



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 28

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IV

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V

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Ottawa, Ontario

--- Upon commencing on Tuesday, November 22, 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. Commission Counsel, we're ready to go?

MS. SHANTONA CHAUDHURY: We are. Shantona Chaudhury for the Commission.

The Commission's next witness is Minister Marco Mendicino.

MINISTER MARCO MENDICINO: Bonjour.

MS. SHANTONA CHAUDHURY: Good morning, Minister Mendicino.

The witness be sworn or affirmed?

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

MINISTER MARCO MENDICINO: Marco Mendicino; M-a-r-c-o, M-e-n-d-i-c-i-n-o.

--- MINISTER MARCO MENDICINO, Sworn:

THE REGISTRAR: Thank you.

--- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY:

MS. SHANTONA CHAUDHURY: Good morning again, Minister Mendicino.

So we'll just start with a little housekeeping, which is the entry of your witness summary.

You'll recall sitting for an interview with

1 Commission Counsel on September 5th of this year?

2 **MINISTER MARCO MENDICINO:** Yes.

3 **MS. SHANTONA CHAUDHURY:** And after that
4 interview, Commission Counsel prepared a summary of the
5 interview. Have you seen and reviewed that summary?

6 **MINISTER MARCO MENDICINO:** I have, yes.

7 **MS. SHANTONA CHAUDHURY:** Okay. And can you
8 confirm that it's accurate, to the best of your knowledge and
9 belief?

10 **MINISTER MARCO MENDICINO:** Yes.

11 **MS. SHANTONA CHAUDHURY:** Okay.

12 For the record, Mr. Clerk, that's WTS0000054. No
13 need to pull it up.

14 So Mr. Mendicino, I understand you were appointed
15 Minister of Public Safety in October 2021, is that right?

16 **MINISTER MARCO MENDICINO:** That's correct.

17 **MS. SHANTONA CHAUDHURY:** Okay. And can you
18 briefly outline, well, first of all, your background before
19 that; your background in politics, and then -- and what you did
20 before that?

21 **MINISTER MARCO MENDICINO:** I was first elected in
22 2015, and have been serving as the Member of Parliament for
23 Eglinton-Lawrence, which is a constituency in north Toronto.
24 Have been re-elected twice, both in 2019 and in 2021.

25 And prior to getting into politics, I was a
26 practising lawyer in Ontario, where I served for about a decade
27 as a federal prosecutor, and then subsequently as a private
28 practitioner, as well as counsel at the Law Society of Ontario.

1 **MS. SHANTONA CHAUDHURY:** Okay. So can you
2 briefly outline -- and I really do mean briefly; we have a lot
3 to get through in these two-and-a-bit hours, so we'll do our
4 best to do so -- your responsibilities as Minister of Public
5 Safety?

6 **MINISTER MARCO MENDICINO:** Well, this is a
7 position where the job description is in the title. So my
8 paramount responsibility is to ensure that we maintain public
9 safety, and the only way that you can do that is to ensure that
10 laws are upheld. But beyond that, and specifically in the
11 context of this Inquiry and in response to the events of last
12 winter, I had a number of responsibilities, including receiving
13 information and sharing information from law enforcement to
14 colleagues within the federal government; making sure that we
15 were staying in touch and engaging with different levels of
16 government, both provincially and municipally; making sure that
17 we gave advice to the government with regards to the decision to
18 invoke the *Emergencies Act* and then subsequently to revoke the
19 *Emergencies Act*; being a communicator on behalf of the
20 government to Canadians to keep them apprised of the situation
21 last winter. And a number of other roles, but those are the
22 core ones.

23 **MS. SHANTONA CHAUDHURY:** Okay. And we're going
24 to explore a lot of the details of what you just outlined today.
25 So we'll start with the time period before the convoy arrived in
26 Ottawa.

27 So Mr. Clerk, can I ask you to pull up
28 SSM.NSC.CAN.00001790?

1 So Minister Mendicino, to situate you, this is
2 just on January 26th, I believe -- oh, I'm sorry; if you just
3 scroll down a little bit -- you had asked Commissioner Lucki, I
4 believe, to brief you on the convoy. Do you recall that?

5 **MINISTER MARCO MENDICINO:** I do recall that. By
6 the end of January there were reports about a massive protest
7 that was mobilizing from across the country, and so to be sure
8 that we were, again, kept aware of how police were going to
9 respond to that protest, we asked for briefings.

10 **MS. SHANTONA CHAUDHURY:** Okay.

11 And the next document I'll ask you to pull up,
12 Mr. Clerk, is PB.NSC.CAN00000992.

13 So these -- to situate you again as the
14 document's being pulled up, Minister -- are talking points for
15 the briefing on January 26th. I believe they're Commissioner
16 Lucki's talking points, so they're not yours, but I'm going to
17 take you through them, and you can confirm to us whether this
18 was the sort of information that was being provided to you that
19 day. So 26th, before the convoy arrives.

20 Scroll down, Mr. Clerk, to where you see, "The
21 goal"; there we go.

22 So:

23 "The goal of the nation wide protest is
24 to disrupt traffic flow and general
25 business of government in the [hope]
26 that the Canadian government will lift
27 all COVID-19 related [restriction]."

28 Below that:

1 "Although the majority of information
2 indicates organizers are planning a
3 peaceful event, many social media posts
4 suggest some participants may attempt
5 to disrupt government buildings and
6 further cause disruptions throughout
7 the city."

8 Was that information conveyed to you?

9 **MINISTER MARCO MENDICINO:** Yes, it was.

10 **MS. SHANTONA CHAUDHURY:** Okay.

11 Scrolling down again to page 2, please.

12 "It is unknown how long the protesters
13 plan to stay in Ottawa; however the
14 RCMP has located social media posts
15 indicating some participants may stay
16 around the downtown core until January
17 31st in hopes to disrupt the House of
18 Common's [sic] sitting that day."

19 So was that information conveyed to you; and,
20 more broadly, can you tell us what your expectation was before
21 the convoy arrived about how long it would or might stay?

22 **MINISTER MARCO MENDICINO:** That information was
23 conveyed to me and a number of other colleagues at Cabinet
24 level. And my immediate reaction was to question the quality of
25 the intelligence about the duration with which this protest was
26 going to occur.

27 One of the things that struck me was that there
28 were reported -- reports about a significant number of vehicles

1 that were coming from across the country, and it certainly
2 seemed to me that just given the amount of time that it would
3 take to Ottawa and other locations in the country where these
4 demonstrations would occur, that there may very well be an
5 intention to stay longer than the short period of time that some
6 of those initial briefings had suggested that they would stay
7 there.

8 Combined with some of the public statements
9 around the original manifesto, which in my opinion was the spark
10 for the so-called Freedom Convoy, and the stated political and
11 ideological objectives within that, a document to force the
12 government to reverse course on pandemic policies or else to see
13 the government overthrown or resign suggested to me that there
14 may be an entrenchment. And as time went on, we certainly
15 started to probe those questions more once they arrived at the
16 end of January.

17 **MS. SHANTONA CHAUDHURY:** Okay. So just to sum
18 that up and to make sure I have it right; when you say question
19 the intelligence, you sort of -- do you mean question the
20 assessment and then the conclusion that this is likely going to
21 be gone by the end of the weekend, and you were concerned that
22 it would stay longer than that?

23 **MINISTER MARCO MENDICINO:** That's correct.

24 **MS. SHANTONA CHAUDHURY:** Okay.

25 Scrolling down to page 3, please, Mr. Clerk, we
26 see -- there we go. Perfect.

27 "With respect to the threat picture,
28 there has been an increase in online

1 narratives supportive of the convoy
2 among both ideologically motivated
3 networks,..."

4 We've heard a lot about ideologically motivated
5 networks and IMVE over the past week or so.

6 "...as well as in general public discourse."

