



**PUBLIC ORDER  
EMERGENCY  
COMMISSION**

**COMMISSION  
SUR L'ÉTAT  
D'URGENCE**

**Public Hearing**

**Audience publique**

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

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Mr. Tom Curry

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Mr. Nikolas De Stefano

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Mr. David Migicovsky

Ms. Jessica Barrow

Ontario Provincial Police

Mr. Christopher Diana

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## **V**

### **Appearances / Comparutions**

Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford
Ottawa Coalition of Residents and Businesses	Mr. Paul Champ Ms. Emilie Taman Ms. Christine Johnson
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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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Ottawa, Ontario

--- Upon commencing on Monday, November 21, 2022 at 9:30 a.m.

**THE REGISTRAR:** Order. À l'ordre.

The Public Order Emergency Commission is now in session. La Commission sur l'état d'urgence est maintenant ouverte.

**COMMISSIONER ROULEAU:** Good morning. Bonjour.

Okay. So this morning we have a panel of witnesses. Who's on for the Commission?

(SHORT PAUSE)

**MR. GORDON CAMERON:** Good morning, Mr.

Commissioner.

Gordon Cameron for Commission Counsel, and this morning we have a panel of three witnesses combined, two from CSIS and one from ITAC.

If they could come forward and we'll have them sworn.

(SHORT PAUSE)

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

**DAVID VIGNEAULT:** David Vigneault; D-a-v-i-d, V-i-g-n-e-a-u-l-t.

**--- MR. DAVID VIGNEAULT, Affirmed:**

**THE REGISTRAR:** Thank you.

For the record, please state your full name and spell it out.

**MS. MICHELLE TESSIER:** It's Michelle Tessier; M-i-c-h-e-l-l-e, T-e-s-s-i-e-r.



1 --- MS. MICHELLE TESSIER, Affirmed:

2 THE REGISTRAR: Thank you.

3 For the record, please state your full name and  
4 spell it out.

5 MS. MARIE-HÉLÈNE CHAYER: Marie-Hélène Chayer, M-  
6 a-r-i-e-H-e-l-e-n-e, C-h-a-y-e-r.

7 --- MS. MARIE-HÉLÈNE CHAYER, Affirmed:

8 LA GREFFIÈRE: Merci.

9 --- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:

10 MR. GORDON CAMERON: Good morning, and this is  
11 now our third opportunity to see each other and go through the  
12 evidence that you'll be giving to the Commission this morning.  
13 And what I'd like to do is begin with a little bit of  
14 housekeeping.

15 I'll remind -- Mr. Commissioner, I'll remind  
16 parties through you that we have already had the interview  
17 summary of these three witnesses adopted during the closed  
18 session, which took place on November 5<sup>th</sup>. We also had the  
19 confidential and public versions of the Institutional Report  
20 adopted during that session, but the one item that has not yet  
21 been adopted is the summary that was posted yesterday of the  
22 closed session.

23 And so witnesses, I would you ask each in turn to  
24 confirm that you reviewed that summary for accuracy and adopt it  
25 as part of the evidence of CSIS and ITAC before the Commission  
26 today. Can you each confirm that?

27 MR. DAVID VIGNEAULT: Yes.

28 MS. MICHELLE TESSIER: Yes.

1                   **MS. MARIE-HÉLÈNE CHAYER:** Yes.

2                   **MR. GORDON CAMERON:** Thank you.

3                   And now to begin, for those to whom each of you  
4 is not already familiar to the public, if I could ask you, Mr.  
5 Vigneault, to begin by describing your role and function within  
6 the -- within CSIS.

7                   **MR. DAVID VIGNEAULT:** Yes. So I've been  
8 appointed the Director of CSIS in June 2017. In those  
9 functions, I have the full responsibility and authority over the  
10 organization, and I am supported by a group of senior  
11 executives, including Madam Tessier here with me today. And I  
12 can go into further details about the mandate or the  
13 organization now or later.

14                  **MR. GORDON CAMERON:** Let me, if I could ask the  
15 Clerk to call up -- just on that point because you've set out  
16 your mandate in your Institutional Report.

17                   Mr. Clerk, could you pull up DOJ.IR.00000001?

18                   And I'm inferring from the number of this  
19 document that CSIS was the first federal government institution  
20 to get its Institutional Report filed.

21                   And, witnesses, if we go to the second page --  
22 Mr. Clerk, if you could scroll down just -- exactly there, thank  
23 you.

24                   And we see in the second sentence there, and I'll  
25 read it and you can follow along with me, Mr. Vigneault:

26                               "CSIS' core mandate is to investigate  
27                               threats to the security of Canada and  
28                               advise the Government of Canada on such

1                               threats."

2                               See that there?

3                               **MR. DAVID VIGNEAULT:**   Yeah.

4                               **MR. GORDON CAMERON:**   And you confirm that is the  
5   core mandate of CSIS?

6                               **MR. DAVID VIGNEAULT:**   Yes, it is.

7                               **MR. GORDON CAMERON:**   Thank you.

8                               Now, Ms. Tessier, you are the Deputy Director of  
9   Operations at CSIS; correct?

10                              **MS. MICHELLE TESSIER:**   That's correct.

11                              **MR. GORDON CAMERON:**   And can you describe your  
12   role in that position?

13                              **MS. MICHELLE TESSIER:**   Certainly. I'm  
14   responsible for the overall management of service operational  
15   activities and the governance of those activities.

16                              **MR. GORDON CAMERON:**   The way we've found it  
17   convenient to describe it to those who aren't familiar with the  
18   bureaucracy of the Service is to describe you as the most senior  
19   intelligence officer in the Service; is that a fair description?

20                              **MS. MICHELLE TESSIER:**   That's correct.

21                              **MR. GORDON CAMERON:**   Thank you.

22                              Ms. Chayer, you're with ITAC. Could you tell us  
23   what your role is there, and in general terms, what ITAC is?  
24   We'll go into a little more detail later but just for  
25   introductory purposes.

26                              **MS. MARIE-HÉLÈNE CHAYER:**   Yes, certainly.

27                              I am the Executive Director of ITAC; I've been in  
28   that position since September 2021.

1 ITAC is an organization that was created in 2004  
2 out of the National Security Policy to independently produce  
3 threat assessment using a broad range of intelligence  
4 information, both at the unclassified and classified level.

5 We have three main lines of operation. The first  
6 one is to assess and recommend national terrorism threat level  
7 for Canada; the second one is to report and assess terrorism-  
8 related event trends and threats; and the last one is to assess  
9 and set terrorism threat level for Canadian interests worldwide.

10 **MR. GORDON CAMERON:** Thank you. And can you  
11 describe, in general terms, the relationship between ITAC and  
12 CSIS?

13 **MS. MARIE-HÉLÈNE CHAYER:** Yes. So ITAC is co-  
14 located with CSIS headquarters, and we operate under the *CSIS*  
15 Act. And so I do have a reporting relationship to the Director  
16 of the Service, and our -- my organization works very closely  
17 with CSIS partners; we have access to the intelligence that is  
18 collected by the Service, and we assess it independently.

19 **MR. GORDON CAMERON:** Thank you. You used a  
20 phrase there, and I'll just take you to the words that are used  
21 in your materials, which is that ITAC operates under the  
22 authorities of the *CSIS Act*. Now, we don't see ITAC mentioned  
23 in the *CSIS Act*; am I correct there?

24 **MS. MARIE-HÉLÈNE CHAYER:** That is correct.

25 **MR. GORDON CAMERON:** So can you explain for the  
26 Commissioner why you would characterize ITAC as operating under  
27 the authorities of *CSIS Act*?

28 **MS. MARIE-HÉLÈNE CHAYER:** Yes, of course.

1                   So as I mentioned, ITAC was created in 2004, so  
2 after the *CSIS Act* was enacted. And when -- it was created,  
3 after the 9/11 incident, basically, to avoid siloes in  
4 intelligence assessments. And when it was created, it was  
5 decided by the department at the time to put it under the *CSIS*  
6 *Act*.

7                   So all the founding documents, the founding  
8 documentation of the centre stipulates that it operates under  
9 the *CSIS Act*.

10                  **MR. GORDON CAMPBELL:** So you -- the institution  
11 put itself under the authority of the *CSIS Act* even though it's  
12 not mentioned there?

13                  **MS. MARIE-HÉLÈNE CHAYER:** The government of the  
14 day decided to put it on under the *CSIS Act*.

15                  **MR. GORDON CAMPBELL:** Nice move. Is -- when you  
16 say ITAC is responsible for determining the national terrorism  
17 threat level, can you explain how those determinations are made?

18                  **MS. MARIE-HÉLÈNE CHAYER:** Yes, actually, ITAC is  
19 responsible to recommend the national terrorism threat level.

20                  **MR. GORDON CAMPBELL:** Thank you.

21                  **MS. MARIE-HÉLÈNE CHAYER:** Director of the service  
22 sets the level.

23                  **MR. GORDON CAMPBELL:** Thank you. But why don't  
24 you describe exactly that, the input that you have and then the  
25 role that the Director plays in that.

26                  **MS. MARIE-HÉLÈNE CHAYER:** Yes, so we use a very  
27 rigorous methodology to do that. So our analysts are trained to  
28 look at a number of indicators to come up with a recommendation.

1 So the methodology uses both qualitative indicators and  
2 quantitative indicators. We look at all available intelligence.  
3 We consult with many security partners, and we specifically do  
4 an assessment of threat actors, intent, capabilities and  
5 opportunities to conduct an act of terrorism. Very important to  
6 point out that the assessment is specifically on the likelihood  
7 of an act of terrorism occurring in Canada.

8               So once we've done all this work, those  
9 consultation, this analysis, we do it at least three times a  
10 year, or more often as required. When I'm satisfied with the  
11 assessment, we present it to the Director who then decides  
12 whether or not he takes the recommendation or the proposed  
13 level.

14               **MR. GORDON CAMPBELL:** And just before we go over  
15 to you, Mr. Vigneault, as to your role in this, perhaps, Madam  
16 Chayer, you could explain whether there is any relationship  
17 between the definition we've seen a lot of in this hearing, that  
18 is, the 2(c) definition of threat to the security of Canada and  
19 the conclusion you and your organization makes on the national  
20 terrorism threat level.

21               **MS. MARIE-HÉLÈNE CHAYER:** Yes, of course. So the  
22 -- so as you very well know, the 2(c) and all the Act unlocks  
23 investigative powers for the service; right? ITAC is not a  
24 collecting agency. We do not collect intelligence. We assess  
25 already collected intelligence. And so the intelligence that  
26 the service collects under 2(c), this is the intelligence that  
27 we assess, along with other informations or consultations with  
28 partners to come up with a recommendation of the threat level.

1           **MR. GORDON CAMPBELL:** If I understand what you're  
2 saying, the recommendation that you make as to a threat level  
3 isn't a recommendation that a 2(c) threat has been found ---

4           **MS. MARIE-HÉLÈNE CHAYER:** No.

5           **MR. GORDON CAMPBELL:** These are independent  
6 concepts?

7           **MS. MARIE-HÉLÈNE CHAYER:** Yes.

8           **MR. GORDON CAMPBELL:** Thank you. Now over to  
9 you, Mr. Vigneault, when you receive the recommendation from  
10 ITAC, what's your role?

11           **MR. DAVID VIGNEAULT:** So, of course, after  
12 reviewing carefully the material, I need to satisfy myself that  
13 I concur with the analysis, and I can, you know, agree or  
14 disagree with the recommendation to set the threat level. And  
15 so I do that, as Madam Chayer described, regularly during the  
16 year, or as required if there is a specific incident that, you  
17 know, happens in between those set time periods.

18           **MR. GORDON CAMPBELL:** And tell me, is this  
19 sometimes a subject of dialogue between CSIS and ITAC where you  
20 receive a threat level recommendation and perhaps ask for more  
21 information, or query the conclusion, or give other feedback?

22           **MR. DAVID VIGNEAULT:** M'hm. The way it works is  
23 that it could be a combination of, you know, regular dialogue,  
24 and so while the assessment is being made, you know, Madam  
25 Chayer and I will have part of different meetings. We discuss  
26 the terrorism issues in Canada and abroad. And so our common  
27 understanding it will be formed through those discussions, and  
28 it happens also that, you know, when I receive the formal

1 material, I will ask to sit down with the Executive Director of  
2 ITAC to formally question some elements, to make sure that I  
3 understand exactly what's the basis of the analysis and make  
4 sure that I'm comfortable with such analysis, and then I'm the  
5 position to make the determination of the threat level.

6 **MR. GORDON CAMPBELL:** Thank you. Now, witnesses,  
7 we are going to go through an exercise that we've colloquially,  
8 Commission Counsel have colloquially called CSIS 101, similar to  
9 some of the questions you got asked in your interview and in the  
10 closed session. Probably, Madam Tessier, these are mostly for  
11 you. This is your working, the concepts you work with every  
12 day, but other witnesses, please feel free to add or qualify as  
13 you think appropriate. And these questions, witnesses, will be  
14 about your core mandate, so your -- what soon we will come to  
15 call your section 12 mandate, but your mandate to investigate  
16 threats to the security of Canada.

17 And so let's start with section 12, and, Mr.  
18 Clerk, if you could call -- well, you might already have it on  
19 hand. It's the same document, the DOJ.IR.00000001, and page 2.  
20 You have in the second paragraph that begins pursuant, an  
21 extract from section 12, which I'll just read for the  
22 transcript. Pursuant -- and the first part is a lead in, and  
23 I'll mention when the quotation starts,

24 "Pursuant to [section] 12 of the *CSIS*  
25 Act, CSIS..."

26 And here the extract from the Act begins,

27 "...shall collect, by investigation or  
28 otherwise, to the extent that it is



1 strictly necessary, and analyse and  
2 retain information and intelligence  
3 respecting activities that may on  
4 reasonable grounds be suspected of  
5 constituting threats to the security of  
6 Canada and, in relation thereto, shall  
7 report to and advise the Government of  
8 Canada.""

9 Now perhaps I'll put it over to you, Ms. Tessier,  
10 to describe the function that section 12 serves in the CSIS --  
11 in the core mandate work of CSIS.

12 **MS. MICHELLE TESSIER:** Certainly. Thank you for  
13 the question. It is really what defines what our mandate is, as  
14 you mention, in terms of opening investigation, collecting  
15 information and reporting to the Government of Canada. The  
16 intelligence cycle is such that the Government of Canada issues  
17 intelligence requirements to the Security and Intelligence  
18 community, of which CSIS, of course, is a part, and we then  
19 issue direction to our regional offices to collect the  
20 information that can fulfil that intelligence requirement, we  
21 analyse it in our headquarters, and we subsequently disseminate  
22 our assessments to the Government of Canada.

23 **MR. GORDON CAMPBELL:** Right. And we'll probably  
24 come back to this as we're discussing some of the other  
25 definitions, but is it fair to say that if we go to the second  
26 line there and the words "information and intelligence  
27 respecting activities", that activities is a central concept in  
28 section 12 and in your mandate?

1                   **MS. MICHELLE TESSIER:** Absolutely, and, of  
2 course, it's related to section 2 of the Act, which ---

3                   **MR. GORDON CAMPBELL:** Right.

4                   **MS. MICHELLE TESSIER:** --- describes the threats  
5 ---

6                   **MR. GORDON CAMPBELL:** And -- yeah, section 2  
7 particularizes the types of activities that could form threats,  
8 but in particular, you're not investigating ideas. You're  
9 investigating activities; right? You're investigating when  
10 perhaps ideas motivate people to action.

11                   **MS. MICHELLE TESSIER:** That's correct.

12                   **MR. GORDON CAMPBELL:** Okay. And the standard  
13 which we've already seen talked about a fair bit in the hearing  
14 to date is in the third line there, that is to conduct an  
15 investigation, to have the authority to investigate these  
16 activities, the grounds of proof are described there as  
17 reasonable -- sorry, "activities that may on reasonable grounds  
18 be suspected of constituting threats", so sometimes shortened to  
19 reasonable grounds to suspect, and that's the basic threshold  
20 that decides what -- I'm going to put it in my terms, when you  
21 go from being a sponge, just absorbing information and  
22 monitoring situations to actively collecting and investigating a  
23 target; is that a fair description?

24                   **MS. MICHELLE TESSIER:** Yes, it is the threshold  
25 that we must meet before initiating and investigation.

26                   **MR. GORDON CAMPBELL:** Thank you.

27                   Mr. Clerk, could we go over to page 6 of this  
28 same document, and at about three-quarters of the way down that

1 page, there is the heading Targeting Authority, and the first  
2 sentence describes a standard for your operations. It's the  
3 second paragraph that I want to focus on for a minute here, and  
4 this is, if you were to ask the question, "Activities of whom or  
5 activities of what is it that you're investigating?" And so you  
6 would use the expression, if I can ask you to confirm this to  
7 make sure I've got it correct, Ms. Tessier, the activities of an  
8 individual, a group of persons or an organisation. Is that  
9 correct?

10 **MS. MICHELLE TESSIER:** That's correct.

11 **MR. GORDON CAMERON:** And to follow through with  
12 the definition we've just worked with:

13 "...whose activities are reasonably  
14 suspected of constituting a threat..."

15 And then this is expanded in the second sentence  
16 of this same paragraph, which I'll read:

17 "CSIS may also target issues or events  
18 to allow for an investigation of  
19 activities which are reasonably  
20 suspected of constituting a threat to  
21 the security of Canada that arise  
22 because of or are related to the issue  
23 or event..."

24 And then parenthetically you give the example of:

25 "... (Threats to Vancouver 2010  
26 Olympics) ."

27 And perhaps you could -- the example, Threats to  
28 Vancouver 2010 Olympics, is helpful. Perhaps you could help us

1 flesh out the concept of targeting issues or events with another  
2 example of an issue or event that might have come under the  
3 Service's attention for the purposes of an investigation of a  
4 threat?

5 **MS. MICHELLE TESSIER:** Certainly. That type of  
6 targeting level is normally used when there is what we call a  
7 "special event", where you can have high-profile individuals  
8 attend, such as politicians or the like, who could be victims of  
9 a variety of threats. So it allows us, when we don't have a  
10 specific, I'll call it an "aligned threat", to be able to  
11 investigate leads that may come out as a result of that being  
12 held and any potential threat to that event, spectators, to the  
13 individuals attending, high profile personalities, that type of  
14 issue.

15 **MR. GORDON CAMERON:** And do you have an example  
16 of when an issue might be something that is constituting a  
17 threat?

18 **MS. MICHELLE TESSIER:** It's not -- to be clear,  
19 it's not the actual event or issue that is the threat, it's the  
20 ability to investigate activities that because that threat is --  
21 that, sorry, that event is being held there could be a threat  
22 that comes as a result of that. So it's not the issue or event  
23 itself.

24 **MR. GORDON CAMERON:** Thank you. I got lazy there  
25 in my description. What you're talking about is an issue or an  
26 event in relation to which there could be activities that  
27 themselves constitute the threat; correct?

28 **MS. MICHELLE TESSIER:** That's correct.

1           **MR. GORDON CAMERON:** And -- so if I can take you  
2 back to the question. Is there an example that comes to mind of  
3 where an issue might give rise to activities that constitute a  
4 threat?

5           **MS. MICHELLE TESSIER:** As I mentioned, several  
6 high profile issues where there's a gathering of personalities,  
7 such as a G7, G20 event, the Olympic Games, significant events  
8 that could attract threat actors to target that event.

9           **MR. GORDON CAMERON:** Could -- in this context,  
10 could an issue be an ideology, like Islamic terrorism?

11           **MS. MICHELLE TESSIER:** That would be -- if that  
12 falls within the activities of a threat to terrorism does, of  
13 course, under 2(c) ---

14           **MR. GORDON CAMERON:** Right.

15           **MS. MICHELLE TESSIER:** --- then that would be its  
16 own. It wouldn't necessarily be a more general issue-based  
17 event. That would fall squarely under 2(c) of the *CSIS Act*.

18           **MR. GORDON CAMERON:** Okay. And -- so we've got,  
19 if I follow this correctly, looking at these -- at the listings  
20 in paragraph 2, we could have an individual, a group of persons  
21 or an organisation who could -- any of those could be involved  
22 in activities, or the target could be issues or events that  
23 allow for an investigation of activities that are suspected of  
24 constituting a threat because of or related to the issue or  
25 event. So it can be a permutation of those three categories of  
26 targets on their own or in conjunction with an issue or event?

27           **MS. MICHELLE TESSIER:** That's correct.

28           **MR. GORDON CAMERON:** Now, let's get to that more

1 refined level of description of the threat activities, and and a  
2 good place to find that...

3 Mr. Clerk, if you can go back to page 2, we'll  
4 see in the footnote to page 2 the extract of section 2 of the  
5 *CSIS Act*.

6 And just, Ms. Tessier, to help put this in  
7 context, section 2 of the *CSIS Act* is the section that contains  
8 a long list of definitions, one of which is threats to the  
9 security of Canada; correct?

10 **MS. MICHELLE TESSIER:** That's correct.

11 **MR. GORDON CAMERON:** I say that, because  
12 sometimes we talk almost exclusively about section 2 as if  
13 threats is all it is. But it's -- when we say 2(c), we actually  
14 mean the threat -- the definition of threat to the security of  
15 Canada, that is, the third of the subcategories of threats to  
16 the security of Canada; correct?

17 **MS. MICHELLE TESSIER:** That's correct.

18 **MR. GORDON CAMERON:** And is it fair to say that  
19 for the purposes we are talking about in relation to the convoy,  
20 the blockades, the protests in January and February of this  
21 year, that certainly the concentration, and ultimately, I think,  
22 the exclusive area of interest for potential threats or for  
23 investigation of threats would be 2(c). Is that right?

24 **MS. MICHELLE TESSIER:** That's right.

25 **MR. GORDON CAMERON:** Okay. And I'll just read  
26 that out again so it appears in the transcript:

27 "...activities within or relating to  
28 Canada directed toward or in support of

1 the threat or use of acts of serious  
2 violence against persons or property  
3 for the purpose of achieving a  
4 political, religious or ideological  
5 objective within Canada or a foreign  
6 state..."

7 And so that we don't have to keep repeating that,  
8 in your community you often refer to "threat-related activities"  
9 as a compact way of describing 2(c)?

10 **MS. MICHELLE TESSIER:** We often refer to it as  
11 "terrorism", but yeah, threat-related activities ---

12 **MR. GORDON CAMERON:** Okay.

13 **MS. MICHELLE TESSIER:** --- related to terrorism.

14 **MR. GORDON CAMERON:** Other phrases I have seen  
15 are "threats of serious violence" and we all build into that, we  
16 know it has to be all of those others words, including  
17 "ideologically motivated", et cetera. But if you hear me use  
18 that expression "threats of serious violence or activities  
19 directed towards serious violence" you'll know that I'm talking  
20 about a 2(c). We agree on that?

21 **MS. MICHELLE TESSIER:** I would be careful on that  
22 because there could be criminal activity that is serious  
23 violence, a murder, a homicide that is not related to the  
24 security of Canada. So I would just want to be clear that it  
25 has to relate to, as you pointed out, the various components of  
26 2(c).

27 **MR. GORDON CAMERON:** I -- so you might want me to  
28 always add the words "for the purpose of achieving a political,

1 religious or ideological objective" to the end to complete?

2 **MS. MICHELLE TESSIER:** I think if you refer to  
3 the *CSIS Act* and 2(c) I think we'll fine.

4 **MR. GORDON CAMERON:** 2(c) we'll know what you  
5 mean.

6 **MS. MICHELLE TESSIER:** Yes.

7 **MR. GORDON CAMERON:** Okay. Now, assuming you  
8 meet your reasonable grounds to suspect threshold under  
9 section 12, then depending on the urgency and seriousness of the  
10 threat and the resources you have available, you could decide to  
11 open an investigation and then you have to decide what  
12 investigative tools you're going to use to pursue that  
13 investigation. Correct?

14 **MS. MICHELLE TESSIER:** That's correct.

15 **MR. GORDON CAMERON:** And where I'm going to take  
16 you here is that there are certain investigative tools you can  
17 use having only that reasonable grounds to suspect as the  
18 standard of certainty you have, that is, generally-speaking,  
19 we'll call them the "less intrusive investigative tools";  
20 correct?

21 **MS. MICHELLE TESSIER:** Correct.

22 **MR. GORDON CAMERON:** Surveillance, collecting  
23 information from open sources, basically building a file, but  
24 not going so far into a level of intrusiveness that you would  
25 actually need a warrant; correct?

26 **MS. MICHELLE TESSIER:** If it's only reasonable  
27 grounds to suspect, that's correct.

28 **MR. GORDON CAMERON:** Right. and then, if the



1 circumstances, which might be the seriousness of the threat or  
2 the difficulty you have in collecting information on it, so  
3 indicated appropriate, you might then apply to a court to get  
4 more intrusive -- to get authorities, judicially granted  
5 authorities, for more intrusive investigative techniques; right?

6 **MS. MICHELLE TESSIER:** That's -- yes. Once we go  
7 through the past the threshold of reasonable grounds to believe,  
8 at that point, yes, we can apply for a federal court warrant.

9 **MR. GORDON CAMERON:** Right. I'm going to try to  
10 break that up into smaller pieces and suggest that what you  
11 realize is that you need more investigative authorities than you  
12 have without a warrant, and then you see if you have reasonable  
13 grounds to believe that there is a threat to the security of  
14 Canada because you know you are going to have to satisfy a judge  
15 on that point before you will get the warrant; right?

16 **MS. MICHELLE TESSIER:** That's correct. Yeah.

17 **MR. GORDON CAMERON:** And the reason I want to  
18 break it out there is I think you'll agree, if we can make this  
19 observation, that the higher evidentiary threshold of reasonable  
20 grounds to believe there's a threat to the security of Canada,  
21 that standard of certainty has to do with the fact that you are  
22 using more intrusive techniques. You always had the authority  
23 to investigate once you passed the reasonable grounds to suspect  
24 threshold; correct?

25 **MS. MICHELLE TESSIER:** Yes.

26 **MR. GORDON CAMERON:** So the higher threshold of  
27 reasonable grounds to believe isn't what gives you the authority  
28 to investigate, it's what gives you the authority to use more

1 intrusive investigative techniques?

2 **MS. MICHELLE TESSIER:** Yes, that's correct.

3 **MR. GORDON CAMERON:** Thank you. And in terms of  
4 resources, another factor that I would expect to play into this  
5 analysis you do is that you've only got so many intelligence  
6 officers, you've got a lot of information coming in, so there's  
7 some proportionality and triaging, et cetera, that you do when  
8 you decide which threats that do plausibly meet the reasonable  
9 grounds to suspect threshold, you're actually going to devote  
10 your resources to and how much resources you'll devote to them?

11 **MS. MICHELLE TESSIER:** Yes. And of course, it's  
12 often -- well, it's always dictated by the nature of the threat,  
13 the gravity, because we can go very quickly into reasonable  
14 grounds to believe, of course, depending on the nature of the  
15 information we receive at that time.

16 **MR. GORDON CAMERON:** Okay. Now, on that point,  
17 I'd like to make an -- or ask you to make an observation that  
18 we've seen in your interview summary, and it's come out in the  
19 materials that the parties have already seen, and it has to do  
20 with the allocation of its counter terrorism resources that the  
21 service has devoted to, and here we're going to introduce the  
22 acronym, I think almost everybody knows what it means now, but  
23 IMVE, ideologically motivated violent extremism. And so can you  
24 tell the Commissioner, relatively speaking, of the -- all of the  
25 resources of the service that are devoted to counter terrorism  
26 operations, what proportion of those resources are devoted to  
27 dealing with the IMVE threat?

28 **MS. MICHELLE TESSIER:** Approximately 50 percent.

1                   **MR. GORDON CAMERON:** Okay. And how does that  
2 relate, say, to the proportion that -- and I'm just going to ask  
3 you to make a rough approximation here, that would have applied  
4 10 years ago, say?

5                   **MS. MICHELLE TESSIER:** It's a significant  
6 increase. Maybe not from 10 years ago, but from, certainly --  
7 yes. I think when we look at events that have occurred in  
8 Canada with -- as an example, Alexandre Bissonnette, Quebec City  
9 mosque shooting, Alek Minassian and the unfortunate event of --  
10 in Toronto where he ran over a number of individuals, when we  
11 see an increase in those types of activities, we obviously  
12 proportionality place our resources, investigate what we see as  
13 a very significant and growing threat.

14                  **MR. GORDON CAMERON:** Okay. So even with the --  
15 where then to the extent there are still threats out there from  
16 organized terrorist groups, like Al-Qaeda or other groups that  
17 hook so many of your resources back around the turn of the  
18 century, you are now devoting either half or more than half of  
19 your resources exclusively to responding to the IMVE threat? Is  
20 that correct?

21                  **MS. MICHELLE TESSIER:** That's correct.

22                  **MR. GORDON CAMERON:** Thank you. Now, at that  
23 point, I'm going to ask Ms. Khan to come up and expand some more  
24 on that threat and the way that the services handle it, and then  
25 I'll come back afterwards with some questions that follow on  
26 that.

27 **--- EXAMINATION-IN-CHIEF BY MS. NUSRA KHAN:**

28                  **MS. NUSRA KHAN:** Good morning. It's good to see

1 you again.

2 Good morning, Mr. Commissioner.

3 For the record, I'm Nusra Khan, Commission  
4 Counsel.

5 I think my questions are probably best placed to  
6 you, Ms. Tessier, but as Mr. Cameron said, please, if the other  
7 panelists feel able, jump in where you feel it's appropriate.

8 So I would like to go through the IMVE framework  
9 that the service has adopted with you. And I understand that  
10 this terminology and this framework is something that the  
11 service has adopted as a policy framework in recent years. Is  
12 that correct?

13 **MS. MARIE-HÉLÈNE CHAYER:** That's correct.

14 **MS. NUSRA KHAN:** Okay. So I'm going to pull up a  
15 placemat, which I think you're no doubt familiar with. It's  
16 COM00000946.

17 And while that's coming up, perhaps -- you've  
18 touched on this already a bit, Ms. Tessier, but perhaps you can  
19 explain what led to the adoption of this terminology and this  
20 framework?

21 **MS. MICHELLE TESSIER:** Thank you. The -- I will  
22 say at the outset that ideologically motivated violence and  
23 extremism is very difficult to define when it meets a CSIS  
24 threshold, when it meets the threshold of terrorism. And that  
25 is something that we share internationally with -- when we're  
26 talking with our partners, because it is a complex threat.

27 We adopted that term because of the complexity  
28 and the number of ideologies that can fit into it. We didn't

1 want to get into right wing, left wing. That can mean different  
2 things to different people, could be just a legitimate view  
3 point.

4 And so we wanted to highlight the various, I'll  
5 call them steps, or criteria is a better word, that would bring  
6 CSIS' investigations into the fore.

7 So we wanted to be ideologically motivated. So  
8 it's not just a personal grievance. It is something somebody  
9 fundamentally believes in and they want a societal change. So  
10 they want to change the world. They really believe in this  
11 extreme vision of changing society. And then, of course,  
12 serious violence, death. They are looking to kill.

13 **MS. NUSRA KHAN:** Right. And so I understand  
14 you're referring to the four criteria that are set out in this  
15 placemat there. So we see willingness to kill, attempting to  
16 affect societal change, ideological influence, and serious  
17 violence. So these are the criteria that would lead the service  
18 to determine that there is a threat under 2(c) in particular.  
19 Is that right?

20 **MS. MICHELLE TESSIER:** That's right. It's not an  
21 exact science. And I think it's important to realize that given  
22 the nature of this type of threat, we do try to develop this  
23 criteria. And as a matter of fact, many of our international  
24 allies have adopted the same vocabulary, because we know it's  
25 challenging, so we try to narrow it to those criteria in order  
26 for CSIS to begin its investigations.

27 **MS. NUSRA KHAN:** Okay. So perhaps we can walk  
28 through the criteria in turn.

1                   So I'll just note, actually, before we go there,  
2 a threat actor in this scenario is not somebody that the target  
3 -- that the service is investigating. Is that correct?

4                   **MS. MICHELLE TESSIER:** Sorry, I don't think I  
5 understand your question.

6                   **MS. NUSRA KHAN:** So in order for somebody to move  
7 from being an actor into a target, ---

8                   **MS. MICHELLE TESSIER:** Right.

9                   **MS. NUSRA KHAN:** --- these -- they would have to  
10 meet these three criteria; correct?

11                   **MS. MICHELLE TESSIER:** Yes. That's correct.  
12 Yes.

13                   **MS. NUSRA KHAN:** And an actor doesn't necessarily  
14 need to be a person or an individual? Is that correct?

15                   **MS. MICHELLE TESSIER:** Well, normally it could be  
16 a group, it could be an organization.

17                   **MS. NUSRA KHAN:** And would that -- could that  
18 include cells, or platforms, or networks more broadly?

19                   **MS. MICHELLE TESSIER:** I'm not sure I -- cells,  
20 of course, are composed of individuals. I mean, ultimately  
21 you're dealing with individuals, even if it's a group or  
22 organization, they're composed of individuals.

23                   **MS. NUSRA KHAN:** Okay. So perhaps let's go to  
24 the first criteria, willingness to kill or inspire others to  
25 kill.

26                   So what would be sufficient to meet that  
27 criteria?

28                   **MS. MICHELLE TESSIER:** Our information indicating

1 that somebody is seriously -- has communicated that they want to  
2 commit murder, that they're acquiring arms, but it could also  
3 mean damaging property in such a way that could lead to somebody  
4 being killed, even if that wasn't the initial intent.

5 It could also be inciting individuals to  
6 violence, because oftentimes it is the consumers of that type of  
7 propaganda who could be the ones that can radicalize and commit  
8 the act.

9 MS. NUSRA KHAN: Right. So I just -- I want to  
10 pick up on something you just said there. You said it could be  
11 destruction to property as well, if it leads to loss of life.  
12 Is that a fair characterization?

13 MS. MICHELLE TESSIER: Yes.

14 MS. NUSRA KHAN: So there has to be the potential  
15 for loss of life?

16 MS. MICHELLE TESSIER: Yes.

17 MS. NUSRA KHAN: So if we zoom into this placemat  
18 on to Scenario 3 there, this is a scenario in which, presumably,  
19 there's a threat to one of Canada's 10 critical infrastructure  
20 sectors, and loss of life isn't an objective, per se, but it's a  
21 possible outcome, and that's what would trigger this criteria.

22 MS. MICHELLE TESSIER: Yes, that's correct.

23 MS. NUSRA KHAN: So if we just scroll to the next  
24 page, please, Mr. Clerk?

25 So I think there's a definition up there about  
26 serious violence, and if we just zoom in a little bit more and  
27 scroll to the right.

28 Serious violence in relation to the 10 Government

1 of Canada critical infrastructures is defined as:

2 "A threat actor who willfully destroys  
3 or damages property if such actions  
4 could endanger a person's life." (As  
5 read)

6 And that's what we were just referring to;  
7 correct?

8 **MS. MICHELLE TESSIER:** That's correct.

9 **MS. NUSRA KHAN:** So, for example, a willingness  
10 to engage in just pure destruction of property if all the other  
11 criteria are met wouldn't be sufficient to bring somebody up to  
12 the level of being a target; is that correct?

13 **MS. MICHELLE TESSIER:** Yeah, not necessarily, but  
14 yes.

15 **MS. NUSRA KHAN:** Okay. And so would an example  
16 of this be somebody, for instance, who might want to tear down a  
17 statue for an ideological purpose and for a desire to affect  
18 societal change, but because the potential of loss of life isn't  
19 made out, they wouldn't rise to the level of being a threat; is  
20 that correct?

21 **MS. MICHELLE TESSIER:** That's a fair statement,  
22 yes.

23 **MS. NUSRA KHAN:** Okay. And how might an actor  
24 demonstrate a willingness to kill or to inspire others to kill?  
25 So you mentioned inciting violence; would that be posting things  
26 online?

27 **MS. MICHELLE TESSIER:** It could include posting  
28 things online. Sometimes it's more covert than that but it



1 could, yes.

2                   **MS. NUSRA KHAN:** Okay. And would passive  
3 engagement or consumption of that content indicate a willingness  
4 to kill?

5                   **MS. MICHELLE TESSIER:** I'm not sure I understand  
6 what you mean by passive engagement.

7                   **MS. NUSRA KHAN:** Perhaps somebody who's engaging  
8 with violent content online.

9                   **MS. MICHELLE TESSIER:** Right.

10                  **MS. NUSRA KHAN:** Just looking at it, reading it,  
11 browsing it, would that be sufficient to meet this criteria?

12                  **MS. MICHELLE TESSIER:** No, not at all.

13                  **MS. NUSRA KHAN:** So we'll turn to the next  
14 criteria, which is desire to attempt societal change.

15                         If we can just zoom out, Mr. Clerk? And just go  
16 back up to the top page, please.

17                         So can you expand on what might meet this  
18 criteria, "Attempting to affect societal change"?

19                  **MS. MICHELLE TESSIER:** Absolutely. When we look  
20 at the IMV movement, because that's what it is; it's a  
21 composition of movements, many members believe in what they call  
22 accelerationism, which is a belief that society needs to change  
23 -- we'll take White supremists as an example, or anti-  
24 immigration individuals, who believe that their society is at  
25 risk, either of immigration, of government intervention, of  
26 anything they see, they feel that society is at risk and that  
27 there's going to be a civil war. So they believe they must take  
28 violent action to speed up that societal change and to put

1 society back as to, in their vision, is the way it should be.

2 So that's an example of societal change, where  
3 they really adhere to this accelerationist mindset, if you will.

4 **MS. NUSRA KHAN:** And so would somebody who's  
5 protesting meet the criteria for attempting to affect societal  
6 change?

7 **MS. MICHELLE TESSIER:** Not necessarily. I would  
8 just want to highlight that CSIS cannot, by its law, investigate  
9 lawful protest and dissent, unless -- unless it's related to one  
10 of the threats to security of Canada.

11 **MS. NUSRA KHAN:** Right. And so protest alone,  
12 protest alone wouldn't be sufficient to meet this criteria?

13 **MS. MICHELLE TESSIER:** No, it would not.

14 **MS. NUSRA KHAN:** Okay. And so turning to the  
15 third criteria there, "Ideological Influence," you've touched on  
16 this already in using the word, "Movement," so I see in the top  
17 left corner of that placemat, if we zoom in just on the bubble  
18 that says, "Ideologically motivated," I see there are four, I  
19 think, broad movements that the Service has identified as  
20 falling under this category. Can you speak to them, please?

21 **MS. MICHELLE TESSIER:** Certainly. There's  
22 xenophobic violence, as I mentioned earlier; anti-authority  
23 violence, so anti-government; gender driven violence; and what  
24 we call other grievance, that could be, like, extreme  
25 environmental groups or animal rights types, anti-abortion; I  
26 mean, the extreme violent movements. It's meant to capture that  
27 type of ideology.

28 **MS. NUSRA KHAN:** So why does the Service use the

1 lens of movements and not discrete groups?

2 **MS. MICHELLE TESSIER:** If we look at terrorism as  
3 we're traditionally used to looking at it, we -- very much we  
4 focused on groups. And those groups -- I'll use Al Qaeda as an  
5 example, very much a command and control structure where you had  
6 to be vetted and you had to really be accepted as a member of  
7 the group; and very tightly held, and you had to go to training  
8 camps and the like to be considered a member of Al Qaeda.

9 While there are groups in the IMV space they're  
10 not as defined in the same way, they don't necessarily have  
11 command and control, and it's really a movement of individuals  
12 of sometimes various elements of these ideologies, and networks  
13 of individuals is a better way of describing it than actual  
14 strict groups, as what we've seen in the past.

15 **MS. NUSRA KHAN:** Right. And so these are broad  
16 categories, broad networks, and participation in any one of  
17 them, of course, isn't alone on its own because you've got the  
18 other criteria there.

19 **MS. MICHELLE TESSIER:** Yes, that's right. And  
20 we've seen -- I've given a couple of examples, but we've seen  
21 cases where individuals, they don't belong to any group, but  
22 they adhere or they're influenced by these movements, and they  
23 decide to act and commit terrorist attacks.

24 **MS. NUSRA KHAN:** So can you just explain to the  
25 Commission what the anti-public health measures movement is?

26 **MS. MICHELLE TESSIER:** Anti-public health came  
27 out, of course, as a result of the pandemic, and individuals who  
28 felt that government was overreaching by their health

1 regulations, in terms of wearing a mask, or vaccinations or what  
2 have you.

3 **MS. NUSRA KHAN:** And that would fall under which  
4 of these categories?

5 **MS. MICHELLE TESSIER:** Well, it's not an issue or  
6 a movement that the Service investigate. However, we have seen  
7 some of our subjects of investigation in the IMVE space exploit  
8 that type of a movement. If they're anti-authority, if that's  
9 the ideology that they subscribe to, and they see government  
10 intervention, then they can exploit that to justify their  
11 ideology and say, you know, "Yet again, government is  
12 overreaching"; that type of an example. In and of itself, anti-  
13 public health is not a concern to CSIS.

14 **MS. NUSRA KHAN:** Right. And so what would be --  
15 what would be that anchor that brings it into the purview of the  
16 Service?

17 **MS. MICHELLE TESSIER:** Again, it would be more  
18 the individuals who exploit that type of a movement to recruit  
19 individuals, to bring them more towards the extreme view of  
20 anti-authority ideology, wanting to use violence, serious  
21 violence, to kill to bring changes.

22 **MS. NUSRA KHAN:** Right. And so that reference to  
23 serious violence is effectively what brings you back to 2C.

24 **MS. MICHELLE TESSIER:** Yes.

25 **MS. NUSRA KHAN:** And you mentioned another word  
26 there, Ms. Tessier, accelerationism; can you expand on what that  
27 is?

28 **MS. MICHELLE TESSIER:** As I mentioned -- and I'm

1 not the security expert on this, but as I mentioned it is a view  
2 that they have to accelerate the change of society because  
3 they're not satisfied with how society is right now. As I  
4 mentioned, they could be xenophobic, they could be anti-  
5 authority, and they feel the only way to make a change is not  
6 using the democratic process and voting, but rather through  
7 serious violence to kill to bring about that change, because  
8 it's not happening in the current state of affairs.

9 **MS. NUSRA KHAN:** Right. And so I understand from  
10 your Institutional Report and from your witness summaries that  
11 the Service has seen a rise in anti-public health measures  
12 content online. Is that fair?

13 **MS. MICHELLE TESSIER:** I'd say what we've seen a  
14 rise of is anti-authority rhetoric, violent rhetoric, and  
15 threats against public officials. With -- certainly there was a  
16 rise when the public health measures were put into place, but  
17 when those were loosened, then of course the rhetoric towards  
18 that particular issue went down. But what has increased is  
19 threats against public officials, politicians.

20 **MS. NUSRA KHAN:** And has that posed a challenge  
21 at all for the Service?

22 **MS. MICHELLE TESSIER:** It's certainly of concern  
23 to the Service.

24 **MS. NUSRA KHAN:** Yes. So how does the Service go  
25 about distinguishing between credible threats of violence and  
26 something might just be a social media post that expresses anti-  
27 authority views?

28 **MS. MICHELLE TESSIER:** We take various measures.

1 First of all, the Service doesn't monitor all social media. I  
2 don't think we want our intelligence services to be monitoring  
3 everybody's social media. So it's very focused where we believe  
4 there are threats being communicated, if you will, or that are  
5 related to our mandate. And -- but we take -- we use all our  
6 methodologies -- again, if we feel that we have sufficient  
7 information to begin an investigation, then we'll use the  
8 techniques and our methodologies, such as surveillance or what  
9 have you, that enable us to investigate that threat further.  
10 But it is always a challenge to know when somebody's going to  
11 move from the online space to the physical space; that's  
12 obviously of great concern. And as I mentioned earlier, it's  
13 often not necessarily the person posting the rhetoric but the  
14 person consuming it who can decide to become radicalised and  
15 then act.

16 **MS. NUSRA KHAN:** Right. So -- please.

17 **MS. MARIE-HÉLÈNE CHAYER:** No, I was just also,  
18 just to reinforce something that Ms. Tessier mentioned. So it's  
19 not always the people making the threat that we're most  
20 concerned about, it's the people who will consume that rhetoric  
21 and be triggered and mobilised to violence.

22 And to also answer another of your questions to  
23 how we evaluate the threats.

24 **MS. NUSRA KHAN:** Right.

25 **MS. MARIE-HÉLÈNE CHAYER:** At ITAC, we look at  
26 this fairly closely, and we apply the same type of methodology  
27 that we use for the terrorism threat level, which is to look at  
28 the threat actors, their intent, their capability, and the their

1 opportunities. And so our analysts are trained, they have very  
2 detailed trade craft to learn to evaluate the intent based on  
3 the message. The message that says, "I wish that person would  
4 get killed" is really not the same as the message that says "I  
5 really dislike this person. I just acquired a gun and I'm going  
6 to shoot the person."

7 So our -- I'm ---

8 **MR. DAVID VIGNEAULT:** Exaggerating.

9 **MS. MARIE-HÉLÈNE CHAYER:** --- exaggerating, but  
10 it's just to give you the idea of how we actually look at those  
11 threats and look at them very closely with that trade craft and  
12 that methodology in mind.

13 **MS. NUSRA KHAN:** Right. And this trade craft  
14 that ITAC applies would be, or the methodology, is distinct from  
15 these three or four criteria that the Service is applying. Is  
16 that correct?

17 **MS. MARIE-HÉLÈNE CHAYER:** No, not entirely,  
18 because we -- when we -- we fall under the *CSIS Act*, so we look  
19 at the potential for terrorism, and so in that case, we don't  
20 look at just any serious violence. And so it needs to be  
21 motivated by ideology, needs to be done in the purpose of  
22 leading to a societal change. So in that sense, it's not  
23 completely different, it's just that we use it differently. We  
24 don't use it to determine whether or not we can collect on  
25 people since we don't collect intelligence.

26 **MS. NUSRA KHAN:** Okay, thank you. So I'm going  
27 to ask you to define two big concepts, and so I'll pose this  
28 question to the whole panel. One thing that the Services is

1 struggling with, as I understand, is dealing with  
2 mis-information and dis-information as it navigates the  
3 challenges of determining between assessing credible threats  
4 online and online rhetoric.

5 So can you explain to the Commission what  
6 mis-information and dis-information might mean and how that  
7 impacts your work in determining threats under section 2(c)?

8 **MS. MICHELLE TESSIER:** Certainly, I can answer  
9 that. My colleagues can certainly add any comments they like.

10 Mis-information tends to be erroneous information  
11 that is -- that continues to be sent online, communicated  
12 online, not necessarily knowing that the information is  
13 erroneous. Dis-information is purposely spreading false  
14 information. If that helps at all.

15 **MR. DAVID VIGNEAULT:** I think that's -- the  
16 purpose here is I think is the best definition, unless you want  
17 to elaborate more, but totally agree with what was said here.

18 **MS. NUSRA KHAN:** So engaging -- where would  
19 engaging with mis-information or dis-information fall on these  
20 criteria?

21 Sorry, can you just zoom out a little bit more,  
22 Mr. Clerk.

23 **MR. DAVID VIGNEAULT:** Maybe I will answer on this  
24 one. I think it's not just a question of mis-information,  
25 dis-information because that is in and of itself not something  
26 that, you know, we need to be aware of it, conscious of it, but  
27 it's not something that we need to determine ourselves. The --  
28 it's more linking back to the intent and the capabilities of the



1 individual.

2                   So unfortunately, social media, internet is full  
3 of information that is misleading, that could be  
4 mis-information, as Ms. Tessier described, could be also  
5 purposefully misleading, so that would be dis-information. So I  
6 think, you know, we're more interested in understanding the  
7 dynamic and then apply that understanding to our analysis of  
8 specific activities, specific individuals. So I think that will  
9 be more -- a better description of how we, the Service, would be  
10 conscious and aware and apply those principles.

11                   **MS. NUSRA KHAN:** Right. So you're aware of the  
12 fact that there are things circulating online that might not be  
13 violent rhetoric or that might not reflect a desire to engage in  
14 violence, but you've got to keep a general awareness of that.  
15 Is that fair to say?

16                   **MR. DAVID VIGNEAULT:** Yeah, because what we have  
17 seen, unfortunately, a number of the individuals that -- who  
18 have perpetrated acts of terrorism, in Canada, we've had, you  
19 know, since 2014, we have 25 people who have been killed by  
20 terroristic activities by people who were motivated by violent  
21 extremist ideologies. And so when you dissect, deconstruct  
22 their motivation, often because they left manifestos or writings  
23 behind and so on, you see a conflation of different issues, it  
24 could be, you know, xenophobic ideology. And then when you  
25 start to look at the material and the understanding, you realise  
26 that there is a lot of mis-information, dis-information that is  
27 weaved into their writings or their understanding that creates  
28 that belief of these individuals that they must act.

1                   So that's why we, CSIS, will need to have that  
2   kind of awareness, not because we will be interested, you know,  
3   in every mis-information, dis-information that exists, but that  
4   reality informs the threat-related activity of -- that we must  
5   investigate.

6                   **MS. NUSRA KHAN:** Thank you. I'd like to shift  
7   gears now...

8                   So we can just take that document down,  
9   Mr. Clerk. Thank you.

10                  ...and talk to you about the services, activities  
11   in respect of the convoy, in particular. So as I understand it,  
12   the Service was aware or had pre-existing targets and came to  
13   learn of the convoy through that activity. Is that fair?

14                  **MS. MICHELLE TESSIER:** Sorry, we became aware of  
15   the convoy, yes, of course.

16                  **MS. NUSRA KHAN:** Right. And so the Service had  
17   pre-existing targets who might have been involved?

18                  **MS. MICHELLE TESSIER:** Yes, we had pre-existing  
19   targets in the IMVE space to be clear.

20                  **MS. MICHELLE TESSIER:** And was the Service at any  
21   point, sorry, was the Service at any point investigating the  
22   protest itself?

23                  **MR. DAVID VIGNEAULT:** So maybe if I can step back  
24   a little bit just to make sure that we provide the Commission  
25   with the best possible overview.

26                  We, of course, have been, you know, aware,  
27   generally aware of, you know, what's happening in our country.  
28   We have seen the tension that, you know, was created by

1 reticence or a different perspective on public health measures.  
2 We saw, of course, the -- in the mid-January when the government  
3 mandate on the -- that will apply to truckers, you know, came --  
4 what was being discussed and what was about to take effect, we  
5 saw this kind of, you know, increasing volatility and intensity  
6 of being -- opposing those measures. So we kept a general  
7 awareness of that.

8                   We saw some subjects of investigation of CSIS, so  
9 the individuals who were already meeting the thresholds that  
10 Ms. Tessier described earlier. Started to get interested in the  
11 discussion and discussing potential ways of engaging. And so at  
12 that point, we started to engage more resources, both in our  
13 Headquarters in terms of analytical understanding, but also  
14 across the region. CSIS is an intelligence organisation that  
15 has offices across the country and across the world. So we  
16 started to engage our regional offices in Canada, and in some  
17 stations abroad to better understand the dynamic. And -- so we  
18 that evolution, you know, of our -- or the intensity of our  
19 work, you know, followed the events of January and February.

20                   **MS. NUSRA KHAN:** Right. But the Service was not  
21 investigating the anti public health measures movement broadly,  
22 for example, and it certainly wasn't investigating the convoy  
23 itself as a discrete topic.

24                   **MR. DAVID VIGNEAULT:** No.

25                   **MS. NUSRA KHAN:** Is that right?

26                   **MR. DAVID VIGNEAULT:** As was mentioned earlier,  
27 we are prevented by law to investigate protests and lawful  
28 dissent. We have -- we're not investigating the convoy itself.

1 Our interest is to understand how that dynamic is potentially  
2 influencing individuals who may -- individuals that were known  
3 already to CSIS, and others potentially to radicalise further  
4 and engage in potential threat-related activity. So we were not  
5 investigating the convoy.

6 **MS. NUSRA KHAN:** Right. And so the Service's  
7 focus remained at all times on its targets and their  
8 participation or their involvement, as it may be, in those  
9 protests?

10 **MR. DAVID VIGNEAULT:** I would maybe clarify,  
11 Commissioner. I would say, you know, we were of course, you  
12 know, focussing on our subject of investigations, but also, the  
13 dynamic of such events is that you have people, sometimes it can  
14 refer to lone wolves or individuals who might be further  
15 radicalised by the protest.

16 And so our work was to engage with our federal  
17 partners, with law enforcement at the federal, provincial,  
18 municipal level in Ottawa and across the country to understand  
19 how potentially what was happening in the protest world, if I  
20 can put it this way, could have an influence on individuals who  
21 may -- those who were known already to us, are subject to  
22 investigations or others who could be radicalized. So it was  
23 essentially a two-fold analysis, making sure we understood what  
24 our subject investigations were doing, associating with and so  
25 on, but also understanding who were others who could potentially  
26 radicalize, who could potentially start to recruit and meet  
27 others to further threat-related activity.

28 And so that focus is one that we maintain from

1 the beginning till the end. And to a large extent that's what  
2 we continue to do, is we always make sure that, you know, we  
3 don't have tunnel vision in our analysis; is that we challenge  
4 ourselves on an ongoing basis to make sure that our perspective  
5 of threat-related activity is not just, you know, linear and  
6 doesn't change. We were, on an ongoing basis, because  
7 of that exchange of information with other organizations,  
8 challenging ourselves to make sure do we really understand well  
9 the dynamic here, and how does this apply to the CSIS Act, and  
10 how are our intelligence professionals are executing.

11 **MS. NUSRA KHAN:** Right. So looking -- so would  
12 it be fair to say CSIS was looking at the protests in  
13 conjunction with its targets, as the Section 2(c) definition  
14 allows?

15 **MR. DAVID VIGNEAULT:** Our -- yes. Our targets,  
16 but also looking at the broader perspective to see if others  
17 would eventually engage in such activity that they could become  
18 subject of investigations.

19 **MS. NUSRA KHAN:** So looking for potential  
20 threats?

21 **MR. DAVID VIGNEAULT:** Yes.

22 **MS. NUSRA KHAN:** Okay. I would like to pull up a  
23 document, TSNSCCAN00000165.

24 So I'll just -- I'll take you through a few  
25 briefs that the Service prepared in the course of the protests,  
26 and we can discuss them.

27 So do you recognize this document, Mr. Vigneault?

28 **MR. DAVID VIGNEAULT:** Yes.

1                   **MS. NUSRA KHAN:** Can you explain to us what it  
2 is?

3                   **MR. DAVID VIGNEAULT:** As per the title, these are  
4 notes that were prepared for a senior executive in the  
5 organization, Ms. Tessier or myself, to brief outside partners;  
6 in this case would be Minister Mendicino, Minister of Public  
7 Safety, who I report to ---

8                   **MS. NUSRA KHAN:** Right.

9                   **MR. DAVID VIGNEAULT:** --- as Director of CSIS.

10                  **MS. NUSRA KHAN:** So this would've been a  
11 Ministerial briefing that you would have provided, is that  
12 right?

13                  **MR. DAVID VIGNEAULT:** Yeah, well, I think we can  
14 describe it.

15                  **MS. NUSRA KHAN:** Right. And so this is January  
16 27<sup>th</sup>, around the time of the first ADMNSOPS meeting; is that  
17 fair?

18                  **MR. DAVID VIGNEAULT:** Yeah, I trust that those  
19 dates are accurate, yeah.

20                  **MS. NUSRA KHAN:** Okay. So I just want to go  
21 through the content. If we can scroll down a bit, we have sort  
22 of the very first assessment prepared by the Service, I think,  
23 of the Freedom Convoy. And so there's a bullet there that says:  
24                               "CSIS in investigating IMVE activities  
25                               and monitoring IMVE social media  
26                               content. There has been online  
27                               commentary calling for violence and  
28                               storming Parliament Hill buildings."

1                   And then the next bullet:  
2                   "CSIS is tracking...engagement of [its]  
3                   targets in relation to the convoy.  
4                   Over the coming days, CSIS will be  
5                   monitoring the involvement of these  
6                   targets and other persons of  
7                   [interest], in particular for any  
8                   indications of mobilization to  
9                   violence."

10                  So what does -- what do those two bullets mean  
11 there? What does, "...CSIS will be monitoring the involvement  
12 of these targets and other persons of [interest], in particular  
13 for any indications of mobilization to violence" mean?

14                  **MR. DAVID VIGNEAULT:** So, I think as we were just  
15 describing in the previous exchange is that we had already an  
16 awareness of a number of individuals in Canada, were engaged in  
17 activities that met our threshold for 2(c) investigations. And  
18 so we were aware, we -- that some of these individuals were  
19 interested in the -- paying a lot of close interest to the  
20 convoy, and trying to understand, you know, what it meant, saw  
21 potential opportunities, and so we were looking at those  
22 individuals. So these are the knowns -- known actors, if you  
23 want.

24                  Our work as well is to make sure, as I mentioned,  
25 that we don't have tunnel vision; that we just don't look at  
26 what we know, but also in this context of other people who might  
27 be influence by the events, by some specific decision, by the  
28 government, some specific radical rhetoric online to say, "It is

1 my time; I need to do something." So our professional's thesis  
2 and in ITAC are trained to really understand well the  
3 distinctions we're talking about, about 2 (c) and so on; about  
4 what is lawful dissent and protest versus what are activities  
5 that could be potentially, you know, threat-related activity  
6 under the *CSIS Act*.

7 So this is a description of that -- at high level  
8 of that type of work that was ongoing during that period.

9 **MS. NUSRA KHAN:** So is the assessment there that  
10 there is a possibility of a lone actor; correct? Is that it?

11 **MR. DAVID VIGNEAULT:** Yes. Essentially at that  
12 point, you know, late January, we're looking at such an activity  
13 because, based on, again, experience of our professionals, we  
14 have seen individuals who seize opportunities to engage in those  
15 acts, either because they had previous beliefs, or by -- because  
16 they are in events or activities, or what they might read,  
17 consume, in terms of information, is radicalizing them extremely  
18 quickly. And some ---

19 **MS. NUSRA KHAN:** So a person that's not known to  
20 the Service but that could ---

21 **MR. DAVID VIGNEAULT:** Absolutely.

22 **MS. NUSRA KHAN:** --- be radicalized.

23 So at the bottom there we see the bullet:

24 "CSIS is unaware, at this time, of any  
25 tangible plots or plans of serious  
26 violence."

27 And so at this stage there's no risk of a threat  
28 materializing?



1                   **MR. DAVID VIGNEAULT:** I would not necessarily  
2 character -- say there's no risk, as just that we're not aware  
3 of it. And so I think, you know, it is a -- I think Ms. Tessier  
4 used the expression earlier, "It's not an exact science". And  
5 what I think is very important to remember as -- in this event  
6 and other events of the sort that we've seen in the US, in other  
7 -- in other democracies is that there could be a very quick turn  
8 of events, you know, there could be very -- could --  
9 radicalization or shift in the dynamic of these.

10                   So at that point we did not see, so the 27<sup>th</sup> when  
11 this -- the report was written, we were not seeing any tangible  
12 plots of violence, but that's not to say that there was no risk.  
13 And that's why we were, as I said earlier, engaging all  
14 necessary resources in Ottawa and across the country to  
15 understand what was happening.

16                   **MS. NUSRA KHAN:** Okay. So we'll go to the next  
17 brief, which is TSNSCCAN00100000166.

18                   So do you recognize this document?

19                   **MR. DAVID VIGNEAULT:** Yes, I do.

20                   **MS. NUSRA KHAN:** Okay. And can you explain to us  
21 what it is?

22                   **MR. DAVID VIGNEAULT:** Yes. This is a -- as the  
23 title explains, "Analytical Brief," so it's prepared by a senior  
24 analyst -- intelligence analyst within CSIS to try to  
25 contextualize, provide an assessment of some information or  
26 facts that may -- that appear. And it's to use their expert  
27 knowledge and apply analytical tradecraft to take facts and  
28 events and try to make some sense out of them, so that we have

1 an understanding within the Service and ITAC of what this means.  
2 And this distribution here also means that it would have been  
3 shared more broadly, across government. So it's to have CSIS,  
4 you know, share our analysis with other members of the  
5 government about a specific event.

6 **MS. NUSRA KHAN:** Who would you have been sharing  
7 this brief with?

8 **MR. DAVID VIGNEAULT:** This would have been shared  
9 -- actually at this level of classification, it would have been  
10 shared very broadly across government -- federal government. So  
11 we're talking, you know, most departments across the federal  
12 government, and many individuals within each department ---

13 **MS. NUSRA KHAN:** And that would ---

14 **MR. DAVID VIGNEAULT:** --- and specifically --  
15 sorry; specifically that would have been for sure the analytical  
16 intelligence branches of the key government departments involved  
17 in the monitoring of the activities of the Freedom Convoy and  
18 associated demonstrations.

19 **MS. NUSRA KHAN:** And would it have been shared  
20 with PCO?

21 **MR. DAVID VIGNEAULT:** Absolutely.

22 **MS. NUSRA KHAN:** Okay. Thank you. If we scroll  
23 down to page 3 here. If we see the assessment here:

24 "Aside from individuals who  
25 specifically identified themselves as  
26 part of the convoy group, the Service  
27 is unaware of the presence of IMVE  
28 groups at this weekend's protest."

1                   Then if we scroll down all the way:

2                   "The presence of racist and bigoted  
3                   flags appear to have been brought by  
4                   individuals who would like others to  
5                   believe that their cause [of] or belief  
6                   is far greater and more organized than  
7                   it actually is. CSIS assesses that  
8                   these flags were not part of a broader  
9                   group initiative."

10                  So this is February 2<sup>nd</sup>, and the Service is still  
11                  reporting there isn't a threat under section 2 (c) arising from  
12                  the protest itself; is that fair to say?

13                  **MR. DAVID VIGNEAULT:** I'm not sure that this is -  
14                  - I think the purpose of this was more to, again, use the  
15                  expertise of CSIS IMVE analysts to try to share with other  
16                  groups, individuals, organizations, that may not be as familiar  
17                  as CSIS is on these issues, to say that, you know, we have seen  
18                  in the past, you know, people waving flags at different  
19                  demonstrations, and when you do the analysis, it's not to say  
20                  that, you know, there were a large number of people associated  
21                  with those flags. It could be here it is essentially there was  
22                  a number of commentary made in the media and other places that  
23                  trying to draw an inference between if there is such a flag that  
24                  means there are lots of people associated with this cause? This  
25                  was to do -- use the best analysis possible from our  
26                  intelligence experts to contextualize this information, to try  
27                  to make sense for people who are not experts of what we saw and  
28                  what we analyzed this event.

1                   **MS. NUSRA KHAN:** Right. So at this stage, we're  
2 seeing indicators or symbols at the protest that might lead one  
3 to believe that there are extremist groups involved in the  
4 protest and the service is saying that's not necessarily the  
5 case?

6                   **MR. DAVID VIGNEAULT:** It's not to say that it's  
7 not the case, but it's to not -- to be more nuanced in the  
8 analysis, because this is very complex and people who are not  
9 experts, you know, may draw conclusions, and our intent with  
10 these types of reports is to say based on our analysis, based on  
11 the information we have, based on all of the knowledge that we  
12 have, this is the context and how we are interpreting this. It  
13 doesn't mean that CSIS is right, but I think it's very important  
14 to share that analysis with others.

