get the full
25 facts.

26 So I made a prayer to save my soul because of all
27 the division and divisiveness that I was witnessing in my
28 country. And the answer to that prayer was Convoy for Freedom.

1 **MR. JEFFREY LEON:** Okay.

2 **MR. JAMES BAUDER:** And to specialize and put
3 unity at the forefront of that convoy. That's ---

4 **MR. JEFFREY LEON:** And does Canada Unity have
5 members?

6 **MR. JAMES BAUDER:** A few.

7 **MR. JEFFREY LEON:** How many?

8 **MR. JAMES BAUDER:** Hundreds of thousands.

9 **MR. JEFFREY LEON:** And how do you join Canada
10 Unity?

11 **MR. JAMES BAUDER:** We have a platform, multiple
12 platforms.

13 **MR. JEFFREY LEON:** Now, Mr. Clerk, could you put
14 up on the screen COM00000505?

15 I understand this to be a copy of a Facebook page
16 of yours, and it's dated August 30, 2021?

17 **MR. JAMES BAUDER:** Correct.

18 **MR. JEFFREY LEON:** And you say:

19 "Want to know what Justine Trudeau
20 hates more than protestors? A convoy
21 parked on his front step. Just
22 saying."

23 And then you go on:

24 "If you have a semi truck and are
25 willing to step up to save our great
26 nation from becoming Chinada, text me.
27 I am ready to make some noise but I
28 need you big truckers."

1 So was this a call for people to participate in
2 your convoy?

3 **MR. JAMES BAUDER:** Yeah. Yeah, I was watching
4 and witnessing the destruction of Australia and our brothers
5 down -- and sisters -- down there, and two factors gave me the
6 motivation to do this. Other than answering and being directed
7 by God on this was A) the United We Roll Convoy, and me coming
8 here and witnessing the homeless in the streets where you can
9 check this on Canada Unity's YouTube. I didn't participate in
10 the politics because I'm non-political with our foundation, and
11 that's hard to see, that we're actually -- that there's a
12 definite line there.

13 So I went out and I actually fed the homeless and
14 I made a documentary of it.

15 **MR. JEFFREY LEON:** Remember ---

16 **MR. JAMES BAUDER:** That was my first time I came
17 here. So then -- oh, in your -- yeah, yeah.

18 So watching Australia start a convoy over there
19 over these unlawful mandates and seeing our brothers and sisters
20 down south get treated like third-world citizens, it gave me
21 enough motivation to step up and do what Canadians do. We are
22 the peacekeepers of the world. We need to step up in unity and
23 show the world what peace and unity is all about.

24 **MR. JEFFREY LEON:** I just want to remind you, as
25 we talked about, we have an hour for you to give your evidence.
26 I know you want to be able to tell your story.

27 **MR. JAMES BAUDER:** True.

28 **MR. JEFFREY LEON:** So ---

1 **MR. JAMES BAUDER:** You were supposed to do this?

2 **MR. JEFFREY LEON:** Okay. So you say further
3 down:

4 "The convoy will be 100 percent geared
5 for uniting Canada. No political
6 agendas. So in simple terms, no vaxx
7 passports Canada wide, no masks mandate
8 Canada wide, no more lockdowns Canada
9 wide. We demand our government put
10 immediate stop to all of the above."

11 Correct? And so that was the goal of that
12 convoy?

13 **MR. JAMES BAUDER:** Yeah.

14 **MR. JEFFREY LEON:** And you started from Calgary
15 and went to Ottawa?

16 **MR. JAMES BAUDER:** Correct.

17 **MR. JEFFREY LEON:** Did you go -- in terms of the
18 planning, how many vehicles were part of that convoy?

19 **MR. JAMES BAUDER:** Upwards of 500 sometimes. And
20 then there was -- we made a big booboo when we started. We had
21 all our registration dates and my wife and I were in Calgary
22 with Action for Canada, and we were a convoy of one.

23 **MR. JEFFREY LEON:** So ---

24 **MR. JAMES BAUDER:** And we got going and then it
25 just got -- it got bigger and bigger and bigger and it just --
26 it grew.

27 **MR. JEFFREY LEON:** And you planned it all? Did
28 you ---

1 MR. JAMES BAUDER: Yes.

2 MR. JEFFREY LEON: --- develop the maps and the
3 routes, the logistics, schedules?

4 MR. JAMES BAUDER: No, I actually made a -- I
5 made a post asking for help, and from there, I got a lot of
6 help, a lot of help.

7 MR. JEFFREY LEON: And ---

8 MR. JAMES BAUDER: And I'm grateful for that.

9 MR. JEFFREY LEON: And when did you arrive in
10 Ottawa?

11 MR. JAMES BAUDER: I can't remember, to be
12 honest. It was in October some time.

13 MR. JEFFREY LEON: And ---

14 MR. JAMES BAUDER: And if you're going to ask me
15 dates, I don't have -- I'm terrible with dates, so I ---

16 MR. JEFFREY LEON: No, no. October's fine.

17 MR. JAMES BAUDER: If you need the actual date
18 evidence, I can provide ---

19 MR. JEFFREY LEON: No, if I ---

20 MR. JAMES BAUDER: --- that at a later time.

21 MR. JEFFREY LEON: --- need it, I'll ask you for
22 it, okay?

23 MR. JAMES BAUDER: Yeah.

24 MR. JEFFREY LEON: Now, if I can ask you to put
25 up on the screen please COM00000858? This is another Facebook
26 page of yours from December 13, 2021, and it says, "Operation
27 BearHug Ottawa was a great success."

28 This was what we've just been talking about, the

1 convoy?

2 MR. JAMES BAUDER: Yeah.

3 MR. JEFFREY LEON: And you say "Operation
4 BearHug". What is -- why BearHug?

5 MR. JAMES BAUDER: So if you want, I've got--
6 hang on here. Okay. Where is that one that I'd like to bring
7 up?

8 MR. JEFFREY LEON: So I believe you're referring
9 to ---

10 MR. JAMES BAUDER: If I could actually read my
11 evidence to answer your question, John -- or Jeffrey, if that's
12 okay.

13 MR. JEFFREY LEON: So what are you referring to?

14 MR. JAMES BAUDER: JBA00000043.

15 MR. JEFFREY LEON: Can you bring up that
16 document, please?

17 MR. JAMES BAUDER: And then I can answer that
18 question about BearHug right there. That's not it.

19 MR. JEFFREY LEON: Okay. Well, can we -- can you
20 just give me an explanation, sir, of why you used the term
21 BearHug?

22 MR. JAMES BAUDER: Well, sir, I'd really like to
23 actually read my evidence that I submitted here, Jeffrey, and
24 that's not ---

25 MR. JEFFREY LEON: Well, this ---

26 MR. JAMES BAUDER: --- what I quoted. This is
27 not the evidence.

28 MR. JEFFREY LEON: Well, can we do it this way,

1 sir? If you answer my questions, we'll get ---

2 **MR. JAMES BAUDER:** So -- well, the object of the
3 BearHug, okay, let's be honest here. We are in a country of
4 division by design, the very root foundations of our government,
5 and our governments have division in it.

6 So the opposite of division is unity, pure and
7 simple, and we are a country that has got many problems with
8 division. And if you're in touch with God and you're praying
9 all the way through this, the one thing that came to our team,
10 and this was a team effort, I can't remember the exact person
11 that came up and he said, "Bear hug." And we started looking at
12 this from a psychology point of view, and it has been an amazing
13 journey to keep love and peace as an organizer with a bunch of
14 truckers. Brigitte mentioned here a couple of days ago that you
15 get a couple hundred truckers together and, you know, we're a
16 little rowdy. And I know. I am one. So how do you bring
17 together a country in unity that's fighting in division? A bear
18 hug. Love. Love. Love. And if you want, I can give you a
19 demonstration.

20 **MR. JEFFREY LEON:** No, I don't need a
21 demonstration. Thank you.

22 **MR. JAMES BAUDER:** Because it was very much
23 evident. And if those that went down to Ottawa or anywhere
24 across Canada ---

25 **MR. JEFFREY LEON:** Could we go onto my next
26 question, please?

27 **MR. JAMES BAUDER:** Sorry, Jeffrey.

28 **MR. JEFFREY LEON:** Could you put back up

1 COM00000858? And just quickly to -- I want to deal with the
2 things you did in Ottawa on that -- in that convoy. So you
3 "went maskless shopping and maskless dining" on day one. And --
4 -

5 **MR. JAMES BAUDER:** Every day.

6 **MR. JEFFREY LEON:** --- and then on day two, you
7 went to Dollarama and they shut down their tills, but they were
8 told by the police to open?

9 **MR. JAMES BAUDER:** Correct.

10 **MR. JEFFREY LEON:** And then day three, you did a
11 media blockade at CTV. What's a media blockade?

12 **MR. JAMES BAUDER:** It's -- we just showed up and
13 ---

14 **MR. JEFFREY LEON:** Blocked the parking lot?

15 **MR. JAMES BAUDER:** Yes. Not -- like, we were on
16 the street, so there is laws on doing this, and the police of
17 Ottawa were very, very helpful. And these are the laws that we
18 can operate within.

19 **MR. JEFFREY LEON:** Yeah, and then on day ---

20 **MR. JAMES BAUDER:** Because I've been working with
21 the police all the way through from day one, August ---

22 **MR. JEFFREY LEON:** Yeah.

23 **MR. JAMES BAUDER:** --- every day. And they --
24 this is what we can do. So we held CTV and, you know, I think
25 for half an hour or 45 minutes, each person, and then we had a
26 little chitchat with them about their propagandas that they were
27 spreading and, yeah, it was lawful.

28 **MR. JEFFREY LEON:** Okay. And then on ---

1 **MR. JAMES BAUDER:** Very lawful.

2 **MR. JEFFREY LEON:** --- day four, you did the same
3 thing with CBC?

4 **MR. JAMES BAUDER:** Yes.

5 **MR. JEFFREY LEON:** And then you say you,
6 "...went over to Justine Trudeaus' and
7 the Governor Generals' houses and held
8 a block party in the middle of the
9 street, shutting down the road for
10 about 30 minutes..."

11 And you say the police were called and they
12 didn't interfere.

13 **MR. JAMES BAUDER:** Correct.

14 **MR. JEFFREY LEON:** That -- so that lasted 30
15 minutes at each residence?

16 **MR. JAMES BAUDER:** Correct. And there was a -- I
17 do remember something, we did two back-to-back convoys over
18 there, because the first convoy, we were told that Trudeau was
19 going to be in the main house, you know, on Sussex, I think, and
20 then he wasn't there. So we turned around and we came back to
21 Confederation Park. And then we got news that he was at the
22 cottage, so we did -- a pretty big convoy size at that point.
23 So we jumped in, and we went back to the cottage, and, you know,
24 the police that were there with us, they were pretty cool, they
25 all started screaming and trying to catch up to us. And then
26 they caught up to us and they said, "James, what are you doing?"
27 So I said, "We lost something." And he said, "Well, what'd you
28 lose?" I said, "Our freedom. We're trying to go find it."

1 **MR. JEFFREY LEON:** Okay. Thank you. And then
2 you did a -- you also went to Prime Minister Trudeau's house
3 again, this is what you're telling us, and the Governor
4 General's house, and you blocked the road during rush hour
5 traffic; is that ---

6 **MR. JAMES BAUDER:** Correct. And all the evidence
7 and the videos we uploaded for you for that.

8 **MR. JEFFREY LEON:** Yeah. And further down, you
9 mention "a BearHug 2".

10 **MR. JAMES BAUDER:** Correct.

11 **MR. JEFFREY LEON:** And so your plan was to repeat
12 this if you could do that?

13 **MR. JAMES BAUDER:** So the original "BearHug 1",
14 we had been marketing and promoting convoy to Ottawa and doing
15 several convoys all across the board, and marketing when the
16 time comes that the federal mandate is imposed on the trucking
17 industry, get ready. Be prepared. So we thought that was going
18 to come on in December. That's why we were there for BearHug 1.
19 And it didn't happen. So we knew that the federal government
20 was still itching to put this federal travel mandate on and
21 force us to take vaccines just to travel. So we went home, as
22 you can see, and then just as I get into Calgary, Facebook shuts
23 off my everything. They reinstated it. But we were completely
24 taken ---

25 **MR. JEFFREY LEON:** Okay.

26 **MR. JAMES BAUDER:** --- out of the equation so.

27 **MR. JEFFREY LEON:** I'd like to go on and talk
28 about the MOU that you mention in that doc, the memorandum of

1 understanding.

2 MR. JAMES BAUDER: Yes.

3 MR. JEFFREY LEON: And could you bring up,
4 please, COM00000866?

5 And can you just scroll through that and confirm
6 for me that that is the -- your memorandum of understanding?

7 MR. JAMES BAUDER: I have the original right here
8 so.

9 MR. JEFFREY LEON: Well ---

10 MR. JAMES BAUDER: A piece of history right here
11 in front of me. That's 15 pages. That's not the original

12 MR. JEFFREY LEON: Can you tell me what this
13 document is then?

14 MR. JAMES BAUDER: I need to see the whole
15 document. I haven't seen this ---

16 MR. JEFFREY LEON: Yeah, okay. Well ---

17 MR. JAMES BAUDER: I ---

18 MR. JEFFREY LEON: --- we'll scroll through it.

19 MR. JAMES BAUDER: There we go. Okay. No. So
20 this is the French and English version?

21 MR. JEFFREY LEON: Yes.

22 MR. JAMES BAUDER: Okay. Yeah, this was the
23 original.

24 MR. JEFFREY LEON: Okay. And then I take it that
25 this document was prepared by you and by your wife, Sandra, and
26 by a gentleman named Martin Brodmann?

27 MR. JAMES BAUDER: Correct.

28 MR. JEFFREY LEON: And who is Mr. Brodmann?

1 **MR. JAMES BAUDER:** Martin Brodmann is a truck
2 driver with a also similar interesting past. With his
3 background, he also worked international as well.

4 **MR. JEFFREY LEON:** And I think it would be an
5 understatement to say that this is a very important document to
6 you?

7 **MR. JAMES BAUDER:** It served its purpose.

8 **MR. JEFFREY LEON:** Okay. And has it remained the
9 same since the outset? Have there been any changes to it?

10 **MR. JAMES BAUDER:** Not since we strategically
11 withdrew.

12 **MR. JEFFREY LEON:** Sorry?

13 **MR. JAMES BAUDER:** Not since we strategically
14 withdrew.

15 **MR. JEFFREY LEON:** And so that's -- you withdrew
16 that in February 2022?

17 **MR. JAMES BAUDER:** February 8th, I believe.

18 **MR. JEFFREY LEON:** Yeah.

19 **MR. JAMES BAUDER:** Yeah. After we got viciously
20 attacked by this government and slandered and ---

21 **MR. JEFFREY LEON:** So ---

22 **MR. JAMES BAUDER:** --- defamed and character
23 assassinated [*sic*] and everything.

24 **MR. JEFFREY LEON:** Yeah, we'll come to that.

25 **MR. JAMES BAUDER:** Okay.

26 **MR. JEFFREY LEON:** If we can go to page 2,
27 please? If you just scroll up? Next page. Sorry, can you go
28 back?

1 Now the parties to this agreement -- if you can
2 scroll a little further -- are the -- are listed as the
3 Concerned Canadian Citizens, the Senate of Canada and the
4 Governor General?

5 **MR. JAMES BAUDER:** I think you missed a few more
6 people. Back up there, please?

7 **MR. JEFFREY LEON:** Well, I'm trying to -- we ---

8 **MR. JAMES BAUDER:** Okay.

9 **MR. JEFFREY LEON:** --- can all read it. I'm just
10 trying to summarize it.

11 **MR. JAMES BAUDER:** Okay.

12 **MR. JEFFREY LEON:** And if you can keep going,
13 please, to where it -- on -- back to where it says the Senate of
14 Canada -- or, sorry, let me start with the Concerned Canadian
15 Citizens, where we were.

16 **MR. JAMES BAUDER:** M'hm.

17 **MR. JEFFREY LEON:** There it says represented by
18 you and your wife and Martin Brodmann; correct?

19 **MR. JAMES BAUDER:** Correct.

20 **MR. JEFFREY LEON:** And the Senate of Canada would
21 be represented by the Honourable George J. Furey QC-Speaker?

22 **MR. JAMES BAUDER:** Correct.

23 **MR. JEFFREY LEON:** And the Governor General would
24 be the Honourable Mary May Simon ---

25 **MR. JAMES BAUDER:** Correct.

26 **MR. JEFFREY LEON:** --- representing the Queen and
27 Canada. Now did you have any legal assistance in drafting this
28 document?

1 **MR. JAMES BAUDER:** No.

2 **MR. JEFFREY LEON:** The three of you did it on
3 your own?

4 **MR. JAMES BAUDER:** Yeah.

5 **MR. JEFFREY LEON:** And so I ---

6 **MR. JAMES BAUDER:** Because an MOU isn't a legal
7 anything. It's just words so.

8 **MR. JEFFREY LEON:** And I take it that your
9 intention was to have the Senate and the Governor General enter
10 into this MOU along with you; correct?

11 **MR. JAMES BAUDER:** Had the Senate or the Governor
12 General responded, then the next step would have been
13 immediately contacting multiple organizations that we'd been
14 working with across Canada like Police On Guard For Thee, Action
15 for Canada, Vaccine Choice -- I mean I could keep going. We had
16 a lot -- Take Back Our Freedom. We had a lot of groups that we
17 could have very, very -- we could have facilitated establishing
18 the Canadian Citizens Committee so that we could then sit down
19 in partnership with the Senate and the Governor General and
20 address the unlawful mandates that are happening across this
21 country and come some resolution.

22 **MR. JEFFREY LEON:** Now, could we come to Article
23 3 where it says, "The mandate." I'd just like to review these
24 with you. So Canada Unity, that's CU, and I guess that's SCGGC,
25 which is:

26 "The Senate and the Governor General
27 agree to form a committee called
28 Citizens of Canada Committee."

1 And that committee undertakes and appoints
2 authorized representative.

3 Or, sorry, the Senate and Governor General
4 authorized -- to appoint authorized representatives and Canadian
5 Unity does the same; correct?

6 **MR. JAMES BAUDER:** At that point, Canada Unity is
7 out because we would have had a group of individuals that come
8 forward of doctors, and scientists, and specialists ---

9 **MR. JEFFREY LEON:** Well, you see ---

10 **MR. JAMES BAUDER:** --- and so on and so forth, so
11 at that point, Canada Unity would have been out of it ---

12 **MR. JEFFREY LEON:** Well, I'm just reading ---

13 **MR. JAMES BAUDER:** --- and CCC would have taken
14 it over.

15 **MR. JEFFREY LEON:** --- the document, sir. And if
16 you go to Article 1, you see "Canada Unity" and then "CU". And
17 then you come down to Article 3(a) ---

18 **MR. JAMES BAUDER:** Yes.

19 **MR. JEFFREY LEON:** --- it says "CU". So you're
20 referring there to Canada Unity, right?

21 **MR. JAMES BAUDER:** Correct.

22 **MR. JEFFREY LEON:** And if we can look at Article
23 3(d), the parties adopt and adhere to various legislation that
24 you've set out there. And coming down to (e):

25 "SCGGC will effective as of midnight on
26 this ___, day of _____, 2021
27 instruct all levels of the Federal,
28 Provincial, Territorial, and Municipal

1 governments to immediately cease and
2 desist all unconstitutional human
3 rights, discriminatory and segregated
4 actions, and not limited to,
5 immediately instruct all levels of the
6 Federal, Provincial, Territorial and
7 Municipal governments to not only stop,
8 but furthermore waive all SARS-CoV-2
9 (and not limited to SARS-CoV-2
10 subsequent variations) fines that have
11 been issued and imposed upon its
12 citizens, institutions, and private
13 enterprises."

14 And so in that, the -- this SCGGC would have the
15 authority to instruct those levels of government to do that?

16 **MR. JAMES BAUDER:** Yeah, if we'd all entered into
17 an agreement. This is just a, you know, "Here, we'd like to
18 talk about this," but it means nothing because nobody signed it
19 and nobody entered into it, so it's non-binding.

20 **MR. JEFFREY LEON:** Yeah, but that's what
21 memorandum ---

22 **MR. JAMES BAUDER:** But that was the hope that we
23 had presented that we could sit down and collectively come to an
24 agreement to cease and desist on all these unlawful mandates.

25 **MR. JEFFREY LEON:** And you understand, sir, that
26 the purpose of a Memorandum of Understanding is to set out the
27 principles that will then be formalized into an agreement;
28 right?

1 **MR. JAMES BAUDER:** Yeah, I believe that's right
2 here in front of you.

3 **MR. JEFFREY LEON:** Yeah.

4 **MR. JAMES BAUDER:** That was our principles that
5 we wanted to ---

6 **MR. JEFFREY LEON:** And if we look at ---

7 **MR. JAMES BAUDER:** --- enter into.

8 **MR. JEFFREY LEON:** --- paragraph (f) -- I won't
9 read everything there but it's again:

10 "...instruct all levels of the Federal,
11 Provincial, Territorial, and Municipal
12 governments to re-instate all employees
13 in all branches of governments [...]
14 private industry and institutional
15 sectors employees with full lawful
16 employment rights prior to the wrongful
17 and unlawful dismissals that stem from
18 the SARS-CoV-2 and [...] subsequent [...]
19 vaccine passport mandates."

20 And then, if we can just -- and then we go over
21 to (g):

22 "The SCGGC will [...] issue a cease-and-
23 desist order abolishing all Federal,
24 Provincial, Territorial, and Municipal
25 Vaccine Passport requirements, Vaccine
26 discriminatory regulations,
27 initiatives, and mandates in regard to
28 SARS-CoV-2."

1 Correct?

2 **MR. JAMES BAUDER:** M'hm.

3 **MR. JEFFREY LEON:** And so this committee would
4 have the power to issue a cease-and-desist order?

5 **MR. JAMES BAUDER:** If we had been able to get to
6 that ---

7 **MR. JEFFREY LEON:** Yes.

8 **MR. JAMES BAUDER:** --- aspect and the committee
9 had come to an agreement that we had proved our case that all of
10 this was unlawful, at that point, then, obviously the next step
11 would be to do a cease-and-desist because of laws being broken,
12 and tyranny, and treason, and crimes against humanity that are
13 listed within the document.

14 **MR. JEFFREY LEON:** And then (h) provides for
15 further cease-and-desist order to the members of the Government
16 of Canada with instructions to the premiers and the mayors to:

17 "...stop all such unlawful activities
18 pursuant to Article 3."

19 So they would have the power to do that if you'd
20 come to an agreement?

21 **MR. JAMES BAUDER:** Correct.

22 **MR. JEFFREY LEON:** And then in (j), it says:

23 "By signing this "Memorandum", Canada
24 Unity will immediately stop "Operation
25 Bear Hug Ottawa", demonstration /
26 convoy, and Federal Referendum
27 activities and will strive to work with
28 all groups and entities et al to bring

1 this country together in unity."

2 **MR. JAMES BAUDER:** Correct.

3 **MR. JEFFREY LEON:** That was if you had this
4 memorandum agreed to, then you were going to stop the protest;
5 is that right?

6 **MR. JAMES BAUDER:** Correct. If we could have
7 entered into an agreement, that would have been -- that's all we
8 wanted to do is communicate with our government. And we tried
9 every single option available to us multiple times. We
10 exhausted all means of communication with this government, from
11 one part of Canada, from coast to coast to coast.

12 **MR. JEFFREY LEON:** And you'll see in -- just the
13 further the points you've been making, under (1), there's to be
14 final signed agreement in place within 90 days of accepting the
15 Memorandum; correct?

16 **MR. JAMES BAUDER:** Yeah, we felt that 90 days
17 would have been given enough time to strike the committees and
18 talk to Canada about this process. And then, from there, sign
19 into and enter into an agreement.

20 **MR. JEFFREY LEON:** And then if we can come down
21 to Article 4(c):

22 "SCGGC will represent itself as The
23 Government of Canada as a whole and not
24 party related."

25 **MR. JAMES BAUDER:** Correct.

26 **MR. JEFFREY LEON:** You're saying that SCGGC is
27 now the Government of Canada?

28 **MR. JAMES BAUDER:** No. No. No, not even close.

1 In correlation to everything that we would be discussing as a
2 committee, we have the people and the government together, and
3 that was, you know, the best that we could come up with, is that
4 this committee would bring forward on behalf of the Government
5 of Canada and represent the wills of the committee.

6 **MR. JEFFREY LEON:** Okay. And ---

7 **MR. JAMES BAUDER:** And that it wouldn't -- and so
8 -- in that it wouldn't be party-related because when you look at
9 the liberals versus the NDPs, versus the conservatives, there's
10 so much division in that whole process of governance right there
11 in itself that we didn't want the parties being involved. We
12 wanted to have a direct correlation to the source root of our
13 laws, which is, we believe, the Senate because they make the
14 laws, they amend the laws.

15 And a very interesting part in the *Helsinki Act*
16 that's listed in here ---

17 **MR. JEFFREY LEON:** Yeah, sir ---

18 **MR. JAMES BAUDER:** --- that comes from the
19 Nuremberg Codes, is that ---

20 **MR. JEFFREY LEON:** I think we're getting a bit --
21 -

22 **MR. JAMES BAUDER:** --- the Senate ---

23 **MR. JEFFREY LEON:** --- far afield, sir.

24 **MR. JAMES BAUDER:** --- can enforce the laws ---

25 **MR. JEFFREY LEON:** Okay, thank you.

26 **MR. JAMES BAUDER:** --- when our government has
27 chosen to completely ignore all the moral aspects that come from
28 the laws that so many people represent and defend.

1 **MR. JEFFREY LEON:** So you're saying the Senate,
2 under those Acts, has the right to enforce the laws against the
3 elected government; is that what you're saying?

4 **MR. JAMES BAUDER:** Under the declaration,
5 Helsinki, yes ---

6 **MR. JEFFREY LEON:** Okay, thank you. Now ---

7 **MR. JAMES BAUDER:** --- because we signed on to it
8 ---

9 **MR. JEFFREY LEON:** I understand.

10 **MR. JAMES BAUDER:** --- as a government and as a
11 country to stand up for all humanity and end discrimination and
12 segregation. And it is a law that we, as a country ---

13 **COMMISSIONER ROULEAU:** If you could ---

14 **MR. JAMES BAUDER:** --- stood up for and signed
15 onto to.

16 **MR. JEFFREY LEON:** You don't have to shout, sir.
17 Let's just stay calm, please.

18 **MR. JAMES BAUDER:** I'm ---

19 **COMMISSIONER ROULEAU:** No, I know you're
20 emotional, and that -- and that's understandable. But if you
21 could try and just keep ---

22 **MR. JAMES BAUDER:** I apologize.

23 **COMMISSIONER ROULEAU:** --- keep it down.

24 **MR. JAMES BAUDER:** No, I don't apologize.

25 **COMMISSIONER ROULEAU:** You don't have to
26 apologize, just ---

27 **MR. JAMES BAUDER:** I will. I will calm down.
28 Just this is emotional when we see our government completely

1 violating all the laws.

2 **MR. JEFFREY LEON:** I understand.

3 **MR. JAMES BAUDER:** And there's -- where do we
4 turn to? The Senate is our last hope. And that's what's in
5 their pay cheques and their job descriptions.

6 **MR. JEFFREY LEON:** And you widely publicized your
7 MOU. You wanted as many people as possible to know what you
8 were doing?

9 **MR. JAMES BAUDER:** Correct, yeah.

10 **MR. JEFFREY LEON:** And I want to skip ahead, if I
11 can, for -- well, actually let me ask you first. When you were
12 in Ottawa with the Canada Unity Convoy I understand you sent
13 this by registered mail to the Senate and the Governor General;
14 is that right?

15 **MR. JAMES BAUDER:** We sent it all over and it's
16 listed in the MOU who we sent it to.

17 **MR. JEFFREY LEON:** Okay. But those were the
18 people that you sent it to because those are the parties. And
19 then you sent it to a number of other entities, correct?

20 **MR. JAMES BAUDER:** Correct.

21 **MR. JEFFREY LEON:** And if we can come forward for
22 just a moment -- and I'll come back to the Freedom Convoy in
23 January February '22, I understand one of your purposes was to
24 again see if you could get the attention of the Senate and the
25 Governor General to sign this memorandum, correct?

26 **MR. JAMES BAUDER:** Enter into an agreement with
27 them.

28 **MR. JEFFREY LEON:** Yes.

1 **MR. JAMES BAUDER:** With the committee.

2 **MR. JEFFREY LEON:** And when you were in Ottawa in
3 January and February 2022 did you again send it to those
4 parties?

5 **MR. JAMES BAUDER:** No. it's already been sent.

6 **MR. JEFFREY LEON:** I see. Okay.

7 **MR. JAMES BAUDER:** And it was receiving an
8 enormous amount of support. Our servers were going crazy,
9 literally.

10 **MR. JEFFREY LEON:** And you were aware, weren't
11 you, that the Governor General was getting a lot of [phone calls
12 from people that supported this?

13 **MR. JAMES BAUDER:** No, I wasn't. Why? Was that
14 a problem?

15 **MR. JEFFREY LEON:** I'm just asking you the
16 questions, sir.

17 **MR. JAMES BAUDER:** Okay, so was I.

18 **MR. JEFFREY LEON:** Now, you told us before that
19 you withdrew the MOU, I think, on February 8th. And if you can
20 bring up OTT00024296?

21 And you will see that's addressed to Honourable
22 Mary Simon, Governor General, withdrawing the memorandum of
23 understanding.

24 "I has come to our attention that the
25 MOU is being erroneously presented in
26 the House as a means of displacing the
27 democratically elected government.

28 This was not the intention behind or

1 purpose of this document."

2 So you in effect retracted it, correct?

3 **MR. JAMES BAUDER:** I didn't retract; I withdrew.

4 **MR. JEFFREY LEON:** Sorry?

5 **MR. JAMES BAUDER:** I didn't retract. I withdrew.

6 **MR. JEFFREY LEON:** Okay.

7 **MR. JAMES BAUDER:** And if I had my ---

8 **MR. JEFFREY LEON:** It says in the last paragraph

9 ---

10 **MR. JAMES BAUDER:** --- statement I could actually
11 bring that statement up that I gave you. And it shows ---

12 **MR. JEFFREY LEON:** And then why did you do that?
13 Why did you withdraw it?

14 **MR. JAMES BAUDER:** I can tell you I didn't want
15 to. And that I didn't need to. However, we had grown and
16 morphed so fast as a humble family of truckers coming together,
17 and there was documents flying left, right, and centre, press
18 releases, Zoom calls. We were going at Mach II and two phones
19 and 18 gears. And I think, looking back at the amount of work
20 that we were doing nation-wide to come together and put this
21 convoy together, there were so many people that had never heard
22 of me and I hadn't heard of them. But we were all coming
23 together for the greater good.

24 So one thing that we had done is sit down as a
25 group and we had brought this forward. Martin being the
26 president of Truckers United Inc., had a lot of truckers and
27 yeah, we talked about the MOU. We addressed that it deals with
28 all of our mandates and it's a document that we're presenting to

1 the government to try to communicate. And we want to negotiate
2 and sit down and say, "Hey, you've created and committed crimes
3 against us by unlawfully enacting these unlawful mandates. So
4 we would like to sit down as a group."

5 And the MOU actually addresses all of that. It
6 always did, from Day 1 because two truckers sat down and wrote
7 it. And a bunch of other truckers came in at the last minute
8 and they didn't get a privilege to -- you know, who here has
9 actually read the MOU?

10 **MR. JEFFREY LEON:** Sorry, sir. That's not the
11 way you conduct yourself in this room. Would you answer my
12 question?

13 **MR. JAMES BAUDER:** What's the question again?

14 **MR. JEFFREY LEON:** Let me suggest to you that you
15 withdrew it because there were people, other people associated -
16 --

17 **MR. JAMES BAUDER:** Yeah.

18 **MR. JEFFREY LEON:** --- with Freedom Convoy asked
19 you ---

20 **MR. JAMES BAUDER:** Everybody is ---

21 **MR. JEFFREY LEON:** Let me finish this, please.

22 **MR. JAMES BAUDER:** --- get together in Ottawa.

23 **MR. JEFFREY LEON:** Let me finish, please, sir.

24 **MR. JAMES BAUDER:** I will.

25 **MR. JEFFREY LEON:** Thank you. You withdrew it
26 because other people involved in the Freedom Convoy asked you to
27 do so because it was creating problems for the very reasons that
28 you list there, that people you say interpreted it as displacing

1 the democratically elected government. Is that right?

2 **MR. JAMES BAUDER:** Correct.

3 **MR. JEFFREY LEON:** Thank you. And you did refer
4 to a document. I don't think we have to bring it up now but
5 it's JBA00000064 where you explain that:

6 "…the memorandum of understanding is
7 officially withdrawn on February 8th
8 because of external pressures after an
9 intense slanderous media smear campaign
10 directed at the group Canada Unity and
11 the founders."