7 And then scrolling down a little bit more:

8 "The convoy is attracting individuals who
9 are not aligned with any specific ideology
10 or group, but who have experienced
11 personal hardships (such as job loss) due
12 to COVID-19 and are upset with provincial
13 or federal government responses as
14 COVID[...] continues to impact daily life.
15 Open Source monitoring has identified
16 associated posts advocating violence and
17 there is potential for anti-government
18 groups to join the demo with violent
19 intentions."

20 Then it talks about online posts feeding:

21 "...the conspiracy narrative with
22 misinformation and disinformation[,
23 raising tensions]..."

24 Scrolling down a little bit more, please, Mr.
25 Clerk.

26 "Open Source reports also suggest police
27 are setting up roadblocks [...] and such
28 reports seem to fuel [no pun intended]

1 some trucker's agitation. A post to event
2 Facebook group asks for known MP's
3 addresses in Ottawa including the [PM's]
4 residence and cottage. [This suggests
5 that] the convoy should break apart to [...]
6 these locations."

7 Is that all information that was conveyed to you?

8 **MINISTER MARCO MENDICINO:** Yes. And if I could
9 just be permitted to expand ---

10 **MS. SHANTONA CHAUDHURY:** Absolutely.

11 **MINISTER MARCO MENDICINO:** --- briefly? Because
12 you touched on a few important points. And if I could just ask
13 for the technicians to scroll back up?

14 So right under the words "On January 22nd,
15 2022..." there's a number of bullet points that I just want to
16 shed some additional light on.

17 So the fact that the convoy was attracting
18 individuals with different grievances was one of the phenomenon
19 around the expressly stated ideological, political, and in some
20 cases, extreme stated objectives of the Freedom Convoy. And
21 this was something that, again, was a recurring theme in our
22 discussions with law enforcement, with the security and
23 intelligence community, the fact that it was pulling in people
24 with different grievances, not just in relationship to the
25 pandemic, but grievances regarding the government and other
26 democratic institutions.

27 Similarly, the potential for violence was stated
28 at the outset. I mean, there was a number of very public

1 statements by individuals like Pat King who had said that this
2 could end in bullets or that it would end in bullets
3 potentially, was a single of intent, at least that was my
4 opinion, that certainly not all, I mean there were many
5 thousands of Canadians who participated in these demonstrations
6 and in the blockade who were there for entirely legitimate and
7 lawful purposes, but some were prepared to become violent.

8 There's a bullet point there about threats to
9 public figures. We were concerned about whether or not the
10 blockade might target the Prime Minister. And then as you will
11 have heard by now, there were subsequent many threats that were
12 made towards not only public -- elected public figures, but
13 equally law enforcement and representatives of the media, which
14 to me, again, signalled that this was a movement that in some
15 cases was prepared to attack our democratic institutions to
16 force change around policies.

17 **MS. SHANTONA CHAUDHURY:** Okay. I'll just stop
18 you there.

19 And scroll down to the next page, please, Mr.
20 Clerk, because I think this is -- or actually, I think it's page
21 6.

22 This is touching on the point that you just made,
23 Minister Mendicino.

24 So at the top of that page, it says:

25 "Effective January 11 [something] for
26 announcements and public functions has
27 been put in place for eight individuals..."

28 And it lists off Ministers Joly, Freeland,

1 yourself, other Ministers, and Dr. Tam.

2 And without, obviously, getting into what's
3 behind that section 37 redaction, is it fair to assume that that
4 means that some sort of -- it was a security risk identified?

5 **MINISTER MARCO MENDICINO:** That's exactly
6 correct. And the RCMP had briefed in the early days of the
7 convoy, certainly within the first week, that there needed to be
8 a significant change in the security posture regarding the
9 Ministers that are in that paragraph. And in part, I think that
10 was a response to the heightened degree of posts that were
11 violent in nature, the overtly criminal threats that were being
12 made against the lives and the security and safety of
13 identifiable public figures. And so as a result of that, the
14 security detail did change around a number of both me and my
15 colleagues in Cabinet.

16 **MS. SHANTONA CHAUDHURY:** Okay. And last point on
17 this, if we just scroll down a little bit more, you'll see a
18 line that says "Concerns from Minister Leblanc" specifically.
19 We'll be hearing from Minister Leblanc early -- later on today,
20 but it says:

21 "Minister Leblanc has reached in to
22 Minister Mendicino, noting MPs are
23 concerned for their safety amid reporting
24 of demonstrators attending their
25 residences. This is being taken into
26 consideration as part of the above
27 planning for deployment of resources."

28 **MINISTER MARCO MENDICINO:** And I think that that

1 is worth emphasizing as well, because in addition to the
2 security that was provided to Ministers and Cabinet, there was a
3 heightened security posture around the Hill and around being
4 able to access Parliament.

5 And indeed, one of my main concerns was that
6 given, again, some of the stated objectives by some, including
7 the potential to become violent, that we were just returning
8 from winter session, and the first day of the resumption of
9 Parliament coincided with one of the early days in the blockade
10 and subsequent occupation right here in Ottawa. And I was
11 worried about a significant number of people being able to both
12 ingress and egress from the Hill.

13 And so there was a heightened security posture so
14 that we could continue to host Parliament, or to hold
15 Parliament. It was a very important priority that Canadians see
16 that the business of government continue, notwithstanding the
17 blockade and the convoy. But there were challenges.

18 And I had many conversations with
19 Parliamentarians, disproportionality women, I would point out,
20 who were the recipient of harassment, intimidation, expressions
21 of hate, through the convoy.

22 So that additional security was very much driven
23 by the reality on the ground.

24 **MS. SHANTONA CHAUDHURY:** Okay. That was actually
25 my next question, whether these concerns were based on
26 identified threats having been identified, I'm going to use that
27 word twice, but by the intelligence services, or by law
28 enforcement, or whether these were based on what was being seen

1 on social media or based on, essentially, complaints or worries
2 expressed by Members of Parliament and the individuals involved?

3 **MINISTER MARCO MENDICINO:** All of the above. So
4 it was a combination of what we were seeing on the ground in the
5 activities of the convoy, and probably the most aggressive
6 demonstration of their presence was the parking of, ultimately,
7 hundreds of trucks on Wellington Street, which is one of the
8 main arteries that runs through the Parliamentary Precinct.

9 And again, I'll just pause here. I mean, that
10 visual suggested to me that we were going to be in it for quite
11 some time, rather than just the weekend. But I'll come back to
12 that.

13 We were -- I'm sure that the RCMP were taking
14 into account what they were seeing online, what they were
15 hearing from various Parliamentarians regarding potential
16 security threats, and so for all those reasons, again, security
17 was elevated not only for Cabinet, but for Parliamentarians and
18 for staff who were working in the Parliamentary Precinct.

19 **MS. SHANTONA CHAUDHURY:** Okay. And we will get
20 to the actual arrival of the convoy, but there's one more
21 document I'd like to pull up before we get there.

22 So Mr. Clerk, that is SSM.NSC.CAN.00001809.

23 And so this, Minister, may go to what you were
24 just expressing about your heightened level of concern. This is
25 Friday, January 28th at around noon. So this is as the convoy
26 would be starting to roll in. You send an email to Mike Jones.

27 Can you tell us who Mike Jones is? Because his
28 name will come up a few times, I think, this morning.

1 **MINISTER MARCO MENDICINO:** Mike Jones is my Chief
2 of Staff. And the email that you had put up, which is dated
3 Friday, January 28th, at about 5:38 p.m. reflects the questions
4 that I intend to put to the table. So looking at latest
5 estimate on numbers, both in terms of vehicles and people,
6 trying to ascertain whether or not there was any intelligence of
7 individuals who may be on a watch list regarding threats to
8 national security. The third question that I put in the email
9 there, which is written as "latest on what if scenarios", what I
10 was really, I think, foreshadowing, was a discussion around
11 potential contingencies. Like what if the convoy doesn't
12 disengage? What if they don't leave? And from a very early
13 point, as I had said earlier, had concerns that this was not
14 just going to be a one or a two-day event, that it was going to
15 last much longer. And so I wanted to extract from the
16 community, the law enforcement community, the intelligence
17 community what do we do if that's the case, how do we make sure
18 that we keep public safety and what are the contingencies around
19 that.