15                   **MS. NUSRA KHAN:** Okay. So I'll take you to the  
16 last brief, and that's TS.NSC.CAN.001.00000211, please.

17                   Okay. So if we can just zoom out a bit so we can  
18 see the entire page a bit, please?

19                   So I believe this brief is dated February 10<sup>th</sup>.  
20 Are you familiar with this document?

21                   **MR. DAVID VIGNEAULT:** Yes. I don't see the date  
22 on it though.

23                   **MS. NUSRA KHAN:** I think it's just at the bottom  
24 of the page there.

25                   **MR. DAVID VIGNEAULT:** Okay.

26                   **MS. NUSRA KHAN:** So this is a brief, again, on  
27 the protests. If we just look at the title, it says: "Anti-  
28 Public Health Measures Movement, Grievances and the Freedom

1 Convoy 2022".

2 So if we scroll to the bottom of page 2 we have  
3 the outlook prepared by the service.

4 Sorry, if we scroll up a bit as well?

5 So we see there, just before the redaction:

6 "No formal organized plot of violence has  
7 been identified."

8 "CSIS assess that the Freedom Convoy 2022  
9 is of interest to various subjects of  
10 investigation, especially those who hold  
11 anti-mandate [...] or broader anti-  
12 government views."

13 And then just underneath "Outlook" there:

14 "CSIS will continue to monitor the  
15 involvement of IMVE's within the Freedom  
16 Convoy 2022 in order to better understand  
17 the [...] public health measures movement."

18 So what is the assessment being shared here?

19 **MR. DAVID VIGNEAULT:** So essentially, the first  
20 line above the outlook you mentioned is that at that point,  
21 CSIS' assessment was that we did not see specific actions being  
22 taken that would characterize a threat to the security of Canada  
23 associated with the events.

24 **MS. NUSRA KHAN:** Okay. And so the last question  
25 that I'll pose to you before I turn it back over to Mr. Cameron  
26 is, you know, we've heard -- the Commission has heard evidence  
27 about the distinction between lawful and unlawful protests.

28 So in this period between January 27<sup>th</sup> up to

1 February 10<sup>th</sup>, you know, you might have even formed the view,  
2 just as a personal opinion, that the protest might have gone  
3 from being a lawful one to an unlawful one. Would that have had  
4 any bearing on your assessments or on your work?

5 **MR. DAVID VIGNEAULT:** No, because that would --  
6 it's not the criteria we'd be looking at per se. It's, again,  
7 related to violence. So we're again going back very closely to  
8 the 2(c) definition we've talked about earlier. So a  
9 declaration of an event that is unlawful. For example, you  
10 know, you can have a permit for a demonstration and then, you  
11 know, there's too many people, therefore your demonstration is  
12 outside the bounds of the permit. It could be unlawful, but  
13 that would not engage us.

14 So the unlawfulness in and of itself alone is not  
15 just a criteria that would be determinative for CSIS.

16 **MS. MICHELLE TESSIER:** But can I add something?  
17 And it's the last line on page 2 here, if I can read it:

18 "Further, CSIS will also continue to  
19 follow the evolving and dynamic situation  
20 surrounding the [convoy] to identify any  
21 [...] national security concerns."

22 That is really important to underline, was that  
23 this was a very fluid, volatile environment, and we were  
24 constantly doing our assessments. So every day we were  
25 relooking at our information, our investigations, to ensure that  
26 we were up to date on our assessments. So I just want to  
27 underline that it's sometimes a snapshot in time, that date when  
28 that particular brief was written, but that we were also very

1 aware that this was very much a fluid situation.

2 **MS. NUSRA KHAN:** Okay. Thank you.

3 **--- EXAMINATION-IN-CHIEF BY MR. GORDON CAMERON (cont'd):**

4 **MR. GORDON CAMERON:** Witnesses, what I'm going to  
5 do is pick up now with following on that helpful information you  
6 were able to give us about the IMVE space and how it fit in with  
7 your observations of the convoy and protest and blockade  
8 activities.

9 I just want to run through, and this will all  
10 sound familiar, and indeed parties who have had a chance to read  
11 the summary of the closed session, this will be similar to a  
12 series of questions that you answered there, leading up to some  
13 context that I want to bring to the questions that follow.

14 So what I'm going to do is just ask you about  
15 your involvement in the government and other law -- sorry, not  
16 other law enforcement, in the government, in the law  
17 enforcement, and other intelligence communities as you were all  
18 watching the protests and the blockades, et cetera, evolve.

19 So first of all, as the materials indicate, I  
20 think you'll agree that CSIS attended -- had a representative  
21 attending and participating in the ADMNSOPs meetings. And I  
22 think we know that acronym now, so I won't bother spelling it  
23 out. Can you confirm that?

24 **MR. DAVID VIGNEAULT:** Yes.

25 **MR. GORDON CAMERON:** Yes. And a CSIS  
26 representative attended the DMOC meetings in relation to the  
27 convoy and blockade events?

28 **MR. DAVID VIGNEAULT:** Yes.

1                   **MR. GORDON CAMERON:** And you had regular  
2 interaction with the NSIA about the convoy and blockade events?

3                   **MR. DAVID VIGNEAULT:** Yes.

4                   **MR. GORDON CAMERON:** And you were a member, when  
5 it was formed, of the Combined Intelligence Group that was set  
6 up so that all the intelligence collected by the various law  
7 enforcement and intelligence agencies could be shared among the  
8 parties involved in the convoy and blockade events?

9                   **MR. DAVID VIGNEAULT:** Yes.

10                  **MR. GORDON CAMERON:** And CSIS was a member, or at  
11 least had a representative at INTERSECT meetings that a broader  
12 group of law enforcement and first responder personnel involved  
13 in major events such as the convoy posed for Ottawa?

14                  **MR. DAVID VIGNEAULT:** Yes.

15                  **MR. GORDON CAMERON:** And indeed, if we step back  
16 to before the actual formation of the Combined Intelligence  
17 Group, it looks, from the documentation, that CSIS was receiving  
18 intelligence such as the Hendon Reports that were generated by  
19 the OPP and other information that once they became involved,  
20 the OPS was also generating with respect to intelligence on the  
21 convoy?

22                  **MR. DAVID VIGNEAULT:** Yes.

23                  **MR. GORDON CAMERON:** Okay. And if we could call  
24 up the -- again, Mr. Clerk, please, the information -- sorry,  
25 the Institutional Report, 00000001, and go to page 13? At about  
26 halfway down.

27                               Now here's, I think, exactly where we were  
28 picking up, Ms. Tessier, with your comment about the dynamic



1 nature of the events that were unfolding in front of you and  
2 putting it in a context of what I was just describing about your  
3 many faceted interrelations with the intelligence and law  
4 enforcement community. It says here,

5 "CSIS continually monitored streams of  
6 intelligence and shared information  
7 with domestic and foreign partners,  
8 including through the *One Vision*  
9 processes with the RCMP and police of  
10 jurisdiction to assess threats of  
11 serious violence in relation to the  
12 Convoy."

13 And here I'm going to ask you to remember and see  
14 if you can provide for me in this open forum that your  
15 classified institutional report contained an actual itemization  
16 of all of the agencies. And I don't need you to be more  
17 specific than you want to be, but it was tens or dozens of  
18 agencies that you were collecting and sharing information with;  
19 correct?

20 **MS. MICHELLE TESSIER:** Yes, that's correct. We  
21 have, as was mentioned earlier, we have offices throughout  
22 Canada, and we deal with police of jurisdiction at all levels.

23 **MR. GORDON CAMERON:** Right. So the extent that  
24 there was intelligence or information available in relation to  
25 potential threats to the security of Canada as defined in the  
26 *CSIS Act*, it was received and considered by the Service?

27 **MS. MICHELLE TESSIER:** Yes, that's accurate.

28 **MR. GORDON CAMERON:** Thank you. Now if we can

1 look at one other -- where you were giving input, we looked at  
2 where you were getting and sharing intelligence stuff, where you  
3 were giving input to government. If we go to page 13 again,  
4 just a little bit higher -- well, I guess immediately above  
5 where we just were. Cabinet meetings. You and -- was that, Mr.  
6 Vigneault, you were attending mostly the SSE and the IRG  
7 meetings?

8 **MR. DAVID VIGNEAULT:** Both of them. Ms. Tessier  
9 attended a couple as well.

10 **MR. GORDON CAMERON:** Thank you. Where your role  
11 was, and I -- and quoting here at the end of the paragraph,  
12 "...to provide updates on national  
13 security threats that may arise and  
14 answer questions."

15 So that was your role at those Cabinet meetings;  
16 correct?

17 **MR. DAVID VIGNEAULT:** Yes.

18 **MR. GORDON CAMERON:** Yeah. Now if we can go to,  
19 Mr. Clerk, the witness summary, which is -- the interview  
20 summary, which is WTS.00000060, 60, so 6 0s and then 60. And --  
21 thank you. If you can go to page 5, about two-thirds of the way  
22 down? And this is -- just to situate you, this is a paragraph  
23 from the summary of the interview we had when we were meeting  
24 with you earlier in the year. And it reads in the first  
25 paragraph under the word -- under the heading "Intelligence."

26 "Mr. Vigneault stated that at no point  
27 did the Service assess that the  
28 protests in Ottawa or elsewhere..."

1                   And then there's a parenthetical definition of  
2   what that refers to.

3                   "...constituted a threat to the  
4                   security of Canada as defined by  
5                   section 2 of the *CSIS Act*, and that  
6                   CSIS cannot investigate activity  
7                   constituting lawful protest."

8                   And I'm going to ask you to hold these thoughts  
9   in your mind, but I'll just, on that point, you recollect  
10   telling us that during the interview, Mr. Vigneault?

11                   **MR. DAVID VIGNEAULT:** Yes, I do.

12                   **MR. GORDON CAMERON:** Yes. And if we go to page 8  
13   of the same document, about halfway down, under the heading  
14   "Recommendation to Cabinet", the first line there is,

15                   "Mr. Vigneault learned that the EA..."

16                   Which would be the *Emergencies Act*,

17                   "...referenced the threat definition  
18                   set out in section 2 of the *CSIS Act*  
19                   once the federal government began to  
20                   seriously consider invoking the  
21                   [*Emergencies Act*]..."

22                   And then there's the parenthetical date bracket  
23   there between the 10<sup>th</sup> and 13<sup>th</sup> of February. And you,

24                   "...requested that the Service prepare  
25                   a threat assessment on the risks  
26                   associated with the invocation of the  
27                   [Act]."

28                   And then the last sentence is the one I was going

1 to link to the earlier one you made, which is,

2 "He felt an obligation to clearly  
3 convey the Service's position that  
4 there did not exist a threat to the  
5 security of Canada as defined by the  
6 Service's legal mandate."

7 And again, you recollect telling us that during  
8 the interview?

9 **MR. DAVID VIGNEAULT:** Yes.

10 **MR. GORDON CAMERON:** And your legal mandate, as  
11 we saw it -- I don't think we need to call it up because you can  
12 probably recite it from heart and thus recognize it when I put  
13 it to you. That legal mandate that you're describing when you  
14 say "as defined by the Service's legal mandate", is to  
15 investigate threats to the security of Canada and advise the  
16 Government of Canada on such threats; correct?

17 **MR. DAVID VIGNEAULT:** Yes.

18 **MR. GORDON CAMERON:** If we can go now to, Mr.  
19 Clerk, WTS00000079, this is the public summary of the closed  
20 session we had on November 5<sup>th</sup>. And the bottom of page 5 of  
21 that. And I'll read there,

22 "Mr. Vigneault explained that the  
23 advice and the assessments they would  
24 be giving to government, is taken in  
25 conjunction by the decision maker with  
26 all of the other different pieces of  
27 analysis, for the..."

28 And, Mr. Clerk, if you can scroll down to follow

1 with me?

2 "...different pieces of analysis, for the  
3 decision maker to make a determination in  
4 the end if this is a threat to national  
5 security or not. When CSIS looks at  
6 national security, in this case, their  
7 assessment was that this was not a threat to  
8 national security, within the confines of  
9 the *CSIS Act*."

10 And do you remember saying that, Mr. Vigneault?

11 **MR. DAVID VIGNEAULT:** Yes.

12 **MR. GORDON CAMERON:** And then if we -- sticking  
13 with you, Mr. Vigneault, for one more over at the top of page 6  
14 -- sorry, the bottom of page 6 over to the top of 7,

15 "Mr. Vigneault confirmed a statement  
16 from the Commission's interview with  
17 CSIS..."

18 And you might recognize this as the one we  
19 started out with,

20 "...[the] interview with CSIS and ITAC  
21 to the effect that at no point did the  
22 Service assess that the protests in  
23 Ottawa or elsewhere ([defined as] the  
24 "Freedom Convoy") constituted a threat  
25 to the security of Canada under section  
26 2 of the *CSIS Act*, and that CSIS cannot  
27 [sorry, cannot] investigate activity  
28 constituting lawful protest unless

1                   conducted in conjunction with a threat-  
2                   related activity."

3                   And then you conclude that paragraph,

4                   "Mr. Vigneault confirmed that, to the  
5                   extent that he was able to give input  
6                   on this topic at Cabinet and IRG  
7                   meetings, this was the view [...] he  
8                   expressed."

9                   And again, do you recall making those statements?

10                  **MR. DAVID VIGNEAULT:** Yes.

11                  **MR. GORDON CAMERON:** Now over to you, Ms.

12 Tessier, at the top of page 10 of the open summary, sorry the  
13 public summary of the closed session, we have your description,  
14 and I'll read it out,

15                   "Ms. Tessier explained that the  
16                   Service's determination that the convoy  
17                   and related protests did not constitute  
18                   a threat to the security of Canada was  
19                   not made by a singular analyst or  
20                   executive. Rather, strategic analysts  
21                   provided multiple assessments  
22                   throughout the relevant period, which  
23                   were approved at higher levels before  
24                   they were disseminated. Mr. Vigneault  
25                   explained that the assessment process  
26                   is not a binary one, but an ongoing,  
27                   dynamic consideration of whether the  
28                   information collected was rising to the

1 level of a threat to national  
2 security."

3 So I think, Ms. Tessier, you can agree with both  
4 the first and second part of that statement. That is, you can  
5 agree with Mr. Vigneault, because that's your point about the  
6 dynamic nature of the assessment; correct?

7 **MS. MICHELLE TESSIER:** That's correct.

8 **MR. GORDON CAMERON:** And, Mr. Vigneault, you  
9 remember adding that to Ms. Tessier's thought there?

10 **MR. DAVID VIGNEAULT:** Yes.

11 **MR. GORDON CAMERON:** Okay. Now I'd like to take  
12 you to page 8 of the open summary -- sorry, the public summary  
13 of the closed session. And moving to the bottom of that page,  
14 the "Advice to Cabinet" heading, and here, in the open -- sorry,  
15 Mr. Clerk, I've confused you. Just for a second, if I could ask  
16 you to go to the very top just so we can situate ourselves.  
17 Here we've started in the closed *ex parte* session, the  
18 examination by Counsel for the Government of Canada. So if you  
19 can scroll back down to the bottom again.

20 And here, Mr. Vigneault, I will read the  
21 paragraph that the preceding paragraphs are leading up to, the  
22 preceding ones I've cited to you:

23 "Mr. Vigneault stated that at the end  
24 of the February 13 IRG meeting,  
25 following the discussion of the  
26 *Emergencies Act*, he was asked by the  
27 Prime Minister to provide an opinion as  
28 to whether he supported the invocation

1 of the *Emergency Act*. Mr. Vigneault  
2 explained that based on both his  
3 understanding that the *Emergencies Act*  
4 definition of threat to the security of  
5 Canada was broader than the *CSIS Act*,  
6 as well as based on his opinion of  
7 everything he had seen to that point,  
8 he advised the Prime Minister of his  
9 belief that it was indeed required to  
10 invoke the Act."

11 And again, you remember saying that during the  
12 closed session?

13 **MR. DAVID VIGNEAULT:** Yes.

14 **MR. GORDON CAMERON:** Okay. And if I can just  
15 break that out a bit. If I understand what you're saying there,  
16 you have an understanding, and we might find out later in the  
17 week where you got that understanding, but that'll -- I'll let  
18 you keep that as an mystery for now, you had an understanding  
19 that the *Emergencies Act* definition of threats to the security  
20 of Canada was broader than the *CSIS Act* definition; correct?

21 **MR. DAVID VIGNEAULT:** Yes. And maybe if you  
22 allow me, Commissioner, I just want to go back to the first  
23 element that you took me through, Mr. Cameron, which was the --  
24 that, you know, when I learned that the *Emergencies Act* was to  
25 be invoked, I, you know, informed myself. So this, I think, is  
26 the crux of the issue.

27 So as Director of CSIS, we are very familiar, you  
28 know, my colleague and I, you know, we know the Act fairly well,



1 the *CSIS Act*. I was not familiar with the details of the  
2 *Emergencies Act*. So when that was first brought up, the fact  
3 that the *Emergencies Act* was using the same words as the *CSIS*  
4 *Act* to define the threat, so imported into the *Emergencies Act*,  
5 I needed to understand for myself and for, you know, the course  
6 of this, what was the implication of that.

7                   And that's when I was assured that, you know,  
8 they were -- it was a separate understanding. You know, the  
9 confines of the *CSIS Act*, the same words, based on legal  
10 interpretation, jurisprudence, Federal Court rulings and so on,  
11 there was a very clear understanding of what those words meant  
12 in the confines of the *CSIS Act*, and what I was reassured by, is  
13 that there was, you know, in the context of the *Emergencies Act*  
14 there was to be a separate interpretation based on the confines  
15 of that *Act*.

16                   And that it was, you know, instrumental starting  
17 on the -- on that -- the 10th, I believe, when we discussed  
18 that, to make sure that we understand, you know, and how we  
19 would be, not informing, but you know, using the words very  
20 carefully and very much specify, you know, when we were  
21 providing advice and information it was based on the *CSIS Act*  
22 definition.

23                   So I just wanted to maybe contextualise this a  
24 little bit, so thanks for that.

25                   **MR. GORDON CAMERON:** Thank you for that  
26 elaboration.

27                   Now, if we can go back to that sentence at the  
28 bottom of page 8, I understand -- I think the words do speak for

1 themselves, but I want to make sure I understand your sense of  
2 them, that based on your understanding that the *Emergencies Act*  
3 definition of threats to the security of Canada was broader than  
4 the *CSIS Act*, then it says:

5 "...as well as based on his opinion if  
6 everything he had seen to that  
7 point..."

8 So if I'm understanding the way you've put those  
9 two together, that if you take a broader definition and then  
10 look more broadly you come up with the advice you gave to the  
11 Prime Minister of your belief that it was required to invoke the  
12 Act.

13 **MR. DAVID VIGNEAULT:** Yes, that's exactly it.

14 **MR. GORDON CAMERON:** Thank you. Now, I want to  
15 sort of insert a parentheses or come back to an observation.

16 And Mr. Clerk, can you call up  
17 SSM.NSC.CAN.00000216.

18 These are IRG meeting minutes for the  
19 February 13th meeting, and at page 12, we'll find the report to  
20 government that you commissioned, Mr. Vigneault, when you  
21 learned that the Government was considering the invocation of  
22 the Act.

23 And you've mentioned elsewhere in your evidence,  
24 I think it's now well understood by the Commission and the  
25 parties, that as you learned that the Government was considering  
26 the invocation of the *Emergencies Act*, a concern that you had  
27 because of your understanding of the IMVE space, and feel free  
28 to join in, Ms. Tessier, if you want to add here, the concern

1 was that the invocation of the Act actually had the potential  
2 to, I think the word "inflame" is used, but to raise the  
3 temperature and actually increase the risk of the threat of  
4 serious violence. Is that right?

5 **MR. DAVID VIGNEAULT:** Yes, it is. And this is  
6 really when, you know, we feel that it is our responsibility, a  
7 little bit like when Ms. Khan walked me through the -- another  
8 of the assessment in relation to the flags, it is we have  
9 experts, we have people inside organisations that, you know,  
10 really well understand those dynamics. And in this context was  
11 to make sure that the Government, yes, within the confine of the  
12 -- the reflection on the invocation of the *Emergencies Act*, but  
13 also more broadly about, you know, what is happening in the  
14 country and what could be -- how could the dynamic change, we  
15 felt it was important that, you know, we took that expertise  
16 within the Service and we shared that more broadly with  
17 partners, with the Government to -- so that everybody had that  
18 understanding that we had at the Service.

19 So it is within that spirit, so both in the  
20 context of the *Emergencies Act*, but also in the context of what  
21 we see, what we potentially see in Canada.

22 **MR. GORDON CAMERON:** Right. So if I understand  
23 the purpose of this report, it was to alert the Government to a  
24 potential movement in the threat environment, and by that --  
25 I'll tell you what I'm trying to get at. You weren't, by  
26 offering this assessment or deciding to do the assessment,  
27 concluding that the Government itself was, by invoking the Act,  
28 engaging in activities that posed a threat to the security of

1 Canada?

2                   **MR. DAVID VIGNEAULT:** No, absolutely not. It was  
3 really much, you know, again, based on the expertise and  
4 understanding of the IMVE milieu is to see how some of these  
5 elements can be interpreted. And then Ms. Khan asked us earlier  
6 about this information/mis-information, and that would be a good  
7 example of how some objective decision could be misconstrued,  
8 deliberately or not, and what is the impact on potential threat  
9 activity in Canada. So that really was the spirit in which we  
10 produced the document.

11                   **MR. GORDON CAMERON:** Right. And this document,  
12 perhaps also in the spirit of things we see in your annual  
13 reports or some of your reports to Parliament, CSIS sometimes  
14 repairs -- prepares reports to Government related to threats to  
15 the security of Canada that aren't actually premised on the  
16 commencement of an investigation based on reasonable grounds  
17 that the activity poses a threat, but it's simply advice to the  
18 Government, a report to the Government on threat-related issues.  
19 Correct?

20                   **MR. DAVID VIGNEAULT:** Yes. It essentially is to  
21 use the expertise, the knowledge, and to try to bring a level of  
22 understanding of -- bring a light into very complex, dynamic  
23 issues that are, in the case of IMVE, fast evolving in our  
24 country. So we try to bring that level of understanding, yes.

25                   **MR. GORDON CAMERON:** Okay. And if we can go  
26 back, then, Mr. Clerk, to the Public Summary. That's  
27 WTS00000079, and just wrap up the chronology, and indeed this  
28 examination, by going to page 7 of that summary.

1                   We're now at the stage where the *Act* has been  
2   invoked, and the point I understand you to be making in the  
3   paragraph that begins "Mr. Vigneault explained", the point being  
4   that after revocation you continued to provide input, both to  
5   partner agencies and to Cabinet, through the IRG, about the  
6   evolution of the protests, the blockades, et cetera, the convoy.  
7   So you're continuing to give input proactively, but you weren't  
8   actually asked the question, "Should we revoke the *Act*?"

9                   **MR. DAVID VIGNEAULT:** No, we were not.

10                  **MR. GORDON CAMERON:** Thank you.

11                  And with that, Mr. Commissioner, I will conclude  
12   I think a few minutes early.

13                  **COMMISSIONER ROULEAU:** Okay. Well, that's great.  
14   A little shorter is appreciated.

15                  So I think we'll take the morning break, and come  
16   back in 15 minutes to start with the various cross-examinations.

17                  **THE REGISTRAR:** The Commission is in recess for  
18   15 minutes. La Commission est levée pour 15 minutes.

19   --- Upon recessing at 11:09 a.m.

20   --- Upon resuming at 11:30 a.m.

21                  **THE REGISTRAR:** Order. À l'ordre.

22                  The Commission is reconvened. La commission  
23   reprend.

24                  **COMMISSIONER ROULEAU:** Convoy organizers.

25                  Okay. Go ahead.

26                  **MR. BRENDAN MILLER:** Before we begin, I'd just  
27   like to ask leave to use a certain document. I believe your  
28   counsel's been advised of this.

1 I've put together an examination aid for the  
2 purpose to save time.

3 The documents in the examination aid I will be  
4 tendering into evidence, however, not the examination aid  
5 itself. The purpose of the examination aid so that I don't have  
6 to wait to go through each and every document one by one by one  
7 and waste the 15 minutes I have.

8 I've compiled the records into a Word and PDF  
9 document that I'm referring to with the footnotes of each and  
10 every one that have been assigned the numbers in the database  
11 system and I would like leave to be able to refer to that  
12 document while I'm doing my examination, sir.

13 **COMMISSIONER ROULEAU:** Okay. And it's just a  
14 compilation of documents without comments and ---

15 **MR. BRENDAN MILLER:** Yes, sir.

16 **COMMISSIONER ROULEAU:** No comments and the full  
17 document is there? It's not an extract?

18 **MR. BRENDAN MILLER:** For the most part I had to  
19 because I am somewhat inept when it comes to using Microsoft  
20 Word. I had to take screenshots of a couple in order to  
21 actually put them in, but they are in in full.

22 **COMMISSIONER ROULEAU:** So it's the full document.

23 **MR. BRENDAN MILLER:** Yes.

24 **COMMISSIONER ROULEAU:** So it's basically a  
25 compilation of a series of documents without comment.

26 **MR. BRENDAN MILLER:** Correct.

27 **COMMISSIONER ROULEAU:** Okay.

28 **MR. ROBERT MacKINNON:** Robert MacKinnon,

1 Government of Canada.

2 My friend is looking to put in, it looks like,  
3 parts of an affidavit attachments or affidavit itself as part of  
4 this. If it's just a document that has an ID number already on  
5 it, and that's it, that's fine. So as long as it's not just an  
6 excerpt of an affidavit that's been filed in this proceeding or  
7 the motion itself, not argument, and it's just the document.

8 As long as there's no commentary.

9 **MR. BRENDAN MILLER:** No, it's just there is a  
10 couple of things summarizing the facts. If we want, I can  
11 delete every single one of them.

12 **MR. ROBERT MacKINNON:** We have no objection to a  
13 document that's been filed in Relativity, but as the Commission  
14 knows, this is still being in play for response to the motion,  
15 so it would be improper to have comments associated with that  
16 motion put as part of the document.

17 As long as it's just the document itself with  
18 nothing more, that's fine.

19 **MR. BRENDAN MILLER:** And what we can do, sir, is  
20 that if my friend -- if he has the document, if there's issues  
21 as they arise before I move to the next page of each one, I will  
22 check with my friend to make sure that he feels it's fair.

23 **COMMISSIONER ROULEAU:** So -- but it -- okay, and  
24 you don't -- I'm just -- I'm a bit confused. I thought you said  
25 there was -- there were no comments, ---

26 **MR. BRENDAN MILLER:** There's no ---

27 **COMMISSIONER ROULEAU:** --- it was just documents?

28 **MR. BRENDAN MILLER:** There -- it was documents,

1 but I state the fact and the document for putting -- it's not  
2 anything other than the fact, but as I said, I can delete that  
3 if the Court would like. And if you give me five minutes before  
4 I start, I'll delete all of that and just send the documents  
5 with the date, if that works for the Court -- or for the  
6 Commission.

7 **MR. JOHN MATHER:** So Mr. Commissioner, I'm just  
8 reviewing the document and without -- avoiding any debates about  
9 what commentary is, there are statements for some of the  
10 documents that aren't necessarily reflective of the documents  
11 since this is the first time this photograph appeared.

12 So again, not getting into what commentary is,  
13 Commission Counsel does have concern about that sort of  
14 statement being put in in this format. I think Commission  
15 Counsel's view is the documents themselves, if they can be  
16 organized in a fashion where it's just reflecting what's in the  
17 document, that's fine.

18 **MR. BRENDAN MILLER:** I can do that, sir. If I  
19 can have simply two minutes, I think, I can do that and send it  
20 around to everybody, and it will just have the date at the top.

21 **COMMISSIONER ROULEAU:** Okay. Well I think that's  
22 preferable. And as I understand it, there's no objection if  
23 that's what's done, because obviously if it speeds up things,  
24 very much into that.

25 **MR. BRENDAN MILLER:** Yes.

26 **COMMISSIONER ROULEAU:** So what I'd suggest is why  
27 don't you stand down and we'll go to the next examiner, the OPP,  
28 and we can -- assuming you've done -- you've put it together,



1 let me know and we can reschedule you.

2 --- MS. MARIE-HÉLÈNE CHAYER, Resumed:

3 --- MR. DAVID VIGNEAULT, Resumed:

4 --- MS. MICHELLE TESSIER, Resumed:

5 --- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:

6 **MR. CHRISTOPHER DIANA:** Good morning. My name is  
7 Chris Diana. I'm counsel to the OPP and I have some questions  
8 and I may be asking all of you, at some point, for your  
9 thoughts.

10 The area that I'd like to start with is about  
11 information flow, so Mr. Vigneault, maybe I'll start with you as  
12 the Head of CSIS, because you can speak to your role in advising  
13 kind of up the line.

14 But as I understand it, and my friend has taken  
15 you through the definition of CSIS, but the mandate of CSIS is  
16 to investigate threats to the security of Canada? Is that  
17 correct? Is your mic on? Can you try again? Okay.

18 **MR. DAVID VIGNEAULT:** Yes.

19 **MR. CHRISTOPHER DIANA:** Sorry, I didn't hear you.  
20 That's all.

21 And part of your role is to share the appropriate  
22 information with senior decision makers in the federal public  
23 service, including the National Security Advisor and Minister of  
24 Public Safety? Is that correct?

25 **MR. DAVID VIGNEAULT:** That's accurate, but it's  
26 also broader than that. We also share information with many  
27 other partners. We -- on the federal level, that would be  
28 accurate.

1                   **MR. CHRISTOPHER DIANA:** Yes. And so that's how  
2 it worked. We know in the federal sphere there are a number of  
3 law enforcement type relationships that work in a similar way,  
4 in that they'll collect information and they'll share it with  
5 senior level decision makers. Is that correct?

6                   **MR. DAVID VIGNEAULT:** Yes.

7                   **MR. CHRISTOPHER DIANA:** So such as CBSA, RCMP,  
8 and there are a number of others?

9                   **MR. DAVID VIGNEAULT:** Yes.

10                  **MR. CHRISTOPHER DIANA:** And obviously you would  
11 agree that it's crucial that those senior level decision makers  
12 have all the information they need to make informed decisions?

13                  **MR. DAVID VIGNEAULT:** Yes, I would say that  
14 that's what we endeavour to do, to make sure all relevant  
15 information is available to decision makers.

16                  **MR. CHRISTOPHER DIANA:** And so when we're  
17 thinking about information flow and we think about things that  
18 can go wrong in that process, there are a couple of things --  
19 well, there were a number of things, but a couple of kind of  
20 main things that can go wrong in terms of what you do in  
21 advising decision makers.

22                         The first may be that CSIS may fail to identify  
23 certain information on potential national security threats. In  
24 other words, you might just miss on the intelligence side?

25                  **MR. DAVID VIGNEAULT:** Yes, I believe I testified  
26 earlier to say that we -- you know, what we advise is what we're  
27 aware of, and we endeavour to make sure that we are fulfilling  
28 our investigations to the extreme degrees, but we will never

1 have the hubris to say that we know everything.

2 **MR. CHRISTOPHER DIANA:** Right. And if you don't  
3 know, you can't advise; right?

4 **MR. DAVID VIGNEAULT:** Yes.

5 **MR. CHRISTOPHER DIANA:** The second, the  
6 information may be available, but it may not be properly  
7 communicated up the chain? That could happen; right?

8 **MR. DAVID VIGNEAULT:** I think it's maybe taking a  
9 second to speak to that, is that, you know, there is -- there  
10 are different levels. You know, Ms. Tessier's role, my role are  
11 somewhat different, and we have, you know, people involved, you  
12 know, at the operational level, and at the regional level. So I  
13 think, you know, there is -- it's clear there is a lot of  
14 information that is accumulated and there is a process of  
15 analysis and distillation of that information when it comes to  
16 our level.

17 **MR. CHRISTOPHER DIANA:** Right. And it's a human  
18 process, so you might have some information that may come into  
19 certain offices, regional offices, and then it has to go up, and  
20 then it be reviewed, and go up again, from your level, to senior  
21 decision maker, and whether it be inadvertence, or maybe not  
22 realizing its significance, there's always a possibility that  
23 something important may be missed; correct?

24 **MR. DAVID VIGNEAULT:** I would say that as a  
25 general statement there's a possibility everywhere, not more  
26 specifically at CSIS or in intelligence, but I would say, yes,  
27 it's an accurate reality when human beings are involved.

28 **MR. CHRISTOPHER DIANA:** That's right. And that's

1 for all law ---

2 **MR. DAVID VIGNEAULT:** Yes.

3 **MR. CHRISTOPHER DIANA:** --- and federal law  
4 enforcement type agencies; right?

5 **MR. DAVID VIGNEAULT:** I would say -- I would not  
6 want to speak to other law enforcement agencies but, you know,  
7 from the CSIS point of view, we'd say that's an accurate  
8 description of a theoretical issue, yes.

9 **MR. CHRISTOPHER DIANA:** And obviously sometimes  
10 you may not be aware -- when I say you, it could be CSIS, it  
11 could be another law enforcement agency, may not be aware of the  
12 potential significance of a certain fact and it may just be  
13 missed?

14 **MR. DAVID VIGNEAULT:** I think it's, again, you  
15 know, the same thing. I would say that's accurate, yes.

16 **MR. CHRISTOPHER DIANA:** Okay. I would like to  
17 ask about Project Hendon briefly.

18 And maybe, Ms. Tessier, because you were kind of  
19 the lead on the actual intelligence side, as I understand it,  
20 the operational side, we do have evidence, of course, that CSIS  
21 did receive the Hendon Report, it went to a number of  
22 recipients? That's correct?

23 **MS. MICHELLE TESSIER:** Yes.

24 **MR. CHRISTOPHER DIANA:** And of course, your  
25 interest in these reports would relate to the mandate of CSIS?  
26 You would be reviewing them with the CSIS mandate in mind? Is  
27 that fair?

28 **MS. MICHELLE TESSIER:** Well what we do with all

1 information we receive is always assess it in terms of the  
2 relevance to our mandate.

3 **MR. CHRISTOPHER DIANA:** Right. And presumably  
4 other federal law enforcement agencies would be looking at those  
5 reports in relation to their own respective mandates? Fair?

6 **MS. MICHELLE TESSIER:** I can't speak to what  
7 other agencies would have done with the report, no.

8 **MR. CHRISTOPHER DIANA:** And I believe in the  
9 witness summary, it was stated that it was unknown if the  
10 information in the Hendon Reports was actually used in  
11 reporting? Can you confirm whether that information was used?

12 **MR. DAVID VIGNEAULT:** Can I -- yes. I think the  
13 witness -- the interview process, I think that's an accurate  
14 statement. But I think in summary of the information that was  
15 provided later on, we confirmed that, indeed, CSIS was receiving  
16 Hendon Reports. It's just that Ms. Tessier and I had never  
17 heard that nomenclature. But it was shared with, I know for a  
18 fact, with our regional people in Toronto in our regional office  
19 in Toronto.

20 **MR. CHRISTOPHER DIANA:** Right. And important  
21 information would have been communicated by those regional  
22 people up to your level; correct?

23 **MR. DAVID VIGNEAULT:** Yes.

24 **MR. CHRISTOPHER DIANA:** Okay. Now according to  
25 OPP Supt. Pat Morris, and I don't know if you heard his evidence  
26 some time ago, but he testified that the OPP works very closely  
27 with CSIS. Is that fair?

28 **MS. MICHELLE TESSIER:** Absolutely.

1                   **MR. CHRISTOPHER DIANA:** In particular, I think  
2 the Provincial Anti-Terrorism Section works closely with CSIS?

3                   **MS. MICHELLE TESSIER:** Yes, it does.

4                   **MR. CHRISTOPHER DIANA:** And OPP is also embedded  
5 with INSET? The Integrated National Security Enforcement Team?

6                   **MS. MICHELLE TESSIER:** Yes.

7                   **MR. CHRISTOPHER DIANA:** And you would agree the  
8 OPP is a valuable law enforcement partner?

9                   **MS. MICHELLE TESSIER:** Absolutely.

10                  **MR. CHRISTOPHER DIANA:** And that while the Hendon  
11 -- Project Hendon and the reports were a new product, but they  
12 still provided a valuable source of information; correct?

13                  **MS. MICHELLE TESSIER:** I would imagine so. I've  
14 not seen the reports directly myself.

15                  **MR. CHRISTOPHER DIANA:** I also want to ask about  
16 the conflict of information silos, which is always, I think,  
17 somewhat of a challenge in the intelligence field.

18                         It's an obvious proposition, of course, that  
19 different federal agencies have different mandates. We've  
20 looked at that before.

21                         One of the concerns, potentially, in the federal  
22 sphere, is that one agency may not know or have access to  
23 information from another agency? Is that fair?

24                  **MR. DAVID VIGNEAULT:** It's fair, but I would --  
25 for the Commission's sake, I would say that collectively,  
26 individually, as organizations, we have learned a lot of lessons  
27 over the years and to make sure that we move away from the risk  
28 of information being siloed, what was introduced in evidence

1 today, CSIS and other organizations were part of groups like  
2 ADMNSOPs, the Combined Intelligence Group, INTERSECT, INSET, as  
3 you mentioned, sir.

4 And so these are processes put in place to ensure  
5 that we reduce the risk to the maximum possible that you'll be  
6 in information silo.

7 **MR. CHRISTOPHER DIANA:** And so efforts have been  
8 made to get around the silo issue, and you would agree that one  
9 of the best ways to get around is to ensure a broad distribution  
10 of intelligence; fair?

11 **MR. DAVID VIGNEAULT:** I would say that to a broad  
12 dissemination of the information to people who need to know,  
13 because when you have, in the context -- concept of need to know  
14 is important, but in a case like this, and I think, you know, as  
15 we've seen and we may speak to that later, CSIS took a very open  
16 approach to share a lot of our information with the maximum  
17 people possible. So those who need to know specific details, we  
18 endeavour to share those details with them.

19 And -- but the same thing with criminal  
20 investigations and national security investigations, you just  
21 need to make sure to maintain the integrity of those  
22 investigations, that you, you sometimes, you know, will -- you  
23 know, you take the two concepts of sharing as much information  
24 as possible, while making sure that those who need to know have  
25 the same information. And that's what our experts are doing on  
26 a day-to-day basis, on an ongoing basis.

27 **MR. CHRISTOPHER DIANA:** Because we don't want the  
28 third party rule to kind of get in the way of broad information-

1 sharing; correct?

2                   **MR. DAVID VIGNEAULT:** Well, in the case,  
3 specifically, of when we talk about intelligence, there is a  
4 concept called intelligence and evidence, which means that if  
5 you were to use information collected by CSIS, for example, on  
6 an intelligence basis, share with law enforcement, there is a  
7 process of inerrant complexity for law enforcement, and  
8 eventually Crown prosecutors to use that information in open  
9 court. So there are a number of rules that are -- have been put  
10 in place having learned over times what the pitfalls were, and  
11 Ms. Tessier referred to earlier as the one vision process, which  
12 is an elaborate process that has been in place with the --  
13 between the RCMP and CSIS to make sure that we are sharing all  
14 of the information, you know, relevant, in the right way, to  
15 enable law enforcement.

16                   **MS. MICHELLE TESSIER:** If I could address third  
17 party rule.

18                   **MR. CHRISTOPHER DIANA:** Yes.

19                   **MS. MICHELLE TESSIER:** The Service respects third  
20 party rule, and the procedure is to request of that third party  
21 any sharing that we think would be useful. So we don't just  
22 share third party information, we always ask for permission to  
23 do so.

24                   **MR. CHRISTOPHER DIANA:** Right. And so as far as  
25 Project Hendon is concerned, and you may not be aware, but it  
26 had a very broad distribution list. It went to all federal law  
27 enforcement related agencies. And that works to break down  
28 silos; fair?



1                   **MR. DAVID VIGNEAULT:** I don't have personal  
2 knowledge of that, so I can't speak to that.

3                   **MR. CHRISTOPHER DIANA:** All right. And the final  
4 topic is on social media. We've heard a lot in this Inquiry  
5 about social media. Anyone can go on -- fire up the Twitter  
6 machine and you can find lots of vile content and threats and  
7 things of that nature on social media. Fair?

8                   **MR. DAVID VIGNEAULT:** Yes.

9                   **MR. CHRISTOPHER DIANA:** And I believe it was  
10 mentioned in your witness summary that it's very difficult to  
11 assess the intent and impact of violent online rhetoric. That's  
12 fair?

13                   **MR. DAVID VIGNEAULT:** That's fair.

14                   **MR. CHRISTOPHER DIANA:** You would agree that  
15 useful intelligence requires a lot more than simply scrolling  
16 through Twitter; right?

17                   **MR. DAVID VIGNEAULT:** Yes, it's much more complex  
18 than that.

19                   **MR. CHRISTOPHER DIANA:** And Ms. Chayer, you spoke  
20 about this in your evidence not that long ago, that it really  
21 requires a trained analyst to review what's there on social  
22 media and pass it through an appropriate intelligent lens, trade  
23 craft, as you put it, before you can have a useful product. Is  
24 that fair?

25                   **MS. MARIE-HÉLÈNE CHAYER:** Yes. When it falls  
26 within our mandate to look at a specific threat on social media,  
27 our analysts, who are specially trained, will take a look with  
28 that trade craft in mind, yes.

1                   **MR. CHRISTOPHER DIANA:** Right. And that is in  
2 fact what OPP did with Project Hendon; correct? They took  
3 information and they passed through their lens and then produced  
4 it out to its partner agencies.

5                   **MS. MARIE-HÉLÈNE CHAYER:** I haven't -- I don't  
6 recall the exact reports so I wouldn't be able to say yes or no  
7 to that question.

8                   **MR. CHRISTOPHER DIANA:** Okay. And my last  
9 question, Mr. Commissioner, I know I'm probably up against the  
10 clock.

11                   And the point I'm trying to make here is that  
12 analysing social media to identify risks is something that  
13 should be done by subject matter experts or those trained to do  
14 so. Is that fair?

15                   **MR. DAVID VIGNEAULT:** I would say that depending  
16 on the --what the purpose of looking at what social media is,  
17 but if the purpose is to enlighten CSIS, for example, in our  
18 mandate, absolutely. And they are another level of complexity  
19 of who should have the authority, who should have the mandate to  
20 look more broadly at social media, I think it's something that  
21 we testified in our *ex parte* hearing as well as in interview  
22 summary, there are some challenges with social media analysis in  
23 Canada.

24                   **MR. CHRISTOPHER DIANA:** Sure. But from an  
25 intelligence perspective, you need an analyst to really give  
26 proper intelligence?

27                   **MR. DAVID VIGNEAULT:** Yes.

28                   **MR. CHRISTOPHER DIANA:** Thank you.

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

2                   So are the convoy organisers organised, or should  
3 I move on to someone else?

4                   Okay, there's organisation yet to be done.

5                   The Ottawa Coalition, please.

6                   **MR. PAUL CHAMP:** Thank you, Mr. Commissioner.

7 For the record, Paul Champ, counsel for the Ottawa Coalition and  
8 Residents and Businesses.

9 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

10                  **MR. PAUL CHAMP:** Thank you for coming today,  
11 panel.

12                  I just want to ask a question, I guess  
13 Ms. Tessier, perhaps. There's a statement in one of the  
14 documents when you've testified that the protest, the convoy  
15 protest at no time posed a threat to Canada's national security.  
16 But at the same time, isn't it true CSIS advised Cabinet that  
17 invoking the *Emergencies Act* itself could further inflame  
18 extreme anti-government rhetoric? Is that not the case?

19                  **MS. MICHELLE TESSIER:** I'm not sure which  
20 document you're referring to in the first statement that CSIS  
21 said at no time that the protest -- is there a document I could  
22 look at?

23                  **MR. PAUL CHAMP:** My apologies. Maybe it was  
24 Mr. Vigneault, the Director.

25                  That was the advice you provided to Cabinet, was  
26 it not, sir?

27                  **MR. DAVID VIGNEAULT:** Yeah. I believe that the  
28 statement I made was related to that the analysis continued to

1 be that there was no threat to the security of Canada. That's  
2 the concept that we'll be normally using in our normal  
3 vernacular.

4 **MR. PAUL CHAMP:** Yeah. And by security of  
5 Canada, we're talking about 2(c) violence associated with  
6 ideologically motivated objectives; right?

7 **MR. DAVID VIGNEAULT:** Very -- yes, very much  
8 within the concept of the *CSIS Act*.

9 **MR. PAUL CHAMP:** But Mr. Vigneault, if there was  
10 a concern that -- and it was also your advice that invoking the  
11 *Emergencies Act* could further inflame that kind of rhetoric;  
12 correct?

13 **MR. DAVID VIGNEAULT:** It was our advice or  
14 assessment, I would say more than our advice, our assessment was  
15 that given everything that we know about the dynamic nature of  
16 IMVE milieu that yes, some individuals might, you know, seize on  
17 such a government measure to further inflame the rhetoric and  
18 potentially, you know, push them to act violently, yes.

19 **MR. PAUL CHAMP:** So there was a concern. That's  
20 what I was kind of getting at, is if the situation or some of  
21 the rhetoric was so volatile and extreme that invoking the  
22 *Emergencies Act* could lead to some kind of violent reaction, was  
23 that not a concern?

24 **MR. DAVID VIGNEAULT:** An absolute concern, and if  
25 may add, Mr. Champ, I would say that the fact that from early in  
26 January to throughout the period in question we mobilised, you  
27 know, our Headquarters and our regional offices because we were  
28 concerned about the situation, absolutely. So I think, you

1 know, there are different aspects of how we are segmenting this  
2 information that I think it's important here, yes.

3 **MR. PAUL CHAMP:** And -- so here's a question for  
4 Ms. Tessier. I want to understand, there were some subjects of  
5 investigation present at the convoy protests; correct?

6 **MS. MICHELLE TESSIER:** That's correct, yes.

7 **MR. PAUL CHAMP:** So just so we're clear, these  
8 were individuals for which CSIS had obtained targeting  
9 authority?

10 **MS. MICHELLE TESSIER:** Yes.

11 **MR. PAUL CHAMP:** And you had obtained or CSIS had  
12 obtained those targeting authorities prior to the protests. So  
13 there were individuals who were of concern prior to the Freedom  
14 Convoy protests?

15 **MS. MICHELLE TESSIER:** Yes.

16 **MR. PAUL CHAMP:** And so that means that CSIS had  
17 reasonable grounds to suspect that these individuals could  
18 engage in threat related activity?

19 **MS. MICHELLE TESSIER:** That's correct.

20 **MR. PAUL CHAMP:** And we also know that there were  
21 many violent threats against public officials in Ottawa. You --  
22 CSIS was aware of that?

23 **MS. MICHELLE TESSIER:** Yes.

24 **MR. PAUL CHAMP:** Not only federal officials but  
25 also municipal officials?

26 **MS. MICHELLE TESSIER:** I don't recall who  
27 exactly, but I do know overall there were threats and there  
28 continue to be increasing threats as I mentioned earlier today

1 against elected officials.

2                   **MR. PAUL CHAMP:** Right. The Mayor testified that  
3 there was an individual coming from New Brunswick who was  
4 arrested who had apparently firearms in his truck. We also  
5 heard evidence from a City Councillor, Mathieu Fleury, who had  
6 to leave with his family from his home because people were  
7 coming to his house. Was CSIS following those kinds of threats  
8 against municipal officials?

9                   **MS. MICHELLE TESSIER:** As I mentioned earlier, we  
10 maintained -- our focus was on our subjects of investigation, of  
11 course, but naturally we worked very closely with our law  
12 enforcement partners, shared information, and continued to  
13 assess the situation as it related to our mandate, and as I  
14 described earlier, in terms of how we assess the situation in  
15 open an investigation.

16                   **MR. PAUL CHAMP:** But Ms. Tessier, just to be  
17 clear, like if someone's making a threat against a public  
18 government official, whether it's federal or municipal or  
19 provincial, isn't that inherently falling under 2(c)? If  
20 someone's threatening a public official because they want some  
21 type of different political decision, a policy choice, isn't  
22 that inherently falling under 2(c)?

23                   **MS. MICHELLE TESSIER:** As I mentioned earlier  
24 today, we develop criteria in order to invoke 2(c) under the  
25 IMVE threat because there are criminal investigations that take  
26 place, there are public order incidents that take place that are  
27 not not CSIS's mandate to investigate.

28                   **MR. DAVID VIGNEAULT:** If I may add,

1 Mr. Commissioner, I would just say that as was described by  
2 Ms. Tessier and myself earlier, we have -- we're participating  
3 in all of these different groups, including INTERSECT and the  
4 combined intelligence group, where we would be sharing  
5 information ourselves, our information, but also receiving  
6 information from other law enforcement. In the specific cases  
7 where you may have public safety issues versus, you know, a  
8 threat to the security of Canada, that you know, might be in the  
9 same kind of dynamic environment, and that this is where, you  
10 know, by being at the same table and exchanging that  
11 information, we inform ourselves.

12               The second point is that this was a very dynamic  
13 threat assessment that we're doing throughout this period, so by  
14 all means, if we had seen specific information about, you know,  
15 individuals wanting to engage in a way, often, you know, the --  
16 that flash will be more of a police investigation because of the  
17 specific threat that will be criminal in nature as opposed to an  
18 individual that might want to engage in a terrorist activity.

19               These are not perfectly, you know, black-and-  
20 white issues, and this is why we are working to exchange  
21 information very dynamically.

22               **MR. PAUL CHAMP:** But Mr. Vigneault, let's just be  
23 clear that if someone's making a threat against a public  
24 official because they're trying to influence that public  
25 official, that inherently falls under 2(c), does it not?

26               Now, it may be that you don't view the threat as  
27 credible, but if it was a credible threat, it would inherently  
28 fall under 2(c), would it not?

1                   **MR. DAVID VIGNEAULT:** I think that if you --  
2   that's why we've took a lot of pain to -- inside the service and  
3   working with partners to better understand how the IMV  
4   phenomenon was interacting with the *CSIS Act*.

5                   And Ms. Khan walked us through, you know,  
6   earlier, you know, a description of how we go through the  
7   process of understanding this, what will be the sphere of CSIS  
8   responsibility, what will be the sphere of the law enforcement  
9   responsibility. And that's why I'm saying is that this is not  
10  black and white. It's dynamic. And this is why people talk to  
11  each other on an ongoing basis.

12                  **MR. PAUL CHAMP:** Sir, please, I'd like to give  
13  you lots of -- normally I'd like to give witnesses full time to  
14  answer, but I only have a limited time. I'm just trying to get  
15  an answer because I believe I've asked it a few times here.

16                  If someone is threatening a public official  
17  because they want to influence that public official to take some  
18  policy choice, does that not inherently fall under 2(c); yes or  
19  no?

20                  **MR. DAVID VIGNEAULT:** Each case is looked on a  
21  case-by-case basis and it would not be, you know, a default  
22  proposition.

23                  **MR. PAUL CHAMP:** So if someone's threatening to  
24  kill a Mayor or a Premier because they want them to drop a  
25  public health measure, that does not necessarily fall under  
26  2(c). Is that your testimony, sir?

27                  **MR. DAVID VIGNEAULT:** Yes, it is.

28                  **MR. PAUL CHAMP:** And so did ---



1                   **MR. DAVID VIGNEAULT:** Sorry. If I can just add,  
2 I think as we've walked through, there are a number of other  
3 criteria that are necessary to be in the *CSIS* Act.

4                   There is, you know, the testimony that Ms.  
5 Tessier gave responding to Ms. Khan's questions about that  
6 placement earlier, I think is how we are understanding and how  
7 we are exercising our authority.

8                   So I understand, Mr. Champ, you're looking for  
9 something specific, but this is -- we've described very well, I  
10 think, the process by which we're looking at these issues.

11                  And it's not because someone would only write  
12 online that they want to kill someone that it mean it  
13 automatically be a threat to ---

14                  **MR. PAUL CHAMP:** Yes, sir, I understand that.  
15 And we're needing a lot of time just to get an easy answer to  
16 what I thought was an easy question.

17                  I thought your response was going to be, with all  
18 due respect, that yes, a threat to a public official to  
19 influence that public official would fall into 2(c), but in most  
20 cases we have not used these threats as credible or valid  
21 because, you know, it's just online.

22                  I think in one of the *CSIS* documents I saw "shit  
23 posting" or something like that.

24                  But if you viewed a threat to a public official  
25 as credible, would it not fall under 2(c)?

26                  **MR. DAVID VIGNEAULT:** If we have -- and we have  
27 done that in the past.

28                  **MR. PAUL CHAMP:** Could I have an answer, please?

1                   **COMMISSIONER ROULEAU:** He already answered it.

2                   **MR. PAUL CHAMP:** Okay, well, fine. I'll move on.  
3 Thank you.

4                   So now, did CSIS look into any of those threats  
5 in the context of the convoy protest, any nexus to the convoy  
6 protest?

7                   **MR. DAVID VIGNEAULT:** Since -- probably since the  
8 mid-January until, you know -- and we continue to today. We  
9 continue to look at specific information in context of IMV  
10 actions, blockades and the Freedom Convoy, so we have done that  
11 very intensely throughout that period.

12                  **MR. PAUL CHAMP:** But -- so did -- so you did look  
13 at those threats.

14                  And did any of those threats to public officials  
15 emanate from anyone with a nexus with the convoy protests?

16                  **MR. DAVID VIGNEAULT:** I think it's -- Mr.  
17 Commissioner, it's hard to speak, you know, at large about  
18 general threats. I just provided an answer to the question  
19 about -- to Mr. Champ about the threat to public officials, and  
20 so if you have a specific threat, unfortunately, we've provided  
21 very detailed testimony to the Commission *in camera* about  
22 specific activities that CSIS performed during that period.

23                  **MR. PAUL CHAMP:** So is your answer to me, then,  
24 that you may or may not have investigated those threats to  
25 public officials with individuals -- with threats emanating from  
26 individuals with a nexus to the convoy protests but you can't  
27 tell us because of section 38?

28                  **MR. DAVID VIGNEAULT:** No, what I'm saying, Mr.

1 Champ, is that we have -- we've described how we have -- you  
2 know, how we are assessing the information that comes to us in  
3 the context of IMV. We've walked through the 2(c) analysis  
4 earlier and that is -- that analysis, that expertise combined  
5 with new information that will come to the attention of CSIS in  
6 whatever form, you know, exchange of information, that's  
7 essentially what we would be doing on an ongoing basis.

8 So I cannot be more specific than that.

9 **MR. PAUL CHAMP:** So I'm done with my time, sir,  
10 but I just want to make sure I understand. I apologize. I've  
11 heard your answer a couple times and perhaps I'm missing, is  
12 that yes, CSIS did look into those individuals or you cannot  
13 tell us?

14 **MR. DAVID VIGNEAULT:** I did not say that, Mr.  
15 Champ.

16 You know, what I'm saying is that we have been  
17 looking at information that came to our attention through  
18 different fora, different venues, different platforms,  
19 throughout the investigation and that includes information like  
20 you mentioned. But I cannot be more specific than that.

21 **MR. PAUL CHAMP:** So that's yes.

22 **MR. DAVID VIGNEAULT:** No, I will stand by the  
23 answer I just provided, Mr. Champ.

24 **MR. PAUL CHAMP:** Thank you.

25 **COMMISSIONER ROULEAU:** Okay. Thank you.

26 More complicated than you thought?

27 Okay. Well, let's go to the Democracy Fund,

28 JCCF.

1 --- CROSS-EXAMINATION BY MR. HATIM KHEIR:

2 MR. HATIM KHEIR: Good afternoon. I'm Hatim  
3 Kheir, counsel for the Justice Centre for Constitutional  
4 Freedoms.

5 So to begin, Ms. Chayer, the national terrorist  
6 threat level has been at medium since October 2014; right?

7 MS. MARIE-HELENE CHAYER: Yes, correct.

8 MR. HATIM KHEIR: Okay. And it didn't change  
9 during the protests?

10 MS. MARIE-HELENE CHAYER: You know, the threat  
11 level has five different levels and they're fairly broad bands.  
12 And so the threat level fluctuates within the medium band, so it  
13 fluctuated during the convoy.

14 MR. HATIM KHEIR: But it never left medium.

15 MS. MARIE-HELENE CHAYER: No.

16 MR. HATIM KHEIR: Okay. Thank you.

17 Mr. Vigneault, the CSIS Act is the home statute  
18 of your organization, so is it fair to say that CSIS has  
19 expertise in applying the statute?

20 MR. DAVID VIGNEAULT: Yes, I would say that.

21 MR. HATIM KHEIR: Okay. And the -- so section 12  
22 requires that CSIS investigate wherever there are reasonable  
23 grounds to suspect there's a threat to the security of Canada as  
24 defined in section 2; right?

25 MR. DAVID VIGNEAULT: Yes.

26 MR. HATIM KHEIR: Okay. And so that just -- it  
27 doesn't require certainty. It doesn't require reasonable  
28 grounds to believe. It's reasonable -- it's just reasonable

1 suspicion; right?

2                   **MR. DAVID VIGNEAULT:** To initiate investigations,  
3 yes.

4                   **MR. HATIM KHEIR:** Yeah. Okay.

5                   And that's an assessment that CSIS does day in  
6 and day out?

7                   **MR. DAVID VIGNEAULT:** Yes.

8                   **MR. HATIM KHEIR:** Okay. Now, as someone whose  
9 father was monitored by your organization for over 10 years  
10 until it was determined an investigation wasn't actually  
11 necessary, my personal experience is that it seems that your  
12 organization is very thorough. Is that a fair assessment, that  
13 CSIS is rigorous in executing its duties?

14                   **MR. DAVID VIGNEAULT:** I'm not sure the context of  
15 your -- the previous -- the premise of your question, but I  
16 would say that we try to be thorough in what we do, yes.

17                   **MR. HATIM KHEIR:** Right. Because -- I mean, a  
18 big reason that your agency's members have to be thorough is  
19 that if CSIS incorrectly determines something is not a threat  
20 and then chooses not to investigate, that could lead to harms  
21 down the road; right?

22                   **MR. DAVID VIGNEAULT:** I would say that  
23 investigating threats to the security of Canada is a very  
24 complex issue. Missing, you know, signs, missing information  
25 and having incorrect assessment is, indeed, something that we  
26 are very careful about and as a learning organization, we try to  
27 make sure that we learn from the past and that we are trying to  
28 come with the best possible assessment on an ongoing basis.

1           **MR. HATIM KHEIR:** Right. So you said something  
2 earlier and I was just trying to write it down as you said it,  
3 but something to the effect that CSIS mobilized whatever  
4 resources it could in order to try and understand the Freedom  
5 Convoy protest? Is that right?

6           **MR. DAVID VIGNEAULT:** Something similar to that.  
7 I would say it's accurate, yes.

8           **MR. HATIM KHEIR:** Okay. So you've talked a bit  
9 about the potential for a lone wolf threat.

10                   Now, am I correct in thinking that that's not  
11 based off of particular intelligence; it's more of a conclusion  
12 from general principles about this kind of an event?

13           **MR. DAVID VIGNEAULT:** This is based on expert  
14 analysis by CSIS, by ITAC and other organizations that -- to  
15 understand the dynamic environment and where violent rhetoric  
16 can push individuals to act. And unfortunately, we've seen a  
17 number of people who were not on the radar of anyone who were  
18 consuming this type of information and, indeed, you know,  
19 committed act of terrorism or extreme violence, so we are,  
20 unfortunately, the -- it is a very complex dynamic environment,  
21 and we have to be careful about people who would be very quickly  
22 moved from just being a recipient and consumer of information to  
23 someone who would radicalize to violence.

24           **MR. HATIM KHEIR:** Okay. So there was -- you were  
25 just asked questions about the potential that people were  
26 present at the protests that CSIS was already monitoring. But  
27 basically, your organization was keeping tabs on them; right?

28           **MR. DAVID VIGNEAULT:** So as we've said in our

1 public testimony, we have -- we were aware of -- we already had  
2 subject of investigations who we assessed were interested in the  
3 protest. We used different techniques to assure ourselves of  
4 their activities. And we also continued to look for other  
5 individuals that might be recruited, or might be approached, or  
6 might want to radicalize throughout the events in question,  
7 obviously, respecting the mandate of CSIS.

8 **MR. HATIM KHEIR:** Okay. Now but just to go back  
9 to the general point, the idea is that this is a large  
10 gathering. It could be used as an opportunity by someone to  
11 commit -- to engage in some sort of a threat. But that kind of  
12 threat is present at other big events like a G7 protest; right?

13 **MR. DAVID VIGNEAULT:** I -- actually,  
14 unfortunately, with the dynamic of what we see, IMV, the threat  
15 is persistent. This is why the national terrorism threat level  
16 is set at medium. It means that, you know, today, here in  
17 Canada, there are individuals with the capability and intention  
18 to engage in an act of terrorism. And so I would say, yes,  
19 those larger events, but also, more broadly, it is a dynamic  
20 that exists throughout our society, irrespective of those large  
21 events as well.

22 **MS. MICHELLE TESSIER:** And what I would add to  
23 that is, as I testified earlier today, part of the ideology in  
24 IMV is anti authority. So they exploit that type of feeling  
25 amongst people for their own -- to try to recruit people to more  
26 extremist ideology, their own more extreme ideology.

27 **MR. HATIM KHEIR:** Okay. Thank you.

28 **MS. MARIE-HÉLÈNE CHAYER:** I was also going to

1 add, if I may, very quickly, that one of the challenges of  
2 studying IMV-related threats is that what mobilizes someone to  
3 violence can be very, very personal. The triggers are very  
4 personal. And so it's -- part of the assessment, the complexity  
5 is to try to understand what might bring someone to mobilize to  
6 violence, and that reason, that trigger can be very different  
7 from people. It can -- depends on their very personal  
8 experience and different grievances. So it's very hard to say  
9 that type of event might trigger that kind of violent extremism  
10 reaction. It depends for everybody.

11 **MR. HATIM KHEIR:** Okay. Thank you.

12 Mr. Clerk, if we could please pull up  
13 COM00000935? And if you can go to the 8<sup>th</sup> page in the file.  
14 There's a three at the bottom though. It's how it's numbered.

15 While that's being pulled up, we've heard a bit  
16 about how the definition for threats to the security of Canada  
17 doesn't include -- it doesn't include protest. Am I right in  
18 thinking that the basic idea here is that if there's a protest  
19 where one of the four factors aren't present you don't  
20 investigate, and if there's a protest where the four factors are  
21 present, you would investigate; right?

22 **MS. MICHELLE TESSIER:** I think the *CSIS Act* is  
23 pretty clear. If we look at the document, the paragraph under  
24 d, under 2(d),

25 "...does not include lawful advocacy,  
26 protest or dissent unless, carried on  
27 in conjunction with any of the  
28 activities [cited above]."



1           **MR. HATIM KHEIR:** Right. So the fact that it's a  
2 protest isn't a barrier to an investigation if one of these  
3 things is present?