12 The authors Mark Brodmann, James Bauder, and
13 Anne, correct?

14 **MR. JAMES BAUDER:** Yeah. If I can just go back
15 in time on that because that was pretty raw.

16 **MR. JEFFREY LEON:** I understand.

17 **MR. JAMES BAUDER:** Here we are as a freedom
18 movement and inside that freedom movement we have been talking
19 about fake media and all the slanderous stuff they do. And how
20 our government uses very very hateful harmful wordsmithing
21 directed at us. And it was never the intention to cause
22 confusion behind this but I love my brothers and sisters that
23 were coming here so much that this meant nothing.

24 We had already won because we came here together
25 in unity, so in our perspective internally the fact that they
26 tuned onto CBC and CTV and Global, which they better be
27 lawyering up because I'm going to be suing them for everything
28 on what they've done to me and my family. That's when it was

1 like, this has gone so out of control that it's lost where it
2 should be. And at this point I just said, "You know what, team?
3 We've won. The rest is in God's hands. Let's just withdraw
4 this from a temporary point of view, and sit back and observe,
5 and see where this goes." So.

6 **MR. JEFFREY LEON:** And the med was, in your view,
7 mischaracterizing it as an attempt to overthrow Canada's
8 democratic government. Is that right?

9 **MR. JAMES BAUDER:** Yeah. So I just want to put
10 it out there that I want you to all think here for a second
11 here.

12 **MR. JEFFREY LEON:** No, sorry, sir.

13 **MR. JAMES BAUDER:** They unlawfully arrested ---

14 **MR. JEFFREY LEON:** Sorry, sir. I'm going to stop
15 you. This isn't the place to give speeches. You answer the
16 question, and you answered it. Thank you.

17 Could you pull up Mr. Clerk, ALB00001819.

18 Are you familiar with the fact that after the
19 Emergencies Act came into effect there was an explanation
20 offered by the government as to why they put it into effect?

21 **MR. JAMES BAUDER:** I haven't seen this document
22 before.

23 **MR. JEFFREY LEON:** Okay. I just want to take you
24 to one paragraph and ask you about it, if you can go to page 5,
25 please.

26 So that paragraph that starts, "The protests..."
27 If you look on the screen, it's there, sir.

28 "The protests have become a rallying

1 point for anti-government and anti-
2 authority and anti-vaccination
3 conspiracy theory and white supremacist
4 groups throughout Canada and other
5 Western countries. [...] protesters have
6 varying ideological grievances, with
7 demands ranging from an end to all
8 public health restrictions to [...]
9 overthrow [...] the elected government.
10 As one example, protest organizers have
11 suggested forming a coalition
12 government with opposition parties and
13 the involvement of Governor General
14 Mary Simon."

15 Was that part of your Memorandum of
16 Understanding?

17 **MR. JAMES BAUDER:** No. This is hilarious though.

18 **MR. JEFFREY LEON:** And you see it says:

19 "This suggestion appears to be an
20 evolution of a previous proposal from a
21 widely circulated 'memorandum of
22 understanding' from a group called
23 'Canada Unity' that is taking part in
24 the convoy. The 'memorandum of
25 understanding proposed that the Senate
26 and Governor General could agree to
27 join them in forming a committee to
28 order the revocation of COVID-19

1 restrictions and vaccine mandates.”

2 I just want to deal with the issue of “appears to
3 be an evolution.” In your view, did -- was there ever an
4 evolution from the memorandum of understanding to suggest that
5 there be a coalition government with opposition parties and the
6 Governor General?

7 **MR. JAMES BAUDER:** No. And we talked about that
8 already, where I said the reason that we didn’t want the parties
9 in was because they weren’t invited. This was just strictly the
10 people of Canada and to sit with our Senate. That was it.

11 **MR. JEFFREY LEON:** And ---

12 **MR. JAMES BAUDER:** So I -- this is just -- this
13 will help me, actually, with my lawsuit when I sue them. So
14 thank you.

15 **MR. JEFFREY LEON:** You’re welcome. Now, do you
16 know Tom Marazzo?

17 **MR. JAMES BAUDER:** Ah, Mr. tom.

18 **MR. JEFFREY LEON:** Yeah?

19 **MR. JAMES BAUDER:** I didn’t know him.

20 **MR. JEFFREY LEON:** Did you ever talk to him about
21 your memorandum of understanding?

22 **MR. JAMES BAUDER:** I don’t know if -- I can’t
23 really recall if we did. We talked for about 15 minutes twice,
24 over the phone and then in person. And then ---

25 **MR. JEFFREY LEON:** And if we can ---

26 **MR. JAMES BAUDER:** Very grateful.

27 **MR. JEFFREY LEON:** I just want to show you a
28 couple of other -- in the interest of time, I will move on.

1 You mentioned a document ---

2 **MR. JAMES BAUDER:** Can I ---

3 **MR. JEFFREY LEON:** --- before. I want to take
4 you to it. COM00000857.

5 **MR. JAMES BAUDER:** Jeffrey?

6 **MR. JEFFREY LEON:** Yes?

7 **MR. JAMES BAUDER:** For one second, can I just
8 reference -- or Jason, can you reference that paper?

9 **MR. JEFFREY LEON:** Well you can get it
10 afterwards, sir.

11 **COMMISSIONER ROULEAU:** The number was ALB1819.

12 **MR. JAMES BAUDER:** ALB000 -- four zeros?

13 **COMMISSIONER ROULEAU:** Lots of zeros.

14 **MR. JAMES BAUDER:** One eight one nine point zero
15 zero.

16 **MR. JEFFREY LEON:** Sorry, I'll give you that
17 again. ALB00001819.

18 **MR. JAMES BAUDER:** Thanks, Jeffrey. Got it.

19 **MR. JEFFREY LEON:** Yeah, you're welcome.

20 Now, can we go to COM00000857?

21 And I think you referred to this before, and I
22 wanted to give you a chance to tell me about it. You'll see
23 it's a -- again, a Facebook post dated -- Facebook post dated
24 September 16th, 21 to Cst. Isabelle Cyr-Pidcock of the Ottawa
25 Police. And you told us before that you remained in contact
26 with the Ottawa Police during the Canada Unity Convoy?

27 **MR. JAMES BAUDER:** Correct. And ---

28 **MR. JEFFREY LEON:** And was this part of the

1 contact that you were talking about?

2 **MR. JAMES BAUDER:** Yeah, so I mean, speaking of
3 contact with the police, the -- prior to us getting involved, we
4 took this MOU to the Police on Guard for the Nationwide. And we
5 were ecstatic, as two truck drivers, that this prestige,
6 honoured group of Canadians that represent our police and our
7 military would endorse the MOU nationwide. And ---

8 **COMMISSIONER ROULEAU:** Mr. Bauder, you're kind of
9 venturing off the questions.

10 **MR. JAMES BAUDER:** So ---

11 **COMMISSIONER ROULEAU:** You'll get a chance at the
12 end to ---

13 **MR. JAMES BAUDER:** Yeah. We were ---

14 **COMMISSIONER ROULEAU:** --- make a statement or
15 something. So let ---

16 **MR. JAMES BAUDER:** Okay.

17 **MR. JEFFREY LEON:** Sorry.

18 **MR. JAMES BAUDER:** Lots of questions.

19 **COMMISSIONER ROULEAU:** Because we want to try and
20 get through it, because there's another ---

21 **MR. JAMES BAUDER:** It's tough. I like to tell
22 stories.

23 **COMMISSIONER ROULEAU:** I know you do, and it's
24 obvious. But we're going to try to control this; okay?

25 **MR. JAMES BAUDER:** Thank you.

26 **MR. JEFFREY LEON:** And this -- I can tell you
27 that this document is in evidence now and it will be reviewed as
28 part of the process of the Commission in coming to its

1 conclusions.

2 I'd like to take you now to the Freedom Convoy in
3 the period of January/February 2022.

4 I understand that you -- your view is that this
5 was just a continuation of the planning that you started in
6 August of '21?

7 **MR. JAMES BAUDER:** Correct. We didn't stop. Our
8 whole team, just 24/7. Every day, we were doing it. We were
9 going and we were standing up for our lawful freedom of choice.

10 **MR. JEFFREY LEON:** And at some point, you were
11 put in touch with some other people who were thinking of
12 organizing a convoy as well?

13 **MR. JAMES BAUDER:** When?

14 **MR. JEFFREY LEON:** In late December/early
15 January? Pat King, ---

16 **MR. JAMES BAUDER:** That -- oh.

17 **MR. JEFFREY LEON:** Do you remember?

18 **MR. JAMES BAUDER:** Yeah, I -- lots of ---

19 **MR. JEFFREY LEON:** Chris Barber?

20 **MR. JAMES BAUDER:** --- people were calling me
21 wanting in on this convoy.

22 **MR. JEFFREY LEON:** So who called you about that?
23 Do you remember.

24 **MR. JAMES BAUDER:** No. What do you -- where are
25 you going at with this, Jeffrey?

26 **MR. JEFFREY LEON:** Well ---

27 **MR. JAMES BAUDER:** Lots of people called me.

28 **MR. JEFFREY LEON:** --- do you remember who called

1 you about getting a convoy going the end of December, early
2 January?

3 **MR. JAMES BAUDER:** a lot of people were calling
4 me to get -- like, ---

5 **MR. JEFFREY LEON:** Did you speak to ---

6 **MR. JAMES BAUDER:** --- we were already ---

7 **MR. JEFFREY LEON:** Did you speak to Chris Barber?

8 **MR. JAMES BAUDER:** No. Until the Zoom call. I
9 didn't know Chris before.

10 **MR. JEFFREY LEON:** Okay.

11 **MR. JAMES BAUDER:** I met him on a zoom.

12 **MR. JEFFREY LEON:** Who invited you to the Zoom
13 call? Pat King?

14 **MR. JAMES BAUDER:** I told Pat to put us -- so
15 you're referring to how we all came together as a team?

16 **MR. JEFFREY LEON:** Yes.

17 **MR. JAMES BAUDER:** Okay. So I believe ---

18 **MR. JEFFREY LEON:** But I'd like you just to
19 answer my questions, and we'll get through this. So ---

20 **MR. JAMES BAUDER:** Yeah. So you've got to be a
21 little bit more -- you know, like if you're looking for specific
22 information and who I was talking to, then just put their name.

23 **MR. JEFFREY LEON:** Sure.

24 **MR. JAMES BAUDER:** I can't read your mind.

25 **MR. JEFFREY LEON:** So let's go to the Facebook
26 Live event that was hosted by Pat King. That was January 13th.

27 **MR. JAMES BAUDER:** Okay.

28 **MR. JEFFREY LEON:** And did you know Mr. King at

1 this point?

2 MR. JAMES BAUDER: Yeah.

3 MR. JEFFREY LEON: How did you know him?

4 MR. JAMES BAUDER: He was with the convoy that we
5 came here to Ottawa with back in 2018.

6 MR. JEFFREY LEON: And did you follow him on
7 social media?

8 MR. JAMES BAUDER: Not really, no.

9 MR. JEFFREY LEON: Okay. And you recall that
10 Brigitte Belton and Chris Barber also participated in that
11 Facebook Live?

12 MR. JAMES BAUDER: Yes.

13 MR. JEFFREY LEON: And later on, you met Tamara
14 Lich?

15 MR. JAMES BAUDER: Here in the Arc Hotel for the
16 first time.

17 MR. JEFFREY LEON: Okay.

18 MR. JAMES BAUDER: And I didn't talk to her. I'd
19 just seen her.

20 MR. JEFFREY LEON: And ---

21 MR. JAMES BAUDER: And I'd never met her before.
22 And I talked to her on the phone prior to launching all this. I
23 did my due diligence to make sure that our trusted and vested
24 interest in this whole movement, one thing that -- you don't
25 want to put truck drivers with funds and stuff like that. We've
26 got enough to do. And we were looking for and trying to recruit
27 somebody that we could trust to handle all the funds. And I
28 remember talking with Brigitte and then talking -- and she had

1 mentioned that Chris was hooked up with her and they were, you
2 know, building a convoy, they were going to do some slow rolls
3 and stuff like that. And I think we'd mentioned that we already
4 had Bear Hug Canada. So that was the -- you know, for those
5 that couldn't come to Ottawa, Bear Hug Canada would represent
6 the slow rolls and so on and so forth.

7 **MR. JEFFREY LEON:** Can I just stop you there?
8 Those were individual protests that you had -- were promoting
9 across the country?

10 **MR. JAMES BAUDER:** Nationwide.

11 **MR. JEFFREY LEON:** Yeah.

12 **MR. JAMES BAUDER:** At that ---

13 **MR. JEFFREY LEON:** So ---

14 **MR. JAMES BAUDER:** At that point, yeah, we all
15 came together on a big Zoom and ---

16 **MR. JEFFREY LEON:** Yeah. And so I understand
17 that you're -- from your perspective, what happened then was
18 that this was -- you provided the structure for people to
19 participate in this convoy by providing the material that you'd
20 already worked up and developed for your own convoy?

21 **MR. JAMES BAUDER:** All the logistical aspects
22 behind the scenes with our national partnerships that we
23 established that, you know, they were all involved already. And
24 anybody was welcome, because we're about unity. So we were,
25 "You want in? Come on in." We don't care. This is for all of
26 Canada to come together in unity. So.

27 **MR. JEFFREY LEON:** And so were you in touch with
28 the -- you left Calgary when? On this -- do you recall?

1 **MR. JAMES BAUDER:** Which time?

2 **MR. JEFFREY LEON:** For the -- in January of '22.

3 **MR. JAMES BAUDER:** Yeah. When we left.

4 **MR. JEFFREY LEON:** Yeah. And were you in touch
5 with the -- you yourself, were you in touch with the police
6 along the way?

7 **MR. JAMES BAUDER:** Extensively. Every day.

8 **MR. JEFFREY LEON:** Talking about what sort of
9 things?

10 **MR. JAMES BAUDER:** We had all sorts of routes
11 going on. We had captains out the ying yang that were coming
12 in. The western route was pretty easy to put together. It was
13 the eastern -- southern eastern Ontario routes. They gave us a
14 lot of logistical stress and we had to work very, very carefully
15 with multiple police individuals.

16 And so what we did was instead of working -- I
17 worked at -- with staff sergeants that I'd been working with
18 since August 1st, so "Hey, we're coming back. How you doing?
19 Get prepared."

20 And then from there, they started funnelling
21 police to start connecting in with the captains.

22 **MR. JEFFREY LEON:** And so ---

23 **MR. JAMES BAUDER:** And as we starting bringing
24 more captains in, then we would start working on the routes and
25 the back end so that it all flowed. And if you look at all the
26 route maps and everything else, everything flowed into
27 Wellington.

28 **MR. JEFFREY LEON:** And I take it that you were in

1 contact with both the OPP and the Ottawa Police Service; is that
2 ---

3 **MR. JAMES BAUDER:** OPP, PPS, and OPS.

4 **MR. JEFFREY LEON:** And so what happened when you
5 got to Ottawa? Where did you -- what did -- were you directed
6 to go somewhere?

7 **MR. JAMES BAUDER:** So I was in -- coming in from
8 the West and what I wanted to do was hook up with Martin
9 Broadman, and I knew that Brigitte was bringing in the crew and
10 our family coming in from Southern Ontario, and it was always
11 planned that she would come in a day ahead of time. And then
12 that actually turned out to -- we had to split it up at the last
13 minute because there was just so many trucks and it was just so
14 large. So that became a Friday and a Saturday event.

15 Then from there, I left to get -- well, literally
16 drove all night kind of thing so that we could get over to meet
17 with the Eastern convoy, as the Western convoy with Chris and
18 Tamara, they're coming in. Brigitte's in with all the captains
19 from the southern area, and there's still more captains coming
20 in on that day as well.

21 So then we're bringing the West -- or sorry, we
22 got the West routes and then we went and grabbed the East routes
23 so that we could all come together in unity.

24 **MR. JEFFREY LEON:** And when you came together and
25 about to enter Ottawa, were you being directed where to go?

26 **MR. JAMES BAUDER:** Yeah, we were shamboozled and
27 blindsided because I can tell you, that was not the original
28 plans that we had set down with those police.

1 If you looked at the original mapping, that was
2 well posted, it was all points lead into Wellington, and we had
3 really good detailed mapping on that.

4 So you can imagine our surprise when we get to
5 these blockades that honestly, a real convoy, doing 98, crash
6 the gate, we got us a convoy. We didn't crash no gates because
7 we respect the laws, we respect the citizens, we were working in
8 partnership with the police. But when we hit that -- you know,
9 the edge of town and we're like, this isn't what we planned on,
10 and from that point on, you know, I got a lot of flak for that.
11 People were blaming me and throwing me under the bus. As soon I
12 got downtown it was like, wooo, and I was like, "I didn't do
13 this." This ---

14 **MR. JEFFREY LEON:** What were they blaming you
15 for?

16 **MR. JAMES BAUDER:** For not getting the trucks
17 into Wellington like we had all agreed on.

18 **MR. JEFFREY LEON:** And was the plan for all the
19 trucks to be on Wellington?

20 **MR. JAMES BAUDER:** There was two main routes that
21 were on our maps and our logistics team had put that in and our
22 maps are uploaded into the server, so there again, you'd have to
23 bring those back up for -- and review them all. But it was two
24 main corridors that we'd have, and I don't have that off the top
25 of my head.

26 **MR. JEFFREY LEON:** And so where did you yourself
27 go?

28 **MR. JAMES BAUDER:** I went back to Confederation

1 Park to start with Unity 1, and that's where I parked Unity 1,
2 and then straight over to the ARC Hotel.

3 **MR. JEFFREY LEON:** And what type of vehicle were
4 you driving?

5 **MR. JAMES BAUDER:** A 1991 Glendale Royal Classic
6 that was adopted and named Unity 1, not by us, but ---

7 **MR. JEFFREY LEON:** Sorry for ---

8 **MR. JAMES BAUDER:** --- just Unity 1, because it
9 was the first convoy vehicle that started this unity movement.

10 **MR. JEFFREY LEON:** And what size vehicle is that?

11 **MR. JAMES BAUDER:** That's big. It's a 30-footer.

12 **MR. JEFFREY LEON:** Okay. And can you put up,
13 please, Mr. Clerk, OPP00001489? This is a document you won't
14 have seen before, Mr. Bauder, but it comes from the Ontario
15 Provincial Police report, and it's dated January 28, 2022.

16 And if you can go to item 5, I believe it is?

17 And it refers to a video posted on the Canada
18 Unity Facebook page. And it says:

19 "James Bauder, who is driving in the
20 convoy, indicates that Operation
21 BearHug was intended to bring the law
22 to Ottawa and they will not leave the
23 city until the law has been restored
24 and they get their lawful freedom
25 back."

26 Is that something that you can recall
27 communicating to the OPP that you ---

28 **MR. JAMES BAUDER:** Correct. Yeah, multiple

1 times.

2 **MR. JEFFREY LEON:** And then it says:

3 "While Bauder states that they have
4 made plans so that members of the
5 public and public transportation in
6 Ottawa will not be disrupted --- "

7 And let me stop there. What were those plans?

8 **MR. JAMES BAUDER:** From Day, 1 Convoy 1, always
9 keep the lanes open. That was well communicated. We had a code
10 of conduct that everybody had agreed to. It had been
11 distributed to all the truckers, well communicated in the -- and
12 between the captains and the police. We worked in partnership
13 together multiple times, conversations, and so on and so forth,
14 and public safety has always been precedent number 1, always.

15 So anything that we could do working together in
16 partnership -- and that actual word was used multiple times --
17 partnership and safety.

18 **MR. JEFFREY LEON:** Thank you. And it goes on to
19 say:

20 "He also hints that there are plans
21 that they cannot make public for
22 strategic and security reasons."

23 **MR. JAMES BAUDER:** Where is that?

24 **MR. JEFFREY LEON:**

25 "Bauder further states that he
26 anticipates that they will win in
27 Ottawa, after which they will proceed
28 to the United States to support the

1 truck drivers there."

2 Was that part of your plan?

3 **MR. JAMES BAUDER:** What date is this?

4 **MR. JEFFREY LEON:** January 28th, 2022.

5 **MR. JAMES BAUDER:** Twenty-eight (28), '22. Yeah.
6 We lit up the world, and our brothers and sisters down south in
7 the border, all the truck drivers, they started seeing what we
8 were doing and yeah, they were pretty excited and they started
9 convoying down there. And we figured well, when this is done,
10 maybe we'll go down there and we'll give them some support,
11 because they're supporting us up here. So that was what that
12 was about.

13 **MR. JEFFREY LEON:** And then it says:

14 "He further references a Memorandum of
15 Understanding that has been prepared
16 that once signed, will result in Prime
17 Minister Trudeau, Erin O'Toole, and the
18 NDP leader stepping down."

19 Is that something that you told the OPP?

20 **MR. JAMES BAUDER:** Don't recall. So I mean,
21 honestly, I mean, if we catch them committing treason, which we
22 believe they have, they'd be stepping down, right? And all the
23 evidence that we wanted to sit down with the Senate and say,
24 "Here," you know, "we believe our government is committing
25 treason. Enforce the laws, please, Senate," at that point, yes,
26 we would definitely expect to see Trudeau and -- well, Erin
27 O'Toole isn't any more, but you know, applicable members that
28 would be identified throughout Canada that have committed

1 treason and crimes against humanity. And we will never stop
2 until that is public, and on -- you know, another hearing needs
3 to come as ---

4 **MR. JEFFREY LEON:** I see my time is up. Could I
5 have a few more minutes, please, Commissioner?

6 **COMMISSIONER ROULEAU:** You actually have another
7 15 minutes.

8 **MR. JEFFREY LEON:** Oh, I do? Well, it's your
9 lucky day, Mr. Bauder.

10 **MR. JAMES BAUDER:** Yeah, keep it going.

11 **COMMISSIONER ROULEAU:** Actually, it's 13 minutes.

12 **MR. JEFFREY LEON:** Thank you.

13 Now, you told us you were in -- you parked your
14 vehicle in Confederation Park, and I understand that there were
15 some people who set up a tipi in Confederation Park. Were you
16 part of that?

17 **MR. JAMES BAUDER:** A tipi?

18 **MR. JEFFREY LEON:** Yeah.

19 **MR. JAMES BAUDER:** There was no tipis. We wanted
20 tipis and we could have had tipis, but there was no tipis that I
21 was aware of.

22 **MR. JEFFREY LEON:** Was there an incident that the
23 police spoke to you about -- regarding Pat King and things that
24 were going on at Confederation Park?

25 **MR. JAMES BAUDER:** Correct.

26 **MR. JEFFREY LEON:** And can you briefly tell the
27 Commissioner what that was?

28 **MR. JAMES BAUDER:** So a couple of days into

1 landing at the ARC, it was pretty hectic and chaotic, and I was
2 very blessed to come across these two travel sovereign clan
3 mothers that I met at the ARC Hotel. And being my wife is
4 Algonquin, it was a very interesting conversation. And, you
5 know, we respect our Elders deeply. And when two clan moms come
6 up to you and want to talk to you, you know, the relevance
7 behind Confed Park is that when we were here for BearHug 1, we
8 had attained the permission to use Confed Park, and we attained
9 the permission again to use Confed Park; okay?

10 **MR. JEFFREY LEON:** Yes.

11 **MR. JAMES BAUDER:** So we had all that in play for
12 BearHug 1 and BearHug 2. So that's why we took Unity One to
13 Confed Park, and our team was down there. And then comes along
14 what I think is controlled op, because what I was seeing from
15 Pat King, and then this incident that happened at Confed Park
16 where this -- what I learned from the clan moms was that there
17 was a fake Chief named Chief JD Anderson. Now he's claiming
18 himself as a Chief, but I find out from the clan moms, who are
19 the hierarchy and the law in tribal, that this was not the case,
20 and that he was running around Ottawa, and there was a ---

21 **MR. JEFFREY LEON:** So ---

22 **MR. JAMES BAUDER:** I'm a trucker. I don't know
23 anything about controlled op and all the rest of that stuff, and
24 a lot of us didn't. That's why we had to call police on Garden
25 and help, you know, get in here.

26 **MR. JEFFREY LEON:** And I take it that ---

27 **MR. JAMES BAUDER:** So there was lots of these
28 little incidents and bubbles of just, you know, shit disturbers,

1 right, looking for attention, so ---

2 **MR. JEFFREY LEON:** And I take it that at some
3 point ---

4 **MR. JAMES BAUDER:** I think that got wrapped up in
5 that.

6 **MR. JEFFREY LEON:** Yeah.

7 **MR. JAMES BAUDER:** And then they did something
8 that is very wrong. They started a fire and a sacred fire.
9 Okay. There's a difference between starting a, you know, a burn
10 barrel kind of thing, but this fake Chief was running around,
11 and Pat's there and all these controlled op people that we'd
12 identified were hanging out, and it just was very greasy. It
13 wasn't -- like, this wasn't our -- you know, they basically just
14 sort of, we're taking Confed Park over and -- from there, that
15 caused a lot of conflict.

16 **MR. JEFFREY LEON:** And I take it that,
17 ultimately, they ---

18 **MR. JAMES BAUDER:** Oh, it's not they. This ---

19 **MR. JEFFREY LEON:** --- they ---

20 **MR. JAMES BAUDER:** --- incident just about caused
21 a -- like, it was -- you have no idea what happened behind the
22 scenes, and that took me out; okay? You didn't know where James
23 was? Putting fires out, trying to stop the Indian natives, you
24 know, from going after Pat King and these fake Chiefs. So I
25 worked with the clan moms, who then worked with City Hall. I
26 worked with the police, and together, we worked in partnership
27 for safety, and we had to shut down Confed Park. And I was mad,
28 because had that not -- had that have bent, not happened, the

1 clan moms were working to try to bring in some teepees. And you
2 can imagine, if we'd had some teepees there, because that would
3 have completed the circle of unity. Without our tribal, we have
4 no unity in this country. And they were very much a big part of
5 this unity movement from coast to coast to coast. So we were
6 really excited to get ---

7 **MR. JEFFREY LEON:** Thank you.

8 **MR. JAMES BAUDER:** --- an opportunity, and sadly,
9 controlled ops ---

10 **MR. JEFFREY LEON:** Yeah, and so ---

11 **MR. JAMES BAUDER:** --- strayed.

12 **MR. JEFFREY LEON:** --- there -- we've heard
13 evidence about various complaints made by residents when the
14 convoy was in Ottawa for things like constant honking, smell of
15 diesel fumes, harassment. Did you see and experience that?

16 **MR. JAMES BAUDER:** I experienced the biggest
17 unity celebration in my life. And with that, you got everything
18 else that comes with it.

19 **MR. JEFFREY LEON:** And just a few more questions.
20 Did you have any contact with truckers that were organizing
21 blockades at Windsor?

22 **MR. JAMES BAUDER:** No.

23 **MR. JEFFREY LEON:** Coutts?

24 **MR. JAMES BAUDER:** No.

25 **MR. JEFFREY LEON:** Emerson?

26 **MR. JAMES BAUDER:** No.

27 **MR. JEFFREY LEON:** Surrey?

28 **MR. JAMES BAUDER:** No.

1 **MR. JEFFREY LEON:** And yesterday, Mr. Marazzo in
2 his evidence, he -- we had a livestream press conference from
3 February 7th, and he made the statement, "I'm willing to sit at a
4 table with the Conservatives and the NDP and the Block as a
5 coalition. I'll sit with the Governor General. Put us at the
6 table with somebody that actually cares about Canada." Did you
7 know about that statement?

8 **MR. JAMES BAUDER:** No.

9 **MR. JEFFREY LEON:** Did you have anything to do
10 with it?

11 **MR. JAMES BAUDER:** No. Sounds like a good
12 statement though. That's what we wanted to do. And Tom was
13 entrusted deeply, and we were very grateful for Tom. Very
14 grateful. He was exactly what we needed to help a bunch of
15 truckers out that had a lot of emotions, a lot of fears. We had
16 multiple police officers and agencies.

17 **MR. JEFFREY LEON:** Yeah.

18 **MR. JAMES BAUDER:** There was just so much going
19 on.

20 **MR. JEFFREY LEON:** I understand that. Can we
21 come then ---

22 **MR. JAMES BAUDER:** Like, Tom came in with his
23 background ---

24 **MR. JEFFREY LEON:** --- to ---

25 **MR. JAMES BAUDER:** --- he was a big help.

26 **MR. JEFFREY LEON:** --- they -- at some point,
27 after the *Emergency Act* was invoked, I understand that you and
28 your wife were arrested; is that right?

1 Unity One here, just down the road, there's a snow clearing crew
2 coming down.

3 Right there. We're cooperating.

4 Now also, when I came down, I was blindsided. I
5 hadn't even had my morning coffee or nothing and 15 of these
6 officers had a crowbar. They were trying to break into Unity
7 One. I said, "Hey, whoa, whoa, whoa, whoa, whoa, whoa, whoa, whoa.
8 I'll get the keys; okay? Please, don't hurt it." And I ran
9 back up, I grabbed my keys, I came back down. "I want out."

10 Minutes. Minutes. How am I supposed to get out
11 of that in minutes?

12 An RV don't back out of that crap.

13 I was blocked by Ottawa City crews that didn't do
14 their job and clean the streets.

15 **MR. JEFFREY LEON:** Can you just pause it there,
16 please.

17 At what point -- can we forward it ---

18 **MR. JAMES BAUDER:** Yeah ---

19 **MR. JEFFREY LEON:** --- past this part ---

20 **MR. JAMES BAUDER:** --- just a little bit.

21 **MR. JEFFREY LEON:** --- about ---

22 **MR. JAMES BAUDER:** Sure, try there.

23 **MR. JEFFREY LEON:** Okay, let's try there.

24 **MR. JAMES BAUDER:** Yeah.

25 **MR. JEFFREY LEON:** Maybe back.

26 **MR. JAMES BAUDER:** Keep going, keep going. I
27 think what you're going to see from here, I don't know -- keep
28 going. There is audio, extensive audio behind this.

1 **COMMISSIONER ROULEAU:** Well, it's a little too
2 long at this point because ---

3 **MR. JAMES BAUDER:** So I think because it's
4 already ---

5 **COMMISSIONER ROULEAU:** --- the time ---

6 **MR. JAMES BAUDER:** --- I don't need ---

7 **MR. JEFFREY LEON:** Okay.

8 **MR. JAMES BAUDER:** --- we don't need to do this.

9 **MR. JEFFREY LEON:** But we get ---

10 **MR. JAMES BAUDER:** I mean, I was arrested ---

11 **MR. JEFFREY LEON:** --- we understand your
12 evidence ---

13 **MR. JAMES BAUDER:** --- people seen it.

14 **MR. JEFFREY LEON:** --- sir, as to what happened
15 to you.

16 **MR. JAMES BAUDER:** You'll notice that we ---

17 **MR. JEFFREY LEON:** Yes.

18 **MR. JAMES BAUDER:** --- cooperated completely.

19 And if you got the rest of this you would see that my wife and I
20 were very lawful, very peaceful, very respectful, as we always
21 have been with the police ---

22 **MR. JEFFREY LEON:** Thank you, those are my
23 questions, sir. Thank you.

24 **COMMISSIONER ROULEAU:** Okay, thank you.

25 If we could -- I could call on the Government of
26 Canada, please.

27 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

28 **MR. BRENDAN van NIEJENHUIS:** Good afternoon,

1 Mr. Bauder.

2 **MR. JAMES BAUDER:** Good afternoon.

3 **MR. BRENDAN van NIEJENHUIS:** My name's Brendan
4 van Niejenhuis, and I'm one of the lawyers for the Government of
5 Canada in this matter. Happy birthday.

6 **MR. JAMES BAUDER:** Thank you.

7 **MR. BRENDAN van NIEJENHUIS:** I wonder if we could
8 go to a document that you wrote I think after you had left
9 Ottawa?

10 **MR. JAMES BAUDER:** Which time?

11 **MR. BRENDAN van NIEJENHUIS:** It's JBA00000043.

12 **MR. JAMES BAUDER:** On the first time, the second
13 time, or the third time? Because I did three nationwide
14 convoys.

15 **MR. BRENDAN van NIEJENHUIS:** I am not sure, you
16 might have to tell me. But let me just ask you first if this is
17 a letter that you prepared?

18 **MR. JAMES BAUDER:** Yeah.

19 **MR. BRENDAN van NIEJENHUIS:** And looking at it, I
20 suppose -- in fact, you were still on the, as you say, on the
21 frontline in Ottawa when you wrote it, and you talk about having
22 been there for about three weeks; right?

23 **MR. JAMES BAUDER:** Can you just shrink this down
24 a little bit so I can just -- I mean, there's so much, but...
25 Okay, so what's your -- what do you need for a question?

26 **MR. BRENDAN van NIEJENHUIS:** So this is a
27 document that you wrote and made public after being in Ottawa
28 for about three weeks.