20 **MS. SHANTONA CHAUDHURY:** Okay. So just a couple
21 of things.

22 The first is, for the record and for ease of
23 understanding, you'll see the notation "plus 0000" there. That
24 means that the time stamp is in Greenwich Mean Time, so it's
25 minus five hours, so that was around 12:30.

26 **MINISTER MARCO MENDICINO:** Very good.

27 **MS. SHANTONA CHAUDHURY:** And as you say, you're
28 asking what if scenarios, what if they don't leave, what if it

1 lasts beyond Monday, what if it turns violent, what if they come
2 before Parliamentary residences. And we know now at this point
3 that what ended up happening as of, I think, January 28 was a
4 group of Ministers consisting of yourself, I believe Minister
5 Leblanc, Minister Blair and Minister Alghabra were briefed daily
6 by a variety of officials from PCO and various agencies under
7 Public Safety.

8 Would that have been done in response to this
9 request?

10 **MINISTER MARCO MENDICINO:** I think it was
11 understood early on that we were going to need to take a whole
12 of government approach responding to the convoy, so the initial
13 group that you just highlighted of Ministers was eventually
14 expanded and then ultimately, as I'm sure we'll get into, the
15 Prime Minister convened a meeting of the Incident Respondent
16 Group which included a number of others.

17 But I should highlight the two last points which
18 are in the email to Mike Jones, which suggests that, at the
19 time, I was also concerned about making sure that we were
20 staying up on threat assessments as well to Senators as well as
21 the Governor General in addition to elected Parliamentarians.
22 And finally, I wanted to get a sense of what outreach was being
23 done to the organizers.

24 And my thinking there was let's try to allow for
25 the space for a lawful protest, keep it within the boundaries of
26 the law because it is a hallmark of our democracy that people
27 can take opposing different views. And so wanted to make sure
28 that there was some lines of communication with the organizers

1 of the convoy from the early days.

2 **MS. SHANTONA CHAUDHURY:** Okay. So we'll just
3 skip a little bit ahead now.

4 So the convoy arrives, it doesn't leave on Sunday
5 or Monday as expected. And then we're into the first week of
6 the protest.

7 So I'll ask you a few questions about what that
8 first week was like from your perspective and with the
9 assistance right now of the following documents, PB.CAN00001870,
10 please.

11 So Minister Mendicino, this is a test from Mike
12 Jones, who's in the blue -- there's no one else, I think, in the
13 -- and it's not blue, but -- here we go. Now it's blue.

14 And the text is to Brian Clow. Can you tell us
15 who Brian Clow is?

16 **MINISTER MARCO MENDICINO:** Yes. Brian was the
17 Deputy Chief of Staff to the Prime Minister.

18 **MS. SHANTONA CHAUDHURY:** Okay. So just scrolling
19 down a little bit, please, Mr. Clerk, so we can see the text.

20 So this is Sunday, February 6th. And Mr. Jones,
21 Mike Jones, writes to Mr. Clow, "So, my boss" -- that would be
22 you?

23 **MINISTER MARCO MENDICINO:** Yes.

24 **MS. SHANTONA CHAUDHURY:**

25 "...is pretty amped up. He's concerned
26 that OPS have lost jurisdiction as
27 there's no control at all over what's
28 happening on Wellington. Also concerned

1 for pm's safety if he is returning to
2 this this week."

3 What does that mean, if he was returning this
4 week, just pausing there?

5 **MINISTER MARCO MENDICINO:** My recollection is
6 that he was out of Ottawa for some period of time and then would
7 be returning to Ottawa and to ultimately the House of Commons.
8 And so I was -- I was outlining my concern about his ability to
9 -- for him and his staff and the RCMP that work with him to
10 protect him to get into and out of Parliament safely because by
11 then -- and the date of this text is Sunday, February the 6th,
12 so we're fully now, I think, about a week into the convoy. And
13 this would have been after the first weekend.

14 And the concerns that I was expressing was that
15 by that first weekend, it was my opinion that it was virtually
16 impossible to enforce the law on Wellington Street.

17 Given the rampant behaviour, not only the noise
18 that was being made by the excessive honking of horns well into
19 the evening, but some of the early reports -- and again, this --
20 bear in mind, this is Sunday, February 6th. By then there were
21 a number of press conferences that the Ottawa Police Service had
22 held expressing serious concerns around the reports of
23 intimidation, harassment and violence.

24 If memory serves, I think there was a press
25 conference where the Ottawa Police Service had indicated that
26 there were reports of firearms that had been brought into the
27 nation's capital and subsequently -- again, I'm going from
28 memory, but there was at least one arrest that was reported of

1 somebody that was making their way potentially to the convoy
2 where a firearm was seized.

3 You know, there were efforts, I think, by law
4 enforcement to try and get the situation under control, but they
5 were overwhelmed.

6 So there were a series of events leading up to
7 the text that Mike Jones had sent to Brian Clow that had -- that
8 had led to my concerns being elevated about our ability to
9 restore public safety on Wellington Street in the nation's
10 capital, which is the seat of the federal government.

11 I would also just add that my concerns were not
12 just about Ottawa, that by then there were already reports as
13 well about borders being blockaded. And I would just recall for
14 you and for Judge Rouleau that, in my job as Minister of Public
15 Safety, I'm not just looking at the nation's capital or the
16 Parliamentary precinct; I'm looking at the entire country. And
17 so by then, a number of critical infrastructure and borders had
18 become either the target of or, in fact, blockades which had a
19 significant impact on critical supply chains.

20 So there was a lot that was, I think -- I'm
21 interpreting and extracting a little bit exactly from the
22 language, but I think that's what Mike Jones was conveying to
23 Brian Clow.

24 **MS. SHANTONA CHAUDHURY:** Okay. So just scroll
25 down a little bit more, Mr. Clerk.

26 So the next part of the text says, "He wants to
27 go out" -- that would be you want to go out:

28 "...and say that OPS needs to get

1 control over the situation, and if they
2 need more from OPP they should make that
3 clear but they should get working on
4 removals within the next 24 hours.

5 And if they aren't going to do it then
6 we may need to look at other measures.

7 Let me know if you want to discuss."

8 So this represents where your thinking is, as you
9 say, at the end of the first week. So this is Sunday, February
10 6th and you've just told us why you'd come to this viewpoint.

11 Can I ask what you meant by "we may need to look
12 at other measures" at that point?

13 **MINISTER MARCO MENDICINO:** At that point, I
14 think, looking at offering additional resources to local police
15 and, you know, there had been informal requests communicated to
16 me and to my office for additional RCMP services which we
17 provided on a number of different occasions prior to the
18 invocation of the Act, so that was certainly one of the other
19 potential measures that we could explore, which was how do we
20 get more, you know, boots on the ground to help the Ottawa
21 Police Service and let's not forget the Ontario Provincial
22 Police, who were the first stop if OPS -- the Ottawa Police
23 Service could not -- could not restore public safety. And so
24 that's what I believe I was foreshadowing at the time.

25 **MS. SHANTONA CHAUDHURY:** Okay. Well, we're about
26 to get into some of the resourcing discussions because the next
27 topic we're going to cover is the tripartite meetings ---

28 **MINISTER MARCO MENDICINO:** Right.

1 **MS. SHANTONA CHAUDHURY:** --- what we've come to
2 know as the tripartite.

3 So Mr. Clerk, if you can pull up, while I'm
4 talking, PB.NSC.CAN00002335.

5 So you mentioned, Minister Mendicino, that at
6 this point there had been a number of requests made from the
7 Ottawa Police and various provinces at this point, even.
8 There'd been an approach from Alberta, but we're not really
9 getting into Alberta right now.

10 But in any event, around the 7th or 8th of
11 February, a decision was made that it would be a good idea to
12 convene the federal, provincial and municipal governments to
13 discuss the situation in Ottawa and the way forward from there,
14 including the provision of resources, as you mentioned.