4           **MS. MICHELLE TESSIER:** I would say, generally  
5 speaking, the Service stays away from investigating protest. We  
6 recognize it's a democratic right in Canada, so we don't  
7 investigate protests. What this means is if -- an example  
8 perhaps I can give. If we had information that a terrorist  
9 group was going to pretend to use an event in order to conduct a  
10 terrorist activity, well, of course, that would be of interest  
11 to CSIS. But we are very, very conscious and aware of balancing  
12 the rights of individuals in a democracy like Canada with our  
13 own mandate and our more intrusive techniques.

14           **MR. HATIM KHEIR:** Okay. Mr. Vigneault, so  
15 looking -- let's look at -- we can look at (a) first. Based on  
16 the Service's assessment, there was no espionage or sabotage  
17 associated with the protest; correct?

18           **MR. DAVID VIGNEAULT:** That's correct.

19           **MR. HATIM KHEIR:** So the 2(a) definition wasn't  
20 met?

21           **MR. DAVID VIGNEAULT:** No.

22           **MR. HATIM KHEIR:** Okay. And there was no foreign  
23 interference?

24           **MR. DAVID VIGNEAULT:** We have -- I think it's in  
25 our testimony that we have said that we investigated foreign  
26 interference in relation to the event, including foreign  
27 funding, and we did not see these activities amounting to a  
28 threat to secure of Canada.

1                   **MR. HATIM KHEIR:** So 2(b) wasn't met?

2                   **MR. DAVID VIGNEAULT:** Yeah.

3                   **MR. HATIM KHEIR:** Thank you. And there wasn't  
4 any serious violence associated with the protests?

5                   **MR. DAVID VIGNEAULT:** I would not say that.

6                   **MR. HATIM KHEIR:** Or a credible threat of serious  
7 violence?

8                   **MR. DAVID VIGNEAULT:** That's not what we're  
9 looking at. We're looking at, you know, how these events, the -  
10 - or individuals, you know, might engage in activities that meet  
11 our threshold, that this is where I was answering questions  
12 earlier about, you know, distinction between what law  
13 enforcement would be doing in terms of serious violence versus  
14 what we would do as CSIS under the confine of the *CSIS Act*.

15                   **MR. HATIM KHEIR:** Okay. I'll be more specific  
16 then. There were no activities within or relating to Canada  
17 directed toward or in support of the threat or use of acts of  
18 serious violence against persons or property for the purpose of  
19 achieving a political, religious or ideological objective within  
20 Canada; correct?

21                   **MR. DAVID VIGNEAULT:** Yes, and we've testified to  
22 that earlier, I think.

23                   **MR. HATIM KHEIR:** So 2(c) wasn't met?

24                   **MR. DAVID VIGNEAULT:** 2(c) was not met.

25                   **MR. HATIM KHEIR:** Okay. And just quickly, there  
26 was no credible threat to overthrowing our established system of  
27 government?

28                   **MR. DAVID VIGNEAULT:** I can say that we have not

1 investigated under 2(d).

2 **MR. HATIM KHEIR:** Okay. Thank you. So not only  
3 was there no section 2 threat present, but there wasn't even  
4 reasonable grounds to suspect a section 2 threat was present?

5 **MR. DAVID VIGNEAULT:** Well, we are on the record  
6 to say that we already had individuals what met the 2(c)  
7 threshold, you know, that were subject of investigation that  
8 were involved, and that -- so we had legitimate grounds to be  
9 looking at what was happening. As we've said based on our  
10 expertise, we have seen, unfortunately, events like that where  
11 individuals were radicalized and mobilized to violence extremely  
12 quickly. So that's why we continued to expend those resources  
13 throughout the -- those events, to make sure that we, again, did  
14 not miss something.

15 **MR. HATIM KHEIR:** If I could just have an  
16 indulgence to sort of hit the last point I've been working up  
17 to? I'll try to be very quick.

18 **COMMISSIONER ROULEAU:** Yeah, although you could  
19 have skipped (a), (b), (c), (d). It's been testified to many  
20 times that it wasn't met but go ahead.

21 **MR. HATIM KHEIR:** Okay. Thank you, Commissioner.  
22 So -- sorry, that threat that you're speaking  
23 about is with respect to individuals, but the protest itself did  
24 not pose a section 2 threat to the security of Canada?

25 **MR. DAVID VIGNEAULT:** What we've testified to is  
26 that we did not made a determination that the event itself -- we  
27 -- and I think it's part of our testimony, yes.

28 **MR. HATIM KHEIR:** Okay. And yet you still

1 advised the Prime Minister to invoke the *Emergencies Act*?

2 **MR. DAVID VIGNEAULT:** Yes, I did.

3 **MR. HATIM KHEIR:** And you did that not because  
4 you thought that there was -- the protest posed the threat to  
5 the security of Canada as defined in section 2 of the *CSIS Act*,  
6 but because you were reassured the threat to the security of  
7 Canada had a different meaning under the -- in the context of  
8 the *Emergencies Act*?

9 **MR. DAVID VIGNEAULT:** I think my testimony was in  
10 part that, but it was also based on all of the other information  
11 that, you know, I became aware of during all of the  
12 interdepartmental meetings and Cabinet meetings I participated  
13 in. So it was -- I was provided -- that opinion was provided,  
14 if you want, as a national security advisor as opposed to a --  
15 the Director of CSIS specifically.

16 **MR. HATIM KHEIR:** Okay. And when you say that  
17 information that you had received, you're referring to your  
18 earlier comment that you were reassured that that definition had  
19 a broader meaning under the *Emergencies Act*?

20 **MR. DAVID VIGNEAULT:** I was referring to that,  
21 but also more specifically to whether events in Canada, events,  
22 you know, in Ottawa that, you know, convinced me to say that,  
23 you know, the powers under the Act would be necessary.

24 **MR. HATIM KHEIR:** Okay. So just my final  
25 question.

26 **COMMISSIONER ROULEAU:** Well, you better get at it  
27 ---

28 **MR. HATIM KHEIR:** The very last question.

1                   The -- this determination then that the  
2   *Emergencies Act* standard is a -- the definition is broader under  
3   the *Emergencies Act* than with respect to under the *CSIS Act*,  
4   that was not the product of you reading the *Emergencies Act* and  
5   developing your own assessment. That was something -- that was  
6   advice that you had received?

7                   **MR. DAVID VIGNEAULT:** That's correct.

8                   **MR. HATIM KHEIR:** Okay. Thank you very much, and  
9   thank you for the indulgence, Mr. Commissioner.

10                  **COMMISSIONER ROULEAU:** Thank you.

11                  CCLA, please.

12   --- CROSS-EXAMINATION BY MS. CARA ZWIBEL:

13                  **MS. CARA ZWIBEL:** Good morning. My name is Cara  
14   Zwibel. I am Counsel for the Canadian Civil Liberties  
15   Association.

16                  I just maybe want to pick up where my friend just  
17   left off.

18                  And maybe we could pull up the summary of -- the  
19   public version of the summary of the hearing that took place,  
20   the in-camera hearing, which is WTS.00000079, please? And I  
21   think it's page 8 that we want to go to. Thank you, Mr. Clerk.  
22   And you can just scroll down to the bottom.

23                  So this statement, Mr. Vigneault, and I'm going  
24   to direct my questions to you, but if your colleagues have  
25   things they'd like to add, please do.

26                  This statement that your:

27                               "...understanding that the *Emergencies Act*  
28                               definition of threat to the security of

1 Canada was broader than the *CSIS Act*, ..."

2 Where did you get that understanding? I know Mr.  
3 Cameron said maybe we'd hear about it later, but I'd like to  
4 hear about it now.

5 **MR. DAVID VIGNEAULT:** So I asked for a legal  
6 interpretation.

7 **MS. CARA ZWIBEL:** Okay. You asked the Department  
8 of Justice?

9 **MR. DAVID VIGNEAULT:** I did.

10 **MS. CARA ZWIBEL:** Okay. Thank you. Now, I just  
11 want to -- if we could scroll down a little bit more? This is  
12 maybe a grammar or a language point that I want to understand.  
13 It says:

14 "...he advised the Prime Minister of his  
15 belief that it was indeed required to  
16 invoke the Act."

17 Is that "it" referring to the Government? That  
18 the Government was required to invoke the Act? Or that the  
19 Prime Minister? Or?

20 **MR. DAVID VIGNEAULT:** I'm not sure, ---

21 **MS. CARA ZWIBEL:** Okay.

22 **MR. DAVID VIGNEAULT:** --- honestly.

23 **MS. CARA ZWIBEL:** But your view was that ---

24 **MR. DAVID VIGNEAULT:** Yeah. I think ---

25 **MS. CARA ZWIBEL:** --- based on this broader  
26 understanding ---

27 **MR. DAVID VIGNEAULT:** Yes.

28 **MS. CARA ZWIBEL:** --- of threats to the security

1 of Canada, the Act should be invoked?

2 **MR. DAVID VIGNEAULT:** Yes.

3 **MS. CARA ZWIBEL:** Okay. So I just want to go  
4 through -- and Mr. Cameron went through some of the timeline  
5 here. You had an interview with Commission Counsel on, I  
6 believe it was August 29<sup>th</sup>? And in that interview, you noted  
7 that you had only learned that the *Emergencies Act* referred to  
8 the CSIS definition of threats to the security of Canada when  
9 the Government started to explore the possibility of invoking  
10 the Act? Is that right?

11 **MR. DAVID VIGNEAULT:** Yes, that's accurate.

12 **MS. CARA ZWIBEL:** Okay. And then Commission  
13 Counsel prepared a summary of that meeting, that interview, with  
14 you and your colleagues. We've seen that and that was produced  
15 earlier.

16 And then you had this in-camera proceeding that  
17 took place. And I understand that again you confirmed that it  
18 was CSIS' view that the definition of threats to the security of  
19 Canada in the *CSIS Act* was not met during the convoy?

20 **MR. DAVID VIGNEAULT:** Yes.

21 **MS. CARA ZWIBEL:** Okay. And then under  
22 examination from the Government of Canada, this information that  
23 you advised the Prime Minister of your view that the Act should  
24 be invoked was disclosed for the first time? Is that right?

25 **MR. DAVID VIGNEAULT:** Yes, I believe it is, yeah.

26 **MS. CARA ZWIBEL:** So you said in your initial  
27 witness statement that you felt it was important to communicate  
28 at the IRG and to Cabinet that under CSIS' analysis, there

1 wasn't a section 2 threat?

2                   **MR. DAVID VIGNEAULT:** What I wanted to be very  
3 clear, Mr. Commissioner, is that because it was very dynamic  
4 environment, very -- you know, a lot of moving parts, as we say,  
5 and I wanted people to be clear about how CSIS, we were  
6 analysing the situation. And so people were talking about using  
7 different words in the media, everywhere, and we just wanted to  
8 bring a level of clarity. So that's why we said our assessment  
9 was very dynamic, and we continued to assess, but throughout  
10 that period, we wanted to make sure that people did not  
11 misinterpret based on everything that, you know, was being  
12 mentioned, that CSIS, we saw a threat to national security based  
13 on our Act. So that was the purpose of us being very deliberate  
14 about that approach.

15                   **MS. CARA ZWIBEL:** Okay. I guess -- I mean, you  
16 understand that the purpose -- one of the purposes of this  
17 Commission is to assess whether the Act was properly invoked?  
18 Sorry, can you just answer audibly?

19                   **MR. DAVID VIGNEAULT:** Yes.

20                   **MS. CARA ZWIBEL:** Thank you. And I guess I'm  
21 wondering why you didn't think it was relevant when you met with  
22 Commission Counsel in August to note that you had in fact  
23 advised the Prime Minister that you believed the Act should be  
24 invoked?

25                   **MR. DAVID VIGNEAULT:** I think there are probably  
26 two reasons. I would say one is that very simply the question  
27 was not asked, and so just, you know, when you go through the  
28 dynamic, you know, process of the interview, so it did not -- I



1 was not specifically asked.

2 But it was also at that point, you know, lack of  
3 clarity in my head about what still a Cabinet confidence and  
4 what would be what I was able to say as a participant in Cabinet  
5 meetings.

6 So that was further clarified throughout that  
7 period. And that's why I think, again, Ms. Zwibel, you  
8 mentioned, you know, the nature of this Commission. As a senior  
9 official in government, you know, we're never allowed to speak  
10 about Cabinet confidences. We're never allowed, in the case of  
11 CSIS, to produce, you know, a number of the information that has  
12 been, you know, put in front of -- in public for Commission and  
13 for Canadians to see. Normally that would not be public. So  
14 just needed to ascertain, you know, what were the limits of what  
15 we're able to do. And when it was clarified with me that indeed  
16 I was able to speak to that, I did.

17 **MS. CARA ZWIBEL:** Okay. But when you met with  
18 Commission Counsel in August, you felt that -- you didn't feel  
19 that Cabinet confidence prevented you from advising that you had  
20 advised Cabinet and the IRG that you did not believe there was a  
21 threat within the meaning of the *CSIS Act*?

22 **MR. DAVID VIGNEAULT:** That had been clarified  
23 with me, yes.

24 **MS. CARA ZWIBEL:** Okay. Because I would put to  
25 you that those two pieces of information are really two sides of  
26 the same coin, that if one is not subject to Cabinet  
27 confidentiality, the other one also would not be?

28 **MR. DAVID VIGNEAULT:** I understand that analysis,

1 but I would say that this referred back to what I said, we never  
2 discuss Cabinet confidences and, you know, the information, the  
3 way that the information was communicated to witnesses in terms  
4 of what would be possible to disclose and not, in terms of  
5 Cabinet confidences, just became clearer with the passage of  
6 time, you know, between, you know, August and our ex-party  
7 interview.

8 **MS. CARA ZWIBEL:** Okay. Thank you. I don't know  
9 if you had an opportunity to review the testimony given by Ms.  
10 Thomas? The National Security and Intelligence Advisor?

11 **MR. DAVID VIGNEAULT:** I briefly saw some of the  
12 key extracts, yes.

13 **MS. CARA ZWIBEL:** Okay. So one of the things  
14 that Ms. Thomas said was that the CSIS definition of threats to  
15 the security of Canada is quite narrow. Do you agree with that?  
16 That it's a narrow definition?

17 **MR. DAVID VIGNEAULT:** I would say that the *CSIS*  
18 Act was enacted in 1984 and I think that the world has evolved  
19 considerably since then, and that looking at the threat  
20 environment today is indeed, you know, requires probably a new  
21 look, modernizing, you knew, view of this. That's one thing.

22 The second thing is that we also, through  
23 jurisprudence, through Federal Court rulings, Commission of  
24 Inquiries, and review bodies who have access to all of our  
25 information, that understanding of the Act was very much more  
26 clarified, and so very -- with a lot of specificity, if you  
27 want, in many aspects. And so between, you know, experts at  
28 CSIS and DOJ counsel, I think, you know, there is a very

1 specific interpretation of the Act which is, in this specific  
2 case with the Commission, different than the *Emergencies Act*.

3 **MS. CARA ZWIBEL:** Okay. So and I mean, you  
4 understand, of course, why, and I think you've alluded to this  
5 in other statements that you've made here today and in your  
6 witness statement, that there should be a high threshold before  
7 our intelligence services start surveilling or targeting  
8 Canadians? Would you agree with that?

9 **MR. DAVID VIGNEAULT:** Yes, I do agree.

10 **MS. CARA ZWIBEL:** Okay. The holding or  
11 expressing of unpopular political views should not be enough to  
12 engage CSIS' mandate?

13 **MR. DAVID VIGNEAULT:** Absolutely not. And I  
14 would say that there is an expression that we use, which is  
15 awful but lawful. And that means that some of the opinions  
16 expressed verbally or online, you know, are not, by default,  
17 even if they can be extremely violent, are not, by default,  
18 something that, you know, would allow or necessitate CSIS to  
19 investigate.

20 **MS. CARA ZWIBEL:** Okay. And do you understand  
21 why -- now, I know you take the view that the definition in the  
22 *Emergencies Act* is broader, but would you agree that the  
23 threshold to invoke the use of the *Emergencies Act* should also  
24 be a high one?

25 **MR. DAVID VIGNEAULT:** I would say that with  
26 anything, any exercise of power by the state, you know, there is  
27 a high threshold. I'm not a legal expert to say, you know, what  
28 should be the threshold of the *Emergencies Act*.

1           **MS. CARA ZWIBEL:** Okay. But you understand that  
2 the *Emergencies Act* allows the government to rule by executive  
3 order for a period of time?

4           **MR. DAVID VIGNEAULT:** I do.

5           **MS. CARA ZWIBEL:** Okay. And that the Public  
6 Order Emergency Section of the *Emergencies Act* allows those  
7 orders to let the Government assume control of public utilities,  
8 for example?

9           **MR. DAVID VIGNEAULT:** Yes.

10          **MS. CARA ZWIBEL:** And it allows the government to  
11 direct individuals to render certain services, like was done in  
12 this case with the tow trucks.

13          **MR. DAVID VIGNEAULT:** That's my understanding,  
14 but again, I do not want to give the Commission the impression  
15 that I'm an expert on the *Emergencies Act*.

16          **MS. CARA ZWIBEL:** Okay. And you understand that  
17 it can prohibit travel to, from, or within any specified area;  
18 that's one of the things that the Public Order Emergency section  
19 allows?

20          **MR. DAVID VIGNEAULT:** I would say yes, with the  
21 same caveat I just provided.

22          **MS. CARA ZWIBEL:** Okay.

23          **COMMISSIONER ROULEAU:** Okay, you're now out of  
24 time.

25          **MS. CARA ZWIBEL:** Oh. Thank you.

26          **COMMISSIONER ROULEAU:** So if you could wrap up.

27          **MS. CARA ZWIBEL:** Just one last question. The  
28 placement that you were taken to by Ms. Khan that talked about

1 the IMVE, the nature of ideologically motivated violent  
2 extremism, two of those of elements were willingness to kill or  
3 willingness to engage in serious violence. Would you agree with  
4 me that without those two elements, you just have people who  
5 care a lot about something and want to make a change?

6 **MS. MICHELLE TESSIER:** I'll answer that question.

7 That's exactly why we developed the criteria as  
8 to what should be looked at in this space, in this IMVE space,  
9 was to ensure that those criteria were met before we opened an  
10 investigation.

11 **MS. CARA ZWIBEL:** Thank you.

12 Thank you, Commissioner.

13 **COMMISSIONER ROULEAU:** Okay. Thank you.

14 We're ready to go? Okay. Convoy organizers,  
15 please.

16 (SHORT PAUSE)

17 **MR. ROBERT MacKINNON:** Robert MacKinnon,  
18 Government of Canada.

19 We just received what I think my friend is going  
20 to put up on the screen, and it is not what had been agreed to.  
21 It has commentary; it has statements, along with the document.  
22 If that's what is going to be put up, at least -- it was just  
23 sent around by the Freedom Corp. just a few minutes ago.

24 **MR. BRENDAN MILLER:** Lesser version of the one we  
25 sent earlier and took out everything except simple facts.  
26 There's some documents that are such that I can't just copy and  
27 paste them into a document, they're PDFs and things, so I had to  
28 type them out, but they're verbatim.

1           So if my friend wants me to refer to each and  
2 every document, which I've now made it simple as well, I've had  
3 all of them uploaded in one PDF; the Clerk has them on standby.  
4 As we go through, I have no problem deviating from this at all  
5 and going through the document, but I would like to finish the  
6 examination, at least, if I'm forced to do that, in order to get  
7 through these records. These records, there's -- in my view, I  
8 would submit, as we go through, that there's simply no issue  
9 with the facts stated herein.

10           **COMMISSIONER ROULEAU:** Did you say there is a PDF  
11 with all of them on it?

12           **MR. BRENDAN MILLER:** I had that uploaded just  
13 now. So I got them -- all of them consolidated and put into one  
14 PDF so that I can stop wasting ---

15           **COMMISSIONER ROULEAU:** Why can't we use it?

16           **MR. BRENDAN MILLER:** Well, we can if we want.  
17 It's just going to have to -- I have to navigate it. So --  
18 because it's not exactly labelled completely great. So I guess  
19 we could -- can we use that?

20           Yeah, we can use that, sure.

21           **COMMISSIONER ROULEAU:** That would be best, I  
22 think.

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

24           **COMMISSIONER ROULEAU:** Then we avoid any issues.

25           **MR. BRENDAN MILLER:** Great, okay.

26           Time begin now?

27           **COMMISSIONER ROULEAU:** You've already taken a  
28 fair amount of your time, but I'll be generous.

1                   **MR. BRENDAN MILLER:** Okay.

2                   **MR. ROBERT MacKINNON:** Just -- Robert MacKinnon  
3 again. Sorry; last thing.

4                   Just as long as the documents that you're  
5 referring to, you have I don't know how many here ---

6                   **MR. BRENDAN MILLER:** They're all the ones that I  
7 -- document that I've given you already. The one that ---

8                   **MR. ROBERT MacKINNON:** So they're all in  
9 relativity?

10                  **MR. BRENDAN MILLER:** Pretty much, yeah.

11                  **MR. ROBERT MacKINNON:** No, no.

12                  **MR. BRENDAN MILLER:** All of those are in  
13 relativity because that document is in relativity.

14                  So if we could pull up the document, and I just  
15 don't want to run out of time.

16                  **COMMISSIONER ROULEAU:** Okay. So let's see how it  
17 goes, and I'll try and keep an eye out for you, Mr. MacKinnon,  
18 if there's an issue.

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

20                  **MR. BRENDAN MILLER:** Okay. So if I can first --  
21 Director, does CSIS have a concern with the current elected  
22 executive leaking information and CSIS information to the media?  
23 Do they have a current concern about that?

24                  **MR. DAVID VIGNEAULT:** Do you have something  
25 specific you can refer to?

26                  **MR. BRENDAN MILLER:** No, not specific. Does CSIS  
27 have a concern generally about the current political executive  
28 leaking information from CSIS to the media?

1           **MR. DAVID VIGNEAULT:** We always have concern when  
2 we see information that is, you know, unauthorizedly, you know,  
3 made public. I don't know where the source of that -- of those  
4 unauthorized disclosures are, so I do not have a specific view  
5 on your premise. I'm concerned when I see unauthorized  
6 disclosure.

7           **MR. BRENDAN MILLER:** Right. So -- but I take it  
8 the unauthorized disclosure, it's highly unlikely it's actually  
9 coming from your agency; it's not coming from them directly, is  
10 it?

11          **MR. DAVID VIGNEAULT:** I'd like to think that, you  
12 know, we have an organization that, you know, has a very high  
13 standard for that, but, you know, I would not want to speculate  
14 as to the source of potential authorized [sic] disclosures.

15          **MR. BRENDAN MILLER:** Okay. If we could go to the  
16 January 24<sup>th</sup> tweet of Mr. MacGregor? Or, sorry, the January 25<sup>th</sup>  
17 one of Althia Raj; 14, number 14.

18          **THE CLERK:** Counsel, it might be assistance for  
19 you and your time, if you know the page reference in that PDF  
20 it'd be a little bit faster. It does not appear to be  
21 hyperlinking to the particular ---

22          **MR. BRENDAN MILLER:** Yes, I think the hyperlinks  
23 didn't carry through when we uploaded; unfortunately, that  
24 happens sometimes. That's why I wanted to use my sheet.

25                 Well, in any event, sir, I'm just going to ask  
26 you; I want to bring up, then, the document -- just a second.  
27 I'll just bring it up on the normal document, relativity.

28                 And, sir, I'm going to have to ask for more time.



1 I tried to get this dealt with, and if I was permitted to use  
2 the examination sheet that my friend's trying to stop me from, I  
3 wouldn't be in this position.

4 **MS. BATH-SHEBA VAN den BERG:** Mr. Commissioner, I  
5 do have a -- this is Bath-Sheba Van den Berg, counsel for  
6 Freedom Corp. I do have a number that I can give to the Clerk,  
7 if I may?

8 **COMMISSIONER ROULEAU:** Okay, go ahead. Anything  
9 to speed it up.

10 **MS. BATH-SHEBA VAN den BERG:** The code for the  
11 Raj tweet is HRF00001621.

12 **MR. BRENDAN MILLER:** Thank you.

13 And that's also at page 17 of the document that I  
14 had put up. So actually, if you want to bring -- you can do  
15 that.

16 So sir, do you see that, that tweet there? It's  
17 from the 25<sup>th</sup>, it's retweeting the January 6<sup>th</sup> event narrative  
18 that had been released in the media prior to the convoy arrive?

19 **MR. DAVID VIGNEAULT:** Well, I'm looking at the  
20 screen now.

21 **MR. BRENDAN MILLER:** Yeah. Okay. Did you know  
22 that that tweet is what resulted in the political executive  
23 essentially becoming concerned with the convoy and having  
24 internal discussions about the narrative they were going to  
25 build; were you aware of that?

26 **MR. DAVID VIGNEAULT:** I'm not sure I understand  
27 your question. I'm sorry, counsel.

28 **MR. BRENDAN MILLER:** Okay. So I'm going to take

1 you to -- and, sir, I have them consolidated; they're the text  
2 messages between Mary-Liz Power and the -- as well as Alexander  
3 Cohen. They're verbatim in my examination aid; there's nothing  
4 added. If I could bring up the examination aid, please, again,  
5 and I can use that, and we can just scroll to where it starts  
6 with Mary-Liz Power?

7 (SHORT PAUSE)

8 **THE CLERK:** Does counsel have any objection to  
9 the use of examination, or...?

10 **MR. ROBERT MacKINNON:** If he's going back to the  
11 same document...

12 **MR. BRENDAN MILLER:** Well, then I'll read it to  
13 him. Okay? Verbatim.

14 So on January 25<sup>th</sup> at 9:22 a.m., Mary-Liz Power  
15 issues a policy advisory to the Office of the Prime Minister.  
16 They have a text message exchange with Alexander Cohen, the  
17 Director of Communications to the Minister of Public Safety,  
18 okay? And it begins when that tweet is sent. They send it out,  
19 all right? And Mary-Liz power sends that text to Alexander  
20 Cohen and states:

21 "I'm sure you've seen this but flag  
22 it." (As read) ...

23 Alexander Cohen responds:

24 "Yup. I've been encouraging  
25 journalists to take a closer look at  
26 who these people are [and where their 3  
27 mil comes from]. Obviously, a light  
28 touch given the portfolio." (As read)

1           Then Mary-Liz Power states:

2                   "Hmm, do you know if there's anything  
3                   to be found in that GoFundMe?" (As  
4                   read)

5           And Alexander Cohen replies:

6                   "I think it's worth looking into. I've  
7                   put Mary Wolfe (phonetic) on it..."  
8                   (As read)

9           Highlighted -- well, it was highlighted:

10                   "...and she's obsessed with this kind  
11                   of stuff." (As read)

12          Mary-Liz Power replies:

13                   "Nice. I'll look into what I can do."  
14                   (As read)

15          Now, can you agree with me, from an intelligence  
16          perspective, that those are two staffers building a political  
17          narrative with respect to a national security issue?

18               **MR. DAVID VIGNEAULT:** Commissioner, there's a lot  
19          of information that has been put to us now. I have not read  
20          those tweets before. I could not make any informed, you know,  
21          opinion of what this information is, in the context of today's  
22          hearing.

23               **MR. BRENDAN MILLER:** Okay. That's fine.

24               And then, later that day, at 12:02 p.m., Mary-Liz  
25          Power and Alexander Cohen exchange further text messages, all  
26          right?

27          So Mary-Liz Power states:

28                   "Got a quick response. People are into

1 it. LMK [meaning 'let me know'] if  
2 your boss is too. Happy to help  
3 however I can. This is what I sent,  
4 though, by the way." (As read)

5 And this is the -- whoever she sent it to, with  
6 respect to the narrative:

7 "Hi, I just had a chat with Alex at PS,  
8 who had a bit of an interesting idea.  
9 As you saw in the pod goal's chats, the  
10 trucker convoy and some of their more  
11 extreme comments, [i.e. calling for a  
12 January 6-style insurrection] are  
13 getting more coverage in media. Alex  
14 was surveying where there'd be interest  
15 in his boss [that's the Public Safety's  
16 Minister] doing some media on this  
17 eventually. He was chatting with  
18 Mendicino about right before he went  
19 into the Cabinet retreat. I think  
20 there could be an opportunity in  
21 getting in on the narrative of the  
22 truckers, particularly with the  
23 research that the LRB is doing into  
24 their backers. My thoughts of framing  
25 here would be similar to what the PM  
26 and Blair said last year when January 6  
27 occurred; our democracy is something we  
28 need to nurture and protect every day.

1 We will always protect the right to  
2 peaceful protest. Some calls that  
3 organizers of these events are making  
4 are concerning and we're taking them  
5 seriously [we'd need something to back  
6 this up]. Will continue to monitor the  
7 situation closely, and the fine line to  
8 walk would be to ensure we are not  
9 looking like we're directing the  
10 police, which obviously is not the goal  
11 here. Hoping to canvas your thoughts.  
12 Alex said he'd come back to me with a  
13 proposal this aft when he gets to chat  
14 to Mendicino again, and obviously  
15 pending his boss in our interests in  
16 looking into this further." (As read)

17 Mr. Cohen responds:

18 "Thanks. I had an initial chat with my  
19 boss and he's supportive but wants to  
20 wait a day or two. There's a danger  
21 that if we come down too hard they  
22 might push out the crazies." (As read)

23 Mary-Liz Power replies:

24 "I think that's fair. Apparently  
25 Global and others are working on  
26 stories. Maybe we see how those land."  
27 (As read)

28 Now, I'm going to ask the same question again.

1 At that point, are there a bunch of political staffers  
2 essentially planning to create a national security issue, or  
3 make one look like it is?

4 **MR. DAVID VIGNEAULT:** Mr. Commissioner, I will  
5 have the same answer. You know, there's a lot of information  
6 just been put to us for the first time. There are acronyms that  
7 were mentioned, I don't know what they refer to. And I think,  
8 you know, I could speak to information I'm aware of, privy to,  
9 but unfortunately ---

10 **MR. BRENDAN MILLER:** Okay.

11 **MR. DAVID VIGNEAULT:** --- not this one, counsel.

12 **MR. BRENDAN MILLER:** So are you aware of the LRB,  
13 what it is? You are, aren't you?

14 **MR. DAVID VIGNEAULT:** Not the specific acronym,  
15 maybe if you spell it out.

16 **MR. BRENDAN MILLER:** Liberal Research Bureau.

17 **MR. DAVID VIGNEAULT:** Yeah, I know about the  
18 Liberal Research Bureau.

19 **MR. BRENDAN MILLER:** All right. And so is it  
20 fair to say that it's kind of strange that the political branch  
21 would have the Liberal Research Bureau doing research on  
22 protesters with respect to these concerns they're raising, as  
23 opposed to yourselves who are the National Security Agency?

24 **MR. DAVID VIGNEAULT:** Mr. Commissioner, I would  
25 say that, you know, this is not something that would be of  
26 interest to CSIS as we -- my colleagues and I have testified, we  
27 very much, you know, since the beginning, mid-January on, we  
28 have been looking at this -- these issues and the developments

1 and potential threat to the safety of -- security of Canada  
2 based on the *CSIS Act*. So we would not be looking necessarily  
3 for what other parties would be involved in, in this context.

4 **MR. BRENDAN MILLER:** Okay. Can we go to document  
5 SSM.CAN.00006358\_REL.0001? Okay. Can we just scroll to the  
6 bottom, to the first email, please?

7 Okay. So this email is from January 27<sup>th</sup>, okay?  
8 And it's an email between, again, more political staffers. It  
9 begins with Caroline Williams, she's the Director of  
10 Parliamentary Affairs at the Privy Council; you're aware of  
11 that?

12 **MR. DAVID VIGNEAULT:** No. I do not know Caroline  
13 Williams, and...

14 **MR. BRENDAN MILLER:** And what about Zita  
15 Astravas, the Chief of Staff to the Minister of Emergency  
16 Preparedness, Bill Blair, do you know her?

17 **MR. DAVID VIGNEAULT:** Yes, I do know Ms.  
18 Astravas.

19 **MR. BRENDAN MILLER:** And Annie Cullinan, she's  
20 with the Privy Council as well; are you familiar with her?

21 **MR. DAVID VIGNEAULT:** No, I'm not.

22 **MR. BRENDAN MILLER:** Okay. So in this email --  
23 and again it's January 27<sup>th</sup>, 2022 at 4:21 p.m. -- you're aware  
24 that the protesters in Ottawa hadn't really even arrived at that  
25 time, right?

26 **MR. DAVID VIGNEAULT:** Sorry; on the 27<sup>th</sup>  
27 specifically, I do not have those specific chronological details  
28 with me.

1 MR. BRENDAN MILLER: Okay.

2 MR. DAVID VIGNEAULT: I'm sorry.

3 MR. BRENDAN MILLER: So there it says to ML,  
4 that's Mary-Liz:

5 "[I] Wanted to reach out on the current  
6 [issue] lead [sic] situation for the  
7 convoy. Given how this is  
8 transitioning into a whole-of-  
9 government coordination response, I  
10 feel like...Emergency Preparedness we a  
11 are well-positioned office to provide  
12 more of [a] high-level messaging going  
13 forward. Public Safety of course has a  
14 major role to play when it comes to the  
15 RCMP, CSIS, and IMVE threats, but we  
16 have a helpful perspective on the  
17 whole-of-government coordination +  
18 collaboration with other levels of  
19 government. These are [the] lines we  
20 worked up earlier today. Any thoughts  
21 on if this is a helpful approach?  
22 Convoy - Emergency Preparedness."

23 Then it says:

24 "Our government recognizes and respects  
25 that everyone in Canada has [the] right  
26 to safe and peaceful protest.  
27 Threatening acts of violence and  
28 inciting hatred, as we have seen from a



1 select few in recent days, is  
2 unacceptable and does not reflect the  
3 views of the majority of Canadians. We  
4 condemn all such hateful and violent  
5 rhetoric in the strongest terms. As is  
6 common with any significant gathering  
7 with...potential impact[s] on  
8 government operations, such as the  
9 annual Canada Day [celebration], law  
10 enforcement and security agencies  
11 across all levels of government are  
12 engaged [in coordinating] to ensure a  
13 safe event."

14 Now, do you recognize the phrases and the  
15 sentences in the first three bullet points? Have you heard them  
16 somewhere before?

17 **MR. DAVID VIGNEAULT:** I do not have a specific  
18 recollection of these words.

19 **MR. BRENDAN MILLER:** Can you -- do you recall the  
20 Prime Minister's speech on January 31<sup>st</sup>? Do you recall him, when  
21 he was in isolation, he came out and gave a speech on January  
22 31<sup>st</sup> about the protest; do you remember that?

23 **MR. DAVID VIGNEAULT:** I do not remember the  
24 specific date. I remember having the Prime Minister speaking,  
25 you know, to this effect when he was indeed in isolation.

26 **MR. BRENDAN MILLER:** That's what he said.

27 **MR. DAVID VIGNEAULT:** Okay.

28 **MR. BRENDAN MILLER:** So he said -- can you agree

1 with me, that writing out a narrative like this, prior to the  
2 protest even arriving, and then on the January 31<sup>st</sup>, despite the  
3 fact -- and this is evidence -- there had been no real actual  
4 violence in Ottawa, he says these things; do you find that  
5 concerning?

6 **MR. DAVID VIGNEAULT:** From what point of view?

7 **MR. BRENDAN MILLER:** As an intelligence officer,  
8 as an intelligence agency; that there's a narrative being built  
9 ---

10 **MR. DAVID VIGNEAULT:** As ---

11 **MR. BRENDAN MILLER:** --- for an emergency, before  
12 the purported thing creating the emergency has even taken place.

13 **MR. DAVID VIGNEAULT:** Mr. Commissioner, what I  
14 can say that, as we've testified, you know, the  
15 interdepartmental community got together to understand what was  
16 happening, share information, make sure that each of the  
17 organization would be able to discharge their mandate  
18 appropriately. And so at that point, you know, of course we  
19 are, as I testified, you know, we're keeping aware of what's  
20 happening around us, but we are very much focused on making sure  
21 that we are discharging our investigative responsibilities, and  
22 not opine on other issues.

23 **MR. BRENDAN MILLER:** Okay. And let me ask you  
24 this; the biggest concern, it appeared, was over the first  
25 weekend of the protest. There was the appearances of  
26 Confederate flags and Nazi flags and Nazi symbols; right?

27 Did you investigate those issues at all?

28 **MR. DAVID VIGNEAULT:** Mr. Commissioner, we

1 testified earlier that we have written an intelligence  
2 assessment about the presence of flags and some of the meaning  
3 of those flags, and so I can go back to our analysis what we  
4 described then. I'd be happy to, if you want to refer me back  
5 to the document, speak to that concept.

6 **MR. BRENDAN MILLER:** Okay. Yeah.

7 If -- Mr. Clerk, if you could just go back to my  
8 examination aid. This shouldn't be an issue. It's at  
9 paragraph 16. Just scroll right down to it.

10 **MR. JOHN MATHER:** Sorry. Mr. Commissioner, just  
11 for your information, this is the document that the DOJ has an  
12 outstanding objection over.

13 **MR. BRENDAN MILLER:** Yes. And if we can go to  
14 paragraph 16.

15 **MR. ROBERT MacKINNON:** Mr. Commissioner, we've  
16 already objected to this document being put up.

17 **MR. BRENDAN MILLER:** I understand, but I'm going  
18 to ask for a ruling on the Commissioner to put this page to  
19 them. So let's deal with that if we can.

20 So if we can put up page 16 again.

21 **MR. ROBERT MacKINNON:** Well, just a second.

22 **COMMISSIONER ROULEAU:** And what is page 16?

23 **MR. BRENDAN MILLER:** Or paragraph 16, is just the  
24 two pictures of the first post in time at 10:13 a.m. on  
25 January 28th, 2022 of the spotting of a Confederate flag. And  
26 so -- and there's also a licence plate number.

27 If you'd like me to go through and bring up all  
28 of the documents I'm just trying to get this done quicker, sir.

1 COMMISSIONER ROULEAU: Well, you're way over time  
2 already ---

3 MR. BRENDAN MILLER: I understand, but I'm ---

4 COMMISSIONER ROULEAU: --- and this ---

5 MR. BRENDAN MILLER: This is so important, sir,  
6 that I need more time to get through this area. It is  
7 extraordinarily important.

8 COMMISSIONER ROULEAU: Well, so far asking a  
9 bunch of questions ---

10 MR. BRENDAN MILLER: Right.

11 COMMISSIONER ROULEAU: --- to people who have no  
12 knowledge of the document or the information ---

13 MR. BRENDAN MILLER: I understand. I understand.

14 COMMISSIONER ROULEAU: --- is ---

15 MR. BRENDAN MILLER: So ---

16 COMMISSIONER ROULEAU: --- not -- I'm trying ---

17 MR. BRENDAN MILLER: Yeah.

18 COMMISSIONER ROULEAU: --- to explain something,  
19 and I know you're frustrated, and -- but that's not good use of  
20 your time. If you -- and reading into the record that exchange  
21 of texts was done days ago, and again, that's not a good use.

22 MR. BRENDAN MILLER: I understand.

23 COMMISSIONER ROULEAU: So I'm just -- I'm trying  
24 to be patient, and I understand you want to get something done,  
25 so let's try and work together to figure out how we can navigate  
26 this is in a appropriate way.

27 MR. BRENDAN MILLER: Okay.

28 COMMISSIONER ROULEAU: So you want to put up a

1 picture of a licence plate that's in relativity?

2 MR. BRENDAN MILLER: Yes.

3 COMMISSIONER ROULEAU: Okay. And I think your  
4 co-counsel has the number for that, the relativity number, so we  
5 can -- I'm guessing?

6 MS. BATH-SHÉBA VAN den BERG: Yes, Commissioner.

7 COMMISSIONER ROULEAU: Okay.

8 MS. BATH-SHÉBA VAN den BERG: From my  
9 understanding, my -- Mr. Miller would like to first put up a --  
10 the -- a tweet of Ariel Troster that shows the image of the  
11 licence ---

12 COMMISSIONER ROULEAU: Okay.

13 MS. BATH-SHÉBA VAN den BERG: --- and then the --  
14 -

15 COMMISSIONER ROULEAU: Okay.

16 MS. BATH-SHÉBA VAN den BERG: So we'll call up  
17 the number HRF -- so POE.HRF.00000021.

18 COMMISSIONER ROULEAU: Okay.

19 So I think that's okay, Mr. MacKinnon. We're  
20 just putting up the picture for what it's worth and we'll see  
21 what it is.

22 MR. ROBERT MacKINNON: But we have gone to  
23 page 16, with respect, and it's not just a picture.

24 MR. BRENDAN MILLER: We're not putting up  
25 page 16.

26 COMMISSIONER ROULEAU: We're -- we've moved on  
27 Mr. MacKinnon, so ---

28 MR. ROBERT MacKINNON: If it's just the picture

1 that's fine.

2 COMMISSIONER ROULEAU: Okay. So that's what I  
3 think we're doing, so I'm just -- just let's try and get through  
4 this.

5 MR. BRENDAN MILLER: Okay. So sir, this is my  
6 first understanding that this was the first post in time that I  
7 can find with respect to when a Confederate flag or a Nazi flag  
8 appeared, and it's at 10:13 a.m. on January 28th of 2022. And  
9 it's posted by Ariel Troster. Do you know who she is?

10 MR. DAVID VIGNEAULT: I do not.

11 MR. BRENDAN MILLER: She's -- you're not aware  
12 that she's the new councillor that replaced Councillor McKenney?

13 MR. DAVID VIGNEAULT: I do not know who the  
14 individual is.

15 MR. BRENDAN MILLER: All right. And so -- then,  
16 if I could just bring up the closer photo with respect to the  
17 licence plate, please, and that actually is at page 43 of the  
18 examination Book of Authorities. That'll just be easier for  
19 you, Mr. Clerk.

20 COMMISSIONER ROULEAU: Well, no, I don't think  
21 we'd go there. So your co-counsel I think has the reference?

22 MS. BATH-SHÉBA VAN den BERG: Yes,  
23 Mr. Commissioner. The reference is POE.HRF.00000029.

24 MR. BRENDAN MILLER: So -- and it's been clear.  
25 So online that licence plate number is BL, then it's got a crown  
26 in the middle, is three, and I can literally tell you what it  
27 is, and people were trying to look it up. It's viewable. Did  
28 at any time CSIS do an investigation into who that licence plate

1 holder was?

2 **MR. DAVID VIGNEAULT:** So Commissioner, I do not  
3 have the specific knowledge of this, and even if I had specific  
4 knowledge we would not be at liberty to disclose specific  
5 details.

6 **MR. BRENDAN MILLER:** Right.

7 **MR. DAVID VIGNEAULT:** That's why the -- there was  
8 an in-camera session with Commission and counsel.

9 **MR. BRENDAN MILLER:** Okay. And so the next  
10 document, then, would be the -- one second please. The document  
11 is the one that comes after in the examination aid, and it is  
12 the January 29th, being POE.HRF.000000024.

13 **COMMISSIONER ROULEAU:** Okay. You're going to  
14 have to wrap up, though. If these are just pictures you're  
15 putting up ---

16 **MR. BRENDAN MILLER:** Right.

17 **COMMISSIONER ROULEAU:** --- you can put it up with  
18 any ---

19 **MR. BRENDAN MILLER:** I ---

20 **COMMISSIONER ROULEAU:** --- witness.

21 **MR. BRENDAN MILLER:** I understand.

22 So the next time a Nazi flag or a Swastika or  
23 what have you appears ---

24 **COMMISSIONER ROULEAU:** "The next time you've  
25 found." I mean, I think ---

26 **MR. BRENDAN MILLER:** Right, right. The next  
27 time.

28 So you knew about the situation where

1 Conservative Party Member of Parliament Mr. Cooper, he was  
2 giving an interview and this upside down Canada flag with the  
3 Swastika appeared. Are you aware of that?

4 **MR. DAVID VIGNEAULT:** I remember something to  
5 that effect. I have not researched this recently, but it's -- I  
6 recall something to that effect, yes.

7 **MR. BRENDAN MILLER:** Okay. Can I now bring up  
8 POE.HRF.000000026.

9 Okay. So this is the post from a fella by the  
10 name of Uskipop (ph) unidentified on Reddit. He posted at  
11 3:12 p.m. And it's, from my understanding, the first time that  
12 the Nazi flag photo appears. Are you aware of that?

13 **MR. DAVID VIGNEAULT:** I'm not aware of that, and  
14 I'm not seeing ---

15 **MR. BRENDAN MILLER:** Yeah, it's just the ---

16 **MR. DAVID VIGNEAULT:** --- anything other than,  
17 you know ---

18 **MR. BRENDAN MILLER:** I'm just trying to get  
19 through it. And then there is the issue with respect to that  
20 that no one was able to identify this gentleman. And I believe  
21 there's a close-up photo of my friend. Ms. Van Den Berg?

22 **COMMISSIONER ROULEAU:** I think that's going to  
23 have to be it, though.

24 **MR. BRENDAN MILLER:** Right.

25 Well, I'm just going to, if we are going to run  
26 out of time, is this: We're you aware that the first time that  
27 the picture of the gentleman all covered in Army fatigues, with  
28 a mask over his face, walking with a Confederate flag through a



1 crowd, it first appeared in an opinion piece in the Toronto Star  
2 from someone who actually works for the Liberal Party of Canada?  
3 Were you aware of that?

4 **MR. ROBERT MacKINNON:** Mr. Commissioner, my  
5 friend seems to be giving evidence now.

6 **MR. BRENDAN MILLER:** I'm asking if he's aware of  
7 it.

8 **COMMISSIONER ROULEAU:** Well, he asked a question,  
9 and I'm -- I can guess at what the answer is.

10 **MR. BRENDAN MILLER:** Right. Right.

11 **MR. ROBERT MacKINNON:** Okay, but there's a  
12 presupposition of a fact that's not in evidence.

13 **MR. BRENDAN MILLER:** Yeah, because you keep  
14 interrupting me while I'm trying to ask questions and I'm  
15 running out of time.

16 **COMMISSIONER ROULEAU:** No, just -- please. Okay.

17 **MR. BRENDAN MILLER:** So ---

18 **MR. DAVID VIGNEAULT:** I'm not aware of the  
19 articles and I'm not aware of those facts that you mentioned.  
20 I'm sorry.

21 **MR. BRENDAN MILLER:** Right. Are you aware of a  
22 company called Enterprise Canada?

23 **MR. DAVID VIGNEAULT:** Not specifically, no.

24 **MR. BRENDAN MILLER:** And have you identified the  
25 individual, the one that is -- there was -- he was all over the  
26 news, the gentleman that was carrying the Nazi flag? Have you  
27 identified him yet?

28 **MR. DAVID VIGNEAULT:** Mr. Commissioner, as I said

1 before, we -- the specific details of our investigation have  
2 been shared, you know, with the Commission earlier. I would not  
3 be able to go into more specific details.

4 **MR. BRENDAN MILLER:** Okay. So ---

5 **COMMISSIONER ROULEAU:** So I think that's it.

6 **MR. BRENDAN MILLER:** Right. Yeah.

7 **COMMISSIONER ROULEAU:** Thank you.

8 **MR. BRENDAN MILLER:** And I take it, and I take it  
9 then, sir, that you know that that individual was Brian Fox from  
10 Enterprise Canada.

11 **MR. DAVID VIGNEAULT:** I have not said anything in  
12 that respect, Counsel. I have not testified to that, Counsel.

13 **MR. BRENDAN MILLER:** Yeah, you haven't testified  
14 to it, but you know that to be true don't you?

15 **COMMISSIONER ROULEAU:** No, that's not fair,  
16 firstly, not a fair statement. So please -- and please don't...  
17 If you're going to make a statement please make it, don't make  
18 statements back to the crowd as you leave the podium please. As  
19 counsel you're well aware of the appropriate way to conduct  
20 yourself.

21 Okay. Next I'd like to call on the Canadian  
22 Constitution Foundation, please.

23 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

24 **MR. SUJIT CHOUDHRY:** Good afternoon. My name is  
25 Sujit Choudhry. I'm counsel for the Canadian Constitution  
26 Foundation.

27 I want to ask you a few questions about the  
28 legislative history of section 2(c) and the emergence of IMVE as

1 a central focus for CSIS' activities, if I may.

2 Is it true that section 2(c) was amended in 2001  
3 by the *Anti-Terrorism Act* to include a religious or ideological  
4 objective?

5 **MS. MICHELLE TESSIER:** I believe so. I believe  
6 that's accurate.

7 **MR. SUJIT CHOUDHRY:** And is it true that that  
8 amendment was -- ensured that the *CSIS Act* would align with the  
9 *Criminal Code's* new definitions of terrorism?

10 **MS. MICHELLE TESSIER:** I wasn't involved in that,  
11 so I don't want to lead you in error, so I'm not certain.

12 **MR. SUJIT CHOUDHRY:** Mr. Vigneault, you're  
13 shaking your head.

14 **MR. DAVID VIGNEAULT:** Same answer.

15 **MR. SUJIT CHOUDHRY:** Okay. All right. Fair  
16 enough. And so I'd ask you to take my word for it that it was  
17 part of the same legislative package to get those two statutes  
18 in alignment.

19 And so -- and then in 2019, there is a major  
20 initiative on the part of CSIS, is the development of a  
21 definition framework for ideologically motivated violent  
22 extremism? Is that right?

23 **MR. DAVID VIGNEAULT:** I believe that the work  
24 started before that, but I think it was maybe put in higher  
25 gear.

26 I had, in my first public speech that I had made  
27 after becoming director in 2018, that speech spoke to the rise  
28 of this. And I believe I used the word -- the concept of IMVE

1 then. But I can -- it's around 2018/2019, indeed, that it was -  
2 - that work was solidified and the concepts were developed to  
3 try to understand, characterize better this new phenomenon,  
4 dynamic, we were seeing in society.

5 **MR. SUJIT CHOUDHRY:** Good, and, sir, just so  
6 we're clear, I believe that the first time CSIS reported out on  
7 this development and this thinking was in the 2019 Annual  
8 Report?

9 **MR. DAVID VIGNEAULT:** That sounds accurate, yes.

10 **MR. SUJIT CHOUDHRY:** Okay. Good. And is it  
11 true, in your interview summary, you stated that IMVE does not  
12 mirror the *Criminal Code* definition of terrorism?

13 **MS. MICHELLE TESSIER:** I don't recall saying  
14 that. You'd have to show me the document.

15 **MR. SUJIT CHOUDHRY:** Sure. So could we pull up  
16 Witness Summary 60, please? And could we go to the bottom of  
17 page 3? Thank you. Could we expand -- yes, very helpful.  
18 Thank you.

19 Okay. So Mr. Vigneault, do you agree that you  
20 said here that the definition of IMVE does not mirror the  
21 *Criminal Code* definition of terrorism?

22 **MR. DAVID VIGNEAULT:** I'm just trying to look at  
23 it here. Is it the last ---

24 **MR. SUJIT CHOUDHRY:** Yeah, it's the last -- the  
25 start at the third line from the bottom, sir.

26 **MR. DAVID VIGNEAULT:** Yes.

27 **MR. SUJIT CHOUDHRY:** Okay. And then if we could  
28 continue? If we could just continue, you said -- you gave them

1 the example of Alexandre Bissonnette:

2 "...who met the Service's definition of an  
3 ideologically motivated extremist, but who  
4 was not charged with terrorism offences  
5 under the [...] Code."

6 Did you say that?

7 **MR. DAVID VIGNEAULT:** Yes.

8 **MR. SUJIT CHOUDHRY:** And so is it reasonable to  
9 infer, from your evidence there, that the definition of IMVE is  
10 broader than the *Criminal Code* definition of terrorism?

11 **MR. DAVID VIGNEAULT:** I'm not sure I would say  
12 it's broader, but it's for different purposes for sure. And I  
13 think -- I am -- I'm familiar, very familiar with the attack at  
14 the Quebec City mosque and this example and other unfortunate  
15 examples is what for CSIS to say this dynamic, we need to better  
16 understand what is happening so that work to define -- better  
17 define IMVE, the four quadrants and so on, in relation to that.

18 But it's also very important in this comment when  
19 I say that it was different than the *Criminal Code*, is that you  
20 could have -- you could meet a definition of threat to the  
21 security of Canada under the *CSIS Act* or you could meet the  
22 sociological definition of terrorist activity, which I believe  
23 that Alexandre Bissonnette was indeed engaged in terrorist  
24 activity, but that may not transfer in the Crown charging  
25 someone for a terrorist offence.

26 And I think it is a very important notion that  
27 indeed has been, you know, very troubling for many in the  
28 country, including in this specific case, the Muslim community

1 in Canada.

2 **MR. SUJIT CHOUDHRY:** So does it follow, sir, from  
3 you've just said, that IMVE, or the notion of IMVE, gives CSIS  
4 broader tools to assess and respond to extremism than might be  
5 available under the *Criminal Code*?

6 **MR. DAVID VIGNEAULT:** I think by statute, CSIS  
7 has been built to be separate in this thing from law enforcement  
8 and from the *Criminal Code* in the sense that our threshold for  
9 investigations would be different than the police. Our  
10 techniques might be also different.

11 So I think, you know, it is clearly separate, the  
12 two.

13 **MR. SUJIT CHOUDHRY:** And sorry, ma'am, did you --  
14 -

15 **MS. MICHELLE TESSIER:** No, I think that's a very  
16 accurate response.

17 **MR. SUJIT CHOUDHRY:** Okay. And would you say  
18 that it's that CSIS over the last number of years has developed  
19 a lot of expertise on IMVE?

20 **MR. DAVID VIGNEAULT:** I would say yes. You know,  
21 because unfortunately there are more cases in Canada. There are  
22 more cases internationally. And we have worked very closely  
23 with a number of partners at the federal, provincial, municipal  
24 levels, and international partners, and as my colleague  
25 testified, that conceptual framework has been adopted by a  
26 couple of international partners as well.

27 **MR. SUJIT CHOUDHRY:** And the analysis is done in  
28 the first instance by skilled, intelligence professionals?

1                   **MR. DAVID VIGNEAULT:** Yes, that would be  
2 accurate.

3                   **MR. SUJIT CHOUDHRY:** And you're a learning  
4 organization, so you're always trying to improve how you analyze  
5 IMVE?

6                   **MR. DAVID VIGNEAULT:** That would be accurate,  
7 yes.

8                   **MR. SUJIT CHOUDHRY:** Okay. And so would it be  
9 far to say, if you can now look back to 2018 or 2019, and think  
10 about the world before then and the world after, in terms of  
11 CSIS' function, do you think that the adoption of IMVE has  
12 broadened the scope of the activity CSIS investigates under  
13 2(c)?

14                   **MR. DAVID VIGNEAULT:** I would not say they  
15 broaden. I would say that they help our investigators, our  
16 analysts, to better understand how the *CSIS Act* applied, what  
17 would be the -- because, again, you make a very significant  
18 distinction in what we call awful but lawful speech protected,  
19 you know, by the *Charter*, versus activities that would be, you  
20 know, defined under the *CSIS Act*.

21                   And so I think it's more -- it's not a  
22 broadening, it's more a fine tuning of the understanding  
23 developing analytical tools to make sure that not only do we not  
24 go over the law, but that we are indeed investigating the  
25 threats to Canada as mandated by Parliament.

26                   **MR. SUJIT CHOUDHRY:** So but you would agree that  
27 IMVE now occupies 50 percent or more of your -- of CSIS  
28 resources?

1                   **MR. DAVID VIGNEAULT:** Of our counter-terrorism  
2 resources, yes.

3                   **MR. SUJIT CHOUDHRY:** Mr. Commissioner, how much  
4 time do I have left?

5                   **COMMISSIONER ROULEAU:** You have, like, two  
6 minutes left.

7                   **MR. SUJIT CHOUDHRY:** Okay. So I'd like to pivot,  
8 at the end, just to the issue of threats to government officials  
9 online, if I may, because my friend, Mr. Champ, raised it for  
10 you.

11                   And so it seems to me, and I ask you to agree  
12 with this, that it seems that the mere utterance of a threat  
13 online doesn't necessarily, per se, cross the section 2(c)  
14 threshold. Is that right?

15                   **MR. DAVID VIGNEAULT:** Yes, that would be  
16 accurate.

17                   **MR. SUJIT CHOUDHRY:** Could you tell us when it  
18 would?

19                   **MR. DAVID VIGNEAULT:** I think, as we've tried to,  
20 maybe unskillfully tried to, exchange previously, the analysis,  
21 you know, is based on the best way possible to describe it is  
22 what we have on this placemat. These analytical tools have been  
23 developed to make sure that, you know, at all levels of the  
24 organization, but also more broadly, within the community, with  
25 law enforcement, who are, themselves, in their own jurisdiction,  
26 trying to understand what is happening, and make a distinction  
27 between something that would be bravado online that would be  
28 something that should be investigated, you know, under the



1 *Criminal Code* by law enforcement, and something that we, CSIS,  
2 would be doing.

3 So it's probably the best way of describing it,  
4 which is maybe not helpful for your purpose.

5 **MR. SUJIT CHOUDHRY:** Okay. Well Mr.  
6 Commissioner, I think we're out of time.

7 So thank you for your time.

8 **COMMISSIONER ROULEAU:** You actually had a minute  
9 left, but I don't ---

10 **SUJIT CHOUDHRY:** Oh.

11 **COMMISSIONER ROULEAU:** Okay. So I think probably  
12 we'll take the lunch break now and come back because I think we  
13 have -- we should have a little over a half hour of time left.  
14 So let's come back at two o'clock, please.

15 **THE REGISTRAR:** The Commission is in recess until  
16 two o'clock. La commission est levée jusqu'à 14 heures.

17 --- Upon recessing at 1:03 p.m.

18 --- Upon resuming at 2:01 p.m.

19 **THE REGISTRAR:** Order. À l'ordre.

20 The Commission is reconvened. La commission  
21 reprend.

22 **--- MS. MARIE-HÉLÈNE CHAYER, Resumed:**

23 **--- MR. DAVID VIGNEAULT, Resumed:**

24 **--- MS. MICHELLE TESSIER, Resumed:**

25 **COMMISSIONER ROULEAU:** Okay. Bon après midi.  
26 Good afternoon. I think the next is the Union of British  
27 Columbia Indian Chiefs.

28 **--- CROSS-EXAMINATION BY MS. CHEYENNE ARNOLD-CUNNINGHAM:**

1                   **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Good afternoon.  
2 My name is Cheyenne Arnold-Cunningham and I'm Counsel for the  
3 Union of B.C. Indian Chiefs.

4                   I will be directing our questions today to Mr.  
5 Vigneault, but I welcome the answers of any participant on the  
6 panel who may be able to supply additional information.

7                   Mr. Vigneault, are you familiar with Bill C15,  
8 which received royal assent and came into force as federal  
9 legislation on June 21<sup>st</sup>, 2021, to adopt and implement the United  
10 Nations Declaration on the Rights of Indigenous Peoples, also  
11 knows as UNDRIP?

12                  **MR. DAVID VIGNEAULT:** I'm generally aware of the  
13 Bill, yes.

14                  **MS. CHEYENNE ARNOLD-CUNNINGHAM:** So under that  
15 legislation, the Government of Canada is required by Parliament  
16 to take all measures necessary to ensure that the laws of Canada  
17 are aligned with UNDRIP. How is CSIS meeting this obligation?

18                  **MR. DAVID VIGNEAULT:** That's an interesting  
19 question. I think that the -- our work as an organization  
20 supporting the government continues to be making sure that our  
21 specific Act is respected, that we are, of course, respecting  
22 the law, but at the same time, that as an organization that we  
23 are taking measures and steps internally to make sure that we  
24 will live up to our obligation on human rights. I do not have a  
25 specific reference to the *CSIS Act* in relation to UNDRIP.

26                  **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay. That's  
27 what I was going to ask next. We noticed in your mandate letter  
28 that you've been mandated to advise Minister Mendicino on

1 deficiencies within the *CSIS Act* that require modernization. So  
2 I just wanted to confirm if a review of the *CSIS Act* for  
3 alignment with UNDRIP has been prepared within the agency.

4 **MR. DAVID VIGNEAULT:** There's been no specific  
5 review of the *CSIS Act*. We have been advocating, in my  
6 transition advice to Minister Mendicino, I have advised that the  
7 Act is -- it's close to 40 years old and the world has changed  
8 very significantly. And in order to make sure that CSIS was  
9 normally able to discharge its national security mandate, but  
10 also make sure that we're doing so with the evolving  
11 expectations of Canadians vis-à-vis an intelligence  
12 organization, that there was a need to modernize the Act.  
13 There's some internal discussions at the moment in that respect,  
14 but there's been no specific legislative amendment introduced.

15 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay. Thank  
16 you. Does CSIS consider Indigenous rights in conducting its  
17 assessments and evaluations?

18 **MR. DAVID VIGNEAULT:** Actually, we do. The --  
19 there is one specific document that I have in preparing for the  
20 -- this Commission's work that I would like maybe Counsel to  
21 bring up that -- in relation to our analysis.

22 **MS. ANDREA GONSALVES:** I believe the document  
23 that Mr. Vigneault is looking for is TS.NSC.CAN.00200000225.

24 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, great.  
25 Thank you so much.

26 Has ---

27 **MR. DAVID VIGNEAULT:** Sorry, I'm sorry. Is it  
28 going to be pulled up, sorry?

1                   **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Oh, I'm going to  
2 make note of that document and I'll take a look at it, but I'd  
3 like to move on to the next question for ---

4                   **MR. DAVID VIGNEAULT:** I'm sorry, there's just one  
5 specific element. If you go -- scroll down, scroll? So there  
6 is just before -- go down. Sorry, you're going too fast. Yes,  
7 okay. Stop, please.

8                   So if you look at the last paragraph here, this  
9 is something that I'd like to point out, that as an  
10 organization, we are obviously not perfect, but I'm very proud  
11 of the work that the organization is doing to be aware of how  
12 our activities can potentially, you know, impact people. And so  
13 the quote here is,

14                                 "Despite the lack of concerted  
15                                 Indigenous support for the Ottawa  
16                                 protest, any law enforcement response  
17                                 must be culturally sensitive in an  
18                                 effort to negate any backlash from the  
19                                 broader Indigenous community."

20                   And this is -- I think it's important to bring  
21 this on the record because, as I said, we're not a perfect  
22 organization, but we try very hard to make sure that we  
23 understand how our actions are perceived because, you know,  
24 again, we are an intelligence service that works in a democracy,  
25 and we want to make sure that we -- our actions are specifically  
26 directed towards threat related activity and not unduly to other  
27 groups.

28                   **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay. Thank

1 you. Branching off of that -- thank you for bringing that up --  
2 has CSIS considered whether UNDRIP's implementation means that  
3 there should be distinct considerations on CSIS's ability to  
4 monitor non-violent and unarmed First Nation's people who engage  
5 in activism pertaining to their lawful rights, even in  
6 situations that are perceived to be public order emergency  
7 events that are allegedly unlawful?