1 **MR. JAMES BAUDER:** Okay.

2 **MR. BRENDAN van NIEJENHUIS:** Is that fair?

3 **MR. JAMES BAUDER:** Okay.

4 **MR. BRENDAN van NIEJENHUIS:** And if we look at
5 the seventh paragraph on the page, it's the one that starts:

6 "The Call for Freedom, Unity and Love
7 has gone out, and Canadians answered."

8 Do you see that?

9 **MR. JAMES BAUDER:** Correct.

10 **MR. BRENDAN van NIEJENHUIS:** And in the last
11 sentence of that paragraph, you say that, "You made a choice",
12 you Canadians, I guess:

13 "...made a choice to come to Ottawa, to
14 Coutts, to Windsor and make your stand
15 for freedom."

16 Is it fair?

17 **MR. JAMES BAUDER:** All across Canada, coast-
18 to-coast, we came together for our freedoms.

19 **MR. BRENDAN van NIEJENHUIS:** And you told
20 Mr. Leon that you were not in contact directly with the
21 participants at the events in Coutts and Windsor, for example,
22 while you were in Ottawa, but you were grateful for the response
23 across the country. Is that fair?

24 **MR. JAMES BAUDER:** Yeah, pretty grateful because
25 they chose unity over division.

26 **MR. BRENDAN van NIEJENHUIS:** And you accomplished
27 more than you could have hoped to accomplish in terms of the
28 national and international response. Is that fair, Mr. Bauder?

1 **MR. JAMES BAUDER:** Yeah. Yeah.

2 **MR. BRENDAN van NIEJENHUIS:** You saw that what
3 you had done inspired the protests at the borders in Coutts,
4 Windsor, and Emerson, Manitoba, for example?

5 **MR. JAMES BAUDER:** What I had done? I didn't ---

6 **MR. BRENDAN van NIEJENHUIS:** What you and others

7 ---

8 **MR. JAMES BAUDER:** We.

9 **MR. BRENDAN van NIEJENHUIS:** What you and others

10 ---

11 **MR. JAMES BAUDER:** What we, Team Canada ---

12 **MR. BRENDAN van NIEJENHUIS:** Yeah.

13 **MR. JAMES BAUDER:** --- had done.

14 **MR. BRENDAN van NIEJENHUIS:** The collective "you"
15 when I ask these questions.

16 **MR. JAMES BAUDER:** Yeah.

17 **MR. BRENDAN van NIEJENHUIS:** And that those
18 efforts by and others also inspired events at the Thousand
19 Islands Bridge near Cornwall, the Blue Water in Sarnia, Port
20 Huron Crossing, the Peace Bridge, the Fort Francis Crossing and
21 the Confederation Bridge in Prince Edward Island; right?

22 **MR. JAMES BAUDER:** There was a lot of people
23 coming together because they were in pain.

24 **MR. BRENDAN van NIEJENHUIS:** You inspired convoys
25 in Surrey, B.C., Vancouver, Toronto, Quebec City, Regina and
26 Winnipeg?

27 **MR. JAMES BAUDER:** A Convoy for Freedom, that's
28 what we do. So if I'm guilty of anything it's because I love to

1 convoy and I love looking for my freedom that's missing. So
2 apparently other people, you know, they wanted to convoy too, on
3 their own accords, under the Bill of Rights and ---

4 **MR. BRENDAN van NIEJENHUIS:** And similar ---

5 **MR. JAMES BAUDER:** --- Freedoms.

6 **MR. BRENDAN van NIEJENHUIS:** --- convoys were
7 inspired in the United States too; right?

8 **MR. JAMES BAUDER:** Well, we started campaigning
9 strategically Bear Hug, which I'm still wowed at how that
10 travelled around the world. It was Convoy for Freedom, Freedom
11 for Convoy and Bear Hug. Those three just exploded around the
12 world, and it's still amazing. It's godly.

13 **MR. BRENDAN van NIEJENHUIS:** It went as far as
14 New Zealand, Australia, Paris, Belgium, Finland and the
15 Netherlands; right?

16 **MR. JAMES BAUDER:** Thank you. Yeah.

17 **MR. BRENDAN van NIEJENHUIS:** And the United
18 Kingdom; right?

19 **MR. JAMES BAUDER:** Worldwide. We had the biggest
20 unity movement in the world, and that goes down in history, and
21 that's all of us. Canada, thank you for coming together in
22 unity and showing the world what this is all about. Thank you.

23 **MR. BRENDAN van NIEJENHUIS:** Can we go to your
24 statement of evidence, which is submitted -- which you submitted
25 to the Commission.

26 It's JBA00000080.

27 This is the statement that you prepared, and you
28 submitted this I guess over the weekend; right?

1 **MR. JAMES BAUDER:** Oh, boy oh boy. You're
2 bringing this one up, are you?

3 **MR. BRENDAN van NIEJENHUIS:** So this is the
4 evidence statement that you were asking Mr. Leon to see earlier

5 **MR. JAMES BAUDER:** Canada, this is the one that
6 you want to look at and download and read because it has links
7 to evidence contained within that link Trudeau to treason.

8 **MR. BRENDAN van NIEJENHUIS:** We'll come back to
9 that.

10 Could we go to page 4, please? If you could go
11 towards the bottom of the page under the heading, The Launch of
12 Canada Unity - Convoy for Freedom.

13 Do you see that area there?

14 **MR. JAMES BAUDER:** Yeah.

15 **MR. BRENDAN van NIEJENHUIS:** And you describe in
16 the first paragraph what happened to you in the spring of 2021
17 that led to the launch of Canada Unity; right?

18 **MR. JAMES BAUDER:** Yeah.

19 **MR. BRENDAN van NIEJENHUIS:** And I understand
20 from what you've written here that your employer, where you were
21 a full-time truck driver, came to you and said that you would
22 need to provide proof that you had been injected with the COVID
23 vaccines in order to be allowed access to their clients'
24 facilities; right?

25 **MR. JAMES BAUDER:** Yeah.

26 **MR. BRENDAN van NIEJENHUIS:** And therefore, you
27 say that you were forced to quit your job; right?

28 **MR. JAMES BAUDER:** Yeah.

1 **MR. BRENDAN van NIEJENHUIS:** And that's because
2 if you were not willing to become vaccinated then you would not
3 be able to continue to attend at your employer's clients' place
4 of business; right?

5 **MR. JAMES BAUDER:** Vaccinated with the RMNA [sic]
6 gene-altering therapy, yes.

7 **MR. BRENDAN van NIEJENHUIS:** And that was a
8 requirement that was imposed upon your employer ---

9 **MR. JAMES BAUDER:** Right.

10 **MR. BRENDAN van NIEJENHUIS:** --- as a condition
11 of continuing to do business with the client; right?

12 **MR. JAMES BAUDER:** Correct.

13 **MR. BRENDAN van NIEJENHUIS:** And to be clear,
14 that was not a decision that was imposed upon by you by
15 government. Is that fair?

16 **MR. JAMES BAUDER:** No, that's not fair.

17 **MR. BRENDAN van NIEJENHUIS:** Can we go to page 6,
18 please.

19 **MR. JAMES BAUDER:** Sorry, can you back up and --
20 what was that question again that you asked?

21 **MR. BRENDAN van NIEJENHUIS:** I said that that was
22 not a decision that was imposed upon you by government.

23 **MR. JAMES BAUDER:** Oh, no, that 100 percent was
24 imposed by this Federal Government as the main root of all of
25 it, and then followed by provincial governments that are so
26 eager for a little piece of the trough to get some money, and
27 then the municipal governments at the very end. So the three
28 ring circus of just total unlawful issue of unlawful mandates.

1 **MR. BRENDAN van NIEJENHUIS:** That's your
2 explanation for why you quit your employment, Mr. Bauder?

3 **MR. JAMES BAUDER:** No, I quit my employment
4 because I'm never going to put that ever in me. I don't have
5 any problems with vaccines. I've travelled internationally, I
6 got lots of vaccines. Okay, those are medically approved, and
7 tested, and everything else. But there's no darn way I'm going
8 to put some gene-altering therapy into me that's -- and no way.
9 That's my medical rights, that's my lawful rights. And there is
10 so many laws that are in this MOU that highlight that, Canada.

11 **MR. BRENDAN van NIEJENHUIS:** Could we go to page
12 7, please, of this document, the second-last paragraph on the
13 page, please? Shoot, I may have the wrong page. Excuse me a
14 moment.

15 **COMMISSIONER ROULEAU:** You'd said 6 before, but.

16 **MR. BRENDAN van NIEJENHUIS:** I just don't want to
17 get it wrong twice.

18 **MR. JAMES BAUDER:** That's why we're here. We did
19 get it wrong. We chose division over unity. And hopefully
20 we'll get it right and we don't have to go down this path again.

21 **COMMISSIONER ROULEAU:** Okay, just -- you can just
22 wait for the question.

23 **MR. BRENDAN van NIEJENHUIS:** Excuse me, it is
24 page 6, the second-last paragraph on page 6. You see at the end
25 of that paragraph, Mr. Bauder, you've written here that:

26 "The words 'Convoy for Freedom' and
27 'Operation Bear Hug' got out
28 internally, deeply embarrassing our

1 Liberal Minister, specifically Trudeau
2 and Freeland as they were called out by
3 the international community, as they
4 rightfully should be."

5 Do you see that?

6 **MR. JAMES BAUDER:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:** Who specifically in
8 the international community did you have in mind when you wrote
9 that?

10 **MR. JAMES BAUDER:** I don't have names. There's
11 videos all over the place. Like, you'd have to do that research
12 yourself. There's a lot of evidence out there and if you like
13 or you need evidence, by all means, I can provide. I just don't
14 have that recollection off the top of my head today.

15 **MR. BRENDAN van NIEJENHUIS:** I just wanted to
16 understand what you had meant, sir, that's all. But that's
17 okay.

18 **MR. JAMES BAUDER:** Yeah, thank you.

19 **MR. BRENDAN van NIEJENHUIS:** Could we go now to
20 another document that is a letter from you of February the 16th?
21 It's JBA00000008. You see this is a letter from Canada Unity, I
22 take it, by you that you submitted to the Commission and wrote
23 to the Ottawa Police; do you see that?

24 **MR. JAMES BAUDER:** Correct.

25 **MR. BRENDAN van NIEJENHUIS:** And if we look at
26 the third and the fourth paragraph on the page, please, starting
27 with the paragraph that starts, "Canada Unity and the Convoy for
28 Freedom..." Do you see that?

1 **MR. JAMES BAUDER:** Correct.

2 **MR. BRENDAN van NIEJENHUIS:** And you say that
3 you're also very concerned to hear about the estimated 2,000
4 missing firearms from Peterborough, Ontario; right?

5 **MR. JAMES BAUDER:** When crimes are committed,
6 what do we do? We call the police. Okay? And we had intel,
7 and we couldn't confirm, or deny, or anything. We just had
8 intel. And any intel of crimes being committed that we could
9 identify, hey, right away, 911. This was a little bit more
10 important that required -- because it just -- as you can see,
11 this was more where we felt that if it was put in a document
12 that maybe it would get a little bit more assistance from the
13 police to make sure that -- if you can scroll to the very top.

14 I'm not a weapons expert. All I know is that
15 that LRAD weapon was causing a lot of fear amongst everybody and
16 it was -- so we wanted to do our best -- remember, we're
17 partnerships with the police all the way through, "Hey, what's
18 going on? Can you please address this and put everybody at
19 peace," because if that had been the case, we would have all
20 said, "No, no." I would have contacted everybody. I would have
21 stood on buildings and said, "No, please."

22 **MR. BRENDAN van NIEJENHUIS:** Now, if we can just
23 go back to my question, you'd become aware around February the
24 13th, when it came out in the newspapers, that there had been a
25 trailer -- approximately 2,000 stolen firearms from a trailer in
26 Peterborough, Ontario. Is that what you're referring to?

27 **MR. JAMES BAUDER:** From the best of -- I mean
28 whatever's here is what I can recall from what was happening.

1 There was a lot going on. I was just ---

2 **MR. BRENDAN van NIEJENHUIS:** You don't dispute
3 that timing?

4 **MR. JAMES BAUDER:** No. This is just a risk
5 mitigation process to try to, you know, give the police an
6 opportunity to respond and do some ---

7 **MR. BRENDAN van NIEJENHUIS:** And you say your
8 concern is not least because of that number of firearms, clips,
9 and ammo being so easily taken but because of their unknown
10 location; right?

11 **MR. JAMES BAUDER:** Yeah, that's the evidence -- I
12 mean we were getting intel that this was happening and they
13 didn't know where it was, so we ---

14 **MR. BRENDAN van NIEJENHUIS:** And you immediately
15 -- if you look to the next paragraph, you said:

16 "We have concerns that these weapons
17 will be used against peaceful
18 demonstrators or the citizens of Ottawa
19 in order to blame the participants of
20 this lawful demonstration."

21 Right?

22 **MR. JAMES BAUDER:** Correct.

23 **MR. BRENDAN van NIEJENHUIS:** You were concerned
24 that there was a connection between the events of the -- that
25 were occurring in Ottawa in the Freedom Convoy and the theft of
26 this large quantity of firearms; right?

27 **MR. JAMES BAUDER:** I didn't know anything other
28 than I got some intel. And I can't connect any of the dots.

1 I'm not a -- you know, this is just an observational request
2 letter, really, that, "This is stuff that I'm getting. It's
3 concerning. It's deeply concerning, and I don't have all the
4 evidence or the facts, but please investigate and put us at
5 ease."

6 **MR. BRENDAN van NIEJENHUIS:** Sure. Sure. And
7 you knew by February the 16th about the fact that a large
8 quantity of firearms had been seized under search warrant in
9 Coutts, Alberta, at the border blockade; right?

10 **MR. JAMES BAUDER:** I'd heard of some stuff that
11 was being seized and so on and so forth at that time.

12 **MR. BRENDAN van NIEJENHUIS:** Regardless, it was a
13 reasonable concern for you to wonder if there was a connection
14 between these stolen firearms in Peterborough and what was going
15 on in Ottawa, Windsor, and elsewhere.

16 **MR. JAMES BAUDER:** Yeah, because this was so
17 close. When you get a rumour or a speculate, you don't play
18 around with this. Like, this is serious business and it's over
19 my paygrade, and I felt that the right response was to notify
20 the police, so that's what we did.

21 **MR. BRENDAN van NIEJENHUIS:** Thank you, Mr.
22 Bauder. Those are all of my questions.

23 **MR. JAMES BAUDER:** Thank you.

24 **COMMISSIONER ROULEAU:** Thank you.

25 Next are the Convoy Organizers.

26 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

27 **MR. BRENDAN MILLER:** Good afternoon, my Bauder.
28 My name's Brendan Miller and I'm counsel to the Freedom Corp,

1 which is an organization that represented the protesters that
2 were here in Ottawa in January and February of 2022. I am the
3 lesser better-looking Brendan of the lawyers.

4 **MR. JAMES BAUDER:** Could you come forward or put
5 your mic a little bit ---

6 **MR. BRENDAN MILLER:** Yes, sure.

7 **MR. JAMES BAUDER:** --- because you're barely --
8 there we go.

9 **MR. BRENDAN MILLER:** Okay. So I want to first
10 discuss with you again -- you've mentioned, and it has been put
11 in evidence, this Memorandum of Understanding; right?

12 **MR. JAMES BAUDER:** Correct.

13 **MR. BRENDAN MILLER:** So I take it, that was just
14 basically a piece of paper; fair?

15 **MR. JAMES BAUDER:** Yeah.

16 **MR. BRENDAN MILLER:** Right. And therein, and
17 nothing that I've seen at least, Canada Unity has never called
18 for any form of violence?

19 **MR. JAMES BAUDER:** No.

20 **MR. BRENDAN MILLER:** And you never called to
21 violently overthrow the Government of Canada?

22 **MR. JAMES BAUDER:** Never.

23 **MR. BRENDAN MILLER:** You never offered to any
24 form of sabotage like blowing up bridges or anything like that?

25 **MR. JAMES BAUDER:** No.

26 **MR. BRENDAN MILLER:** No?

27 **MR. JAMES BAUDER:** Actually -- can I -- from that
28 one there, speaking of rumours again ---

1 **MR. BRENDAN MILLER:** Yeah.

2 **MR. JAMES BAUDER:** --- we got a rumour that our
3 big trucks down in Windsor -- or the big bridge down there,
4 right -- that the vibration -- so we put a call out, used our
5 social media, "Hey, everybody, if this is the case, out. Get
6 off that bridge."

7 **MR. BRENDAN MILLER:** Okay.

8 **MR. JAMES BAUDER:** And that's all I could do from
9 my position to try to risk mitigate, right? Anything to do with
10 risk ---

11 **MR. BRENDAN MILLER:** Right.

12 **MR. JAMES BAUDER:** --- I'm going to jump in and
13 try to take a high risk down to a low.

14 **MR. BRENDAN MILLER:** Right. But I take it that
15 there was no motivation and no expression on the part of your
16 organization and yourself to call for any form of violence ---

17 **MR. JAMES BAUDER:** No.

18 **MR. BRENDAN MILLER:** --- or destruction of
19 property?

20 **MR. JAMES BAUDER:** No.

21 **MR. BRENDAN MILLER:** Okay.

22 **MR. JAMES BAUDER:** We're calling for love, and
23 unity, and peace, and giving bear hugs. I mean violence was the
24 last thing on our minds.

25 **MR. BRENDAN MILLER:** Okay. Now, you don't have
26 to answer question -- and I'm just telling you because you don't
27 have a lawyer -- because what I'm about to ask you is subject to
28 privilege, okay? So you don't have to answer it ---

1 MR. JAMES BAUDER: Yeah.

2 MR. BRENDAN MILLER: --- and you're not required.

3 MR. JAMES BAUDER: Yeah.

4 MR. BRENDAN MILLER: Did you have a lawyer help
5 you prepare the Memorandum of Understanding?

6 MR. JAMES BAUDER: No.

7 MR. BRENDAN MILLER: Okay.

8 MR. JAMES BAUDER: No, just two truck drivers.

9 MR. BRENDAN MILLER: Two truck drivers. So it
10 was just a document written by two truck drivers?

11 MR. JAMES BAUDER: Yeah.

12 MR. BRENDAN MILLER: All right. With no legal
13 advice?

14 MR. JAMES BAUDER: No.

15 MR. BRENDAN MILLER: All right. And you can
16 agree with me that in that document, of course, it's proposing
17 that the Governor General and the Senate would essentially take
18 over government in consultation with the committee; is that ---

19 MR. JAMES BAUDER: Not take over government.

20 MR. BRENDAN MILLER: Yeah, yeah.

21 MR. JAMES BAUDER: No. They would -- because
22 those are the keyholders of our laws, okay ---

23 MR. BRENDAN MILLER: M'hm.

24 MR. JAMES BAUDER: --- when Trudeau messes up,
25 we're supposed to be able to go to the Governor General and have
26 a communication with her, or him, or whoever is elected in that
27 position. And when you research into the *Helsinki Act*, you're
28 going to find it very, very interesting.

1 **MR. BRENDAN MILLER:** Right, right, and I don't
2 need to -- this is just the only question. I just want to make
3 sure you're clear. You understand, of course, the Governor
4 General is appointed by the Prime Minister?

5 **MR. JAMES BAUDER:** Correct.

6 **MR. BRENDAN MILLER:** Right. And you understand
7 that Senators are appointed ---

8 **MR. JAMES BAUDER:** Correct.

9 **MR. BRENDAN MILLER:** --- in Canada? So those are
10 non-democratic actors, right?

11 **MR. JAMES BAUDER:** Yes.

12 **MR. BRENDAN MILLER:** Right. So can you agree
13 with me that what you were actually asking for was somewhat of
14 an undemocratic solution?

15 **MR. JAMES BAUDER:** Yeah. Well, democratic, I
16 guess. I mean, if you're asking to come together at a table and
17 communicate.

18 **MR. BRENDAN MILLER:** Right.

19 **MR. JAMES BAUDER:** And you know, if they don't
20 respond, you have nothing, right?

21 **MR. BRENDAN MILLER:** Right.

22 **MR. JAMES BAUDER:** You've got nothing.

23 **MR. BRENDAN MILLER:** Right.

24 **MR. JAMES BAUDER:** And you're going to
25 communicate yourself into the wall because it takes two parties
26 to make an MOU ---

27 **MR. BRENDAN MILLER:** Right.

28 **MR. JAMES BAUDER:** --- become ---

1 **MR. BRENDAN MILLER:** I get it, okay.

2 **MR. JAMES BAUDER:** --- something.

3 **MR. BRENDAN MILLER:** Okay. But the other thing I
4 want to ask you is this. It's that my client's Freedom Corp,
5 Tamara Lich, Tom Marazzo, Chris Barber, et cetera. None of them
6 supported the memorandum of understanding. They actually asked
7 you to withdraw it, right? It was them who requested it?

8 **MR. JAMES BAUDER:** I didn't hear them request it.
9 They didn't come to me personally and say, "James, would you
10 request this?"

11 **MR. BRENDAN MILLER:** Right.

12 **MR. JAMES BAUDER:** My wife and the sovereign Clan
13 Mothers, we talked. And out of respect just to say, "It's
14 served its purpose" right?

15 **MR. BRENDAN MILLER:** Okay.

16 **MR. JAMES BAUDER:** At that point because of other
17 situations with the Freedom Corp where I was -- put Tom in place
18 and then from there I backed off because it was dealing with all
19 the shit that Pat had been doing and everything else. And I
20 didn't even get a chance to come and talk to the Freedom Corp.
21 I didn't even know who they were.

22 **MR. BRENDAN MILLER:** Okay. And so ---

23 **MR. JAMES BAUDER:** Really. I didn't know who the
24 Freedom Corp was until weeks down the road.

25 **MR. BRENDAN MILLER:** All right. And I take it my
26 friend with the government, he put to you a discussion or a
27 statement that you made about the Prime Minister had been
28 condemned by the international community? Do you remember when

1 he put that to you just moments ago?

2 **MR. JAMES BAUDER:** Oh yeah.

3 **MR. BRENDAN MILLER:** Right. Was what you were
4 making reference to -- just to remind you. Was it the March 2022
5 incident where the Prime Minister was to speak in European
6 Parliament and a bunch of the members of Parliament walked out
7 and gave speeches against him invoking the Emergencies Act? Is
8 that what you were referring to?

9 **MR. JAMES BAUDER:** Yeah, that's it. Like,
10 there's evidence out there. It's pretty easy to find. But
11 yeah, that's it.

12 **MR. BRENDAN MILLER:** Thank you.

13 **COMMISSIONER ROULEAU:** Thank you. And next ---

14 **MR. JAMES BAUDER:** Nice to meet the Freedom Corp
15 for the first time.

16 **COMMISSIONER ROULEAU:** --- I'll call on the
17 Ottawa Police Service.

18 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

19 **MR. DAVID MIGICOVSKY:** Thank you very much. My
20 name is David Migicovsky. I'm a lawyer for the Ottawa Police
21 Service, Mr. Bauder.

22 **MR. JAMES BAUDER:** Nice to meet you, David.

23 **MR. DAVID MIGICOVSKY:** Thank you. You too.

24 I understand that you participated, you said, in
25 an earlier convoy to Ottawa; is that right?

26 **MR. JAMES BAUDER:** Yeah.

27 **MR. DAVID MIGICOVSKY:** And that was the United We
28 Roll?

1 **MR. JAMES BAUDER:** Yeah.

2 **MR. DAVID MIGICOVSKY:** That was in 2019?

3 **MR. JAMES BAUDER:** Correct.

4 **MR. DAVID MIGICOVSKY:** And I believe in that case
5 you ended up staying in Ottawa for several weeks?

6 **MR. JAMES BAUDER:** In 2019?

7 **MR. DAVID MIGICOVSKY:** In 2019.

8 **MR. JAMES BAUDER:** Yeah, no, we came, we were
9 here for three days and we went back home.

10 **MR. DAVID MIGICOVSKY:** Three days?

11 **MR. JAMES BAUDER:** Yeah.

12 **MR. DAVID MIGICOVSKY:** And it was peaceful?

13 **MR. JAMES BAUDER:** Yeah.

14 **MR. DAVID MIGICOVSKY:** And were you parked on
15 Wellington?

16 **MR. JAMES BAUDER:** I believe we were there and
17 then we were out at Arnprior and then we came back in. I think
18 it was back and forth for a couple of days, honed our horns, and
19 went home.

20 **MR. DAVID MIGICOVSKY:** And you maintained contact
21 with the police while you were here?

22 **MR. JAMES BAUDER:** I was not an organizer in that
23 first 2019. That was compliments of Glen Carritt and Haley
24 Wile. I was there with my camera. And I was a participant.
25 And I was invited to be on the convoy. Because, you know, a
26 trucker and I was just invited. I was a participant. And my
27 wife had told me, she says, "James, this is my first launch of
28 Canada Unity, kind of thing." She says, "It's not about you."

1 Point the camera on everybody else and give them their voice ---

2 **MR. DAVID MIGICOVSKY:** Right.

3 **MR. JAMES BAUDER:** --- and let their voice be on
4 the platform."

5 **MR. DAVID MIGICOVSKY:** Sorry ---

6 **MR. JAMES BAUDER:** I wasn't an organizer of 2019
7 at all, in no capacity at all.

8 **MR. DAVID MIGICOVSKY:** Appreciate that. But you
9 were here with a number of other vehicles, correct?

10 **MR. JAMES BAUDER:** Yeah.

11 **MR. DAVID MIGICOVSKY:** And you had no issues with
12 the police?

13 **MR. JAMES BAUDER:** No.

14 **MR. DAVID MIGICOVSKY:** No problems?

15 **MR. JAMES BAUDER:** Not that I was aware. I was
16 too busy feeding the homeless in Ottawa.

17 **MR. DAVID MIGICOVSKY:** Okay. And so there would
18 be no reason for the police to suspect this time that the convoy
19 you participated in would cause problems because it didn't last
20 time either, correct?

21 **MR. JAMES BAUDER:** No correlation at all, none.
22 And I wasn't involved with any of the dealings with the police
23 for 2019 at all. I was just a participant

24 **MR. DAVID MIGICOVSKY:** I just want to talk about
25 the parking situation. You talked about where you could park in
26 Ottawa. Do you recall that?

27 **MR. JAMES BAUDER:** Which time?

28 **MR. DAVID MIGICOVSKY:** This time.

1 **MR. JAMES BAUDER:** Okay.

2 **MR. DAVID MIGICOVSKY:** And I think you said you
3 had ---

4 **MR. JAMES BAUDER:** Was that the first Bear Hug or
5 the second Bear Hug?

6 **MR. DAVID MIGICOVSKY:** I'm sorry?

7 **MR. JAMES BAUDER:** The first Bear Hug or the
8 second Bear Hug?

9 **MR. DAVID MIGICOVSKY:** This time when you were
10 here in February.

11 **MR. JAMES BAUDER:** Okay, the second, Bear Hug 2.

12 **MR. DAVID MIGICOVSKY:** Right.

13 **MR. JAMES BAUDER:** Okay.

14 **MR. DAVID MIGICOVSKY:** And so you said you were
15 given some maps. So if we could just maybe call up that map,
16 it's JBA00000068.

17 And so you'll see this. We'll just scroll
18 through it for a minute and then I'll come back to it.

19 **MR. JAMES BAUDER:** Can you just back up for a
20 second, please?

21 **MR. DAVID MIGICOVSKY:** Sure.

22 **MR. JAMES BAUDER:** "Take direction from the
23 police whenever applicable. Leave open space for emergent
24 vehicles at all times. No closed trailers permitted on
25 Wellington. All staging areas must be kept on adjacent emergency
26 vehicle." Yeah.

27 **MR. DAVID MIGICOVSKY:** And this is what you were
28 referring to and then there's some maps, if we scroll down.

1 **MR. JAMES BAUDER:** Yeah. There's a lot of maps.

2 **MR. DAVID MIGICOVSKY:** Right. So this is what
3 you were talking about, the information you had, correct?

4 **MR. JAMES BAUDER:** Logistics and planning and all
5 sorts of stuff.

6 **MR. DAVID MIGICOVSKY:** And so if we could please
7 look at page ---

8 **MR. JAMES BAUDER:** That was a big team that put
9 this all together.

10 **MR. DAVID MIGICOVSKY:** Were you coming eastbound
11 on Highway 417?

12 **MR. JAMES BAUDER:** Which time?

13 **MR. DAVID MIGICOVSKY:** This time.

14 **MR. JAMES BAUDER:** I actually came in from the
15 east with Martin ---

16 **MR. DAVID MIGICOVSKY:** Right.

17 **MR. JAMES BAUDER:** --- and the eastern convoy.

18 **MR. DAVID MIGICOVSKY:** Okay. So were you
19 travelling eastbound on Highway 417?

20 **MR. JAMES BAUDER:** Eastbound? No, westbound.

21 **MR. DAVID MIGICOVSKY:** You were coming westbound?

22 **MR. JAMES BAUDER:** I'm from Calgary. I don't
23 know your streets.

24 **MR. DAVID MIGICOVSKY:** Okay. So ---

25 **MR. JAMES BAUDER:** The same three and these maps;
26 I've got a big team, okay?

27 **MR. DAVID MIGICOVSKY:** Okay.

28 **MR. JAMES BAUDER:** And I know that they

1 specialized in doing a lot of logistics and mapping and
2 everything else. And just know that I overviewed and I made
3 sure that the main -- the safety points were in correlation for
4 all of our captains. And if our captains had any problems or
5 questions then we would make a recommendation, you know, a
6 change.

7 **MR. DAVID MIGICOVSKY:** And so you weren't able to
8 park on Wellington, correct?

9 **MR. JAMES BAUDER:** That's correct, yeah. And all
10 points lead to Wellington.

11 **MR. DAVID MIGICOVSKY:** And so you'll see on page
12 3 the map shows parking only in -- or lane capacity 38 tractor
13 trailers; do you see that on Wellington?

14 **MR. JAMES BAUDER:** Yeah.

15 **MR. DAVID MIGICOVSKY:** And so ---

16 **MR. JAMES BAUDER:** That was our goal all the way
17 along was take the curbs, leave the centre open for everybody
18 and then we're there lawfully and we're, you know ---

19 **MR. DAVID MIGICOVSKY:** Right. But you ---

20 **MR. JAMES BAUDER:** --- parked on the ---

21 **MR. DAVID MIGICOVSKY:** --- see there's a limited
22 amount of parking on Wellington, correct?

23 **MR. JAMES BAUDER:** Well, if you know how long ---

24 **MR. DAVID MIGICOVSKY:** Sorry, if you can ---

25 **MR. JAMES BAUDER:** --- a block is and how long a
26 53-foot trailer is, and so on and so forth, and you do the math,
27 roughly you can get about 30 tractors in there.

28 **MR. DAVID MIGICOVSKY:** Right. So you agree with

1 me there was limited parking, and you knew that, on Wellington
2 Street, correct?

3 **MR. JAMES BAUDER:** Yeah.

4 **MR. DAVID MIGICOVSKY:** Right. And so if we keep
5 scrolling down there are then instructions for where vehicles
6 are supposed to come in, depending on whether they're coming
7 from the west or the east. And there are staging areas for
8 those vehicles, correct?

9 **MR. JAMES BAUDER:** Yeah.

10 **MR. DAVID MIGICOVSKY:** Okay. So there's nothing
11 that suggested that there was unlimited parking on Wellington,
12 correct?

13 **MR. JAMES BAUDER:** No.

14 **MR. DAVID MIGICOVSKY:** Okay. And if you could
15 also look at OPP speaking of maps and parking. If we could just
16 turn up OPP00004261. And so if we could turn, please to page 5.

17 You will see on the bottom -- well, if you look
18 at Parliament Hill Area 1 you'll see the traffic plan provides
19 that a decision will be made by the Incident Commander based on
20 the location of the individual convoys on when to shut down
21 traffic in this key area. And then if you scroll down a little
22 further where it says "stacking area" you'll see the real estate
23 roadway on Wellington will be filled on a first come basis. No
24 spots reserved. And then vehicles are to be staged along
25 Wellington.

26 And so there were specific instructions you
27 understood as to where the convoys were supposed to be parking,
28 correct?

1 **MR. JAMES BAUDER:** Correct.

2 **MR. DAVID MIGICOVSKY:** And then just finally,
3 just to conclude, there is an article in, I believe, Vice
4 Magazine about you. Have you seen that one?

5 **MR. JAMES BAUDER:** Have you got it?

6 **MR. DAVID MIGICOVSKY:** Well, let me just ---

7 **MR. JAMES BAUDER:** We can pull it up. I can give
8 a reference if you want to pull it up.

9 **MR. DAVID MIGICOVSKY:** Let me just ask you this,
10 sir. The article talks about you having Facebooks postings
11 saying that the 2020 election in the U.S. was rigged.