15 There are a lot of issues to cover that come out
16 of the tripartite, so we're going to focus on a few. A few of
17 those issues are the RCMP resources, it's the lack of the OPS
18 plan, and there is what seems to be expressed as a lack of
19 engagement from the Province of Ontario. So I'm going to take
20 you through a few extracts, but focus on some of those topics.

21 So the document in front of us now is a readout
22 of the February 7th tripartite. And that was the first
23 tripartite meeting; is that right?

24 **MINISTER MARCO MENDICINO:** Yes.

25 **MS. SHANTONA CHAUDHURY:** Okay.

26 Scrolling down, Mr. Clerk, to when you see the
27 initials MM. Okay, MM. MM is Marco Mendicino? That's you?

28 **MINISTER MARCO MENDICINO:** Yes.

1 **MS. SHANTONA CHAUDHURY:** Okay.

2 Minister Mendicino or Marco Mendicino, one of the two. So:

3 "MM: 'Call last week with Watson was
4 productive, it is stressful period for
5 you and Chief. Feels like things have
6 turned around a bit today. We have
7 confirmed 250 Mounties have been
8 deputized, supporting local law
9 enforcement. We have been timely and
10 responsive in putting our response
11 together. Minister Jones will want to
12 have a discussion with what they can
13 contribute - letter addressed to...'"

14 And scroll down. Yeah, there we go:

15 "'...both PM and Premier. We are going
16 to be in touch.'"

17 Okay. So from your recollection, Minister, who
18 attended that first tripartite meeting?

19 **MINISTER MARCO MENDICINO:** Well, from the federal
20 level of government, myself, Minister Blair, our officials, some
21 of our political staff, Mayor Watson, I believe his Chief of
22 Staff, and I'm trying to recall whether or not there were any
23 officials from the Ontario Government, not elected or not. But
24 I mean, the majority of the participants were the political
25 levels from the City of Ottawa, the Federal Government, and
26 supporting staff and officials.

27 **MS. SHANTONA CHAUDHURY:** Okay. That's fair.
28 This isn't a memory test anyway. But -- so Minister Jones

1 obviously did not attend because you were talking about getting
2 her to attend in this exchange here.

3 Okay. Can we just scroll down again to page 2,
4 please. Keep going a little bit, please, Mr. Clerk. There we
5 go. Where it says "Watson - on tripartite table".

6 So the discussion before this pertains to RCMP
7 numbers, how many resources are being provided. There is some
8 frustration expressed throughout this by the Mayor of Ottawa,
9 Mayor Watson, about how many RCMP boots were actually on the
10 ground, so that's being discussed. And then we get to:

11 "Watson - on tripartite table - has the
12 province agreed to this?"

13 And Minister Blair then says:

14 "Both of us have reached out (MM..."

15 That would be you:

16 "...and I)...she wasn't able to join
17 today unfortunately. Will continue to
18 engage to encourage them to join these
19 talks."

20 And then Mayor Watson expresses an opinion that
21 the:

22 "Province is reluctant to be a part of
23 [what's] going on."

24 And then expresses some frustration about that.

25 Would you agree with that characterisation of
26 Mayor Watson in that line, "Province was reluctant to be a part
27 of what was going on"?

28 **MINISTER MARCO MENDICINO:** I would agree that at

1 that particular point in time that there was a common desire to
2 have Minister Jones, or additional representation from Ontario,
3 at the tripartite meeting for the purposes of cooperating and
4 coordinating the response to the convoy in Ottawa. Now, I would
5 add that that's not to say that the Province was not engaged at
6 all, and I know, for instance, that Premier Ford had made a
7 number of very strong statements about the state of the convoy,
8 condemning it, and saying, you know, it was out of control. He
9 pronounced very definitively and declaratively that it was time
10 for people to go home. If I recall correctly, that would've
11 been before this tripartite. There were other conversations
12 that I was having bilaterally around the tripartite.

13 So I would say despite the fact that they were
14 not at that table, there were still conversations with Ontario,
15 but yes, we would like to have seen them at the tripartite,
16 there's no doubt about that.

17 **MS. SHANTONA CHAUDHURY:** Okay.

18 And can we just scroll down again, please,
19 Mr. Clerk. Last point I think on this one. Page 3, please.
20 Sorry. There we go, where it says "MM" again, "Wellington".

21 So:

22 "MM: 'Wellington has invoked a lot of
23 images, but the sight of a crane,
24 trucks in front of PMO/PCO are
25 particularly concerning.... Need to
26 know from the Chief what the plan
27 is...'"

28 And "Chief" there is Chief Sloly:

1 "'...what the plan is to have those
2 vehicles removed. With appropriate
3 boundaries on operational independence
4 - how is the convoy being broken up and
5 disengaged.'"

6 Can I just ask you to speak at this point on what
7 you meant there by "appropriate boundaries on operational
8 independence" in this context?

9 **MINISTER MARCO MENDICINO:** Well, that's a very
10 important question because the principle of operational
11 independence has to guide the relationship between police and
12 the elected branch of government.

13 And again, from my past professional experience
14 as a prosecutor and as a practicing lawyer, I would have been
15 very familiar, precisely because I had worked closely with
16 police in a variety of different cases and the need to respect
17 that principle at all times. So I wanted to be sure that even
18 as though we were asking questions of police to provide some
19 detail and some clarity around how they intended to restore
20 public safety, that at all times it was respectful of that
21 principle.

22 At the same time, I do think it bears emphasising
23 that police and the elected branch of government do not operate
24 in two silos, and nor should we. That there needs to be a
25 dialogue between both branches to be sure that police have the
26 resources that they need, which was one of my core
27 responsibilities in the response to the blockade, as well as
28 potentially additional tools to respond to the unique and

1 unprecedented nature of this convoy, which is something that we
2 ultimately came to.

3 So I know you may have more questions about
4 operational independence, but I wanted to flag really early on
5 that, you know, as we were asking questions we were mindful of
6 that.

7 The other thing I would just stress if I could is
8 that in ultimately forming the opinion that we needed to invoke
9 the *Emergencies Act*, one of my main concerns was the inability
10 to enforce the law adjacent to critical infrastructure, and that
11 would've included Parliament. And the nature of the
12 Parliamentary Precinct is such that Wellington Street falls
13 within the jurisdiction of the Ottawa Police Service.

14 So I was certainly trying to reconcile in my mind
15 that these are federal democratic institutions, but we did not
16 have total jurisdiction over that space. In other words, it
17 wasn't at the sole or exclusive discretion of the RCMP, which is
18 the federal police service, to go and assert itself on
19 Wellington Street to bring the situation back into control.

20 So we had to navigate different levels of
21 government, including municipal and provincial, because Ottawa
22 Police Service has that jurisdiction as of this moment, and if
23 they did not have the resources to respond to the occupation at
24 that point, including the ability to remove hundreds of large
25 vehicles on Wellington Street; including the ability to remove a
26 crane, which had been parked right adjacent to the Prime
27 Minister's Office and the Privy Council Office; including the
28 ability to simply enforce the law, then they could then next go

1 to -- they then, statutorily, under the *Ontario Police Services*
2 *Act*, could go to the Ontario Government to ask for the Ontario
3 Provincial Police Service to backstop any gaps there. But I
4 would point out that there is no statutory link beyond that to
5 go from the *Ontario Police Services Act* to the *Emergencies Act*,
6 and I know that's something we're to come to.

7 **MS. SHANTONA CHAUDHURY:** Okay. There's a lot
8 you've said there, and we'll unpack that slowly but surely. But
9 for the purposes of the discussion we're having right now about
10 the tripartites, would it be fair to say that part of the idea
11 in holding the tripartites would be sort out the jurisdictional
12 issue?