8 **MR. DAVID VIGNEAULT:** So as I mentioned earlier,  
9 we have not done a full analysis of the intersection between the  
10 *CSIS Act* and UNDRIP. What I can say is that, as I think  
11 testament to the document I just pulled out there, we tried to  
12 really understand how we can discharge our mandate as directed  
13 by -- under the law that Parliament has given us, but make sure  
14 that we do that in a way that is sensitive to how a lawful  
15 protest including in your question, Counsel, the Indigenous  
16 protest is taking place. We have testified that we are -- we  
17 cannot monitor, investigate lawful protest and dissent. And our  
18 analysis, you know, of events always takes that to account.  
19 That is not to say that we will not be, of course, you know, in  
20 order to make a determination, if there is a threat to security,  
21 of course we looked at a number of different issues, and I think  
22 there were some documents that recently on the Access to  
23 Information Act that concluded that CSIS advised government  
24 that, you know, maybe some Indigenous protests did not  
25 constitute a threat to the security of Canada, which is, I  
26 think, an important point to make sure that people understand  
27 when -- when there are potentially law enforcement action, they  
28 understand how we see it from our own mandate's point of view.

1                   **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.  
2 I'm going to wrap up with just a few last questions. So, in  
3 your mandate letter in May 2022, Minister Mendicino mandated  
4 that CSIS must work to eliminate any systemic racism or  
5 unconscious bias in its operations. He specifically made  
6 reference to ensuring that "minority communities" are not  
7 subject to unfair scrutiny in the name of national security and  
8 that CSIS "ensured the intelligence and evidence used when  
9 making determinations are free of bias, prejudice, and up to  
10 date".

11                   What work is CSIS doing or planning specifically  
12 to eliminate anti-Indigenous discrimination in its operations,  
13 monitoring, intelligence gathering, and analysis, or reporting  
14 to other government to other government branches or agencies  
15 specifically in the context of Indigenous rights defenders?

16                   **MR. DAVID VIGNEAULT:** I would say that there are  
17 probably three main aspects to -- of our work. The first one  
18 is, I think, as exemplified by the document I pulled out, our  
19 intelligence professionals within the organization are trained  
20 and continue to receive training to better understand, you know,  
21 how the work that they do might be perceived, how it would have  
22 -- it would impact, you know, different communities differently,  
23 and to make sure that they have this awareness. So that -- the  
24 aspect of training is an important one.

25                   The other aspect is, as an organization, in terms  
26 of our management of our organization, how do we make sure that  
27 we bring diversity, that we continue to work to have a much more  
28 diverse organization, that we have -- we understand that, you

1 know, some of our policies and procedures might -- not intending  
2 to be, you know, biased but, you know, the net effect might be  
3 systemic racism and we want to understand how this works, and we  
4 have -- we take measures to correct that internally in our own  
5 procedures.

6                   And finally, I would say we have launched a very  
7 specific stakeholder outreach program to make sure that we  
8 understand and we meet with communities that we -- I had the  
9 chance personally, early in my tenure, to meet with the Assembly  
10 of First Nations to establish some contact, some ability to talk  
11 to each other so if there are any concerns, any issues, that  
12 were are -- we have those lines of communications open because  
13 it is -- it is very complex work that CSIS professionals do and  
14 we want to make sure that we understand how it is being received  
15 and perceived by the population we serve.

16                   **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay. And last  
17 question, do you have any specific Indigenous officials working  
18 in those advisory positions, whether it be an advisory body, an  
19 internal committee, or just an advisor to advise on matters such  
20 as making sure, you know, surveillance of ideologically  
21 motivated activism doesn't suppress legitimate activism by  
22 Indigenous peoples regarding their rights?

23                   **MR. DAVID VIGNEAULT:** I would point out to you  
24 two specific bodies, if you want. One is an internal one; it's  
25 called the Black Indigenous Persons of Colour Congress within  
26 CSIS, the BIPOC Congress. So we -- and I personally meet with  
27 them. The last meeting was probably a month and a half ago,  
28 where we are sitting down and looking at our specific

1 strategies, plans to make sure that we get their input before it  
2 is -- our policies are changed. So we want the input, we want  
3 co-development of some of these approaches. So that is an  
4 internal one.

5 And the second one I would say is not as much an  
6 advisory body but it -- the fact that our activities are  
7 reviewed by two specific agencies, the National Security and  
8 Intelligence Review Agency, NSIRA, and the National Security  
9 Intelligence Committee of Parliamentarians, NSICOP. Both  
10 organizations have access to all of the specific classified  
11 details of our operations and are looking at our ability to make  
12 sure that, you know, we not only respect the law but, you know,  
13 our procedures. And NSICOP, in the last couple of years, has  
14 indeed looked at how the security intelligence community was  
15 engaging with communities and how we were making efforts be a  
16 much more diverse and inclusive organization.

17 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay. Thank you  
18 so much for your time today. Those are all of our questions.

19 **COMMISSIONER ROULEAU:** Okay, thank you. Next  
20 I'll call on the Ottawa Police Service.

21 **MR. DAVID MIGICOVSKY:** Yes, we have no questions,  
22 thank you.

23 **COMMISSIONER ROULEAU:** Okay thank you. Counsel  
24 for Former Chief Sloly.

25 **MS. REBECCA JONES:** Thank you, Commissioner.  
26 Rebecca Jones for Former Chief Sloly. We have no questions.

27 **COMMISSIONER ROULEAU:** The Province of  
28 Saskatchewan, please.



1 --- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:

2 MR. MICHAEL MORRIS: Yes, good afternoon. My  
3 name is Mike Morris. I'm counsel for the Government of  
4 Saskatchewan. I'd like to start out by discussing CSIS'  
5 February 13<sup>th</sup> draft threat assessment, so I'm going to ask the  
6 registrar to pull up the document. It's  
7 TS.NSC.CAN.001.00000172. Mr. Vigneault, just as we're waiting,  
8 this document is entitled "Possible Implications of *Emergencies*  
9 *Act Across the IMVE Space*". I gather you're familiar with it;  
10 is that fair?

11 MR. DAVID VIGNEAULT: Yes, I am familiar.

12 MR. MICHAEL MORRIS: The Clerk of the Privy  
13 Council mentioned last week that this document was available to  
14 attendees of the February 13<sup>th</sup> cabinet meeting. Do you recall it  
15 being distributed?

16 MR. DAVID VIGNEAULT: My recollection is that the  
17 document was discussed at the -- earlier that day at the IRG  
18 meeting, and the document was made available to the Privy  
19 Council Office who is charged with cabinet materials,  
20 documentations, so I do not have personal knowledge if the  
21 document was distributed, but I am aware of the clerk's comments  
22 last week.

23 MR. MICHAEL MORRIS: You attended the cabinet  
24 meeting on February 13<sup>th</sup>, correct?

25 MR. DAVID VIGNEAULT: I did.

26 MR. MICHAEL MORRIS: I guess my question is,  
27 would expect to have received notice from the clerk that this  
28 document was being made available or distributed for that

1 meeting, if it was?

2 **MR. DAVID VIGNEAULT:** I was aware that -- we --  
3 CSIS were asked to make the document available to PCO, so I knew  
4 that the intent was for the document to be distributed. I just  
5 do not have the personal knowledge if indeed it was because it -  
6 - the meeting was obviously scheduled, you know, fairly quickly  
7 that Sunday evening.

8 **MR. MICHAEL MORRIS:** Right. Would all attendees  
9 at cabinet have had the security clearance necessary to view  
10 this document?

11 **MR. DAVID VIGNEAULT:** They will all have the  
12 right to see it. Ministers do not have security clearances. As  
13 Privy Councillors, they are deemed to be -- to have access to  
14 the classified information, so yes, they would -- every member  
15 of cabinet would have been entitled to see that information.

16 **MR. MICHAEL MORRIS:** Okay. To the best of your  
17 recollection, was the content of this document related fully and  
18 accurately at the cabinet meeting?

19 **MR. DAVID VIGNEAULT:** I do not remember the  
20 document being discussed specifically.

21 **MR. MICHAEL MORRIS:** Okay. I'm going to quote  
22 you a statement that the Clerk of the Privy Council made in her  
23 evidence on Friday, so I want you to just listen closely. If we  
24 need to pull up the transcript, we can. The clerk stated:

25 "Cabinet was aware that CSIS had not  
26 assessed a threat to the security of  
27 Canada necessary to trigger their  
28 authorities under the *CSIS Act*." (As

1 read).

2 Are you able to agree with that statement?

3 **MR. DAVID VIGNEAULT:** Yes, I'm able to agree  
4 because we had been -- I had been part of previous meetings. My  
5 colleague, Mme Tessier, has also been part of meetings when we  
6 were providing that assessment to cabinet, so it had been  
7 provided, you know, a few times. And as we testified to  
8 earlier, this was a dynamic assessment, so it's not because we  
9 came to that position earlier that we would not change. We --  
10 it was -- when it was relayed to cabinet, it was the assessment  
11 of the day that continued to be the same thing. So I'm very  
12 comfortable to say that cabinet was aware of this assessment.

13 **MR. MICHAEL MORRIS:** Okay, thank you, sir. I  
14 just -- I want to move on to discuss the ability of the federal  
15 government to sort of disclose CSIS' bottom-line assessment to  
16 provincial governments, and premiers in particular, because  
17 we're aware that there was a First Minister's meeting on the  
18 morning of February 14th, and I'm interested in whether CSIS's  
19 bottom-line conclusions would have been able to be disclosed at  
20 that meeting. And I want to put two of those bottom-line  
21 conclusions to you, sir.

22 One is that CSIS's assessment that the protests  
23 did not pose a threat to the security of Canada as defined in  
24 section 2 of the CSIS Act, would the federal government have  
25 been at liberty to disclose that information on February 14th at  
26 the First Minister's meeting?

27 **MR. DAVID VIGNEAULT:** I would say that probably  
28 not because the CSIS Act under 19 is fairly restrictive in terms

1 of who can access classified information. And so that access  
2 does not go to provinces, territories, or municipalities.

3 So that would be my -- I was not part of the  
4 specific meeting, but for the purpose of this discussion, that  
5 will be my reaction. Section 19 will not allow the classified  
6 information to be shared.

7 **MR. MICHAEL MORRIS:** Well, if there was  
8 information of a threat, for example, in the Province of  
9 Saskatchewan, how would that information then be conveyed to the  
10 provincial government? Somebody must have the authority to  
11 release it. Is that fair?

12 **MR. DAVID VIGNEAULT:** So the way that  
13 information, threat information, operational information is  
14 relayed is through -- between CSIS and the law enforcement  
15 bodies. In this context, it would be RCMP.

16 We referred earlier to a construct called  
17 Integrated National Security Enforcement Teams that exist across  
18 the country that allow different levels of law enforcement to  
19 receive the information, so that's normally how the classified  
20 threat information will be relayed.

21 **MR. MICHAEL MORRIS:** Okay. I just have a couple  
22 more questions.

23 We heard some evidence the other day that the  
24 NSIA asked the RCMP to produce a threat assessment for the use  
25 of the clerk of the Privy Council on February 14th. I'm  
26 wondering, was CSIS asked to prepare a similar threat assessment  
27 for the clerk of the Privy Council on February 14th?

28 **MR. DAVID VIGNEAULT:** I do not recall the -- such

1 a request. I have seen the testimony and as part of the  
2 preparation for this appearance, I have seen, you know, an  
3 exchange of emails that was in reference to that threat  
4 assessment. I do not recall that day being asked specifically  
5 to do such an assessment.

6 **MR. MICHAEL MORRIS:** Okay. I just have one final  
7 question. This one's more of sort of personal interest, and  
8 it's to Ms. Tessier.

9 Ms. Tessier, you've had a lengthy career with  
10 CSIS, and I understand that you would have been employed with  
11 CSIS following the September 11th attacks; is that correct?

12 **MS. MICHELLE TESSIER:** Yes, that's correct.

13 **MR. MICHAEL MORRIS:** We've heard that CSIS's  
14 threat assessment remained at medium throughout the Freedom  
15 Convoy. Can you advise whether CSIS's threat assessment  
16 exceeded medium in the period immediately following the  
17 September 11th attacks?

18 **MS. MICHELLE TESSIER:** I'm going to have to refer  
19 -- because a national threat assessment level is assessed by  
20 ITAC, so I would refer that question to my ITAC colleague.

21 **MS. MARIE-HELENE CHAYER:** Thank you. It would be  
22 very difficult to say. The ITAC was created in -- following  
23 2004 policy, initial security policy, so it was not in existence  
24 right after the September 11 attacks.

25 **MR. MICHAEL MORRIS:** Okay.

26 **MR. DAVID VIGNEAULT:** Maybe if I could add to  
27 that, Counsel, I would -- or Commissioner -- I would say that  
28 the -- to my knowledge, the first time that a national terrorism

1 threat assessment was created was in 2014, and so it -- well, to  
2 best of my knowledge, it was -- did not exist in the aftermath  
3 of 9/11.

4 **MR. MICHAEL MORRIS:** Okay. Thank you for  
5 answering my questions.

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

7 Next is the Government of Canada, please?

8 **--- CROSS-EXAMINATION BY MR. ROBERT MacKINNON:**

9 **MR. ROBERT MacKINNON:** Good afternoon. I am  
10 Robert MacKinnon for the Government of Canada.

11 I just want to clarify first, the document that  
12 my friend put to you just a moment ago.

13 It's actually an attachment to the Cabinet  
14 minutes in a different document ID. If you want to pull it up,  
15 you can see it. SSM.NSC.CAN 216 page 12.

16 Is that the assessment that my friend just put to  
17 you?

18 **MR. DAVID VIGNEAULT:** Yes, it looks to be it,  
19 yes.

20 **MR. ROBERT MacKINNON:** And if you scroll up a  
21 little bit, you'll see it's part of the minutes of Cabinet  
22 meeting. So that would have been distributed as part of the  
23 Cabinet; is that right?

24 **MR. DAVID VIGNEAULT:** Yes, yes. It appears so.

25 **MR. ROBERT MacKINNON:** All right. On another  
26 question that Mr. Miller put to you, put to you questions  
27 suggesting that it was only on or after January 25 that there  
28 were concerns about threats and extreme ideologies in connection

1 with the convoy; do you recall that?

2 MR. DAVID VIGNEAULT: Yes.

3 MR. ROBERT MacKINNON: You have also testified  
4 that CSIS was receiving the OPP's Project Hendon Reports and  
5 participated in the Joint Intelligence Group in relation to the  
6 convoy; is that correct?

7 MR. DAVID VIGNEAULT: M'hm.

8 MR. ROBERT MacKINNON: Okay. I'd ask that you  
9 pull up the document OPP00001606. This is a Project Hendon  
10 Report dated January 23rd.

11 And if you go to the second page -- okay. Stop.  
12 If you look at the paragraph that starts the third:

13 "We assess the commercial truck drivers  
14 participating in the Freedom Convoy are  
15 likely to be generally supportive of  
16 holding a lawful protest; however,  
17 convoy supporters may include  
18 individuals representing ideological  
19 movements who may view the protest as  
20 an opportunity to advance their own  
21 causes or beliefs. Some of these  
22 individuals may engage in activities  
23 that are not --- "

24 COMMISSIONER ROULEAU: Could you just ---

25 MR. ROBERT MacKINNON: Sorry.

26 COMMISSIONER ROULEAU: --- slow down a bit,  
27 please, when you're reading?

28 MR. ROBERT MacKINNON: Okay. Sure.

1 "--- that are not sanctioned or  
2 supported by convoy organizers in order  
3 to achieve their own objectives. The  
4 post on the RISE UP DURHAM website  
5 referencing Ottawa being wild, which  
6 echoes the language used by former U.S.  
7 President Donald Trump prior the 2021  
8 attack on the U.S. Capitol tends to  
9 support this hypothesis. If accurate,  
10 then this assessment could indicate the  
11 possibility for conflict between a  
12 larger group comprising commercial  
13 truck drivers and a smaller group of  
14 ideologically-driven opportunists."

15 Do you see that?

16 **MR. DAVID VIGNEAULT:** Yes.

17 **MR. ROBERT MacKINNON:** And you would have  
18 received or CSIS would have received in their regional offices  
19 and agencies these -- this Hendon Report of January 23rd; is  
20 that correct?

21 **MS. MICHELLE TESSIER:** That's my understanding.

22 **MR. ROBERT MacKINNON:** I'd also ask you to pull  
23 up OPP0001608. It's another Hendon Report dated January 24th.  
24 And just the first bullet point, if you can go up  
25 a little bit? Yes. You'll see it says:

26 "Diagolon content has been posted or  
27 pinned on some social media sites  
28 promoting the freedom convoy. Some



1                   Diagolon adherents are indicating an  
2                   intent to attend the event in Ottawa.  
3                   We have not yet identified any comments  
4                   from convoy organizers disassociating  
5                   the convoy from Diagolon. Diagolon  
6                   flags were also observed at a pro-  
7                   convoy rally in Sudbury on January  
8                   22nd."

9                   And then if you go over the page to just above  
10                  "Tactical Considerations":

11                   "The range of anti-authority movements  
12                   supporting the convoy, the presence of  
13                   Diagolon insignia on convoy social  
14                   media sites and at the Sudbury protest,  
15                   and the potential attendance of  
16                   supporters from THE LINE at the protest  
17                   in Ottawa, validate previous  
18                   assessments that noted the use of the  
19                   Freedom Convoy by actors who may be  
20                   willing to engage in acts of public  
21                   disorder and possibly violence."

22                  Do you see that?

23                  **MS. MICHELLE TESSIER:** Yes.

24                  **MR. ROBERT MacKINNON:** And that information,  
25                  again, would have been received by the CSIS regional offices and  
26                  all recipients of the Hendon Reports on January 24th; is that  
27                  correct?

28                  **MS. MICHELLE TESSIER:** I would have to assume so.

1                   **MR. ROBERT MacKINNON:** And the last one, document  
2 I'll take you to, TS.NSC.CAN.001.156.

3                   This is an ITAC threat assessment of the  
4 possibility of IMVE driven violence on the margins of the truck  
5 convoy protest. So this one's dated January 26<sup>th</sup>, before the  
6 January 27<sup>th</sup> date in the email that my friend took you to.

7                   So if you look at the first -- the second  
8 paragraph,

9                   "While this is intended by the  
10 organizers to be a peaceful protest,  
11 open source reporting indicates that  
12 prominent ideologically motivated  
13 violent extremism [...] actors in  
14 Canada have seized upon this protest to  
15 advocate for their own ideological  
16 objectives and some have expressed  
17 interest in attending the protest in  
18 Ottawa this coming weekend."

19                  So, again, this would have been received by  
20 CSIS's regional offices and -- well, it's created from ITAC  
21 itself, so -- and that -- well, you can speak to that, Ms.  
22 Chayer; is that correct?

23                  **MS. MARIE-HÉLÈNE CHAYER:** Yes, we published that  
24 document January 26<sup>th</sup>, and it was distributed to our ADM NSOPs  
25 colleagues, so the broader national security community in the  
26 federal government. And the next day, we published an  
27 unclassified version, which was made available to our security  
28 colleagues in other jurisdiction.

1                   **MR. ROBERT MacKINNON:** So all these reports,  
2 would they not indicate a concern about violent extremist  
3 elements attending or being part of this convoy?

4                   **MS. MARIE-HÉLÈNE CHAYER:** So our assessment  
5 pointed to a number of possible scenarios. We talked about the  
6 possibility of IMVE voices, if you will, leveraging the event to  
7 push their own narrative, their own violent narratives and  
8 potentially recruit and incite violence. We also talked about  
9 the possibility of this event and the very, you know, very  
10 present narrative of some IMV-inspired people, which could  
11 potentially trigger vulnerable individuals to mobilize quickly  
12 to violence and then conduct an act of terrorism.

13                  **MR. ROBERT MacKINNON:** Okay. That's -- I don't  
14 need that document anymore.

15                  This one's for Mr. Vigneault. You were asked a  
16 question earlier today and it's all -- you gave an answer that's  
17 also in your summary of the in-camera testimony when -- about  
18 your support for the invocation of this Act, the *Emergencies*  
19 Act. And you said based on your understanding of everything you  
20 had seen up until that point, do you recall that?

21                  **MR. DAVID VIGNEAULT:** Yes.

22                  **MR. ROBERT MacKINNON:** Can you detail what you  
23 had seen or been informed of that contributed to your opinion  
24 that it was necessary to invoke the *Emergencies Act*?

25                  **MR. DAVID VIGNEAULT:** Essentially, the -- our  
26 information that we've testified to is in evidence with the fact  
27 that we knew there were ideologically motivated violent  
28 individual who were interested in this event. The unpredictable

1 nature of this event; the fact it had gone through different  
2 phases and its size and scope continued to be -- both in Ottawa  
3 and across the country continued to vary, spontaneous and not so  
4 spontaneous events, blockades and so on; the fact that law  
5 enforcement resources were being diverted from different sites  
6 to potentially -- deliberately to make sure that they were less  
7 capacity to deal with these events; the fact that we -- as part  
8 of the many interdepartmental meetings we attended, information  
9 from the CBSA, from Transport Canada, from Finance Canada about  
10 the impact that the disruption, the protest, the blockades were  
11 taking the country; and the fact that the -- there was an  
12 evolving operational plan by law enforcement that at that point  
13 had not yet been put in place to be able to deal with the  
14 situation, all of these elements of unpredictability based on my  
15 experience having been around national security issues for quite  
16 a few years now led me to believe that the regular tools were  
17 just not enough to address the situation.

18 **MR. ROBERT MacKINNON:** Okay. Here's another  
19 question concerning the decision. Did the GIC have the same  
20 inputs that CSIS had when it made its decision and CSIS made its  
21 decision under its Act? Were -- are you aware whether they were  
22 exactly the same inputs?

23 **MR. DAVID VIGNEAULT:** I did not have full access  
24 to, you know, the documents that the GIC was presented. What I  
25 can say is that I had been part of -- personally or my  
26 colleague, Madam Tessier, would have been part of the Cabinet  
27 discussions, the IRGs. So I had a -- I would say a very good  
28 understanding, but I could not characterize it as being perfect

1 information necessarily.

2 **MR. ROBERT MacKINNON:** Right. I'll take you to  
3 briefly your -- the summary of the in-camera proceeding that a  
4 couple of Counsel have taken you to, just to look at a couple  
5 other paragraphs. So if you could pull up WTS00000079, page 4?

6 So where it says in the paragraph "Ms. Tessier  
7 explained..." That's right.

8 "...that unlike RMVE, IMVE groups often  
9 do not have a command and control  
10 structure or organized membership."

11 Now we've heard that said today. Could you just  
12 -- you mentioned networks, but perhaps one or other of you could  
13 just explain just quickly the difference.

14 **MS. MICHELLE TESSIER:** Yeah, certainly. As I  
15 mentioned earlier today in my testimony, in the past -- and I  
16 use Al-Qaeda as an example, there was very much an organized  
17 structure. Not anybody could adhere to Al-Qaeda. Whereas,  
18 today, especially given the internet and the ability to network  
19 together on social media, there is difficulty in just having --  
20 comparing it to what would have been the case in the past, where  
21 you had a physical presence, you had to be vetted to be part of  
22 this group. Not to say that there are some IMVE groups that  
23 don't do that, most certainly there are, but given the vastness  
24 of communications today, especially on the internet and various  
25 social media sites, the ability to get to know individuals who  
26 share your extreme ideology is a lot easier than it would have  
27 been in the past. And so it's these -- that's why we prefer to  
28 call them networks. And we referred to lone wolves earlier, how

1 one person can commit an act. They don't necessarily have to be  
2 directed to do so. They weren't necessarily vetted by anybody,  
3 but they adhere to this network, and that's just, like, one  
4 example in terms of what we see today.

5 **MR. ROBERT MacKINNON:** If I could ask you to turn  
6 to page 8? Under "Threat Assessment Concerning the Invoking the  
7 *Emergencies Act*", if you could look at the paragraph that  
8 starts,

9 "Ms. Tessier explained that there was  
10 an initial increase in online rhetoric  
11 after the invocation, but, because it  
12 was announced at the same time as  
13 public health measures being lowered,  
14 the increase petered out."

15 Is that correct?

16 **MS. MICHELLE TESSIER:** That's correct. That's  
17 our assessment, yes.

18 **MR. ROBERT MacKINNON:** So it didn't -- it wasn't  
19 as aggravated as perhaps the assessment first foresaw; is that -  
20 --

21 **MS. MICHELLE TESSIER:** I would say that's very  
22 specific to the *Emergencies Act* itself, but we have most  
23 certainly seen, as I testified to earlier, an increase in anti-  
24 authority rhetoric.

25 **MR. ROBERT MacKINNON:** Okay. And because I may  
26 not have time to take you to some of these ITAC assessments that  
27 are referred to in the next paragraph, can you just confirm that  
28 the summary there is accurate, that it says,

1 "The panel were referred to several  
2 CSIS and ITAC assessments between 2020  
3 to the period the convoy ended,  
4 describing threats to journalists and  
5 politicians. The panel agreed that  
6 since 2020, there has been an increase  
7 in IMVE online rhetoric and threat[...]  
8 to authority figures, including law  
9 enforcement, public and elected  
10 officials. Ms. Chayer explained that  
11 this rhetoric was mostly targeted  
12 towards politicians, including [as]  
13 against provincial officials and the  
14 Prime Minister."

15 You see that? Do you have any sort of further  
16 comment on that threat environment from 2020 to today? Has it  
17 changed in any way, or has it remained the same?

18 **MS. MICHELLE TESSIER:** I would say it is  
19 increase, and I'll pass to my colleague as well, but I would --  
20 from the CSIS perspective, part of the concern is you're seeing  
21 a lot of this type of discussion more mainstream media. And we  
22 know through some of the individuals that we would be concerned  
23 with, and as I mentioned a number of times today, they tried to  
24 use that to recruit individuals towards a more extreme ideology.

25 So because we see a lot more of this, globally  
26 frankly, adherence to this type of a movement, it is of  
27 increasing concern in terms of the ability for people to access  
28 that type of violent propaganda.

1 I don't know if my colleague ---

2 **MS. MARIE-HÉLÈNE CHAYER:** I completely agree. I  
3 would also add that we have seen during the pandemic, especially  
4 while people were staying home, they spent a whole lot of time  
5 on social media, on the internet, and there are surveys that  
6 have been done that show a large increase in the number of  
7 research -- people researching internet sites that have IMVE  
8 content. So we have seen that trend. We have seen also the  
9 number, as is written in the summary, the number of threats  
10 targeting public officials, politicians, have been increasing  
11 also quite significantly.

12 **MR. ROBERT MacKINNON:** And can online rhetoric  
13 translate into action in the real world?

14 **MS. MARIE-HÉLÈNE CHAYER:** Sometimes. But I think  
15 as Ms. Tessier mentioned earlier today, one of the things that  
16 we're very concerned is the people who actually consume the  
17 rhetoric, that see those threats, and get maybe inspired to  
18 conduct acts violence after having consumed all of those, you  
19 know, narratives.

20 So when someone posts a threat against  
21 politicians, it doesn't necessarily mean that the person has the  
22 intent to carry out an attack or, you know, to target the  
23 person, but it can and it has inspired others to do so.

24 **MS. MICHELLE TESSIER:** And if I can be permitted  
25 to add concrete examples, we saw that the attacker in  
26 Christchurch, Brenton Tarrant, had written the name of, amongst  
27 others, Alexandre Bissonnette, on his -- one of his arms --  
28 weapons. And many others, who obviously influenced by that



1 activity.

2 More recently we saw Buffalo shooter do the same  
3 thing, and put the name of individuals who have committed these  
4 typical -- or sorry, the previous acts as well, writing that on  
5 their weapons.

6 So you see the influence of these individuals who  
7 livestream these attacks and how other individuals go towards  
8 that type of content and then give them credit when they  
9 actually conduct the attack.

10 **MR. ROBERT MacKINNON:** Is it difficult to predict  
11 the point at which online violent rhetoric translates into  
12 action, violence?

13 **MS. MICHELLE TESSIER:** Absolutely. It's very  
14 difficult.

15 **MR. ROBERT MacKINNON:** And you had mentioned --  
16 I'd heard the words "dynamic" and "fluid" and so forth. How  
17 would you describe that type of threat assessment? Is it done  
18 on a daily basis?

19 **MS. MICHELLE TESSIER:** Yes, I believe I mentioned  
20 that earlier. We have to, and we did, continuously assess the  
21 situation, look if anybody was radicalizing because of the  
22 environment and because we knew that there were individuals  
23 trying to recruit, and recruit people towards their more extreme  
24 violent movement.

25 **MR. DAVID VIGNEAULT:** Maybe if I could add one  
26 point to this, is that we talked earlier about the very dynamic  
27 nature and evolving nature of the IMVE environment. And because  
28 we are sitting at the same table with our law enforcement

1 partners, we share a lot of information and sometimes it will be  
2 information coming from a law enforcement source that will  
3 inform CSIS that we may need to look at it from a national  
4 security threat to the security of Canada point of view, and  
5 sometimes it's information we would have collected as part of  
6 our investigations that we would share to law enforcement that  
7 there might be a credible threat of criminal activity,  
8 including, as we discussed earlier, threats to politicians and  
9 so on, that would be in the purview of law enforcement to  
10 investigate. And so that is a very dynamic exchange between law  
11 enforcement and intelligence, and CSIS specifically.

12 **MR. ROBERT MacKINNON:** All right. I have a  
13 question for Mr. Vigneault concerning questions that were put to  
14 you earlier.

15 So you were asked a number of questions about the  
16 interpretation of the *CSIS Act*. And you're aware that the  
17 Government of Canada has received legal advice generally on the  
18 *Emergencies Act*? Is that correct?

19 **MR. DAVID VIGNEAULT:** Yes.

20 **MR. ROBERT MacKINNON:** And you're aware that the  
21 Government of Canada has received legal advice generally on the  
22 *Emergencies Act* and has claimed solicitor/client privilege over  
23 that advice, are you not?

24 **MR. DAVID VIGNEAULT:** I am aware.

25 **MR. ROBERT MacKINNON:** And you have not been  
26 given authority to waive any solicitor/client privilege over  
27 that advice? Is that correct?

28 **MR. DAVID VIGNEAULT:** That's correct.

1           **MR. ROBERT MacKINNON:** And when you've answered  
2 questions regarding the interpretation of various statutes, you  
3 were expressing your own understanding? Is that correct?

4           **MR. DAVID VIGNEAULT:** Absolutely.

5           **MR. ROBERT MacKINNON:** All right. I have a  
6 document to pull up, ---

7           **COMMISSIONER ROULEAU:** You're pretty well out of  
8 time, so you're going to have to wrap up.

9           **MR. ROBERT MacKINNON:** All right. I would -- I  
10 don't know if one of my friend's who gave up their five minutes  
11 would cede me that time, but -- I see a nod. I feel like it's -  
12 --

13           **MR. DAVID MIGICOVSKY:** I'll even cede him my five  
14 minutes.

15           **MR. ROBERT MacKINNON:** I just think that -- I'm  
16 not going to get through what I want to, but I think some of  
17 this is important, I thought.

18           **COMMISSIONER ROULEAU:** Okay. Well focus on ---

19           **MR. ROBERT MacKINNON:** Yes. I've got a document  
20 that I'm going to ask for your explanation of, Mr. Vigneault.

21                   It's TS.CAN.001 -- well, several zeros, 001, then  
22 several zeros one again. So it's entitled "Fabric of Society".  
23 It's a CSIS document. So it's TS.CAN.001. a number of zeros,  
24 and then one.

25           **MS. ANDREA GONSALVES:** In case it assists, there  
26 are seven zeros before the one, TS.CAN.

27           **MR. ROBERT MacKINNON:** There we go. Mr.  
28 Vigneault, can you explain what this represents and how CSIS

1 utilizes this?

2                   **MR. DAVID VIGNEAULT:** So again, we've done a lot  
3 of work inside the organization to better understand the dynamic  
4 of IMVE, what's happening in society, whether there are some  
5 social movements that potentially are -- have an impact on our  
6 CSIS mandate.

7                   And this, if you can maybe reduce the size of the  
8 font?

9                   If you look at this, it has the shape of a  
10 funnel. And essentially what we try to do with this is to  
11 explain at the top of the funnel is, you know, a lot of personal  
12 grievances relating to Islamophobia, you know, oppression of  
13 Indigenous people, the fear -- you know, conspiracy theories,  
14 like Q-Anon, xenophobia, neo-Nazi influences. So there's a lot  
15 of things that, you know, circulate in society.

16                   And that is essentially what is unfortunately  
17 very present on social media when I referred to earlier as awful  
18 but lawful. We see a lot of that potentially extremely violent  
19 and vile information.

20                   But again, this is protected by *Charter*. This  
21 is, you know, acceptable in a democracy. And the further down  
22 you go to the funnel, you know, you're getting into areas that,  
23 you know, might be potentially considered hate speech under the  
24 *Criminal Code*.

25                   And at the narrowest part of the funnel, this is  
26 where, you know, CSIS, our analytical analysis described, this  
27 is where the narrowest part of the funnel, where our 2(c)  
28 investigation would kick in.

1                   And so that is a conceptual analytical  
2 construction to help identify what is happening in society and  
3 where we, versus the police, versus other elements of the  
4 society should be concerned with. You know, CSIS should not be  
5 -- should be informed with what's happening on the top of the  
6 funnel, where it's lawful, we are informed by that information,  
7 but we're not investigating that. That is, you know, lawful  
8 information.

9                   And where we are, as I said, is the narrowest  
10 part of the funnel.

11                  So one other element that is, I think, critical,  
12 in all of this, is we've said earlier on that people can  
13 radicalize extremely quickly, or mobilize to violence very  
14 quickly. So we've seen people, you know, move from the  
15 consumer, as my colleague said, consumer of that -- those  
16 narratives, to go down and very quickly to say, "I need to do  
17 something about it. I will mobilize. I will engage. I will  
18 train. I will acquire weapons. And I will commit violence."

19                  And so this is our attempt to depict what is  
20 happening in society and where the CSIS mandate fits.

21                  **MR. ROBERT MacKINNON:** Last question. Was there  
22 a concern by CSIS concerning this convoy, that others who have  
23 been radicalized in some form and were engaged in an online  
24 rhetoric would use the convoy as a vehicle to recruit?

25                  **MR. DAVID VIGNEAULT:** Indeed.

26                  I think it was -- I don't think -- it was our  
27 assessment at CSIS, and ITAC came to the same conclusion, where  
28 we are seeing, unfortunately, in the past, you know, people

1 exploiting those types of events for their own purposes and  
2 other people who, again, very quickly are mobilizing to  
3 violence based on the information -- based on motivation to use  
4 such an event to engage in acts of violence.

5 **MR. ROBERT MacKINNON:** Okay, thank you.

6 **COMMISSIONER ROULEAU:** Okay, thank you. Any re-  
7 examination?

8 **--- RE-EXAMINATION BY MR. GORDON CAMERON:**

9 **MR. GORDON CAMERON:** Thank you, Mr. Commissioner,  
10 two brief points of clarification, I hope, though I see my  
11 friend, Mr. MacKinnon, rewrote the summary himself while  
12 delivering it to the witness so it might be that it's had the  
13 salutary affect that we need here.

14 I think this question is for you, Mr. Vigneault,  
15 and I'd that the summary of the closed session, which is WTS,  
16 zeros, 79, you brought up, and if we could to the top of page 9,  
17 maybe the bottom of page 8 and the top of page 9. Thank you.  
18 And this passage has had some discussion a fair bit already  
19 today so I won't repeat the whole thing but, Mr. Vigneault, I  
20 think what some people have expressed some puzzlement about is  
21 just the way you've phrased it. And you know that if I tried to  
22 say something in French, you would have to cover your ears, so  
23 I'm not faulting your English here; it's just that sometimes we  
24 see Francophones express things this way and I want to see if I  
25 can offer you an alternative expression in English or, if you'd  
26 prefer, just ask you to say it in French.

27 The way you've phrased the last eight or 10 words  
28 there allows for two meanings in English that I don't think -- I

1 think you intended only one them. So it says:

2 "...he advised the prime minister of his  
3 belief that it was indeed required to  
4 invoke the Act."

5 And some people are wondering if "it" has any  
6 meaning other than an article that is reflexive to invoke the  
7 Act. So one way of rewording that might be, "Advised the prime  
8 minister of his belief that the invocation of the Act was  
9 required," or, "It was," as Mr. MacKinnon put it, "necessary to  
10 invoke the Act." Do either of those sound right to you? And if  
11 they don't, please just say it in French and we'll -- you'll  
12 lose me but the Commissioner will be right on it.

13 **MR. DAVID VIGNEAULT:** I think I -- it -- to be  
14 clearer than maybe the summary is -- and I -- of course, it was  
15 not a verbatim record of what was said. It was a summary. I  
16 think, if I pick up on the top page 9, "...opinion of everything  
17 he had seen to that point, he advised the prime minister of his  
18 belief that the situation indeed required to invoke the Act." I  
19 think that would be a fair assessment of what I wanted to say.

20 **MR. GORDON CAMERON:** Okay, I'm going to tell you  
21 that that leaves us with the same ambiguity, so do you want to  
22 try it in French?

23 **MR. DAVID VIGNEAULT:** I'm not sure that I can be  
24 clearer than that, and if you ---

25 **MR. GORDON CAMERON:** Okay.

26 **MR. DAVID VIGNEAULT:** If you want to put to me,  
27 you know, the two interpretations, you know, again ---

28 **MR. GORDON CAMERON:** I'll try it again. Would

1 you think it sounded right if you said, "He advised the prime  
2 minister of his belief that it was indeed necessary to invoke  
3 the Act"?

4 **MR. DAVID VIGNEAULT:** I think that would be -- in  
5 my head, it means the same thing, so "necessary" would be  
6 absolutely fine.

7 **MR. GORDON CAMERON:** Then we're there, thank you.

8 **MR. DAVID VIGNEAULT:** Okay.

9 **MR. GORDON CAMERON:** And then, on another point  
10 of clarification, probably this one for you, Ms. Tessier, not  
11 everybody followed the graphic about IMVE the way the graphic  
12 designer probably hoped everyone would follow it, which is  
13 quickly and easily. And we were going to try to walk you  
14 through that when we realized you've actually got it written out  
15 in words in your institutional report. So if you could -- Mr.  
16 Clerk, if you could call up DOJ.IR.00000001 and take us to page  
17 7, about two-thirds of the way down.

18 And Ms. Tessier, if this is a question for you,  
19 I'll ask you to look at the verbal description of the placemat  
20 which is there and, in particular, if you can confirm that  
21 that's an accurate description of what the placemat is trying to  
22 say, with us being especially interested in the paragraph  
23 afterwards, "If an actor only demonstrates...", which the words,  
24 for us, seem much clearer than the placemat was able to  
25 describe. So if you can confirm that those words are accurate,  
26 that will resolve that for us.

27 **MS. MICHELLE TESSIER:** Yes, they are accurate.

28 **MR. GORDON CAMERON:** Okay, thank you very much.



1 And, Mr. Commissioner, those are my questions.

2 **COMMISSIONER ROULEAU:** Okay, so that ends your  
3 testimony. Thank you very much for coming and testifying at the  
4 Commission, much appreciated and you're free to go. We're going  
5 to move with the next. So I'm going to do a five-minute break  
6 just to change the arrangements, may 10 minutes to make --  
7 change the arrangements and move to our next witness, so a 10-  
8 minute break.

9 **THE REGISTRAR:** The Commission is in recess for  
10 10 minutes. La Commission est levée pour 10 minutes.

11 --- Upon recessing at 2:54 p.m.

12 --- Upon resuming at 3:05 p.m.

13 **THE REGISTRAR:** Order. À l'ordre. The  
14 Commission is reconvened. La Commission reprend.

15 **COMMISSIONER ROULEAU:** Okay. Now, just before we  
16 start, if I could just -- I just want to make a brief statement  
17 that from now on, for the balance of the week, we will be  
18 hearing from a number of senior government ministers, including  
19 the prime minister and the deputy prime minister. The  
20 Commission recognizes that this is exceptional and even more so  
21 as the House, as I understand it, is sitting. So the latter  
22 fact, the fact the House is sitting, is such that it may require  
23 some accommodation for these witnesses in the event of votes of  
24 the House of Commons or events requiring that they respond to  
25 pressing needs. So I just wanted to put that on the record, so  
26 for parties.

27 It's also important that in the course of these  
28 examinations, we not lose sight of the reason that they are here

1 to testify; that is, the subject matter of this Inquiry.

2 The examinations, therefore, must remain focused  
3 on this, particularly in light of the limited time we have.

4 Finally, as I have insisted throughout, I will  
5 continue to insist that the conduct of the public and indeed the  
6 parties be respectful at all times, which I'm sure everyone  
7 understands.

8 So I just wanted to say that because it's --  
9 we're sort of entering another phase for the balance.

10 Okay. So with that introduction, Commission  
11 counsel?

12 **MR. GORDON CAMERON:** Thank you, Commissioner.

13 Gordon Cameron for Commission counsel, and the  
14 first witness in this category of ministers is Minister WILLIAM  
15 BLAIR, if he could take the stand, and he will be sworn.

16 **THE REGISTRAR:** Minister Blair, will you swear on  
17 a religious document or do you wish to affirm?

18 **MINISTER WILLIAM BLAIR:** On a Bible, please.

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

21 **MINISTER WILLIAM BLAIR:** My name is William  
22 Blair,  
23 B-l-a-i-r.

24 **--- MINISTER WILLIAM BLAIR, Sworn:**

25 **--- EXAMINATION IN-CHIEF BY MR. GORDON CAMERON:**

26 **MR. GORDON CAMERON:** Good afternoon, Minister  
27 Blair.

28 I'll begin just with some housekeeping, some

1 formalities, and in particular, what I'm going to ask you to do  
2 is recall that you had an interview with me and some of my  
3 colleagues on September 6th, and for the record, I'll note for  
4 parties that the summary of that interview is WTS000000048

5 Now, Minister Blair, have you had a chance to  
6 review this witness summary that was prepared following your  
7 interview?

8 **MINISTER WILLIAM BLAIR:** Yes, sir, I have.

9 **MR. GORDON CAMERON:** And can you confirm that  
10 it's accurate and that you adopt it as part of your evidence  
11 before this proceeding?

12 **MINISTER WILLIAM BLAIR:** I can confirm that, yes.

13 **MR. GORDON CAMERON:** Thank you.

14 Now, if we can just go through a little bit of  
15 background, for those who aren't already familiar with your role  
16 in the federal government recently and before that. You were  
17 the Minister of Public Safety from November 2019 to November --  
18 to October 2021; is that correct?

19 **MINISTER WILLIAM BLAIR:** Yes, sir.

20 **MR. GORDON CAMERON:** And in October of 2021, you  
21 were appointed -- and this is a long title and it requires a bit  
22 of updating -- you were appointed as President of the Queen's  
23 Privy Council; now you will be the President of the King's Privy  
24 Council, I take it -- and also as the Minister of Emergency  
25 Preparedness; is that right?

26 **MINISTER WILLIAM BLAIR:** Yes, sir.

27 **MR. GORDON CAMERON:** Now, in the prime minister's  
28 mandate letters, that is, the letters that the prime minister

1 writes for each of his ministers to describe what he expects  
2 from them during their tenure, the prime minister assigned  
3 leadership responsibilities regarding public safety and  
4 emergency preparedness, both to you, Minister Blair, and to  
5 Minister Mendicino.

6 And so the question is, can you help us  
7 understand how that division works under the umbrella of the  
8 Ministry of Emergency Preparedness and Public Safety?

9 **MINISTER WILLIAM BLAIR:** Yes, sir.

10 As you've noted earlier, I had -- I previously  
11 held the position of Minister of Public Safety and Emergency  
12 Preparedness. Quite frankly, the government recognized in the  
13 most recent past a significant increase in both the severity,  
14 complexity, and frequency of national emergencies taking place  
15 in this country. And so a decision was made to bifurcate my  
16 previous ministry into Public Safety, which is a portfolio held  
17 by my colleague and friend, Mr. Mendicino, and Minister of  
18 Emergency Preparedness, which is the portfolio that I am  
19 responsible for.

20 Under that, I think there's a very clear  
21 delineation of responsibilities, but there's a very close  
22 alignment between the work that I do and that Minister Mendicino  
23 does.

24 Mr. Mendicino is, for example, responsible under  
25 the Act for five different, you know, significant agencies in  
26 the federal government, including the RCMP, CBSA, CSIS,  
27 Corrections Canada, and the Parole Board, and he also has a  
28 number of other significant responsibilities within his own

1 mandate.

2                   For myself, my responsibilities particularly  
3 pertain to ensuring that the Government of Canada is prepared to  
4 respond effectively to all hazards and emergencies in this  
5 country to improve of the way in which the government prepares  
6 and also creates greater resiliency in the country about these  
7 events.

8                   Among the administrative processes, I am also  
9 responsible for is I oversee requests for assistance that I  
10 receive from the provinces and territories for assistance in the  
11 event of an emergency.

12                   **COMMISSIONER ROULEAU:** If I could just -- if you  
13 could try and be a little slower for the interpreters because  
14 they have to translate everything you say, and you have a  
15 tendency to have a high output.

16                   **MINISTER WILLIAM BLAIR:** Yes, sir, I'll certainly  
17 do my very best.

18                   **COMMISSIONER ROULEAU:** Okay.

19                   **MINISTER WILLIAM BLAIR:** And I would appreciate  
20 the occasional reminder that I think Mr. Cameron's quite  
21 prepared to provide.

22                   **MR. GORDON CAMERON:** Yeah, the scribes at the  
23 interview got lost after a few minutes of the interview.

24                   Now, if -- that's a helpful description, Minister  
25 Blair, of the division between the two parts of Public Safety  
26 and Emergency Preparedness.

27                   Here's something that's more challenging for all  
28 of us is if you can describe for us your role as President of

1 the King's Privy Council and how that -- what role you play  
2 there?

3 I'll remind you just as what place to start that  
4 among other things, you chair the SSE committee, the Safety,  
5 Security, and Emergencies committee, but writ large, can you  
6 describe that office and what responsibilities come with it?

7 **MINISTER WILLIAM BLAIR:** There are, within  
8 federal legislation, certain federal agencies such as the  
9 Transportation Safety Board, that is -- answers directly to the  
10 President of now the King's Privy Council, but it also is  
11 important to recognize the very -- the close collaboration that  
12 exists between my responsibilities as the President of the  
13 King's Privy Council and the work of the Privy Council Office  
14 within the federal government.

15 It requires, in addition to my responsibilities  
16 in chairing, for example, the SSE -- Safety, Security, and  
17 Emergency committee, a very close collaboration with the Privy  
18 Council Office. I have, for example, within PCO, a deputy  
19 secretary, Ms. Bogden, who I believe you've heard from, who I  
20 work very closely with on matters of emergency preparedness and  
21 with respect to other Cabinet-related issues. I work very  
22 closely with the deputy clerk, Ms. Drouin, as well.

23 **MR. GORDON CAMERON:** Right. And something we'll  
24 come back to in a little bit of detail a little later in this  
25 examination, one of the functions of your office includes  
26 handling requests for assistance, what we've now learned to call  
27 RFAs where somebody from a level of government lower than the  
28 federal government asks for the assistance of the federal

1 government in some particular sphere.

2 Can you tell us just broadly speaking how that  
3 works? We'll come to the one specific to the convoy in a  
4 minute, but just broadly, how that process works.

5 **MINISTER WILLIAM BLAIR:** Yes, sir.

6 There is a provision within our government for  
7 provinces and territories to make requests of our government for  
8 assistance for certain types of emergencies. The criteria is  
9 reasonably well established.

10 In the past two years, I've been responsible for  
11 -- well, since the beginning of the pandemic, I've actually  
12 managed about 200 requests for assistance that the government  
13 has received from our provincial and territorial partners.

14 These can take a number of different forms.  
15 There were quite a number of them related to the pandemic in  
16 particular, but also in the advent of floods and fires, on the  
17 hurricanes that recently took place in Atlantic Canada, all can  
18 result when -- when events exceed the capacity of the provinces  
19 and territories to manage it, the RFA process allows them to  
20 reach out for assistance, and whatever we're able to provide is  
21 my responsibility to arrange that. Much of that work is done  
22 with other federal departments, Public Safety, the Department of  
23 National Defence, and others, but to ensure that whatever  
24 federal supports can be provided to the provinces and  
25 territories, we do that as expeditiously as possible.

26 **MR. GORDON CAMERON:** And can you describe to me  
27 the level of formality that that process follows, and it's  
28 probably not the same in every case, but sometimes it's a phone

1 call, perhaps followed up later by writing; sometimes writing  
2 followed up later by a phone call. But can you describe for the  
3 Commissioner just how the process tends to take place in the  
4 example of a typical flood or hurricane?

5 **MINISTER WILLIAM BLAIR:** In my experience, sir,  
6 and as I said with Danielle, a couple of hundred of these,  
7 senior officials usually begin talking very quickly. Even in  
8 anticipation of an emergency, for example, if we know that a  
9 hurricane is coming, or at the beginning of the wildfire season,  
10 communications begin to take place between senior officials in  
11 both either the province or territory and/or federal  
12 departments, whichever is implicated. Most of that is managed  
13 through the Ministry of Public Safety, and for example, in my  
14 experience, most of that work has been done by Deputy Stewart,  
15 who I think you've also heard from.

16 There's usually discussions that take place  
17 between senior officials. There is also a table of senior  
18 officials, sometimes referred to as the Senior Officials  
19 Responsible for Emergency Management, SOREM, who also engages in  
20 these types of discussions. That's usually followed up very  
21 quickly by a formal letter of request from the province or  
22 territory that is directed to the Ministry of Public Safety and  
23 then on to me for a determination.

24 But we try to work as quickly as possible in  
25 order to see if whatever helps we can provide in response to  
26 those requests, and then through, again, Deputy Stewart a  
27 response to that request is prepared to which I am able to then  
28 hopefully quickly respond.



1                   **MR. GORDON CAMERON:** So if the hurricane's coming  
2 up the coast you don't wait until the letter arrives before you  
3 start mobilising a response to a request for instance?

4                   **MINISTER WILLIAM BLAIR:** No, and in fact, in our  
5 most recent experience with Hurricane Fiona, it was -- as it was  
6 moving to Atlantic Canada, we were receiving very good  
7 forecasting from Environment Canada, which gave us a pretty good  
8 idea of where that hurricane was going to land. And so there  
9 were conversations that began days in advance so that we could  
10 be better prepared and mobilise and even stage resources in  
11 order to respond to what we knew was going to be a significant  
12 impact on those regions of the country and that we would be able  
13 to work closely together as quickly as possible.

14                   There are a number of other programs as well, and  
15 for example, I'm also responsible for what we refer to as the  
16 Humanitarian Workforce where we work very closely with an NGO,  
17 such as the Canadian Red Cross, and stage those resources and  
18 begin to register people well in advance of the hurricane in  
19 that case, so that we can respond as quickly as possible in  
20 real-time to help people be safe.

21                   **MR. GORDON CAMERON:** And I assume that if you do  
22 act immediately before the paperwork arrives there will,  
23 nonetheless, be the requirement for the orderly administration  
24 and documentation of the RFA that the paperwork would eventually  
25 come through and then the request be properly documented?

26                   **MINISTER WILLIAM BLAIR:** Yes, sir. Those  
27 requests are properly documented, but we don't necessarily wait  
28 for the paperwork. Sometimes in -- there have been very limited

1 circumstances where the paperwork arrive first, and then we  
2 start conforming to that immediately, but in the vast majority  
3 of cases there is outreach from the province and territory who  
4 identify a situation that exceeds their capacity where they seek  
5 our help, and then we undertake immediately to see if we can  
6 find that help within the Federal Government.

7 **MR. GORDON CAMERON:** Thank you. Now, if you can  
8 describe, perhaps, well certainly atypically relative to most  
9 other government departments, you are lodged, so to speak, in  
10 the Privy Council Office and supported by people also in the  
11 Privy Council Office, and one of the people also there is the  
12 National Security Intelligence Advisor, Jody Thomas. If you  
13 could describe for us how you, as Minister of Emergency  
14 Preparedness, work with or relate with, interact with the  
15 National Security Intelligence Advisor?

16 **MINISTER WILLIAM BLAIR:** Yes. The National  
17 Security Intelligence Advisor is actually a very important  
18 source of guidance, advice and information for our preparation  
19 in order to respond appropriately to emergencies. I, in a  
20 number of different capacities, including that I chair, the  
21 Safety, Security and Emergency Committee, but even in our daily  
22 and weekly interactions, the National Security Intelligence  
23 Advisor is a person who gathers information from the National  
24 Security Intelligence establishment, from law enforcement and  
25 from other sources and provides it to Government, including to  
26 me, to assist us in making sure that we're able to do our duties  
27 in a timely way and be well-informed of what Government needs to  
28 know in order to keep people safe.

1                   **MR. GORDON CAMERON:** Thank you. Now, we've had,  
2 as you probably know, already testifying among senior government  
3 officials who testified last week, Jacqueline Bogden and Jeff  
4 Hutchinson. Maybe you could just remind us, now that you're  
5 here, where they fit in the scheme of your Department of  
6 Emergency Preparedness.

7                   **MINISTER WILLIAM BLAIR:** Yes, sir. When the  
8 Government decided, when the Prime Minister decided that -- to  
9 place a special emphasis and create a unique ministry dealing  
10 with emergency preparedness we recognised that in order to make  
11 that work we also had to fundamentally change the way in which  
12 the Public Service, through the Privy Council Office, organises  
13 itself in response to preparation for emergency. And so there  
14 was decisions made within PCO by the Clerk in order to create  
15 some additional positions within the Privy Council Office to  
16 essentially create an office to more formalise and I think to  
17 make more effective the Government's response to emergencies and  
18 in our preparation in a wide variety, a very significant  
19 spectrum of activities, including increased resilience,  
20 investment in critical infrastructure and an all hazards  
21 approach, and it was also I think very important to make  
22 connections.

23                   One of the things I have found in my  
24 responsibility, sir, and working with PCO, that emergencies are  
25 not uniquely located within any one ministry or department.  
26 That is, they very often implicate, like, whole of government.  
27 We learned that certainly in floods, for example, in British  
28 Columbia, where, you know, initially, when I went to British

1 Columbia with the Prime Minister to meet with the provincial  
2 government, you know, we looked at it as an emergency response  
3 to a flood, but very quickly learned that Agriculture,  
4 Transportation, Fisheries and Oceans, Natural Resources,  
5 Environment Canada, all of these different departments of  
6 Government were deeply implicated in that emergency.

7                   And so one of my responsibilities working with  
8 PCO and Ms. Bogden is in a convening role, to bring all of the  
9 departments together and bring senior officials to make sure  
10 that all of government is responding appropriately as necessary  
11 to every emergency.

12                   And so a decision was made. Ms. Bogden was  
13 brought in as the Deputy Secretary responsible for emergency  
14 management, and she also has responsibility for the COVID  
15 response of the Government, she's also overseeing that.

16                   And Mr. Hutchinson was also brought in and serves  
17 in a number of different roles, including he is Secretary to the  
18 Cabinet committee that I chair, the Safety, Security and  
19 Emergencies Committee. He's also acted as Secretary in other  
20 duties that I have been assigned by the Prime Minister. For  
21 example, I co-chaired with British Columbia a committee with the  
22 British Columbia Government involving all of the ministers and  
23 very significant representation from First Nations leadership in  
24 coordinating all of Government's response to the floods, and  
25 Jeff acted as the Secretary for that committee as well.

26                   **MR. GORDON CAMERON:** Okay. And a third name that  
27 we're going to encounter in some of the documents, and those who  
28 have been following will have seen already, Zita Astravas. Can

1 you describe what her role is in your department?

2 **MINISTER WILLIAM BLAIR:** Yes. Zita is the Chief  
3 of Staff for my ministry office. I have within my ministry  
4 office people who are responsible for policy development as it  
5 pertains to emergencies with communications and media relations,  
6 and finally with Operations because we engage with every region  
7 of the country. And all of the people that work in that office  
8 are overseen by my Chief of Staff, Zita Astravas. She is a very  
9 serious and experienced political staffer within the ministry  
10 office, and she previously served as my Chief of Staff when I  
11 was the Minister of Public Safety.

12 **MR. GORDON CAMERON:** Now, again, people who have  
13 been following this proceeding or following the original events  
14 will know that there's another part of your background that  
15 ended up assuming special significance as these events unfolded  
16 in January and February, and that was your first career as a  
17 police officer, and ultimately the Chief of Police of the  
18 Toronto Police Service.

19 First of all, can you describe in broad strokes  
20 what that experience was, and then I'll bring you back to the  
21 particular public order experience that you had in those roles?

22 **MINISTER WILLIAM BLAIR:** Yes, Mr. Cameron. I  
23 joined the Toronto Police Service in 1976. I served as a  
24 Toronto police officer for 39 years, and from -- for the last 10  
25 years of that -- my 39-year career, from 2005 until 2015, I was  
26 the Chief of Police of the City of Toronto. And in that  
27 capacity, I served in a number of roles and that were somewhat  
28 related to the events that transpired.

1           **MR. GORDON CAMERON:** Right. Now as I understand  
2 it, as you were coming up the ranks, you, in fact, served a term  
3 as an inspector of a public order unit itself, that is, the  
4 actual unit that goes out and deals with public order incidents  
5 ---

6           **MINISTER WILLIAM BLAIR:** Yes.

7           **MR. GORDON CAMERON:** --- is that right?

8           **MINISTER WILLIAM BLAIR:** Yes, sir. I was public  
9 order trained and I served as a Public Order Incident Commander  
10 for very, very many public order incidents in the City of  
11 Toronto over a number of years.

12           **MR. GORDON CAMERON:** Okay. Now the one that  
13 often gets remembered because it was so newsworthy was the G20  
14 event in Toronto, which ended up being a public order event as  
15 well as its political event on its own. And you played a role  
16 in that, but it would probably be helpful if you described what  
17 role you played, what role you didn't play and roughly how that  
18 -- what you learned from that experience.

19           **MINISTER WILLIAM BLAIR:** Yes, sir. That -- the  
20 G20, and it occurred in June of 2010, in the City of Toronto, it  
21 was a planned event. I was, throughout that entire period of  
22 time, the Chief of Police, and therefore, responsible for  
23 policing in my city, but the event itself was actually headed up  
24 by an Integrated Command Structure with a gold/silver/bronze  
25 command structure that was put in place, the leadership of which  
26 was with the RCMP, but also, it had representatives from my  
27 service but also from some of the regional services surrounding  
28 and the OPP. And they were actually responsible for the

1 operational response to the G20, but throughout that period, I  
2 was the Chief of Police and therefore, ultimately, responsible  
3 for every policing related matter taking place in my city.

4 **MR. GORDON CAMERON:** Right. And as you  
5 mentioned, probably in the 30-odd year career, and especially 10  
6 as Chief of Police, there were more than just the G20 event, and  
7 the one other perhaps event or series of events that was  
8 memorable during that period when you were Chief of Police were  
9 the Tamal protests in Toronto. And they -- I mention them  
10 because you might find some similarities with some of the events  
11 that happened around Ottawa, and if you could just tell us about  
12 those events and how they were resolved, at least as best as you  
13 can recollect it?

14 **MINISTER WILLIAM BLAIR:** Yes, sir. That took  
15 place in May of 2009. It was a period in which there was a  
16 great deal of concern within the Tamal community, and there's a  
17 very substantial Tamal community in the greater Toronto area,  
18 about events that were taking place in Sri Lanka at that  
19 particular time. I mean, as a consequence, a number of people  
20 came out onto the streets to begin to protest. There were two,  
21 frankly, significant and somewhat distinct matters that I had to  
22 deal with as the Chief of Police during that event.

23 On Mother's Day of 2009, about 5,000 people from  
24 the Tamal community were demonstrating and marching, and  
25 unfortunately, went up a ramp of the Gardiner Expressway and  
26 ended up on the elevated highway that runs through downtown  
27 Toronto. I was called, because, of course, they had blocked the  
28 highway. It wasn't a particularly serious traffic issue because

1 it was Mother's Day, a Sunday evening and not too concerning,  
2 but I heard from my operational commanders that evening that  
3 there were no safe ways to remove those people from the bridge.  
4 There was a real concern because the guardrail really is for  
5 vehicles, not for pedestrians. There were children and elderly  
6 people up on that elevated highway, and there was a very sincere  
7 concern among my officers that any action that we might take to  
8 remove them from the bridge or even bring them down the ramp  
9 could result in a stampede, a crushing of people, and would just  
10 be simply too dangerous. And so I directed that we would slow  
11 down, that we would engage with the people that were on the  
12 bridge. We would find people that we could talk to on the  
13 bridge, and that took a couple of hours. And then eventually, I  
14 engaged in some conversation, I had a pretty good relationship  
15 with that community, and found a way to have them safely come  
16 down off that bridge. And it was, in my opinion, an entirely  
17 appropriate and safe resolution of what could have potentially  
18 been a very dangerous situation.

19               The other element to this is tens of thousands of  
20 people initially converged on University Avenue in the area of  
21 University and Armoury, which is right near the 361, our  
22 Superior Courts in Toronto, but also, right opposite the U.S.  
23 Consulate. And initially when they went there, it was  
24 considered quite disruptive. It was noisy and it was  
25 interfering with traffic. But very quickly, we were able to  
26 work with that crowd to allow the TTC, for example, to operate  
27 on both Queen and Dundas, so that the transit would continue to  
28 move. Those are pretty important transit routes in the city.



1 We also were concerned about access and egress for our hospitals  
2 on Hospital Row on University Avenue. We worked out with them a  
3 way in which we could do that. And although that protest went  
4 on for several days, and there were concerns actually being  
5 expressed, by the time I remember hearing from Superior Court  
6 judges about the noise outside their courtrooms, but at the same  
7 time, you know, there was very little residential in that area.

8 I would also want to acknowledge the people that  
9 were protesting did so in a very respectful way. They cleaned  
10 up after themselves. You know, they were on the street. They  
11 were very seriously concerned, but I think that was a situation  
12 that in Toronto, we were able to resolve appropriately and  
13 safely. And eventually, I think it actually strengthened our  
14 relationship very much with that community.

15 **MR. GORDON CAMERON:** And if I recollect accounts  
16 of those events, one of the things you were able to accomplish  
17 with that demonstration was to move it from an arguably illegal  
18 demonstration in the sense that it was blocking University  
19 Avenue to a location nearby where the demonstration could  
20 continue but not be obstructing traffic and potentially breaking  
21 the law?

22 **MINISTER WILLIAM BLAIR:** Yes, sir. And actually,  
23 that was based on some experience that we'd had in that  
24 particular area as well. I also remember in the late '90s there  
25 were very significant demonstrations among two other  
26 communities, Serbia and Croatian, at that same location, and we  
27 worked very closely with those protesters to allow them to  
28 engage in their lawful, peaceful protests, but do it in a way

1 that minimized the disruption to traffic, to the movement of  
2 people, and to the functioning of basically the city's daily  
3 life all around them.

4                   **MR. GORDON CAMERON:** And as an incident commander  
5 or public order senior police officer, how do you factor in that  
6 particular attempted transition; that is, you encounter a public  
7 order incident, ideally, you're able to keep it legal from  
8 beginning to end, but when it starts to transition into  
9 illegality either because it's obstructing traffic or violating  
10 some other law, where in your ranking of objectives do you put  
11 turning what has become an unlawful protest into a lawful  
12 protest?