12 **MR. JAMES BAUDER:** What does that have to do with
13 this? Can we leave the U.S. out of it?

14 **MR. DAVID MIGICOVSKY:** I'm just asking you if
15 that's what's posted on your ---

16 **MR. JAMES BAUDER:** I believe that it was rigged.

17 **MR. DAVID MIGICOVSKY:** Right.

18 **MR. JAMES BAUDER:** But what's that got to do with
19 this?

20 **MR. DAVID MIGICOVSKY:** And you shared on that
21 Facebook hashtags for QAnon; fair?

22 **MR. JAMES BAUDER:** Yeah. So?

23 **MR. DAVID MIGICOVSKY:** And that 9/11 was planned
24 by a shadowy government body? Is that correct?

25 **MR. JAMES BAUDER:** If I -- if you've seen it --
26 there again you're trying to make me recall stuff that I don't
27 have to recall. But I'm going to take your word, ---

28 **MR. DAVID MIGICOVSKY:** Okay.

1 **MR. JAMES BAUDER:** --- that you've seen it with
2 your own eyes, obviously, that you're trying to do stuff. But
3 what's the point? What does that have to do with us being here
4 to talk about an *Emergency Act* that was unlawfully invoked by
5 Trudeau?

6 **MR. DAVID MIGICOVSKY:** Right. And just to ---

7 **MR. JAMES BAUDER:** That begs ---

8 **MR. DAVID MIGICOVSKY:** --- just to finish off, I
9 understand, and I'll pull up this document, and maybe you could
10 just confirm it, it's OPP00003562.

11 And if we could please go to page 5? "I'm just
12 going to ask you about two pages on it.

13 The third bullet under "Open source..." Sorry,
14 yeah. And so it indicates an image of Ottawa Police Notice to
15 Demonstrators has been posted to the Freedom Convoy Facebook
16 page. And you see that?

17 **MR. JAMES BAUDER:** Yeah.

18 **MR. DAVID MIGICOVSKY:** Okay. And is that in fact
19 correct? You did see that Notice to Protestors?

20 **MR. JAMES BAUDER:** Negative.

21 **MR. DAVID MIGICOVSKY:** You did not see it?

22 **MR. JAMES BAUDER:** No, this is Freedom Convoy
23 '22. I'm Convoy for Freedoms. The original.

24 **MR. DAVID MIGICOVSKY:** Okay. So you didn't see
25 that? Okay.

26 **MR. JAMES BAUDER:** No.

27 **MR. DAVID MIGICOVSKY:** And then if you could
28 please go to page 7? The second paragraph, I believe. Yeah.

1 You're actually highlighted in there. And it indicates:

2 "Police information indicates James BAUDER
3 of Canada-Unity was more so aligned with
4 KING..."

5 That's Pat King.

6 "...his current position as to who he may
7 align with or direct his some odd 40 [odd]
8 trucks remains a gap."

9 So am I correct that you were in fact aligned
10 with Mr. King?

11 **MR. JAMES BAUDER:** In what respect?

12 **MR. DAVID MIGICOVSKY:** In terms of your
13 participation in the ---

14 **MR. JAMES BAUDER:** So Pat King, I mean, it's no
15 secret, the guy is a social media guy. And that's what we
16 brought Pat King in for, was social media. And he was really
17 good at it. Plus, he also had a background in convoys, and
18 logistics, and stuff like that. So I mean, Pat was Pat. And we
19 don't have to agree. That's the beauty ---

20 **MR. DAVID MIGICOVSKY:** Sure.

21 **MR. JAMES BAUDER:** --- of all of this, is that we
22 all had individual rights to be here and we came together as a
23 team, ---

24 **MR. DAVID MIGICOVSKY:** And ---

25 **MR. JAMES BAUDER:** --- with our indifferences or
26 differences.

27 **MR. DAVID MIGICOVSKY:** And then it talks about
28 you having 40 odd trucks that you believed were in your control.

1 Is that a reasonable estimate?

2 MR. JAMES BAUDER: No.

3 MR. DAVID MIGICOVSKY: It was more or less?

4 MR. JAMES BAUDER: With perspective, what date,
5 when, and 40 trucks? Like, I don't even ---

6 MR. DAVID MIGICOVSKY: That you would have some
7 influence on whether they would stay or go.

8 MR. JAMES BAUDER: I don't have influence over
9 anybody that's exercising their *Bill of Rights*, nor would I ever
10 want to.

11 MR. DAVID MIGICOVSKY: Okay. Thank you.

12 MR. JAMES BAUDER: We're all free will to come
13 here on our own.

14 MR. DAVID MIGICOVSKY: Thank you very much, Mr.
15 Bauder.

16 MR. JAMES BAUDER: You're welcome. Thank you.

17 COMMISSIONER ROULEAU: Okay. Next is the Ontario
18 Provincial Police, the OPP.

19 --- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:

20 MR. CHRISTOPHER DIANA: Thank you, Commissioner.
21 Good afternoon, sir. Can you see me and hear me
22 okay?

23 COMMISSIONER ROULEAU: You're on mute. Or we
24 can't hear you. So.

25 MR. JAMES BAUDER: Is he here in the Court?

26 COMMISSIONER ROULEAU: No, he's ---

27 MR. JAMES BAUDER: Oh, Zoom Zoom.

28 COMMISSIONER ROULEAU: --- on Zoom, ---

1 **MR. JAMES BAUDER:** Imposing the Zooms.

2 **COMMISSIONER ROULEAU:** He's Zooming in.

3 **MR. JAMES BAUDER:** Okay.

4 **COMMISSIONER ROULEAU:** We're high tech here.

5 **MR. JAMES BAUDER:** We were like, "Huh? What?"

6 **MR. CHRISTOPHER DIANA:** Can you hear me okay now?

7 **COMMISSIONER ROULEAU:** Yes, we can.

8 **MR. JAMES BAUDER:** Yeah.

9 **MR. CHRISTOPHER DIANA:** Okay. I guess there
10 might be a bit of a delay, which caused that issue.

11 But sir, can you see me and hear -- can see me on
12 the screen and hear me okay?

13 **MR. JAMES BAUDER:** Yes.

14 **COMMISSIONER ROULEAU:** Yes.

15 **MR. CHRISTOPHER DIANA:** My name is Chris Diana.
16 I'm counsel to the OPP. I just have a couple of questions that
17 just arose out of some of the evidence that you gave in response
18 to questions from my friends, counsel to Government of Canada.

19 He brought you to a document where you expressed
20 some concern that a number of firearms had been stolen from the
21 Peterborough area. Do you remember that?

22 **MR. JAMES BAUDER:** Yes.

23 **MR. CHRISTOPHER DIANA:** And I take it you were
24 concerned about the possible existence of firearms, perhaps, in
25 your area there?

26 **MR. JAMES BAUDER:** Rightfully, yes.

27 **MR. CHRISTOPHER DIANA:** All right. Do you know
28 what happened with those firearms?

1 **MR. JAMES BAUDER:** No, that was the last I heard
2 of it, was that report. And then from there, I got distracted
3 and off to another -- putting out something else.

4 **MR. CHRISTOPHER DIANA:** All right. So I would
5 put to you, and just because I don't think that's information
6 that should be out there without resolution, but I would put to
7 you that those firearms were recovered only a couple of days
8 after they were stolen. Did you know that?

9 **MR. JAMES BAUDER:** That's good. No, I --
10 honestly, after that, there was a lot of other things and I just
11 didn't get a chance to follow back on it. but I'm glad that,
12 you know, -- if we were able to help in any way and just alert
13 you, you know, it's just one of those things. When you see
14 something, you phone Crime Stoppers, kind of thing. So ---

15 **MR. CHRISTOPHER DIANA:** Well I think ---

16 **MR. JAMES BAUDER:** --- we were just doing our
17 part to help.

18 **MR. CHRISTOPHER DIANA:** Sorry, thanks. I think
19 police services were aware of it.

20 But, Commissioner, I think this is an important
21 fact, that, again, that I don't think should be just kind of out
22 there as a loose end, and although this document was not on the
23 list to be put to the witness, I think it's relevant to this
24 issue, and so I would like to refer to it now on this point.
25 And that's Document OPP00001549. If we could make it a bit
26 bigger? Thank you.

27 And, sir, you will not recognize this document.
28 It's internal email correspondence within the OPP.

1 If you could go to page 2, please?

2 And under where it says "Update 10", this is an
3 email from Brad Collins, who is with the OPP to a number of
4 others that are in the OPP. You'll see it says:

5 "Peel Regional police confirm the recovery
6 of the stolen load of firearms from
7 Peterborough [Police Service]
8 jurisdiction. Information developing, but
9 the load of rifles has been recovered save
10 for possibly a few individual pieces
11 removed from skids."

12 Do you see that, sir?

13 **MR. JAMES BAUDER:** Yes.

14 **MR. CHRISTOPHER DIANA:** All right. Well thank
15 you, Commissioner. I have no further questions. I thought that
16 was a factual issue that should be dealt with.

17 **MR. JAMES BAUDER:** Thank you for clearing this
18 up, that we were able to help assist in catching some bad guys.

19 **MR. CHRISTOPHER DIANA:** No further questions.
20 Thank you.

21 **COMMISSIONER ROULEAU:** Okay. Thank you.

22 Next, counsel for former Chief Sloly.

23 **MR. TOM CURRY:** Thank you, Commissioner. Tom
24 Curry for the former Chief. And we have no questions for Mr.
25 Bauder. Thank you.

26 **COMMISSIONER ROULEAU:** Okay. Next is City of
27 Ottawa.

28 **MS. ALYSSA TOMKINS:** Alyssa Tomkins for the City

1 of Ottawa. The City has no questions for this witness. Thank
2 you.

3 **COMMISSIONER ROULEAU:** Next is the Ottawa
4 Residents Coalition.

5 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

6 **MR. PAUL CHAMP:** Good afternoon, Mr. Bauder. My
7 name is Paul Champ. I'm lawyer for the Ottawa Coalition of
8 Residents and Businesses. I just have some questions for you --
9 -

10 **MR. JAMES BAUDER:** Nice to meet you, Paul.

11 **MR. PAUL CHAMP:** --- on your testimony. Nice to
12 meet you.

13 The MOU, people could sign that or show support
14 for it online?

15 **MR. JAMES BAUDER:** At the present time that we
16 had it going out there, we -- yeah, you could sign on it.

17 **MR. PAUL CHAMP:** Right.

18 **MR. JAMES BAUDER:** And then you would get a
19 digital Certificate of Authenticity and everything else stating
20 that you actually signed it. Like DocuSign, pretty much.

21 **MR. PAUL CHAMP:** Right. And to your knowledge,
22 did the other -- or some of convoy organizers, did some of them
23 sign it?

24 **MR. JAMES BAUDER:** There's no way I could sit
25 here and recall ---

26 **MR. PAUL CHAMP:** Okay.

27 **MR. JAMES BAUDER:** --- close to 400,000 ---

28 **MR. PAUL CHAMP:** That's fine.

1 **MR. JAMES BAUDER:** --- signatures.

2 **MR. PAUL CHAMP:** That's fine. No problem. So
3 next I just want to talk to you a little bit about what the plan
4 was when you were coming to Ottawa. You know, seeing some of
5 the videos and what not, and your Zoom call on January 23rd with
6 Mr. Barber, and Ms. Belton, and Mr. King. What was the plan
7 when you were going to come to downtown Ottawa? You were -- you
8 were going to try to, like, encircle downtown? Was that what
9 Operation Bear Hug was?

10 **MR. JAMES BAUDER:** No. We wanted to come here
11 and talk with our government. The Federal Government
12 specifically.

13 **MR. PAUL CHAMP:** Okay. I'd ask the clerk to
14 bring up Document COMM00838. That's the transcript.

15 While he's calling that up, I want to ask you
16 another question about some of the protest tactics you were
17 thinking about when you came to Ottawa this time.

18 Was it discussed or was it planned to have groups
19 of people without masks go into restaurants and shops and
20 stores?

21 **MR. JAMES BAUDER:** Yeah. Why not?

22 **MR. PAUL CHAMP:** That was part of the plan ---

23 **MR. JAMES BAUDER:** Why not?

24 **MR. PAUL CHAMP:** --- to make the point that
25 you're free people who ---

26 **MR. JAMES BAUDER:** Yeah.

27 **MR. PAUL CHAMP:** --- could where you want?

28 **MR. JAMES BAUDER:** Yeah.

1 **MR. PAUL CHAMP:** Okay.

2 **MR. JAMES BAUDER:** Because I mean we were here
3 for Bear Hug one; right? And we've got all the videos of us
4 exercising, under the Bill of Rights, our lawful freedom of
5 choice and it just proves that when you follow the path of law,
6 you'll find that these mandates don't have the law to back them
7 up, and that's why we went with the police and we talked with
8 the police and we communicated with the police. And we got it
9 all on video.

10 **MR. PAUL CHAMP:** Sure.

11 **MR. JAMES BAUDER:** But they're there all the
12 time, and at any given time, if we had committed and broken
13 laws, we would have been arrested right there. But you know
14 what? The police of Ottawa were really helpful and they showed
15 us that we can do lawful events and from there, we told Ottawa
16 that we were, we will be back.

17 **MR. PAUL CHAMP:** But the plan was as a form of
18 protest, to go into restaurants and shops without masks to show
19 that you were ---

20 **MR. JAMES BAUDER:** Yeah, we were protesting that
21 all over the world.

22 **MR. PAUL CHAMP:** And the ---

23 **MR. JAMES BAUDER:** Not just in Canada.

24 **MR. PAUL CHAMP:** And I know I'm going to regret
25 doing this, but the Canadian Bill of Rights has property rights.
26 What about the property rights of the restaurant or the shop
27 owners? Why couldn't they ask people to not come in unless
28 they're wearing masks? Didn't they have those rights, or was

1 your rights more important than their rights?

2 **MR. JAMES BAUDER:** Well, let's see here. So
3 you're asking Canadians to violate and participate in an
4 unlawful mandate. So I don't want to break the law and put
5 myself in a situation where, you know, like, these mandates are
6 going to be proven that they were unlawful all the way through.
7 And history will write that, not me.

8 **MR. PAUL CHAMP:** If you could just bring up page
9 27, and while that's coming up, I'll ask you just another
10 question on that, Mr. Bauder.

11 But wasn't that maybe a little bit of a recipe
12 for conflict at times if a store owner or like, a teenage staff
13 asked people to leave who weren't wearing masks and they
14 wouldn't leave? Wasn't that a risk of some conflict there?

15 **MR. JAMES BAUDER:** I'd say that the risk of
16 conflict was the day that the unlawful mandates were put across
17 Canada and our government ignored us from there on in.

18 **MR. PAUL CHAMP:** Right. So because the
19 government imposed those unlawful mandates, that gave you and
20 the people ---

21 **MR. JAMES BAUDER:** Thank you for saying they were
22 unlawful.

23 **MR. PAUL CHAMP:** --- that you and protest with
24 could then override the rights of a staff?

25 **MR. JAMES BAUDER:** No, we couldn't override
26 anybody.

27 **MR. PAUL CHAMP:** Or could threaten a staff who --

28 -

1 **MR. JAMES BAUDER:** Couldn't threaten anybody.

2 **MR. PAUL CHAMP:** Please, if I could finish?

3 So but when a staff member would ask people to
4 leave, you saw some conflicts in stores and restaurants, didn't
5 you, Mr. Bauder?

6 **MR. JAMES BAUDER:** Some conflicts all over this
7 country.

8 **MR. PAUL CHAMP:** Yeah, but you saw some in Ottawa
9 while there were several thousands of people at downtown and big
10 trucks going in ---

11 **MR. JAMES BAUDER:** Yeah. No, and that's why we
12 brought the police along with us and they handled the conflicts.

13 **COMMISSIONER ROULEAU:** If you can try and --
14 you're eager to answer, I understand, but if you could wait til
15 the question's finished to answer?

16 **MR. JAMES BAUDER:** Okay. Sorry.

17 **MR. PAUL CHAMP:** So if we could just scroll to
18 near the bottom of this page where it starts, "Mr. Patrick
19 King", just up a bit?

20 "Mr. Patrick King: You lit the spark
21 here again, but it's not just going to
22 roll into Ottawa and parking the trucks
23 for a couple of days. James, give them
24 an idea of what's going --- "

25 **COMMISSIONER ROULEAU:** Just ---

26 **MR. PAUL CHAMP:** I apologize.

27 **COMMISSIONER ROULEAU:** --- slow down for the
28 translator. Thank you.

1 **MR. PAUL CHAMP:**

2 "James, give them an idea of what's
3 going to partake in Ottawa when we're
4 there, just an idea. Don't let the cat
5 out of the bag just yet, but let them -
6 - give them a little bit of an idea."

7 What was the cat in the bag at that point, Mr.
8 Bauder? Do you recall?

9 **MR. JAMES BAUDER:** What date is this?

10 **MR. PAUL CHAMP:** This is -- sorry, this is -- I
11 apologize, Mr. Bauder. This is a transcript of your Zoom call
12 with Ms. Belton and Mr. Barber and Mr. King on January the 23rd
13 as you were planning.

14 If we go through -- maybe this will assist your
15 memory. So at the bottom, it says:

16 "Mr. James Bauder: Okay. Well, you
17 know, let's see here. What is a
18 BearHug detail? Well, A) we're going
19 to have some fun doing a bunch of
20 convoys all over Ottawa. Okay. We
21 won't mention where, but we're going to
22 have fun, definitely going a whole -- a
23 different pile of convoy activities.
24 We may potentially convoy over to
25 Justin Trudeau's house."

26 "Good," says Mr. Barber.

27 "Mr. James Bauder: You know, little
28 things like that. We may get stuck on

1 a couple of bridges, things like that."

2 So that was part of the plan, Mr. Bauder, is to
3 maybe block bridges for a period of time?

4 **MR. JAMES BAUDER:** Well, if you notice that when
5 we were in Ottawa the first time, we did a lawful blockade,
6 right? So I mean, we are allowed under our Bill of Rights, and
7 so on and so forth, to do, coordinated with the police. We
8 wouldn't have done any of this without the police. I can tell
9 you that.

10 **MR. PAUL CHAMP:** But what you did in 2019, Mr.
11 Bauder ---

12 **MR. JAMES BAUDER:** I didn't -- I didn't do 2019,
13 okay? That was another organizer, so please.

14 **MR. PAUL CHAMP:** Right, so ---

15 **MR. JAMES BAUDER:** You have to understand. That
16 was already put on record that I did not have anything to do
17 with 2019 ---

18 **MR. PAUL CHAMP:** Absolutely. Well, you ---

19 **MR. JAMES BAUDER:** --- organizer.

20 **MR. PAUL CHAMP:** Right. You didn't have anything
21 to do with organizing.

22 **MR. JAMES BAUDER:** I just fed your homeless.
23 That's it.

24 **MR. PAUL CHAMP:** But you participated in that
25 protest in 2019, and that protest in which you participated with
26 a number of trucks in a convoy. You came from staging areas a
27 few times a day, drove around downtown a few times around the
28 Parliament Buildings and then would go back, and you did that a

1 few days, and that was a successful protest.

2 **MR. JAMES BAUDER:** No, it wasn't.

3 **MR. PAUL CHAMP:** No, it wasn't? So this time,
4 you had to do something more; is that right? Right? That was
5 the plan, you had to do something more? You had to not simply
6 come downtown, you had to stay downtown and create a bear hug
7 around downtown; is that right?

8 **MR. JAMES BAUDER:** That's your words.

9 **MR. PAUL CHAMP:** Well, Operation BearHug is your
10 words, but is that what it meant? You wanted to do something
11 different and bigger this time; is that right?

12 **MR. JAMES BAUDER:** Yeah.

13 **MR. PAUL CHAMP:** And ---

14 **MR. JAMES BAUDER:** Because obviously, every other
15 option to try to communication with this government had failed.

16 **MR. PAUL CHAMP:** That's right. So you needed to
17 increase the volume, so to speak?

18 **MR. JAMES BAUDER:** Correct.

19 **MR. PAUL CHAMP:** You had to encircle downtown and
20 apply some pressure, right?

21 **MR. JAMES BAUDER:** What do you mean by encircle
22 and apply pressure?

23 **MR. PAUL CHAMP:** Well, encircle, have trucks all
24 around downtown.

25 **MR. JAMES BAUDER:** Love, hug.

26 **MR. PAUL CHAMP:** Right.

27 **MR. JAMES BAUDER:** Bear hug.

28 **MR. PAUL CHAMP:** Yeah, so. Okay. And apply

1 pressure?

2 **MR. JAMES BAUDER:** To who? To what? To the
3 people that you're hugging?

4 **MR. PAUL CHAMP:** So -- all right, Mr. Bauder.
5 Just -- I only have a couple more minutes here with you.

6 **MR. JAMES BAUDER:** Sorry.

7 **MR. PAUL CHAMP:** But I want to ask you about
8 horns. Now, the horns, when they're very loud and when they're
9 all going at the same time, I've heard it described as something
10 that's almost biblical. Is that something how you would
11 describe it?

12 **MR. JAMES BAUDER:** Yeah. I'd say that when --
13 with the reference of the trumpet and bringing down the walls of
14 Jericho.

15 **MR. PAUL CHAMP:** Right, and that's where I was
16 going to go. Joshua Book 6 talks about how you bring down the
17 walls of Jericho with the trumpets, right?

18 **MR. JAMES BAUDER:** I have honestly never read the
19 Bible, and I just got baptized last year and I still haven't
20 read the Bible. And I really am a weird duck, and I don't get
21 it, but that's the truth.

22 **COMMISSIONER ROULEAU:** Could we -- particularly,
23 Counsel, I don't want to set off things, and I think it's
24 important that at a minimum, Counsel, give the example.

25 **MR. JAMES BAUDER:** What does that mean, sir? So
26 did I do something wrong?

27 **COMMISSIONER ROULEAU:** No, you did nothing.

28 **MR. JAMES BAUDER:** I'm sorry.

1 **COMMISSIONER ROULEAU:** I'm just having some
2 trouble with the ---

3 **MR. JAMES BAUDER:** With Counsel.

4 **COMMISSIONER ROULEAU:** With the crowd and
5 counsel, but that's my problem. Don't worry. You're giving
6 your evidence. Everything's okay from your perspective.

7 **MR. JAMES BAUDER:** Okay.

8 **MR. PAUL CHAMP:** I'm nearly finished here, Mr.
9 Bauder. I just want to understand. So you haven't read the
10 Bible but it sounds like you know the story of Jericho, right?

11 **MR. JAMES BAUDER:** I have heard of it from
12 others.

13 **MR. PAUL CHAMP:** Right.

14 **MR. JAMES BAUDER:** It was fascinating. It was
15 actually really interesting.

16 **MR. PAUL CHAMP:** Right, and that inspired you a
17 bit for the tactics for the convoy protest in Ottawa, correct?

18 **MR. JAMES BAUDER:** No.

19 **MR. PAUL CHAMP:** Well, you raised it before I
20 did, right?

21 **MR. JAMES BAUDER:** So if you want to get into
22 this and talk about God, so when I got baptized, I was told by
23 God to put this convoy together and come to Ottawa.

24 **MR. PAUL CHAMP:** Okay.

25 **MR. JAMES BAUDER:** And that's where I'm at.

26 **MR. PAUL CHAMP:** I don't want to get into a big
27 discussion about your faith, Mr. Bauder. I respect your faith.
28 I just want to understand to what extent your faith inspired the

1 tactics that you suggested and worked on with others with
2 Ottawa.

3 So it's my understanding with Jericho, the plan
4 was to encircle the city. They walked around the city six days
5 ---

6 **MR. JAMES BAUDER:** That's different than just the

7 ---

8 **MR. PAUL CHAMP:** --- in a row.

9 **MR. JAMES BAUDER:** --- Parliament building where
10 they walked around ---

11 **MR. PAUL CHAMP:** Right.

12 **MR. JAMES BAUDER:** --- the Parliament Building
13 because that's where the evil's at.

14 **MR. PAUL CHAMP:** Oh, and on Saturday, the first
15 day of the protest, Saturday the 29th, isn't that what the
16 trucks did? They did a circle around the Parliament Buildings,
17 they went across the bridges over to Gatineau and around, right?

18 **MR. JAMES BAUDER:** The first BearHug?

19 **MR. PAUL CHAMP:** Yeah. No, no, this one in -- on
20 January of ---

21 **MR. JAMES BAUDER:** Well, I don't know. I was out
22 in the east, so I don't know what was happening on that because
23 we had two days of convoys coming from all over Canada, and I
24 was -- like I said, I was with the eastern crew and we got stuck
25 out in the middle of nowhere, and then we had to come in here
26 and that pissed off a bunch of people, and it's just what it is.

27 **MR. PAUL CHAMP:** Thank you very much, Mr. Bauder.

28 **MR. JAMES BAUDER:** Thank you.

1 **COMMISSIONER ROULEAU:** Thank you. Next is the
2 Democracy Fund Citizens for Freedom, JCCF.

3 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

4 **MR. ROB KITTREDGE:** Good afternoon, Mr. Bauder.
5 My name is Rob Kittredge, and I'm counsel for the Justice Centre
6 for Constitutional Freedoms, and you, like, me, are a chatty man
7 and a challenging witness. So I'm going to try and do the ---

8 **MR. JAMES BAUDER:** I'm not trying to be
9 challenging.

10 **MR. ROB KITTREDGE:** ---impossible here.

11 **MR. JAMES BAUDER:** Honestly, I'm trying to be as
12 open as I can.

13 **MR. ROB KITTREDGE:** I agree that you are being as
14 open as you can. But I'm going to try and persuade you to give
15 me yes or no answers, if you can, because what we're trying to -
16 - one of the things --

17 Okay. So one of the things we're trying to do
18 here, we have a short period of time, and I am trying to
19 construct an argument that the *Emergencies Act* was invoked
20 unlawfully by Trudeau and your yes or no answers will help me to
21 do that.

22 **MR. JAMES BAUDER:** I can play with this.

23 **MR. ROB KITTREDGE:** Pardon me?

24 **MR. JAMES BAUDER:** I can get along with that.

25 **MR. ROB KITTREDGE:** All right. Well, let's see -
26 --

27 **MR. JAMES BAUDER:** Get her on.

28 **MR. ROB KITTREDGE:** --- how well we do. So what

1 I'm looking for is a little clarification on a series of
2 questions that my friend counsel for Canada asked you earlier on
3 today about how you and others in Ottawa inspired other protests
4 across Canada and around the world. You had an emotional
5 response to those questions, as I think I would as well if I
6 were in your position. And I just wanted to get a bit of
7 clarification, for the record, about what inspired meant to you
8 in that context. And again, if we can do yes or no answers,
9 that would be great.

10 Counsel for Canada said that when he said you, he
11 didn't just mean you. He meant, and I quote, "the collective
12 you," meaning you and the other people in Ottawa. Was that your
13 understanding when you answered those questions?

14 **MR. JAMES BAUDER:** No, I thought he was referring
15 to me personally.

16 **MR. ROB KITTREDGE:** To you specifically?

17 **MR. JAMES BAUDER:** Yeah.

18 **MR. ROB KITTREDGE:** All right. So counsel for --
19 I thought -- well, it doesn't matter what I think. Counsel for
20 Canada suggested what you -- that you inspired other protests
21 across Canada and around the world. You agree? You remember
22 that series of questions; do you?

23 **MR. JAMES BAUDER:** Yeah, the questions, yeah.

24 **MR. ROB KITTREDGE:** All right. I understood your
25 answers and your emotional response to mean that you were proud
26 that the protest here in Ottawa had been seen by others in
27 Canada and around the world, and that they had independently
28 decided to protest themselves; was that your understanding?

1 Yeah, can you say yes for the record?

2 **MR. JAMES BAUDER:** Yes.

3 **MR. ROB KITTREDGE:** Yeah, because it's a written
4 transcript so.

5 **MR. JAMES BAUDER:** Yes, sorry.

6 **MR. ROB KITTREDGE:** And ---

7 **MR. JAMES BAUDER:** I say sorry a lot.

8 **MR. ROB KITTREDGE:** Pardon me?

9 **MR. JAMES BAUDER:** Typical Canadian. I say sorry
10 a lot.

11 **MR. ROB KITTREDGE:** Right, as do I. So while the
12 Ottawa protesters, yourself included, may have inspired protests
13 outside of Ottawa, you didn't organize any of those other
14 protests; did you?

15 **MR. JAMES BAUDER:** No.

16 **MR. ROB KITTREDGE:** People elsewhere may have
17 seen what you and others were doing here in Ottawa, but they
18 independently decided to follow that example and raise their
19 voices in protest; didn't they?

20 **MR. JAMES BAUDER:** Yes.

21 **MR. ROB KITTREDGE:** And just to be, I guess, fair
22 to you since you've been so fair to me, I have a minute or two
23 left, if -- I was wondering if there was anything you'd like to
24 tell us about how it felt to inspire people around the world to
25 raise their voice?

26 **MR. PAUL CHAMP:** Objection.

27 **MR. JAMES BAUDER:** Get into my feelings?

28 **MR. PAUL CHAMP:** Objection. I'm not sure how

1 that's relevant.

2 **MR. JAMES BAUDER:** It's okay. It's okay. I --
3 still to this day, how I feel, I'm broken but because people
4 come together and they chose on their own accord to choose one
5 word, unity, I will forever be grateful and thankful for Canada,
6 for giving the world hope because we needed it. A lot of
7 feelings and I'm sorry.

8 **MR. ROB KITTREDGE:** Well, thank you very much,
9 Mr. Bauder. Those are my questions.

10 **MR. JAMES BAUDER:** Thanks for the love. Thanks
11 for the bear hugs. Keep going.

12 **MR. PAUL CHAMP:** Mr. Commissioner, that's Paul
13 Champ on the record. I apologize for not saying it earlier for
14 the purposes of transcripts. I just know I didn't ask Mr.
15 Bauder any questions about his many hateful comments about
16 Islam, his many hateful and bigoted comments about homosexuals.

17 **COMMISSIONER ROULEAU:** I am not sure how this is
18 relevant with ---

19 **MR. PAUL CHAMP:** I agree.

20 **COMMISSIONER ROULEAU:** What are you ---

21 **MR. PAUL CHAMP:** I didn't think it was relevant
22 when I asked, but that's why I'm asking why Mr. Bauder is given
23 an opportunity to answer those kinds of questions whether --
24 which are otherwise irrelevant.

25 **COMMISSIONER ROULEAU:** Well, it's firstly, it was
26 a question within his time period, and he was asked how he felt.
27 I'm not sure what that adds, if that's your point, in terms of
28 the evidence, but in any event, I was going to give him, as he's

1 unrepresented, an opportunity to say something at the end. So I
2 think all this has done is do it in advance. But what exactly
3 is your point you want it, what, struck from the record, or do
4 you want a further opportunity to cross-examine? What is it
5 you're after?

6 **MR. PAUL CHAMP:** Well, Mr. Bauder has asked --
7 he's made many comments about unity. If that's relevant to the
8 Commission, I could ask -- I would ask for to ask him some
9 questions about his views on unity.

10 **COMMISSIONER ROULEAU:** If you want to do further
11 cross-examination, you stopped at the end. I was prepared -- I
12 didn't cut you off. If you want to come back up, you can go
13 ahead.

14 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP (cont'd):**

15 **MR. PAUL CHAMP:** Mr. Bauder, you've testified
16 many times about your love and brotherhood for others and your
17 love of unity, but you would agree with me, you don't feel unity
18 towards all Canadians? It does not include Canadians, for
19 example, of Islamic faith; isn't that right?

20 **MR. JAMES BAUDER:** No.

21 **MR. PAUL CHAMP:** You are upset that you feel the
22 Government of Canada promotes Islamic ideologies. You've said
23 that before; correct?

24 **MR. JAMES BAUDER:** Was that before I got -- found
25 God?

26 **MR. PAUL CHAMP:** Okay. So you've said that ---

27 **MR. JAMES BAUDER:** Was that before I found God?
28 Because you're asking dates. I don't agree with what you're

1 saying now to date, right now.

2 **MR. PAUL CHAMP:** Okay. Well, that's good. I
3 appreciate that.

4 **MR. JAMES BAUDER:** Okay. That's where I'm under
5 oath.

6 **MR. PAUL CHAMP:** I appreciate that.

7 **MR. JAMES BAUDER:** Today I don't agree with that.

8 **MR. PAUL CHAMP:** Okay. I thank you. I
9 appreciate that. Now we've seen some documents up there where
10 you've referred to Prime Minister Justin Trudeau as Justine
11 Trudeau. Why ---

12 **MR. JAMES BAUDER:** Yeah.

13 **MR. PAUL CHAMP:** --- do you refer to him as
14 Justine Trudeau?

15 **MR. JAMES BAUDER:** Why not?

16 **MR. PAUL CHAMP:** Are you trying to suggest
17 something, it's emasculating, or making some kind of comments or
18 suggestion that ---

19 **MR. JAMES BAUDER:** It could be a typo.