13 **MINISTER MARCO MENDICINO:** All of that. It was
14 really to make sure that all of the key players at all three
15 levels of government were able to navigate around the
16 jurisdictional challenges and complexities, but beyond that, the
17 situation on the ground, which, you know, by then, as I -- as
18 you pointed out in an earlier exhibit and text, was on the --
19 was -- it was on the brink of being completely ungovernable, if
20 not already by then.

21 **MS. SHANTONA CHAUDHURY:** Okay. We'll go now to
22 the next tripartite, which is the following day, February 8th.

23 Mr. Clerk, that's SSM.NSC.CAN00002052.

24 So these are notes taken of that tripartite.

25 Just again to situate us a bit with the names here. Zita
26 Astravas, we've heard, is Mr. Blair's Chief of Staff, Samantha
27 Khalil -- can you tell who -- tell us who that is?

28 **MINISTER MARCO MENDICINO:** Samantha Khalil works

1 in the Prime Minister's Office, and I believe her -- she works
2 in the Issues Department of the Prime Minister's Office.

3 **MS. SHANTONA CHAUDHURY:** Okay. So this is
4 essentially a readout or notes from that tripartite on the 8th.
5 Scroll down a little bit, Mr. Clerk. There we
6 go:

7 "MM: 'good to be back on these calls.'"

8 It's only been a day:

9 "'Stay focused on the task at hand.

10 Received your letter."

11 And the Mayor then says:

12 "why no SOLGEN attendance?"

13 SOLGEN is Minister Jones?

14 **MINISTER MARCO MENDICINO:** That's correct.

15 **MS. SHANTONA CHAUDHURY:** Okay. And you say, "no
16 word back." So you're conveying back that you attempted to call
17 or attempted to contact Minister Jones and had not heard back at
18 that point?

19 **MINISTER MARCO MENDICINO:** Yes, that's right.

20 **MS. SHANTONA CHAUDHURY:** Okay. And then the
21 Mayor says he's speaking to the Premier tomorrow, and he will
22 ask that his Minister be at the table. He goes on to talk about
23 a call that he had with the Prime Minister, which we went
24 through in some detail a few weeks ago. And then Minister Blair
25 chimes in on Ontario involvement and says:

26 "I know Marco's been having good
27 conversations with [Ontario]. They are
28 worried about being visible and then

1 being asked about what the province is
2 doing.”

3 Now, I appreciate that these are Minister Blair’s
4 words, not yours, but do you know -- do you recall what he was
5 talking about when he said they were worried about being
6 visible?

7 **MINISTER MARCO MENDICINO:** Well, again, as you
8 pointed out, these are my colleague Minister Blair’s words that
9 are being captured in a summary of a readout. I believe he was
10 referring to the fact that at the point in time that we were
11 having these trilateral conversations that there was a lot of
12 attention that was being placed on both the City of Ottawa as
13 well as the federal government, and, you know, I believe he was
14 conveying a perception that Ontario wasn’t at the table at the
15 time.

16 And so, again, what we really were driving at
17 here -- and as I think the summary communicates -- was an effort
18 to bring Ontario to the table. And I had reached out to
19 Minister Jones, had not heard back at that point. I believe, if
20 memory serves, I was able to get in touch with her shortly after
21 that time, but it was really a full-court press to try and have
22 everybody at the trilateral table because, as we’ve discussed,
23 there were operational complexities and jurisdictional
24 complexities, and to the extent that we could be all aligned,
25 then that would help to restore public safety.

26 **MS. SHANTONA CHAUDHURY:** Okay. And we’ll get
27 back to that topic. I’m going to scroll down and take you to
28 something else I want to ask you about here.

1 This is -- sorry; down a little bit, Mr. Clerk,
2 until you see page 3. "Sloly: for every action"; it should be
3 a little bit down from there. There we go. So just scroll
4 down. There we go. Thank you.

5 Sloly; so this is Chief Sloly speaking and you're
6 asking:

7 "What does the trend look like for
8 removal, is it slowly going down or is
9 it stop and start?"

10 And Chief Sloly says:

11 "For every action we do, there is a
12 counter reaction that can exceed our
13 resources. We saw that in Coventry."

14 So he's discussing there the give and take or the
15 reactions and counterreactions in Ottawa, specifically. But he
16 then says:

17 "Our public request for more --
18 for...1800 more people resulted in the
19 activity in Windsor, plus a national
20 call for protesters to drive to Ottawa
21 so they can outnumber even increased
22 police presence. There are national
23 implications and local implications
24 here. They are very well organized and
25 able to mobilize people."

26 **MINISTER MARCO MENDICINO:** Yeah.

27 **MS. SHANTONA CHAUDHURY:** So can you tell us;
28 expand a little bit on what you were hearing about that at that

1 time, the level of organization, and to the extent that you were
2 hearing this and the interconnectedness, or not, of what was
3 going on across the country?

4 **MINISTER MARCO MENDICINO:** That is a critically
5 important intervention by Chief Sloly at the time, for a couple
6 of reasons.

7 First, he's flagging as a very serious concern
8 that locally they are outnumbered. And he says that it is
9 exceeding their -- or he suggests that it is very close to
10 exceeding their current resources, which is why they had asked
11 for some additional help, including from the RCMP, which by then
12 we would have responded to. There were a couple of
13 installations prior to the invocation of the Act that I think
14 numbered in the hundreds; somewhere between, you know, 200 at
15 the outset and then eventually getting up to about 500 all told.
16 There were questions about exactly how those resources were
17 being deployed by the RCMP in conjunction with Ottawa Police
18 Service, but the real important point is he's saying, "We're
19 outnumbered, and we need help." That's what I took from that
20 intervention.

21 The other thing that he mentioned in that
22 intervention is Coventry. And through a number of briefings in
23 the leadup to the invocation of the *Emergencies Act* there was a
24 discussion of two different groups that were at play in the
25 blockades. There was a large group, again, of Canadians who
26 were exercising their lawful right to protest against certain
27 policies by the government, but then there was another group
28 that had other, more extreme objectives that was much more

1 sophisticated and organized. And it's my recollection that that
2 latter group was interspersed in a number of different locations
3 very tactically but that there was a concentration of that
4 latter group at Coventry Road that was made up, potentially, of
5 individuals who had previously served in either the military or
6 in law enforcement.

7 And that, to me, raised a concern, a very serious
8 concern about some of the counteroperations that could be run by
9 that group to overwhelm legitimate law enforcement. And that, I
10 think, is exactly what Chief Sloly is getting at when -- you
11 know, if numbers are being reported publicly about how many
12 additional reinforcements are being sent in, then the word could
13 go out to call for more protesters to descend into the nation's
14 capital or, you know, again, quite frankly, to deploy across the
15 country.

16 And again, I would hasten to add, this was not
17 just about Ottawa; this was about the entire country where we
18 would see the levels of protest go up and go down. And the time
19 that I thought was most dangerous were typically the weekends,
20 and that's when there was a surge of people who came and
21 descended into the Parliamentary precinct and that -- if I read
22 Chief Sloly right -- was in part a tactical decision that was
23 being informed by some within the group who had the skills and
24 the experience to overwhelm whatever police resources were
25 available at the time.

26 **MS. SHANTONA CHAUDHURY:** Okay. So going back to
27 a few things you've said. The first one, you mentioned that
28 there was some questions about boots on the ground and how many

1 RCMP officers were being provided, and we've heard about that,
2 but from your perspective as Minister of Public Safety, what was
3 your understanding of what was going on there and why?

4 **MINISTER MARCO MENDICINO:** Well, my understanding
5 was that Ottawa Police Service did not have the resources to
6 respond at the time. And therefore they were putting out a
7 request for assistance from different levels of government and
8 different levels of law enforcement, including the RCMP, and
9 that is one of -- so my response as Minister of Public Safety
10 is, "Let's get you what you need. Let's get you the additional
11 boots on the ground." And in dialogue with the Commissioner of
12 the RCMP, we were responsive to that request on more than one
13 occasion, deploying additional RCMP members to assist to restore
14 public safety here in the nation's capital.