13                   **MINISTER WILLIAM BLAIR:** I think it's important -  
14 - frankly, I actually very sincerely believe in the right to  
15 lawful, peaceful protest. It's a protected *Charter* right in  
16 this country. Sometimes, it can be a challenge. It can be very  
17 difficult to manage these events. But I think when we -- if the  
18 protesters are willing to work with the police and if the police  
19 work with them, there are always some individuals who will push  
20 the limit and sometimes will break the law, and there are ways  
21 to deal with those individuals. But in my experience, it is  
22 always preferable, if you're able, to minimize the impact and to  
23 facilitate lawful, peaceful protest, while not allowing unlawful  
24 protest or risk to public safety.

25                   **MR. GORDON CAMERON:** And you might not have  
26 monitored this part of the evidence, but we had a similar  
27 discussion with Deputy Commission Zablocki of the RCMP about  
28 this attempt that the RCMP took in and near Coutts, Alberta to

1 find a legal way for the protest to continue. And let me ask  
2 you if you find -- if you found in those days when you were  
3 doing this the same tension, because the protesters want to be  
4 visible. They want, in effect, to cause at least enough of a  
5 nuisance that they're noticed and that they're able to make  
6 their point and be heard, and yet, you want them to be as little  
7 a nuisance as possible. And is that a tension that your forces  
8 and the people you have as your liaison team are trained to try  
9 and sort out?

10 **MINISTER WILLIAM BLAIR:** Well, if I may, just let  
11 me cite as an example. During the G20, we designated certain  
12 places where we wanted to facilitate lawful, peaceful protests.  
13 And, for example, over at Queens Park, we said, you know, if you  
14 gather there, you'll be able to protest. And some people were  
15 quite willing to do that, but unfortunately, not everybody is.  
16 And then some people, you know, preferred to be -- you know, to  
17 disrupt traffic, or in the case of the G20, unfortunately, it  
18 also resulted in the set of circumstances where there was  
19 significant property damage, fires were set, and windows were  
20 smashed. And but I think it's important to distinguish there  
21 are always people who seek only to engage in lawful, peaceful  
22 protest, and who think it's our responsibility -- and I say  
23 "Our," forgive me; it was the police responsibility to  
24 facilitate that to every extent possible. And, unfortunately,  
25 there are also, in some circumstances, people who choose to  
26 engage in unlawful behaviour and don't engage as lawful, but  
27 rather unlawful protest, and then there has to be whatever  
28 action is required in order to curtail that.

1                   **MR. GORDON CAMERON:** Right. Now, coming to the  
2 events in question, as the matters were developing, there were  
3 -- there was a series of what end up getting called briefings on  
4 truckers' convoy among Ministers and senior officials in the  
5 government. And it looks, from our account of the  
6 documentation, that you attended probably all of them, or almost  
7 all of them; is that your recollection?

8                   **MINISTER WILLIAM BLAIR:** I believe almost all of  
9 them, yes.

10                  **MR. GORDON CAMERON:** Yes. There was one on  
11 January 28<sup>th</sup>, and I'm going to ask the Clerk to call up  
12 SSMNSCCAN00000251.

13                   And if you -- Mr. Clerk, if you can just scroll  
14 down, there's a point where we have a number 18, and there;  
15 there we go.

16                   And these are the -- this is the notes of the  
17 readout, as it's called, of that meeting. And do I understand  
18 the way this is laid out correctly, that beside the number 18  
19 and your name are a series of points that you were making at the  
20 meeting?

21                  **MINISTER WILLIAM BLAIR:** Yes, sir.

22                  **MR. GORDON CAMERON:** The one I'm going to ask you  
23 to talk about is c, "We need to keep the language down"

24                   And probably the people in the room knew what you  
25 were talking about, and you probably used more words than just  
26 that, so if you could flesh that out for us, what you were --  
27 what message you were trying to get across during that briefing  
28 when you said, "We need to keep the language down"?

1           **MINISTER WILLIAM BLAIR:** I believe we all have a  
2 responsibility to do what is necessary to keep the peace. And I  
3 was concerned that inflammatory language could in -- incite a  
4 more violent response, potentially, or incite others to continue  
5 to come to the protest. And so I think one needs to maintain,  
6 and I've had some experience in this, in your language around an  
7 event, to speak of it in such a way as to not aggravate it.

8           **MR. GORDON CAMERON:** So minimize name-calling,  
9 and that kind of thing, as I understand it?

10          **MINISTER WILLIAM BLAIR:** I don't normally engage  
11 in name-calling, sir.

12          **MR. GORDON CAMERON:** Right. But is that what you  
13 mean by keep the language down; keep the rhetoric moderate on  
14 the government side, on the protester side?

15          **MINISTER WILLIAM BLAIR:** I believe -- in my  
16 experience, sometimes people live down to your expectations, and  
17 so one should be careful in ---

18          **MR. GORDON CAMERON:** Right.

19          **MINISTER WILLIAM BLAIR:** --- how you speak of  
20 these events. I also, quite frankly, am always concerned about  
21 fear. I think fear is one of the greatest enemies of public  
22 safety, and I think if our language is intemperate, we can make  
23 people quite fearful. And if people are fearful, then they  
24 don't use public space, they don't engage with their neighbours;  
25 it can actually create a more dangerous situation. And so my  
26 advice to colleagues was that we would remain temperate in our  
27 language.

28          **MR. GORDON CAMERON:** I'd like to move now to

1 another topic area that it's apparent that you took a role in,  
2 and that has to do with the arrangement of what were called,  
3 perhaps, it was -- ended up being a misnomer, but what end --  
4 what were originally called the tripartite meetings.

5 Can you describe, first of all, what those were  
6 meant to be? To situate them in time, if it assists you, they  
7 were February 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup>, the ones that started it off.  
8 But if you can just tell us what you had hoped to accomplish  
9 with those meetings.

10 **MINISTER WILLIAM BLAIR:** Yes, sir. It was my  
11 intention to convene all three orders of government, to bring  
12 them to a table. Because I believed that all three orders of  
13 government had a role and responsibility here. I believe that  
14 good communication between all three orders of government could  
15 have been facilitated by convening, you know, a meeting among --  
16 initially it was attempted to do so with, at the political  
17 level, and as you said it wasn't entirely successful. But what  
18 we -- I believe what we were able to achieve is convening  
19 officials to come to that table. Because I believe that the  
20 events that were transpiring in Ottawa did -- really did require  
21 good communication, you know, clear and -- clear expectations  
22 and communications in how we could assist each other. All of us  
23 had a responsibility, all of us had a role to play. And I was  
24 attempting to convene that.

25 And, by the way, not inconsistent with the role  
26 that I also play, as I mentioned earlier, in convening other  
27 orders of Ministries within my own government, I've learned the  
28 value of bringing people together from many different

1 disciplines and authorities to be at the table, to share  
2 perspectives and to help each other.

3           **MR. GORDON CAMERON:** Okay. There's two topics  
4 I'd like to see if we can talk about, and I'll see if we can do  
5 it without pulling up too many documents, but just going by your  
6 memories of these meetings. And I'll just describe the topics  
7 and then we'll try to treat them one at a time, though they  
8 might end up getting blended together.

9           One is the fact that you didn't succeed in  
10 getting Ontario, at the political level, to the table, as I  
11 think had been your ambition. But the other topic is why there  
12 seemed, in at least the records of these meetings, so much  
13 confusion or misunderstanding between the City of Ottawa and the  
14 federal government, and to the extent they were there, officials  
15 of the Ontario government, about which resources would be  
16 committed by whom; when; who was actually there, et cetera. The  
17 documents just seem to be the equivalent of a whole bunch of  
18 ships passing in the night, and nobody understanding what the  
19 other person's saying, and perhaps even a lot of mistrust.

20           So let's take the first of those issues, the  
21 effort you made to include the Province of Ontario and how much  
22 success you had there.

23           **MINISTER WILLIAM BLAIR:** Well, first of all, I  
24 reached out to Minister Jones, who was the Solicitor General in  
25 the Province of Ontario at that time. I've had -- I've enjoyed  
26 a very longstanding and very positive professional working  
27 relationship with Minister Jones. I reached out to extend an  
28 invitation for her to join that table.

1           Minister Jones indicated to me during the one  
2 call I had with her that, you know, she would consider the  
3 invitation, but she did express some concern. And I understood  
4 that concern and I acknowledged that to her. She expressed some  
5 concerned that she did not want to be seen to be directing the  
6 police. And, actually, I had a very brief exchange because I'm  
7 also very familiar, as she was, with the Linden Commission  
8 report on the Ipperwash event. And I think there is an actual  
9 sensitivity and concern among Ontario officials about any  
10 appearance of being seen to direct the police.

11           I would also acknowledge Minister Mendicino, who  
12 has a direct working -- reporting relationship, he is the -- he  
13 is essentially Minister Jones' counterpart. He also had a  
14 number of conversations with her and with the Premier at the  
15 time. I -- in my -- but in my one conversation with the  
16 Solicitor General, I sought to offer -- to make the invitation,  
17 and to provide her with assurances about what my intent was in  
18 convening that table.

19           **MR. GORDON CAMERON:** Mr. Clerk, perhaps you could  
20 call up SSMNSCCAN00002676? And just start at the top so we can  
21 orient ourselves with what this document is.

22           That's got a nice, helpful heading there,  
23 "Tripartite meeting readout," and this is a February 10<sup>th</sup>  
24 meeting.

25           And so, Mr. Clerk, if you scroll down to about  
26 page 3? Thank you. And just a little further, please, Mr.  
27 Clerk, so we get Mr. Blair's -- Minister Blair's comments there.

28           And under "BB," which is doubtless you, there's



1 this notation:

2 "Thanks - if we can speak frankly for a  
3 moment

4 It has come to the media's discussion  
5 that they are not in this meeting for  
6 the third day..."

7 And are we understanding this correctly that  
8 "They" is Ontario?

9 **MINISTER WILLIAM BLAIR:** Yes, sir.

10 **MR. GORDON CAMERON:** Okay. And so this is the  
11 third of your three attempts to table a tripart meeting and the  
12 third time that Ontario is missing in action and you referred to  
13 a statement from Ontario that your meetings will accomplish  
14 nothing. Is that what you're saying there? Is that what you'd  
15 heard from Ontario?

16 **MINISTER WILLIAM BLAIR:** I believe that's what  
17 I'm referencing to. I don't have a memory of that statement at  
18 this moment but I think clearly my statement -- my comment here  
19 is that there was a statement suggesting the table would  
20 accomplish nothing.

21 **MR. GORDON CAMERON:** Right. And then there's a  
22 discussion between you and -- I take it that's you and the  
23 mayor?

24 **MINISTER WILLIAM BLAIR:** Yes sir, myself, the  
25 mayor, I believe as well -- I believe the City Manager, and  
26 Minister Mendicino, of course, were on that call.

27 **MR. GORDON CAMERON:** Right. And there's -- you  
28 say, "Good point" -- or sorry, the mayor says:

1 "Good point."

2 And you say -- refine a point he's trying to make  
3 and then the mayor says in the third line:

4 "I can say that I'm disappointed that  
5 the province has not come to the table.  
6 Premier is telling me 'anything you  
7 want', but then there is silence."

8 Now, we've already heard from the mayor and he's  
9 given his side of this but, from your perspective, was -- were  
10 you disappointed that Ontario hadn't participated in these  
11 meetings so far, and was it your sense that the mayor was also  
12 disappointed that Ontario, at least at the level you had hoped  
13 to have participation, hadn't shown up at that meetings?

14 **MINISTER WILLIAM BLAIR:** Frankly, I had hoped  
15 that we would be able to convene the tripartite table as I had  
16 originally planned it, but I was -- you know, this was on the  
17 10<sup>th</sup>. By that date, I was receiving assurances that, you know,  
18 for example, Deputy Minister Stewart was in regular contact with  
19 his counterpart in Ontario, Deputy Minister Di Tomasso, and that  
20 there was ongoing discussions between my Government Operations  
21 Centre, between the Deputy Minister of Public Safety, and  
22 between, as -- frankly, the Deputy Minister of Public Safety,  
23 Mr. Stewart, was acting as an interlocutor between both  
24 municipality and the province in these circumstances. And so  
25 yes, a little disappointed that the minister wasn't able to  
26 attend but quite gratified, frankly, in that there was now, I  
27 think, and my goal had been, good communication between the  
28 three orders of government. I believed that that was being

1 achieved.

2                   **MR. GORDON CAMERON:** That is helpful, thank you.  
3 And the other point, again, the mayor wasn't only -- as you'll  
4 recall because I think you might say you got an earful from him  
5 as well, was the mayor wasn't just disappointed in Ontario. And  
6 the notes, which I don't think you need to be taken to to  
7 remember because you probably had some of the same frustration  
8 experiencing these exchanges as one gets just reading them,  
9 which is the mayor seems very frustrated that he cannot get the  
10 support from either Ontario or from Ottawa in terms of boots on  
11 the ground in Ottawa of, in particular, federal -- he'd be  
12 looking to you for commitments with respect to the RCMP and  
13 there seems to be almost interminable confusion about how many  
14 are committed, how many are actually there, different ways of  
15 counting how many people are there.

16                   Were you able to participate usefully in that  
17 discussion? Did you have good lines of communication to the  
18 RCMP, because it doesn't seem that much was being accomplished  
19 on that front in these meetings?

20                   **MINISTER WILLIAM BLAIR:** Minister Mendicino is the  
21 minister with direct lines of communication to the Commission of  
22 the RCMP and that organization. That's his responsibility. He  
23 was on this call and made a number of comments in response to  
24 the mayor's, as I recall from those discussions. One of the  
25 things I tried to contribute to this discussion is that it  
26 wasn't just a numbers plan; it wasn't just about how many  
27 people. And in fact, I pointed out that it's actually difficult  
28 to start talking about specific numbers because, you know, the

1 number of police officers to be deployed is a matter, frankly,  
2 of police confidentiality and it can actually compromise police  
3 operations, in my experience, and so I cautioned about that.

4                   And so my recommendation is that we should be  
5 talking about resources. We should be talking about providing  
6 the support that the city needs without being specific about  
7 numbers. There had also been discussion, Mr. Cameron,  
8 throughout these tripartite meetings and in other fora about the  
9 need for an integrated action plan, not just how many people  
10 were required but how those people would then be utilized in  
11 order to affect the purpose of bringing the protest to a  
12 peaceful resolution.

13                   **MR. GORDON CAMERON:** Okay, well, that -- you've  
14 segued right into my next point, which is you -- from your  
15 perspective -- and we've heard a lot of police perspective from  
16 people similarly qualified already but you were in a unique  
17 position so we'd benefit from your perspective on why it was, as  
18 you saw it, that there might have been some -- a challenge for  
19 the OPP and the RCMP to commit resources to solving the problems  
20 that Ottawa was facing.

21                   **MINISTER WILLIAM BLAIR:** Yeah, to be very clear,  
22 sir, I was never briefed on any aspect -- operational aspect of  
23 the plan. That would have been inappropriate. I never sought  
24 to be briefed on it and I was not. But what we were seeking was  
25 assurances from those who did have operational responsibilities  
26 that they were satisfied an integrated operational plan, an  
27 action plan, and that they were prepared to action it. That, I  
28 think, was a consideration because it's also useful to remember,

1 I think, Mr. Cameron, there were a number of things happening  
2 right across the country at the time.

3                   You know, the OPP, in particular, were dealing  
4 with a difficult situation in Windsor. They had also had to  
5 respond to other events across Southern Ontario. Their  
6 resources were being quite significantly challenged because they  
7 had to continue to respond to a very dynamic and mobile threat  
8 across the country. And so my understanding was that, you know,  
9 they needed the clarity of an integrated command action plan  
10 that they'd all agreed to in order to facilitate the movement of  
11 people to go and deal with the situation in Ottawa.

12                   **MR. GORDON CAMERON:** And in that context, did you  
13 have a view as to whether there was any logical order of  
14 operations, if I can call it that way, in terms of where Ottawa  
15 should look to first? We have heard from Commissioner Lucki  
16 that she wasn't standing on protocol here, she was prepared to  
17 devote resources as quickly as she could while Ottawa sought  
18 help from the province as well. But putting aside those urgent  
19 first steps that were taken, did you have a sense of what the  
20 proper protocol was for Ottawa to follow in this context,  
21 putting in mind both the hats you were wearing as Minister of  
22 Emergency Preparedness and your history of having encountered  
23 similar situations doubtless over many years in Toronto?

24                   **MINISTER WILLIAM BLAIR:** Yes, sir, to be very  
25 clear, there's a number of different ways in which this has been  
26 approached, particularly if there's a planned event. A planned  
27 event -- as I've already mentioned, the G20 in 2010, there was  
28 another planned event that I was involved in involving the visit

1 of a US President to the City of Ottawa. This happened in the  
2 early 2000's. That was a planned event where there was an  
3 integrated command structure put in place. At the time, I  
4 actually brought about 400 Toronto Police Service officers up  
5 here to Ottawa to work under that integrated command structure  
6 and to assist in public order for that event.

7 I'm also aware because, frankly, I've been around  
8 a long time, that there was always a very close working  
9 relationship between all of the police services working in the  
10 National Capital Region. They convened a table that they refer  
11 to as INTERSECT. I've had no dealings with it in the recent  
12 period but I was familiar with it when I was a police chief,  
13 where the RCMP work very closely with the Ottawa Police Service.  
14 I believe the OPP were at the table, and the Gatineau Police.  
15 And so there's always been good cooperation among the police  
16 services in the National Capital Region.

17 I'm also very familiar -- I've been involved in  
18 very many incidents when I was a police officer where we would -  
19 - in the Toronto Police Service, we had, frankly, a lot of  
20 people. We had a lot of people trained in public order and we  
21 would bring our public order resources to assist in Kingston,  
22 for example, for their homecoming event, in other towns around  
23 Ontario that didn't have those resources available so we would  
24 go and assist.

25 But there's also, and I'm aware, that within the  
26 *Ontario Police Services Act*, which is, frankly, the legislation  
27 that governs policing in the City of Ottawa and in the Province  
28 of Ontario, there is a provision in that Act that -- in

1 circumstances that exceed the capacity of the police of  
2 jurisdiction, a municipal police service, to deal with an  
3 emergency, there is a provision within that Act for the chief to  
4 make a request to the Commissioner of the OPP, and the  
5 Commissioner is required under that act to respond. You may  
6 also make a request to another municipal police service and that  
7 municipal police service has the ability to decline. But there  
8 is a provision whereby a police service dealing with an  
9 emergency, exceeding their capacity to manage, can also, within  
10 the Act, make an appeal and a request to the OPP.

11 I believe that was done, in fact, in Windsor, in  
12 response to the event at the Ambassador Bridge. It's not --  
13 it's a rarely used provision of the Act, but it is a tool that  
14 was available.

15 **MR. GORDON CAMERON:** And you describe it as a  
16 tool that was available. Was it your view at the time, or is it  
17 your view now, that it was necessary for Ottawa to take that  
18 step before it came -- the City of Ottawa to take that step  
19 before it came to the Federal Government for policing  
20 assistance?

21 **MINISTER WILLIAM BLAIR:** Not if the police  
22 services, the OPP, the RCMP, and other police services were  
23 willing and able to send their people, keeping in mind it's a  
24 difficult thing to pull people from various jurisdictions, bring  
25 them to Ottawa for this type of a planned event. And that had -  
26 - that's an approach that had been used successfully in the  
27 past. If that could be facilitated, that could be used, and if  
28 it wasn't available to the Chief, there was the tool within the

1 Ontario *Police Services Act*.

2                   **MR. GORDON CAMERON:** Now, you described the use  
3 of either the formal use of the *Police Services Act*, or more  
4 likely, when you're talking about planned events, simply  
5 consensual arrangements where looking perhaps months or even  
6 years ahead to an event, you can get a multi-police organization  
7 team put together. That doesn't work if the event manifests  
8 itself over the course of a weekend.

9                   And so one thing that the Commissioner might be  
10 interested in your views on is whether it would assist matters  
11 to have a protocol in place so that there isn't quite as much  
12 confusion and disagreement about whose responsibility it is to -  
13 - who goes where and who provides what, to have a protocol in  
14 place and perhaps even stand by memoranda of understanding or  
15 something so that it -- within days, rather than weeks,  
16 everybody knows who goes where, whose responsibilities are what,  
17 and the matter hopefully gets sorted out more quickly?

18                   **MINISTER WILLIAM BLAIR:** Yes, sir. I believe  
19 good communication, and to the extent that it is possible to  
20 plan for an unplanned event, those types of arrangements can be  
21 very useful.

22                   I've actually had the experience as a police  
23 chief making arrangements with other police services in the  
24 event of emergency, how many people I would send them and how  
25 quickly I'd be able to get them there, because we all know that  
26 certain types of events can exceed any of our capacity to  
27 respond to an emergency.

28                   Planned events are actually pretty



1 straightforward. And I believe that we've got a long history  
2 and an element of success in dealing with, I'll stop saying  
3 "we", sir. In my previous capacity. The police services have a  
4 long history of working very collaboratively together for  
5 planned events. And a number of different things are worked out  
6 well in advance, including the integrated command structure, who  
7 is going to be in charge, a -- what they call -- what they often  
8 refer to as gold, silver command structure that is put in place,  
9 who is paying for what, and et cetera, what resources and  
10 obligations each of them will undertake to provide, is usually  
11 worked out well in advance.

12               It is, quite frankly, more challenging in the  
13 event of an emergency, and maybe even more challenging when that  
14 emergency might be taking place in multiple jurisdictions.

15               **MR. GORDON CAMERON:** All right. The speed with  
16 which you are able to deliver information, Mr. Blair, is  
17 helpful. If not to the translators, to me in getting through my  
18 questions in record time. So I'm flipping through some pages  
19 here.

20               I want to ask you some questions about a related  
21 issue. You talked about Ipperwash. You had the probably not  
22 entirely pleasant experience of having a Commission of Inquiry  
23 look into the events of G20, not an entirely pleasant experience  
24 of having your conduct examined in a Commission of Inquiry.

25               And one of the issues that came up in the Morden  
26 Inquiry into the G20 event, and Ipperwash as well, had to do  
27 with the extent of administrative oversight and political input  
28 to the activities of the police.

1                   And so with -- again, with your long policing  
2 experience and your role now as a Minister of the Crown, can you  
3 start by giving us an overview of where you -- how you see  
4 either Police Board or other levels of government officialdom  
5 oversight of police, where you see that fits in and how you view  
6 what has been called in this hearing so far sometimes the line  
7 between church and state or the conundrum of how much police  
8 forces should resist political interference and that whole  
9 topic?

10                   **MINISTER WILLIAM BLAIR:** Thank you, sir. If I  
11 may, first of all, just a point of clarification.

12                   Justice Morden's report, although a very  
13 important report, was not a public inquiry. It was a report  
14 commissioned by the Toronto Police Services Board. In the  
15 aftermath of that report, there was also another public report  
16 done by the Office of the Independent Police Review Director,  
17 Mr. Gerry McNeilly, also on that report, but also not a public  
18 inquiry.

19                   **MR. GORDON CAMERON:** Thank you.

20                   **MINISTER WILLIAM BLAIR:** One of the things -- and  
21 I can share with you, sir, I was the Police Chief for 10 years.  
22 I was appointed by the Police Services Board. The Police  
23 Services Board is constituted under the *Police Services Act*.  
24 It's defined on its duties and responsibilities and how it's  
25 comprised.

26                   I very firmly believe, very sincerely believe,  
27 that good policing requires good governance. And governance is  
28 not to suggest, sir, that a police services board or the

1 governance authority will direct the police in their  
2 investigations, in their operations, will even direct them in  
3 the administration of their police service. That's not the  
4 function of good governance.

5           The function of good governance, in my  
6 experience, is oversight and accountability. And I think it's  
7 fairly well articulated in a number of provincial statutes  
8 across the country, including the Ontario *Police Services Act*.

9           In my own personal experience, I used to meet  
10 with my Board every month for several hours over the course of a  
11 day. It was done in public. They would -- some of it was in-  
12 camera, much of it was in public. They would ask me questions  
13 about use of force. They would ask me about training. They  
14 would ask me about HR issues, the discipline and maintaining of  
15 conduct within my organization. I reported to them in a very  
16 public way about our engagement with diverse communities, about  
17 a number of efforts that we were making to prevent crime. All  
18 those things that were the responsibility of the police service  
19 to deliver adequate and effective police service, and that's  
20 actually directive with the Board and then designated to me by  
21 the Board.

22           The police have extraordinary authorities in our  
23 society, but those are not unfettered authorities. There's an  
24 expectation that we will be held to accountable -- held to  
25 account for the way that we use those authorities, and that  
26 there will be independent civilian oversight for policing  
27 activities.

28           And I believe that's absolutely key. There is no

1 good policing without good governance.

2 **MR. GORDON CAMERON:** So sorry. Slow down and say  
3 that again, please? There is no?

4 **MINISTER WILLIAM BLAIR:** There is no good  
5 policing without good governance.

6 **MR. GORDON CAMERON:** And when you use  
7 "governance" in this context, you're not talking about the  
8 police and his or her deputies. You're talking about some level  
9 of ---

10 **MINISTER WILLIAM BLAIR:** No, sir. I'm talking  
11 about independent civilian oversight of policing. The police  
12 chief answers to someone. I answer to my Board. I work for my  
13 Board. And I was accountable to my Board and I understood that  
14 was my responsibility to be accountable, to answer their  
15 questions.

16 They were always very careful, by the way, and I  
17 can't remember -- recall one incident in 10 years where they  
18 ever directed me in an investigation, in an operation, but they  
19 asked me a lot of questions about what we were doing and why we  
20 were doing it. I believe it was my responsibility to provide  
21 them with that information so that they could fulfil their  
22 function of providing oversight to me and to hold me accountable  
23 for the job that I was doing.

24 And so I know there's been -- because I've  
25 watched. There's been a lot of discussion about, you know,  
26 having a civilian or a politician directing the police. And  
27 that's never acceptable. But at the same time, the police must  
28 be accountable to an independent civilian authority. Now that -

1 - and that can be achieved through a government minister who is  
2 assigned responsibility, it can be done through a police  
3 services board, but in my experience, public -- policing is all  
4 predicated on public trust and the consent of the people who are  
5 policed. That trust is really warranted by that oversight, and  
6 accountability, and transparency, and the way those  
7 extraordinary authorities given to the police are exercised.

8 **MR. GORDON CAMERON:** Right. And in the time that  
9 you were Chief of Police and having this governance relationship  
10 with the Police Services Board, would you have considered that  
11 interreference, or what is sometimes called directing the  
12 police, for that Board to have outlined to you either long-term  
13 or immediate priorities or rankings of objectives to accomplish  
14 with your available resources?

15 **MINISTER WILLIAM BLAIR:** There are a number of  
16 different models of governance that are often employed by police  
17 service boards. One of them is through policies and priorities.  
18 I believe it's called the Carver model.

19 **MR. GORDON CAMERON:** Actually, slow down for the  
20 reporter. The what model?

21 **MINISTER WILLIAM BLAIR:** The Carver model. I've  
22 actually spent a lot of time --I also felt it was my  
23 responsibility to help my Board be a good Board because they  
24 would help me be a good chief. And so we spent a lot of time  
25 talking about how they could do their job and it would help me  
26 do my job as a Board, and I think it was a very effective  
27 relationship. They did set priorities for the service. They  
28 also set my budget.

1           I would collaborate with them and work very  
2 closely with them, and they would consult with the public on  
3 what those priorities should be, because there is a bridge that  
4 a governance body can serve or a police service to be that  
5 connection on behalf of community.

6           And so they would bring -- there was lots of  
7 community deputations made at our Board meetings where people  
8 would outline their expectations and their concerns, and the  
9 Board would set priorities, but my Board was also very careful  
10 not to cross a line into operational matters, to suggest where  
11 we should deploy people or you know, what investigations or what  
12 laws would be in force. They never went there, and neither  
13 would, frankly, I'd allow them. I'd have pushed back on that.

14           But they often talked about, you know, placing a  
15 greater emphasis on community policing, on community outreach,  
16 on building greater diversity within the police service, and you  
17 know, how we interact with the incredible diverse population of  
18 our city and in issues of crime prevention and how communities  
19 were to be policed.

20           And frankly, I never considered those  
21 infringements on police operations. I just thought it was -- we  
22 were working together to do good policing.

23           **MR. GORDON CAMERON:** And what about when that  
24 effort at direction from the Police Services Board was aimed at  
25 a more immediate situation, and I don't mean a particular  
26 investigation or anything of that type, but for example, if the  
27 Tamil protest had shut down University Avenue for four days,  
28 would you have considered it out of line for the Police Services

1 Board to ask you what you intended to do about it and express to  
2 you their view that they considered this a serious problem for  
3 the city?

4 **MINISTER WILLIAM BLAIR:** I would have considered  
5 it entirely appropriate. Frankly, I recall getting these  
6 questions from the Board, "What are you doing? Why are you  
7 doing it?"

8 There was a fair bit of criticism, as you can  
9 imagine. As a matter of fact, some of the national papers were  
10 accusing me of being overly tolerant. My Board was very  
11 supportive of what we were doing, but they did ask questions  
12 about what and why, which I considered entirely appropriate.

13 But at no time did they tell me how to police  
14 that community, and I think that's -- for me, there is a bright  
15 line there, and they didn't cross that line, but they held me to  
16 account to the decisions I was making on how I was going to  
17 deliver policing services in those circumstances.

18 And I didn't consider their questions  
19 infringements on any aspect of my authority or responsibility.  
20 It was my job to answer their questions and to allow them to  
21 perform that oversight role and to hold me accountable for the  
22 decisions I made.

23 **MR. GORDON CAMERON:** That's very helpful.

24 Now, I'm going to ask you to see if you can  
25 direct those thoughts to the -- I don't know if unique is the  
26 right word -- but at least the different situation of the RCMP  
27 which doesn't have a police services board structure to which it  
28 is accountable. The Commissioner reports to the Minister and

1 has a relatively thin statutory framework that delineates that  
2 relationship.

3 Have you had some thoughts about what you're  
4 calling governance of the RCMP could and should look like if  
5 it's different than it currently is now?

6 **MINISTER WILLIAM BLAIR:** Yes, sir.

7 And in fact, it actually appeared in my mandate  
8 letter when I was the Minister of Public Safety that we were  
9 looking at the issue of governance.

10 It's also -- I also had some responsibility -- I  
11 have a keen interest in the delivery of First Nations policing  
12 program across the city, and we're working towards the  
13 development of a new legislative framework for a First Nations  
14 policing in Canada.

15 In order to make sure that that's as effective as  
16 it can be, I believe we have to resolve the issue of governance  
17 in those communities, give people a say in how they're going to  
18 be policed.

19 That doesn't mean they get to direct the police  
20 operations, but they can talk -- they can make decisions about  
21 how the police will function within their communities.

22 And I would also make the observation in a number  
23 of jurisdictions across the country, you know, we sometimes see  
24 the tension that exists for the contract policing across this  
25 country, but very often it's an issue of governance.

26 And I'll just cite, if I may, I also recall  
27 vividly in Ontario, there were a number of police -- or  
28 communities that had their own little small police services who



1 made a decision to go and contract with the Ontario Provincial  
2 Police to deliver policing services in their community.

3 And I witnessed the OPP make a very strong effort  
4 to give those communities governance authority over their  
5 detachment and to meet regularly with the local officials and to  
6 actually give them a say in how they were going to be policed.

7 I thought it was very thoughtful and I also  
8 believe that model, which I'm familiar with Ontario, could  
9 assist us in improving the quality of policing right across the  
10 country, particularly in contract areas, and in particular in  
11 First Nations.

12 **MR. GORDON CAMERON:** And do you have any specific  
13 recommendations or -- I shouldn't say specific in the sense that  
14 drafting legislative terms, but what a more complete governance  
15 structure would look like for the RCMP?

16 **MINISTER WILLIAM BLAIR:** I think there's a number  
17 of models to be considered. I also want to be respectful. This  
18 is the responsibility now of my friend and colleague, Mr.  
19 Mendicino.

20 **MR. GORDON CAMERON:** But ---

21 **MINISTER WILLIAM BLAIR:** He is the Minister of --  
22 -

23 **MR. GORDON CAMERON:** --- if you want to stop  
24 there, then we're going hear from him shortly and ---

25 **MINISTER WILLIAM BLAIR:** And but at the same  
26 time, I'm -- you know, I have obviously some thoughts on the  
27 matter, and I'm more than happy to share that with Minister  
28 Mendicino.

1 I think ultimately, it's going to lead to better  
2 policing, which is our collective goal.

3 **MR. GORDON CAMERON:** Right.

4 Now, there were a couple of times -- and you  
5 might remember them -- I'm going to bring you to one in  
6 particular -- where you made comments to the effect of the  
7 police just need to do their job. In other words, you made  
8 comments that gave the public the impression that you didn't  
9 think the police were doing as much as they could to deal with  
10 the situations in both Ottawa and elsewhere in the country.

11 And the Ottawa ones, I think you're familiar  
12 with, and we've heard a lot from the OPS about their reaction to  
13 your comments, so let me just begin there.

14 Did you have the impression that the Ottawa  
15 Police were not doing as much as they could or should have or  
16 perhaps as early as they should have to deal with the situation  
17 that they encountered when the convoy arrived in Ottawa?

18 **MINISTER WILLIAM BLAIR:** I think initially their  
19 response was incorrect.

20 **MR. GORDON CAMERON:** Was?

21 **MINISTER WILLIAM BLAIR:** Was incorrect. I think  
22 -- and based on the intelligence that they had, I think allowing  
23 those trucks into the downtown core to establish themselves and  
24 become essentially very large barricades, in hindsight -- and I  
25 appreciate this is the clarity of my hindsight -- but I believe  
26 that was a mistake. And I think they would acknowledge that it  
27 would be better had that not happened.

28 But once that actually happened, they were

1 dealing with what, in my experience would be unique  
2 circumstances, a uniquely challenging set of circumstances,  
3 which was extremely challenging.

4                   And in fairness to them, my concern and the  
5 statements I have made, frankly, it was not my intention to  
6 criticize the police. It was to encourage them to utilize the  
7 tools that were available to them, because again, I spent most  
8 of my life telling police officers to do their job, and I have  
9 every confidence in them. I'm very proud of my profession and  
10 I'm very proud of the men and women who do that work, and I was  
11 just trying to encourage them.

12                   We as a society needed the police because they're  
13 the only ones empowered to deal with these Public Order events  
14 and we needed them to do their -- to do what was required to  
15 bring it to a peaceful resolution. And I was simply commenting  
16 that we needed them to do that job.

17                   **MR. GORDON CAMERON:** Okay. And I'll ask the  
18 clerk -- if I can read this -- to call up SSM.NSC.CAN00003129.

19                   Minister Blair, this will be a text exchange  
20 between you and Zita Astravas, your chief of staff.

21                   And of course, you can see the words that caught  
22 our attention when your office sent the Commission this document  
23 among all the others, and that is your comment, "The police are  
24 finally doing their job in Windsor."

25                   And we'll go on to the next paragraph in a  
26 second.

27                   But had it been your impression that the  
28 situation in Windsor was taking longer than it should have to

1 resolve because the police were not doing their job?

2                   **MINISTER WILLIAM BLAIR:** And again, not something  
3 I would have ever said to the police because I don't believe  
4 that would have been appropriate, but personally I believe that  
5 the impact of the blockades at the Ambassador Bridge were being  
6 hugely impactful, not just economically, but, you know, auto  
7 plants were being shut down right across the province. It was a  
8 huge impact that was taking place. People were being laid off,  
9 they were being sent home, factory floors were being idled. And  
10 I believed there was a sense of urgency to resolve that.

11                   I respect, you know, the operational commanders.  
12 I wasn't second-guessing them, certainly to them, but I was,  
13 frankly, relieved that they were, in my opinion, finally  
14 resolving that. I also had every expectation, as I indicated in  
15 that note, that they would do everything to avoid violence, that  
16 they would be measured and proportional and professional because  
17 I know those guys, and I have every confidence in their work.  
18 But I was very much seized with a strong sense of urgency about  
19 the blockades at that particular location because I believe that  
20 they had been so impactful.

21                   **MR. GORDON CAMERON:** And do you recollect any  
22 view you had about the liaison efforts? And we're looking now  
23 at the second paragraph, where you say, "it appears they",  
24 presumably the police, Windsor Police Force and the OPP and RCMP  
25 who were acting here:

26                   "...it appears they didn't actually  
27 need to offer terms and concessions to  
28 the protesters."

1                   Can you explain what you were thinking there, if  
2   you remember?

3                   **MINISTER WILLIAM BLAIR:** I don't really recall,  
4   except, again, I was feeling a sense of relief that they were  
5   now clearing that bridge because it did strike me as a matter of  
6   urgency, and previous tactics had not been effective in  
7   clearing.

8                   **MR. GORDON CAMERON:** Right. I'm going to move to  
9   a different topic. So before I leave, is there anything more  
10   you'd like to say about those topics that we've just been  
11   covering, about police governance, about the effectiveness of  
12   the police operations in Ottawa? I'm not expecting anything  
13   more from you, but I'm just about to change topics and so I'd  
14   offer that choice.

15                  **MINISTER WILLIAM BLAIR:** Let us change topics,  
16   sir, I'm fine.

17                  **MR. GORDON CAMERON:** Okay. Although you might  
18   not like to change the topic. It's the Alberta RFA. You'll  
19   recollect that, I think. And it -- can you just, to those who  
20   haven't followed the proceedings quite as closely maybe as the  
21   rest of us, can you just outline what that was about and how it  
22   came across your desk?

23                  **MINISTER WILLIAM BLAIR:** Yes, sir. And I don't  
24   recall precisely whether the letter arrived first or I heard  
25   from Deputy Minister Stewart, but I became aware that there was  
26   a request from the Province of Alberta, and I believe it was  
27   from Minister Rick McIver, stating a number of things about what  
28   was transpiring in Alberta with respect to the Coutts blockade.

1 The Coutts blockade had been going on for some time. And among  
2 the things that Minister McIver was asking for, he made a number  
3 of comments, but his primary ask was for access, and he was very  
4 specific to Canadian Armed Forces tow trucks, I believe, in  
5 order to assist in the movement of trucks that were blockading  
6 the highway in southern Alberta at Coutts.

7                   And so immediately, because he was asking for  
8 Canadian Armed Forces resources and personnel in order to  
9 respond to this, that request I forwarded to the Department of  
10 National Defence and to Minister Annand because it didn't fall  
11 under any of our existing agreements. So it would have been  
12 something that, first of all, we'd have to hear from the  
13 Canadian Armed Forces whether or not they had equipment fit for  
14 purpose, and would also require the approval of the Minister of  
15 National Defence. And so that information went on over to them.

16                   I also recall a number of days later being  
17 advised by Deputy Minister Stewart that the Canadian Armed  
18 Forces advised that they did not have equipment fit for purpose  
19 and didn't believe that they would be able to respond to that  
20 request. The advice I received from the Deputy Minister at that  
21 time is that we should simply advise Alberta that we weren't  
22 able to respond positively for their request for assistance. We  
23 always endeavour to try to do our best, but there have been a  
24 few occasions where we've had to say no, we just don't have that  
25 equipment.

26                   But I did ask the Deputy Minister and some of my  
27 own staff to explore, again, from a whole Government standpoint,  
28 did we have any other resources that we can draw upon, I was

1 very reluctant to just say no. And so we looked at other  
2 departments and agencies, Parks Canada, Transport Canada, I even  
3 had people checking to see if we could access trucks from the  
4 United States that could have been brought across the border to  
5 assist, and ultimately, I was advised no, and that they weren't  
6 able to do that.

7 I then asked, because Minister McIver had called  
8 me and wanted an answer to the question, and I said to my  
9 people, "we have to have a formal response to Minister McIver."  
10 A letter was produced, I approved it. I was concerned that,  
11 again, we were saying no, but I approved it. Also making an  
12 offer because he had indicated that they were going to purchase  
13 some of their own vehicles at that point in time, that we, the  
14 Federal Government, would assist in paying for those vehicles.

15 And eventually a letter was approved and I signed  
16 off on it thereafter, it goes back to officials to be sent. I  
17 understand in my subsequent messaging with Minister McIver that  
18 he never received that letter. I have no explanation for that.

19 **MR. GORDON CAMERON:** And we have heard an  
20 explanation from your staff, so I won't ---

21 **MINISTER WILLIAM BLAIR:** Sure.

22 **MR. GORDON CAMERON:** --- ask you to expand on  
23 that.

24 But if we could -- it might give you some more  
25 insight on that process if we looked at another document.

26 So Mr. Clerk, could you call up  
27 SSM.CAN.NSC.00002689.

28 And if the system is working, this will be the

1 unredacted version of a document that has been redacted to the  
2 parties until just about right now. And you can see, that  
3 there's a -- we're at February 11th here at this exchange of  
4 emails, and the email we're looking at right now is from  
5 Ms. Astravas, and she's recording that the PMO has approved, and  
6 this, we're going to find out when we go down here, is followed  
7 by an email from you.

8                   And I'll suggest to you you might recognise it,  
9 but you're commenting here on the response to Alberta, and if I  
10 have got that right, what you're saying is, "It's a weak  
11 response", that is, the response you or the Federal Government  
12 is giving to Alberta:

13                               "It's a weak response but all we have.

14                               I approve. Please advise Alberta."

15                   And if I've correctly characterised that as your  
16 message in relation to the response to the RFA, why were you  
17 describing it as a weak response?

18                   **MINISTER WILLIAM BLAIR:** Because I wanted to help  
19 Alberta, and we had examined all of our options and we weren't  
20 able to provide them with the equipment that they sought, and so  
21 a letter was prepared. I believe it indicated our willingness  
22 to provide them with financial assistance for what they're  
23 requiring, but at this point in time, we weren't able to provide  
24 them with the trucks that they sought. I had hoped we would be  
25 able to. And so I thought it a weak response, but I also  
26 thought it was equally important that we respond and that we  
27 advise Alberta of the position that we were in, and that, in  
28 particular, that CAF had advised, excuse me, the Canadian Armed



1 Forces ---

2 MR. GORDON CAMERON: Right.

3 MINISTER WILLIAM BLAIR: --- had advised that  
4 their equipment wasn't appropriate and they did -- it requires  
5 their approval and they didn't give that approval.

6 MR. GORDON CAMERON: Okay. So one reading of  
7 "it's a weak response" would be "we, the Federal Government,  
8 don't have a good rationale for denying this RFA, that is, it's  
9 a weak response to Alberta." But that's not how you intended  
10 those words to read.

11 MINISTER WILLIAM BLAIR: No, no.

12 MR. GORDON CAMERON: You meant it's a ---

13 MINISTER WILLIAM BLAIR: Not at all, sir.

14 MR. GORDON CAMERON: Yeah.

15 MINISTER WILLIAM BLAIR: And frankly, we didn't  
16 have the equipment. It's -- the rationale was pretty  
17 straightforward, "we don't have the equipment that you've asked  
18 us for." The Canadian Armed Forces said it's not fit for  
19 purpose and they aren't able to provide it, and you know, that's  
20 -- that is exactly what it is, sir.

21 MR. GORDON CAMERON: So you would say it was a  
22 complete and logical response, but it was unfortunate in that it  
23 was -- you weren't able to deliver anything?

24 MINISTER WILLIAM BLAIR: My strong preference  
25 would have been to help Alberta.

26 MR. GORDON CAMERON: Yeah. Now, moving  
27 chronologically through events to the consideration of the  
28 *Emergencies Act*. As it came up, you participated in the SSE

1 meetings and then the IRG meetings when that -- when the forum  
2 transitioned to the IRG. Were you present at or represented at  
3 all of those meetings?

4 **MINISTER WILLIAM BLAIR:** I was present at all of  
5 them, sir.

6 **MR. GORDON CAMERON:** Thank you. And if you can  
7 describe in general what was Cabinet, or at least those of --  
8 members of Cabinet who were gathered in those meetings, looking  
9 to you for and what were you able to contribute to the meetings?

10 **MINISTER WILLIAM BLAIR:** First of all, in the  
11 Safety, Security and Emergency Committee that I chair, it's a  
12 smaller group of Cabinet Ministers that regularly convene,  
13 although each of these meetings was what I referred to as *ad*  
14 *hoc*. It was beyond our regular schedule of meetings, but we --  
15 I brought them together in order to receive briefings from,  
16 depending on the officials, Deputy Minister Stewart,  
17 Commissioner Lucki, the NSIA Advisor, to provide information to  
18 my Cabinet colleagues, also, to discuss the appropriate  
19 government response. I also took the opportunity during these  
20 meetings, and I think what I was able to contribute was to  
21 provide them with an understanding because of my policing  
22 background with the policing environment that governed this  
23 event. And as the event unfolded over the course of a number of  
24 days about, you know, what -- again, the policing environment,  
25 not just in Ottawa, but in various locales, in Alberta, British  
26 Columbia, in Manitoba and a number of points of entry in  
27 Ontario.

28 **MR. GORDON CAMERON:** Right. Now I have a

1 particular question and it comes out of something we discussed  
2 in the interview and that I believe you have a view on. You  
3 were participating in these meetings as events were coming to a  
4 head. We had IRG meetings coming up towards the IRG meeting  
5 immediately before invocation on the 13<sup>th</sup>. And I'm going to get  
6 -- in your interview summary, which the parties have already  
7 seen you outline the reasons that you thought were certainly  
8 bearing on your thoughts as you were contemplating the propriety  
9 of invocation, but there was a particular subpoint that I wanted  
10 to ask you about, which was whether you were aware of, as I  
11 think you've probably heard about now, at the time you were  
12 contemplating this and ultimately giving your input to the Prime  
13 Minister on the 13<sup>th</sup>, whether you were aware of Commissioner  
14 Lucki's views that she thought that there were still law  
15 enforcement tools available to the RCMP to deal with the  
16 situation in Ottawa and elsewhere in Canada.

17 **MINISTER WILLIAM BLAIR:** I don't believe I was  
18 aware of that on the 13<sup>th</sup>.

19 **MR. GORDON CAMERON:** Right. Or before?

20 **MINISTER WILLIAM BLAIR:** Or before.

21 **MR. GORDON CAMERON:** Yes.

22 **MINISTER WILLIAM BLAIR:** I've obviously  
23 subsequently become aware of it, and we've talked about --  
24 you've asked me about ---

25 **MR. GORDON CAMERON:** Right.

26 **MINISTER WILLIAM BLAIR:** --- it, but I don't  
27 recall being aware of it ---

28 **MR. GORDON CAMERON:** Right.

1                   **MINISTER WILLIAM BLAIR:** --- prior to that.

2                   **MR. GORDON CAMERON:** And as -- I'll just -- to be  
3 clear, despite having been at all of the SSE and IRG and  
4 ultimately Cabinet meetings that were considering invocation; is  
5 that correct?

6                   **MINISTER WILLIAM BLAIR:** Yes, sir.

7                   **MR. GORDON CAMERON:** Okay. Now can we come to  
8 your -- you don't have to do them off by heart, although you  
9 might remember them. I can help guide you through them, but as  
10 I recollect it from our interview with you, you had categorized  
11 the reasons that you thought invocation of the Act was  
12 important. And as -- I don't want you to characterize these  
13 necessarily as the advice you gave Cabinet because that would be  
14 a confidence of Cabinet. So if you can just describe them to us  
15 as how you were viewing the matter as you were contemplating  
16 invocation?

17                   **MINISTER WILLIAM BLAIR:** Yes, sir, if I may, the  
18 situation in Ottawa had been enormously challenging for the  
19 people of Ottawa. And I think people were living in a state of  
20 fearfulness and intimidation and, frankly, I think it was a very  
21 difficult set of circumstances for them there. And I was aware  
22 of that, and, you know, obviously, anxious to resolve that, but  
23 I remained hopeful throughout, and I'd like to also sort of be  
24 clear to characterize I believe very much the *Emergency Act* was  
25 a measure of last resort, and that it was incumbent upon us to,  
26 first of all, either exhaust all existing authorities, or  
27 acknowledge that they would not be successful and could not be  
28 used for a number of different reasons. And we were hearing

1 that type of feedback from law enforcement about the enormous  
2 challenges they were facing. We were also hearing about how  
3 stretched their resources were being pulled because of events  
4 that were taking place in different parts of the country that  
5 required them to respond to one place but then be required in  
6 other places. And that was a challenge that we were hearing  
7 quite frequently as well.

8                   But I will also tell you I became very concerned,  
9 because one of my responsibilities as the Minister for Emergency  
10 Preparedness is the resiliency and safety and security of  
11 critical infrastructure. And we define critical infrastructure  
12 as 10 different sectors of critical infrastructure. And in  
13 particular as it relates to this event, it includes such things  
14 as manufacturing, our transportation routes, essential supply  
15 lines, the movement of essential workers. And what I was  
16 witnessing at the Ambassador Bridge, at Coutts, at Emerson, and  
17 then in a number of different venues that I would -- where we  
18 would see similar activity being threatened to be done at Point  
19 Edwards, at the Peace Bridge, on the Pacific Highway in British  
20 Columbia that that escalation, and I viewed it as a significant  
21 escalation, because it did result in significant disruption of  
22 critical supply lines, the cutting off of essential goods and  
23 services, of the impact it was having not just economically but  
24 on people, on families and, you know, the people who were being  
25 laid off their jobs and factories were being idle. I was also  
26 concerned because I'm aware, being a person from Ontario, that  
27 the integrated manufacturing processes in Ontario, particularly  
28 in the auto sector, but in many other manufacturing sectors as

1 well, you know, prior to being Public Safety Minister, I was  
2 also the Minister of Border Security. And so it really did give  
3 me an understanding and appreciation of how important the  
4 integrity and functioning of that border is to our prosperity,  
5 to our economy, and to the wellbeing and health and safety of  
6 Canadians. And so when those borders were essentially closed,  
7 and that, you know, the movement of goods and services, some of  
8 the parts that go into our factories was being essentially  
9 stopped, it was hugely impactful. And I believe that it had  
10 risen to the level of an actual emergency.

11               We were also seeing -- frankly, the information  
12 that we received from the RCMP on or around February 10<sup>th</sup> that  
13 they believed that there were firearms present at Coutts, and  
14 then subsequently I believe on the 13<sup>th</sup> and 14<sup>th</sup> when they  
15 completed their criminal investigation and arrested people and  
16 seized a number of firearms, it also, for me, elevated concern  
17 about public safety, and the risk that, not everyone involved in  
18 these protests represented, but embedded within these protests  
19 the possibility, certainly in Alberta, of violence and even  
20 serious violence taking place. And so for me, that -- the  
21 impact that it was having not just in the City of Ottawa but I  
22 don't want to minimize what was going on in Ottawa by any  
23 stretch of the imagination, but right across the country,  
24 particularly as it pertains to critical infrastructure, for me,  
25 elevated the situation to a national emergency.

26               I would also observe as well, I believed that,  
27 you know, there was strong evidence that what was -- the fact  
28 that this protest was so well entrenched in blockades in Ottawa

1 really anchored what was taking place right across the country.  
2 There was, in my mind, a clear correlation between the  
3 activities of border blockades and what was taking place in  
4 Ottawa. And it also, for me, highlighted the need, we had to  
5 resolve the whole situation, and failure to do so would have --  
6 and failure to resolve in Ottawa would have resulted, just  
7 continued to, like, whack-a-mole, chasing border blockades at  
8 one port of entry to another. There are 119 border points of  
9 entry, land border points of entry in this country, plus our  
10 airports. And all of them are vulnerable to this type of  
11 unlawful action, and in my opinion, that represented a serious  
12 threat to our national security and became a national emergency.

13 **MR. GORDON CAMERON:** And when you describe your  
14 observation that the impact on a critical infrastructure  
15 elevated the situation that the blockades, the convoy, the  
16 protests, et cetera, elevated that to a national emergency, when  
17 you say that the impact on the critical infrastructure, when I  
18 think of infrastructure, I think of physical built bridges and  
19 roads and trains and things like that, but I don't think there  
20 was any actual harm to those. So I take it you're talking about  
21 the impact on trade and the economy and people in the vicinity,  
22 their lives, things like that, not the infrastructure itself?

23 **MINISTER WILLIAM BLAIR:** When an artery, a point  
24 of entry into the country, in Manitoba, in Alberta, in Ontario  
25 is essentially rendered dysfunctional, when it's closed and  
26 nothing is moving through there, the movement of those goods and  
27 services, in my opinion, is part of our critical infrastructure.  
28 It supports manufacturing; it's part of the transportation. And

1 you don't have to blow everything up to render it unusable.

2 **MR. GORDON CAMERON:** Right.

3 **MINISTER WILLIAM BLAIR:** You know, that can be  
4 done through a cyberattack, for example. But rendering it  
5 unusable is an attack on critical infrastructure, in my opinion,  
6 and that's -- excuse me; that's precisely what happened in these  
7 circumstances, and it was -- for me, we'd seen bridges and  
8 highways and rail lines go down in the floods and storms in  
9 British Columbia, and we knew we had to work hard to get those  
10 reopened. But the situation in -- across this country, it was  
11 exacerbated by the very significant challenges the police were  
12 obviously having to clear these in a timely manner.

13 **MR. GORDON CAMERON:** Right. And if I can remind  
14 you, you had a fourth -- believe it or not, you just did go  
15 through three of your factors; they sort of got lumped together,  
16 but your fourth had to do with your view on whether or not the  
17 existing legal authorities were adequate, whether they had been  
18 exhausted, et cetera. What was your view there?

19 **MINISTER WILLIAM BLAIR:** Yes, sir. One of the  
20 things that -- I can go through a bit of a list. One of the  
21 things we heard in Alberta, in Manitoba, in British Columbia,  
22 and certainly in Ottawa and at the Ambassador Bridge, was the  
23 very significant challenges that police were having in gaining  
24 access to vehicles that they could tow the large trucks that  
25 were being used basically to blockade. You know, they ceased to  
26 be trucks; they were fortresses, and very, very difficult to  
27 move. There were a number of reasons why, that I think have  
28 been articulated for this Commission as to why they couldn't



1 gain access to those, but it was a reality that they could not.

2 I looked very carefully, by the way, on Friday  
3 when Ontario brought in their measures, they did attempt to  
4 address making those tow trucks available, at least in Ontario,  
5 but you know, it only authorized the use of the truck, it did  
6 not compel it. And so I was concerned that given the  
7 circumstances and what I believe to be the reasons why those  
8 trucks weren't available to the police to clear the blockades,  
9 either at Ambassador Bridge or in Ottawa, that we needed to do  
10 something else.

11 I'm also aware -- in a previous part of my police  
12 career, I was very much involved in organized crime and money  
13 laundering investigations, and so I am familiar with the  
14 authorities and the activities of FINTRAC, and one of the  
15 questions that, you know, we had as a government was, you know,  
16 where is this money coming from and how is it being used?

17 I became aware that FINTRAC did not have existing  
18 authorities to provide us with that information. And so that  
19 was, in my opinion, a deficiency in existing authorities and  
20 something that we needed to consider how we might be able to  
21 address it. There were also a number of areas -- like one of  
22 the things, Ambassador Bridge, as an example, was blockaded.  
23 One of the first things I did is a dug out the *International*  
24 *Bridges and Tunnels Act* to see what authorities we had, but the  
25 authorities within that Act were limited only to the bridge.  
26 And as you'll recall, the blockade's in Windsor; it didn't set  
27 up on the bridge or even in their primary points of access, it  
28 was further down the road.

1                   It was very effective in closing down that  
2 bridge, but it happened to be on a municipal roadway, which is  
3 governed by municipal bylaw and the *Ontario Highway Traffic Act*,  
4 but not really effectively by any federal statute.

5                   And so the ability to designate certain spaces,  
6 that also became relevant in the City of Ottawa, I think, for  
7 Wellington Street and the Sir John A. Parkway in order to -- it  
8 became necessary to designate certain spaces where those  
9 activities would not be prohibited.

10                  And so there were a number of circumstances where  
11 the normal tools that police would rely on, either in municipal  
12 statute, in provincial statute -- municipal bylaw, provincial  
13 statute, or in federal statute were not being able -- they could  
14 not use them effectively to resolve this in a peaceful way.  
15 And, you know, we listened very carefully to the challenges that  
16 we were facing, and I came to believe that we needed to find a  
17 remedy to provide them with the tools that they required in  
18 order to effect the purpose of bringing these protests to an  
19 end.

20                  **MR. GORDON CAMERON:** Okay. And coming to the end  
21 of our time and to the end of the part of the story that the  
22 Commission hopes to have you talk about; you observed, not as a  
23 police participant but as an experienced Public Order Commander,  
24 the enforcement action that eventually came to pass in Ottawa  
25 when the plan -- the joint forces plan was implemented. Did you  
26 have observations about the propriety, effectiveness,  
27 timeliness, et cetera, of the police action once the plan was in  
28 place?

1                   **MINISTER WILLIAM BLAIR:** Yes, sir. And I can  
2 tell you; it restored my pride in my profession. I have great  
3 respect and admiration for the men and women who do that very  
4 difficult job of policing, and what I witnessed, certainly in  
5 the City of Ottawa, but in other jurisdictions as well, but  
6 particularly in the City of Ottawa, an entirely professional  
7 proportional, measured response. They moved slowly,  
8 methodically, respectfully. You know, it was very clear that  
9 they were well-trained; very clear they were well-read. I  
10 believe that their exercise of the authorities that they had,  
11 both in existing law and in the new regulations, was done in a  
12 very measured and careful way.

13                   And I've seen some video of how they've done it;  
14 it's textbook. And I've been trained as a Public Order  
15 Commander and I've seen it done well and I've never seen it done  
16 better than what I witnessed here in the City of Ottawa as they,  
17 I think, to the extent possible, as peacefully as possible,  
18 brought this to a resolution. They allowed people, for example,  
19 points of egress. It's always important to let people have a  
20 space to go. They did that work. They moved slowly.

21                   I actually found myself trying to explain to some  
22 of my friends that -- why they're going slowly, because that's  
23 the right way to do it. And in my opinion, they did it the  
24 right way.

25                   **MR. GORDON CAMERON:** Okay. Thank you, Minister  
26 Blair.

27                   And thank you, Commissioner. Those are the  
28 questions of Commission Counsel. I think pretty close to on

1 time.

2 COMMISSIONER ROULEAU: I think you have 10  
3 minutes left.

4 MR. GORDON CAMERON: Oh, there you go.

5 COMMISSIONER ROULEAU: You can think up new  
6 questions, I'm sure. We're happy to share them.

7 So this may be a good time for the afternoon  
8 break, then. And we can come back in 15 minutes to go into the  
9 cross-examinations.

10 THE REGISTRAR: The Commission is in recess for  
11 15 minutes. La Commission est levée pour 15 minutes.

12 --- Upon recessing at 4:43 p.m.

13 --- Upon resuming at 5:02 p.m.

14 THE REGISTRAR: Order. À l'ordre. The  
15 Commission is reconvened. La Commission reprend.

16 --- MINISTER WILLIAM BLAIR, Resumed:

17 --- CROSS-EXAMINATION BY MR. BRENDAN MILLER:

18 MR. BRENDAN MILLER: Minister, good morning -- or  
19 good afternoon. Mr. name's Brendan Miller and I'm counsel to  
20 Freedom Corp, which is the entity that represents the protesters  
21 that were in Ottawa January and February of 2022.

22 If we could please bring up document  
23 SSM.CAN.00006358\_REL.0001. So if we can scroll to the last  
24 page, please. Have you seen this email before, sir -- the last  
25 page, please.

26 MINISTER WILLIAM BLAIR: No, sir, I don't recall.

27 MR. BRENDAN MILLER: Okay. So this email is from  
28 January 27<sup>th</sup>, 2022 at 4:21 p.m. You can agree with me that the

1 protesters in Ottawa didn't arrive here until the 28<sup>th</sup>; is that  
2 fair?

3 **MINISTER WILLIAM BLAIR:** That's my understanding,  
4 yes, sir.

5 **MR. BRENDAN MILLER:** All right. So they're  
6 already preparing the narrative that they're going to label the  
7 protesters with. Can we scroll down, please. And there -- I  
8 put this to the last witness as well:

9 "Our government recognizes and respects  
10 that everyone in Canada has the right  
11 to safe and peaceful protest.  
12 Threatening acts of violence and  
13 inciting hatred, as we have seen from a  
14 select few in recent days, is  
15 unacceptable and does not reflect the  
16 views of the majority of Canadians. We  
17 condemn all such hateful and violent  
18 rhetoric in the strongest terms."

19 So can you agree with me that that labelling of  
20 the protesters had already been set out on January 27<sup>th</sup>?

21 **MINISTER WILLIAM BLAIR:** Sir, I don't know the  
22 context of this email or, frankly, where it comes from.

23 **MR. BRENDAN MILLER:** Okay, if we can scroll up,  
24 and scroll up to the top, please. So this is with your chief of  
25 staff and they're agreeing about how they're going to set the  
26 narrative for the protest. And if you scroll down again, they  
27 confirm with one another that this is what they're going to do.  
28 So can you agree with me, again, that by January 27<sup>th</sup>, 2022, your

1 -- essentially, all your colleagues and yourselves had agreed  
2 that there'd be a joint government response and this was how you  
3 were going to deal with it, you were going to label the  
4 protesters violent, to incite hate, hateful violent rhetoric;  
5 that was the intention on January 27<sup>th</sup>, correct?

6 **MINISTER WILLIAM BLAIR:** No, sir, I disagree.

7 **MR. BRENDAN MILLER:** Okay.

8 **MINISTER WILLIAM BLAIR:** There is no agreement  
9 here. It's recommendation from someone on staff.

10 **MR. BRENDAN MILLER:** Right. If we could bring up  
11 document SSM.CAN.00007719\_REL.0001. So, sir, I can tell you  
12 these are the notes of Ms. Sarah Jackson. I take it you know  
13 Sarah Jackson is the Officer Manager to the Chief of Staff of  
14 the Prime Minister; is that correct?

15 **MINISTER WILLIAM BLAIR:** I know of her. I don't  
16 believe we've met face to face.

17 **MR. BRENDAN MILLER:** Right. And you know who  
18 Katie Telford is?

19 **MINISTER WILLIAM BLAIR:** Yes, sir.

20 **MR. BRENDAN MILLER:** And she's the Chief of Staff  
21 to the Prime Minister?

22 **MINISTER WILLIAM BLAIR:** Yes, sir.

23 **MR. BRENDAN MILLER:** All right. Can we scroll  
24 down to page 3, please? All right, so you'll see that this  
25 note, it's -- the note's from Jackson and it says:

26 "February 4<sup>th</sup>, KT call."

27 So I'm sure you can agree with me that "KT",  
28 that's Katie Telford; is that correct?

1                   **MINISTER WILLIAM BLAIR:** I have no idea, sir.

2                   **MR. BRENDAN MILLER:** Okay. So let's scroll down  
3 to page 4, please. And there, at the note on February 4<sup>th</sup>, 2022,  
4 it says:

5                               "Blair's strategy, *Emergency Act*."

6                   Do you see that?

7                   **MINISTER WILLIAM BLAIR:** Yes, sir, I see it.

8                   **MR. BRENDAN MILLER:** Yeah, because it was your  
9 strategy on February 4<sup>th</sup>, 2022, to get the *Emergencies Act*  
10 invoked, was it not?