20 **MR. PAUL CHAMP:** --- he's a ---

21 **MR. JAMES BAUDER:** I don't know.

22 **MR. PAUL CHAMP:** Pardon me?

23 **MR. JAMES BAUDER:** Could be a typo. I don't
24 know.

25 **MR. PAUL CHAMP:** Pardon me?

26 **MR. JAMES BAUDER:** Could be a typo.

27 **MR. PAUL CHAMP:** Was it a typo? It's your words,
28 sir.

1 **MR. JAMES BAUDER:** Well, maybe it's a typo. I
2 don't know.

3 **MR. PAUL CHAMP:** Well, are you telling us that
4 it's a typo, or were you trying to suggest something because you
5 think it's somehow negative to be of transgender and so forth?
6 Is that what you mean?

7 **MR. JAMES BAUDER:** As an alpha male trucker, oil
8 patch, farm boy kind of guy and seeing old little Miss Trudeau
9 there in his boxing shorts, with his juice box water bottle sort
10 of things, yeah, we call him Justine.

11 **MR. PAUL CHAMP:** Thank you. Thank you, Mr.
12 Commissioner.

13 **COMMISSIONER ROULEAU:** Thank you.
14 Okay. That's -- any re-examination?

15 **MR. JEFFREY LEON:** No, thank you.

16 **COMMISSIONER ROULEAU:** Okay. Thank you, Mr.
17 Bauder, you're free to go.

18 **MR. JAMES BAUDER:** Am I free to go or?

19 **COMMISSIONER ROULEAU:** You're -- yes, you are.
20 This is -- you're completed your examination.

21 **MR. JAMES BAUDER:** Right on. I'm not a -- am I
22 not allowed my 15 minutes, or no?

23 **COMMISSIONER ROULEAU:** If you'd like to make a
24 statement, that's fine. You can have it.

25 **MR. JAMES BAUDER:** There's a video that I'd
26 really like to bring up, and I'm just -- I lost my video stuff,
27 and it's got to do with -- hang on here. Where is the video --
28 Jason, where are you? The speech out in Quebec. The unity --

1 which number? Media press release. I don't have it on here.

2 Okay. Is it in the file, or no? Which number?

3 **COMMISSIONER ROULEAU:** Just he ---

4 **MR. JAMES BAUDER:** I'd like to -- I really would
5 like to have that video of this.

6 **THE REGISTRAR:** I have four videos with a JBA
7 prefix. I can give you the titles, if that helps you, that I
8 have. I have one that says maskless shopping.

9 **MR. JAMES BAUDER:** No.

10 **THE REGISTRAR:** One that says James at Trudeau's
11 house ---

12 **MR. JAMES BAUDER:** No.

13 **THE REGISTRAR:** --- December 21st.

14 **MR. JAMES BAUDER:** That's ---

15 **THE REGISTRAR:** One that's MOU, sir, December
16 21st.

17 **MR. JAMES BAUDER:** No.

18 **THE REGISTRAR:** And then we already showed JBA81
19 during Commission Counsel's.

20 **MR. JAMES BAUDER:** Well, we tried to upload a lot
21 of evidence and we had problems and technical issues and so on
22 and so forth, but it was a very -- that's too bad.

23 **COMMISSIONER ROULEAU:** Maybe you could just sum
24 it up for us.

25 **MR. JAMES BAUDER:** It was when we left Calgary,
26 my wife and I, and for those that want to do their research in
27 Canada, and look into the definition and our history and our
28 governance in respects to division over unity, when I was

1 looking at all the governance aspects and policy aspects,
2 looking for solution, you can imagine when the word unity was
3 given to me, and that has forever changed my life, my heart, my
4 mind. And from there, I did this little research, because I was
5 very, very stricken that in our country there was nothing really
6 out there for Canada unity. Like, you Googled back then and
7 there was only one reference that I could find as a western
8 Alberta oil patch, farm boy, growing up with this the west hates
9 the east and the east hates the west. And I started asking
10 myself, well, they're Canadian, aren't they? They're our
11 brothers and sisters. Where does this division come from?

12 So I get into our governance and I find out that
13 by design, we are designed to be divided, right in our
14 governance. And that disturbed me deeply because it was -- so
15 that's when I made the first prayer. I said, "God, what do we
16 do?"

17 He says, "Unity."

18 What? How am I going to put that into a
19 corrective action? Well, you look at our history and how close
20 we were to dividing. Quebec -- somebody in Quebec saved this
21 country and I don't know who. I tried and I tried to find this
22 one person because if you remember in history when Quebec wanted
23 to separate and we had a 51 to 49 vote. What if somebody hadn't
24 raised their hand and said, "Unity." Because that was the only
25 reference I could find at that time was somebody had raised
26 their hand in Quebec and said, "Unity."

27 And then there was a Canada Unity flag. And that
28 was it. And I was like, "This can't be."

1 So I went on Google and I registered all of
2 everything Canada Unity, all of it -- trademark, all the --
3 everything that ---

4 **COMMISSIONER ROULEAU:** But I'm not sure this is -
5 --

6 **MR. JAMES BAUDER:** So ---

7 **COMMISSIONER ROULEAU:** Can I just interrupt you
8 for a minute?

9 **MR. JAMES BAUDER:** Me and my story -- I try to --
10 sorry, sir.

11 **COMMISSIONER ROULEAU:** It's ---

12 **MR. JAMES BAUDER:** --- my stories.

13 **COMMISSIONER ROULEAU:** Yeah, it's a little too
14 much of a story. I'm not sure how much it helps us. I
15 understand your unity ---

16 **MR. JAMES BAUDER:** --- idiot would tell it.

17 **COMMISSIONER ROULEAU:** But that's fine. I think
18 your message has been given. And we've seen ---

19 **MR. JAMES BAUDER:** I'll just wrap it up.

20 **COMMISSIONER ROULEAU:** Yes, please.

21 **MR. JAMES BAUDER:** What I observed was the unity
22 was missing and I'm thankful to this day for Quebec for standing
23 up and saving the country and putting unity on to that table.
24 It is my humble humble honour to come from the west and come out
25 to Quebec with my wife and with the olive branch of unity and
26 say, "Let's stop dividing. Let's stop the division. Let's come
27 together."

28 And thank you, Canada for that precious precious

1 moment in our history.

2 **COMMISSIONER ROULEAU:** Okay. Thank you.

3 We're going to adjourn for the afternoon break
4 for 15 minutes.

5 **THE REGISTRAR:** The Commission is in recess for
6 15 minutes. La Commission est levée pour 15 minutes.

7 --- Upon recessing at 4:48 p.m.

8 --- Upon resuming at 5:03 p.m.

9 **THE REGISTRAR:** Order. A l'ordre.

10 The Commission has reconvened. La Commission
11 reprend.

12 **THE CLERK:** Good afternoon, Commissioner, the
13 next witness is Tamara Lich.

14 **--- MS. TAMARA LICH, Sworn:**

15 **MR. BRENDAN MILLER:** Sir, Brendan Miller for
16 Freedom Corp and also counsel to Ms. Lich. We have already
17 involved in writing on October 7th, 2022, all the proper
18 provisions of the relevant statutes with respect to testimony
19 here today. But I believe my friend is consenting that I can
20 have that invocation marked as an exhibit.

21 If we could bring up document HRF00001610,
22 please.

23 And if we can just scroll down to, I believe, the
24 third page. Oh, the fourth, my apologies.

25 And there is the invocation. And thank you, sir.

26 **COMMISSIONER ROULEAU:** Okay. I understand she's
27 under subpoena. So just confirming that. Okay. Thank you.

28 **--- EXAMINATION IN-CHIEF BY MR. JOHN MATHER:**

1 **MR. JOHN MATHER:** Good afternoon, Ms. Lich.

2 **MS. TAMARA LICH:** Good evening.

3 **MR. JOHN MATHER:** My name is John Mather. I'm
4 Commission counsel.

5 **MS. TAMARA LICH:** I'm going to start with some
6 questions about your background. Can you tell the Commission
7 where you were born?

8 **MS. TAMARA LICH:** Saskatoon, Saskatchewan.

9 **MR. JOHN MATHER:** And where do you live now?

10 **MS. TAMARA LICH:** Medicine Hat, Alberta.

11 **MR. JOHN MATHER:** And could you tell us, in
12 brief, just give us a summary of your employment history?

13 **MS. TAMARA LICH:** I've been primarily oil and gas
14 logistics and administration.

15 **MR. JOHN MATHER:** And we understand, or the
16 Commission understands that prior to COVID-19, you were
17 politically active? Is that a fair statement?

18 **MS. TAMARA LICH:** Yes, I was.

19 **MR. JOHN MATHER:** Okay. You were, among other
20 things, a regional coordinator for Wexit in South Eastern
21 Alberta?

22 **MS. TAMARA LICH:** Yes, sir.

23 **MR. JOHN MATHER:** You were on the Board of
24 Directors for Wexit Canada?

25 **MS. TAMARA LICH:** Yes, sir.

26 **MR. JOHN MATHER:** And at one point, you were
27 Vice-President of Communications for Wexit Canada?

28 **MS. TAMARA LICH:** Yes, I was.

1 **MR. JOHN MATHER:** For those who may not be as
2 familiar with Alberta politics, can you explain what Wexit is?

3 **MS. TAMARA LICH:** Wexit started out as a
4 movement, I guess, based off of the Brexit movement that started
5 in the UK. And we -- I joined that movement. I was very
6 concerned about the things that I was seeing happening to
7 western Canadians in politics and became, I guess, a bit of an
8 advocate.

9 So I got involved in the movement and we morphed
10 into a provincial and a federal party.

11 **MR. JOHN MATHER:** And at one point, Wexit merged
12 into the Wildrose Independence Party? Is that correct?

13 **MS. TAMARA LICH:** It did, yes.

14 **MR. JOHN MATHER:** And you at some point left that
15 party and then joined the Maverick Party? Is that correct?

16 **MS. TAMARA LICH:** How that happened was I was
17 sitting on two boards when it first came out, the provincial
18 Wexit Alberta, as well as the Wexit Canada. And during covid,
19 my husband and I relocated to Manitoba for about 19 months
20 during the pandemic. So I left that board right as the merger
21 happened. But I stuck with the Wexit Canada board. And then we
22 renamed ourselves into the Maverick Party.

23 **MR. JOHN MATHER:** So is Maverick essentially
24 Wexit but with a new name?

25 **MS. TAMARA LICH:** Basically.

26 **MR. JOHN MATHER:** And when you said you had
27 concerns about, I think, how the west was being treated, can you
28 expand on what those concerns were?

1 **MS. TAMARA LICH:** Yes, sir. At that time, we
2 were dealing with Bill C-69 and Bill C-48 and I was just seeing
3 friends and family that worked in the energy industry in Alberta
4 suffering as a result of some of that legislation. There was
5 job losses and I just saw people losing their jobs and coming
6 into my office, you know, handing me their resume with tears in
7 their eyes asking for a job two weeks before Christmas. And I
8 just felt like I needed to get involved and exercise my
9 democratic rights.

10 **MR. JOHN MATHER:** And again, for people who may
11 not be as familiar, can you explain how those bills, at least in
12 your mind, led to the job loss you're talking about?

13 **MS. TAMARA LICH:** Well Bill C-69 was the no more
14 pipelines bill. And I think you can recall at that time there
15 was the Trans Mountain Pipeline Expansion and other pipelines
16 that they had been discussing or proposing, Energy East, for
17 example. And when all those got cancelled, a lot of people
18 didn't have any work.

19 **MR. JOHN MATHER:** What is the goal of the
20 Maverick Party?

21 **MS. TAMARA LICH:** The goal of the Maverick Party
22 was to seek constitutional reform for better equality for
23 Western Canada, or to seek an independence, very much like what
24 Quebec has, being referred to as a nation within a nation.

25 **MR. JOHN MATHER:** And what -- can you give any
26 examples of the constitutional reform that the Maverick Party is
27 seeking?

28 **MS. TAMARA LICH:** I believe one of them was the -

1 - getting more equal seats in the House of Commons. I mean, a
2 big concern for people in the west is that every election,
3 before the polls even close in Alberta, the -- it's already
4 decided. The elections are already decided.

5 So I think myself and a lot of people in the west
6 just felt like we didn't really have a voice in the House of
7 Commons.

8 **MR. JOHN MATHER:** Does the Maverick Party
9 consider the Federal Government to have too much power?

10 **MS. TAMARA LICH:** I don't necessarily think so.

11 **MR. JOHN MATHER:** And going back to the
12 constitution reforms that you referenced, and then I think the
13 next thing you said was if there isn't constitutional reform,
14 then ultimately the goal of the Maverick Party is independence
15 from Canada. Is that correct?

16 **MS. TAMARA LICH:** Correct. Yes.

17 **MR. JOHN MATHER:** Have you ever been a trucker,
18 Ms. Lich?

19 **MS. TAMARA LICH:** Never.

20 **MR. JOHN MATHER:** The Commission understands that
21 in 2019, you also participated in the Yellow-Vest Movement?

22 **MS. TAMARA LICH:** I did.

23 **MR. JOHN MATHER:** Can you explain what the
24 Yellow-Vest Movement was?

25 **MS. TAMARA LICH:** Well, at that point, there had
26 been Yellow-Vest -- I'm sorry, I don't speak French, I'm not
27 sure of the French term. But there had been similar protests in
28 France and the organization that I joined in Medicine Hat,

1 again, was primarily to deal with the legislation against our
2 energy industry, which is what we were advocating for. And we
3 would have rallies every Saturday from 1:00 to 2:00 in front of
4 the Tim Horton's and stand there with flags and hold signs.
5 That kind of thing.

6 **MR. JOHN MATHER:** And so those Yellow Vest
7 rallies were rallies in opposition to the same legislation we
8 spoke about earlier?

9 **MS. TAMARA LICH:** That's correct.

10 **MR. JOHN MATHER:** And you mentioned that it was -
11 - maybe is inspired the right word, by the movement in France?
12 What would be the right word?

13 **MS. TAMARA LICH:** I guess inspired maybe, yeah.

14 **MR. JOHN MATHER:** And did -- were you aware that
15 the movement in France eventually came under some controversy
16 for being associated with Islamophobia?

17 **MS. TAMARA LICH:** I was not aware of that. No.

18 **MR. JOHN MATHER:** And so I think you mentioned,
19 but it's the Commission's understanding that you were the
20 organizer of the Yellow Vest rallies in Medicine Hat?

21 **MS. TAMARA LICH:** I kind of moved into that role
22 as I -- like I said, I was going to the rallies and meeting
23 people and offered to help in any way that I could.

24 **MR. JOHN MATHER:** And it's the Commission's
25 understanding that the Yellow-Vest in Medicine Hat ended up
26 changing its name? Is that right?

27 **MS. TAMARA LICH:** Yes, they did.

28 **MR. JOHN MATHER:** And why did the Yellow-Vest

1 group in Medicine Hat change its name?

2 **MS. TAMARA LICH:** I read this morning an article,
3 and I don't really remember what happened at that time, but I
4 did see in the evidence that I was reviewing last night that
5 there had been death threats against the Prime Minister. So
6 clearly we wanted to distance ourselves from that.

7 **MR. JOHN MATHER:** Right. And so if I could pull
8 up COM00000908? And then if we could scroll down to the
9 headline? This is an article from January 12th, 2019. It says:
10 "Following death-threats to Trudeau,
11 Yellow-Vest Medicine Hat looks to change
12 their name".

13 Is that the article you're referring to?

14 **MS. TAMARA LICH:** Yes, sir.

15 **MR. JOHN MATHER:** And the article states that not
16 on the Medicine Hat Facebook page, but on the more general
17 Yellow-Vest Canada Facebook page, there had been death threats
18 that had been posted about Prime Minister Trudeau. Is -- do you
19 recall that occurring at the time?

20 **MS. TAMARA LICH:** They -- I don't really recall
21 that, but I do recall that we did change our name. I'm not sure
22 what the threats were per say, but we did change our name.

23 **MR. JOHN MATHER:** And did the name -- I
24 appreciate you might not recall the specific threats, but the
25 name change was as a result of those?

26 **MS. TAMARA LICH:** Yes, yes. That's not something
27 that I ever advocated for or anybody that I was associated with
28 in the Medicine Hat movement.

1 **MR. JOHN MATHER:** Right. And if we could go to
2 page 3 of the article? It quotes you, Ms. Lich, as saying:

3 "Stay positive is number one. We don't
4 want any name calling, bashing or
5 belittlement. Respecting peoples [sic]
6 privacy is also a big one. We will not
7 tolerate threats, hate speech or anything
8 like that. We don't want that kind of
9 stigma attached to our cause."

10 Do you see that there?

11 **MS. TAMARA LICH:** Yes.

12 **MR. JOHN MATHER:** And I take it that's a view you
13 held at the time ---

14 **MS. TAMARA LICH:** Absolutely.

15 **MR. JOHN MATHER:** --- and you still hold today?

16 **MS. TAMARA LICH:** Absolutely.

17 **MR. JOHN MATHER:** Right. And that's ultimately -
18 - you had to deliver a similar message at times when it came to
19 the protests in Ottawa? Is that true?

20 **MS. TAMARA LICH:** I did, yes.

21 **MR. JOHN MATHER:** The Commission has heard
22 evidence on a few occasions about a convoy in 2019 called United
23 We Roll. Are you familiar with that convoy?

24 **MS. TAMARA LICH:** I am.

25 **MR. JOHN MATHER:** Did you participate in that
26 convoy?

27 **MS. TAMARA LICH:** I did not.

28 **MR. JOHN MATHER:** Did you have any involvement in

1 that convoy?

2 **MS. TAMARA LICH:** I didn't have involvement in
3 that convoy, other than maybe connecting people's phone numbers
4 or getting people connected that were going.

5 At the same time as that United We Roll was
6 starting, there was a lot of, I guess, mini convoys, I would
7 call them, in little communities. And so I was a part of
8 organizing the little one that went through our community.

9 **MR. JOHN MATHER:** So you connected people's phone
10 numbers and then organized a smaller convoy within Medicine Hat?

11 **MS. TAMARA LICH:** Yes, sir.

12 **MR. JOHN MATHER:** Can you provide more detail
13 about what you mean when you say you were connecting people's
14 phone numbers?

15 **MS. TAMARA LICH:** Well just because I've moved
16 around a lot, I know a lot of people, and that would have been
17 the extent of my involvement, if someone was looking for a
18 contact number, per say.

19 **MR. JOHN MATHER:** Were you aware at the time that
20 Pat King was involved in the United We Roll Convoy?

21 **MS. TAMARA LICH:** That's when I first heard of
22 Mr. King.

23 **MR. JOHN MATHER:** And how did you first hear of
24 Mr. King?

25 **MS. TAMARA LICH:** He was -- well, I was on social
26 media, so of course, you know, you're scrolling and you see a
27 video. So that's how I came to know of him. He had a social
28 media livestream. He was livestreaming it.

1 **MR. JOHN MATHER:** During United We Roll, did you
2 ever communicate with Mr. King?

3 **MS. TAMARA LICH:** No, I did not.

4 **MR. JOHN MATHER:** When was the first time you
5 communicated with Mr. King?

6 **MS. TAMARA LICH:** The first time I ever remember
7 communicating with him was after we had started this convoy.

8 **MR. JOHN MATHER:** So in the context of the Ottawa
9 Convoy?

10 **MR. TAMARA LICH:** Yes. Yes, sir.

11 **MR. JOHN MATHER:** Okay. We'll get back to that
12 in a minute.

13 Between United We Roll and the Ottawa Convoy, did
14 you follow Mr. King on social media?

15 **MR. TAMARA LICH:** I followed Mr. King until the
16 United We Roll was over, and then I stopped following him at
17 that point.

18 **MR. JOHN MATHER:** And when we talk about
19 following, did you make a deliberate decision to click unfollow
20 on Facebook?

21 **MR. TAMARA LICH:** I did.

22 **MR. JOHN MATHER:** And why did you make that
23 decision at that point in time?

24 **MR. TAMARA LICH:** Because it was over and I
25 really had no further reason to follow him.

26 **MR. JOHN MATHER:** Did you come to form an
27 impression of Mr. King's views in following him during United We
28 Roll?

1 **MR. TAMARA LICH:** I thought he was loud, very
2 boisterous. Other than that I didn't really know too much about
3 him.

4 **MR. JOHN MATHER:** Do you recall finding anything
5 he said offensive with respect to United We Roll?

6 **MR. TAMARA LICH:** I don't recall that, no.

7 **MR. JOHN MATHER:** Did you communicate with James
8 Bauder at all during United We Roll?

9 **MR. TAMARA LICH:** I don't believe so, no.

10 **MR. JOHN MATHER:** Do you remember when the first
11 time was that met Mr. Bauder?

12 **MR. TAMARA LICH:** I would have met Mr. Bauder for
13 the first time in person in Ottawa this past winter.

14 **MR. JOHN MATHER:** And then had you met him
15 virtually before then?

16 **MR. TAMARA LICH:** No. Or sorry, when we were
17 organizing; my apologies. Yes, as we organized, he was in the
18 meetings.

19 **MR. JOHN MATHER:** So again within the context of
20 January of 2022?

21 **MR. TAMARA LICH:** Yes.

22 **MR. JOHN MATHER:** So moving now to the Freedom
23 Convoy, how did you get involved in the Freedom Convoy?

24 **MR. TAMARA LICH:** A friend of mine sent me Mr.
25 Barber's TikTok video where he was calling for a shutdown on the
26 23rd of January. She sent me that video and I watched it and I
27 texted her back right away. And I said, "Well what do you think
28 about possibly another convoy to Ottawa?"

1 And she kind of laughed and said, "Well, it
2 didn't really accomplish much. I mean, it was great to see the
3 crowds come together." But ---

4 **COMMISSIONER ROULEAU:** Could you just slow down a
5 bit, please?

6 **MR. TAMARA LICH:** Sorry, yes, sir.

7 **COMMISSIONER ROULEAU:** For the translators.

8 **MR. TAMARA LICH:** Yes, sir. And then I had
9 reached out to another friend and I asked him the same thing.
10 And we just sort of came to the same conclusion that we weren't
11 sure if that was an idea that was -- that would be successful.

12 A friend of mine -- an acquaintance of mine from
13 Red Deer that was involved in the United We Roll gave me Mr.
14 Barber's phone number and I contacted him on January the 13th and
15 we discussed -- I can't really remember the details of the
16 conversation. I do remember that I said, "I'm here to help you
17 in any way I can. My background is logistics and organization
18 and administration. And you are going to need social media and
19 you're going to need some funding. And if I can help you at
20 all, I'd be happy to do that."

21 **MR. JOHN MATHER:** Okay. And a few questions
22 arising out of that.

23 Do you remember who the acquaintance was that
24 gave you Mr. Barber's phone number?

25 **MR. TAMARA LICH:** Yes, it was Glen Carritt.

26 **MR. JOHN MATHER:** Okay. And did Mr. Carritt
27 participate in the convoy, do you know?

28 **MR. TAMARA LICH:** He did not.

1 **MR. JOHN MATHER:** And the two friends that you
2 indicated you had a conversation with about whether or not a
3 convoy again was a good idea, who were they?

4 **MR. TAMARA LICH:** Cindy Parker from Medicine Hat.
5 She ended up assisting on the finance committee that I was going
6 to create, and she also assisted with the social media. And
7 Kevin Tchinsky (phonetic). He was a friend of mine that I
8 worked with in Manitoba.

9 **MR. JOHN MATHER:** And I understood from your
10 answer, but correct me if I'm wrong, that both Ms. Parker and --
11 and I'm going to mispronounce the last name -- Mr. Lychinsky,
12 was it?

13 **MR. TAMARA LICH:** Tchinsky.

14 **MR. JOHN MATHER:** Tchinsky. Did they participate
15 in United We Roll?

16 **MR. TAMARA LICH:** No, not to my knowledge.

17 **MR. JOHN MATHER:** So why did you want to get
18 involved in the convoy? Why did you want to reach out to Mr.
19 Barber?

20 **MR. TAMARA LICH:** I was growing increasingly
21 alarmed with the mandates and the harm that I was seeing, that
22 mandates inflict on Canadians. Sorry, I'm going to get
23 emotional. I'll try not to.

24 And I just felt like I needed to exercise my
25 democratic rights. I have tried over the years, emailing MPs
26 and just never got a response and I just felt that this was
27 important for Canadians who had been living under lockdowns and
28 restrictions for two years.

1 **MR. JOHN MATHER:** When you say "emailing MPs" had
2 you been emailing them about COVID 19 mandates?

3 **MR. TAMARA LICH:** I believe I did once, yes. But
4 I had emailed previously, like I said, in conjunction with Bill
5 C69 and Bill C48 and never felt like anyone was listening to me.
6 And I know it wasn't me. There was other people that were
7 emailing also. And you just get these "Thanks for contacting
8 our office" blow off emails.

9 **MR. JOHN MATHER:** So you had formed this
10 impression that you were having difficulty getting someone to
11 listen to you in the government based on letters you sent
12 primarily with respect to the pipeline issues we've been talking
13 about?

14 **MR. TAMARA LICH:** That's correct, yes.

15 **MR. JOHN MATHER:** How had COVID 19 restrictions
16 or mandates affected you personally?

17 **MR. TAMARA LICH:** Well, I lost my job. My
18 husband also lost his job on the same day. My parents run a
19 pilot truck business. And a lot of their business was involved
20 crossing the border which they were no longer allowed to do.

21 At the time of the convoy there was rumblings of
22 stopping cross-border -- interprovincial, sorry, travel if you
23 were unvaccinated. My parents live in Saskatchewan and my
24 grandmother is in Saskatchewan and I have a daughter and a
25 granddaughter in Manitoba. So I found that incredibly alarming.

26 **MR. JOHN MATHER:** And why did you lose your job?

27 **MR. TAMARA LICH:** We were sent home, I guess, in
28 early January because of Omicron variant. And that combined

1 obviously with the downturn in the economy at that time, they
2 closed the shop that I was working at. And the majority of us
3 were laid off.

4 **MR. JOHN MATHER:** And what shop was that?

5 **MR. TAMARA LICH:** It was for an oil and gas
6 services company.

7 **MR. JOHN MATHER:** Were you affected at all by
8 vaccine passports or other restrictions on unvaccinated people?

9 **MR. TAMARA LICH:** We didn't go out. You know, my
10 husband and I played in a band. We weren't allowed to even go
11 and play. Everything was shut down. We just -- that's part of
12 the reason that we went to Manitoba after we both lost our jobs.
13 We went to visit my daughter and realized that the city that we
14 were in was basically a ghost town, and we would prefer to be
15 out on the farm in the country, helping them on the farm and
16 being productive.

17 **MR. JOHN MATHER:** What did you want to achieve by
18 participating in the Freedom Convoy?

19 **MR. TAMARA LICH:** I was hoping that somebody
20 would come and listen to us and listen to the concerns that we
21 had, essentially, about the mandates in particular.

22 **MR. JOHN MATHER:** Did you have a goal beyond
23 having someone come and listen to you about the mandates?

24 **MR. TAMARA LICH:** No. We wanted to be heard. We
25 wanted to have discussions. We wanted to end the mandates.

26 **MR. JOHN MATHER:** Was your goal to have the
27 mandates end or was a discussion enough? Or was that something
28 you hadn't turned your mind to?

1 **MR. TAMARA LICH:** For me, I feel if we would have
2 just been able to have a discussion with somebody, that that
3 would have at least opened a dialog. And as the convoy came
4 across Canada, you know, Canadians were telling us, "Don't stop.
5 Don't stop until we're free. Don't stop until the mandates are
6 lifted."

7 So honestly, a bit of both.

8 **MR. JOHN MATHER:** The frustration that you were
9 describing with respect to mandates, did that feel familiar to
10 the frustration that you had been feeling with respect to the
11 pipeline and oil and gas issues?

12 **MR. TAMARA LICH:** I was much more frustrated over
13 the mandates.

14 **MR. JOHN MATHER:** And why was that?

15 **MR. TAMARA LICH:** Because I was seeing families
16 torn apart. The suicides in my hometown were so numerous that
17 they stopped reporting them. Elderly people were dying by
18 themselves in long-term care facilities and saying goodbye over
19 iPads. My grandma is 94 years old and she was locked in her
20 little apartment by herself for two years. And now that she can
21 go out and do things she's not healthy enough. She lost two
22 years of her life.

23 My father is -- I'm so sorry.

24 **COMMISSIONER ROULEAU:** Take your time.

25 **MR. TAMARA LICH:** My father is a very social man.
26 He is the coffee row Saskatchewan father and I remember him
27 telling me one day that he went down to the local restaurant
28 that he went to every single day, and these were small towns

1 where everybody knows everybody. And he was asked to leave.

2 And I didn't want my children and my
3 grandchildren to live in a world like that. I was becoming
4 increasingly alarmed, listening to my Prime Minister call me a
5 racist and say that I shouldn't be tolerated. I found his
6 rhetoric to be incredible divisive and I'm a believer that if
7 you are a leader of a country, you have to lead all of your
8 people, even if you don't agree with them.

9 And I just saw so much -- coming across Canada,
10 every day I heard stories. People -- at least three people
11 would tell me they were planning their suicides until we started
12 the Convoy. Or stories of people that we were too late.

13 I heard from families that were living in their
14 vehicles because they lost their jobs. I heard from people that
15 had lost their jobs and lost everything. I have the tears of
16 thousands of Canadians on my shoulder, who everyday told me that
17 we were bringing them hope.

18 I saw little old ladies praying on their knees on
19 the side of the road and I saw little children holding signs
20 saying, "Thank you for giving me back my future."

21 Sorry.

22 **MR. JOHN MATHER:** So you offered to help, in
23 reaching out to Chris Barber, and it's our understanding that
24 one of the first things you did was create a Facebook page? Is
25 that correct?

26 **MS. TAMARA LICH:** Yes, sir.

27 **MR. JOHN MATHER:** And started the GoFundMe
28 campaign? Is that correct?

1 MS. TAMARA LICH: Yes, sir, I did.

2 MR. JOHN MATHER: And you did both of those
3 things on January 14th?

4 MS. TAMARA LICH: I did. And the Twitter account
5 also.

6 MR. JOHN MATHER: And the Twitter account? Was
7 that different than the Twitter account that we saw earlier
8 today? That was your personal Twitter account?

9 MS. TAMARA LICH: Yes, that was my personal one,
10 yes.

11 MR. JOHN MATHER: With respect to GoFundMe, had
12 you ever done fundraising before?

13 MS. TAMARA LICH: Not on that type of platform.
14 Just community, you know, selling chocolate covered almonds or
15 stuff like that.

16 MR. JOHN MATHER: So never done an online social
17 media driven ---

18 MS. TAMARA LICH: No.

19 MR. JOHN MATHER: --- fundraiser?

20 And then it's the Commission's understanding that
21 on January 17th, you created -- or the organizers created a
22 finance committee? Is that correct?

23 MS. TAMARA LICH: Yes, I did.

24 MR. JOHN MATHER: And can you explain what the
25 finance committee's purpose was?

26 MS. TAMARA LICH: Yes, well when we -- when I
27 started the GoFundMe, I had asked, I think it was Mr. Barber,
28 "What should I set the target for?" And he said "\$200,000."

1 And I said, "No way." I kind of laughed. I was like, "That
2 sounds greedy and I don't believe that we'll ever hit that."
3 And I said, "Well, how about I set it for \$100,000?" And I
4 said, "I feel even funny about doing that."

5 I was literally expecting maybe \$20,000 in
6 donations, which I was prepared to -- I felt I would be able to
7 handle that with my very minimal accounting skills.

8 And I can't remember what the total was up to on
9 Monday morning, but I realized that I wanted to create a finance
10 committee so that Canadians that were donating this money would
11 rest assured that we were going to be open and transparent and
12 accountable and that they would know exactly what was happening
13 with their donations. I just felt that was so important.

14 **MR. JOHN MATHER:** And how would a committee
15 assist with that?

16 **MS. TAMARA LICH:** Well there was -- in the
17 initial meeting, there was two bookkeepers that had, obviously,
18 accounting experience. Cindy Parker was also on that committee.
19 Noeline Villebrun joined us also. She's a Clan Mother, a Dene
20 Clan Mother from the Northwest Territories. And we were in
21 consultation with a chartered accountant in Medicine Hat.

22 So we formed the committee. Obviously we had a
23 lot of things to figure out, such as how we were going to pay
24 the costs of the truckers to get to Ottawa. And they came up
25 with some calculations based on distance. I'm not sure if it's
26 been entered in evidence. It might be. But -- because clearly,
27 if you're driving from Vancouver, it's going to be, you know,
28 way more expensive than if you're coming from some place in

1 Ontario.

2 **MR. JOHN MATHER:** And we'll get into that more in
3 a minute.