15 There was also other requests, including in
16 Alberta, but we can come back to that.

17 **MS. SHANTONA CHAUDHURY:** Well, I was -- before we
18 get to Alberta, when you say, "Let's get you what you need," do
19 you mean, "Let's get you what you need from the RCMP," or,
20 "Let's get you what you need from the OPP, and then, only then
21 from the RCMP"?

22 **MINISTER MARCO MENDICINO:** I wouldn't say that
23 there was necessarily that strict sequencing. My job as
24 Minister of Public Safety was to be responsive to the requests
25 that were coming in from the City of Ottawa vis-à-vis the Ottawa
26 Police Service. And so we facilitated those requests. They
27 were not -- you know, they were not necessarily subject to the
28 Ontario Provincial Police responding at the time.

1 I wanted to be as supportive as I could. I was
2 very much sympathetic to the plight of the residents in Ottawa;
3 I was very concerned for their safety and security, and we were
4 beginning to see counterprotests manifesting because I think at
5 that time, residents felt that they had to take matters into
6 their own hands. That was extremely concerning to me because I
7 thought that it represented a significant risk of more serious
8 violence as a result of frustration and fatigue, and we were
9 seeing an abundance of expressions of that in reporting and on
10 social media.

11 So I wanted to be as supportive as I could to the
12 City of Ottawa and to the Ottawa Police Service, and Chief
13 Sloly, I think rightfully, was flagging his concerns about a
14 resource capacity and potential counteroperations that were
15 being run by the blockade and the occupation.

16 **MS. SHANTONA CHAUDHURY:** So getting back to that
17 last concern about the counteroperations, the action, the
18 reaction; were you concerned, then, that this could spiral into
19 something where resources, police resources would actually be
20 overwhelmed and stretched beyond capacity across the country?
21 Was that the nature of your concern, or was it in specific areas
22 there wouldn't be enough available locally? Or was it a broader
23 concern than that, or was it just a -- specific instances?

24 **MINISTER MARCO MENDICINO:** It was a broader
25 concern that was national in scale. At the end of the day, in
26 my opinion, this was an illegal protest that was national in
27 scale that occurred at critical infrastructure, including a
28 number of borders and ports of entry, including at legislative

1 assemblies, including here at the seat of the Federal
2 Government. And the initial responses of law enforcement to get
3 the situation back under control were clearly overwhelmed, and
4 as a result of that, the consequences were devastating to
5 people, to the economy, to our international relations.

6 And so at all times, I was assessing, not any one
7 of these events in isolation, but rather, the situation in its
8 totality. And when looking at the timing of it and the
9 concurrence of all of these events in the same short critical
10 period of time, the types of targets where the individuals were
11 showing up for the express purposes of creating a disruption and
12 undermining public safety, and the type of tactics that were
13 being used, which was through sheer size and force of people, of
14 vehicles, and behaviour, that this was a very singular and
15 unprecedented event.

16 So being able to assess all of that in its
17 totality was very much part of my job to restore public safety,
18 and to maintain it.

19 **MS. SHANTONA CHAUDHURY:** Did you have any actual
20 evidence of what Chief Sloly is referring to here, that
21 interconnectedness, or was this more you saw a correlation, or
22 Chief Sloly is here, but you agreed with it, that one action
23 then seems to have a counter reaction or provoke a response
24 amongst the protesters nationwide? Did that come from evidence
25 or did that come from essentially observation?

26 **MINISTER MARCO MENDICINO:** It came from
27 observation. What I was seeing with my own eyes on the ground
28 was that when police tried to enforce the law they were

1 overwhelmed, they were swarmed. There were reports about there
2 being threats being made to them as they tried to do their job.
3 And they were clearly identifiable, in uniform, you know,
4 indicating that, you know, it was time to go home. And these
5 were not just interactions. I mean, they ultimately did lead to
6 hundreds of criminal charges being laid, including assaulting a
7 police officer, which is a very serious offence to be charged
8 with.

9 This was all a counter reaction to the reaction
10 of law enforcement to try and restore public safety on the
11 ground, and it wasn't just in Ottawa. It was at ports of entry
12 in -- at the Pacific Highway, in Surrey in British Columbia,
13 where again, there were very clear statements by Canada Border
14 Service agents as well as local law enforcement there through
15 the RCMP, that it was time to go home.

16 And in the face of those instructions, not only
17 did numbers -- participants double down, I mean there is a very
18 notorious incident involving a large vehicle that was painted
19 with military fatigues that tried to crash a barrier. To me,
20 that poses a serious threat of violence.

21 And I think we'll come to Coutts, Alberta, which
22 was, again, a very, and arguably the most egregious risk that
23 coincided with the blockade. But I was at all times both using
24 the observations that I was making for myself as well as the
25 advice and the intelligence that I was receiving in my capacity
26 as Minister of Public Safety.

27 **MS. SHANTONA CHAUDHURY:** Okay. And we will come
28 there, but first, I'm going to take you through now to sort of

1 close the loop.

2 Sorry, you can take this one down, please,
3 Mr. Clerk. So can you just pull up quickly,
4 SSM.CAN.NSC.00002676.

5 This is the third and last tripartite, and
6 there's just a couple of things I want to highlight here,
7 Minister, and ask you about, which is...

8 Sorry, here we go. Just scroll down a little bit
9 more. Thanks. "Latest from RCMP"; okay.

10 So toward the middle of that paragraph you say:

11 "Phase has moved beyond inconvenience
12 or disruptions..."

13 So this is now February 10th:

14 "... - they have moved to disrupting
15 the economy. We are having very
16 intentional conversations with the
17 province about how confident they are
18 around enforcement, the ability to take
19 appropriate action quickly and
20 decisively. Whether in Ottawa,
21 Windsor, Sarnia etc.

22 Spoke to Minister Jones, it was a
23 focused conversation and I am looking
24 forward to hearing back from her - on
25 what OPP can do to assist you."

26 Okay. So I'll take it from that, and we'll get
27 back to the conversation with Minister Jones, but Minister Jones
28 was not at the third and last tripartite here. Is that correct?

1 **MINISTER MARCO MENDICINO:** That's correct.

2 **MS. SHANTONA CHAUDHURY:** Okay. So...

3 Thank you, Mr. Clerk.

4 I'm just going to try and put together the
5 chronology of what happened here, and I'll take you back to
6 February 5th.

7 SSM.CAN.00007854 [sic].

8 This is a text exchange between you and
9 Minister David Lametti.

10 Just scroll down a little bit, please, Mr. Clerk.

11 I'm not sure what you're referring to. You say:

12 "You were perfect today. Thx."

13 "So were you buddy."

14 So then should -- so the blue is ---

15 **MINISTER MARCO MENDICINO:** A little collegial
16 support at a very stressful time.

17 (LAUGHTER)

18 **MS. SHANTONA CHAUDHURY:** Colleague/bromance.
19 Okay.

20 **MINISTER MARCO MENDICINO:** I think he might
21 resent that assessment.

22 **MS. SHANTONA CHAUDHURY:** "So were you buddy."

23 "Should I call Downey?" "You've spoken to Sylvia."

24 Downey there would be a reference to Doug Downey?

25 **MINISTER MARCO MENDICINO:** That's correct.

26 **MS. SHANTONA CHAUDHURY:** Okay. Can you tell us
27 who -- just for the record, can you tell us who Doug Downey is
28 and why Minister Lametti might be calling him?

1 **MINISTER MARCO MENDICINO:** He's the Attorney
2 General of Ontario. He's Minister Lametti's provincial
3 counterpart.

4 **MS. SHANTONA CHAUDHURY:** Okay. And so you have
5 spoken to Sylvia he says, and you say:

6 "I have spoken with Sylvia. You should
7 call Downey. We need them in the right
8 space to respond to any RFA for OPP
9 assistance."

10 And then Minister Lametti replies:

11 "Spoke to Doug Downey. Need Sloly to
12 be quick, quick, quick."

13 Can you tell us why would Minister Lametti be
14 calling Doug Downey about this? So you're speaking to your
15 counterpart, he's speaking to his. In what capacity would that
16 be?