11                   **MINISTER WILLIAM BLAIR:** No, sir, that's  
12 incorrect.

13                   **MR. BRENDAN MILLER:** So why would, in a  
14 conversation, to your knowledge -- why would Ms. Jackson record  
15 that in a meeting with Ms. Telford? Why would she do that, to  
16 your knowledge?

17                   **MINISTER WILLIAM BLAIR:** I have no idea, sir. I  
18 can tell you I recall the meeting, in which I talked about the  
19 need for the police of jurisdiction to exhaust their existing  
20 authorities and that we needed to support them. I also made  
21 very clear to colleagues that the *Emergencies Act* was a measure  
22 of last resort and not appropriate at this time. That was ---

23                   **MR. BRENDAN MILLER:** Right.

24                   **MINISTER WILLIAM BLAIR:** --- the conversation I  
25 had on the 4<sup>th</sup>.

26                   **MR. BRENDAN MILLER:** And can you agree with me,  
27 though, that if there was a strategy to invoke the *Emergencies*  
28 Act that if the purported emergency resolves itself on its own,

1 of course there's no reason to invoke it; correct?

2 **MINISTER WILLIAM BLAIR:** Again, sir, there was no  
3 strategy to invoke the Act. There was a discussion among  
4 colleagues about the various options that were available and I  
5 was very explicit to my colleagues that the *Emergencies Act* was  
6 not under consideration at this time ---

7 **MR. BRENDAN MILLER:** Right, but you ---

8 **MINISTER WILLIAM BLAIR:** --- and that would have  
9 been on February 4<sup>th</sup>.

10 **MR. BRENDAN MILLER:** --- you had said on Global  
11 News on the 13<sup>th</sup> -- at eight o'clock on the 13<sup>th</sup> ---

12 **MINISTER WILLIAM BLAIR:** M'hm.

13 **MR. BRENDAN MILLER:** --- you had told them -- and  
14 I can -- I have the transcript if you'd like me to repeat it.  
15 You said that the *Emergencies Act* was under consideration from  
16 the outset. Do you want me to read the transcript to you?

17 **MINISTER WILLIAM BLAIR:** To be really clear, I  
18 believe what I said is -- and you can read whatever you like, by  
19 the way, but what I believe I said is, "Everything was on the  
20 table and we were considering every option throughout." That is  
21 the responsibility of those of us in ---

22 **MR. BRENDAN MILLER:** Sir, what you actually said  
23 was is that it was under consideration from the first day.  
24 That's what you said. Would you like me to show you the  
25 transcript?

26 **MINISTER WILLIAM BLAIR:** That might be useful.

27 **MR. BRENDAN MILLER:** Okay. If we could bring up  
28 the support documents, it, I believe, is in there.



1           **THE CLERK:** You're referring to HRF00001622,  
2 right, counsel?

3           **MR. BRENDAN MILLER:** Yes, sir.

4           **COMMISSIONER ROULEAU:** Do we have the actual  
5 reference? Maybe your associate can tell us what the reference  
6 in the database.

7           **MR. BRENDAN MILLER:** Well, I don't want to slow  
8 this down so I'll move on and come back to that. So, sir, we'll  
9 come back to what you said, but by February 4<sup>th</sup> of 2022, you  
10 agree that the prime minister and Minister Mendicino had already  
11 labelled the protesters in Ottawa as extremists; is that  
12 correct?

13           **MINISTER WILLIAM BLAIR:** I have no knowledge of  
14 that. I don't agree with that.

15           **MR. BRENDAN MILLER:** But you can agree that on  
16 January 31<sup>st</sup>, 2022, the prime minister addressed the nation on TV  
17 and on the internet by video; do you remember that?

18           **MINISTER WILLIAM BLAIR:** No, sir.

19           **MR. BRENDAN MILLER:** You don't remember that?

20           **MINISTER WILLIAM BLAIR:** No, sir.

21           **MR. BRENDAN MILLER:** When the prime minister went  
22 on television to the whole nation and talked about the Ottawa  
23 protest on the following Monday, you don't remember that?

24           **MINISTER WILLIAM BLAIR:** I know the prime  
25 minister spoke. I have no recollection of what he said. I was  
26 busy doing other things.

27           **MR. BRENDAN MILLER:** Okay. Well, I'm going to  
28 read you what he said and you can tell me if you remember. And

1 he stated:

2 "I know you are wondering about what  
3 you saw in our Capital City this  
4 weekend. As my friend, Irwin Cotler  
5 said on Saturday, 'Freedom of  
6 expression, assembly, and association  
7 are the cornerstones of democracy, but  
8 Nazi symbolism, racist imagery, and  
9 desecration of War Memorials are not.  
10 It is an insult to memory and truth.  
11 Hate can never be the answer.' Over  
12 the past few days, Canadians were  
13 shocked and frankly disgusted by the  
14 behaviour displayed by some people  
15 protesting in the Nation's Capital. I  
16 want to be very clear; we are not  
17 intimidated by those who hurl insults  
18 and abuse at small business workers and  
19 steal food from the homeless. We won't  
20 give in to those who fly racist flags.  
21 We won't cave to those who engage in  
22 vandalism and dishonour the memory of  
23 our veterans. There is no place in our  
24 country for threats, violence, or  
25 hatred. So to those responsible for  
26 this behaviour, it needs to stop. To  
27 anyone who joined the convoy but is  
28 rightly uncomfortable with the symbols

1                               of hatred and division on display, join  
2                               with your fellow Canadians. Be  
3                               courageous and speak out. Do not stand  
4                               for or with intolerance or hate."

5                               Do you remember hearing that now?

6                               **MINISTER WILLIAM BLAIR:** Actually, now that  
7                               you've read it to me, sir, I not only remember it, but I agree  
8                               with him.

9                               **MR. BRENDAN MILLER:** Okay. And so you can agree  
10                              there that the prime minister has stated that being part of the  
11                              protest is essentially standing with intolerance and hate; can  
12                              you agree with that?

13                             **MINISTER WILLIAM BLAIR:** No, I don't believe that  
14                             was the distinction the prime minister made. He was actually  
15                             telling people who don't agree with those measures not to stand  
16                             with those who do.

17                             **MR. BRENDAN MILLER:** Right. And I take it you  
18                             know that when the protesters arrived on January 28<sup>th</sup>, up to  
19                             February 1<sup>st</sup>, that the evidence to date is that they were largely  
20                             and completely peaceful and that there was little to no  
21                             violence; do you agree with that?

22                             **MINISTER WILLIAM BLAIR:** And again I think -- I  
23                             think there might have been isolated incidents. And frankly, I  
24                             also believe the carrying of hateful symbols like a Nazi flag  
25                             is, in many ways, causing fear, and it is a form of violence and  
26                             intimidation against people who would be caused to be very  
27                             fearful about symbols in their community.

28                             **MR. BRENDAN MILLER:** And so the bearer of the

1 Nazi flag, that is a person who is hateful and it is someone  
2 that the Government of Canada is concerned about? Is that fair?

3 **MINISTER WILLIAM BLAIR:** Again, I don't know the  
4 person who is bearing the flag and I wouldn't comment on that,  
5 but I know how hurtful a Nazi flag can be to very many Canadians  
6 who, in their life, experienced -- that's a symbol of  
7 antisemitism, hatred, ---

8 **MR. BRENDAN MILLER:** I understand.

9 **MINISTER WILLIAM BLAIR:** --- and fear.

10 **MR. BRENDAN MILLER:** So I understand you're also,  
11 though, you're familiar with the company Enterprise Canada that  
12 does work for the Liberal Party of Canada?

13 **MINISTER WILLIAM BLAIR:** I do -- I'm not, sir.

14 **MR. BRENDAN MILLER:** Are you familiar with  
15 Supriya Dwivedi? Does that sound familiar?

16 **MINISTER WILLIAM BLAIR:** I'm not, sir.

17 **MR. BRENDAN MILLER:** Are you familiar with a Mr.  
18 Brian Fox?

19 **MINISTER WILLIAM BLAIR:** No, sir.

20 **MR. BRENDAN MILLER:** Have you heard anything  
21 about the individual carrying the Nazi flag actually not being a  
22 protestor, but somebody sent there so that photos were taken?  
23 Have you heard anything about that?

24 **MINISTER WILLIAM BLAIR:** Only from you, sir.

25 **MR. BRENDAN MILLER:** And we'll just come back to  
26 the issue with the labeling then. I take it though that you  
27 consulted your comms people on the narrative that you wanted the  
28 media to accept before the protestors even got here, according

1 to that email?

2 **MINISTER WILLIAM BLAIR:** No, sir. That's not  
3 correct.

4 **MR. BRENDAN MILLER:** That email states that they  
5 were buying the narrative. That's what it states.

6 **MINISTER WILLIAM BLAIR:** With respect, sir, I  
7 believe what the email says is that some of our communications  
8 people were examining and being prepared for the event coming,  
9 but no decision had been made, none of that was presented to me,  
10 and it did not form any of my messaging.

11 **MR. BRENDAN MILLER:** Can you agree that from the  
12 protestors' arrival, at least after February 4<sup>th</sup>, you intended  
13 and wanted the protestors removed by force? Didn't you?

14 **MINISTER WILLIAM BLAIR:** Absolutely not, sir. I  
15 wanted the protest to end and them to be removed, but I've  
16 always been committed to doing that as peaceably and  
17 proportionally as possible.

18 **MR. BRENDAN MILLER:** Right. But you couldn't  
19 talk to them after they had been labeled these extremists  
20 because your colleagues and yourself, of course, you know,  
21 extremism, Nazis, terrorists, you can't talk to that sort of  
22 group; can you? It would look bad; wouldn't it?

23 **MINISTER WILLIAM BLAIR:** Well I would actually  
24 disagree with your characterization. In various points of my  
25 life, sir, I've engaged with people who are engaged in protests.  
26 And so frankly I disagree with your characterization.

27 **MR. BRENDAN MILLER:** So on February 7<sup>th</sup>, 2022,  
28 when the Mayor of Ottawa asked the Federal Government and

1 yourself to bring in a mediator to meet with the protestors, do  
2 you remember what you said to your chief of Staff in response to  
3 that?

4 **MINISTER WILLIAM BLAIR:** No, sir. Perhaps you  
5 could share it with me.

6 **MR. BRENDAN MILLER:** If we can bring up document  
7 SSM.NSC.CAN.00003070\_Rel.0001?

8 So this is your response to finding out about the  
9 request for mediator, and you respond as follows:

10 "I don't know who is advising Mayor Watson  
11 but this is a bad mistake. He has  
12 conceded without ever using the many tools  
13 available to the city.  
14 His language is also problematic. This is  
15 not a labour dispute between interests.  
16 It's an unlawful occupation  
17 As long as the city and its police [...]   
18 refuse to do anything, no progress will be  
19 possible."

20 So I take it at the time when you wrote that to  
21 your Chief of Staff, that was how you felt; correct?

22 **MINISTER WILLIAM BLAIR:** Yes, sir.

23 **MR. BRENDAN MILLER:** All right.

24 **MINISTER WILLIAM BLAIR:** That's an email from  
25 myself to my Chief of Staff.

26 **MR. BRENDAN MILLER:** Correct. And so it's fair  
27 to say that you did not want to bring in a mediator?

28 **MINISTER WILLIAM BLAIR:** I was concerned about

1 the intention of the mediation and what was being negotiated.

2 In my experience, the intent of engaging with  
3 protestors is to bring a peaceful resolution to the protest.

4 **MR. BRENDAN MILLER:** Yes, but also then on  
5 February 11<sup>th</sup> of 2022, you were given a copy of the engagement  
6 proposal that Insp. Beaudin of the OPP and Deputy Minister  
7 Stewart had drafted; right? You were emailed a copy?

8 **MINISTER WILLIAM BLAIR:** You'll have to share it  
9 with me, sir, to help me recall.

10 **MR. BRENDAN MILLER:** If we can bring up Document  
11 SSM.CAN.0006131\_Rel.0001? And if we can scroll down to the  
12 bottom?

13 So this is:

14 "Attached is a draft for your review and  
15 comments. I have validated the proposed  
16 approach with the OPP expert and since  
17 shared the draft, but no word back yet."

18 And that is from Deputy Minister Rob Stewart, and  
19 it is on February 11<sup>th</sup>, 2022 at 12:00 p.m.

20 And if we can go up? We can keep going.

21 It is then forwarded to you by your Chief of  
22 Staff, Astravas, Zita, and then it appears -- if we can scroll  
23 up -- you have a response, but it's redacted under section 39 of  
24 the *Canada Evidence Act*.

25 Now, can you agree with me that your Chief of  
26 Staff is not a Member of Cabinet?

27 **MINISTER WILLIAM BLAIR:** That's correct.

28 **MR. BRENDAN MILLER:** Right. So what was your

1 response here?

2 **MINISTER WILLIAM BLAIR:** I don't recall.

3 **MR. BRENDAN MILLER:** You don't recall. Would it  
4 be helpful to the Commission if we had your response?

5 **MINISTER WILLIAM BLAIR:** I don't know, because I  
6 don't know -- I don't recall the response.

7 **MR. BRENDAN MILLER:** You don't recall the  
8 response. But given that it's an engagement proposal, and in  
9 the meeting when you actually had it before you, there's notes  
10 to the effect that "This isn't action. We want action." Is it  
11 fair to say that both yourselves, including the Prime Minister  
12 and Minister Mendicino, you were never, on any terms, going to  
13 carry out any such proposal that would essentially require you  
14 to go and talk to the protestors; were you?

15 **MINISTER WILLIAM BLAIR:** No, sir. I don't agree  
16 with anything you've just said.

17 **MR. BRENDAN MILLER:** So you had always been open  
18 to meeting with the protestors?

19 **MINISTER WILLIAM BLAIR:** We were -- Deputy  
20 Stewart had advised that he was involved in a process of  
21 engagement with the protestors, but frankly, I was not in favour  
22 of having the senior administrative government go out and engage  
23 with the protestors. In my experience, that's done at an  
24 official's level and not involving Cabinet Ministers, or  
25 certainly not the Prime Minister.

26 **MR. BRENDAN MILLER:** But right now, as I  
27 understand it, and there has been testimony, that it's not  
28 uncommon for law enforcement to request of the political branch



1 to assist a negotiation like that, It's actually relatively  
2 common. They testified to that. So what was the problem? Was  
3 it because you couldn't be seen to meet with Nazis and  
4 extremists? Is that what was the issue?

5 **MINISTER WILLIAM BLAIR:** First of all, I disagree  
6 with the characterization you've just provided, but I'm not -- I  
7 don't have any experience in the many years I've dealt with  
8 public order events of engaging with political figures to engage  
9 with protestors.

10 **MR. BRENDAN MILLER:** Okay. Can we please bring  
11 up one last document? SSM.CAN.00008763\_Rel.0001?

12 **COMMISSIONER ROULEAU:** You're over your time, so  
13 I hope that's the last ---

14 **MR. BRENDAN MILLER:** Yes.

15 **COMMISSIONER ROULEAU:** Okay.

16 **MR. BRENDAN MILLER:** Thanks.

17 This is a copy of the proposal with respect to  
18 engaging the protestors; okay?

19 Minister, what's the problem with it?

20 **MINISTER WILLIAM BLAIR:** Could I see the whole  
21 thing?

22 **MR. BRENDAN MILLER:** Absolutely.

23 **MINISTER WILLIAM BLAIR:** Great. And again, I did  
24 not express a problem with this. The Deputy Minister was  
25 engaging with city and provincial officials in this and then  
26 came with his proposal to ---

27 **MR. BRENDAN MILLER:** Sir, this proposal was  
28 before you int eh IRG ---

1                   **MINISTER WILLIAM BLAIR:** M'hm.

2                   **MR. BRENDAN MILLER:** --- on the 13<sup>th</sup>.

3                   **MINISTER WILLIAM BLAIR:** Actually, I appreciate  
4 you bringing that up, sir. I also recall that in the  
5 discussion, almost immediately after Deputy Minister Stewart  
6 advised us of the discussions that had been taking place, there  
7 was very public disagreement among a number of people in the  
8 protest who disavowed ---

9                   **MR. BRENDAN MILLER:** That's not ---

10                  **MINISTER WILLIAM BLAIR:** Who disavowed this  
11 process. And so quite frankly, I think that ---

12                  **MR. BRENDAN MILLER:** I understand. I understand  
13 that. But that's not really the evidence that's come out.  
14 There's been evidence, and we'll leave it at that.

15                         But at the end of the day, when you saw this, you  
16 agree that it was recommended by the OPP, it'd been brought to  
17 you and drafted by the Deputy Minister of Public Safety, and  
18 they were on board? In fact, I found an email, can you agree  
19 that the Privy Councillor, the Privy Councillor Clerk, she gave  
20 it the green light?

21                  **MINISTER WILLIAM BLAIR:** Again, I have no  
22 knowledge of that, sir.

23                  **MR. BRENDAN MILLER:** It was Cabinet, was it not?  
24 There was no recommendation ---

25                  **MR. BRENDAN van NIEJENUIS:** Mr. Commissioner --  
26 Mr. Commissioner, I think that misstates the evidence of the  
27 Clerk ---

28                  **MR. BRENDAN MILLER:** Yeah.

1                   **MR. BRENDAN van NIEJENUIS:** --- with respect ---

2                   **MR. BRENDAN MILLER:** So just ---

3                   **MR. BRENDAN van NIEJENUIS:** --- to the green  
4 light ---

5                   **MR. BRENDAN MILLER:** Just one ---

6                   **MR. BRENDAN van NIEJENUIS:** --- claim that my  
7 friend has made.

8                   I'd like to ask that my friend have a good faith  
9 basis for the questions put and the characterizations of the  
10 evidence that are placed before the witness as some of the  
11 characterizations suggest that there's a purpose to the  
12 questions less of seeking the witness' evidence, but a purpose  
13 of stating facts as though they were evidence, ---

14                   **MR. BRENDAN MILLER:** Right.

15                   **MR. BRENDAN van NIEJENUIS:** --- when that's not  
16 been put before you.

17                   **MR. BRENDAN MILLER:** I have one last question and  
18 I'm done.

19                   So you agree with me that after the invocation,  
20 on numerous occasions, your government told the public that law  
21 enforcement had told you that the threshold to invoke the  
22 *Emergencies Act* was met? Do you remember all those statements  
23 that your colleagues and maybe even yourself made? Do you  
24 remember those?

25                   **MINISTER WILLIAM BLAIR:** To be very clear, sir,  
26 I do not agree with you.

27                   **MR. BRENDAN MILLER:** Okay. So you don't agree  
28 that those statements were made?

1                   **MINISTER WILLIAM BLAIR:** I don't agree with what  
2 you've said.

3                   **MR. BRENDAN MILLER:** Okay. So you don't agree  
4 that ministers in your Government have said that law enforcement  
5 advised Cabinet that the threshold to invoke the *Emergencies Act*  
6 was met?

7                   **MINISTER WILLIAM BLAIR:** And again, sir, the  
8 question you put to me I do not agree with.

9                   **MR. BRENDAN MILLER:** Okay. But then you do  
10 agree, of course, is that law enforcement never advised you that  
11 the threshold to invoke the *Emergencies Act* was met, did they?

12                   **MINISTER WILLIAM BLAIR:** Frankly, it was never a  
13 question I put to law enforcement. I don't think that would  
14 have been appropriate.

15                   **MR. BRENDAN MILLER:** Okay, thank you.

16                   **COMMISSIONER ROULEAU:** Okay.

17                   Next is the Ottawa Police Service.

18 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

19                   **MR. DAVID MIGICOVSKY:** Good afternoon,  
20 Minister Blair. My name is David Migicovsky, and I'm counsel  
21 for the Ottawa Police Service.

22                   One of the things I gather you know from your  
23 long experience as the Chief of Police is how important an  
24 Operational Plan is. Is that right?

25                   **MINISTER WILLIAM BLAIR:** Yes, sir.

26                   **MR. DAVID MIGICOVSKY:** And in order to have an  
27 Operational Plan to end the type of event that occurred in  
28 Ottawa, you'd agree with me it would be necessary for the police

1 to draw upon subject matter experts?

2 **MINISTER WILLIAM BLAIR:** Very often the case,  
3 yes, sir.

4 **MR. DAVID MIGICOVSKY:** And you wouldn't be  
5 critical I take it if the police needed to drawn upon resources  
6 outside their own service, whether that be other Ontario  
7 services, the OPP, the RCMP, et cetera?

8 **MINISTER WILLIAM BLAIR:** Not at all, sir, that's  
9 a very common practice.

10 **MR. DAVID MIGICOVSKY:** And that might take a bit  
11 of time to assemble such a team. Fair enough?

12 **MINISTER WILLIAM BLAIR:** Yes, sir.

13 **MR. DAVID MIGICOVSKY:** You participated in a  
14 meeting with, and you may have had more than one I believe, with  
15 Mayor Watson and Minister Mendicino, I believe Mr. Kanellakos,  
16 Deputy Minister Stewart, and at the time OPS and the City had  
17 made a request for more police resources. Do you recall that?

18 **MINISTER WILLIAM BLAIR:** Yes, sir.

19 **MR. DAVID MIGICOVSKY:** And you indicated at that  
20 meeting that it may be necessary to look at the matter of  
21 information-sharing around the allocation of resources, because  
22 fair enough, you'd want to know what are you going to do with  
23 those resources; correct?

24 **MINISTER WILLIAM BLAIR:** Yes, sir.

25 **MR. DAVID MIGICOVSKY:** And one of the things  
26 Deputy Chief Bell said at the time was that the OPP were asking  
27 for the same thing, and then Minister Mendicino said:

28 "We need to know from the Chief what

1 the plan is with the appropriate  
2 boundaries on operational independence,  
3 how is the convoy being broken up and  
4 disengaged." (As read)

5 And then he added, "We need to know the plan."

6 And I take it you would agree with that?

7 **MINISTER WILLIAM BLAIR:** Respectfully, sir, I  
8 don't believe I needed to know all of the operational details of  
9 the plan. I needed simply to be satisfied that the police  
10 services that would be contributing to its execution would be  
11 involved in the plan and be satisfied with its sufficiency. But  
12 I did not ask for details of the Operational Plan.

13 **MR. DAVID MIGICOVSKY:** Right. So your -- what  
14 you needed was the RCMP and the OPP to say they were satisfied  
15 with the Operational Plans?

16 **MINISTER WILLIAM BLAIR:** When we were asking them  
17 to bring significant resources to bear, my understanding from  
18 them is that they also wanted to be satisfied to the sufficiency  
19 of the plan.

20 **MR. DAVID MIGICOVSKY:** And the subject of the  
21 Ottawa Police Service not having a fully-developed Operational  
22 Plan came up several times during the period prior to the  
23 *Emergencies Act* invocation. Is that right?

24 **MINISTER WILLIAM BLAIR:** Yes, sir, I think that's  
25 fair. We had heard it from a number of police officials, there  
26 was some general discussion about the Plan.

27 **MR. DAVID MIGICOVSKY:** Right. One of the  
28 comments I see that was made, and this may sound familiar, was

1 when they showed up, there was no OP Org - or let me turn to the  
2 document.

3 Mr. Clerk, if you could please turn up  
4 SSM.CAN.NS.00002674 [sic], and if you could turn to the first  
5 page of that, please.

6 And so this is from Ms. Astravas, and in it --  
7 that's your Chief of Staff; correct?

8 **MINISTER WILLIAM BLAIR:** That's correct.

9 **MR. DAVID MIGICOVSKY:** And so she indicates  
10 there's an Operational Update as to what the RCMP were  
11 reporting:

12 "RCMP: integrated planning cell was set  
13 up to assess OPS operational plan. I  
14 do have concern. Strategic tactical  
15 planners, OPP, OPS, RCMP were  
16 identified to be part of that planning  
17 cell to review, challenge and provide  
18 plan. When they showed up there was no  
19 plan to review. Sloly later verbally  
20 shared Plan, was not taking feedback or  
21 challenge. No open discussion on way  
22 forward."

23 And I take it, Minister, if those statements are  
24 true those actions by the Chief would be problematic. Is that  
25 fair?

26 **MINISTER WILLIAM BLAIR:** And again, I'm reluctant  
27 to comment on Chief Sloly's involvement in this thing. This is  
28 the information we were receiving back from the RCMP and to me

1 through my Chief of Staff about concerns that they had, but  
2 again, not being part of this discussion I'm -- I am reluctant  
3 to characterise anybody's particular behaviour on this. But  
4 clearly it's very clear that the RCMP had concerns.

5 **MR. DAVID MIGICOVSKY:** And in fact, in text  
6 messages with your Chief of Staff, one of the things we see that  
7 you saying is:

8 "We still need to fairly clarify what  
9 is he going to do with these resources?  
10 If it's just more inaction, the OPP and  
11 other Ontario Police Services will sit  
12 this one out." (As read)

13 Do you recall that exchange?

14 **MINISTER WILLIAM BLAIR:** Yeah, I do. I -- in my  
15 conversations with a number of police officials outside of the  
16 City, there was concern. They wanted to see an Integrated  
17 Operational Plan that involves an action to end the blockades,  
18 or end the protest.

19 **MR. DAVID MIGICOVSKY:** And in another email  
20 exchange with your Chief of Staff, you also indicated, and that  
21 was the one I think that Mr. Miller just took you to:

22 "As long as the City and the police  
23 refuse to do anything, no progress will  
24 be possible." (As read)

25 Correct?

26 **MINISTER WILLIAM BLAIR:** There was a concern we  
27 were hearing from both the RCMP and the OPP that they wanted to  
28 see an action plan for the resolution of the problem -- the



1 protests.

2           **MR. DAVID MIGICOVSKY:** You talked about the  
3 importance of communication with the protesters and the style of  
4 communication. I take it you wouldn't disagree with me that  
5 equally a Chief of Police needs to have the ability to  
6 communicate effectively with those in his or her organisation?

7           **MINISTER WILLIAM BLAIR:** Yes, sir.

8           **MR. DAVID MIGICOVSKY:** And as Chief of Police, it  
9 would be important to respect those below the Chief in the chain  
10 of command?

11          **MINISTER WILLIAM BLAIR:** Yes, sir.

12          **MR. DAVID MIGICOVSKY:** And you would not condone  
13 a Chief of Police telling his Command that if they didn't  
14 support his plan he will crush them?

15          **MINISTER WILLIAM BLAIR:** I don't think that  
16 language is appropriate.

17          **MR. DAVID MIGICOVSKY:** And you wouldn't take --  
18 you understand that the RCMP and the OPP were asking for  
19 information on Operational Plans, and you indicated that that  
20 would make sense that they'd want that information if they're  
21 sending a thousand more officers; correct?

22          **MINISTER WILLIAM BLAIR:** I would expect that they  
23 would have an expectation to be aware of how their people would  
24 be used.

25          **MR. DAVID MIGICOVSKY:** And you wouldn't take that  
26 as evidence that the RCMP wanted to see the OPS fail or that  
27 they were serving their political masters. That wouldn't be the  
28 message you'd want for a Chief to deliver to his or her Command

1 Team, would it?

2 **MINISTER WILLIAM BLAIR:** Well again, I have no  
3 direct knowledge of that communication, but my expectation is  
4 that everyone was -- had a strong interest in resolving this  
5 quickly and peaceably.

6 **MR. DAVID MIGICOVSKY:** You indicated that you  
7 attended the IRG meeting, I believe all of them; correct?

8 **MINISTER WILLIAM BLAIR:** Yes, sir.

9 **MR. DAVID MIGICOVSKY:** And one of the things I  
10 note at the February 12th IRG meeting was the Commissioner of  
11 the RCMP advised that there continued to be challenges working  
12 with the Integrated Planning Team in Ottawa around communication  
13 and, it says decisively, I assume it's a typo, communication and  
14 decisiveness of the OPS Chief. You heard her make that comment;  
15 correct?

16 **MINISTER WILLIAM BLAIR:** Yes, sir.

17 **MR. DAVID MIGICOVSKY:** And that did not come as a  
18 complete surprise to you, did it?

19 **MINISTER WILLIAM BLAIR:** I was hopeful that they  
20 would be able to resolve it.

21 **MR. DAVID MIGICOVSKY:** You understood that  
22 ultimately the Integrated Planning Team did come up with a plan  
23 that was very successfully executed?

24 **MINISTER WILLIAM BLAIR:** Yes, sir, as I commented  
25 in my earlier testimony.

26 **MR. DAVID MIGICOVSKY:** And that team only came  
27 together about -- on or about February 9th, and a plan was then  
28 signed off on February 13th.

1                   **MINISTER WILLIAM BLAIR:** And sir, I'm -- I don't  
2 have a line of sight into the internal meetings and discussions  
3 that were taking place, that was not shared with me. I was  
4 aware that they were -- all three organizations were working  
5 together, but the timing and the steps that were taken, I don't  
6 have a sense.

7                   **MR. DAVID MIGICOVSKY:** And you also attended the  
8 February 13th Cabinet meeting?

9                   **MINISTER WILLIAM BLAIR:** Yes, sir.

10                  **MR. DAVID MIGICOVSKY:** And at that meeting, it  
11 was reported that there was potential for a breakthrough in  
12 Ottawa, correct? I can pull up the document if you need to see  
13 it.

14                  **MINISTER WILLIAM BLAIR:** It might be useful to  
15 see the document. I don't have a precise recollection of that  
16 comment.

17                  **MR. DAVID MIGICOVSKY:** Okay. The document is  
18 SSM.NSC.CAN00000216, and it's on page 8. And I believe it's six  
19 lines up from the bottom.

20                                "With respect to recent actions, the  
21                                National Security and Intelligence  
22                                Advisor indicated that law enforcement  
23                                gains have been important and that  
24                                there was potential for a breakthrough  
25                                in Ottawa, Ontario."

26                                Do you see that?

27                  **MINISTER WILLIAM BLAIR:** Yes, sir.

28                  **MR. DAVID MIGICOVSKY:** And you understand that

1 the breakthrough was that there was now an integrated  
2 operational plan, correct?

3 **MINISTER WILLIAM BLAIR:** And again, I recall this  
4 now, knowing that there was a breakthrough in Ottawa, we were  
5 also made aware that enforcement -- significant enforcement  
6 action was now taking place in Coutts, Alberta, and the Cabinet  
7 was informed about that.

8 I don't have a recollection of the exact nature  
9 of the potential breakthrough to which the NSA refers.

10 **MR. DAVID MIGICOVSKY:** And finally, if I may just  
11 have two minutes, left, Commissioner, I was hoping not to have  
12 to go to the document, so that used a bit of time, but I will be  
13 very quick.

14 **COMMISSIONER ROULEAU:** Go ahead.

15 **MR. DAVID MIGICOVSKY:** You had certain  
16 frustrations with Chief Sloly, and there's a text message  
17 exchange with your chief of staff where you refer to your  
18 frustrations with Chief Sloly, "Which is an internal issue we  
19 need to be met that needs to managed."

20 Do you know that text message exchange?

21 **MINISTER WILLIAM BLAIR:** No, sir, I don't recall.

22 **MR. DAVID MIGICOVSKY:** Okay. It's  
23 SSM.NSC.CAN.00003014.

24 So it says:

25 "Individuals have relayed your  
26 frustrations with OPS Sloly which is an  
27 internal issue we need to manage. I  
28 assured them that Mendicino has been

1                   working with the RCMP. I've relayed  
2                   this conversation to NSIA PMO and  
3                   Mendicino Chief of Staff."

4                   **MINISTER WILLIAM BLAIR:** Yeah, I think what was  
5                   being spoken of here was that unfortunately, some people were  
6                   talking -- making assumptions and speaking about some of the  
7                   concerns that I was expressing about the police response to the  
8                   Ottawa event, and I was concerned that, frankly, some people had  
9                   been speaking in my stead. I'm perfectly capable of speaking  
10                  for myself and was concerned that others were doing that.

11                  **MR. DAVID MIGICOVSKY:** And ultimately, just to  
12                  finish off, you had an email -- a text message exchange with  
13                  Senator Vern White?

14                  **MINISTER WILLIAM BLAIR:** Yes, sir.

15                  **MR. DAVID MIGICOVSKY:** Senator White was the  
16                  former Chief of Police of Ottawa?

17                  **MINISTER WILLIAM BLAIR:** Yes, sir.

18                  **MR. DAVID MIGICOVSKY:** And he expressed the view  
19                  that Chief Sloly had not done his job, and you didn't disagree  
20                  with that in that exchange, did you?

21                  **MINISTER WILLIAM BLAIR:** I didn't take a position  
22                  one way or the other.

23                  And if I may, sir, I think -- I've known Chief  
24                  Sloly for a very long time. We worked together for 25 years and  
25                  he used to be my field deputy when I was the chief in the  
26                  Toronto Police Service. He was facing a very difficult  
27                  situation and a very challenging environment. I have respect  
28                  for the man and for the very difficult job he had.

1           **MR. DAVID MIGICOVSKY:** And when you stated that  
2 the police response was inexplicable, that was after the actions  
3 on phase and you indicated at that point that the police then  
4 had redeemed themselves by ---

5           **MINISTER WILLIAM BLAIR:** And to be very clear ---

6           **MR. DAVID MIGICOVSKY:** --- correct?

7           **MINISTER WILLIAM BLAIR:** --- when I said that I  
8 was asked specifically about the police response and I said it  
9 was somewhat inexplicable and to be really clear, what that  
10 means is I could neither explain nor account for the police  
11 response. It really isn't my place to explain or account for  
12 it, and so I characterized it as inexplicable.

13           **MR. DAVID MIGICOVSKY:** And ultimately, they  
14 redeemed themselves, correct?

15           **MINISTER WILLIAM BLAIR:** Well, and the work, and  
16 as I've already characterized in my earlier testimony, I think  
17 they did an excellent job in utilizing the tools that were  
18 available to them in clearing the convoy in the week following  
19 the invocation of the Act.

20           **MR. DAVID MIGICOVSKY:** Thank you very much.  
21 Those ---

22           **MINISTER WILLIAM BLAIR:** Thank you, sir.

23           **COMMISSIONER ROULEAU:** Okay. For the OPP please?

24           **MR. CHRISTOPHER DIANA:** Commissioner, I will  
25 endeavour not to go overtime.

26           **COMMISSIONER ROULEAU:** Be nice.

27 --- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:

28           **MR. CHRISTOPHER DIANA:** Good evening, Minister.

1 Chris Diana, counsel to the OPP.

2 We've heard pretty extensive evidence from both  
3 Ottawa Police Service and Windsor Police Service witnesses that  
4 the OPP provided significant support to both Ottawa and Windsor.  
5 I don't know if you've heard any of that evidence?

6 **MINISTER WILLIAM BLAIR:** Yes, sir, I have, and I  
7 would agree with it.

8 **MR. CHRISTOPHER DIANA:** All right. And former  
9 Chief Sloly in particular was very complimentary of the  
10 assistance provided by Commissioner Carrique and the resources  
11 provided that helped bring an end to the protest, correct?

12 **MINISTER WILLIAM BLAIR:** Yes, sir.

13 **MR. CHRISTOPHER DIANA:** And as you said, you  
14 would agree with that assessment?

15 **MINISTER WILLIAM BLAIR:** Yes, sir, I would.

16 **MR. CHRISTOPHER DIANA:** Right. And that  
17 assistance started with the Hendon Reports, went to frontline  
18 officers, POU support, integrated planning team leadership, and  
19 that's just in the Ottawa context, correct?

20 **MINISTER WILLIAM BLAIR:** And if I may, sir, I'm  
21 not familiar with Hendon Report. It wasn't intelligence that I  
22 had access to or the internal activities within the Police  
23 Service, but my general overall impression was that the OPP were  
24 very helpful.

25 **MR. CHRISTOPHER DIANA:** All right. Can we go to  
26 Document SSM.NSC.CAN00002983?

27 So what I'm bringing you to appears to be a text  
28 exchange between you and your chief of staff, Ms. Astravas.

1                   Now, unfortunately, there doesn't appear to be a  
2   date on this. If you can scroll down and allow the witness to  
3   see it, it's fairly short, down to the end.

4                   Now, at the bottom you'll see that you suggested  
5   that Chief Slosky does not have a strong support network within  
6   provincial police leadership.

7                   Now, again, I don't have a date on this, but  
8   certainly, at the time you wrote this, you would not have been  
9   privy to the many text messages and phone calls between Chief  
10   Slosky and Commissioner Carrique, correct?

11                  **MINISTER WILLIAM BLAIR:** And to be clear, I  
12   wasn't referring to Commissioner Carrique or the Ontario  
13   Provincial Police in that message. I was referring to his  
14   relationship with some of the other police services in Ontario.

15                  **MR. CHRISTOPHER DIANA:** Oh, I see. So when it  
16   says "within provincial police leadership", you weren't  
17   referring to the OPP, you were referring perhaps to other police  
18   leaders?

19                  **MINISTER WILLIAM BLAIR:** Yes, sir.

20                  **MR. CHRISTOPHER DIANA:** But not the OPP?

21                  **MINISTER WILLIAM BLAIR:** No, sir.

22                  **MR. CHRISTOPHER DIANA:** Right. And was this your  
23   own observation or was that observation made by others that you  
24   were forwarding on?

25                  **MINISTER WILLIAM BLAIR:** It was in part my own  
26   observation, but also feedback I was receiving from former  
27   colleagues.

28                  **MR. CHRISTOPHER DIANA:** But was that the view of



1 Cabinet?

2 **MINISTER WILLIAM BLAIR:** No, sir.

3 **MR. CHRISTOPHER DIANA:** Right. I'd like to move  
4 to another issue which is consultation on the *Emergencies Act*.

5 If you can bring up, Mr. Clerk, Document ID  
6 PB.NSC.CAN00003256?

7 And while that's loading, we've heard evidence  
8 from Commissioner Lucki that the RCMP did not request the  
9 *Emergencies Act*, but she was asked to provide a list of tools  
10 that may be useful in terms of the *Emergencies Act* legislation.  
11 I'm sure you're familiar with that?

12 **MINISTER WILLIAM BLAIR:** Yes, sir.

13 **MR. CHRISTOPHER DIANA:** All right. So what we  
14 have here is an email exchange between Mike Jones, who I  
15 understand is the Chief of Staff of Mr. Mendicino?

16 **MINISTER WILLIAM BLAIR:** Yes, sir.

17 **MR. CHRISTOPHER DIANA:** And of course,  
18 Commissioner Lucki. If you can just kind of scroll down a  
19 little bit, this appears to be the Commissioner's kind of list  
20 of tools that could be potentially useful.

21 Did you see a copy of this list?

22 **MINISTER WILLIAM BLAIR:** No, sir.

23 **MR. CHRISTOPHER DIANA:** Now, by this point -- if  
24 you can scroll to the top just so we can get the date -- this  
25 was February -- if we subtract five hours, this was the evening  
26 of February 13th, and by this point on February 13th, the OPP  
27 was heavily involved in policing protests all across Ontario --  
28 you spoke about this in your evidence -- both leading the

1 enforcement in Windsor, integrated planning team in Ottawa, 402,  
2 there were other areas in Ontario ---

3 **MINISTER WILLIAM BLAIR:** Yes, sir.

4 **MR. CHRISTOPHER DIANA:** --- correct? So the OPP,  
5 you would agree, was heavily engaged throughout the province?

6 **MINISTER WILLIAM BLAIR:** Yes, sir.

7 **MR. CHRISTOPHER DIANA:** Right. I asked both  
8 Deputy Minister Stewart and Commissioner Lucki about  
9 consultation, and both agreed that in light of that context  
10 where OPP was heavily involved and would be using these tools,  
11 the OPP could have provided valuable input into the request as  
12 to what would be useful or necessary policing tools. Would you  
13 agree with that?

14 **MINISTER WILLIAM BLAIR:** I'm not sure what the  
15 OPP might have provided, but there was also an issue of the  
16 decision had not yet been made. At the time of this email, it  
17 was under consideration, but the decision had not been made, and  
18 it was, you know, a matter of there was still a very important  
19 consultation that the Prime Minister had to undertake with the  
20 First Ministers from across the country. And so the decision to  
21 invoke had not yet been made. There was some consultation  
22 internally about useful tools, but it wasn't completely -- it  
23 wasn't fulsomely pursued because of the need to maintain the  
24 process that is required under the legislation.

25 **MR. CHRISTOPHER DIANA:** No, fair enough. But it  
26 would have been relatively easy for Commissioner Lucki to reach  
27 out to Commissioner Carrique to say, just in case at some point  
28 we get to an *Emergencies Act* invocation, are there any tools you

1 might find useful? That could have happened; right?

2 **MINISTER WILLIAM BLAIR:** Well, I have no  
3 knowledge -- direct knowledge of that, but we were also, over  
4 the course of the entire event, witnessing some of the  
5 challenges, the very real challenges that law enforcement, the  
6 OPP, the RCMP and many others were experiencing in this event,  
7 and it very much informed our deliberations and consideration of  
8 various tools that might be useful to the police response.

9 **MR. CHRISTOPHER DIANA:** Sure, but you're not in  
10 the command room anymore; right? I mean, you're observing from  
11 afar, but you -- Commissioner Carrique would certainly have the  
12 better perspective on ---

13 **MINISTER WILLIAM BLAIR:** No, and I agree, but  
14 it's also -- I think one has to be circumspect about it's not  
15 the police that determine what tools would be provided under the  
16 *Emergencies Act*. We consult with them on some of the challenges  
17 that they were facing, but it is the responsibility of  
18 government to determine what measures would be appropriate under  
19 the Act.

20 **MR. CHRISTOPHER DIANA:** Sure. The decision is  
21 made by politicians, but ultimately, in terms of proportionality  
22 and using only the tools that are useful or necessary, it's a  
23 good idea to reach out to law enforcement; isn't it?

24 **MINISTER WILLIAM BLAIR:** And again, to understand  
25 the challenges that they were facing but not specifically to ask  
26 them what additional tools, I don't believe that would have been  
27 appropriate. I've never been in a circumstances where, you  
28 know, that was a question put to a police leader, what

1 additional legislative tools do you require.

2 **MR. CHRISTOPHER DIANA:** So we heard from Mr. --  
3 Deputy Minister -- sorry, Deputy Minister Di Tommaso that that's  
4 what happened before the Ontario Emergency legislation, that he  
5 consulted that way. And, of course, Commissioner Lucki was  
6 consulted for tools, but you think it's somehow inappropriate to  
7 ask police for input on this?

8 **MINISTER WILLIAM BLAIR:** I think there is an  
9 appropriate process. I'm mindful that -- of Deputy -- or,  
10 excuse me, Commissioner Carrique's reporting responsibility to  
11 Deputy Minister Di Tommaso. I'm also well aware of Commissioner  
12 Lucki's reporting relationship to Minister Mendocino. I'm not  
13 part of either of those.

14 **MR. CHRISTOPHER DIANA:** Right. Okay. So just so  
15 I'm clear, would you disagree then with Commissioner Lucki and  
16 Deputy Minister Stewart that there ought to have been  
17 consultation in that regard?

18 **MINISTER WILLIAM BLAIR:** I think consultation on  
19 the challenges that the police were facing. I'm -- I would not  
20 personally have asked what additional legislative authorities  
21 they might require, but it was very helpful to understand the  
22 difficulties that they were having with existing authorities.

23 **MR. CHRISTOPHER DIANA:** Right. Now, of course,  
24 you're not like most of their Cabinet Ministers, because you're  
25 looking at this as a 30-plus year police leader yourself;  
26 correct?

27 **MINISTER WILLIAM BLAIR:** I'm close to 40, I'm  
28 afraid.

1                   **MR. CHRISTOPHER DIANA:** Right. As a police  
2 leader; right?

3                   **MINISTER WILLIAM BLAIR:** But in fairness, I don't  
4 have that role anymore and I'm mindful of the responsibilities  
5 of my current position and that I no longer hold that position.

6                   **MR. CHRISTOPHER DIANA:** All right. Fair enough.  
7 I'll move on. I've only got a couple of minutes left here.

8                   In your capacity as a politician, as a Cabinet  
9 Minister, of course, you're no longer in the room, the police  
10 room, so that you're no longer having a direct look at the  
11 intelligence reports. You have to rely on your federal law  
12 enforcement advisors, various agencies to advise you what the  
13 situation is; correct?

14                  **MINISTER WILLIAM BLAIR:** Yes, sir. I have been  
15 regularly briefed by, for example, the National Security  
16 Intelligence Advisor, the RCMP Commissioner and the Director of  
17 CSIS, but I don't have any line of sight into the raw  
18 intelligence or many of the reports.

19                  **MR. CHRISTOPHER DIANA:** And you rely on those  
20 agencies and the National Security Advisor to give you credible  
21 and reliable information, so that you can make informed  
22 decisions as Cabinet Minister?

23                  **MINISTER WILLIAM BLAIR:** Yes, sir.

24                  **MR. CHRISTOPHER DIANA:** Now you mentioned you had  
25 never heard of Project Hendon, and nor would you have had any  
26 reason to; correct?

27                  **MINISTER WILLIAM BLAIR:** I was not familiar with  
28 that. Subsequently, after, you know, other information came

1 out, particularly through testimony, I've heard the phrase, but  
2 at the time, I was not familiar with that portfolio  
3 intelligence.

4 **MR. CHRISTOPHER DIANA:** All right. Now we know  
5 from the Hendon reports, and we've looked at this in some  
6 detail, that as early as January the 20<sup>th</sup>, which is a week before  
7 the protest started to arrive, that the OPP had warned in its  
8 reports that this may not be a short protest. You've probably  
9 heard some of that evidence?

10 **MINISTER WILLIAM BLAIR:** Yes, sir.

11 **MR. CHRISTOPHER DIANA:** That there was no exit  
12 strategy and that some -- at least some protesters intended to  
13 stay until their demands were met; correct?

14 **MINISTER WILLIAM BLAIR:** I've heard that  
15 subsequently.

16 **MR. CHRISTOPHER DIANA:** Right.

17 **MINISTER WILLIAM BLAIR:** There was conflicting  
18 information in intelligence that was being made available to me  
19 prior to the arrival of the protest in Ottawa, but, you know,  
20 quite frankly, there was also open source reporting that some  
21 intended to remain.

22 **MR. CHRISTOPHER DIANA:** Right. As a decision  
23 maker, it's important to know as much as you can about potential  
24 risks of any situation; correct?

25 **MINISTER WILLIAM BLAIR:** It's always our hope.

26 **MR. CHRISTOPHER DIANA:** And, of course,  
27 intelligence like you'd get in the Hendon reports would be more  
28 valuable than simply opening the Twitter machine; right?

1                   **MINISTER WILLIAM BLAIR:** Of course.

2                   **MR. CHRISTOPHER DIANA:** Right. I see I'm exactly  
3 my 10 minutes. I need about 45 to 60 seconds. Can I have it,  
4 Commissioner?

5                   **COMMISSIONER ROULEAU:** Go ahead. I was hopeful,  
6 but ---

7                   **MR. CHRISTOPHER DIANA:** All right. So not only  
8 is it important that you would know this information, but you  
9 want to be told in a timely way, so that you can make  
10 appropriate preparations.

11                  **MINISTER WILLIAM BLAIR:** And again, there's a  
12 decision as to what information's appropriate to share ---

13                  **MR. CHRISTOPHER DIANA:** Yes.

14                  **MINISTER WILLIAM BLAIR:** --- with Cabinet. But  
15 of course, we want that information to be as clear as possible,  
16 not only so that we can assess its -- on its merits, but also  
17 its credibility, and so that information could ---

18                  **MR. CHRISTOPHER DIANA:** Yeah.

19                  **MINISTER WILLIAM BLAIR:** --- be very important to  
20 us.

21                  **MR. CHRISTOPHER DIANA:** And the reason I ask, and  
22 go back to a phrase used by my friend for the Commissioner  
23 earlier when he talked about if there's a hurricane moving up  
24 the coast, you know, you want to know well in advance. And I'm  
25 not analogizing necessarily between the convoy and a hurricane,  
26 but the earlier you would know the better; correct?

27                  **MINISTER WILLIAM BLAIR:** Yes, sir. Just went  
28 through Hurricane Fiona and we were tracking really carefully

1 where it was going to make land for.

2 **MR. CHRISTOPHER DIANA:** Right. And so your first  
3 briefing, according to your witness summary, was actually  
4 January 27<sup>th</sup>? That's in your witness summary?

5 **MINISTER WILLIAM BLAIR:** Yeah, I believe that's  
6 correct.

7 **MR. CHRISTOPHER DIANA:** And that's a full week  
8 after the OPP reported in a Hendon about the fact it could be a  
9 long protest?

10 **MINISTER WILLIAM BLAIR:** Again, sir, I didn't  
11 have any information about that. I'll take your word for it, of  
12 course, but I did receive my first briefing, I believe, on  
13 January 27<sup>th</sup>.

14 **MR. CHRISTOPHER DIANA:** All right. Thank you.  
15 Thank you for the indulgence, Commissioner. Much  
16 appreciated.

17 **COMMISSIONER ROULEAU:** Okay. Okay. Next is  
18 Counsel for former Chief Sloly.

19 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

20 **MR. TOM CURRY:** Thank you. Minister, I'm Tom  
21 Curry, for your former colleague Chief Sloly.

22 And I start by asking you a couple of questions  
23 about your relationship with the former Chief. He was your  
24 Deputy Chief for the period 2009 to 2015, I understand?

25 **MINISTER WILLIAM BLAIR:** Yes, sir.

26 **MR. TOM CURRY:** And prior to that, I think you  
27 told the Commissioner that you had worked with him in the  
28 aggregate for 25 years, close to?



1                   **MINISTER WILLIAM BLAIR:** Sir, I think we first  
2 became -- like, he was actually subordinate to me a division I  
3 ran beginning around 1997 or '98.

4                   **MR. TOM CURRY:** Right. And during the time that  
5 you worked with him, he had succeeded under your command in  
6 achieving promotions and taking on increasing responsibilities?

7                   **MINISTER WILLIAM BLAIR:** Yes, sir.

8                   **MR. TOM CURRY:** And you knew him then and now to  
9 be an experienced and effective police leader; is that true?

10                  **MINISTER WILLIAM BLAIR:** Yes, sir. I have great  
11 respect for Chief Sloly, Peter Sloly.

12                  **MR. TOM CURRY:** And that included in, as I  
13 understand it, in matters that concerned public demonstrations.  
14 You mentioned the Tamal demonstrations. I understand that Chief  
15 Sloly, or at that time not Chief Sloly, but at that time as a  
16 member of the Toronto Police Service that he was the Major  
17 Incident Commander in that respect?

18                  **MINISTER WILLIAM BLAIR:** There were a number of  
19 my commanders, but Peter also held that role in the service at  
20 that time.

21                  **MR. TOM CURRY:** And you have seen firsthand his  
22 ability to manage successfully large-scale public  
23 demonstrations?

24                  **MINISTER WILLIAM BLAIR:** And again, I did not  
25 have direct observation of Peter dealing with large public order  
26 events. Of course, his actual involvement in the G20, as I  
27 recall, was somewhat more limited, but certainly I recall quite  
28 vividly the Tamal protests. Frankly, I think we took a very

1 careful measured approach to that, and, frankly, I've always  
2 been proud of my services, keeping everybody safe in those  
3 circumstances.

4 **MR. TOM CURRY:** Including the role that he  
5 played?

6 **MINISTER WILLIAM BLAIR:** Including all of the men  
7 and women who were involved in that effort. It was very much a  
8 team effort.

9 **MR. TOM CURRY:** Thank you. Now the -- and in  
10 that -- during the time that you were Chief of the Toronto  
11 Police Service and Deputy Chief Sloly or Chief Superintendent,  
12 or he held a number of different ranks, during your tenure, he  
13 had your confidence and respect?

14 **MINISTER WILLIAM BLAIR:** Yes, sir.

15 **MR. TOM CURRY:** Now then you ---

16 **MINISTER WILLIAM BLAIR:** Just to be clear, if I  
17 may, I deployed him as my field commander, which put him in  
18 charge of close to 4,000 of my officers, responsible for all of  
19 our divisional response, which was one of the largest and most  
20 significant jobs in the police service.

21 **MR. TOM CURRY:** And during that time, you were  
22 asked a number of questions by my friend from the Ottawa -- for  
23 the Ottawa Police Service about the role of a Chief and various  
24 other aspects of things during the time that you worked with  
25 Chief Sloly, he had your, just to confirm, he had your  
26 confidence and respect and you saw him in command and he was a  
27 good commander. True?

28 **MINISTER WILLIAM BLAIR:** Yes, sir.

1                   **MR. TOM CURRY:** Now, when he came here to the  
2 City of Ottawa to become the Chief, you understood also that it  
3 was to implement a change mandate on behalf of the Police  
4 Services Board?

5                   **MINISTER WILLIAM BLAIR:** Yes, sir.

6                   **MR. TOM CURRY:** Including in respect of the  
7 Board's effort to try to improve the relationship between the  
8 Ottawa Police Service and racialized communities and ---

9                   **MINISTER WILLIAM BLAIR:** Yes, sir.

10                  **MR. TOM CURRY:** --- and marginalised communities?

11                  **MINISTER WILLIAM BLAIR:** Yes, sir.

12                  **MR. TOM CURRY:** And those strategies are  
13 challenging strategies as an agent of change; is that true?

14                  **MINISTER WILLIAM BLAIR:** I have had considerable  
15 experience, Toronto being a very diverse city, in bringing about  
16 a stronger relationship between the police and the minority  
17 communities we serve.

18                  **MR. TOM CURRY:** I was going to say that you,  
19 yourself, made improving community policing one of your  
20 objectives as Chief of the Toronto Police Service.

21                  **MINISTER WILLIAM BLAIR:** Very much so.

22                  **MR. TOM CURRY:** And of course, Deputy  
23 Chief Sloly, at that time, was an important member of your  
24 Command Team on that score?

25                  **MINISTER WILLIAM BLAIR:** Yes, sir.

26                  **MR. TOM CURRY:** Now, when he came to Ottawa, you  
27 learned, am I right, that he faced some opposition from within  
28 the rank and file?

1                   **MINISTER WILLIAM BLAIR:** Actually, Peter reached  
2 out to me upon his appointment and we met, and at his -- he  
3 requested. We went and we had breakfast, and we talked about  
4 the challenges of taking over a new organisation and the change  
5 agenda he was hoping to implement.

6                   **MR. TOM CURRY:** All right. Now, the -- turning  
7 for just one second to the events of the convoy protests, you've  
8 already said in your statement and to my friends that these were  
9 unprecedented events. In your nearly 40 years of policing you'd  
10 never seen anything like this?

11                  **MINISTER WILLIAM BLAIR:** There were certain  
12 aspects of it that were unique and uniquely challenging.

13                  **MR. TOM CURRY:** And in terms of the questions  
14 that you were just asked by my friend on behalf of the OPP about  
15 what could have been known or foreseen, I won't take you to the  
16 documents because there are a number of them and I won't have  
17 the -- I won't take the time, but were you aware that  
18 representatives of the RCMP, the OPP, the Sûreté du Québec and  
19 Parliamentary Protective Service all reviewed the Ottawa Police  
20 Service Plan for the convoy?

21                  **MINISTER WILLIAM BLAIR:** I'm not aware of that  
22 activity, sir. I had no line of sight to it.

23                  **MR. TOM CURRY:** Or that the -- you wouldn't be  
24 aware that the OPP, one member of the OPP described the OPS plan  
25 for managing the convoy in advance as a robust plan?

26                  **MINISTER WILLIAM BLAIR:** Again, I have not seen  
27 any documents with respect to that. I have no knowledge of it.

28                  **MR. TOM CURRY:** Fair enough. And it's, as I

1 understand it, you haven't -- you, yourself haven't -- you  
2 aren't second-guessing the Ottawa Police Service's plan or the  
3 plan that was reviewed by those other Police Services in advance  
4 of the convoy?

5 **MINISTER WILLIAM BLAIR:** No, sir. And quite  
6 frankly, I have no insight into the plan. I don't enquire about  
7 the plan, I only needed some assurance that one was in place.

8 **MR. TOM CURRY:** And then once it was here, and  
9 it's -- and it became a different -- it became a very different  
10 protest, leading eventually to an occupation, you understood  
11 that the Ottawa Police Service on its own lacked the resources  
12 to manage it successfully?

13 **MINISTER WILLIAM BLAIR:** That had been made clear  
14 to me, yes.

15 **MR. TOM CURRY:** And you accepted that?

16 **MINISTER WILLIAM BLAIR:** Yes, sir.

17 **MR. TOM CURRY:** Now, that -- let me just take you  
18 to one document that one of my friends had projected for a  
19 second just while I have it.

20 SSM, please, Mr. Registrar, SSM.NSC.CAN2983.

21 Minister, this was shown to you a moment ago.  
22 I'm just going to ask you to look at a different line than the  
23 one that was shown.

24 Thank you. Just scroll down if you don't mind,  
25 please. Keep going, and keep going a little bit. There. Thank  
26 you. Stop.

27 "I doubt" -- you wrote this:

28 "I doubt Peter is getting a lot of

1 support in his own organization. They  
2 are likely sitting back and waiting for  
3 him to flounder."

4 And then the line that was read to you earlier  
5 about lack of a strong support network within other police  
6 leadership.

7 Just focussing on the first part of that  
8 sentence. It was your concern that members of his own Police  
9 Service, the Ottawa Police Service, were not supporting this  
10 Chief. Is that fair?

11 **MINISTER WILLIAM BLAIR:** And if I may, just to be  
12 very fair here, I have no information, I had no insight into,  
13 you know, what was going on within the Ottawa Police  
14 Headquarters. I don't know, I don't know the men and women  
15 under his command, or anything that may have -- I know we've  
16 heard some evidence since, but I had no sense of that. But I  
17 was concerned because in the conversation that Peter and I had  
18 upon his appointment, that he was coming in with a strong change  
19 mandate and I know how challenging that it can be.

20 **MR. TOM CURRY:** And the expression to -- here in  
21 this text message was a very real concern for you. Is that  
22 fair? That you were concerned that his own Command Team or at  
23 least members of his own organisation would sit back and wait  
24 for him to flounder, not support him in the expectation that  
25 perhaps he would fail and pay a price, not unlike the one that  
26 you were invited to comment about by his own Police Service in  
27 their questions to you?

28 **MINISTER WILLIAM BLAIR:** Well, and again to be

1 fair, I was speculating here. And I don't want it to  
2 characterise this as based on any factual information that was  
3 available to me, but I was concerned that in a very challenging  
4 set of circumstances it's really -- cohesion within the Command  
5 structure is really, really important, and I was concerned that  
6 that cohesion may not have been as strong as it needed to be.

7 **MR. TOM CURRY:** Understood. And of course, one  
8 cannot lead an organisation that does not wish to be led very  
9 easily; right?

10 **MINISTER WILLIAM BLAIR:** I know a little bit  
11 about the challenge of leading a large police organisation, and  
12 I think leadership is very important, but I would also say  
13 leadership doesn't exist just in the Chief's office. There's  
14 leadership throughout the entire organisation, and that  
15 leadership has to be mobilised to get the job done.

16 **MR. TOM CURRY:** Understood. Now, a couple of  
17 things if I may, please. The -- I want to ask you, if I could,  
18 about RFA, requests for assistance. Can I just ask you, please,  
19 to confirm that Solicitor General Ontario asked for the use of  
20 the Cartier Drill Hall. You recall this?

21 **MINISTER WILLIAM BLAIR:** Yes, sir.

22 **MR. TOM CURRY:** And am my right that the  
23 Solicitor General Ontario asked for that use of the Cartier  
24 Drill Hall parking lot for two days, being the weekend of the  
25 protest?

26 **MINISTER WILLIAM BLAIR:** Yes, sir, and I also  
27 recall being able to give a positive answer to that request.

28 **MR. TOM CURRY:** Right. And you've -- exactly.

1 You made that available.

2 Just for the record, Commissioner, SS -- I don't  
3 want to see it, but SSM.CAN4564.

4 Minister, you spoke about, just in terms of the  
5 role of the Chief, can you help this Commissioner, please, with  
6 this question. During the Operations in respect to that Tamil  
7 protest, in your witness statement, I won't take you to it, but  
8 you described how, or I think today you described how you  
9 directed Operations when you needed to as the Chief in terms of  
10 keeping the protesters safe on the off ramps.

11 **MINISTER WILLIAM BLAIR:** And just to be very  
12 clear, I was taking advice and guidance from my Operational  
13 Commanders on the ground who told me that this situation  
14 couldn't be resolved utilising our normal Public Order tactics  
15 without putting people at significant risk; and therefore, it  
16 was on their advice that I made the decision that we would  
17 engage with these people and find another way to resolve.

18 **MR. TOM CURRY:** Understood. And in the same way,  
19 I think in your witness statement, and I don't want to turn it  
20 up, see if this recall -- if you recall this, it's paragraph 5  
21 for the record, you reviewed and approved plans as the Chief  
22 concerning the G20 protests?

23 **MINISTER WILLIAM BLAIR:** Yes, sir. And in fact,  
24 as the Chief of Police there were literally dozens of protests  
25 taking place in Toronto every single week, and I, for the larger  
26 events, would have those Operational Plans presented to me.

27 **MR. TOM CURRY:** Right. Got it.

28 **MINISTER WILLIAM BLAIR:** For my awareness. The



1 Command structure for those events was not -- the Chief doesn't  
2 command those events. We actually maintained a very robust  
3 Command structure for those types of events.

4 **MR. TOM CURRY:** Right. And I think the language  
5 that you used in your statement was that you would review those,  
6 approve them, and then present them to the Board.

7 **MINISTER WILLIAM BLAIR:** Yes, sir.

8 **MR. TOM CURRY:** Thank you.

9 Now, Commissioner, I'm -- my -- if -- I'm going  
10 to go a little overtime with your consent, only because my  
11 friends for the Commission introduced a few new things through  
12 the Minister about Police Services Board.

13 **COMMISSIONER ROULEAU:** Yeah. No, you're already  
14 over time. So don't ---

15 **MR. TOM CURRY:** Thank you.

16 **COMMISSIONER ROULEAU:** --- get me wrong, you're  
17 already there. So ---

18 **MR. TOM CURRY:** I am going to see what I can do  
19 as quickly as I can do it, but thank you for that.

20 The -- resources. You mentioned to the  
21 Commissioner that you received a request for resources from  
22 Windsor for the Ambassador Bridge blockade. Can you confirm  
23 that you received those via a letter directly from the Chief of  
24 Police to you, and one similarly went to Minister Jones?

25 **MINISTER WILLIAM BLAIR:** Yes, sir, we did in fact  
26 receive that letter. It wasn't something that I -- frankly, I'm  
27 not authorised to deal with a request for assistance coming from  
28 a municipal police chief, but it was referred back to other

1 officials to deal with.

2 **MR. TOM CURRY:** Right. Understood. But in that  
3 respect, in -- regarding Windsor, the request for resources came  
4 to you as the Minister, to Minister Jones for her counterpart,  
5 there was an urgent need for resources and you did what you  
6 could to send them, urgently; fair?

7 **MINISTER WILLIAM BLAIR:** I think, in fairness, it  
8 was the OPP that responded to the Windsor situation. And again,  
9 I stand to be corrected, but I understand -- stood that the  
10 Windsor Police Chief utilized the authorities under the existing  
11 *Police Services Act* in order to seek out the assistance and  
12 support of the OPP.