4 The Commission also understands that it was
5 around January 21st, 2022, when the GoFundMe donations hit a
6 million dollars? Does that sound accurate?

7 **MS. TAMARA LICH:** Probably. There was a lot
8 going on then, but yeah.

9 **MR. JOHN MATHER:** Yeah, in and around there?

10 **MS. TAMARA LICH:** Yes.

11 **MR. JOHN MATHER:** What was your reaction when
12 that milestone was hit?

13 **MS. TAMARA LICH:** I believe I -- well, I was
14 blown away. We did not see that coming. Did not expect that we
15 were going to have that level of support. And it was funny, as
16 we were driving across Canada, and the committee member or
17 somebody would call me or text me and say, "You've got to bump
18 it up again," because there was a few days there where Canadians
19 were donating a million dollars a day. And it was very exciting
20 and exhilarating, of course, but at the same time, I would just
21 feel myself almost getting, like, more and more anxiety, because
22 from my view, when you're talking that kind of money, the
23 lawyers are coming. And here we are today.

24 **MR. JOHN MATHER:** Right, because that kind of
25 money, you know, in the millions of dollars, a lot of
26 responsibility ---

27 **MS. TAMARA LICH:** It's a massive responsibility.

28 **MR. JOHN MATHER:** Other than set up the finance

1 committee, what else did you do to address the responsibility
2 that came with having millions of dollars?

3 **MS. TAMARA LICH:** Well, as you heard from Mr.
4 Dichter, I contacted him and I was, for the same reason that we
5 added Chris to the accounts, I didn't want to be solely
6 responsible. So I added him on to the GoFundMe campaign, just
7 as I had added Chris Barber as a signatory on my accounts.

8 **MR. JOHN MATHER:** Anything else?

9 **MS. TAMARA LICH:** Probably. Sorry, my mind went
10 blank.

11 **MR. JOHN MATHER:** That's okay. And then on
12 February 2nd, 2022, we understand that \$1 million from the
13 GoFundMe account was transferred to a TD Bank account in your
14 name. Does that accord with your recollection?

15 **MS. TAMARA LICH:** Yes, sir.

16 **MR. JOHN MATHER:** And then that TD Bank account
17 was frozen the next day? Is that -- does that sound right?

18 **MS. TAMARA LICH:** That sounds about right, yeah.

19 **MR. JOHN MATHER:** And then there was actually
20 another TD Bank account that got frozen? Is that correct?

21 **MS. TAMARA LICH:** Yes, we opened another -- or I
22 opened a chequing account underneath that account so that we
23 could keep the e-transfers separate from the GoFundMe donations.
24 I don't know why. I just thought it would be maybe easier that
25 way to keep them distinct. I wasn't sure, obviously, again,
26 what was going to happen, and I was trying to just make sure
27 that every -- all the boxes were ticked and everything was going
28 to be easily identifiable there. Easy to account for, I guess,

1 is a better way.

2 **MR. JOHN MATHER:** Right. And it's the
3 Commission's understanding that donations were received both
4 through GoFundMe and through e-transfers. And what I understand
5 you to be saying is to segregate where the money came from, you
6 opened a second account specifically for e-transfers?

7 **MS. TAMARA LICH:** Yes, sir. Yes, sir. Within a
8 few days, sir, or probably, actually, within a couple days of
9 the GoFundMe campaign, we were receiving messages about people
10 that were very hesitant to use the GoFundMe platform and they
11 were requesting an alternative method to donate money. So
12 that's why we started that.

13 **MR. JOHN MATHER:** How did you find out that your
14 bank accounts had been frozen?

15 **MS. TAMARA LICH:** Mr. Chad Eros and I had gone
16 down to the bank. The lawyers had flown in and we were going to
17 cover the cost of that flight. And so we went down to the TD
18 Bank here in Ottawa and we were going to wire that company. And
19 that's when we were told, "No, there's a hold on your account."

20 The lady was excellent. She said -- she gave me
21 a note and said, "There is a Mr. J. Stein that has left his name
22 on here. If you could contact him?" And then she indicated
23 that he was working with the Fraud Department.

24 **MR. JOHN MATHER:** If we could pull up
25 COM.OR00000005?

26 And Ms. Lich, while it comes up, this is the
27 overview report that was presented this morning with respect to
28 crowd funding.

1 And if we could go to paragraph 87, which is on
2 page 33?

3 So here, Ms. Lich, it describes that on February
4 5th, 2022, you attempted to make a wire transfer to Northern Air
5 Charter (p.r.) Inc. from an Ottawa TD branch. This transaction
6 was denied. Is this what you were referring to just previously?

7 **MS. TAMARA LICH:** Yes.

8 **MR. JOHN MATHER:** And that was the flight, I
9 think you said, that had brought Mr. Wilson and your husband and
10 others to Ottawa?

11 **MS. TAMARA LICH:** That's correct, sir.

12 **MR. JOHN MATHER:** Who approved the using of the
13 funds for that purpose?

14 **MS. TAMARA LICH:** Oh, boy. I'm not sure if at
15 that time we had already had the Board created or not.

16 **MR. JOHN MATHER:** And the Board, are you
17 referring to the Board of the Directors for the not-for-profit
18 corporation?

19 **MS. TAMARA LICH:** Yes. Yeah, I don't know if
20 that was created yet. I don't really remember, honestly. I
21 think it was maybe with me and Chad and Mr. Barber.

22 **MR. JOHN MATHER:** Did you consult with the
23 finance committee before attempting to use the money for that
24 purpose?

25 **MS. TAMARA LICH:** I don't believe I did. I don't

26 ---

27 **MR. JOHN MATHER:** Do you know why you ---

28 **MS. TAMARA LICH:** --- recall.

1 **MR. JOHN MATHER:** Sorry.

2 **MS. TAMARA LICH:** That's okay.

3 **MR. JOHN MATHER:** Do you know why you didn't
4 consult with the finance committee?

5 **MS. TAMARA LICH:** Other than it was very busy and
6 crazy times. It was kind of chaotic at that point, so we
7 recognized that we needed to have legal counsel and legal advice
8 here on the ground. So I guess we felt it was just urgent and
9 so that's why.

10 **MR. JOHN MATHER:** If we could -- we can take that
11 down -- in that same report -- I won't turn it up, but it
12 indicates that most of the \$1 million was frozen and you weren't
13 able to withdraw it from the account; is that correct?

14 **MS. TAMARA LICH:** That's correct.

15 **MR. JOHN MATHER:** Do you recall how much you were
16 able to withdraw?

17 **MS. TAMARA LICH:** I believe it was \$26,000. So
18 \$10,000 of that, if you would like me to break it down for you?

19 **MR. JOHN MATHER:** You anticipated my question, so
20 yes, please, go ahead.

21 **MS. TAMARA LICH:** Ten thousand dollars (\$10,000)
22 of that was wired to a bulk fuel supplier; \$3,000 was e-
23 transferred to another fuel provider. Chris and I had gone down
24 -- sorry, Mr. Barber and I had gone to the TD and we withdrew
25 3,000 in cash from one account and 10,000 in cash from -- or
26 sorry, one branch -- and then went to the next branch. And then
27 -- and I remember being very nervous about it because I was very
28 conscious that we needed receipts and we needed to be

1 accountable. And they were, the road captains that went out and
2 bought whatever supplies, fuel, I believe some of that went to
3 fuel, and they were -- when they brought the receipts back,
4 there was actually extra money in the kitty.

5 **MR. JOHN MATHER:** So when you're talking about
6 road captains, are you talking about the \$13,000 that wasn't for
7 the first two bulk fuel purchases you ---

8 **MS. TAMARA LICH:** That's correct, yes.

9 **MR. JOHN MATHER:** And am I understanding you
10 correctly that that money was distributed to the road captains?

11 **MS. TAMARA LICH:** I believe so. I didn't keep
12 it. I had 10 million problems of my own, so I wasn't -- I
13 didn't want to be handling any of the cash. So I think I gave
14 it to Chris and then Chris distributed it to the road captains
15 from there to provide fuel.

16 **MR. JOHN MATHER:** And the \$10,000 that was used
17 for the one bulk fuel purchase, do you recall where you
18 purchased the fuel from?

19 **MS. TAMARA LICH:** I believe it was a company
20 called Fillerrup.ca.

21 **MR. JOHN MATHER:** And there was also a \$3,000
22 fuel purchase. Do you recall ---

23 **MS. TAMARA LICH:** Yeah, that went to Adam
24 something who was with the Quebec part of the convoy. Like, I'm
25 sorry, I can't remember his last name.

26 **MR. JOHN MATHER:** That's okay.

27 After the fuel was purchased, how was it
28 distributed?

1 **MS. TAMARA LICH:** The fuel?

2 **MR. JOHN MATHER:** Yes.

3 **MS. TAMARA LICH:** That, I left up to the
4 professionals.

5 **MR. JOHN MATHER:** Did you -- through dealing with
6 the professionals, did you come to have any understanding of how
7 they distributed the fuel?

8 **MS. TAMARA LICH:** I'm assuming with a fuel bulker
9 of some sort or -- I honestly don't know.

10 **MR. JOHN MATHER:** And when you're talking about
11 the professionals, who are you referring to?

12 **MS. TAMARA LICH:** The truck drivers.

13 **MR. JOHN MATHER:** Was there anyone in particular
14 or any people in particular who were responsible for overseeing
15 the logistics of distributing fuel?

16 **MS. TAMARA LICH:** We did have a few volunteers
17 that came on board. There was a gentleman that was there for
18 the first -- I think he was there for the first week -- who
19 looked after that, and then he had to leave and another
20 gentleman stepped in and took it over who was from Alberta,
21 Calgary, I believe. And then another gentleman from Ontario
22 that had assisted.

23 **MR. JOHN MATHER:** And who were those gentlemen?

24 **MS. TAMARA LICH:** The first one I believe was
25 Joey Mizu, M-i-z-u; Tehan (phonetic) -- I'm sorry, I don't know
26 his last name -- he was from Calgary; and then John Scubic
27 (phonetic) who was from Ontario.

28 **MR. JOHN MATHER:** What happened to the receipts

1 that the captains returned?

2 **MS. TAMARA LICH:** I have them in an envelope in
3 my room. They were scanned and sent. I believe Eva Chipiuk had
4 scanned them. And there was one of the road captain's uncle was
5 here, so he created a spreadsheet so that we could keep track of
6 all of them also.

7 **MR. JOHN MATHER:** If we could go to GFM156? So
8 this is a GoFundMe attestation letter. Are you familiar with
9 this document?

10 **MS. TAMARA LICH:** Yes.

11 **MR. JOHN MATHER:** Can you describe what this
12 document is and what its purpose was?

13 **MS. TAMARA LICH:** I don't really remember the
14 details. Is it okay if I read it?

15 **MR. JOHN MATHER:** Yeah.

16 **MS. TAMARA LICH:** Okay.

17 **MR. JOHN MATHER:** You can read it, yeah.

18 **MS. TAMARA LICH:** So it looks to me they just
19 wanted confirmation on how the -- where the funds were going and
20 how they would be distributed.

21 **MR. JOHN MATHER:** And then the clerk has scrolled
22 down now, and what I want to ask you about is -- it says:

23 "With the oversight of the finance
24 committee, I will execute the following
25 plan to meet the stated purpose of the
26 fundraiser and distribute the funds
27 raised and released to me."

28 And then it sets out a process. Do you see that

1 there?

2 **MS. TAMARA LICH:** I do, sir.

3 **MR. JOHN MATHER:** Do you recall making this form
4 of commitment to GoFundMe?

5 **MS. TAMARA LICH:** I do, yeah.

6 **MR. JOHN MATHER:** And it's our understanding that
7 GoFundMe sought this sort of commitment as part of the ongoing
8 discussion about whether or not it would release the funds; is
9 that correct?

10 **MS. TAMARA LICH:** Yes. I believe they were
11 trying to do their due diligence.

12 **MR. JOHN MATHER:** And you see here, it sets out
13 process.

14 "Funds will be distributed via e-
15 transfer directly from the TD unlimited
16 chequing account established in my name
17 to individual convoy participants.
18 Participants must submit their own
19 convoy registration forms, fuel
20 receipts, and verification for their
21 participation from the road captain to
22 that participant registration is
23 verified by the respective road
24 captains upon demonstration of
25 completion, receipts, and confirmation
26 of the journey to Ottawa, and
27 reimbursement amounts will be
28 calculated at an estimated rate of 62

1 cents per kilometre trip."

2 Do you see that?

3 **MS. TAMARA LICH:** I do, sir.

4 **MR. JOHN MATHER:** So this attestation, it
5 appears, was contemplating how people would be reimbursed on
6 their way to Ottawa; is that right?

7 **MS. TAMARA LICH:** Yes.

8 **MR. JOHN MATHER:** Was any similar plan made for
9 disbursements once the convoy was in Ottawa?

10 **MS. TAMARA LICH:** Well, I guess what the finance
11 committee, we decided to do was obviously come up with
12 registration forms because we felt that that was really
13 important, and a code of conduct also. And that is based off of
14 the calculations that the finance committee had come up with too
15 to pay them for.

16 So when it was not anticipated how large this was
17 going to grow, I thought e-transfers would be very -- a very
18 easy way disburse the money, and that's what the registration
19 was for, so that we would have their contact information and
20 their email addresses in order to make that happen.

21 **MR. JOHN MATHER:** So my question was with respect
22 to distribution once you were in Ottawa. Was the plan to use
23 the registration forms once money was distributed in Ottawa as
24 well?

25 **MS. TAMARA LICH:** It was. That was the plan.

26 **MR. JOHN MATHER:** Did you follow that plan?

27 **MS. TAMARA LICH:** Well, we didn't need to because
28 the funds were frozen and ---

1 **MR. JOHN MATHER:** What about for the \$26,000?

2 **MS. TAMARA LICH:** I'm sorry?

3 **MR. JOHN MATHER:** What about for the \$26,000?

4 **MS. TAMARA LICH:** Oh, that was from the e-
5 transfer money, not the GoFundMe money.

6 **MR. JOHN MATHER:** So the GoFundMe money, you had
7 a distribution plan, but for the e-transfer money you did not?

8 **MS. TAMARA LICH:** That's correct.

9 **MR. JOHN MATHER:** Did you consider having a
10 distribution plan for the e-transfer money?

11 **MS. TAMARA LICH:** At that point, I had handed
12 over everything to the finance committee because once Mr. Barber
13 and I got on the road, I was quite busy doing other things. So
14 my communications with them were quite quick, and I trusted
15 them. I trusted that they knew what they were doing and yeah.

16 **MR. JOHN MATHER:** And while you may have turned
17 things over to the finance committee, it's the Commission's
18 understanding, again from testimony and documents that we've
19 read, that you became the person associated with the GoFundMe
20 campaign and the person associated with the \$10-plus million; is
21 that -- was that your experience?

22 **MS. TAMARA LICH:** Yes.

23 **MR. JOHN MATHER:** What impact did that have on
24 you?

25 **MS. TAMARA LICH:** Well, it was incredibly --
26 again, it was an incredible responsibility and again, my -- I
27 was -- wanted to always be as open and transparent about it as
28 possible, which is why I started doing the lives, so that I

1 could let people know, you know, what was happening, the finance
2 committee has been formulated, and try and do little updates on
3 what we were achieving at that point.

4 **MR. JOHN MATHER:** Did you get a lot of questions
5 about the money and what you were planning to do with it?

6 **MS. TAMARA LICH:** Oh, of course. Yeah, everybody
7 wanted to know about the money.

8 **MR. JOHN MATHER:** Did you get a lot of people
9 approaching you and asking you if they could have some of the
10 money?

11 **MS. TAMARA LICH:** I did, yes.

12 **MR. JOHN MATHER:** And Mr. Eros, who we've spoken
13 about, had an interview with the Commission, and he said that at
14 some point after February 1st, he spoke with you on the phone
15 and you told him that you were feeling overwhelmed because a lot
16 of people were circling you and asking for money, and he said
17 that you called them vultures in a text message.

18 **MS. TAMARA LICH:** Yes, that's how I -- I didn't
19 mean they were vultures. I just felt like the vultures or
20 something are circling.

21 **MR. JOHN MATHER:** How did you handle having all
22 these people circling around you and seeking money?

23 **MS. TAMARA LICH:** The best I could. I had
24 created a finance committee to ensure that the money that was
25 donated was protected and that I was protected, and we had -- I
26 just wanted -- I don't know. I just put one foot in front of
27 the other, and I would just explain that I was not in a -- like,
28 this was not my money to give out, and that we needed to -- that

1 the money was primarily, like it said in the GoFundMe campaign,
2 primarily for the -- it was for the truckers for -- sorry, fuel,
3 food and lodgings, if needed. And so I couldn't buy hotdogs. I
4 didn't feel like buying a sound system for \$150,000 was
5 appropriate when I couldn't get money out to give to the truck
6 drivers. So I had a lot of people coming at me, and my hands
7 were tied. At one point, I had somebody threatening that they
8 were going to get a lawyer to come after me for the money, which
9 was kind of ridiculous because that was really, at that point,
10 just going to tie it up even longer, you know.

11 **MR. JOHN MATHER:** I'm going to now ask you some
12 questions about the organization of the Freedom Convoy. First
13 question for you is, at the time, did you see yourself as one of
14 the founders of the convoy?

15 **MS. TAMARA LICH:** A supporter.

16 **MR. JOHN MATHER:** Who did you see as the
17 founders?

18 **MS. TAMARA LICH:** Mr. Barber and Ms. Belton.

19 **MR. JOHN MATHER:** Did you view Mr. King or Mr.
20 Bauder as founders of the convoy?

21 **MS. TAMARA LICH:** I did not.

22 **MR. JOHN MATHER:** When you joined, were you aware
23 that they had been assisting in planning and promotion of the
24 convoy?

25 **MS. TAMARA LICH:** I found out -- and I can't
26 recall if it was in my initial discussion with Mr. Barber or the
27 next day. It would have been either the 13th or the 14th that I
28 found out that they were involved, but I don't remember exactly

1 which date.

2 **MR. JOHN MATHER:** I appreciate that you saw
3 yourself as a supporter and not one of the founders. Did you
4 come to see yourself as one of the leaders of the convoy?

5 **MS. TAMARA LICH:** I came to see myself as part of
6 a team. And maybe it was because of the GoFundMe that my name
7 was on, or maybe it was because of the live videos that I was
8 doing, I was -- I felt I was perceived as that, but I -- all I
9 wanted to do was help.

10 **MR. JOHN MATHER:** Did you see yourself as having
11 any say greater than anyone else on the team?

12 **MS. TAMARA LICH:** I did not.

13 **MR. JOHN MATHER:** And who did you see as a member
14 -- the members of that team?

15 **MS. TAMARA LICH:** Obviously, Ms. Belton and Mr.
16 Barber, the road captains, Joe Jensen, Miranda Gasior, Ryan
17 Mihilewicz, Dale Enns, Sean Tiessen. I hope I'm not forgetting
18 anyone.

19 **MR. JOHN MATHER:** So when Mr. Wilson described
20 you as an organic leader, do you agree with that statement?

21 **MS. TAMARA LICH:** I guess that's -- yeah, I guess
22 that's what I alluded with my previous answer.

23 **MR. JOHN MATHER:** And what I understood from your
24 previous answer is that you were seen as the leader, but you,
25 yourself, didn't feel that you were the leader?

26 **MS. TAMARA LICH:** Absolutely not.

27 **MR. JOHN MATHER:** Chris Barber in his testimony
28 discussed that there was power struggles among the organizers.

1 Was that something you observed as well?

2 **MS. TAMARA LICH:** It was. And I think when you
3 have anything -- any type of organization, there's always power
4 struggles involved, and ours was no different.

5 **MR. JOHN MATHER:** What power struggles did you
6 observe?

7 **MS. TAMARA LICH:** I saw what I perceived was, you
8 know, people, organizations coming in, perhaps trying to take
9 over or -- I hate to use the word take over, but I believe that
10 they were all there for -- with the same goals that we had.
11 It's just that maybe some had different agendas or were looking
12 to possibly promote their own brand. There was obviously -- I
13 had a lot of people coming up to me, as we were just talking
14 about, you know, telling me what I needed to do with the money,
15 should do with the money, could be doing with the money, what I
16 had to do, and it was very overwhelming.

17 **MR. JOHN MATHER:** What were some of the people or
18 groups that were doing that?

19 **MS. TAMARA LICH:** The first one that I was
20 concerned about was an organization called Taking Back our
21 Freedoms, and I felt, again, that they were there with the right
22 end goal in mind. I remember they showed up with bags of swag.
23 All of a sudden, I was getting pulled into meetings with, I
24 believe it was GiveSendGo, because we were looking at -- there
25 had been obviously problems starting with GoFundMe and we
26 weren't sure what was going to happen, and so I -- I honestly
27 don't -- I remember being in meetings and conference calls, and
28 I really didn't even know what was going on. And I had a

1 discussion with Mr. Eros after one of those, and he was
2 concerned.

3 **MR. JOHN MATHER:** When you talk about bags of
4 swag, and that was the -- are you -- was -- is that a case where
5 you were concerned that, well, they -- the group might have had
6 the same goals, they were seeking a promotional opportunity; is
7 that what you're referring to?

8 **MS. TAMARA LICH:** Essentially.

9 **MR. JOHN MATHER:** Did you have concerns that
10 there were other groups or individuals who were seeking to use
11 the mass media coverage and the \$10 million as a way to promote
12 themselves instead of focus on the cause?

13 **MS. TAMARA LICH:** Not that I can think of
14 offhand, no.

15 **MR. JOHN MATHER:** Did you ever turn your mind to
16 whether or not this was acting as a promotional opportunity for
17 yourself?

18 **MS. TAMARA LICH:** Absolutely not. I never in a
19 million years saw this coming. I never had an agenda. I
20 literally just wanted to help some truckers drive across Canada
21 and stand in front of Parliament with some signs. That was
22 literally what I had envisioned.

23 **MR. JOHN MATHER:** So the Commission understands
24 that you participated in a press conference on February 3rd,
25 2022. Mr. Wilson also attended. Do you know which conference
26 I'm referring to?

27 **MS. TAMARA LICH:** I do.

28 **MR. JOHN MATHER:** Okay. And I'm going to ask you

1 some questions about that conference in a second, but, first, I
2 just want to understand when you first met Mr. Wilson.

3 **MS. TAMARA LICH:** They flew in on the evening of
4 the 2nd of February, I believe, and it was quite late at night
5 when they arrived. They came to -- I think I was still at the
6 ARC Hotel at that point. And they came up and introduced
7 themselves. There was five lawyers, I believe, that showed up,
8 and that's when I first met them.

9 **MR. JOHN MATHER:** And how did it come about that
10 the convoy was looking for a lawyer?

11 **MS. TAMARA LICH:** Well, I know that there was a
12 doctor that was in Ottawa with us that was quite concerned, I
13 believe, about what he was seeing from these organizations that
14 were coming in. And if I remember correctly, he is the one that
15 set up a call with the JCCF.

16 **MR. JOHN MATHER:** And, sorry, who was that
17 doctor?

18 **MS. TAMARA LICH:** Dr. Francis Christian.

19 **MR. JOHN MATHER:** Okay. And was it your
20 understanding at the time that it was the JCCF that had arranged
21 for Mr. Wilson and others to come and assist the convoy?

22 **MS. TAMARA LICH:** Yes, yes.

23 **MR. JOHN MATHER:** And what was your understanding
24 of what the JCCF was?

25 **MS. TAMARA LICH:** I had heard of them before.
26 Never imagined I'd ever need to use them, but the Justice Centre
27 for Constitutional Freedoms, so, at that point, I just
28 understood them to be a charitable organisation that assisted

1 with legal cases, helping to fund defendants in legal cases such
2 as this.

3 **MR. JOHN MATHER:** Had you met Mr. Wilson prior to
4 February 2nd?

5 **MS. TAMARA LICH:** No.

6 **MR. JOHN MATHER:** So can you please explain to
7 the Commission how it came to pass that you met Mr. Wilson for
8 the first time on February 2nd and then on February 3rd were at a
9 news conference with him?

10 **MS. TAMARA LICH:** Yes, I can. Again, there was a
11 lot of pressure that was happening at this time. It was -- Mr.
12 Marazzo and I, I think within the first day or so, I think he
13 saw me running around and people pulling me in all sorts of
14 directions, and he took me into a room, and we sat down, and in
15 his very calm voice, he told me, "You know, you need to take a
16 day off. You need to just take a day and not do anything and
17 just relax." So I decided -- so I thought, okay, well, maybe
18 Thursday I'll just try and sneak away and have a nap or, you
19 know, just relax for a little bit. And so I agreed to it. I
20 was like, "Okay. I'll try."

21 And then we had a meeting. I think it was
22 Tuesday evening. It was actually probably Tuesday that day that
23 we had that talk. We had a meeting Tuesday evening which would
24 be the night before they arrived. And one of the gentlemen from
25 Taking Back Our Freedoms told me I was to be at the Marriott
26 Hotel for a press conference the next day at one o'clock.

27 **MR. JOHN MATHER:** So was that on the 1st, going to
28 the 2nd? Or the 2nd going to the 3rd?

1 **MR. TAMARA LICH:** I believe that was the 1st,
2 going into the 2nd.

3 **MR. JOHN MATHER:** Sorry.

4 **MR. TAMARA LICH:** And I said, "No, I can't. I
5 can't. I'm going to get some rest." And they were quite
6 alarmed that I was turning them down.

7 I have no media experience. I felt -- and I'm
8 not saying that this is what they were doing. But I felt at
9 that point like I was literally being thrown to the wolves.
10 They were going to take me to the Marriott, give me 10 minutes
11 of media training, and then put me in front of the mainstream
12 media.

13 Like, I grew up in Saskatchewan. This is not my
14 world, you know, and so I was -- of course, I had a lot of
15 anxiety. And it was a big responsibility for us here, you know?
16 And to -- I was really concerned about being put in that
17 situation, terribly unprepared.

18 **MR. JOHN MATHER:** So that was the first?

19 **MR. TAMARA LICH:** Yes, sorry. I haven't answered
20 your question.

21 **MR. JOHN MATHER:** No, sorry, I didn't mean to cut
22 you off.

23 **MR. TAMARA LICH:** Yeah, I forgot. I still hadn't
24 answered it.

25 So Mr. Wilson and the team came in on Tuesday
26 night. We met with them. He explained to me his reasons for
27 being there, which was out of a concern for his children also.

28 And I immediately liked him. And his team. I

1 told him about this press conference, probably begged him to
2 help me because he's had experience with this. As someone who
3 is a very trusting person, I was rapidly becoming aware that I
4 needed to be careful who I trusted, if that makes sense.

5 And so I trusted Keith and his team immediately.
6 And he agreed to help me and it was crazy. It was a crazy day.
7 We -- I can't remember if he drafted the statement I made or
8 perhaps the media committee had -- a communications committee
9 had something to do with that. Anyways, he agreed to help me
10 and they were like knights in shining armour, in my opinion.

11 **MR. JOHN MATHER:** So you aid in that answer that
12 you -- maybe I'm going to back up.

13 So February 1st, I took from your answer, is it
14 fair to say you were already feeling overwhelmed by everything
15 that was going on?

16 **MR. TAMARA LICH:** Yes, definitely. Before I left
17 Medicine Hat I was feeling overwhelmed.

18 **MR. JOHN MATHER:** And now you were being asked to
19 do a press conference which you were not feeling prepared to
20 undertake; is that fair?

21 **MR. TAMARA LICH:** That's fair.

22 **MR. JOHN MATHER:** And you said in your answer
23 that you also were getting the sense that you needed to be
24 careful who you trusted.

25 **MR. TAMARA LICH:** Yes. Because as these groups
26 would come in, I did trust them. Like, if you wanted to help,
27 we need your help. You are welcome here. And in that instance
28 -- if I may back up just a bit.

1 So as we were organizing before we even left,
2 obviously the finance committee was one thing I recognized
3 needed to be created instantaneously or right away. Our Facebook
4 page was being inundated with messages that I was unable to keep
5 up with so I created -- I found volunteers and created a social
6 media committee to have that, or to look after that.

7 I then realized that we needed, I guess, a media
8 team or like a -- yeah, I guess a media team would be the best
9 thing. So there was a little committee made with that which you
10 heard Mr. Dichter allude to today, that he was a part of.

11 And I forget where I was going. Could you ask me
12 the question again, please?

13 **MR. JOHN MATHER:** My question was really -- you
14 said in the February 1st to 2nd period you begin sensing you need
15 to be careful who you trusted.

16 **MR. TAMARA LICH:** Oh yes.

17 **MR. JOHN MATHER:** And I wanted to understand what
18 had caused you to have that feeling.

19 **MR. TAMARA LICH:** Yes. I just can't remember
20 what my point was with the committees, but anyways.

21 Yeah, I felt at that point like everyone kind of
22 -- not everyone. I felt that some people didn't see me. They
23 just saw \$10 million over my head. And of course, as they would
24 come in -- and these organizations would come in and there were
25 many many wonderful organizations. And obviously we were very
26 grateful for their help. But again, in that case I was feeling
27 as the days went on I was getting more and more uncomfortable
28 with them coming in and taking over the meetings that we were --

1 like our briefing meetings.

2 I got -- I actually left the ARC Hotel because
3 all of a sudden they were in the room next to me n the 7th floor
4 which I thought was really odd. And one of the road captains
5 made mention to me that -- we had a coffee in my room one
6 morning, the road captains and myself. And they mentioned that
7 when they left, like, they were opening and closing their door
8 to see who was leaving my room.

9 **MR. JOHN MATHER:** I don't mean to interrupt you
10 but can you explain who the "they" is in this situation?

11 **MR. TAMARA LICH:** I'm not sure who the room was,
12 who it belonged it, but Mr. Beyer and Mr. Peloso and their team
13 were in that room.

14 **MR. JOHN MATHER:** And they were with the Taking
15 Back Our Freedoms group?

16 **MR. TAMARA LICH:** Yes.

17 **MR. JOHN MATHER:** Was there any other groups
18 causing you this sort of concern?

19 **MR. TAMARA LICH:** Not that I can recall.

20 **MR. JOHN MATHER:** And so what was different about
21 Mr. Wilson and the people he was with?

22 **MR. TAMARA LICH:** Do you mean why did I trust
23 them?

24 **MR. JOHN MATHER:** Another way of putting it, yes.

25 **MR. TAMARA LICH:** I felt that they were genuine.
26 As I said, when Mr. Wilson was explaining to me his reasons. He
27 was a lawyer, obviously. He was sent there to help us. But he
28 was also -- had concerns and he was concerned for the future of

1 his children too. And I guess I just had -- I had to trust
2 them. And he gave me no reason not to.

3 **MR. JOHN MATHER:** And then at the next day you
4 did appear at the news conference with Mr. Wilson; is that
5 correct?

6 **MR. TAMARA LICH:** That's correct, sir.

7 **MR. JOHN MATHER:** All right. And at that press
8 conference Mr. Wilson described you as the spark that lit the
9 fire. Do you recall that?

10 **MR. TAMARA LICH:** I do.

11 **MR. JOHN MATHER:** Do you agree with Mr. Wilson?
12 Were you the spark that lit the fire?

13 **MR. TAMARA LICH:** As I said, I never saw myself
14 in that light. And I still don't. I feel like I was part of
15 just an amazing team. I would not describe myself as the spark
16 that lit the fire.

17 **MR. JOHN MATHER:** Appreciating everything you've
18 said about Mr. Wilson, and I've heard you, did it concern you
19 that Mr. Wilson opened the press conference by placing you in
20 the spotlight like that?

21 **MR. TAMARA LICH:** I didn't really think about it,
22 to be honest.

23 **MR. JOHN MATHER:** I'm not going to ask you some
24 questions about sort of your day to day life in Ottawa when you
25 were participating in the convoy. And we've heard the evidence
26 and I've already heard you say; we understand that it was a busy
27 time. There was a lot going on. But can you give the
28 Commission a sense of what you were doing on a day to day basis?

1 **MR. TAMARA LICH:** Well, when I first arrived
2 there I was in and out of a lot of meetings. It is honestly a
3 blur. We had kind of a joke there that one day felt like a
4 week. There was so much going on.

5 But we would have briefing meetings in the
6 morning to lay out, you know, kind of what we anticipated for
7 the day. As I said, when we first saw this taking off our
8 number one priority became safety -- safety for the drivers,
9 safety for the participants, safety for the public. So we had a
10 lot of briefings on making sure that was -- you know, talking
11 about things like keeping the emergency lanes open.

12 I remember -- if I remember correctly, I believe
13 the first weekend we got there we had some problems with, I
14 heard, Antifa, that were spray painting vehicles and breaking
15 windows and putting nails under tires. And so they created
16 block captains that could monitor throughout the evening to
17 ensure that people were going to be safe from -- I guess anti-
18 protesters or whatever they are.