17 **MINISTER MARCO MENDICINO:** Well, again, I mean
18 I'm -- you're asking me to interpret or infer why
19 Minister Lametti has reached out to Doug Downey. I -- the best
20 answer that I can offer is I believe he is reaching out to a
21 provincial counterpart to understand what Ontario's response is
22 to the situation, not only in Ottawa, but elsewhere, including
23 in Windsor at the Ambassador Bridge. And by then the blockade
24 was causing significant interruption to the economy and
25 thousands of people were temporarily laid off, businesses were
26 impacted in the auto manufacturing sector.

27 So I think he's trying to get -- gain some
28 understanding from the Attorney General of Ontario about perhaps

1 what advice he is offering to the Ontario government. Again,
2 I'm drawing some inferences here, but I think it's a combination
3 of that, but I think more broadly, just to keep lines of
4 communication strong between the Federal Government and the
5 Government of Ontario.

6 **MS. SHANTONA CHAUDHURY:** Okay. So you actually
7 asked him to call Downey. So do you have a recollection of why,
8 or is it essentially what you just told us?

9 **MINISTER MARCO MENDICINO:** Yeah. No, actually
10 there it is right there. Yes, so I would say that was my
11 thinking at the time, was to try and keep lines of communication
12 open and to be sure that we had some understanding about, you
13 know, what advice may be provided to the Ontario Government.

14 **MS. SHANTONA CHAUDHURY:** Okay. Thank you.

15 Mr. Clerk, next document is ONT00001141.

16 So I understand that there was a call that took
17 place between you and Minister Jones on the 7th. And in that
18 earlier text exchange, you seem to refer to an earlier call
19 before the 5th. I don't know if you -- do you have any
20 recollection of that one?

21 **MINISTER MARCO MENDICINO:** I'm sorry, what --
22 which ---

23 **MS. SHANTONA CHAUDHURY:** I'm sorry.

24 **MINISTER MARCO MENDICINO:** Which document am I
25 looking at here?

26 **MS. SHANTONA CHAUDHURY:** Sorry. Yeah, that's my
27 fault. The last document, the text exchange with
28 Minister Lametti, you say "I have spoken with Sylvia." And that

1 appears to be on the 5th. So do you remember a conversation
2 prior to the 5th?

3 **MINISTER MARCO MENDICINO:** In the context of the
4 blockades? I -- not off the top of my head ---

5 **MS. SHANTONA CHAUDHURY:** Okay.

6 **MINISTER MARCO MENDICINO:** --- at this moment.

7 **MS. SHANTONA CHAUDHURY:** Well, we know that one
8 happened on the 7th, and ---

9 **MINISTER MARCO MENDICINO:** Yeah.

10 **MS. SHANTONA CHAUDHURY:** --- this document is
11 Minister Jones's notation of that call. And she says -- so
12 she's talking to you, "Marco Mendicino"

13 "Jim Watson wants an 'interlockier'."

14 I think that may mean interlocutor, but I'm not
15 sure:

16 "Wellington will be fast and
17 jurisdiction F.T.P. table to support
18 the city; 1,500 OPP; 38 Kitchener."

19 Can you tell -- so the "interlockier" is that a
20 reference to an interlocutor? Was that part of the discussion
21 you were having?

22 **MINISTER MARCO MENDICINO:** You know, again, if we
23 could have the document just scroll back up to the top? I just
24 want to -- February the 7th, Jim Watson -- I agree with you. I
25 think that the word there may be misspelled and is referring to
26 an interlocutor. And, you know, beyond that, I couldn't say
27 much more about that particular note. But I did have a
28 conversation with Minister Jones.

1 **MS. SHANTONA CHAUDHURY:** Yes, you did. And ---

2 **MINISTER MARCO MENDICINO:** It was around that
3 time.

4 **MS. SHANTONA CHAUDHURY:** Pardon me?

5 **MINISTER MARCO MENDICINO:** Around that time or
6 shortly thereafter.

7 **MS. SHANTONA CHAUDHURY:** Okay. And we're going
8 to get to a report of what was said in that conversation as
9 well, but before we get there, I want to just go through a
10 little bit the call you subsequently had with Premier Ford,
11 because at this point, so can you take us through that?
12 Minister Jones doesn't -- you have a conversation on the 7th.
13 Actually, why don't we go there now?

14 **MINISTER MARCO MENDICINO:** Yeah.

15 **MS. SHANTONA CHAUDHURY:** So that conversation is
16 reported in a text exchange. Can you pull up, Mr. Clerk,
17 SSM.NSC.CAN00003127?

18 So while that's getting pulled up, this is a text
19 exchange on February 11th between Samantha Khalil, who you've
20 told us is a PMO staffer, Mike Jones, your Chief of Staff, Zita
21 Astravas, and so Samantha says:

22 "Thanks guys [...]. Long day..."

23 Okay. So writing here is Mike Jones, your Chief
24 of Staff. And -- oh, no, I'm sorry, this is Sam Khalil, I
25 think, writing here. And she says:

26 "Hey so on trilateral meeting"

27 Got it wrong again. it's Zita writing. So Ms.
28 Astravas says:

1 "Hey so on trilateral meeting
2 Sam I don't know what you think but I
3 really think we need Jones at the table
4 [...] perhaps your boss [...] push again"

5 So Mike Jones, he's talking about you. He says:

6 "By Jones I assume you mean [Ontario], and
7 can have my boss reach out again but the
8 last call got pretty frosty at the end
9 when he was saying we need the province to
10 get back to us with their plan
11 'I don't take edicts from you, you're not
12 my fucking boss'"

13 Scroll down again.

14 "Yes! Obviously not you

15 She said that! ?!"

16 Does that accord with your recollection of your
17 conversation you with Minister Jones?

18 **MINISTER MARCO MENDICINO:** There was definitely
19 some colourful vernacular towards the end of that call. I'm
20 happy to say that both Minister Jones and I still enjoy a very
21 productive and positive rapport.

22 But the real thrust of the call was to engage
23 Minister Jones to understand exactly where her thinking and
24 where the Government of Ontario's thinking was at in responding
25 to the request of Ottawa Police Service to get additional
26 resources, and more broadly speaking, to restore public safety
27 on the ground.

28 And you know, I think certainly by the end of the

1 call, it was quite clear that the inability of law enforcement
2 using existing authorities to restore public safety on the
3 ground was of increasing concern to me in my capacity as the
4 Minister of Public Safety, as well as the Federal Government,
5 and we wanted to be sure that Ontario was exercising all of its
6 capacity to support not only Ottawa, but other communities as
7 well in this province, including Windsor.

8 So it was an important engagement. It was
9 obviously a very stressful time and, you know, I think that we
10 could all be forgiven for some rather blunt language. I'm sure,
11 you know, we've all heard it in various interactions. But
12 having those lines of communications open was critically
13 important at that time.

14 **MS. SHANTONA CHAUDHURY:** Okay. So regardless of
15 the language, it's fair to say you were encountering some
16 resistance in obviously coming to the tripartite table and it
17 was described as a call that didn't go well.

18 And we know that on the 9th you spoke directly
19 with Premier Ford.

20 So we can take that document down, please, and
21 we'll pull up the read out of your call from Premier Ford, which
22 is SSM.CAN.NSC00002832.

23 How did that call arise? Did you call Premier
24 Ford? Did he call you? Tell us how that happened.

25 **MINISTER MARCO MENDICINO:** The Premier called me,
26 and by then, again, it's important to place the timing and the
27 chronology of this call into the broader context. This would
28 have been February 9th, so we're now beyond a week in to the

1 occupation here in the Nation's capital and with significant
2 interruptions at critical infrastructure and borders, including
3 at the Ambassador Bridge in Windsor, at the Windsor/Detroit
4 border, which quite clearly is in the Province of Ontario.