13 **MR. TOM CURRY:** So I think -- I won't take you to  
14 it, but just for the record, Commissioner, WIN1648 and 1649 are  
15 letters, not directed under the *Police Services Act*, rather  
16 directly to you and the Minister?

17 **MINISTER WILLIAM BLAIR:** Yes, sir.

18 **MR. TOM CURRY:** You passed them on, and the  
19 resources came from the RCMP and the OPP, but nobody followed  
20 the *Police Services Act* protocol in Windsor?

21 **MINISTER WILLIAM BLAIR:** I'm not sure, sir. My  
22 understanding is with the OPP involvement there, they  
23 essentially led that response; that was my understanding.

24 **MR. TOM CURRY:** And the *Police Services Act*  
25 protocol to which you referred isn't mandatory in respect of  
26 sequencing; it's -- it is there, but *Police Services*, including  
27 at the time that you were the Chief in Toronto, gain resources  
28 through Memorandum of Agreement and other requests through

1 Police Services; correct?

2 **MINISTER WILLIAM BLAIR:** Generally for planned  
3 events, yes. With the -- when I made reference in my early  
4 remarks to the *Police Services Act* and the provision within the  
5 Act for Chief of Police to deal with an emergency that exceeds  
6 their capacity, there is that provision in the Act. But I am in  
7 agreement, sir, that quite routinely for a lot of these events  
8 we -- they reach out to neighbouring police services, and people  
9 come to help each as best they can.

10 **MR. TOM CURRY:** And what you observed from Chief  
11 Sloly was that he was trying his best to get the support he  
12 needed for the community, to keep the protest safe and his own  
13 service safe; correct?

14 **MINISTER WILLIAM BLAIR:** He was certainly  
15 advocating for what he believed to be the necessary resources.

16 **MR. TOM CURRY:** And your observation was that he  
17 acted in good faith in the performance of his duties?

18 **MINISTER WILLIAM BLAIR:** I did not detect any  
19 element of bad faith.

20 **MR. TOM CURRY:** And that he -- did you -- were  
21 you made aware -- I assume that you weren't; you did not know of  
22 the plans that the OPS had, their evolution and the approvals  
23 that Chief Sloly -- Chief Sloly's team gave to those plans?

24 **MINISTER WILLIAM BLAIR:** No, sir. As I've  
25 previously testified, I made no inquiry and received no  
26 information of the operational plans that were either being  
27 developed or in place.

28 **MR. TOM CURRY:** And the information that you

1 received as a Minister and in Cabinet came, in respect of police  
2 services and resources, through Commissioner Lucki; is that  
3 fair?

4 **MINISTER WILLIAM BLAIR:** Primarily through  
5 Commissioner Lucki, yes.

6 **MR. TOM CURRY:** And are you aware that certain of  
7 the information that you received turned out not to be accurate,  
8 in terms of the resources? I'll give you a couple of examples.  
9 That you were aware of the -- what has been described, I think,  
10 as a -- by Deputy Commissioner Duheme to the Commissioner, as a  
11 mix-up about the 250 RCMP officers?

12 **MINISTER WILLIAM BLAIR:** I'm not familiar with  
13 the -- Deputy Duheme's testimony. I wasn't following it.

14 **MR. TOM CURRY:** What about Minister Jones 1,500  
15 OPP officers on the ground in Ottawa; were you aware she made  
16 that statement?

17 **MINISTER WILLIAM BLAIR:** I'm not.

18 **MR. TOM CURRY:** Okay. Or that, therefore, that  
19 it was inaccurate; you wouldn't have known that?

20 **MINISTER WILLIAM BLAIR:** No, sir.

21 **MR. TOM CURRY:** A couple of last things, then, if  
22 I may? You're -- you, I think in your evidence in your  
23 statement have described that you had requested or spoken with  
24 Chief Sloly about the possibility of tagging vehicles and towing  
25 vehicles.

26 **MINISTER WILLIAM BLAIR:** Yes, sir.

27 **MR. TOM CURRY:** He explained to you why that was  
28 not possible, as a matter of safe enforcement, and you accepted

1 his conclusion?

2 **MINISTER WILLIAM BLAIR:** Yes, sir.

3 **MR. TOM CURRY:** And did you know that RCMP and  
4 OPP officials were urging OPS, through Chief Sloly and others,  
5 to not take enforcement steps because in Ottawa they lacked  
6 resources to do so safely?

7 **MINISTER WILLIAM BLAIR:** I'm not aware of that.

8 **MR. TOM CURRY:** If they did, you would, again,  
9 defer to them as -- them and the OPS as to the people with the  
10 best line of sight into that?

11 **MINISTER WILLIAM BLAIR:** Yeah, of course. Chief  
12 Sloly gave me an explanation, and I accepted that; he was the  
13 Chief of Police, and that was his belief.

14 **MR. TOM CURRY:** Last thing, then, please, if I  
15 could. Because, of course, you know Minister, from the nature  
16 of the questions that you've been asked, that there's a great  
17 deal of scrutiny about what Chief Peter Sloly here in Ottawa,  
18 and you agree that, in hindsight, that more could have been  
19 done, and sooner, to assist Chief Sloly and the OPS to secure  
20 the assistance of resources?

21 **MINISTER WILLIAM BLAIR:** I believe with the  
22 clarity of hindsight, sir, that there were a number of steps  
23 that, upon reflection, I think everyone involved would have  
24 liked to have seen a quicker outcome.

25 I'm very mindful of the enormous impact this was  
26 having on people of Ottawa in particular. And because of some  
27 of the other then-related protest activities across the country,  
28 this huge -- hugely impactful upon all Canadians. And so the

1 timeliness of resolving that, I think was important to all of  
2 us, and in hindsight, I think that's -- it's also our  
3 responsibility to learn from what -- that experience, and make  
4 sure that we can do it better next time.

5 **MR. TOM CURRY:** And in hindsight, nothing more  
6 Chief Slosly could have done, individually, to make a difference;  
7 fair?

8 **MINISTER WILLIAM BLAIR:** Well, again, you --  
9 that's a judgment that I don't have enough information to make,  
10 respectfully, but at the same time, I think we all need to  
11 reflect on how we could have resolved this quicker and more  
12 peace -- more effectively.

13 **MR. TOM CURRY:** Thank you, Commissioner.  
14 Thank you, Minister.

15 **COMMISSIONER ROULEAU:** Okay.

16 Next is -- and now we're into the shorter, more  
17 challenging timelines -- City of Ottawa.

18 **MS. ALYSSA TOMKINS:** Thank you, Commissioner,  
19 I'll do my best.

20 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

21 **MS. ALYSSA TOMKINS:** Minister, my name is Alyssa  
22 Tomkins; I'm one of the lawyers representing the City of Ottawa.

23 So I will try to be quick. I do want to take you  
24 to a couple documents, though.

25 So first document, Mr. Clerk,  
26 SSM.NSC.CAN00002993.

27 So this is one of the texts between you and your  
28 Chief of Staff. And it's just this comment -- so if, we see

1 there a date below, Thursday, February 10<sup>th</sup>, but I'm actually  
2 looking at one of the comments above. And I believe if we  
3 scroll up -- because I believe these are produced by your Chief  
4 of Staff, so your texts are the ones on the left, and theirs in  
5 white.

6 **MINISTER WILLIAM BLAIR:** Yes, sir.

7 **MS. ALYSSA TOMKINS:** And there's a comment that  
8 says:

9 "And it's not really going to help in  
10 Ottawa unless the opp take over here"

11 I just want to know what you meant by the OPP  
12 taking over?

13 **MINISTER WILLIAM BLAIR:** I -- again, I'm not  
14 entirely clear on the context of this, because there's clearly  
15 conversation that was taking place before. But I believe that  
16 it was going to be necessary for the OPP to have a much greater  
17 operational role in this -- in the resolution of this event, for  
18 public order.

19 **MS. ALYSSA TOMKINS:** Okay. And if the next  
20 document we can go to, SSM.NSC.CAN00003140.

21 More text messages between you and your Chief of  
22 Staff. Now here, it's just forwarding tweets. But there's a  
23 tweet being forwarded from Robert Fife, that says:

24 "This is what Ontario government  
25 sources have said was  
26 coming....ChiefSloly pushed aside to  
27 allow OPP/RCMP to take charge of 16  
28 days of chaos in downtown...."

1 I think you then forward a text from Glen  
2 McGregor, "Maybe the OPP will help..."

3 I'm just wondering, particularly with respect to  
4 the text from Mr. Fife, the -- he's hearing from Ontario  
5 government sources that OPP and RCMP are coming. I was just  
6 wondering, sir, whether you ever heard anything to that effect  
7 from the Province?

8 **MINISTER WILLIAM BLAIR:** No. No, ma'am. My only  
9 knowledge of this information was what Mr. Fife was tweeting,  
10 and that's why I shared it with my Chief of Staff.

11 **MS. ALYSSA TOMKINS:** Okay. No, those are --  
12 those are my questions. Thank you very much, sir.

13 **COMMISSIONER ROULEAU:** Well under your time.  
14 Okay. Next is the Ottawa Coalition.

15 **MR. PAUL CHAMP:** Thank you, Commissioner. I'll  
16 try to be as efficient as my friend, Ms. Tomkins.

17 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

18 **MR. PAUL CHAMP:** Minister, my name is Paul Champ;  
19 I'm one of the lawyers for the Ottawa Coalition of Residents and  
20 Businesses.

21 As the Toronto Police Chief for 10 years,  
22 Minister, I gather you had become very familiar with the *Police*  
23 *Services Act*?

24 **MINISTER WILLIAM BLAIR:** Yes, sir.

25 **MR. PAUL CHAMP:** In Ontario? And you know that  
26 under the *Police Services Act*, the Mayor of a city is by default  
27 a member of the Police Services Board, unless he or she  
28 delegates it?



1                   **MINISTER WILLIAM BLAIR:** I'm aware that it is a  
2 position that they get *ex officio*, but they can delegate it to  
3 others, and I'm also aware of many municipalities where the  
4 Mayor chooses not to sit on the Board.

5                   **MR. PAUL CHAMP:** And in your last, I think the  
6 last Mayor you had, when you were Chief is Mayor Tory; he sat on  
7 the Board?

8                   **MINISTER WILLIAM BLAIR:** Not while I was the  
9 Chief, sir. I don't -- and -- well, perhaps, maybe for a few  
10 months but only a few months.

11                  **MR. PAUL CHAMP:** Yeah. You were near the end of  
12 your ---

13                  **MINISTER WILLIAM BLAIR:** I was kind of on my way  
14 out the door.

15                  **MR. PAUL CHAMP:** One foot out the door.

16                  **MINISTER WILLIAM BLAIR:** And prior to that, it  
17 was Chief -- actually Mayor Miller had served on the Board ---

18                  **MR. PAUL CHAMP:** Right.

19                  **MINISTER WILLIAM BLAIR:** --- for a period of  
20 time, not his entire term.

21                  **MR. PAUL CHAMP:** Right. Mayor Ford didn't choose  
22 to; we won't go into that.

23                  **MINISTER WILLIAM BLAIR:** No, sir.

24                  **MR. PAUL CHAMP:** Now, you convened tripartite  
25 meetings on February 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> with -- intended to be the  
26 municipal, provincial, and federal levels of government, is that  
27 right?

28                  **MINISTER WILLIAM BLAIR:** It had been my hope,

1 yes.

2 **MR. PAUL CHAMP:** And you had, from Ottawa, City  
3 Manager Steve Kanellakos and Mayor Jim Watson; is that right?

4 **MINISTER WILLIAM BLAIR:** Yes.

5 **MR. PAUL CHAMP:** And when you dealt with Mayor  
6 Watson, you would have assumed he was Chair of the Police  
7 Services Board; is that right?

8 **MINISTER WILLIAM BLAIR:** I don't think I was  
9 making that assumption. I'm not aware of that.

10 **MR. PAUL CHAMP:** Did you know if he was the chief  
11 -- or if he was on the board or not?

12 **MINISTER WILLIAM BLAIR:** No. And I apologize but  
13 I'm not that familiar with Ottawa Council or its board.

14 **MR. PAUL CHAMP:** Right, but given your  
15 familiarity with the Police Services Act, would you not have  
16 wanted to deal with someone from the Police Services Board who  
17 actually has some operational guidance and responsibility over  
18 the Ottawa Police?

19 **MINISTER WILLIAM BLAIR:** And again, if I may, I  
20 don't think that's an appropriate discussion for a minister of  
21 the federal government to engage with the chair of a municipal  
22 police services board. My intention in establishing the  
23 tripartite table was to bring the three orders of government.

24 **MR. PAUL CHAMP:** Right.

25 **MINISTER WILLIAM BLAIR:** And I use that word  
26 advisedly, by the way, because I don't believe in levels. There  
27 are orders of government. The federal, provincial, and the  
28 municipal governments all had a responsibility to work together

1 to collaborate and it was my intention to convene that  
2 discussion.

3 **MR. PAUL CHAMP:** But I gather then, though, if  
4 you were sharing information with the mayor and the city manager  
5 that was relevant for the Police Services Board, you would have  
6 assumed the mayor and the city manager would have shared that  
7 information with the Police Services Board?

8 **MINISTER WILLIAM BLAIR:** I -- again, I make no  
9 assumptions about those discussions. My intention was to bring  
10 the federal, provincial, and municipal governments to the table.

11 **MR. PAUL CHAMP:** But to do what, sir? It's about  
12 managing the police services.

13 **MINISTER WILLIAM BLAIR:** No, sir, it's about  
14 managing the protest that was taking place in Ottawa. It was  
15 hugely impactful. There is a police -- obviously a police  
16 responsibility there but, respectfully, I don't believe it is my  
17 place, and I've always been meticulously careful not to in any  
18 way interfere with police operations. I believe, you know, the  
19 City clearly has a role with that with their Police Services  
20 Board, but not directly from me.

21 **MR. PAUL CHAMP:** Now, we know from your  
22 testimony, and from your witness statement as well, that it  
23 appears that there was indeed a lack -- a delay in resources --  
24 RCMP resources being provided to the City of Ottawa, in part,  
25 because there wasn't a firm plan in place for the deployment of  
26 those resources; correct?

27 **MINISTER WILLIAM BLAIR:** There are a number of  
28 reasons, as I've come to learn, as to some of the challenges of

1 deploying those resources. Some of them were also deployed in a  
2 number of functions, as I understood it, that were dispersed  
3 from the downtown core.

4 **MR. PAUL CHAMP:** But you -- on your witness  
5 statement, anyways, sir, which I understand you've adopted, you  
6 said one the main reasons was that there was not a firm  
7 operational plan in place.

8 **MINISTER WILLIAM BLAIR:** And that's true, Mr.  
9 Champ. There was a concern that we were hearing from not just  
10 the RCMP but other police services that they wanted confidence  
11 that an operational action plan was in place before they were  
12 able to deploy their resources.

13 **MR. PAUL CHAMP:** And you would have agreed, sir,  
14 that it would have been important for that information to be  
15 shared by someone in some way with the Ottawa Police Services  
16 Board?

17 **MS. ALYSSA TOMKINS:** I'm going to object. This  
18 is again Alyssa Tomkins. Chair Deans, in her witness statement,  
19 stated that she knew that there was not -- that there was a  
20 concern that there wasn't a plan, and my friend keeps putting  
21 that to witnesses to try to get them to agree when her witness  
22 summary, which she adopted on cross and confirmed, states  
23 expressly that she was aware ---

24 **MR. PAUL CHAMP:** Well, I'm ready for my friend  
25 this time, if I may, Commissioner. The testimony of Ms. Deans  
26 was that that was her speculation but she was never told that by  
27 anyone. No one shared that information. She was concerned that  
28 she wasn't getting detail on the plan and she was wondering why

1 there was a delay, but no one shared that information. That's  
2 what's in her statement and that's what her testimony was when  
3 she testified.

4 **MS. ALYSSA TOMKINS:** In fact, her statement  
5 suggests that she's the one that suggested ---

6 **COMMISSIONER ROULEAU:** Okay, well, let's try and  
7 keep this -- can you just ---

8 **MS. ALYSSA TOMKINS:** I just want to be careful  
9 because it's an important point and my friend keeps putting it  
10 to witnesses.

11 **MR. PAUL CHAMP:** I'll be sending a letter to my  
12 friend after this.

13 But I just want to close with this, Minister.  
14 You would agree with me that it would be inappropriate for a  
15 federal government official to be trying to influence the Police  
16 Services Board on the selection of a chief of police or to delay  
17 a decision of appointing a chief of police for municipal  
18 service?

19 **MINISTER WILLIAM BLAIR:** I can speak for myself,  
20 sir; I would not engage in that behavior. If my advice was  
21 asked on a matter, I might provide the advice but, as you  
22 characterize it, on trying to influence or interfere with that  
23 decision, I don't believe that would be appropriate.

24 **MR. PAUL CHAMP:** Okay, thank you very much,  
25 Minister.

26 **MINISTER WILLIAM BLAIR:** Of course.

27 **COMMISSIONER ROULEAU:** Okay, next is the Windsor  
28 Police Service.

1 --- CROSS-EXAMINATION BY MS. HEATHER PATERSON:

2 MS. HEATHER PATERSON: Hi, good evening, Heather  
3 Paterson here for the Windsor Police Service. Good evening,  
4 Minister Blair. Can you hear me okay?

5 MINISTER WILLIAM BLAIR: Yes, ma'am.

6 MS. HEATHER PATERSON: Thank you. In your  
7 testimony today, you praised the Ottawa enforcement operation  
8 because -- and I'm going to paraphrase what you said -- you said  
9 because it moved slowly, it took care, and it allowed for the  
10 least amount of force possible. I think you described it as a  
11 "textbook operation".

12 MINISTER WILLIAM BLAIR: Yes.

13 MS. HEATHER PATERSON: And would you agree that  
14 it's a hallmark of good police enforcement, that type of slow,  
15 careful, least-amount-of-force-possible type operation?

16 MINISTER WILLIAM BLAIR: I -- yes, I would  
17 certainly characterize that police operation as proportional,  
18 measured, Charter-compliant, and appropriate.

19 MS. HEATHER PATERSON: Great. And you praised  
20 the Ottawa enforcement action even though you had to explain to  
21 colleagues the need for police to move slowly and carefully in  
22 an enforcement operation?

23 MINISTER WILLIAM BLAIR: I don't -- that's  
24 probably inappropriate to characterize it as I "needed to  
25 explain to colleagues", but I have some familiarity with those  
26 operations and what I was witnessing here in Ottawa was, in my  
27 opinion, textbook and entirely appropriate, and I certainly  
28 shared that with colleagues.

1                   **MS. HEATHER PATERSON:** Okay. So then let me put  
2 it to you this way. Would agree it's important to move slowly  
3 with an enforcement operation even when others feel there's a  
4 sense of urgency?

5                   **MINISTER WILLIAM BLAIR:** And again, I think the  
6 response is, it depends on the urgent nature. If someone was  
7 being injured, for example, I think, under those circumstances,  
8 one might want to go a little quicker, and it would be  
9 necessary. But I think a methodical, measured, and proportional  
10 response -- every public order response is, in part, determined  
11 by the actions of the other side, the protesters, and if their  
12 behaviour is, you know, less aggressive, then that type of  
13 approach is entirely appropriate.

14                   **MS. HEATHER PATERSON:** Okay. And would agree  
15 that that equally applies to the situation in Windsor and the  
16 Ambassador Bridge?

17                   **MINISTER WILLIAM BLAIR:** Oh, yes.

18                   **MS. HEATHER PATERSON:** And would agree that  
19 citizen and officer safety is the forefront in any public order  
20 operation?

21                   **MINISTER WILLIAM BLAIR:** I believe, certainly, in  
22 public safety, and that includes officer safety, as a priority  
23 in every operation.

24                   **MS. HEATHER PATERSON:** And you would agree with  
25 that despite the fact that you felt there was a need for urgency  
26 of action in Windsor?

27                   **MINISTER WILLIAM BLAIR:** I was very concerned  
28 about the blockade of that roadway and that there was a need for

1 urgency but, at the same time, you know, the operational  
2 decisions made by the police commanders on the ground, knowing  
3 the challenges they faced, the resources available to them, and  
4 their legal authorities, my -- I respect the decisions that they  
5 make.

6 **MS. HEATHER PATERSON:** Okay, great. Mr. Sloly's  
7 counsel briefly referred to the letter you received from Chief  
8 Mizuno on February 9<sup>th</sup> requesting assistance from Windsor.

9 **MINISTER WILLIAM BLAIR:** Yes.

10 **MS. HEATHER PATERSON:** Just for the record -- I  
11 don't need to see it -- it's WPS000000788. And you advised that  
12 you passed that along to others but didn't respond to it  
13 directly; is that correct?

14 **MINISTER WILLIAM BLAIR:** To the best of my  
15 recollection. It is not part of the process that I'm  
16 responsible for, the request for assistance, to receive requests  
17 directly from a municipal police chief. Those requests come  
18 through provincial and territorial ministers, and it was  
19 referred, to the best of my knowledge, to the appropriate  
20 minister in the Ontario government.

21 **MS. HEATHER PATERSON:** And do you know who that  
22 minister was?

23 **MINISTER WILLIAM BLAIR:** I believe it would be  
24 the Solicitor General, Sylvia Jones.

25 **MS. HEATHER PATERSON:** Okay. And if I -- Mr.  
26 Clerk ---

27 **MINISTER WILLIAM BLAIR:** But if I may be clear --

28 -



1                   **MS. HEATHER PATERSON:** Yeah.

2                   **MINISTER WILLIAM BLAIR:** --- that was likely done  
3 through officials. I don't want to suggest that it was done  
4 directly to Minister Jones, but it would have been done, in all  
5 likelihood, from federal officials to provincial officials to  
6 make sure that that information was properly shared.

7                   **MS. HEATHER PATERSON:** Okay, great. And Mr.  
8 Clerk, could you please pull up SSM.CAN.NSC.00002671? And while  
9 that's coming up, you're going to see that this is a W -- that  
10 after receiving the WPS request, this seems to be a draft  
11 between Caroline Williams and Radey Barrack. These are members  
12 of your staff; correct?

13                  **MINISTER WILLIAM BLAIR:** Yes.

14                  **MS. HEATHER PATERSON:** And did you direct them to  
15 prepare a draft response to Chief Mizuno's letter?

16                  **MINISTER WILLIAM BLAIR:** We tried to respond to  
17 every bit of correspondence and not leave it simply unanswered.

18                  **MS. HEATHER PATERSON:** Okay. And if we go down  
19 toward the end of page 1, we see that this is a draft, but I've  
20 never been able to find whether it was actually sent or not. Do  
21 you know?

22                  **MINISTER WILLIAM BLAIR:** No, I'm afraid I don't.

23                  **MS. HEATHER PATERSON:** Okay. And if look in the  
24 last paragraph on that page, it says:

25                               "Local communities are the ones  
26                               ultimately paying the price for the  
27                               actions of these demonstrators."

28                  Do you agree with that sentiment?

1                   **MINISTER WILLIAM BLAIR:** I think certainly the  
2 local communities are -- were in fact being significantly  
3 impacted by these actions and by these blockades and  
4 demonstrations that were taking place.

5                   **MS. HEATHER PATERSON:** Okay. And would you agree  
6 that it's vital that government ensure that police have  
7 resources required to maintain public safety and bring about a  
8 peaceful resolution to a public order event?

9                   **MINISTER WILLIAM BLAIR:** I believe keeping people  
10 safe is the first responsibility of every order of government,  
11 and to provide whatever resources are available to assist law  
12 enforcement in their -- in effecting their purpose.

13                   **MS. HEATHER PATERSON:** Great. Thank you.  
14 Commissioner, I just have three more questions,  
15 if I could have a brief indulgence, please?

16                   **COMMISSIONER ROULEAU:** As long as they're short.

17                   **MS. HEATHER PATERSON:** Yes, they will be.

18 And are you aware the Ambassador Bridge is  
19 privately owned?

20                   **MINISTER WILLIAM BLAIR:** Yes.

21                   **MS. HEATHER PATERSON:** And you're aware that it's  
22 the Windsor Police that will respond to incidents on the bridge,  
23 such as a traffic accident?

24                   **MINISTER WILLIAM BLAIR:** I would have  
25 anticipated, yes.

26                   **MS. HEATHER PATERSON:** Okay. And we looked  
27 earlier this afternoon at a February 12<sup>th</sup> text exchange that you  
28 had, for the record, SSM.NSC.CAN3129. I don't need to see it,

1 unless you do, Minister. But this is where you said police are  
2 finally doing their job in Windsor.

3 **MINISTER WILLIAM BLAIR:** Yes.

4 **MS. HEATHER PATERSON:** Are you aware that the  
5 enforcement action took place over February 12<sup>th</sup> and 13<sup>th</sup> ---

6 **MINISTER WILLIAM BLAIR:** Yes.

7 **MS. HEATHER PATERSON:** --- and the bridge was  
8 opened in the early hour morning of February 14<sup>th</sup>?

9 **MINISTER WILLIAM BLAIR:** Yes, I watched it very  
10 carefully. I was very concerned about the blockades at the  
11 Ambassador Bridge.

12 **MS. HEATHER PATERSON:** And so you would agree  
13 that any difficulties the OPP or the WPS were having in Windsor  
14 were resolved before the *Emergency Act* was invoked?

15 **MINISTER WILLIAM BLAIR:** I was aware that they  
16 had been able to move that protest. I was also aware of  
17 concerns that they were expressing to us that those blockades  
18 could either go to some other place, or could return to Windsor.  
19 And what we had heard very clearly from the police is although  
20 they had been effective in clearing it, there was real concern  
21 as to whether they could hold it open.

22 **MS. HEATHER PATERSON:** Okay. Thank you. And  
23 lastly, would you agree with me that the Windsor enforcement  
24 operation was a success ---

25 **MINISTER WILLIAM BLAIR:** Yes.

26 **MS. HEATHER PATERSON:** --- and that there was no  
27 loss of life or serious injury to either the public, protestors,  
28 or police?

1                   **MINISTER WILLIAM BLAIR:** Yes, ma'am.

2                   **MS. HEATHER PATERSON:** Thank you very much.

3 Those are my questions.

4                   **COMMISSIONER ROULEAU:** Okay. Thank you. Next  
5 I'll call on the City of Windsor.

6 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

7                   **MS. JENNIFER KING:** Good evening, Minister.

8                   **MINISTER WILLIAM BLAIR:** Good evening.

9                   **MS. JENNIFER KING:** My name is Jennifer King.  
10 I'm legal counsel to the City of Windsor.

11                   Minister Blair, I would like to start by  
12 confirming your views about the unlawfulness of the blockade in  
13 Windsor.

14                   Mr. Clerk, if you could please pull up  
15 PB.NSC.CAN.00002437?

16                   While this is coming up, can you confirm,  
17 Minister Blair, is it your opinion that the blockade in Windsor  
18 was unlawful from the outset? That is, when the protestors  
19 blockaded the bridge, access to the bridge, on February the 7<sup>th</sup>?

20                   **MINISTER WILLIAM BLAIR:** Yes, I believe that that  
21 was unlawful. I believe there are relevant statutes, municipal,  
22 although I don't have a deep knowledge of your municipal bylaws,  
23 but certainly within the *Ontario Highway Traffic Act*, and even  
24 *Criminal Code* offences that were relevant to the situation.

25                   **MS. JENNIFER KING:** Okay. So what I'm showing  
26 you is a transcript of a Media Availability that you held on  
27 February the 9<sup>th</sup> at 1:00 p.m. with Ministers Mendicino and  
28 Alghabra.

1 Do you recall that Media Availability?

2 **MINISTER WILLIAM BLAIR:** I did several of them  
3 that week and the next, but I don't have specific recollection  
4 of this, unless you bring me to a specific one.

5 **MS. JENNIFER KING:** Okay. So this was one on  
6 February the 9<sup>th</sup>. It's the first Media Availability that I've  
7 been able to find, or statements that you made about the  
8 blockade at the Ambassador Bridge. My friends will let me know  
9 if there was an earlier one.

10 Have you seen this transcript that's on this  
11 screen? If you could just scroll down a little bit, Mr. Clerk?

12 **MINISTER WILLIAM BLAIR:** I've actually not seen  
13 this transcript, but if you could scroll down -- and by the way,  
14 I think I likely used the word the "thuggery" not "thuddery".

15 **MS. JENNIFER KING:** Okay. Well Mr. Clerk, if you  
16 could please scroll to the bottom of page 3?

17 And you'll see here, I think at page 3 of the PDF  
18 -- I apologize. I might not have the right spot.

19 If you could scroll up please?

20 All right. So I don't seem to have the right  
21 spot, but instead of wasting time and scrolling through the  
22 transcript, I'm just going to read to you some of the parts of  
23 your transcript.

24 So in the transcript, you state:

25 "These blockades are unlawful [...] [and] I  
26 would urge all of those who are engaging  
27 in this unlawful activity, think about the  
28 people you are truly hurting, and stop.

1                   Let me be very clear.    The ambassador  
2                   bridge is a vital artery to our country.  
3                   And it's a vital artery [to] our supply  
4                   chain.  It's central to the functioning of  
5                   our economy and to serving all Canadians."

6                   Do you recall making those comments?

7                   **MINISTER WILLIAM BLAIR:**  Yes.

8                   **MS. JENNIFER KING:**  And later in your remarks,  
9                   you referred to the protestors' "unlawful actions" blocking  
10                  ports of entry, as:

11                               "...essentially putting their foot on the  
12                               throat of all Canadians."

13                  Do you recall that?

14                  **MINISTER WILLIAM BLAIR:**  Yes.

15                  **MS. JENNIFER KING:**  And in your remarks, you also  
16                  state that:

17                               "...the rule of law has to be upheld."

18                  And Canada:

19                               "...will ensure [police] have the resources  
20                               they need to uphold the law and keep the  
21                               peace..."

22                  Right?

23                  **MINISTER WILLIAM BLAIR:**  Yes.

24                  **MS. JENNIFER KING:**  Your opinions reflected in  
25                  these remarks have not changed since February, have they?

26                  **MINISTER WILLIAM BLAIR:**  No, sir.  No ma'am.

27                  **MS. JENNIFER KING:**  I take it you made these  
28                  statements to national media to make it clear to the public and

1 to the protestors that protesting by blockading ports of entry  
2 is unlawful; correct?

3 **MINISTER WILLIAM BLAIR:** Yes.

4 **MS. JENNIFER KING:** And that the protestors  
5 should stop?

6 **MINISTER WILLIAM BLAIR:** Yes.

7 **MS. JENNIFER KING:** Are you aware that the same  
8 day as this Media Availability, that it was widely reported by  
9 American and Canadian media that you and your fellow Ministers  
10 labeled the bridge blockade as illegal?

11 **MINISTER WILLIAM BLAIR:** I didn't have the  
12 opportunity to read the American press, but I'm not surprised.

13 **MS. JENNIFER KING:** Okay. But the protestors did  
14 not stop; did they?

15 **MINISTER WILLIAM BLAIR:** No.

16 **MS. JENNIFER KING:** Okay. I have a few  
17 questions, Minister Blair, about planning around critical  
18 infrastructure.

19 So will you agree with me that systems of support  
20 should be in place to support the communities and local  
21 authorities who are most often the first responders to  
22 emergencies?

23 **MINISTER WILLIAM BLAIR:** I would agree that local  
24 communities are often the very first impacted. I tried to make  
25 the point though the blockade at Ambassador Bridge went well  
26 beyond that intersection in Windsor. It was affecting auto  
27 plants, for example, right across the province and in Michigan,  
28 that, you know, a lot of people were being deeply impacted.

1 But certainly I would acknowledge how difficult  
2 that was in Ottawa and in Windsor.

3 **MS. JENNIFER KING:** Minister Blair, are you aware  
4 that shortly after the successful police operation, Windsor  
5 representatives, including Mayor Dilkens, started asking all  
6 three levels of government to sit down and develop a long-term  
7 sustainable framework to protect the critical border  
8 infrastructure?

9 **MINISTER WILLIAM BLAIR:** I did not have a direct  
10 conversation with Mayor Dilkens, but I believe my colleague did.

11 **MS. JENNIFER KING:** Well, Minister, are you aware  
12 that Mayor Dilkens wrote to you directly on March the 17<sup>th</sup>?

13 **MINISTER WILLIAM BLAIR:** If you share it with me,  
14 it'll refresh my memory. I have no direct recollection of that  
15 letter from Mayor Dilkens, although we've communicated quite  
16 extensively over the course of the pandemic and other related  
17 matters.

18 **MS. JENNIFER KING:** Okay. Well I will ask the  
19 Clerk to bring this up. This is WIN.00002240. So he sent you a  
20 letter on March the 17<sup>th</sup>.

21 And just to summarize it for you, you can see it,  
22 but I don't have very much time, Minister. He does ask for you  
23 and Minister Mendicino, and former Solicitor General Jones to  
24 sit down, to debrief, and work together to protect Windsor's  
25 important international border crossings? You don't recall  
26 receiving this letter?

27 **MINISTER WILLIAM BLAIR:** I have no direct  
28 recollection of it, but it strikes me as a reasonable request



1 from the Mayor.

2 **MS. JENNIFER KING:** Okay. And Minister Blair,  
3 are you taking any steps as Minister of Emergency Management to  
4 ensure the interjurisdictional collaboration that's requested by  
5 Mayor Dilkens here and the planning occurs to protect border  
6 infrastructures and the communities around them?

7 **MINISTER WILLIAM BLAIR:** There's a great deal of  
8 work ongoing about creating a more resilient critical  
9 infrastructure for this country from all hazards, including what  
10 we have seen over the course of last year.

11 **MS. JENNIFER KING:** And if I may, I'm over my  
12 time, are you taking any steps, as Minister of Emergency  
13 Management, to ensure that municipalities and border  
14 municipalities are included in these conversations?

15 **MINISTER WILLIAM BLAIR:** I can tell you in every  
16 community that I go to, I try to go and visit the mayor. I  
17 believe very much in all three orders of government have a role  
18 here. And as I said, I've engaged with Mayor Dilkens on  
19 numerous occasions, and many of the mayors, particularly the  
20 border mayors.

21 **MS. JENNIFER KING:** M'hm.

22 **MINISTER WILLIAM BLAIR:** Throughout the pandemic,  
23 I met, on a very regular basis, with all of the mayors of  
24 Ontario border communities. They had some important things to  
25 say and they needed to be heard.

26 **MS. JENNIFER KING:** Thank you very much.

27 **COMMISSIONER ROULEAU:** Thank you. I'd like to  
28 now call on the Province of Alberta.

1 --- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:

2 MS. STEPHANIE BOWES: Good evening, Minister  
3 Blair. My name is Stephanie Bowes. I'm counsel for the  
4 Province of Alberta.

5 I'd like to start with Document SSM.CAN.00006055.

6 And if, Mr. Clerk, you could scroll down to the  
7 last email on this page -- sorry, in this document? It will be  
8 on the next page.

9 And this is an email dated February 9<sup>th</sup> from Ms.  
10 Astravas to you. Subject line "AB RFA".

11 And if you scroll down to the text, please, Mr.  
12 Clerk?

13 You'll see the text:

14 "On the letter itself - John Brodhead  
15 and I spoke, and I think we revise[d]  
16 the response about exhausting  
17 provincial resources and enforcing  
18 contracts and laws and we look forward  
19 to learning more on that front.

20 So it's not a no, just more context."

21 Now I understand Mr. Brodhead is the Director of  
22 Policy in the PMO; is that correct?

23 MINISTER WILLIAM BLAIR: Yes.

24 MS. STEPHANIE BOWES: Do you know what the  
25 reference to it's not a no is about?

26 MINISTER WILLIAM BLAIR: I believe I do. I was  
27 very concerned when I heard back from the Deputy Minister and  
28 the Canadian Armed Forces that they did not have the equipment

1 that Minister McIver had requested in his request for  
2 assistance. And so I asked my staff and Public Safety to  
3 explore other areas of government to see if there was any way  
4 that we could provide assistance to Alberta. We looked, for  
5 example, in other federal departments. We looked outside the  
6 country in Montana. We were looking for any way that we -- if  
7 the CAF equipment was not appropriate or available, we were  
8 looking to see if there was any alternative that we could help  
9 Alberta.

10 **MS. STEPHANIE BOWES:** All right. Thank you. At  
11 SSM.CAN.NSC.00002689, this was a record that Commission Counsel  
12 put to you earlier today, and I'll ask the Clerk to pull that  
13 up. The version that you saw today was unredacted, and I  
14 understand that that was only recently supplied. And when we  
15 review this, this is an email from, again, your Chief of Staff  
16 on February 11<sup>th</sup>. If we scroll down, we see an email from Radey  
17 Barrack to you on February 11<sup>th</sup>. Within the next page, we see a  
18 response,

19 "Further, I understand that Alberta has  
20 the required legal authorities  
21 necessary to enforce compliance as a  
22 highway is considered essential  
23 infrastructure..."

24 And it goes on.

25 "There are a number of contraventions  
26 or other applicable legislation that  
27 may also be enforced by Alberta and its  
28 police forces."

1           So at that point in time, the reason for  
2   rejecting Alberta's RFA was in fact that the position of  
3   Government of Canada was that Alberta had the required legal  
4   authorities; is that correct?

5           **MINISTER WILLIAM BLAIR:** Yeah, if you could read  
6   down through the entire liner because I want to see how this is  
7   dealt with.

8           And I think it's also -- it's relevant that in  
9   the last paragraph where the letter also refers to,  
10                   "...the lack of commercial resources,  
11                   the Canadian Armed Forces [being] the  
12                   only Federal asset [...] and  
13                   discussions [that] made clear that  
14                   [...] CAF have neither the type of  
15                   assets required, nor the expertise to  
16                   do this without significant possible  
17                   risk."

18           So it was in answer to Minister McIver's specific  
19   request for tow trucks belonging to CAF, and I think it was an  
20   important context for this letter as well.

21           **MS. STEPHANIE BOWES:** But certainly also the  
22   position of Canada was that Alberta still had authorities that  
23   it could exercise to deal with the blockade at Coutts; correct?

24           **MINISTER WILLIAM BLAIR:** There is some reference  
25   to that in this letter, yes.

26           **MS. STEPHANIE BOWES:** Okay. Thank you. And if  
27   we scroll down to the last paragraph in the letter, there's  
28   reference there to,

1 "...the use of federal resources may be  
2 reconsidered at a future date once all  
3 other provincial options and  
4 capabilities have been exhausted."

5 What was meant by that?

6 **MINISTER WILLIAM BLAIR:** Well, again, we were  
7 also examining across all of government, we were also talking  
8 about the possibility of providing funding to assist them in  
9 acquiring through private and commercial means ---

10 **MS. STEPHANIE BOWES:** Okay.

11 **MINISTER WILLIAM BLAIR:** --- the vehicles that  
12 they required.

13 **MS. STEPHANIE BOWES:** But of course, contingent  
14 on all other provincial options and capabilities having been  
15 exhausted; correct?

16 **MINISTER WILLIAM BLAIR:** Well, and again, not  
17 just exhausted or unlikely to succeed. I think that's a  
18 reasonable consideration as well. I think we were trying to  
19 communicate -- my concern, quite frankly, is I felt a necessity  
20 to reply to Minister McIver, who had made a request to give him  
21 the information. He very specifically asked for something, and  
22 we were saying no, and I think as you saw in the email about  
23 this, I was concerned that we weren't able to say yes, but I was  
24 also concerned that we needed to reply to his letter.

25 **MS. STEPHANIE BOWES:** And that reference, of  
26 course, is to the -- at the very top when you approve this  
27 response is the response to go to Alberta?

28 **MINISTER WILLIAM BLAIR:** Yeah.

1                   **MS. STEPHANIE BOWES:** And then I'll ask you, Mr.  
2 Clerk, to please go up to the top. There's a reference to has  
3 the PMO approved? And I take the PMO to be the Prime Minister's  
4 Office; is that correct?

5                   **MINISTER WILLIAM BLAIR:** That's the usual -- that  
6 acronym represents the Prime Minister's Office.

7                   **MS. STEPHANIE BOWES:** For sure. And was it a  
8 requirement that the Prime Minister's Office approve a response  
9 to an RFA?

10                  **MINISTER WILLIAM BLAIR:** No, not normally, but  
11 clearly, there was communication between the offices about --  
12 because there's also an issue of inter-government affairs  
13 between ourselves and the provinces. I think there was  
14 complexity to this request because it involved a number of  
15 different ministries, and it was an unusual outcome because we  
16 always try to find a way to say yes.

17                  **MS. STEPHANIE BOWES:** Do you know if the Prime  
18 Minister's Office ever did approve a response to Alberta's RFA?

19                  **MINISTER WILLIAM BLAIR:** I have no knowledge of  
20 that.

21                  **MS. STEPHANIE BOWES:** Okay.

22                  **MINISTER WILLIAM BLAIR:** I'm not involved in  
23 those communications.

24                  **MS. STEPHANIE BOWES:** All right. There is  
25 reference in the records to your Chief of Staff arranging a  
26 February 9<sup>th</sup> meeting with the Prime Minister to discuss the RFA.  
27 Were you aware of those discussions?

28                  **MINISTER WILLIAM BLAIR:** No.

1                   **MS. STEPHANIE BOWES:** Okay. Thank you. I am  
2 over my time. I would ask the indulgence of the Commissioner  
3 for a couple more minutes just to touch on two more things,  
4 please?

5                   **COMMISSIONER ROULEAU:** Okay. Go ahead, but try  
6 and make it fast. Everyone's ---

7                   **MS. STEPHANIE BOWES:** For sure.

8                   **COMMISSIONER ROULEAU:** --- been over, with one  
9 exception, as I recall.

10                  **MS. STEPHANIE BOWES:** All right. Mr. Clerk,  
11 could you please pull up document SSM.NSC.CAN.00003164? And  
12 this is an email dated February 17<sup>th</sup> from you to your Chief of  
13 Staff, Minister Blair.

14                  **MINISTER WILLIAM BLAIR:** Yes.

15                  **MS. STEPHANIE BOWES:** I'll have you scroll down a  
16 little bit to that second email. It says,

17                               "Zita

18                               This letter from Alberta is incredibly  
19                               helpful.

20                               They are asking for Federal assistance.

21                               They say [...] they have exhausted all  
22                               existing authorities and resources.

23                               They are practically begging for us to  
24                               help.

25 We should think about publishing this."

26                   I'll take it this is reference to the February 5<sup>th</sup>  
27 RFA that your office received from Minister McIver; is that  
28 correct?

1                   **MINISTER WILLIAM BLAIR:** Yes.

2                   **MS. STEPHANIE BOWES:** All right. You wanted this  
3 letter to be published as support for Government of Canada's  
4 invocation of the *Emergencies Act*; correct?

5                   **MINISTER WILLIAM BLAIR:** My intention was that it  
6 would be published because we were putting documentary evidence  
7 before Parliament. There was an ongoing Parliamentary debate  
8 and there was a vote scheduled for the following week, and my  
9 recommendation, because specifically Minister McIver had talked  
10 about the RCMP exhausting -- and the language isn't in front of  
11 me, but I believe this letter said all of their resources and  
12 options. And I thought that was particularly relevant to the  
13 discussion around the invocation of the Act.

14                  **MS. STEPHANIE BOWES:** But you were also aware  
15 prior to the invocation of the Act of Alberta's success in  
16 purchasing tow equipment; correct?

17                  **MINISTER WILLIAM BLAIR:** I was aware that they  
18 purchased tow equipment. I also was aware that it had become  
19 somewhat moot because the -- after the investigation by the  
20 RCMP, the seizure of weapons and the arrest of a number of  
21 individuals, the blockade that existed at Coutts, most of those  
22 people skedaddled.

23                  **MS. STEPHANIE BOWES:** All right. Thank you.

24                               One last record to put before you. That's  
25 PB.CAN.00001132. And this is an appearance that you -- a  
26 transcript of an appearance you had on Global News on February  
27 13<sup>th</sup> at 11 a.m. Eastern Time.

28                               And if you scroll down, Mr. Clerk, to page 2,



1 there's a question from Mercedes Stephenson. You can see it now  
2 just at the bottom of your screen,

3 "Are you prepared to invoke the  
4 *Emergencies Act*?"

5 **MINISTER WILLIAM BLAIR:** It's not on the bottom  
6 of my screen ---

7 **MS. STEPHANIE BOWES:** Sorry, can you scroll down  
8 there, please, Mr. Clerk? There it is there. And your response  
9 is,

10 "Certainly. I will tell you, the  
11 *Emergencies Act* has been under a very  
12 fulsome consideration right from the  
13 first day, as to what needs to be  
14 done."

15 When you refer to right from the first day, what  
16 day are you talking about?

17 **MINISTER WILLIAM BLAIR:** Actually, my  
18 responsibility as the Minister of Emergency Preparedness is to  
19 examine every federal authority and resource of -- that can be  
20 brought to bear. As I earlier testified, we had -- I'd actually  
21 examined the use of this particular Act during the pandemic and  
22 determined that the threshold was not met. And throughout this  
23 event, I was aware of this and many other legislative options  
24 available to us. And so it was something that we were, you  
25 know, prepared to examine, but as you can see in my answer, the  
26 more fulsome answer below that, I was very clear that our work  
27 with the provinces was important, that -- and I talked about the  
28 Ontario steps that they had taken with their own *Emergency Act*.

1 And as I believe we said we will see if their effectiveness is  
2 sufficient to bring the situation in Ontario under control and,  
3 as I've said, we -- I don't believe that we had, at the time of  
4 this discussion on the Sunday morning, reached that decision and  
5 I was indicating that we were prepared to look at every option.

6 **MS. STEPHANIE BOWES:** But you'll agree your  
7 answer was that it under very fulsome consideration, so it's not  
8 just a background option, it's something that you were seriously  
9 considering, correct?

10 **MINISTER WILLIAM BLAIR:** What I was attempting to  
11 convey is that every option was on the table and we were  
12 prepared to examine every option and then to do what was  
13 required to bring about a peaceful resolution of these  
14 blockades.

15 **MS. STEPHANIE BOWES:** And I understand that you  
16 did ---

17 **COMMISSIONER ROULEAU:** Okay. I'm going to have  
18 to say that you're now more than double your time, so one last  
19 question is all I'll allow.

20 **MS. STEPHANIE BOWES:** All right. You will agree  
21 with me that by speaking on news programs on February 13th, you  
22 made the public aware that the federal government was  
23 considering the *Emergencies Act*, correct?

24 **MINISTER WILLIAM BLAIR:** I anticipated that the  
25 public was expecting their government to consider every option  
26 to bring about a peaceful resolution to these protests because  
27 it was hugely impactful, not just to the people of Ottawa and  
28 the communities impacted, but to the entire country.

1                   **MS. STEPHANIE BOWES:** All right. Thank you very  
2 much for answering my questions today, Minister Blair.

3                   **MINISTER WILLIAM BLAIR:** Thank you very much.

4                   **COMMISSIONER ROULEAU:** Okay. The Province of  
5 Saskatchewan, please.

6                   **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

7                   **MR. MICHAEL MORRIS:** Good evening, Minister. My  
8 name is Mike Morris and I'm counsel for the Government of  
9 Saskatchewan.

10                   Sir, will you agree with me that after the  
11 Cabinet meeting on February 13th, the prime minister was left  
12 with full discretion as to whether the *Emergencies Act* would be  
13 invoked the next day following his consultation with First  
14 Ministers?

15                   **MINISTER WILLIAM BLAIR:** Just to be clear, sir,  
16 because if I'm going to agree with you, I want to be precise ---

17                   **MR. MICHAEL MORRIS:** Yes.

18                   **MINISTER WILLIAM BLAIR:** --- the matter had been  
19 discussed at Cabinet. It was left to what we call ad referendum  
20 to the prime minister, but it was very clear to everybody that  
21 the prime minister's decision was contingent upon the  
22 consultation that he would undertake the following day with  
23 First Ministers.

24                   **MR. MICHAEL MORRIS:** Understood. My  
25 understanding is that Cabinet did not meet again then though,  
26 you know, until after the *Emergencies Act* was invoked. Is that  
27 fair?

28                   **MINISTER WILLIAM BLAIR:** Yes, sir.

1                   **MR. MICHAEL MORRIS:** Okay. So the prime minister  
2 did not then take the consultations back to Cabinet before  
3 invoking the Act, you'll agree with me?

4                   **MINISTER WILLIAM BLAIR:** And I believe, sir, that  
5 we had the Cabinet meeting, as you've indicated, the night  
6 before. There was a Cabinet discussion, but the final decision  
7 was left ad referendum to the prime minister following his  
8 consultations with the First Ministers.

9                   **MR. MICHAEL MORRIS:** I understand your answer.  
10                   Minister Blair, I understand you're the President  
11 of the Privy Council, correct?

12                   **MINISTER WILLIAM BLAIR:** Yes, I am.

13                   **MR. MICHAEL MORRIS:** On Friday we heard evidence  
14 from the deputy clerk of the Privy Council, and I'd like to pull  
15 up the transcript for some of the evidence given by the deputy  
16 clerk, Ms. Drouin.

17                   So Registrar, if we could pull up the transcript,  
18 it's TRN00000026?

19                   And spoiler alert, we're going to be looking at  
20 page 300 of the transcript where Ms. Drouin is giving evidence.

21                   All right. It will be 300 -- right, not on the  
22 PDF, but on the document itself.

23                   So can you go down just a little bit further?  
24 "Remember" is where I want to start. Okay. Up just a bit.  
25 Okay.

26                   This is Ms. Drouin's evidence from last week, and  
27 she says:

28                   "Remember that we also discussed today

1                   that the moment we talk about the  
2                   *Emergency Act*, that can trigger some  
3                   reactions, and that was the CSIS  
4                   assessment on the risk of triggering or  
5                   invoking the *Emergency Act*. So we were  
6                   quite aware that the moment that we  
7                   talk publicly about the *Emergency Act*,  
8                   the timeline to take a decision is very  
9                   short. It can be a go or no-go, but  
10                  you cannot wait." (As read)

11                 I'm just going to ask you to scroll down a little  
12                 bit further now please. Scroll down a little bit further.

13                 Thank you. No, no, up. Okay. Next paragraph:

14                   "You cannot put that in the domain  
15                   without taking a decision, and what we  
16                   were afraid happened very rapidly. The  
17                   moment we hang off the call on the FMM,  
18                   it was already out there that we were  
19                   thinking about the *Emergency Act*. So  
20                   this is why, you know, we were very  
21                   concerned and concerne that talking  
22                   about the *Emergency Act* will request a  
23                   very rapid decision, a no or a yes, but  
24                   a rapid decision." (As read)

25                 Now, you can probably anticipate my next  
26                 question, Minister, but it is, did you share Ms. Drouin's  
27                 concern about publicly talking about the *Emergencies Act*?

28                 **MINISTER WILLIAM BLAIR:** I think if I read this

1 correctly, the deputy clerk's concern is that after, a very  
2 important step in any process of invocation involves  
3 consultation with the First Ministers, and Deputy Drouin's  
4 concern appears to be that after that call, some of that  
5 information was being made public, which I think -- and I do  
6 understand the concern because it does -- although it's not the  
7 final decision, it does -- many might take an inference that  
8 this was likely to happen. That, in my opinion, is different  
9 than suggesting we were considering all options, which it was a  
10 conversation that we had -- I had had a number of times prior to  
11 that.

12 But if the deputy's concern, quite frankly, I  
13 have great respect for the deputy, and if this was a concern she  
14 had -- and it aligns somewhat with CSIS's advice that the  
15 invocation of the Act could result in a violent reaction from  
16 some.

17 **MR. MICHAEL MORRIS:** Okay. My friend for counsel  
18 for the Government of Alberta referred to your interview with  
19 Mercedes Stephenson. I understand you also gave an interview  
20 with Rosemary Barton on Sunday morning, February 13th. Is that  
21 correct, Minister?

22 **MINISTER WILLIAM BLAIR:** Yes, sir.

23 **MR. MICHAEL MORRIS:** And that was on Rosemary  
24 Barton Live.

25 I understand at that time, you advised Ms. Barton  
26 that the IRG had been having daily discussions about the  
27 potential invocation of the *Emergencies Act*. Is that fair?

28 **MINISTER WILLIAM BLAIR:** I'd actually have to see

1 that to understand the precise language. I was trying to be --  
2 and it was always my intent to be very precise, that we were  
3 considering all of our options including the *Emergencies Act*,  
4 but that no decision had yet been made.

5 **MR. MICHAEL MORRIS:** Do you recall telling Ms.  
6 Barton that, "The police now have new authorities and very  
7 effective tools. We just need the police to do their job"?

8 **MINISTER WILLIAM BLAIR:** Yes, I do, and I was  
9 referring to the new authorities as those that had come from the  
10 Province of Ontario with the invocation of their *Emergencies*  
11 *Measures* and as well the regulations that they had brought in on  
12 the Saturday.

13 **MR. MICHAEL MORRIS:** And do you also recall  
14 stating that it was somewhat inexplicable why enforcement was  
15 not happening?

16 **MINISTER WILLIAM BLAIR:** I was asked if I could  
17 explain the law enforcement's response, and I said it was  
18 somewhat inexplicable, and my meaning there, I hope was clear,  
19 that I could neither explain nor account for law enforcement's  
20 response. I think that's up to them.

21 **MR. MICHAEL MORRIS:** Okay. Did you think that  
22 your statements might suggest that a decision needed to be made  
23 fairly promptly about invoking the *Emergencies Act* or not?

24 **MINISTER WILLIAM BLAIR:** I don't believe that  
25 that would have influenced either the prime minister or the  
26 first ministers in their deliberations.

27 **MR. MICHAEL MORRIS:** I understand that you were  
28 not present at the First Minister's meeting held on February

1 14th; is that correct?

2 **MINISTER WILLIAM BLAIR:** Yes, sir, that's  
3 correct.

4 **MR. MICHAEL MORRIS:** Now, in your view, would it  
5 have been appropriate to advise what that meeting was going to  
6 be about before the start of the meeting?

7 **MINISTER WILLIAM BLAIR:** You're asking me to  
8 speculate on something, frankly, I have no knowledge of and I  
9 was not part of that meeting.

10 **MR. MICHAEL MORRIS:** If you were a premier, would  
11 you have preferred being advised in advance about what a First  
12 Minister's meeting is going to about?

13 **MINISTER WILLIAM BLAIR:** That's quite a  
14 hypothetical, sir, and I've never thought about being a premier.

15 **COMMISSIONER ROULEAU:** You're well over time, so  
16 with that answer, you're going to have to wrap up please.

17 **MR. MICHAEL MORRIS:** Last question. Thank you,  
18 Commissioner.

19 Minister, from your perspective, would there have  
20 been any risk to advising the premiers about what the First  
21 Minister's meeting was going to be about?

22 **MINISTER WILLIAM BLAIR:** Respectfully, sir, I  
23 don't believe I'm in a position to assess that risk.

24 **MR. MICHAEL MORRIS:** Okay. That's my last  
25 question, so thank you for answering them.

26 **COMMISSIONER ROULEAU:** Thank you. Next is the  
27 Canadian Constitution Foundation.

28 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**



1                   **MR. SUJIT CHOUDHRY:** Minister Blair, good  
2 evening. My name is Sujit Choudhry. I am counsel for the  
3 Canadian Constitution Foundation.

4                   I have some questions for you about some remarks  
5 you made or evidence you provided in your witness statement  
6 regarding the sequencing of requests by the OPS to the OPP and  
7 the RCMP.

8                   And so just for the sake of time, I'd prefer not  
9 to call it up, although I will if you'd like to refresh your  
10 memory, but do you recall you said that the City of Ottawa and  
11 the OPS were not following the proper procedure for requesting  
12 resources because requests for police resources in Ontario are  
13 formally governed by section 9 of the *Police Services Act*?

14                  **MINISTER WILLIAM BLAIR:** And I had -- I believe I  
15 expanded upon that evidence in my examination in-Chief earlier  
16 today, sir, that I am familiar, of course, with a number of  
17 circumstances where various police services may seek and obtain  
18 assistance from others. I was also just simply pointing out to  
19 counsel that there is a provision within the *Police Services Act*  
20 that allows for a police chief dealing with an emergency that  
21 exceeds the capacity of his Police Service to manage, there is a  
22 section in the Act that allows him to request assistance from  
23 the OPP.

24                  **MR. SUJIT CHOUDHRY:** And Minister Blair, would  
25 you agree that that provision, although it authorises a  
26 municipal police force or a chief of police to seek assistance  
27 from the OPP, it doesn't require that they go first to the OPP  
28 before going to the RCMP?

1           **MINISTER WILLIAM BLAIR:** No, and in fact, they --  
2 well, again, depending on the circumstances, they often go to  
3 neighbouring police services. I can tell you from experience in  
4 Toronto Police Service we very frequently assisted other  
5 municipalities because we had a fairly robust and well-  
6 established Public Order Unit that we would assist those other  
7 Police Services.

8           **MR. SUJIT CHOUDHRY:** And so you'll the tripartite  
9 calls that Chief Sloly participated on, on February 7th and 8th?

10          **MINISTER WILLIAM BLAIR:** Yes, sir.

11          **MR. SUJIT CHOUDHRY:** And you had a brief  
12 interaction with him. And this was after the request for  
13 policing resources was sent simultaneously by Mayor Watson and  
14 Chair Deans, both to Ontario and to the Federal Government, and  
15 this type of concern about sequencing it wasn't ever relayed to  
16 him, was it?

17          **MINISTER WILLIAM BLAIR:** I did not discuss the  
18 *Ontario Police Services Act* with the Mayor.

19          **MR. SUJIT CHOUDHRY:** Right.

20          **MINISTER WILLIAM BLAIR:** My primary interaction  
21 was with the Mayor, and on the first tripartite meeting,  
22 Chief Sloly joined that call right at the end and we did not  
23 discuss.

24          **MR. SUJIT CHOUDHRY:** And you'd agree there is  
25 nothing in the *RCMP Act* that says that the RCMP can't respond to  
26 a request from a municipal police service?

27          **MINISTER WILLIAM BLAIR:** No, and in fact, they  
28 do, but there is -- actually, the *Ontario Police Services Act* is

1 silent to the RCMP, and the RCMP has some capacity to respond,  
2 but under normal circumstances it's somewhat limited.

3 **MR. SUJIT CHOUDHRY:** Sure. And this wasn't a  
4 normal circumstance, though, was it?

5 **MINISTER WILLIAM BLAIR:** No, I think as I've  
6 said, it was uniquely challenging for the City of Ottawa and in  
7 the multiple other jurisdictions that were being impacted by the  
8 blockades.

9 **MR. SUJIT CHOUDHRY:** And so if I could conclude  
10 here. So you'd agree that even though in the normal course it  
11 might be appropriate and it might be standard practice for a  
12 municipal police service in this province to first go to the  
13 OPP, or to other municipal police forces before going to the  
14 RCMP, perhaps in the case of the convoy and in the National  
15 Capital Region it might have been entirely appropriate to set  
16 aside that normal practice and go directly to the RCMP in  
17 parallel?

18 **MINISTER WILLIAM BLAIR:** I can tell you from long  
19 experience that the RCMP are actually a very important and  
20 valued partner in providing public safety services here in the  
21 National Capital Region and -- because they have a presence  
22 here, probably stronger than anywhere else in Ontario.

23 **MR. SUJIT CHOUDHRY:** Thank you, sir.

24 **MINISTER WILLIAM BLAIR:** Of course.

25 **COMMISSIONER ROULEAU:** Thank you.

26 Next is the DF/JCCF, Democracy Fund and ---

27 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

28 **MR. ROB KITTREDGE:** Minister Blair, I'm Rob

1 Kittredge, counsel for the Justice Centre for Constitutional  
2 Freedoms, and we share a standing at these hearings with the  
3 Democracy Fund and Citizens for Freedom.

4                   You understand that in order to declare a Public  
5 Order Emergency pursuant to the *Emergencies Act* there must be a  
6 threat to the security of Canada as that term is defined in  
7 section 2 of the *CSIS Act*; right?

8                   **MINISTER WILLIAM BLAIR:** Yes.

9                   **MR. ROB KITTREDGE:** And I guess let's put that  
10 definition up on the screen, please, just for reference.  
11 COM935, section 2.

12                   Are you familiar with the section 2 *CSIS Act*  
13 definition of a threat to the security of Canada?

14                   **MINISTER WILLIAM BLAIR:** Yes.

15                   **MR. ROB KITTREDGE:** CSIS themselves advised  
16 Cabinet that the protests didn't pose a section 2 *CSIS Act*  
17 threat. You were aware of their assessment, weren't you?

18                   **MINISTER WILLIAM BLAIR:** But I think context is  
19 really important, sir.

20                   **MR. ROB KITTREDGE:** Sure.

21                   **MINISTER WILLIAM BLAIR:** The advice that I  
22 understood from CSIS is that it did not meet the CSIS threshold  
23 for them to enable them to initiate an investigation, and they  
24 were very clear about that. But for the purposes of the  
25 *Emergencies Act* that definition I believe has a broader  
26 application that is contained within that definition. And it --  
27 really, violence and the threat of violence, I believe very  
28 clearly the threat of violence, I believe that, excuse me, the

1 threat of violence existed, and I also believe that the  
2 threshold for -- in that definition is different for the  
3 *Emergencies Act* than it was in the very narrow application of  
4 that definition to enable the -- CSIS to undertake an  
5 investigation.

6 **MR. ROB KITTREDGE:** All right. Then ---

7 **MINISTER WILLIAM BLAIR:** I worked -- I was  
8 previously the minister responsible for CSIS. I'm not  
9 unfamiliar with the extensive jurisprudence and very high  
10 standard that exists for CSIS to take that action.

11 **MR. ROB KITTREDGE:** In the interest of just  
12 trying to -- I'm hoping to understand your thinking a little bit  
13 better, and in the interest of trying to do that in five  
14 minutes, if you can help us get through this in, you know,  
15 shorter answers wherever possible that would be really  
16 appreciated.

17 You -- looking at this definition here, you  
18 haven't raised any concerns about espionage, sabotage, foreign  
19 interference, or a credible threat to overthrow the Government  
20 of Canada associated with the protests, have you?

21 **MINISTER WILLIAM BLAIR:** And again, I -- there  
22 was some concern, not the activities of a foreign state actor,  
23 but that there was some concern about foreign influenced  
24 activities detrimental to the interests of Canada, and as well,  
25 just to be very clear, I believe there was more than ample  
26 evidence to support the threat or the use of acts of serious  
27 violence, and that "or" is rather important ---

28 **MR. ROB KITTREDGE:** Right. Well, you ---

1                   **MINISTER WILLIAM BLAIR:** --- I think very many  
2 people felt threatened ---

3                   **MR. ROB KITTREDGE:** Okay, fair enough.

4                   **MINISTER WILLIAM BLAIR:** --- and intimidated.

5                   **MR. ROB KITTREDGE:** You outlined several concerns  
6 to Commission Counsel earlier, disruptions to supply chains,  
7 impacts on the flow of goods and services, disruptions to  
8 transportation, disruptions at the border, et cetera. These  
9 things may be undesirable and they may have an impact on  
10 Canadians, but they aren't in and of themselves serious  
11 violence, are they?