19 **MR. JOHN MATHER:** So you attended the meetings.
20 What else did you do?,

21 **MR. TAMARA LICH:** Lots of meetings in the
22 beginning. I was at the Swiss Hotel. There were so many
23 meetings at the beginning, honestly. I tried to get out to see,
24 to talk to people.

25 The first Sunday we were there there was a church
26 service that we attended and I spoke at with the Clan Mothers
27 and Mr. Dichter.

28 **MR. JOHN MATHER:** And the Commission's heard

1 evidence from, you know, Mr. Marazzo described himself as
2 responsible for logistics, Mr. Barber, who sounds like he spent
3 a lot of time interacting with truck drivers and speaking with
4 them. Mr. Dichter today talked about how he was responsible for
5 public relations and messaging. We anticipate that Mr.
6 Bulford's going to testimony tomorrow that he was responsible
7 for security and other things.

8 With all of that covered, did you have a specific
9 responsibility?

10 **MS. TAMARA LICH:** Mother hen. No, I guess when I
11 first got there, there was lots of, obviously, meetings to do
12 with the finances and stuff like that. And as I said, they were
13 -- we ended up setting up a GiveSendGo, so there was conference
14 calls and stuff like that. The details, I couldn't tell you.
15 But I got out to speak to the crowd and wanted to go see the
16 people.

17 And I went to 88, or Embrun, I believe it was
18 called, saw -- and went to the truckers that were down on
19 Parkway.

20 So I spent some of my time just walking around in
21 the crowd and talking to people.

22 **MR. JOHN MATHER:** And fair to say that once the
23 money was frozen, in terms of managing the finances, that was
24 something that was mostly off the table?

25 **MS. TAMARA LICH:** Yes, yes.

26 **MR. JOHN MATHER:** I'm going to ask you about some
27 of the people that we've already discussed about, and some of
28 the people we've heard in the evidence. You've already talked

1 about Mr. Eros, who we understand was the accountant for the
2 not-for-profit corporation. Is that correct?

3 **MS. TAMARA LICH:** That's correct.

4 **MR. JOHN MATHER:** How would you describe your
5 relationship with Mr. Eros when he was in Ottawa?

6 **MS. TAMARA LICH:** He was a godsend. I will be
7 forever grateful. That man dropped everything to come to Ottawa
8 to help us with the accounting portion, and GoFundMe, and work
9 with the legal team. And I thought he was great. He -- I have
10 very basic accounting skills, and so to have him come in was a
11 huge load off my shoulders. He could understand what they were
12 talking about. He knew the big words; right? And I was
13 extremely grateful. We had a great relationship while he was
14 here. Yeah.

15 **MR. JOHN MATHER:** Another name the Commission has
16 heard about is Joseph Bourgault.

17 **MS. TAMARA LICH:** Yes.

18 **MR. JOHN MATHER:** Did you know Mr. Bourgault
19 prior to the Convoy?

20 **MS. TAMARA LICH:** I did not, no.

21 **MR. JOHN MATHER:** Did you know of him prior to
22 the Convoy?

23 **MS. TAMARA LICH:** I did not.

24 **MR. JOHN MATHER:** When did you first meet Mr.
25 Bourgault?

26 **MS. TAMARA LICH:** I believe we had stopped in, I
27 want to say, -- we had a stop along the way. Maybe Sioux Ste.
28 Marie. I can't remember. Anyways. We had a little pit stop,

1 and I believe it was Mr. Barber who introduced me to him.

2 **MR. JOHN MATHER:** And when Mr. Barber introduced
3 you to him, was it your understanding that Mr. Barber and Mr.
4 Bourgault knew each other?

5 **MS. TAMARA LICH:** I'm not sure if they knew each
6 other or if he knew of him. I can't say.

7 **MR. JOHN MATHER:** Fair enough. What did you come
8 to learn about Mr. Bourgault after meeting him?

9 **MS. TAMARA LICH:** He's a very good man. He was
10 there also to exercise his democratic rights and express his
11 concern for what he believed was happening in our country also.
12 Just a patriotic, good, Christian man.

13 **MR. JOHN MATHER:** Did you learn anything about
14 his background?

15 **MS. TAMARA LICH:** I knew he had a business in
16 Saskatchewan of a successful farm implement business in
17 Saskatchewan.

18 **MR. JOHN MATHER:** What contribution did Mr.
19 Bourgault make to the Freedom Convoy?

20 **MS. TAMARA LICH:** Well, I believe he paid for a
21 lot of hotel rooms. He covered, I believe, at least the rental
22 of one of the conference rooms, or maybe a couple of conference
23 rooms there.

24 Obviously when we -- when the lawyers flew in, my
25 husband was on that flight, and I was quite concerned, because I
26 didn't want the -- nothing -- I mean, when I started GoFundMe,
27 my savings account was 1.13 overdrawn. So I made sure I put the
28 dollar 13 into it, right, so that I never wanted any questions

1 asked.

2 And so Mr. Bourgault actually took my husband and
3 I into his room one day and offered to pay for what would have
4 been, I guess, Dwayne's portion of that flight.

5 **MR. JOHN MATHER:** Did he do that?

6 **MS. TAMARA LICH:** In the end, no, because I
7 believe after I was released from prison, I was told that Adopt-
8 a-Trucker covered that flight.

9 **MR. JOHN MATHER:** In his interview with the
10 Commission, Mr. Eros said that at some point, a Ryan Olson asked
11 you for \$100,000 to reimburse Mr. Bourgault for the hotel rooms
12 he had paid for? Do you recall that occurring?

13 **MS. TAMARA LICH:** I don't recall that occurring.
14 No.

15 **MR. JOHN MATHER:** The next person I want to ask
16 you about is Mr. Bauder, who testified before you.

17 **MS. TAMARA LICH:** Yes.

18 **MR. JOHN MATHER:** Did you know about Mr. Bauder
19 prior to the Freedom Convoy 2022?

20 **MS. TAMARA LICH:** I knew of him. I think maybe
21 he was livestreaming during the United We Roll Convoy too, or
22 maybe that he was participating or involved somehow. So I knew
23 of him. I did not know him.

24 **MR. JOHN MATHER:** What did you know about him?

25 **MS. TAMARA LICH:** Really nothing other than he
26 was a participant in a Convoy, ---

27 **MR. JOHN MATHER:** Right.

28 **MS. TAMARA LICH:** --- at that point. I think he

1 maybe had a podcast or -- or not a podcast, but a livestream
2 Facebook show.

3 **MR. JOHN MATHER:** Did you ever watch that?

4 **MS. TAMARA LICH:** Briefly. I might have watched
5 a few clips as I was scrolling through Facebook. But I didn't
6 follow him.

7 **MR. JOHN MATHER:** Do you have any memory of what
8 he was streaming about when you did watch?

9 **MS. TAMARA LICH:** I -- not really, no.

10 **MR. JOHN MATHER:** When did you learn that Mr.
11 Bauder was involved in the Convoy?

12 **MS. TAMARA LICH:** Like I said, when I spoke with
13 Chris. I can't be sure if it was the 13th or the 14th.

14 **MR. JOHN MATHER:** Right.

15 **MS. TAMARA LICH:** But their names have both come
16 up. I wasn't in -- I talked to Mr. Barber on the 13th, and then
17 I believe they had a meeting that evening over Zoom. And so the
18 13th or the 14th.

19 **MR. JOHN MATHER:** At any point in time, did you
20 become aware of the memorandum of understanding?

21 **MS. TAMARA LICH:** I did. I think it was quite a
22 few days after that. And I do recall hearing about it. I never
23 read it. I really didn't pay any attention to it, to tell you
24 the truth.

25 **MR. JOHN MATHER:** Do you recall what you were
26 told about the memorandum of understanding?

27 **MS. TAMARA LICH:** Just that there was a
28 memorandum of understanding ---

1 **MR. JOHN MATHER:** Were you given ---

2 **MS. TAMARA LICH:** --- out there. It was ---

3 **MR. JOHN MATHER:** Were you given any indication
4 about what was in it?

5 **MS. TAMARA LICH:** No.

6 **MR. JOHN MATHER:** Mr. Wilson has testified, and
7 in his interview summary, stated that members of the Board had
8 come to him at some point in time and asked him about the
9 memorandum and whether or not it was, for lack of a better word,
10 legitimate. Were you part of that conversation?

11 **MS. TAMARA LICH:** Maybe. I honestly don't recall
12 that.

13 **MR. JOHN MATHER:** Did you interact with Mr.
14 Bauder at all while you were in Ottawa?

15 **MS. TAMARA LICH:** I ran into him. I didn't
16 really see him that much once we got to Ottawa. So I think I
17 ran into him maybe a handful of times. And if we spoke, I
18 believe it was just kind of a greeting and small talk. I really
19 didn't have anything to do with him.

20 **MR. JOHN MATHER:** And we heard testimony today
21 also from Benjamin Dichter. He testified that you two met
22 sometime in 2017 or 2018? Is that accurate?

23 **MS. TAMARA LICH:** I thought it was 2019, but it
24 could have been 2018.

25 **MR. JOHN MATHER:** It's possible. And then he
26 testified that whenever you first met, that you stayed in
27 somewhat regular contact after that? Is that correct?

28 **MS. TAMARA LICH:** Yes, we did. Yeah.

1 **MR. JOHN MATHER:** Yeah. How would you describe
2 the relationship between you and Mr. Dichter before the Convoy?

3 **MS. TAMARA LICH:** I considered him a friend.

4 **MR. JOHN MATHER:** Do you still consider him a
5 friend?

6 **MS. TAMARA LICH:** I'm not allowed to speak to him
7 anymore.

8 **MR. JOHN MATHER:** Mr. Dichter testified that you
9 asked him to take on a public relations role and messaging role?
10 Was that correct?

11 **MS. TAMARA LICH:** I did, yes.

12 **MR. JOHN MATHER:** And as part of that, did you
13 give Mr. Dichter permission to post on your Twitter account?

14 **MS. TAMARA LICH:** I absolutely did. I asked him
15 to help me with my Twitter account, actually.

16 **MR. JOHN MATHER:** And why did you ask him to help
17 with your Twitter account?

18 **MS. TAMARA LICH:** Because I was getting very,
19 very busy. I was getting messages about the Convoy. And I had
20 my hands full with trying to -- or focus on the Facebook page
21 and help the social media committee, as well as preparing for
22 our departure to Ottawa. So I just asked -- I felt like he was
23 excellent on Twitter. And I felt that he could help me with
24 that, just to kind of, I guess, keep getting the message out, or
25 the progress.

26 **MR. JOHN MATHER:** And the next person I want to
27 ask you about is Mr. King. If I understand correctly, you
28 became aware of Mr. King during United We Roll, because you

1 would see him posting, and then you stopped following him at the
2 end of that? Is that correct?

3 **MS. TAMARA LICH:** That's correct, yes.

4 **MR. JOHN MATHER:** And I apologize if I did ask
5 you this, but had you met Mr. King prior to the Freedom Convoy?

6 **MS. TAMARA LICH:** No.

7 **MR. JOHN MATHER:** When did you first meet Mr.
8 King?

9 **MS. TAMARA LICH:** I was thinking about this last
10 night. I must have met him while we were on our way to Ottawa.
11 But the first time I remember now meeting him was in Winnipeg
12 when we were discussing Benjamin's concerns with the video that
13 he'd seen that morning about bullets flying. I'm sure I met him
14 along the way before then, but I honestly don't recall. But
15 that was definitely -- I remember that -- or being on the side
16 of the road.

17 **MR. JOHN MATHER:** Okay. And again, I think we'll
18 get to that in a minute. What do you understand Mr. King's role
19 to be in the convoy prior to that conversation?

20 **MS. TAMARA LICH:** I believe he was helping with
21 some logistics. He was -- I think because of his previous
22 experience with United We Roll, he had a pretty good idea as to
23 the routes that they would be taking. So fuel, helping to try
24 and find fuel, that type of thing.

25 **MR. JOHN MATHER:** If we could pull up
26 COM00000902?

27 And while this is coming up, Ms. Lich, this is a
28 news article that's reporting on text messages between you and

1 Mr. Barber.

2 **MS. TAMARA LICH:** Oh, yeah.

3 **MR. JOHN MATHER:** It was referenced during Mr.
4 Barber's testimony.

5 **MS. TAMARA LICH:** Yes.

6 **MR. JOHN MATHER:** And while -- before we get to
7 my questions, we have been advised by your counsel that you no
8 longer have access to your text messages; is that correct?

9 **MS. TAMARA LICH:** That's correct, yes.

10 **MR. JOHN MATHER:** What happened to them?

11 **MS. TAMARA LICH:** Well, while I was in jail for
12 19 days, and, of course, my phone was inundated with messages,
13 and apparently, I found out after the fact, there's a setting
14 that you can have on your iPhone where you can have them delete
15 -- automatically delete after 30 days, and it was set to that.

16 **MR. JOHN MATHER:** So if we go to page 3 of this
17 article? So do you see where it says "On January 22nd"; you see
18 there?

19 **MS. TAMARA LICH:** I do, sir.

20 **MR. JOHN MATHER:** Okay. So it says,

21 "On January 22nd, Lich told Barber [that
22 they needed to have --] they need to
23 have "a very frank discussion" with
24 King, raising concerns about past
25 allegations against him."

26 Do you see that?

27 **MS. TAMARA LICH:** I do.

28 **MR. JOHN MATHER:** Do you recall what the concerns

1 were at this point in time?

2 **MS. TAMARA LICH:** Well, up until the -- and, I
3 mean, I've obviously have followed Pat through the United We
4 Roll convoy, and but I knew him by reputation also. And Pat has
5 a -- Mr. King, sorry, has a lot of people that like him and a
6 lot of people that don't. He's a very controversial figure. So
7 I was getting messages and phone calls from a lot of people that
8 were concerned that he was involved. This frank discussion, I
9 believe, came about because somebody had contacted me and
10 mentioned that Mr. King had lied about being a veteran, and,
11 which is a very serious allegation, and I just felt like we
12 needed to have a discussion with him and, you know, a frank
13 discussion, and I guess find out the details.

14 **MR. JOHN MATHER:** And what was your concern at
15 that point?

16 **MS. TAMARA LICH:** Well, there was people that
17 were not joining the convoy because they were concerned about
18 him and again, because of his reputation. I know he's said a
19 lot of inflammatory things, which I was concerned about. And
20 I'd -- and I was concerned that that would have an impact on
21 what we were trying to achieve. It would take away the focus
22 from what it was we were trying to achieve.

23 **MR. JOHN MATHER:** So at this point in time,
24 January 22nd, you were aware of Mr. King's reputation for ---

25 **MS. TAMARA LICH:** Yes.

26 **MR. JOHN MATHER:** --- saying inflammatory things?

27 **MS. TAMARA LICH:** Yes.

28 **MR. JOHN MATHER:** Controversial things?

1 **MS. TAMARA LICH:** Yes, sir.

2 **MR. JOHN MATHER:** Things that people may find
3 racist?

4 **MS. TAMARA LICH:** Yes.

5 **MR. JOHN MATHER:** Okay. Had you ever been
6 offended by anything that Mr. King had said?

7 **MS. TAMARA LICH:** I'm not the type that gets
8 easily offended, sir.

9 **MR. JOHN MATHER:** But you recognize that some
10 people would take offence and that that could have an effect on
11 the image of the convoy?

12 **MS. TAMARA LICH:** Yes.

13 **MR. JOHN MATHER:** And I thought I heard you say,
14 and you can correct me if I'm wrong, that you were actually
15 receiving messages from people who were expressing a reluctance
16 to participate because of Mr. King's involvement; is that -- did
17 I hear ---

18 **MS. TAMARA LICH:** That's correct.

19 **MR. JOHN MATHER:** --- that correctly?

20 **MS. TAMARA LICH:** That's correct, yes.

21 **MR. JOHN MATHER:** Do you have a sense of how many
22 messages you received along those lines?

23 **MS. TAMARA LICH:** Oh, jeez. I had a conversation
24 with my MP about his involvement. I remember that. He was
25 concerned about it. Cindy Parker had concerns about him also
26 that she'd raised right away, and yeah. I don't know how many
27 messages or -- there was concerns, but there was also people
28 that were there because Pat was involved too. Like I said, he

1 did have his followers also; right?

2 **MR. JOHN MATHER:** Right. And if we continue to
3 look at the story, it goes on to say that despite the concerns
4 we've just talked about, you said that he was needed by the
5 movement, and then it makes a commentary about later comments,
6 and then it quotes you -- later statements, sorry, and then it
7 quotes you just saying,

8 "We need him and I don't care about his
9 past but it only takes one, [...] we
10 have to control his rhetoric. Not even
11 threatening to throw snowballs at [...] parliament..."

12 When you said we need him, was that what you were
13 referring to, that he had a lot of followers, or was there
14 something else?

15 **MS. TAMARA LICH:** That was in reference to
16 conversations that we'd had with the road captains. And some of
17 them -- you know, he had been involved from the start and had,
18 you know, made -- I think he looked after the accommodations or
19 something in Sault Ste. Marie because he's from that area. So,
20 yeah, so that wasn't necessarily me saying I felt like he was
21 needed. That -- I was kind of referencing the conversations in
22 general that we were having and some of them felt that they were
23 concerned that if he left, that the people that supported him
24 would leave.

25 My reference to I don't care about his past is
26 that I'm -- I had to believe that everybody that was involved
27 was getting involved for the right reasons. And as I said, when
28

1 I spoke with Mr. Barber, that -- and I found out that they were
2 involved, I was aware of his reputation. And I just felt that I
3 didn't want to start this off criticizing other people. Again,
4 because I just felt like I had to believe that people that were
5 joining this movement were joining it with the best of
6 intentions, regardless of their past.

7 **MR. JOHN MATHER:** This point in time, did you
8 think Mr. King was participating for the right reasons?

9 **MS. TAMARA LICH:** I believe he is a passionate
10 Canadian.

11 **MR. JOHN MATHER:** So is that a yes?

12 **MS. TAMARA LICH:** Yes.

13 **MR. JOHN MATHER:** It says here that "we have to
14 control his rhetoric". At that point in time, did you think you
15 had -- you stood a shot at controlling Mr. King's rhetoric?

16 **MS. TAMARA LICH:** Well, he's kind of a beast, and
17 he very much speaks his mind. I, again, was just concerned
18 with, you know -- to be frank, he was a bit of a hothead in my
19 opinion, and I was just concerned that he would say things or
20 say controversial things or inflammatory things. And so that's
21 why I added in the, like, we can't even be threatening to throw
22 snowballs at Parliament because that's not what we're here for;
23 right? So ---

24 **MR. JOHN MATHER:** If we can pull up -- actually,
25 before I do that, so we understand that at a certain point you
26 had a conversation with Mr. King and that you asked him to not
27 come to Ottawa.

28 **MS. TAMARA LICH:** That's correct.

1 **MR. JOHN MATHER:** Do you -- and so I understand
2 that happened around January 28th; does that sound correct?

3 **MS. TAMARA LICH:** It was in Sudbury.

4 **MR. JOHN MATHER:** And describe that conversation
5 to the Commission.

6 **MS. TAMARA LICH:** Well, we pulled into Sudbury.
7 I believe it was by accident. I think we took a wrong turn, so
8 we ended up in this yard somewhere and we stopped and had a
9 break. And my recollection was Mr. King came over to the truck
10 and he said to me, "I can't go into Ottawa. I'm getting death
11 threats." And I said, "Good, Pat. You shouldn't come into
12 Ottawa." And he made a comment or said something, "Well, I
13 organised this whole thing." And I said, "No, you didn't. We
14 all did." This was -- basically, I'm paraphrasing. "This was a
15 team effort. We all had a part in this." And again, he said
16 something about not going to -- or he organised the whole thing,
17 and I said, "No, you didn't. This movement is not about you.
18 This movement is not about me. You need to check your ego. And
19 if you care about this movement, you will not go to Ottawa."

20 **MR. JOHN MATHER:** And in his testimony yesterday,
21 Mr. King denied that you had said you need to check your ego and
22 not come to Ottawa. Did you hear that?

23 **MS. TAMARA LICH:** I did hear that.

24 **MR. JOHN MATHER:** What was your reaction to that?

25 **MS. TAMARA LICH:** I -- maybe he just doesn't
26 recall it.

27 **MR. JOHN MATHER:** So ultimately, as we know, Mr.
28 King didn't take your direction. He did come to Ottawa; is that

1 correct?

2 **MS. TAMARA LICH:** Yes.

3 **MR. JOHN MATHER:** Okay. And how did you feel
4 when you learned that he was still coming?

5 **MS. TAMARA LICH:** I had other things to focus on
6 so once we got to Ottawa I think I saw him four or five times,
7 maybe. I believe I'd been there for at least a week. Again, a
8 lot of stuff happened in three weeks. And the first time I ran
9 into him was down at Parkway one night and I was just leaving.
10 And so I didn't have a lot of interactions with him when we were
11 there.

12 **MR. JOHN MATHER:** To your knowledge, prior to
13 February 14th -- and we'll get to that later. But prior to
14 February 14th did Pat King do or say anything that caused you
15 concern while he was in Ottawa?

16 **MS. TAMARA LICH:** I heard a lot of rumours. But
17 I heard a lot of rumours. So again, I had other things to worry
18 about. I let the truckers or the road captains kind of handle
19 that aspect.

20 **MR. JOHN MATHER:** If we could pull up HRF00001346
21 and then go to page 51, I believe.

22 And again, just to give you some context while we
23 wait, I expect the document we'll see is a Code of Conduct for
24 Truckers. And I'll have some questions for you about that.

25 **MS. TAMARA LICH:** Sure, yeah.

26 **COMMISSIONER ROULEAU:** Maybe I'll take a short
27 break at this point, just five minutes to stretch our legs. And
28 we'll come back in five minutes.

1 **THE REGISTRAR:** The Commission is in recess for
2 five minutes. La Commission est levée pour cinq minutes.

3 --- Upon recessing at 6:27 p.m.

4 --- Upon resuming at 6:41 p.m.

5 **THE REGISTRAR:** Order. A l'ordre. The
6 Commission has reconvened. La Commission reprend.

7 **COMMISSIONER ROULEAU:** Thank you for that
8 indulgence. Now we can run through to the end, I hope, and
9 adjourn before it -- it'll be late, but go ahead.

10 --- MS. TAMARA LICH, Resumed:

11 --- EXAMINATION IN-CHIEF BY MR. JOHN MATHER (cont'd):

12 **MR. JOHN MATHER:** It's already dark.

13 So if we could pull up HRF428 -- sorry, HRF 1346,
14 page 51, and if we could zoom in a bit?

15 So Ms. Lich, this is a document titled "Freedom
16 Convoy 2022 Code of Conduct". Are you familiar with this
17 document?

18 **MS. TAMARA LICH:** Yes, I am, sir.

19 **MR. JOHN MATHER:** Can you describe what it is?

20 **MS. TAMARA LICH:** It is a code of conduct. We
21 recognized, once the support started coming in, we began
22 growing, that we should have something in place for people to
23 sign saying that they would adhere to a code of conduct.

24 **MR. JOHN MATHER:** And do you recall if this was
25 distributed?

26 **MS. TAMARA LICH:** It was put on the back side of
27 the registration forms, I believe.

28 **MR. JOHN MATHER:** And those were the registration

1 forms to get reimbursement?

2 **MS. TAMARA LICH:** Yes.

3 **MR. JOHN MATHER:** Was it distributed in any other
4 manner?

5 **MS. TAMARA LICH:** I think we -- they could get
6 them by email or get hard copies. I think we had them up on a
7 website.

8 **MR. JOHN MATHER:** Was anything done to
9 proactively distribute them, for instance, to the people who
10 were on the ground in Ottawa?

11 **MS. TAMARA LICH:** We had printed off a lot of
12 copies. We had big hopes when this started and so we had
13 printed off a bunch of copies to have the road captains take to
14 the drivers to sign, thinking that this would be a fairly simple
15 task. But because of the amount of participation that we had,
16 it was crazy.

17 But I actually did receive a lot of them through
18 emails so they did get out.

19 **MR. JOHN MATHER:** I'm not asking for a precise
20 number in any way, shape, or form, but do you have a sense of
21 how many you got back?

22 **MS. TAMARA LICH:** I'm not sure. A lot.

23 **MR. JOHN MATHER:** And we see here in item 3, it
24 says:

25 "Be respectful. Everyone will have
26 their own reasons for participating in
27 this convoy and we need to be
28 respectful of their reasons."

1 What were you trying to capture in that point?

2 **MS. TAMARA LICH:** Well, I believe in being
3 respectful and why -- while I may have been going to Ottawa to -
4 - because of the mandates or the -- yeah, the mandates, I mean,
5 what my reasons were for wanting the mandates to be lifted may
6 not have been the same as somebody else reasons for wanting the
7 mandate lifted.

8 **MR. JOHN MATHER:** To your knowledge, was there
9 anyone there who was seeking to do something other than end the
10 mandates?

11 **MS. TAMARA LICH:** No.

12 **MR. JOHN MATHER:** In all the people you spoke to,
13 did anyone ever suggest that they had any other goal than ending
14 the mandates?

15 **MS. TAMARA LICH:** Other than hearing about the
16 MOU, which as you've heard today, I haven't even read it yet,
17 but other than that, no.

18 **MR. JOHN MATHER:** And what were you hearing about
19 the MOU? I know you haven't read it, but what were you hearing
20 about it?

21 **MS. TAMARA LICH:** What did I hear about it? I
22 had just heard that it was a document that was to be presented
23 to the governor general. I really don't recall all the details.
24 It was just a general in passing, I guess.

25 **MR. JOHN MATHER:** Item number 4 says, "Not
26 promote harmful media."

27 **MS. TAMARA LICH:** M'hm.

28 **MR. JOHN MATHER:** What did you consider to be

1 harmful media?

2 **MS. TAMARA LICH:** Well, no hateful rhetoric. We
3 didn't want any sort of divisive rhetoric. Just again, it goes
4 back to point 3, be respectful. We didn't -- I was on lives
5 daily saying that we are going to Ottawa to peacefully protest
6 and exercise our democratic right to assembly. We are not going
7 there to create problems and you know, I said, "If you see
8 anyone that's acting in a threatening manner or an aggressive
9 manner to get their licence plates, phone the police, and report
10 it or contact us and we could report it."

11 We just didn't want any of that type of behaviour
12 happening here, because that was never what it was about.

13 **MR. JOHN MATHER:** Did you believe that there
14 might be people in the convoy who may promote hateful content?

15 **MS. TAMARA LICH:** It was a concern. Again, I
16 know when we were on our way, at one point -- I believe it was
17 when we got to Thunder Bay -- we were on our way to Thunder Bay,
18 and I can't remember who it was, but somebody had contacted me
19 saying they thought that there was infiltrators, Antifa, that
20 had infiltrated our convoy from Winnipeg that were maybe going
21 to cause some problems for us. So there was always -- that kind
22 of information was always coming to us, right?

23 **MR. JOHN MATHER:** Other than potential actions by
24 Antifa, were you concerned about other people potentially making
25 or promoting hateful content?

26 **MS. TAMARA LICH:** Not really. Everyone that I
27 talked to and saw and -- were all there for the same reason.

28 **MR. JOHN MATHER:** At any point in time, to your

1 knowledge, did any of the organizers have to do anything to --
2 have to take any action because there was reports of either
3 threats, harassment, violence, or hateful conduct, or anything
4 that you would have thought was inappropriate?

5 **MS. TAMARA LICH:** Well, of course, there was the
6 conversation that Benjamin, when he called me that one morning
7 when we were on our way, I think it was our second day, and here
8 had been a Tweet come out about Mr. King talking about bullets.

9 And so that was obviously concerning. We stopped
10 and we chatted with him on the side of the road about it. He
11 indicated that it had been heavily edited by some media, I'm not
12 sure. But it was obviously concerning.

13 **MR. JOHN MATHER:** Do you recall if that bullet
14 comment, whether there was -- we've heard evidence of two bullet
15 comments from Mr. King, at least two. One was, "Trudeau, you're
16 going to catch a bullet," and one was, "This will all end in
17 bullets."

18 Do you recall which one of those ---

19 **MS. TAMARA LICH:** It was the ending in bullets
20 one. I don't remember ever hearing about the one about the
21 prime minister.

22 **MR. JOHN MATHER:** Ms. -- you can take that down
23 now.

24 Ms. Lich, you've watched much of these
25 proceedings, so you've heard a lot of the evidence that we've
26 heard about people complaining about the horns, people saying
27 there was harassment, there was intimidation, there was unsafe
28 settings. We've had evidence from citizens of Ottawa who said

1 they felt unsafe in their own city.

2 Do you have anything to say to that?

3 **MS. TAMARA LICH:** I encountered hundreds and
4 hundreds of Ottawa residents when I was here, thanking me,
5 thanking us, saying that we gave them hope. Ottawa residents,
6 and in fact, federal government employees that were taking
7 donations of food to the truckers, blankets, fuel, and yeah, we
8 -- everyone had said the same thing to me, that -- I mean, the
9 word that I heard the most on the way here and when I was here
10 was hope.

11 **MR. JOHN MATHER:** Many of the protestors who
12 testified this week have shared a similar message, talked about
13 the positive, loving atmosphere that they experienced in the
14 protest. Do you deny that there were incidents of harassment or
15 incidents of intimidation or threatening like the ones we've
16 heard? Do you deny that that happened?

17 **MS. TAMARA LICH:** I never witnessed it. I never
18 witnessed any of that, any of that type of behaviour. Again,
19 there was always rumours, but I never personally witnessed any
20 behaviour like that whatsoever.

21 I also heard that the Russians were involved. I
22 also heard that we tried to burn a building down. I mean, there
23 was a ton of misinformation out there. I had my family from
24 Edmonton messaging me, texting me, asking if I was okay. And
25 they were really worried about my safety. And I said, "Worried
26 about my safety? Like, this is the biggest love fest I've ever
27 participated in." Right?

28 **MR. JOHN MATHER:** When you hear the citizens of

1 Ottawa, not all of them, I appreciate that, but when you hear
2 some of the citizens of Ottawa say, "I felt harassed, I felt
3 intimidated, I felt unsafe," do you believe them?

4 **MS. TAMARA LICH:** I believe that's how they felt.
5 Again, I can't say I never witnessed any of that. Obviously the
6 last thing that we ever wanted to do when we came here was to
7 make the citizens of Ottawa feel that way. And I guess, you
8 know, when -- as we alluded to, even in our letter with the
9 Mayor, like, we never intended for that to happen and we didn't
10 want to cause that kind of disruption. And we worked really
11 hard. The road captains worked really hard to keep the
12 emergency lanes open and to -- of course, the horn injunction
13 came in and worked really hard to ensure that that was adhered
14 to, because we didn't -- we definitely never wanted anybody to
15 feel that way.

16 **MR. JOHN MATHER:** Right. And then once the horn
17 injunction came in, that was now a court order.

18 **MS. TAMARA LICH:** Yes.

19 **MR. JOHN MATHER:** But prior to the court order,
20 did you have a view on the honking?

21 **MS. TAMARA LICH:** Well, I did have a view on the
22 honking. As even Mr. Barber said, after a couple days, it was
23 getting to be a bit much for me. I -- you know, trying to walk
24 down the street and have a conversation with somebody was
25 sometimes difficult.

26 But again, I stayed in the Arc Hotel for a few
27 days and then at the Sheraton Hotel for a few days and at least
28 in my room, maybe I was preoccupied, but I didn't hear a lot of

1 horns. But then we were -- also, we were on, I guess, Slater
2 and Albert.

3 **MR. JOHN MATHER:** Did you see yourself as someone
4 who had a level of influence over the Convoy and the protest?

5 **MS. TAMARA LICH:** I felt like I was respected,
6 that my opinion was respected by most of them, yes.

7 **MR. JOHN MATHER:** Did you ever consider, given
8 what you said, that you started to get annoyed at the horns, I
9 take it you probably, at some point, understood that the horns
10 was causing frustration to a lot of people? Is that fair?

11 **MS. TAMARA LICH:** I'd heard that, yes.

12 **MR. JOHN MATHER:** Did you ever consider taking
13 any steps to use the respect you had to reduce or eliminate the
14 horn honking prior to the court order?

15 **MS. TAMARA LICH:** On or about February 4th, I want
16 to say, my Facebook page was disabled, which is how I accessed
17 the Convoy page to do videos. So I couldn't have, I guess. But
18 I never really considered it because I left that type of stuff
19 up to the captains.

20 **MR. JOHN MATHER:** And was it -- again, given the
21 respect that you felt you had, and the evidence bears that out,
22 or we've heard a lot of evidence on that, did you -- do you
23 think that if you had asked the captains to take action with
24 respect to the horns, that they would have listened to you?

25 **MS. TAMARA LICH:** Well, they already were. So it
26 wasn't necessary for me to.

27 **MR. JOHN MATHER:** Sorry, I -- had you instructed
28 the captains to stop the horn honking?

1 **MS. TAMARA LICH:** I don't know. I don't think I
2 instructed them to. I believe we had discussions about the
3 horns though.

4 **MR. JOHN MATHER:** And what was the result of
5 those discussions?

6 **MS. TAMARA LICH:** Well, for sure I know Mr.
7 Barber would go out and try and talk to the drivers. And I
8 believe Mr. Marazzo was also out to try and get them to slow or
9 cease, become less frequent, sorry.

10 **MR. JOHN MATHER:** It's okay. I'm going to move
11 to another topic now. And I apologize. I am moving around in
12 time.

13 **MS. TAMARA LICH:** It's okay.

14 **MR. JOHN MATHER:** The Commission is aware that on
15 January 30th, you attended a press conference with Mr. Barber and
16 Mr. Dichter. This would be before the arrival of Mr. Wilson.
17 Do you know what I'm talking about?

18 **MS. TAMARA LICH:** I do, yes.

19 **MR. JOHN MATHER:** Okay. And you had mentioned
20 earlier that you were uncomfortable attending a press conference
21 on February 2nd. Do you recall why you were comfortable
22 attending this press conference on January 30th?

23 **MS. TAMARA LICH:** Well I wouldn't say I was
24 comfortable. I was still quite nervous. But Mr. Barber and Mr.
25 Benjamin -- sorry, Mr. Barber and Mr. Dichter were friends of
26 mine. And also we had made the conscious decision at that point
27 to not have the mainstream media there. So I felt like the
28 independent media were not going to be aggressive with me, if

1 that makes sense.

2 **MR. JOHN MATHER:** And with respect to the Taking
3 Back our Freedoms press conference, was your understanding that
4 mainstream media would be there?

5 **MS. TAMARA LICH:** They were there, yes.

6 **MR. JOHN MATHER:** If we could go -- so the video
7 -- the Commission has the video, it's COM00000850. I'm not
8 proposing to pull it up, because again, that would be the end of
9 the day. But unless there's an objection, I would like to enter
10 it into the record. And then I'm going to ask you about the
11 transcript, which is COM895.

12 **MS. TAMARA LICH:** Yes.

13 **MR. JOHN MATHER:** So if we could pull up COM895
14 and go to page 10 of the transcript, page 11 of the PDF? So if
15 we can scroll down? So scroll down. Stop right there.
16 Actually, scroll up just a little bit. There we go.

17 So an unidentified reporter asks you -- notes
18 that:

19 "Maxime Bernier has sort of had a rally
20 here in downtown Ottawa today. Are you
21 associated with him at all? Are you
22 pleased with the support he's given the
23 convoy? What [are] your thoughts on that?

24 And you respond:

25 "We're not associated. We took a vote as
26 an organization, all the committee heads
27 and the organizers. And we are not
28 partisan. We had -- [we had] reached out

1 to [a couple of others --] a couple of
2 other ones reached out to us and wanted to
3 get up and speak and we said no. That's
4 not what we're about. This is a grass
5 roots movement and no politicians are
6 going to represent us.

7 I mean, they're kind of the reason we're
8 in this mess in the first place.

9 Do you recall saying that?

10 **MS. TAMARA LICH:** I do.

11 **MR. JOHN MATHER:** Right. Why was it important to
12 you that the movement was non-partisan?

13 **MS. TAMARA LICH:** Well, because I guess right
14 within the first couple days of us starting to organize before
15 we left, I did have politicians reaching out to me that wanted
16 to get up and speak, and I just felt like we had our message,
17 and that's the message that we needed to stick to, without
18 getting it convoluted with the messages of other politicians.

19 And so by this point, to tell you the truth -- I
20 shouldn't say that. I'm telling the truth. But it was about
21 three days into organizing the Convoy that I knew that my time
22 with the Maverick Party was done.

23 And the reason I knew that it was done was
24 because I was sitting at my kitchen table, and we had chats with
25 the different road captains in the different areas going on
26 Messenger, and I was chatting with the Quebec team and we were
27 told there was 1,000 truckers ready to come and support us.

28 And I had, I guess, an epiphany moment. There's

1 me, you know, chatting here, and I've got Google translate on
2 the other one, and I'm talking to the Quebecers, me, an
3 Albertan. And I just had this moment where I just thought,
4 "This division has all been a lie. They're the same as us."
5 And I knew that I didn't want to see Canada divided at that
6 point and I resigned from my position with the Maverick Party
7 two or three days after I arrived in Ottawa.

8 **MR. JOHN MATHER:** So as I understand what you
9 just said there, that seeing the pan-Canadian nature of the
10 Convoy led you to no longer be interested in an Alberta
11 cessation?

12 **MS. TAMARA LICH:** That's correct.

13 **MR. JOHN MATHER:** Do you still hold that feeling?

14 **MS. TAMARA LICH:** I do. As a matter of fact, I'm
15 going to learn French.

16 **MR. JOHN MATHER:** We've already referenced that
17 Mr. Eros had an interview with the Commission and provided us
18 some information.

19 One of the things Mr. Eros said was that -- he
20 suggested, I should say, in his interview, that once Mr. Wilson
21 and the other lawyers arrived in and around February 3rd, I
22 guess, the -- as he describes it, the western sovereigntist
23 movement tried to take control of the narrative? Do you have --
24 at any point in time, did you get any sense that there was
25 direction or influence from the people that you would have known
26 through your time at the Maverick Party ---

27 **MS. TAMARA LICH:** Absolutely not. Not.

28 **MR. JOHN MATHER:** Did anyone who you had

1 affiliations with or know from the Maverick or Wexit Party join
2 you in Ottawa?

3 **MS. TAMARA LICH:** The only person that I saw that
4 came out from there was a gentleman that had ran as a candidate
5 for the Maverick Party who was a friend of mine. His name was
6 Tariq.

7 **MR. JOHN MATHER:** Anyone else?

8 **MS. TAMARA LICH:** Not that I can remember. Oh,
9 sorry, my bad. Colin Krieger also showed up for a few days.

10 **MR. JOHN MATHER:** When did you first become aware
11 of the protests and blockades in Coutts, Alberta?

12 **MS. TAMARA LICH:** Oh, I'm not even sure. We had
13 so much going on here to deal with. I remember hearing about
14 the borders, but I'm not sure when it was. It had already been
15 in the news for a few days, I think.

16 **MR. JOHN MATHER:** Did you know anyone who's
17 participating in the protests or blockades there?

18 **MS. TAMARA LICH:** I -- it's sort of my home area.
19 So I do know two of my friends that were there for sure. But I
20 -- and I probably -- actually, I believe my parents even took
21 food there one day. But other than that, I don't know.

22 **MR. JOHN MATHER:** Were your friends there, were
23 either of them involved in organising the protest or the
24 blockades?

25 **MS. TAMARA LICH:** Not to my knowledge, no.

26 **MR. JOHN MATHER:** Were you communicating with
27 your friends who were in Coutts?

28 **MS. TAMARA LICH:** I think one of them had sent me

1 a text message just to see how I was doing because he was a
2 friend of mind and mentioned that he was there. But other than
3 that, no.

4 **MR. JOHN MATHER:** Did your friends or anyone
5 reach out to you to request support or guidance on how to
6 organise a protest?

7 **MS. TAMARA LICH:** Never.

8 **MR. JOHN MATHER:** Did you have any understanding
9 about the makeup of the protest group at Coutts?

10 **MS. TAMARA LICH:** I did not. I really did not
11 have time to follow what was happening closely. I just knew
12 that they were happening.

13 **MR. JOHN MATHER:** What did you understand their
14 goals to be?

15 **MS. TAMARA LICH:** I think they were there -- I
16 assume they were there for the border mandates.

17 **MR. JOHN MATHER:** Did your friends tell you what
18 they were doing when they were participating?

19 **MS. TAMARA LICH:** No.

20 **MR. JOHN MATHER:** Oh, sorry, why they were
21 participating, to be more precise?

22 **MS. TAMARA LICH:** No.

23 **MR. JOHN MATHER:** Did you have any communications
24 with any other protesters at any of the other protests in Canada
25 that were occurring at the same time as the Ottawa protest?

26 **MS. TAMARA LICH:** No, sir.

27 **MR. JOHN MATHER:** Anyone -- any communications
28 with anyone in Surrey?

1 MS. TAMARA LICH: No, sir.

2 MR. JOHN MATHER: Emerson?

3 MS. TAMARA LICH: No, sir.

4 MR. JOHN MATHER: Windsor?

5 MS. TAMARA LICH: No, sir.

6 MR. JOHN MATHER: If we could pull up HRF1294?

7 So if you scroll down? So this is an email dated Friday,
8 February 11th, 2022. And while it's blocked out, I believe this
9 is an email that was sent to you; is that correct?

10 MS. TAMARA LICH: I had 15,000 emails maybe.

11 MR. JOHN MATHER: Well, let's scroll up and put
12 some context to it.

13 MS. TAMARA LICH: Sure.

14 MR. JOHN MATHER: So you see there on 2 days
15 later, there's an email message from February 13th from Tamara
16 with a signature, "Sincerely, Tamara Lich". So it appears that
17 you're forwarding this email onto someone named Danny.

18 MS. TAMARA LICH: Yes.

19 MR. JOHN MATHER: Yeah. Do you have any reason
20 to believe you didn't receive the email down below?

21 MS. TAMARA LICH: I don't, yeah. I don't have
22 any reason to believe I didn't. There was a lot I didn't get
23 to.

24 MR. JOHN MATHER: And if we can scroll down? So
25 it says,

26 "Good afternoon,
27 Please, we are looking for help to get
28 in touch with an Ottawa Convoy

1 organizer or someone who can help us.
2 My uncle is desperately trying to
3 organize the convoy in Windsor.
4 Currently there is no [...] person(s)
5 [or persons] in charge. We are in
6 immediate need of help and direction
7 from the Ottawa convoy organization.
8 We are NOT looking for funds so much as
9 support, direction and to make the
10 connection with your convoy."

11 And scroll down, I won't continue reading, and
12 then it's signed by a Kathleen Thom (Hogan). Do you recognise
13 the name Kathleen Thom or Kathleen Hogan?

14 **MS. TAMARA LICH:** I do not.

15 **MR. JOHN MATHER:** Do you recall if you had any
16 other communications from Ms. Thom?

17 **MS. TAMARA LICH:** I don't.

18 **MR. JOHN MATHER:** Do you recall -- does this
19 refresh your memory at all about whether or not you received any
20 other similar messages from anyone in Windsor or any of the
21 other protest locations?

22 **MS. TAMARA LICH:** No. Like I said, I had a lot
23 of emails that I never got to, and but I don't recall. I don't
24 recall seeing any.

25 **MR. JOHN MATHER:** Now I'm going to ask you some
26 questions about the agreement that was reached with the Mayor of
27 Ottawa with respect to the moving of the trucks. And again, the
28 Commission has heard a lot of evidence about that, but I have a

1 few questions for you.

2 When did you first come to know that it was
3 possible that there might be the opportunity to have a
4 discussion with the mayor? Yeah.

5 **MS. TAMARA LICH:** Well, we had a meeting with Mr.
6 French. I believe it was February the 11th. At that point, he
7 didn't indicate to me who he was representing. I think he was
8 just trying to open some negotiations, and I think it was maybe
9 the next day or after that then that I found out that it was
10 from the mayor ---

11 **MR. JOHN MATHER:** And so ---

12 **MS. TAMARA LICH:** --- or that he was there on
13 behalf.

14 **MR. JOHN MATHER:** And so you said that was
15 February the 11th?

16 **MS. TAMARA LICH:** I think it was a Friday,
17 February the 11th.

18 **MR. JOHN MATHER:** And as we understand it, the
19 letters that you and the mayor exchange were on February the
20 12th. Does that ---

21 **MS. TAMARA LICH:** Yes.

22 **MR. JOHN MATHER:** --- accord with your
23 recollection?

24 **MS. TAMARA LICH:** It does.

25 **MR. JOHN MATHER:** So that happened pretty
26 quickly; didn't it?

27 **MS. TAMARA LICH:** It did, yes.

28 **MR. JOHN MATHER:** Can you explain to me how you

1 originally -- how that developed over such a short period of
2 time?

3 **MS. TAMARA LICH:** Well, as I said, we had a
4 meeting with Mr. French and some of the road captains and other
5 volunteers. And just it happened really quickly because we
6 wanted -- I viewed it as a step, a first step, a step to start,
7 you know, getting the trucks out of the downtown core, so that
8 we could get those areas opened up for the citizens. And
9 they've been saying here shrinking the footprint or whatever.
10 And it did happen really fast. And you have to understand that
11 we had been there now for -- I think that was going into our
12 third week. We were tired. We wanted to go home. So we were
13 looking for ways where we could start forming an exit strategy.
14 And while our concern was obviously never with the City of
15 Ottawa, we felt it was, a) a step one, and number two, finally,
16 someone is willing to sit down and just listen to us and have a
17 dialogue with us.

18 **MR. JOHN MATHER:** So you were open to the notion
19 of shrinking the protest footprint with an eventual view to an
20 exit ---

21 **MS. TAMARA LICH:** Yes.

22 **MR. JOHN MATHER:** --- is that fair?

23 **MS. TAMARA LICH:** Yeah.

24 **MR. JOHN MATHER:** Did you have a timeline in your
25 mind about how much longer you were willing to stay?

26 **MS. TAMARA LICH:** Not really. It was --
27 everything was very fluid and day by day. I guess my hope was
28 that if we could open communications with the mayor and he could

1 see that we weren't, you know, the types of people that we were
2 being described as in the media, that perhaps that would open
3 the door for talks with someone -- with MPs or someone in the
4 federal government who would take the time to sit down and
5 listen to us.

6 **MR. JOHN MATHER:** You heard Mr. Dichter testify
7 earlier today I believe; is that correct?

8 **MS. TAMARA LICH:** I heard parts of it, yes.

9 **MR. JOHN MATHER:** Parts of it. Okay.

10 **MS. TAMARA LICH:** Yes.

11 **MR. JOHN MATHER:** Well, Mr. Dichter, his evidence
12 in some summary was that he did not want to shrink the
13 footprint, and in fact, he thought shrinking the move up to
14 Wellington was a bad idea and it was an attempt by some people
15 to make it easier for the police to clear the protest. Was that
16 a view that Mr. Dichter shared with you at any point in time?

17 **MS. TAMARA LICH:** I don't recall if he ever did.
18 I don't recall having that conversation. But again, there was
19 lots going on.

20 **MR. JOHN MATHER:** Do you recall if anyone within
21 the Board of Directors or anyone who you were talking to on a
22 regular basis, whether there was any dissenting voices, anyone
23 who thought this was not the right move?

24 **MS. TAMARA LICH:** Well, we talked with the road
25 captains before that letter went out and had agreement. We
26 discussed the draft of the letter, I believe, and Mr. Wilson and
27 Mr. Chipiuk drafted it and emailed it to everyone so that they
28 would have a chance to read it also and waited for the approvals

1 to come back in. I don't recall if any of them strongly opposed
2 it, to tell you -- like I'm not sure. I don't believe so.

3 **MR. JOHN MATHER:** Mr. Dichter also testified
4 today that after the news of the agreement came out, he received
5 thousands of -- I think maybe 2,000 messages of people who had
6 concern and seemed disappointed or upset. Was that something he
7 expressed to you?

8 **MS. TAMARA LICH:** Not that I recall.

9 **MR. JOHN MATHER:** Do you recall receiving any
10 negative feedback from anyone after the deal was -- became
11 public on the 13th?

12 **MS. TAMARA LICH:** I think there was some people
13 that felt a little bit confused. I mean, I remember hearing
14 that some people didn't feel -- or felt a little bit confused
15 about what was happening. I remember hearing something to the
16 effect of Tamara's negotiating with the mayor behind our backs,
17 which was not true. But again, it was just all rumour. Like,
18 you know ---

19 **MR. JOHN MATHER:** So do you recall someone
20 specifically saying to you that Tamara's negotiating behind your
21 backs?

22 **MS. TAMARA LICH:** No, I don't recall any specific
23 people telling -- I just remember the gist of some of the things
24 that I was hearing.

25 **MR. JOHN MATHER:** Right. And other than the road
26 captains and the Board were the fact of the negotiations -- was
27 that something that was discussed with the protesters more
28 generally before the deal was entered into?

1 **MS. TAMARA LICH:** We printed off some information
2 after we discussed it as a group, and went out to speak to the
3 truckers about it to explain to them why we felt this was a
4 really good idea. I'm not sure what the experiences were of the
5 road captains. I know I went out to 88, I believe it was, and
6 had a great conversation with a gentleman that was kind of
7 overseeing out there. And he was in full agreement.

8 I talked to some of the other truckers that were
9 out there and they were in full agreement also. They all
10 thought it was a good idea.

11 **MR. JOHN MATHER:** And we heard today Mr. Dichter
12 talk about the tweets that he made both from his personal
13 account and from your account after the deal was announced
14 publicly in the media. When did you first learn that Mr.
15 Dichter had tweeted and then retweeted from your account that
16 there had been no agreement?

17 **MS. TAMARA LICH:** It must have been that same
18 evening. I believe I was at the Swiss Hotel when that came out.
19 And I think it was definitely after the fact that I'd heard
20 about it. And it must have been that same evening, I'm
21 assuming.

22 **MR. JOHN MATHER:** What was your reaction?

23 **MS. TAMARA LICH:** I was shocked but I knew that
24 Mr. Wilson -- they had seen it right away. I think he saw it
25 come up on his Twitter right away. And I trusted them to look
26 after it, correct it, I should say.

27 **MR. JOHN MATHER:** Did you ever discuss the tweets
28 with Mr. Dichter?

1 **MS. TAMARA LICH:** I don't believe so because so
2 many things happened after that. Monday was the invocation of
3 the Emergencies Act which we found out when we were actually
4 ironically on our way to meet with Mr. Brian Peckford. And I
5 don't recall having the conversation with him about that, but I
6 could have because it was kind of a big deal.

7 **MR. JOHN MATHER:** Well, then maybe the further
8 question -- it was kind of a big deal. Do you -- I take it
9 then, but you don't recall any specific conversations with him?

10 **MS. TAMARA LICH:** I don't, sir.

11 **MR. JOHN MATHER:** Mr. Champ suggested, I think at
12 some point yesterday, that in addition to the tweets that you
13 went on a Facebook live stream at some point and said that you
14 didn't support the deal that had been struck with the mayor. Do
15 you have any recollection about that? Does that ring any bells?

16 **MS. TAMARA LICH:** No, it doesn't ring any bells
17 to me.

18 **MR. JOHN MATHER:** And were you here yesterday
19 when Mr. King testified?

20 **MS. TAMARA LICH:** I was, yes.

21 **MR. JOHN MATHER:** And so you would have seen that
22 the Commission showed a video that Mr. Kind released after the
23 deal had been announced in which he said there was no deal. He
24 said it's a lie, it's a false flag, and told everyone to hold
25 the line. Did you see the video at that time?

26 **MS. TAMARA LICH:** I did not.

27 **MR. JOHN MATHER:** When was the first time you saw
28 that video?

1 **MS. TAMARA LICH:** In totality was yesterday. I
2 believe I heard about it. Well, I know I heard about it But I
3 believe that yesterday was the first time I watched it, the
4 whole thing. I might have seen bits of it before.

5 **MR. JOHN MATHER:** What was your reaction to
6 seeing it yesterday?

7 **MS. TAMARA LICH:** Well, Mr. King wasn't in our
8 meetings so I don't really have a reaction. I mean, he wasn't
9 attending our meetings. I don't know if -- like I said, my
10 interactions with him were quite limited. So I don't know if he
11 had spoken to one of the other road captains or if anybody had
12 told him what was going on.

13 **MR. JOHN MATHER:** I take it he didn't reach out
14 to you.

15 **MS. TAMARA LICH:** No.

16 **MR. JOHN MATHER:** And would you have expected Mr.
17 King before coming out and saying that a deal you had entered
18 into was a lie -- would you have expected him to come and check
19 with you first?

20 **MS. TAMARA LICH:** I guess so. I don't really
21 know. He kind of does his own thing.

22 **MR. JOHN MATHER:** Do you still think that Mr.
23 King was at the protest for the right reasons?

24 **MS. TAMARA LICH:** I have never heard him speak
25 from his lips that I could hear racist comments. I've seen the
26 videos that have been, you know, online, that you guys have
27 shown. I personally have never beared witness to that. And I
28 believe that at his core he was here to -- just like the rest of

1 us were, to exercise his democratic rights to a peaceful
2 assembly.

3 **MR. JOHN MATHER:** Do you have any regret that Mr.
4 King was associated with the convoy?

5 **MS. TAMARA LICH:** I've thought a lot about that
6 question. And he is a part of the story. And I mean, I can't
7 really have regrets because it is what it is. Things happened
8 the way that they were supposed to happen and I guess he had a
9 part to play. I don't know. That's hindsight is 20/20, right?

10 **MR. JOHN MATHER:** So as everyone in this room
11 knows, the Emergencies Act was invoked on February 14th, 2022.
12 After the invocation of the Act what was your understanding
13 about whether or not people could continue to protest in the red
14 zone peacefully?

15 **MS. TAMARA LICH:** Well, nobody had ever come up
16 to me and told me that we needed to leave.

17 **MR. JOHN MATHER:** Have you see the flyers that
18 have been shown in the evidence, the OPS flyers giving notice
19 that people needed to vacate the area?

20 **MS. TAMARA LICH:** I did, yes. Yeah, I did see
21 those.

22 **MR. JOHN MATHER:** Did you remember seeing flyers
23 like that at the time?

24 **MS. TAMARA LICH:** I did see -- somebody sent me a
25 screen shot of one. I can't remember if I had an actual copy of
26 it but I had a screen shot of one and I thought it was odd. Now
27 it's been a while but I think it was because there was spelling
28 mistakes and it wasn't signed by anyone. I didn't know -- I

1 guess at this point I was kind of questioning the validity of
2 anything I saw, really. And it was definitely alarming. But
3 again, nobody ever came to us and said, "You guys have to leave
4 right now."

5 And as far as I was concerned, we were peacefully
6 protesting. We were exercising our democratic rights to be here
7 and to protest.

8 **MR. JOHN MATHER:** So if no one came and told you
9 you had to leave, what did you think the impact or purpose of
10 the invocation of the Emergencies Act was?

11 **MS. TAMARA LICH:** Again, this is an entirely new
12 world for me. I didn't know. I remember when I believe the
13 City of Ottawa implemented a state of emergency and then Mr.
14 Ford invoked a provincial state of emergency. And I don't want
15 to sound flippant but what I saw from those were small groups of
16 police officers standing around to larger groups of police
17 officers standing around.

18 So I didn't understand fully, I guess, what that
19 meant in terms of what was expected of us. It was really
20 alarming. I remember starting to get quite anxious about what
21 could be coming.

22 **MR. JOHN MATHER:** As one of the people who was
23 organizing the movement, as the person who you at least
24 identified had been held out as a leader, even if you didn't
25 feel that way, did you take any steps to figure out what it
26 meant that the Emergencies Act had been invoked and what that
27 meant for the people who were protesting and the people that you
28 understood to be supporting your convoy?

1 **MS. TAMARA LICH:** Well, as I said, we were on the
2 way to meet with Mr. Peckford when we heard that Mr. Trudeau was
3 going to be invoking the Act, or announcing that he was going to
4 be invoking the Act later that day. And Mr. Peckford thought it
5 would be a good idea for us to do a press conference about it
6 also.

7 So we did do a press conference later that day,
8 prior to the Prime Minister's press conference. And we wanted
9 to continue and peacefully protest. But I knew that people were
10 leaving, which I encouraged. And I believe it was the 16th; it
11 was the day before I was arrested that some of the road captains
12 and friends that were close to our organization started leaving
13 which of course I encouraged. I mean, I was concerned about
14 what could be coming. We had heard that there was quite a
15 police presence coming and obviously I didn't want to see anyone
16 be hurt. I didn't want to see anyone get arrested.

17 **MR. JOHN MATHER:** At that point in time was it
18 your view that it was time to leave Ottawa?

19 **MS. TAMARA LICH:** It was getting close.

20 **MR. JOHN MATHER:** And you already mentioned that
21 you got arrested on February 17th.

22 **MS. TAMARA LICH:** Yes, I did.

23 **MR. JOHN MATHER:** Can you tell the Commission
24 what it was like to be arrested?

25 **MS. TAMARA LICH:** Well, it was, again, kind of
26 ironic because I went down to the War Memorial that day to
27 attend the service that the vets were having there every day. I
28 spent my afternoon walking the streets with a veteran and my

1 husband and Miranda, one of the road captains, just talking to
2 people.

3 And I was aware the night before -- I'm sure
4 you've saw the video -- that it was most likely coming or that
5 there was a chance that I could be arrested. And we went back
6 to the hotel and within 15 minutes, everybody's phones started
7 blowing up and that Mr. Barber had been arrested.

8 Mr. Bulford and I were at the Swiss Hotel with
9 Mr. Scubic and Mr. Tiessen and we discussed what we should do,
10 what our next steps should be. And we were concerned that if
11 they were starting to arrest the organizers, that they would
12 come to the hotel. And my husband was there, and Mr. Bulford's
13 wife was there. And obviously, that was the last thing that I
14 would ever want my husband to see, was to me be arrested.

15 We definitely didn't want that sort of activity
16 occurring at the hotel with a woman who had been so kind to us,
17 actually, who was about to lose her business until we showed up.

18 But like I said in my video, I wasn't afraid. I
19 believe and still believe that we did an excellent job remaining
20 peaceful, advocating for the police, advocating for respecting
21 the police, and so we made the conscious decision to go out and
22 ask the police if they were looking for us. We walked up to the
23 Hill and I believe it was Metcalfe, and we stopped and talked to
24 some officers. I'm not sure what their rank was. There was two
25 Suburbans pointed with their headlights up at the Hill. And we
26 walked up to them and Mr. Bulford identified who we were and
27 asked the gentlemen if we heard that they were looking for
28 organizers. We are the -- we're part of the volunteers, and he

1 indicated to us that he didn't have information on that.

2 Danny asked him maybe a second time, or he asked
3 him another question, and he rolled his window up, communicated
4 with somebody, rolled his window down, and said, "No."

5 And I remember saying, "Well, if that changes,
6 we're just going to be up at the Hill here."

7 And we went up to the Hill and I think we were
8 there for an hour and a half to two hours, and we decided to go
9 back to our room. We had presented ourself to the police. They
10 indicated that we were not -- they were not looking for us. We
11 walked down to the ARC Hotel and warmed up. It was cold that
12 night. And I believe Sean was staying there. I needed to get
13 something, so we warmed up in there for about 10 minutes, and
14 then started heading back to the Swiss Hotel.

15 As we crossed the street, there had been -- there
16 was construction on my left side of the street in front of the
17 buildings, I remember, so it wasn't very well lit.

18 And as we were walking, I met another couple
19 coming towards us, and the lady hugged me and thanked me and
20 Danny and she was crying. And we were standing there talking to
21 this couple and all of a sudden, three Suburbans just went --
22 police Suburbans -- I think that's what they are -- went flying
23 down the street past us, and then a fourth one came and pulled
24 over. And so at that point, I was pretty sure that I was about
25 to be arrested.

26 **MR. JOHN MATHER:** How has the arrest affected
27 your life?

28 **MS. TAMARA LICH:** I've lost my job. I've lost my

1 freedom of speech. I've lost my freedom to communicate with my
2 friends, which was quite traumatizing because we just
3 experienced something huge, and we didn't get any time to even
4 sit down as a group and just talk about it and talk about our
5 experience. We didn't have that opportunity. That was taken
6 away from me.

7 I have to be very careful about every move that I
8 make. As you know, I was arrested on an alleged breach charge
9 for attending a dinner in Toronto. I had the police show up at
10 the place that I'm staying last weekend because somebody saw me
11 outside smoking a cigarette.

12 I have a daughter that I don't want her to be
13 seen with me because I'm worried.

14 I'm so sorry.

15 **MR. JOHN MATHER:** Take your time.

16 **MS. TAMARA LICH:** I have yet to see the
17 particulars of the mischief that I am alleged to have committed.
18 I just -- it's definitely affected my life. It's something that
19 I have never been arrested before. I -- the process, the legal
20 process, I find extremely frustrating. My trial's not til next
21 year. I have to live under these conditions for a year.

22 But I will -- I'll make it work. I'll manage.
23 And I did everything I felt that I could do in my power through
24 the lives that I was doing, and I believe it worked, as I was
25 advocating again for peaceful protest, respect the police,
26 please respect other people. That was a big part of the reason
27 I did that live the last night.

28 I saw a lot of those flags, and while I support

1 anyone's freedom of speech, it's not something that resonated
2 with me.

3 I saw and heard of people that were upset with
4 some mainstream media, and I just wanted to -- I did my video
5 because regardless of how angry we are with the lack or the
6 leadership that we've seen, the divisive rhetoric, the division
7 between the vaccinated and unvaccinated that I've seen come from
8 elected officials, civil servants towards their own people.

9 And I saw those flags one day, and I kept
10 thinking, I got to get to the stage and make a speech. Like, I
11 felt that I needed to get there and I needed to just say, you
12 know, Mr. Trudeau has three children, and I have three children.
13 And my kids have to wake up and see the stuff on social media
14 too.

15 Actually, when I was arrested, my 19-year-old
16 daughter woke up to read an article that I hung myself in jail.
17 She's 19.

18 **MR. JOHN MATHER:** Thank you, Ms. Lich. Those are
19 my questions.

20 **MS. TAMARA LICH:** Thank you.

21 **COMMISSIONER ROULEAU:** Okay. Well, we're at the
22 stage of adjourning for the day, and I think it's welcome for
23 everybody, so we'll come back tomorrow at 9:30.

24 I have a -- you have question, yes?

25 **MR. BRENDAN MILLER:** Just a request.

26 As you know, the witness is now technically under
27 -- the cross-examination hasn't started, but we would like
28 permission to be able to communicate with the witness. We

1 actually are all living in the same building. In fact, she's
2 staying ---

3 **COMMISSIONER ROULEAU:** Pardon me?

4 **MR. BRENDAN MILLER:** Sorry, we'd like permission,
5 sir, leave to be able to communicate with the witness, though
6 she's still under oath. We actually all kind of live in the
7 same apartment buildings and sharing apartments with the witness
8 and things like that.

9 So subject to your direction. Whatever works. I
10 understand that that was given to Chief Sloly's counsel. We
11 would like the same prerogative, sir, if that was possible.

12 **COMMISSIONER ROULEAU:** I think -- I don't think
13 there actually was any permission given. What was pointed out
14 is the rule does not prevent you from speaking to the witness,
15 as long as you don't speak about any of the evidence. So -- and
16 that's my understanding of the rule.

17 So you don't need my permission, unless you want
18 to speak to her about her evidence, in which case, that's a
19 different matter.

20 **MR. BRENDAN MILLER:** No, sir, but as we would
21 have the evening, we would anticipate -- we have already, but we
22 would anticipate the possibility of continuing to prepare her
23 for cross. But if that's not permitted, sir, we won't do so.

24 **COMMISSIONER ROULEAU:** I don't think that's
25 contemplated by the rule.

26 I'm sorry, anyone want to pipe in on this? I'm
27 sorry.

28 **MR. TOM CURRY:** Well, Commissioner, if it's of

1 assistance, I'm not certain exactly who helps facilitate the way
2 in which we approached the matter with Chief Sloly, but I
3 believe the application in the rule is that the witness'
4 evidence given to date is not the subject of discussion. But
5 that would -- I think my friend would be able to speak about the
6 questions that he intends to ask without going back over what
7 the witness has given.

8 **COMMISSIONER ROULEAU:** Yeah.

9 **MR. TOM CURRY:** I believe that's how we reached
10 agreement with our friends from the Ottawa Police Service who
11 had raised the issue and -- with some of your Commission.

12 **COMMISSIONER ROULEAU:** Yeah, I think lawyers have
13 to be aware of the rule. It's basically the same rule as
14 applies to in courts, and you can't speak about cross-
15 examination on the evidence. You can prepare, but that's a
16 different matter. And the line, obviously, we rely on lawyers
17 to respect that, obviously. I'm sure it's the same in Alberta.
18 Kind of.

19 **MR. BRENDAN MILLER:** Yes, sir, it is.

20 **COMMISSIONER ROULEAU:** We're all one country.
21 Okay. So until 9:30 tomorrow morning.

22 **THE REGISTRAR:** The Commission is adjourned. La
23 Commission est ajournée.

24 --- Upon recessing at 7:32 p.m.

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C E R T I F I C A T I O N

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4 I, Wendy Clements, a certified court reporter, hereby certify
5 the foregoing pages to be an accurate transcription of my
6 notes/records to the best of my skill and ability, and I so
7 swear.

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9 Je, Wendy Clements, une sténographe officielle, certifie que les
10 pages ci-hautes sont une transcription conforme de mes
11 notes/enregistrements au meilleur de mes capacités, et je le
12 jure.

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