12                   **MINISTER WILLIAM BLAIR:** No, but I think there is  
13 underlying threat of serious violence. Just if I may very  
14 quickly give you an example: In our conversations with the  
15 police, both the RCMP in Alberta, and the Ottawa Police Service  
16 here in Ottawa, they were very concerned, and CSIS actually  
17 reaffirmed this concern, that any enforcement on their part  
18 could result in a violent and provoke a very violent response.  
19 I think as well, in all the people that we dealt with in Windsor  
20 and in Ottawa certainly the disruption of critical  
21 infrastructure was a very serious issue of national ---

22                   **MR. ROB KITTREDGE:** It's a very serious issue ---

23                   **MINISTER WILLIAM BLAIR:** Sorry.

24                   **MR. ROB KITTREDGE:** --- but it's not serious  
25 violence in and of itself. I mean, you spent a time ---

26                   **MINISTER WILLIAM BLAIR:** No, but ---

27                   **MR. ROB KITTREDGE:** --- earlier on today speaking  
28 to Commission Counsel about your concerns about the protests,

1 and you outlined concerns like the impact of the disruption to  
2 supply chains on Canadians ---

3 **MINISTER WILLIAM BLAIR:** I can ---

4 **MR. ROB KITTREDGE:** --- and you spent quite a bit  
5 of time on that.

6 **MINISTER WILLIAM BLAIR:** If I may finish, sir.

7 **MR. ROB KITTREDGE:** You didn't spend much time  
8 identifying any ---

9 **MINISTER WILLIAM BLAIR:** And I'm pleased to have  
10 the opportunity ---

11 **MR. ROB KITTREDGE:** --- real concerns about  
12 serious violence ---

13 **MINISTER WILLIAM BLAIR:** --- to do so now, sir.

14 **MR. ROB KITTREDGE:** --- did you?

15 **MINISTER WILLIAM BLAIR:** I believe that many  
16 Canadians experienced threats of violence, intimidation and fear  
17 as a result of the activities taking place in this protest.

18 **MR. ROB KITTREDGE:** Intimidation and fear aren't  
19 in and of themselves ---

20 **COMMISSIONER ROULEAU:** Just let him finish the  
21 answer, then you can ---

22 **MR. ROB KITTREDGE:** Well, I mean in the interests  
23 of getting me through this in five minutes and giving me a  
24 chance to ask ---

25 **COMMISSIONER ROULEAU:** Yeah, but if you don't let  
26 him answer then there's no point answering -- asking the  
27 questions.

28 **MR. ROB KITTREDGE:** Well, it's true. It's true.

1                   Intimidation and fear in and of themselves,  
2    though, aren't serious violence. I mean, the experience of  
3    intimidation and fear, serious violence means something, doesn't  
4    it?

5                   **MINISTER WILLIAM BLAIR:** Well, in -- threats of  
6    violence, and I think very many people felt very threatened by  
7    what was taking place. Quite frankly, intimidation and a very  
8    real apprehension of risk and danger as a result of these  
9    activities I think we heard from very many Canadians who were  
10   very sincerely fearful about these things. And we heard from  
11   the police who told us that just in the normal -- even writing -  
12   --

13                  **MR. ROB KITTREDGE:** You say ---

14                  **MINISTER WILLIAM BLAIR:** --- municipal bylaw  
15   tickets could precipitate a violent response ---

16                  **MR. ROB KITTREDGE:** And it didn't did it?

17                  **MINISTER WILLIAM BLAIR:** --- and so the police  
18   were very fearful of a violent reaction.

19                  **MR. ROB KITTREDGE:** But writing municipal bylaw  
20   tickets didn't incite a violent response did it?

21                  **MINISTER WILLIAM BLAIR:** Well, again, we were  
22   talking about a threat of violence, just merely the act.

23                  **MR. ROB KITTREDGE:** Right. So ---

24                  **MINISTER WILLIAM BLAIR:** You know, you if  
25   somebody gets punched or if ---

26                  **MR. ROB KITTREDGE:** --- can I just ---

27                  **MINISTER WILLIAM BLAIR:** --- something blows up  
28   that's crystal clear, but acts of -- threats, intimidation,



1 obstruction, all of those things can also be quite violent ---

2 **MR. ROB KITTREDGE:** So ---

3 **MINISTER WILLIAM BLAIR:** --- if they're  
4 experienced by Canadians.

5 **MR. ROB KITTREDGE:** --- there has been a lot said  
6 here in the last couple of minutes, and I'm probably -- I'm very  
7 close to if not over my time here. But I'd guess I'd like ask  
8 you, you're making a lot of noise about intimidation and threats  
9 of violence, but can you point me to any particular specific  
10 threat of violence or event as violent?

11 **MINISTER WILLIAM BLAIR:** Well sir, you've  
12 characterised my response as noise, but I was trying to answer  
13 your question.

14 **MR. ROB KITTREDGE:** Well, I appreciate that, but  
15 I'm just trying to cut through this and get an answer out of  
16 you.

17 **MINISTER WILLIAM BLAIR:** I can tell you we heard  
18 from very many Canadians who were very fearful about the  
19 activities of these blockades and protests. You know, they were  
20 afraid to walk down their street, they were intimidated and  
21 fearful, all those reactions. Some of the, you know, the  
22 symbols and other things that were on display were very  
23 threatening to very many Canadians. And frankly the threat of  
24 violence is every bit as impactful on a community and on  
25 individuals.

26 **MR. ROB KITTREDGE:** Okay.

27 **MINISTER WILLIAM BLAIR:** --- and therefore it  
28 became -- it was a very serious matter from my perspective.

1                   **MR. ROB KITTREDGE:** All right. The definition in  
2 Section 2 of the *CSIS Act* of a threat to the security of Canada  
3 doesn't capture everything that you, in your capacity as a  
4 Minister of Emergency Preparedness, would consider to be a  
5 threat to the security of Canada, does it?

6                   **MINISTER WILLIAM BLAIR:** I'm not sure what you  
7 mean. I think this definition is fairly comprehensive and  
8 includes the types of behaviours that I've referred to.

9                   **MR. ROB KITTREDGE:** But you would say that in  
10 your -- in your occupation as Minister of Emergency  
11 Preparedness, this sets the limit of what you would consider to  
12 be a threat to the security of Canada, Section 2 of the *CSIS*  
13 *Act*?

14                   **MINISTER WILLIAM BLAIR:** I think this defines  
15 what, in my opinion, would be a public order threat to the  
16 security of Canada. There can be other types of threats that  
17 were not necessarily evident here, a cyber attack, for example,  
18 that's targeted at critical infrastructure that shuts off a  
19 pipeline, or a power grid, or a water treatment plant. Those  
20 can also manifest themselves as threats. There is a significant  
21 threat there that doesn't necessarily involve physical violence  
22 in the first instance.

23                   **MR. ROB KITTREDGE:** Okay. And just a final  
24 question, it's your belief that this definition here in Section  
25 2 of the *CSIS Act* applies differently to *CSIS* than it does in  
26 the context of the *Emergencies Act*, right?

27                   **MINISTER WILLIAM BLAIR:** I'm aware in the way in  
28 which this definition applies to *CSIS'* authority, as determined

1 by the courts, to initiate an investigation, but I also believe  
2 that its reference in the *Emergencies Act*, that this a -- it  
3 needs to be looked at in a broader context than simply whether  
4 or not CSIS could go get a wiretap, for example. And there are  
5 -- there is, I think, very useful guidance here ---

6 **MR. ROB KITTREDGE:** So the ---

7 **MINISTER WILLIAM BLAIR:** --- to determine ---

8 **MR. ROB KITTREDGE:** --- *Emergencies Act* uses a  
9 different definition of a threat to the security of Canada than  
10 the *CSIC Act* does?

11 **MINISTER WILLIAM BLAIR:** No, I think that this  
12 definition, as provided within the Act, in my opinion, is  
13 appropriate and does, in fact, identify the events and the  
14 circumstance that we have described as a concern within the Act  
15 as in fact a threat to the security of Canada.

16 **MR. ROB KITTREDGE:** All right. Well, thank you  
17 very much. Those are my questions.

18 **MINISTER WILLIAM BLAIR:** Thank you.

19 **COMMISSIONER ROULEAU:** Okay, next is the CCLA,  
20 please.

21 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

22 **MS. CARA ZWIBEL:** Good evening, Minister Blair.  
23 My name's Cara Zwibel. I am counsel for the Canadian Civil  
24 Liberties Association. I just have a few minutes with you and I  
25 just want to ask you about those few days I guess between  
26 February 10<sup>th</sup> and the 14<sup>th</sup>. So I think this is when we switch  
27 from the SSE meetings to the IRG meetings; is that right?

28 **MINISTER WILLIAM BLAIR:** Yes.

1                   **MS. CARA ZWIBEL:** Okay. And is it fair to say --  
2 I mean I think probably starting at the end of January, but  
3 certainly by this time -- that the federal government was  
4 feeling significant pressure from many corners to do something  
5 about what was happening across the country?

6                   **MINISTER WILLIAM BLAIR:** Respectfully, I would  
7 characterize it that the government was feeling significant  
8 concern. We were concerned about the impact these protests were  
9 having on the people of Ottawa and the other communities  
10 impacted, on critical infrastructure, and in very many aspects  
11 of the country.

12                   **MS. CARA ZWIBEL:** Okay. And I mean this was a  
13 crisis not just at the borders but also at the seat of  
14 parliament? We had people in the Nation's Capital.

15                   **MINISTER WILLIAM BLAIR:** If I may, parliament  
16 continued to function throughout this, notwithstanding it was a  
17 challenge and noisy. I think the impacts, from my perspective,  
18 were far more significant on the people living in Ottawa, trying  
19 to do business in Ottawa, and, as well, in Windsor. And, you  
20 know, I'm also very mindful of the impact that these events were  
21 having on people's ability to make a living, to go about their  
22 business. It was very impactful on a lot of people in a lot of  
23 different places.

24                   **MS. CARA ZWIBEL:** And around this time, the -- so  
25 the 10<sup>th</sup> -- I believe it's the 11<sup>th</sup> when Ontario uses its -- it  
26 invokes its emergency under the *Emergency Management and Civil*  
27 *Protection Act*.

28                   **MINISTER WILLIAM BLAIR:** M'hm.

1           **MS. CARA ZWIBEL:** Now -- so that's the 11<sup>th</sup>, and I  
2 think we learned that the 12<sup>th</sup> is when the orders under that act  
3 were actually published, so the actual sort of operative  
4 provisions that gave police the authorities under that Act came  
5 into existence on the 12<sup>th</sup>.

6           **MINISTER WILLIAM BLAIR:** That's my recollection,  
7 yes.

8           **MS. CARA ZWIBEL:** Okay. Now, then we have the  
9 13<sup>th</sup> where there's an IRG meeting. Was there any consideration I  
10 guess by you -- I'm not asking you to disclose the deliberations  
11 of cabinet -- but any consideration around giving the Ontario  
12 orders some time to work?

13           **MINISTER WILLIAM BLAIR:** I can tell you I had  
14 asked my staff for a full list of the Ontario measures that were  
15 enacted the day before. I also looked their utility and whether  
16 they would address the concerns that had been raised to us about  
17 -- and I'll just give you some quick examples, if I may. One of  
18 the things that we had heard from a number of jurisdictions is  
19 the difficulty in compelling tow trucks to come to provide  
20 assistance. I looked at the Ontario regulations and, although  
21 it allowed for those tow trucks, it didn't compel. And we were  
22 a little bit concerned about its limitations.

23           There was also nothing in there, as I recall,  
24 that dealt with some of the real challenges we had in tracing  
25 the financial elements of this in the crowdfunding, who was  
26 donating that money, where it was going, and so we believed that  
27 there was a need to address that. How we eventually got there,  
28 there was still considerable deliberations going on but, again,

1 the limitations of the federal statute -- and they also did not  
2 have the ability to designate certain spaces where -- which was  
3 a concern as well because, you know, we were concerned they were  
4 concentrating, for example, on Wellington. I was very concerned  
5 about their ability to go back to a municipal intersection just  
6 off the Ambassador Bridge.

7                   And so we looked at whether or not the Ontario  
8 regulations provided us with adequate assurance that those  
9 matters could be dealt with. And although they were very  
10 welcome -- I want to be very clear that I was very appreciative  
11 of the work that Ontario had done and the measures that they  
12 brought forward -- in my opinion, after examination of them,  
13 they didn't address all of the deficiencies and the lack of  
14 tools that we had identified.

15                   **MS. CARA ZWIBEL:** Okay. Now, would you say that  
16 at this point you and perhaps some of your colleagues in the  
17 federal government are feeling embarrassed about what's  
18 happening in Canada, feeling that there's international  
19 attention and looks like Canada's struggling to deal with the  
20 situation?

21                   **MINISTER WILLIAM BLAIR:** No, respectfully, I've  
22 never indulged myself in, you know, feelings of embarrassment.  
23 I've got a job to do. We have a responsibility to protect  
24 Canadians, to protect critical infrastructure in this country,  
25 and to respond appropriately to unlawful activity. I,  
26 personally, and I believe all of my colleagues, were deeply  
27 motivated by our responsibility to Canadians to do what was  
28 required to restore the rule of law and peace.

1           **MS. CARA ZWIBEL:** Okay. Can we turn up  
2 SSM.NSC.CAN00002999? And this is another text message between  
3 you and your chief of staff. Now, I don't think we have dates  
4 on most of these.

5           **MINISTER WILLIAM BLAIR:** I recall this.

6           **MS. CARA ZWIBEL:** Okay. And I think this is you  
7 on this side of the screen:

8                               "I'm wondering if anyone else is  
9                               embarrassed that the protest on  
10                              Wellington is expanding, dozens of new  
11                              Porta-potties and a new stage. I'm  
12                              embarrassed for my former profession  
13                              and worried for my government which is  
14                              being made to look very weak and  
15                              ineffective. I can't believe that I'm  
16                              hoping that Doug Ford will save us."

17           **MINISTER WILLIAM BLAIR:** And again, my remarks  
18 obviously are intemperate, and I regret that. But let me be  
19 very clear, I was very concerned by a number of things. First  
20 of all, there was an expansion in some of the protest activity  
21 that was taking place in Ottawa. I was hearing very clearly how  
22 concerned the people of Ottawa were about that -- not just the  
23 activity that was taking place but that it appeared to become  
24 even more entrenched. There was also a lot of public discourse  
25 and particularly in Ottawa but in other places as well about  
26 people losing confidence in the police, and trust and confidence  
27 in the police is absolutely essential for them to do their job.  
28 And so I was very concerned about the impact that the apparent

1 ineffectiveness of the police to deal with this was causing in  
2 the public's confidence in their competence and their ability to  
3 resolve this.

4                   And finally, one of the things that we were also  
5 hearing, a lot of people were very confused about who is  
6 responsible for policing in the City of Ottawa. And, you know,  
7 for most people, they don't differentiate between the  
8 responsibilities of different orders of government. And what I  
9 was also hearing is that many people assumed that the federal  
10 government was responsible for this, and my comment is -- was  
11 that I knew it was primarily the provincial responsibility, the  
12 province's responsibility under their Police Services Act to  
13 take certain steps, and I was hoping that they would take those  
14 steps. And, by the way, subsequently, on, I believe, December  
15 11<sup>th</sup>, they did in fact pass their own *Emergencies Act* and  
16 introduce regulations on the 12<sup>th</sup>.

17                   **MS. CARA ZWIBEL:** And I know I'm out of time.  
18 Can I just have one more moment to wrap up? Thank you,  
19 Commissioner. So the IRG on the 13<sup>th</sup>, and then there's a cabinet  
20 meeting the night of the 13<sup>th</sup> as well, and then the following  
21 morning is when there's the First Minister's meeting and the Act  
22 is invoked. But we know that the morning or overnight leading  
23 into the 14<sup>th</sup> the blockade at Coutts was dealt with and arrests  
24 were made, and the Ambassador Bridge, I believe, had also been  
25 cleared. Is there anything that could have happened between the  
26 13<sup>th</sup> and the 14<sup>th</sup> that in your view would have caused the  
27 Government or should have caused the Government to pause and say  
28 perhaps we don't need to take this nuclear option that we're



1 about to take?

2                   **MINISTER WILLIAM BLAIR:** Well, think of the  
3 question. I want to be very clear, we approach, and certainly  
4 my approach to this, but I believe an approach shared by my  
5 colleagues and the Prime Minister, we approached the invocation  
6 of the *Emergency Act* with great caution, with real reluctance.  
7 We saw it as a last resort. And we were prepared to do what was  
8 required but only if required and only for as long as was  
9 required. And so throughout all of our deliberations, there was  
10 that concern.

11                   You asked what circumstances might have enabled  
12 us to say we're done. If we'd been able to receive some  
13 assurances, but, you know, the blockade at Coutts had gone on  
14 for almost I think 13 days. Its resolution was not as a result  
15 of the, you know, the towing away of those trucks with people  
16 deciding to leave. It was as a direct result of an RCMP  
17 investigation where several people were arrested, charged with  
18 very serious criminal offences and seizure of quite a number of  
19 weapons, and then they moved very quickly. We still had  
20 significant blockades at Emerson. We were seeing them at the  
21 Pacific Highway. Although the Ambassador Bridge had been  
22 reopened, there was lots of intelligence suggesting that they  
23 would return. Police were telling us they had the ability to  
24 clear it but not the ability to hold it. And we were hearing of  
25 an intention to go to Point Edwards Bridge at Sarnia, to go to  
26 the Peace Bridge, to go to other bridges, all of which would  
27 have had a similar effect of significantly impacting Canadians  
28 and Canadian interest. And so we were still dealing with a set

1 of circumstances where, although, yes, some very positive things  
2 had happened at Coutts and at Windsor, the threat that existed  
3 had not yet abated, and we were still dealing with that.

4 **MS. CARA ZWIBEL:** Thank you very much. Those are  
5 my questions.

6 **COMMISSIONER ROULEAU:** Okay. Next the Criminal  
7 Lawyer's Association.

8 **--- CROSS-EXAMINATION BY MR. GREG DELBIGIO:**

9 **MR. GREG DELBIGIO:** Minister, my name is Greg  
10 DelBibio. I'm one of the lawyers representing the Criminal  
11 Lawyer's Association and the Canadian Council of Criminal  
12 Defence Lawyers.

13 You have testified that, in your view, reliance  
14 upon the *Emergencies Act* was a matter of last resort, and I'm  
15 going to pick up on that theme; okay? When Commission Counsel  
16 asked you questions, which now probably feels like some time  
17 ago, he asked you questions about why there was -- about  
18 mistrust between, as I understood it, police agencies. He used  
19 the phrase ships passing in the night. He in a question  
20 suggests there was confusion and disagreement about what -- who  
21 goes where and does what. Your answer to that was in reference  
22 to governance. But my question is, as you look back today, to  
23 what extent do you believe that better communications or  
24 effective communications between police agencies and within  
25 police agencies might have avoided the need for resort upon the  
26 *Emergencies Act*?

27 **MINISTER WILLIAM BLAIR:** And, first of all, let  
28 me agree vigorously that good communications within police

1 services and between police services is very important in them  
2 doing the important job that we task them with in our society to  
3 keep the public safe. What we were also dealing with however in  
4 government was the reality that that communication perhaps had  
5 not been as effective and, as a result of, you know -- and  
6 again, it's not my job here to assess responsibility, but the  
7 reality was, this had persisted for a very long time. In many  
8 respects, it had gotten more difficult and dangerous, and we  
9 were concerned that it had to be resolved. And so, you know,  
10 I'm in complete agreement that good communications within police  
11 services and between police services, and I would also add  
12 between those governance bodies responsible for policing and the  
13 public, those communication's really critically important on all  
14 aspects of this. But in the event that that had not been as  
15 effective as perhaps we would have preferred or wanted it to be,  
16 we were dealing with a situation that was uniquely challenging  
17 and required, unfortunately, and my opinion, an extraordinary  
18 response.

19 **MR. GREG DELBIGIO:** You looked at the *Emergencies*  
20 *Act* because circumstances pushed it onto your plate, and you had  
21 to deal with it?

22 **MINISTER WILLIAM BLAIR:** Well, my responsibility  
23 is to look at all federal authorities and existing legislation.  
24 And because of, frankly, my background, I also look at municipal  
25 by-laws and their application and, like, Ontario statutes such  
26 as the *Highway Traffic Act*, which can also be applicable and  
27 useful in these circumstances. And so one of my  
28 responsibilities is to look at every legal authority. I've

1 already mentioned, for example, at Windsor, we looked at the  
2 *International Bridges and Tunnels Act* to see if there was any  
3 application that that would assist us with. And what we found  
4 in the unique and challenging circumstances that police and  
5 communities were confronted with as a result of these blockades,  
6 there were, I think, a need to additional tools and authorities  
7 to enable them to affect the important lawful purpose of  
8 restoring the peace.

9 **MR. GREG DELBIGIO:** And finally, Minister, when  
10 you testified that -- about your belief that the *Emergencies Act*  
11 is a matter of last resort, that's not just a personal  
12 preference you're expressing. That's your belief with respect  
13 to what the law requires; right?

14 **MINISTER WILLIAM BLAIR:** Yes, I believe that is a  
15 requirement that -- and as well, the law also requires that it  
16 be *Charter* compliant, that it be time-limited, and that -- and,  
17 you know, it also provides a number of Parliamentary processes  
18 and an inquiry. All of those are very high standards that the  
19 law puts in place, and in my opinion, appropriately high  
20 standards.

21 **MR. GREG DELBIGIO:** Thank you. Those are my  
22 questions.

23 **COMMISSIONER ROULEAU:** Thank you. Call on the  
24 Government of Canada, please.

25 **MR. BRENDAN MILLER:** Commissioner?

26 **COMMISSIONER ROULEAU:** Yes.

27 **MR. BRENDAN MILLER:** Before he begins, my  
28 colleagues at the Government of Canada have moments ago provided

1 some unredacted records finally based on our motions. One of  
2 those records is relevant and material to this witness  
3 extraordinarily. And if my friend -- I'd be asking to deviate  
4 on that basis because they were just provided moments ago, to be  
5 able to ask this witness for five more minutes, so I may  
6 question him about this new document. I can advise it's  
7 February 12<sup>th</sup> minutes read out from a Ministerial meeting about  
8 this very issue, and it's very enlightening.

9 **COMMISSIONER ROULEAU:** Does it involve this  
10 witness?

11 **MR. BRENDAN MILLER:** It does.

12 **COMMISSIONER ROULEAU:** What's your position on  
13 that?

14 **MR. BRENDAN van NIEJENHUIS:** I'm trying to sort  
15 that out right now as I'm not aware of what my friend is  
16 speaking of in terms of the specific document. I see that  
17 there's been a response sent from the Government of Canada with  
18 respect to one of my friend's motions with an attachment to it.  
19 And frankly, Commissioner, I don't think I'm informed enough nor  
20 are those at the Counsel table at the moment to respond to what  
21 my friend has. If we took two minutes, we may be able to get  
22 there.

23 **COMMISSIONER ROULEAU:** Yeah, maybe we'll take  
24 five minutes, a five-minute break and probably the witness can  
25 appreciate it. It's been a long afternoon, evening. So we'll  
26 take five minutes and then maybe you can sort it out and we can  
27 come back, because obviously, it's better to have the  
28 questioning before your final questioning. And you can also

1 deal with Commission Counsel. I don't know if they can help,  
2 but I'm sure they're willing to help if possible.

3 Okay. Thank you. We'll take five minutes, and  
4 you can -- Commission Counsel will come and get me if it's ---

5 **THE REGISTRAR:** The Commission is in recess for  
6 five minutes. La commission est levée pour 5 minutes.

7 --- Upon recessing at 7:21 p.m.

8 --- Upon resuming at 7:27 p.m.

9 **THE REGISTRAR:** Order. À l'ordre.

10 The Commission is reconvened. La Commission  
11 reprend.

12 **--- MINISTER WILLIAM BLAIR, Resumed:**

13 **COMMISSIONER ROULEAU:** Okay. Has it been sorted  
14 out?

15 **MR. BRENDAN van NIEJENHUIS:** Commissioner, I've  
16 had a chance to speak with my friend with respect to the lifting  
17 of a redaction in Document SSM.CAN.NSC.00002872 and I've  
18 undertaken to my friend that I'm happy to ask the witness, I'm  
19 not sure if it's technically feasible to put it on the screen,  
20 but to ask the witness the question whether he was advised of  
21 the information that has now been unredacted in a document  
22 that's previously been seen as a Ministerial Update read out.

23 **COMMISSIONER ROULEAU:** Okay. And is that  
24 acceptable?

25 **MR. BRENDAN MILLER:** No, I advised my friend it  
26 wasn't. I would like to ask five minutes worth of questions.  
27 That's it, sir. That's all I would ask.

28 **COMMISSIONER ROULEAU:** Okay. Well I think I'm

1 going to exercise my discretion and let the Convoy ask a few  
2 questions.

3 And the reason is, this has been a very difficult  
4 inquiry, given the time constraints. The Government has had a  
5 lot of pressure to produce documents, and we're very  
6 appreciative of their continuing efforts. And similarly, with  
7 redactions, redactions have been done quickly, and in some  
8 cases, we appreciate the government reviews those redactions and  
9 can then provide more clarity when -- after they review them.

10 And all of this is, I think, to the Government's  
11 credit.

12 Having said that, it does, in some cases, result  
13 in parties have missed opportunities. And I would feel much  
14 better allowing the Convoy to do the five minutes if they hadn't  
15 well exceeded their time, but in the circumstances, I'm still  
16 prepared to give them some time.

17 And it's no negative reflection on the  
18 Government, nor on your ability to question. I'm not  
19 questioning that you would do it fairly. It's simply in  
20 recognition of the circumstances we're operating under, and I  
21 think an accommodation is appropriate.

22 **MR. BRENDAN van NIEJENHUIS:** I accept that, Your  
23 Honour.

24 **COMMISSIONER ROULEAU:** Okay. So we'll give him -  
25 - but it is -- please be respectful of what the ruling is.

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

27 **MR. BRENDAN MILLER:** So hopefully this is already  
28 in Relativity. It is Document SSM.CAN.NSC.0000287220, I think.

1 Is that -- do you have it? Great. Thank you.

2 So, Minister, this is the 1:00 p.m. Ministerial  
3 Update read out. And you can scroll up and see it's a read out  
4 of what happened at your Ministerial Meeting on February 12<sup>th</sup>,  
5 2022. All right?

6 And if we can scroll down to the second page,  
7 please? Where it says "Ottawa"? Thank you.

8 So I just didn't know if you were made aware of  
9 this. Essentially, right there, it says "Plan" -- this is the  
10 third from the bottom.

11 "Plan presented yesterday to Sloly for  
12 approval. OPP, RCMP have approved. Will  
13 further present to Minister. Meeting with  
14 Sloly at 2:00." (As read)

15 You're aware of that? You're aware that was what  
16 was advised on February 12<sup>th</sup>?

17 **MINISTER WILLIAM BLAIR:** I was present at that  
18 meeting, and although I don't have a specific memory of every  
19 point that's listed here, I believe this was part of the  
20 discussion.

21 **MR. BRENDAN MILLER:** Right. And you can agree  
22 with me that the plan presented was the one from the Deputy  
23 Minister of Public Safety, Minister Stewart?

24 **MINISTER WILLIAM BLAIR:** And I don't have any  
25 information on, like, whether the Deputy Minister was -- I have  
26 no recollection of what you've just said, ---

27 **MR. BRENDAN MILLER:** Okay.

28 **MINISTER WILLIAM BLAIR:** --- and so I'm unable to



1 agree with you.

2                   **MR. BRENDAN MILLER:** Right. And are you aware,  
3 and it's already in evidence, that on February 12<sup>th</sup> at 5:00 p.m.,  
4 Deputy Di Tommaso, Deputy Minister Di Tommaso, texted with Chief  
5 Sloly, and he too approved the plan?

6                   **MINISTER WILLIAM BLAIR:** I have no knowledge of  
7 that.

8                   **MR. BRENDAN MILLER:** Well, if that's the case,  
9 and all of the police in the jurisdiction of Ottawa approved the  
10 plan, why did you invoke the *Emergencies Act*?

11                   **MINISTER WILLIAM BLAIR:** The invocation of the  
12 *Emergencies Act* was not contingent upon an approved plan; it was  
13 contingent upon what was necessary to bring about a peaceful  
14 resolution.

15                   **MR. BRENDAN MILLER:** But isn't the RCMP, the OPP,  
16 and the OPS approving a plan that isn't the *Emergencies Act*,  
17 isn't that what law enforcement advised you to do?

18                   **MINISTER WILLIAM BLAIR:** And again, I wasn't  
19 getting advice from law enforcement. We were getting  
20 information from law enforcement. I don't have any insight at  
21 all into whatever plan may have been devised by them. I had  
22 every expectation that they were working together and would  
23 develop a plan, but I don't know its particulars.

24                   And frankly, our decision was based on the threat  
25 assessment, the determination of the circumstances that existed  
26 across the country, and yes, I think it's a positive development  
27 that the police are working together in a plan, but the  
28 execution of that plan had not yet been realized and the threat

1 had not yet ---

2 **MR. BRENDAN MILLER:** Last question. The plan,  
3 all right, the engagement plan or proposal, in all of the  
4 Cabinet minute meetings where it was discussed -- it's attached  
5 to the minutes as a document that was discussed, so I take it,  
6 can you agree that the engagement proposal, you had that  
7 document, right?

8 **MINISTER WILLIAM BLAIR:** I don't know that's what  
9 they're referring to in the document you put in front of me  
10 today.

11 **MR. BRENDAN MILLER:** Right. So thank you.

12 **COMMISSIONER ROULEAU:** Okay. Now I'm calling on  
13 the Government of Canada again.

14 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

15 **MR. BRENDAN van NIEJENHUIS:** Thank you. It's  
16 Brendan van Niejenhuis for the Government of Canada.

17 Just on the last point, looking at that word  
18 "plan" in the bullet point my friend was taking you to, are you  
19 certain, sitting here today, which plan that referred to?

20 **MINISTER WILLIAM BLAIR:** No, sir. I make an  
21 assumption that it was the police operational plan, but I've  
22 never been given the details of their planning. I've never  
23 asked for it and did not require it.

24 **MR. BRENDAN van NIEJENHUIS:** Okay. So is it --  
25 looking at what's noted there, is it equally possible, sitting  
26 here today, as far as you know, that that's the engagement plan  
27 as opposed to an enforcement plan?

28 **MINISTER WILLIAM BLAIR:** And I don't know and

1 wouldn't -- I don't think it's appropriate to try to venture a  
2 guess. You know, it's clear that there was discussion that they  
3 had come to an agreement with respect to a plan, but I don't  
4 know its particulars.

5 **MR. BRENDAN van NIEJENHUIS:** All right. I would  
6 like to come back now to the broader issues here and ask you  
7 some questions about the environment that you were assessing,  
8 and as one of a number of members of Cabinet.

9 This morning Commission counsel asked -- or this  
10 afternoon Commission counsel had asked you a number of questions  
11 about your perspective on the policing of the protest which  
12 included a couple of well-known protest events that occurred  
13 when you were the chief of police at the Toronto Police Service.  
14 Do you recall them taking you through the 2009 Tamil protests,  
15 for example?

16 **MINISTER WILLIAM BLAIR:** Yes, sir.

17 **MR. BRENDAN van NIEJENHUIS:** And another well-  
18 known protest event in Toronto when you were the chief was the  
19 G20 held in June of 2010, right?

20 **MINISTER WILLIAM BLAIR:** Yes, sir.

21 **MR. BRENDAN van NIEJENHUIS:** I think you and I  
22 are both quite familiar with that event, as well as the later  
23 process of accountability for some of the orders that were given  
24 by the bronze-level incident commander on the Sunday June 27th?

25 **MINISTER WILLIAM BLAIR:** Yes, sir.

26 **MR. BRENDAN van NIEJENHUIS:** And as I recall the  
27 evidence, in that example, you ultimately intervened and ordered  
28 that an end be brought to certain of those operations when they

1 came to your attention?

2 **MINISTER WILLIAM BLAIR:** That's correct, sir.

3 **MR. BRENDAN van NIEJENHUIS:** I would like you to  
4 -- ask you to focus for a moment on the events in Toronto on  
5 Saturday, June the 26th in thinking about the scenario before us  
6 here in this Inquiry.

7 Do you recall what happened on June the 26th of  
8 2010 in Toronto?

9 **MINISTER WILLIAM BLAIR:** On the Saturday, sir?

10 **MR. BRENDAN van NIEJENHUIS:** Yes, sir.

11 **MINISTER WILLIAM BLAIR:** Yes, sir. There was a  
12 very difficult situation. What had been a relatively peaceful  
13 protest, although involving a very significant number of  
14 protesters, then there had been some incidents leading up to  
15 that, but on Saturday, unfortunately, a very significant portion  
16 of the protest began to riot tumultuously, is I think the  
17 appropriate term.

18 They were marching down towards the summit site.  
19 They turned and began running rapidly north, up Yonge Street,  
20 smashing windows as they went. There was a number of police  
21 cars that were set on fire and a number of my officers were  
22 injured as well.

23 **MR. BRENDAN van NIEJENHUIS:** Yes. And one of  
24 your officers was quite seriously injured as a result of the  
25 police car being attacked by protesters; is that right?

26 **MINISTER WILLIAM BLAIR:** He was injured and  
27 rescued from the vehicle which was subsequently set on fire.

28 **MR. BRENDAN van NIEJENHUIS:** Now, leading up to

1 that event, sir, were you aware that there was a not  
2 insignificant amount of advance information and intelligence of  
3 available with respect to certain actors, I think, most famously  
4 associated with the Black Bloc, actors that were shared with the  
5 Toronto Police Service?

6 **MINISTER WILLIAM BLAIR:** Yes, sir, I recall that  
7 vividly.

8 **MR. BRENDAN van NIEJENHUIS:** And those  
9 individuals and groups were assessed as intending to cause  
10 violence to property and potentially persons during the course  
11 of the G20 protest, yes?

12 **MINISTER WILLIAM BLAIR:** Yes, sir. That was the  
13 intelligence we'd received.

14 **MR. BRENDAN van NIEJENHUIS:** And in fact, am I  
15 correct that some of these identifiable groups or individuals  
16 warranted or were found to warrant the issuance and execution of  
17 search warrants in advance of the protest?

18 **MINISTER WILLIAM BLAIR:** Yes, sir, that's  
19 correct.

20 **MR. BRENDAN van NIEJENHUIS:** But the events you  
21 described on Saturday, June the 26th, they involved individuals  
22 who were not on your radar specifically, didn't they?

23 **MINISTER WILLIAM BLAIR:** That's correct, sir.

24 **MR. BRENDAN van NIEJENHUIS:** The groups that  
25 smashed stores and laid waste to a long section of Yonge Street  
26 in downtown Toronto, do you know whether all of them were a part  
27 of the target group assessed as subjects of interest ahead of  
28 the summit?

1           **MINISTER WILLIAM BLAIR:** I believe many of them  
2 were not previously identified as subjects of interest. We also  
3 -- I also believe, sir, that a number of people, frankly, get  
4 caught up in the moment and it's part of the mob mentality  
5 sometimes when people begin to riot that others who may not have  
6 come with that intention join in and it becomes very challenging  
7 for the police to restore.

8           **MR. BRENDAN van NIEJENHUIS:** Would the same -- do  
9 you have the same perspective with respect to what occurred on  
10 Queen Street West, where at least two of the burning police  
11 cars, I understand, occurred?

12           **MINISTER WILLIAM BLAIR:** Yes, sir. I recall  
13 watching that actually on video from police headquarters, and  
14 again, there was an element of that protest on Queen West which  
15 was directly related to a number of identified anarchist groups  
16 including the Black Bloc, but there were also very many other  
17 people that had not previously been identified who joined in.

18           **MR. BRENDAN van NIEJENHUIS:** Looking -- putting  
19 yourself back to the situation in the streets of Toronto on June  
20 the 26th, you were sitting there in the middle of that  
21 afternoon, would you have had any reason to think that obtaining  
22 more surveillance or monitoring authorities, the wiretap  
23 authorities would have been useful as a response to what was  
24 going on in the streets amongst that mass of people?

25           **MINISTER WILLIAM BLAIR:** That -- it is very  
26 difficult to say, if I may. I would also remind you, sir, that  
27 at that time, I was the chief of police in Toronto, but there  
28 was an integrated command team that was put in place, the

1 leadership of that response, planned well in advance and agreed  
2 to by all parties, was led by the RCMP. There was also  
3 integrated intelligence gathering units related to that.

4 Certainly, you know, we had a fair bit of  
5 intelligence available to us, but it was clearly not entirely  
6 complete.

7 I think, in hindsight, we could always have  
8 hopefully have done more.

9 **MR. BRENDAN van NIEJENHUIS:** Would that have been  
10 a useful Public Order response on June the 26th of 2010 when  
11 those events were occurring in plain sight on broadcast and  
12 social media in real time?

13 **MINISTER WILLIAM BLAIR:** Yes. Unfortunately, the  
14 law enforcement did not have the capacity to monitor all social  
15 media, and neither do we now, by the way, or neither do they now  
16 have that capacity.

17 But again, the extent of which more information  
18 is available, you know, better intelligence, can enable a more  
19 effective response.

20 **MR. BRENDAN van NIEJENHUIS:** Now, coming back to  
21 February the 14th or 13th, the period in question leading up to  
22 the invocation of the *Emergencies Act*, did you have a view about  
23 whether there was an atmosphere of lawlessness in the City of  
24 Ottawa?

25 **MINISTER WILLIAM BLAIR:** Yes, sir, and not -- I  
26 think to be very clear, not just simply characterized by you  
27 know, some of the activities which were bouncy castles and hot  
28 tubs, but there was a number of activities that were -- which

1 were concerning, as I viewed them.

2                   And for example, there was a very real concern  
3 being expressed by citizens about people bringing jerry cans  
4 full of gasoline into the demonstration site. It is rather  
5 unusual. I will tell you for, you know, inflammable liquids,  
6 potentially explosive liquids being brought into a demonstration  
7 site, it can create a manifestly dangerous situation.

8                   And so the police had said they were not going to  
9 allow it, but what we then witnessed is all sorts of people were  
10 coming into the site carrying jerry cans, some of which had  
11 water, some of which may have had a fluid, but it had the effect  
12 of thwarting the ability of the police to effect the purpose  
13 that they had stated that was their intention to keep those gas  
14 cans out of the area.

15                   And we saw -- you know, there was a clear  
16 anticipation of police tactics that was, I think, a very  
17 thoughtful effort to thwart those tactics and render them  
18 ineffective, which to me is also characterised, you know, a  
19 commitment to continue and persist with the unlawful activity.

20                   **MR. BRENDAN van NIEJENHUIS:** So when you draw on  
21 that example, when you assess the environment of lawlessness or  
22 relative lawlessness in that scenario, is your assessment based  
23 only on information received from public officials, intelligence  
24 agencies, and police channels, or does it include what you can  
25 see with your own eyes?

26                   **MINISTER WILLIAM BLAIR:** Yeah, I was obviously  
27 being briefed by our officials, but I was in the City of Ottawa  
28 at the time. I reside in the downtown area. I was in that area



1 and saw some of this behaviour firsthand.

2                   **MR. BRENDAN van NIEJENHUIS:** Where an environment  
3 of lawlessness persists for a protracted period, does that, in  
4 your view, affect the likelihood that there will be acts of  
5 serious violence against persons or property in a given city?

6                   **MINISTER WILLIAM BLAIR:** I think it can. I --  
7 you know, we also recognise that in areas where there is  
8 significant disorder, and that can manifest itself in many ways,  
9 but certainly during this protest, I think we could characterise  
10 a lot of the behaviour as significant disorder in the downtown  
11 core, it has the effect -- first of all, it has the effect on  
12 everyone else in the neighbourhood. The law-abiding citizens,  
13 they stop using public space, they stop shopping on their main  
14 streets, you know, they stay in their houses, lock their doors,  
15 put bars on the windows, and they're fearful of going outside  
16 and engaging with each other.

17                   And where that lawlessness becomes really  
18 entrenched, in my experience, that can actually create a very  
19 unsafe situation. And even behaviours that people might  
20 otherwise not be inclined to engage in more serious criminal  
21 behaviours, I think when you create a situation of significant  
22 disorder they're more likely to occur.

23                   **MR. BRENDAN van NIEJENHUIS:** We heard from  
24 Commissioner Carrique in this proceeding about his fears that  
25 his officers were being stretched between the extreme ends of  
26 this province, that is to say, Windsor and Ottawa, so that it  
27 would become impossible or extremely difficult at any rate to  
28 have an effective public order response occur in both places at

1 once. And my question for you, sir, is did you, looking from  
2 the federal perspective, did you have a similar concern about  
3 the stretching, potential stretching of resources amongst the  
4 RCMP?

5 **MINISTER WILLIAM BLAIR:** I was witnessing very  
6 clearly the challenges that the OPP was having, not just for  
7 their activities in Windsor and Ottawa, but also having to cover  
8 off, you know, the Peace Bridge, assisting the Niagara Regional  
9 Police, the Sarnia Police over at Point Edward. There was also  
10 other activities on other highways, 402, for example, all of  
11 which had the effect of really pulling and stretching the  
12 capacity to respond of the OPP and their policing partners in  
13 Ontario.

14 We also saw, for example, as a result of the  
15 Coutts blockade there was an Article 9 request from the Province  
16 of Alberta to move additional RCMP officers into Alberta to  
17 assist with managing that particular event. They were drawn  
18 primarily from British Columbia, but then we saw almost  
19 immediately there was protest and blockade activity taking place  
20 at Pacific Highway. So the place from which those resources had  
21 been drawn was then being challenged, and it appeared to be an  
22 effort to stretch even thinner limited police resources.

23 And you know, I think one of the things we heard  
24 very clearly from the Commissioner is that he had to make some  
25 very difficult choices about what he could do first and what he  
26 would then have to do subsequently because he just didn't have  
27 unlimited resources to bring to bear.

28 **MR. BRENDAN van NIEJENHUIS:** If there are

1 inadequate numbers of police officers available to maintain law  
2 and order in a given location, do you consider that that might  
3 affect the likelihood that there will be acts of serious  
4 violence that occur in that location against persons or  
5 property?

6 **MINISTER WILLIAM BLAIR:** I think it's very  
7 important to have enough resources to effect the lawful purpose.  
8 And I again, I leave that decision to the operational commanders  
9 on the ground, but in my experience, having insufficient people  
10 to deal with a substantial protest, and I've been involved in  
11 protests where we were in our dozens up against thousands, and  
12 it becomes extremely difficult to bring that situation to a  
13 peaceful conclusion.

14 **MR. BRENDAN van NIEJENHUIS:** I'd like to ask you  
15 about the risk of counterprotest. Do you see that as a relevant  
16 risk in a protest situation where a risk of counterprotest  
17 develops in terms of ---

18 **MINISTER WILLIAM BLAIR:** It can be. And I want  
19 to be very clear that I know that there was a high level of  
20 frustration in Windsor and in Ottawa and in other places with  
21 the blockades that were taking place, and I did not see evidence  
22 of a violent response, but when there has been counter  
23 demonstrations, the police are also very challenged to sort of  
24 stand between the two protesting groups to maintain the peace  
25 between them, and that can be a very challenging environment.

26 And it's because people who become quite upset  
27 and emotional and feel that they're being treated unfairly may,  
28 and I say may very carefully because we did not see evidence of

1 this in Ottawa, certainly, but they can become quite agitated  
2 and upset and that could lead to confrontation.

3 **MR. BRENDAN van NIEJENHUIS:** Did it affect your  
4 sense whether there was a risk of serious violence against  
5 persons or property when you learned about the seizure of a  
6 large quantity of guns, ammunition and body armour from Coutts  
7 on February 14th?

8 **MINISTER WILLIAM BLAIR:** Actually, I had been  
9 advised earlier in the week, I believe around the 10th, by the  
10 RCMP Commissioner speaking at a -- an IRG that I had convened,  
11 that there was concern about the presence of firearms at Coutts.  
12 That immediately alerted -- like for me was a very significant  
13 potential escalation of violence and risk at that site, you  
14 know, it's -- where the police advised that they had that  
15 information and that they were dealing with it. And when the  
16 investigation was complete, I believe on the morning of or the -  
17 - on the 13th going over into the 14th, and they began making  
18 arrests, the weapons that were seized, the charges that were  
19 laid were deeply concerning.

20 And I won't and I can't comment on any aspect of  
21 that matter now before the courts, but I can tell you it was  
22 deeply concerning that -- and that's not to suggest, I want to  
23 be very clear, that's not to suggest that I came to believe that  
24 everyone involved in these protests was potentially armed, but  
25 it was deeply concerning that embedded within that protest in  
26 Alberta was a number of people who did appear to be armed and  
27 that there clearly was some evidence that they intended to cause  
28 harm.

1                   **MR. BRENDAN van NIEJENHUIS:** Did it have any  
2 effect on your view of the likelihood or the risk level that  
3 there would be acts of serious violence against persons or  
4 property in Ontario when you learned on February 13 of the theft  
5 of a trailer of 2,000 guns near Peterborough, Ontario?

6                   **MINISTER WILLIAM BLAIR:** Yeah, that was  
7 concerning, and we were getting information from the police.  
8 I'm aware as well that subsequently it was determined that that  
9 was not related to the protest activities, but in the moment of  
10 their theft, and not knowing where they were, it was concerning  
11 that there was that many guns out there in unknown hands.

12                  **MR. BRENDAN van NIEJENHUIS:** Thank you. I'd like  
13 to ask you about a subject some of the lawyers in this Inquiry  
14 have repeatedly asked witnesses about, and that is whether or  
15 not you believe in the rule of law?

16                  **MINISTER WILLIAM BLAIR:** I've spent my whole life  
17 upholding the rule of law, sir, so yes, I do.

18                  **MR. BRENDAN van NIEJENHUIS:** Does the rule of law  
19 include the sense that citizens will generally acknowledge and  
20 abide by the law of their own volition?

21                  **MINISTER WILLIAM BLAIR:** I think overwhelmingly  
22 in our country the vast majority of Canadians embrace the rule  
23 of law, it's practically part of our social contract that we all  
24 agree that these are the laws and that we will obey them.

25                  **MR. BRENDAN van NIEJENHUIS:** What happens to the  
26 capacity of police to do their jobs if the vast majority of  
27 people do not voluntarily abide by the law?

28                  **MINISTER WILLIAM BLAIR:** I can advise that it can

1 be very difficult when -- if a large number of people choose not  
2 to obey the law on the capacity of the police. And frankly I  
3 don't think it's necessary or appropriate for the police to  
4 charge everybody, it would overwhelm our criminal justice  
5 system, you couldn't bring all those people before the court.  
6 It -- I think the law works best when it's done with the consent  
7 of the people, and we all agree to abide by those rules in how  
8 we treat each other and how we live together.

9                   **MR. BRENDAN van NIEJENHUIS:** Do you see that if  
10 large numbers of Canadians repeatedly and for extended periods  
11 refuse or fail to abide by laws, by court orders and so forth,  
12 do you think this has any effect on the willingness of other  
13 Canadians to follow the law themselves?

14                   **MINISTER WILLIAM BLAIR:** I remain optimistic, and  
15 I would hope that the vast majority of Canadians would  
16 understand the importance of the rule of law, and it's  
17 foundational to our society. And you know, we live in a -- we  
18 talk about peace, order, good government, and Canada is one of  
19 the safest largest cities, or excuse me, large countries in the  
20 world, and so I think that one of the reasons that it is such a  
21 livable country is because we all agree that the rule of law is  
22 important and should prevail.

23                   **MR. BRENDAN van NIEJENHUIS:** But let's say that  
24 they didn't. Let's say that large numbers of Canadians for a  
25 long period of time declined to obey the law, to abide by court  
26 orders and so forth. Do you think that there'd be a greater  
27 likelihood that others would take the law into their own hands,  
28 so to speak?

1                   **MINISTER WILLIAM BLAIR:** I think when people lose  
2 confidence in the rule of law, when they lose confidence in  
3 their police services to uphold and maintain the rule of law,  
4 when they lose confidence in the criminal justice system to  
5 provide justice for everyone, like, when that confidence is  
6 lost, then I think it's far more likely that people will ignore  
7 the law and would engage in criminal behaviour.

8                   **MR. BRENDAN van NIEJENHUIS:** And in that  
9 situation, do you see that it has any effect on the likelihood  
10 that there will be serious acts of violence committed by someone  
11 or other against persons or property?

12                   **MINISTER WILLIAM BLAIR:** I think as we saw, the  
13 persistence of clearly unlawful and disorderly behaviours around  
14 these convoys, I think the situation, in my opinion, was  
15 escalating towards a greater likelihood of a violent outcome.

16                   **MR. BRENDAN van NIEJENHUIS:** All right. I want  
17 to ask about one more area, which is with respect to -- and Mr.  
18 Cameron had asked about this to some extent earlier and I think  
19 you'd referenced it as well in later testimony, but it's with  
20 respect to the implementation or execution of the ultimate  
21 public order operation that occurred in Ottawa specifically  
22 after the invocation of the *Emergencies Act*. I wonder if we can  
23 call up PB.CAN.00001805\_REL.01 and it will be at 1 minute 35  
24 seconds.

25                   And while this is coming up, Minister, in this  
26 inquiry there have been some evidence or suggestion that the  
27 enforcement operation in the City of Ottawa on February 18<sup>th</sup> and  
28 following was excessively -- was conducted in an excessively

1 brutal fashion. One witness I believe suggested that they  
2 couldn't believe that something like this was happening in  
3 Canada. Did you observe the public order operation at any time?

4 **MINISTER WILLIAM BLAIR:** Yes, sir, I did.

5 **MR. BRENDAN van NIEJENHUIS:** And if we could --  
6 when we get to the 1:35 mark, I'm going to show you what appears  
7 to be drone footage taken by the RCMP to record the execution of  
8 the public order operation on the 19<sup>th</sup>. And I'll just let you  
9 observe that for a moment and then ask you to comment on the  
10 execution and whether it is up to snuff.

11 (VIDEO PLAYBACK)

12 **MR. BRENDAN van NIEJENHUIS:** And I'll note as we  
13 go that appears that in a certain point the footage will be sped  
14 up and that will be indicated on the screen.

15 Is this what that appears to be, sir, is a film  
16 of the -- that public order operation?

17 **MINISTER WILLIAM BLAIR:** Yes, sir.

18 **MR. BRENDAN van NIEJENHUIS:** If you can stop the  
19 video there.

20 (VIDEO PLAYBACK)

21 **MR. BRENDAN van NIEJENHUIS:** Would you tell us  
22 your views on whether that represents a well-executed public  
23 order operation?

24 **MINISTER WILLIAM BLAIR:** I've been involved in  
25 many, sir. That -- again, I describe this, sir, that type of  
26 behaviour is textbook. I believe that the officers were  
27 responding in a very proportional and measured way.

28 One of the things that happens in any public



1 order event, if you line the police officers up, there will be  
2 some people that will come and push against them. And, you  
3 know, clearly, the police were -- had adequate resources and a  
4 clear plan and were moving people out. I was particularly  
5 impressed as I watched that, that the protesters were given  
6 passive egress, so that they could leave, and that's really  
7 important when you're trying to clear a street that you give  
8 people a reasonable point of exit from that street.

9                   The other thing that I would observe is the  
10 presence of those vehicles. I think even as I watch this, the  
11 police were dealing with a unique challenge because those  
12 vehicles were, in many cases, still present in that event. And  
13 but I thought the way in which they managed the movement of  
14 those people was entirely proportionate -- and I looked very  
15 carefully. I personally did not see anything that I would  
16 characterize as excessive force. There is a minimal amount of  
17 force that is necessary to affect that purpose, and that's what  
18 I believe I witnessed.

19                   **MR. BRENDAN van NIEJENHUIS:** Are you aware of  
20 whether the public order operation that occurred in Ottawa  
21 resulted in any deaths or serious bodily injuries to members of  
22 the public or to members of the police?

23                   **MINISTER WILLIAM BLAIR:** I'm not aware of that.  
24 I've seen absolutely no evidence or indication of that.

25                   **MR. BRENDAN van NIEJENHUIS:** Thank you, sir.  
26 Those are my questions.

27                   **COMMISSIONER ROULEAU:** Okay. Any re-examination?

28                   **MR. GORDON CAMERON:** Thank you, Commissioner. I

1 have just one area that I'd like to explore with the witness.

2 COMMISSIONER ROULEAU: Go ahead.

3 MR. GORDON CAMERON: Shouldn't take more than a  
4 few minutes.

5 --- RE-EXAMINATION BY MR. GORDON CAMERON:

6 MR. GORDON CAMERON: Minister Blair, at a point  
7 earlier in the evening when you were being asked some questions  
8 by Counsel for Alberta, you discussed the possibility -- you  
9 discussed the fact that you were facing a vote in the House, and  
10 you thought a letter from Alberta might be useful in garnering  
11 some support in that cause. And I'd like to ask you about in  
12 general the efforts that you made to gain support for either  
13 that vote or just generally public opinion in terms of the  
14 invocation of the Act. And so if I could ask the Clerk to call  
15 up this document, OPP00004583? And when you get it, to go to  
16 page 54.

17 It's PDF 54. Should have -- yes, there we are.  
18 Thank you. This isn't an exchange that you're involved in,  
19 Minister Blair, but you're mentioned in it. Commissioner  
20 Carrique is in green on the right of the screen and Commissioner  
21 Lucki is in blue on the left of the screen. And she says this,  
22 the text begins with something that appears just a continuation  
23 of an earlier conversation, and then she says,

24 "Has Minister Blair hit you up for a  
25 letter to support the EA?"

26 And I guess the first question is, did you hit up  
27 Commissioner Carrique for a letter to support the EA, and we're  
28 using that colloquially, and we wouldn't be suggesting there was

1 necessarily anything wrong in you having contacted Commissioner  
2 Carrique.

3 **MINISTER WILLIAM BLAIR:** Can I say, sir, I  
4 personally believe it would have been wrong.

5 **MR. GORDON CAMERON:** Okay.

6 **MINISTER WILLIAM BLAIR:** I know Tom Carrique.  
7 We're friends. I would not have called Commissioner Carrique or  
8 any other police chief to seek their support for essentially a  
9 political move. I did have conversations -- there are a number  
10 of organizations, police chief organizations who are advocacy  
11 organizations. The Canadian Association of Chiefs of Police and  
12 the Ontario Association of Chiefs of Police, I'm quite familiar  
13 with those organizations. I was previously the president of  
14 both. Those organizations are advocates for policing and public  
15 safety. And, yes, there was -- we did receive support from the  
16 OACP and the CACP, but I did not, I'm not -- I have no idea what  
17 Commissioner Lucki was referring to there, but I would have  
18 considered it entirely inappropriate to call Commissioner  
19 Carrique. I didn't call the Chief of my old service. I did  
20 reach out to the Associations through their executive directors,  
21 not chiefs of police, to allow those Associations to comment,  
22 and they said whatever they said. I also had all communication  
23 with the President of the Canadian Police Association, which  
24 represents all the unions in -- police unions in Canada. And  
25 all three organizations, the CPA, the OACP and the CACP all sent  
26 very strong letters of support for the *Emergencies Act* and the  
27 measures that were provided.

28 **MR. GORDON CAMERON:** Well, you've -- as in some

1 other instances, you've followed right to the end of my line of  
2 questions, and so thank you, Commissioner, that completes the  
3 questions on that topic.

4 **COMMISSIONER ROULEAU:** Okay. Thank you.

5 If I can just ask a few short questions and some  
6 of them it's for a little clarification. And I know it's been a  
7 long afternoon, evening.

8 I just want to confirm, the point you made about  
9 the *Police Services Act* and requesting the OPP assist, the  
10 difference there is, as I understood it, and I just want to be  
11 sure I have the note, is the OPP is required to assist, as  
12 opposed to other police services, including RCMP, would likely  
13 support or help, but the difference is requirement; am I right  
14 about that?

15 **MINISTER WILLIAM BLAIR:** My understanding of the  
16 act, sir, is that the OPP is -- if a chief believes an emergency  
17 exceeds their capacity and they ask the OPP for help, that the  
18 OPP Commissioner is required, they can also ask another  
19 municipal police service or First Nations police service, who do  
20 have in the legislation, as I understand it -- and this  
21 legislation's been amended a few times so I stand to be  
22 corrected, but I believe this is still correct. Those municipal  
23 police services could decline. And interestingly enough, the  
24 *Ontario Police Services Act* is completely silent to the RCMP.

25 **COMMISSIONER ROULEAU:** And that -- I mean, is  
26 that because policing is a provincial responsibility?

27 **MINISTER WILLIAM BLAIR:** Yes, sir, I believe  
28 that's true. And certainly, the policing jurisdiction in seven

1 of our provinces, for example, are the RCMP serving under  
2 contract to the provincial authority. But in Ontario -- the  
3 RCMP have a very important policing role in Ontario and in  
4 Quebec. They provide federal policing services. They do tier 1  
5 investigations; they do money laundering; they head up the  
6 Integrated National Security Enforcement teams. Like, those are  
7 very important RCMP responsibilities. But they also, quite  
8 routinely, will come and help other police services with the  
9 deployment of their uniformed officers.

10 **COMMISSIONER ROULEAU:** Another question, the --  
11 and this about the relationship between the Solicitor General  
12 and the OPP, or you -- not you, but in your former role -- over  
13 the RCMP, or even police services boards. And I guess to use a  
14 concrete example, is it appropriate, in your view -- or could it  
15 be that the board or the Solicitor General give -- indicate its  
16 priority? And to use a specific, would it be improper for the  
17 Solicitor General of Ontario to have said, "There are big  
18 problems in Ottawa and in Windsor. Our view is Windsor's more  
19 important. It's, of course, up to you but, as far as the  
20 Province is concerned, our priority is Windsor, but it's your  
21 decision"?

22 **MINISTER WILLIAM BLAIR:** And, sir, I believe that  
23 is an operational decision. The decision you just described, in  
24 the deployment of their people, I believe that's the  
25 responsibility of the commissioner in this case and would be  
26 inappropriate to receive direction. Direction -- and if I may,  
27 I'll just give you a quick example. When I was the Public  
28 Safety Minister, I only issued one direct to the Commissioner of

1 the RCMP, and it was a ministerial directive in writing, which I  
2 made public, and it was to require that they respond to ATIP  
3 requests in a timely way, and that was it. And I was very  
4 careful not to sort of wade into this issue of operations.

5 **COMMISSIONER ROULEAU:** So just to pursue that, so  
6 in this case, even though it was just what the Province would  
7 like but it's up to him, that, you think, would be -- would  
8 still constitute interference?

9 **MINISTER WILLIAM BLAIR:** I think, ultimately --  
10 in my opinion, the decision as to where he can safely deploy his  
11 people and do his job is an operational decision that I would --  
12 I, personally, would have deferred to the commissioner.

13 **COMMISSIONER ROULEAU:** Okay. And then there was  
14 a question you answered about whether you were aware that  
15 Commissioner Lucki had said that there were still police tools  
16 available that had not been fully utilized.

17 **MINISTER WILLIAM BLAIR:** I was not made aware,  
18 and I've subsequently through this inquiry, that that  
19 information was available, but I was not aware of it on -- at  
20 that cabinet meeting.

21 **COMMISSIONER ROULEAU:** Now, leaving aside  
22 Commissioner Lucki's comments, were you aware that the police  
23 had tools available to it that they had not utilized?

24 **MINISTER WILLIAM BLAIR:** I believe that -- I  
25 always believe, quite frankly, that the police have to utilize  
26 all the tools that are available to them. And where they have  
27 an existing authority, then that authority is the one that  
28 should stand. But I had also come to believe, sir, that there

1 were a number of circumstances and challenges that the police  
2 were facing where they did not have the appropriate tools to  
3 deal with it. They had not asked specifically, and had not  
4 certainly asked me specifically, for those tools, but they had  
5 indicated, you know, the insufficiency of their existing  
6 authorities and tool, and had indicated that -- that I believed  
7 it was necessary for us to remedy and address.

8                   **COMMISSIONER ROULEAU:** Okay. The -- you made a  
9 mention -- and I'm not sure I've got the correct note -- when  
10 you were talking about the deficiencies or the tools that were  
11 added by the *Emergencies Act*, you talked about the financial and  
12 the FINTRAC, and you mentioned the tow trucks, and I'm just  
13 trying to -- you did mention "designated spaces" and I'm just  
14 trying to understand. Because we've had a fair amount of  
15 evidence here, let's just say I'm not quite clear, for the sake  
16 or argument, on whether the common law powers to create  
17 exclusion zones was adequate to deal with the Ottawa situation  
18 or whether it required the Act, the *Emergencies Act*.

19                   **MINISTER WILLIAM BLAIR:** Yes, sir, and I've  
20 actually given some consideration to that. I was a little bit  
21 concerned with the agreement that the City had attempted to  
22 enter into -- frankly, it kind of quickly fell apart -- because  
23 they had suggested that, you know, the trucks would park on  
24 Wellington and Sir John A. and -- out of the residential area.  
25 I understand their motivation but I was concerned it had the  
26 effect of potentially giving permission for those trucks to  
27 remain on Wellington and Sir John A., which I think could have  
28 been problematic.

1           I was also very mindful of the challenge that  
2 Windsor had experienced because this had taken place in a  
3 municipal intersection and our ability to designate that space,  
4 because of its, I think, significant impact and vulnerability  
5 for critical infrastructure, that we needed to go beyond simply  
6 the tools of a municipal bylaw and potentially take a more  
7 proactive stance with respect to that.

8           I am, of course, familiar with the common law  
9 authorities. Part of the challenges in common law authorities  
10 is they're not always clearly understood or articulated. And  
11 they're always subject to challenge. And I think some  
12 particularity with respect to defining those spaces could prove  
13 useful to the police to effect their purpose.

14           **COMMISSIONER ROULEAU:** And when you did the G20,  
15 were there problems with the creation of exclusion zones?

16           **MINISTER WILLIAM BLAIR:** There was indeed, sir.  
17 And there -- it needs to be very carefully defined and very  
18 carefully communicated.

19           **COMMISSIONER ROULEAU:** Okay, well, we -- I thank  
20 you very much for -- if nothing else, for your endurance, and  
21 thank you for coming. And that ends the examination and your  
22 testimony. So thank you and have a good evening. We're going  
23 to adjourn until tomorrow morning at 9:30, and we'll have, I  
24 think, two new witnesses tomorrow.

25           **THE REGISTRAR:** The Commission is adjourned. La  
26 Commission est ajournée.

27 --- Upon adjourning at 8:10 p.m.

28



## C E R T I F I C A T I O N

I, Sandrine Martineau-Lupien, a certified court reporter, hereby  
certify the foregoing pages to be an accurate transcription of  
my notes/records to the best of my skill and ability, and I so  
swear.

Je, Sandrine Martineau-Lupien, une sténographe officiel,  
certifie que les pages ci-hautes sont une transcription conforme  
de mes notes/enregistrements au meilleur de mes capacités, et je  
le jure.

A handwritten signature in dark ink, appearing to read 'S. Martineau-Lupien', is written over a horizontal line.

Sandrine Martineau-Lupien