5 The Premier called me to I think express a few
6 things, and the read out is there on the screen.

7 But one, I think he was calling to keep lines of
8 communication open with the Federal Government. Two, he was
9 indicating to me that his Chief Public Health Officer was going
10 to be going out in the very short term to communicate the end of
11 vaccine passports and the end of mandates.

12 But he also was very supportive and
13 said that he was prepared to stand with the Prime Minister,
14 which I took as, again, a very constructive suggestion to show
15 unity across different levels of government responding to what
16 was then a very urgent state of crisis and emergency, and having
17 that demonstration of solidarity I thought would reinsure
18 Ontarians and Canadians.

19 I also did say to him that I would relay what I
20 interpreted to be a bit of a nudge by Premier Ford around the
21 Federal Government's posture around pandemic policy to the Prime
22 Minister, more broadly just the fact that the call had occurred.
23 And I did take the opportunity to express to him two really
24 important things.

25 You know, first, I was really concerned about
26 restoring public safety at critical infrastructure, including
27 the Ambassador Bridge, and, you know, I also said I was
28 concerned that even if there was an announcement around a change

1 in pandemic policy, that they may not leave.

2 I think in the end, that proved to be true.

3 And then finally, I said that we needed Sylvia,
4 and there I'm referring to Minister Jones at the table and I'm
5 referring to the tripartite table, and I ask that the Premier
6 instruct her to be there.

7 **MS. SHANTONA CHAUDHURY:** Okay. So I think you've
8 taken us through pretty much all of that.

9 On the point of "stand with the PM", we'll just
10 pull up another document, which is SSM.NSC.CAN00002952.

11 So this is a text, while it's being pulled up, to
12 Katie Telford, who is the Prime Minister Chief of Staff. You
13 send her a text reporting on this call with Premier Ford.

14 And -- oh, did I get the wrong document number?
15 It appears that I did.

16 Okay. You know what? I'll just -- I'll read it
17 to you. We can look for the document number in a second. It
18 says:

19 "Just got call from Ford. They're
20 pivoting. He will announce they're
21 lifting passports, possibly more measures.
22 Said he would stand with the PMs." (As
23 read)

24 And then you said:

25 "Said I would relay. I said the situation
26 at Ambassador Bridge is serious. It's
27 hurting working families, killing jobs."
28 (As read)

1 So by "stand with the PM", you said -- I didn't
2 quite catch what you said that thought that meant. "Stand
3 beside the PM" and?

4 **MINISTER MARCO MENDICINO:** My interpretation from
5 Premier Ford saying that to me directly was that he wanted to
6 show solidarity with the Federal Government in responding to
7 this emergency. And I thought that that was a constructive
8 suggestion, because it would reassure Ontarians and Canadians
9 more broadly that different levels of government were working
10 together to restore public safety to keep people safe, which was
11 my job. And my request to him to have Minister Jones attend the
12 tripartite was an effort to show that alignment at all levels of
13 government, not only from Premier to the Prime Minister, but
14 equally from -- at the Ministerial level in the portfolio of
15 Public Safety, because by being at the same table at the same
16 time, we could really troubleshoot issues together, including,
17 again, some of the operational challenges that police were
18 having, again not only in Ottawa, but right across the province,
19 and equally, some of the jurisdictional complexities, and
20 whether or not there were any other measures or tools that we
21 could offer from the elected side of the government to police if
22 it were necessary.

23 **MS. SHANTONA CHAUDHURY:** Okay. For the record,
24 Mr. Clerk, the document number is SSM.NSC.CAN.00002952.

25 So what I wanted to ask you, Minister Mendicino,
26 was did you sense that that -- or was your interpretation that
27 standing with the PM was in any way tied to what you've
28 described I think as a gentle nudge to ease public health

1 measures?

2 **MINISTER MARCO MENDICINO:** No.

3 **MS. SHANTONA CHAUDHURY:** Okay.

4 **MINISTER MARCO MENDICINO:** It wasn't. And again,
5 I think we saw subsequently in the leadup to the invocation of
6 the *Emergencies Act* that following the First Minister's meeting,
7 that the Prime Minister and Premier Ford were very much on the
8 same page about the necessity of having to invoke the
9 *Emergencies Act*. And at that point, the Government had not yet
10 taken a final decision with regards to a pandemic policy in
11 specific regards to vaccines.

12 **MS. SHANTONA CHAUDHURY:** Okay. The last point I
13 want to ask you about on all of this is to get your reaction to
14 something we heard from Mr. Mario Di Tommaso when he testified,
15 which was -- and I'll paraphrase what he was saying, but
16 essentially, part of his thinking or his explanation of why
17 Ontario was reluctant to participate in the tripartites is that
18 insofar as these were a forum to discuss policing resources,
19 Ontario -- the governmental officials shouldn't participate in
20 that because that's a law enforcement matter. The question of
21 deploying police resources is something for law enforcement, not
22 for governmental officials. What's your take on that in the
23 context of what we'd raised earlier about the lines of
24 operational dependence of the police?

25 **MINISTER MARCO MENDICINO:** Yeah, here again, this
26 is a very important question. First, I can't speak for the
27 Deputy Minister of Public Safety or the Solicitor General in
28 Ontario, but from where I sat, the Premier of Ontario actually

1 showed very important leadership in the early days of the
2 blockade, going out publicly saying that this had no longer --
3 was a lawful protest and that people needed to go home. And
4 that was a signal, I think, to any fair-minded individual who
5 abides by the law that the situation was no longer safe.

6 I would also point out that, you know, in the
7 context of the discussion around operational independence, and
8 I've obviously given this a fair bit of reflection since the
9 occupation, and I did touch on it a little bit earlier, that
10 there are important boundaries that should not be crossed by
11 elected officials, and for good reason. We do want to safeguard
12 against the politicization or making partisan important and
13 independent decisions, which are made by law enforcement and the
14 prosecution services around the country, so that we can preserve
15 the integrity of the administration of justice. And at all
16 times, we adhere to that principle in the federal government.

17 That having been said, there does need to be a
18 dialogue and there is a dialogue between police and the elected
19 branch of government when it comes to providing additional
20 resources and tools. And I can offer a number of, you know,
21 very concrete examples, not only in the general, but in the
22 specific context of our response to the blockade. So if I
23 could, when I received a call at the beginning of February from
24 the Premier of Alberta, the then Premier of Alberta Jason
25 Kenney, one of the concerns that he'd expressed is that he and
26 Alberta did not possess either the resources or the tools to
27 clear the blockade at Coutts, which had mobilized pretty much
28 since the end of January or beginning of February. And as part

1 of the federal government's response to that situation, I
2 authorized, under Article 9.3 of the existing Police Services
3 Agreement between Canada and Alberta, the deployment of
4 additional police resources. That is a very concrete example of
5 how we have customized through convention the relationship
6 between the elected government and the authorities that are
7 exercised through this office, the Minister of Public Safety, in
8 response to the operational decisions that are taken by police
9 to restore public safety.

10 I would say more broadly, there, you know, are
11 other important examples where elected representatives that
12 occupy this office are responsive to the needs of police around
13 tools. You know, be it in, you know, responding to either this
14 situation or others, and obviously, there are the priorities
15 around the foreign deployment of RCMP in different countries,
16 for example, in Ukraine, which are priorities which can be set
17 by the elected branch of government where conventional police
18 forces are deployed.

19 So I guess my broader point is that both in the
20 specific context of the blockade, but even beyond in the
21 general, there does need to be a dialogue, and there was a
22 dialogue between the elected branch of government and the police
23 who were exercising operational independence at every time to
24 ensure that we could get them the additional resources that they
25 need in the parts of the country where they needed it. And
26 again, I emphasize and stress, this was not just an isolated
27 incident, that these events were occurring across the country,
28 so that we could restore public safety.

1 **MS. SHANTONA CHAUDHURY:** When the RCMP officials
2 testified last week, so Deputy Commissioner Duheme and
3 Commissioner Brenda Lucki testified, there's a few things that
4 came out of their evidence that I want your reaction on. One of
5 them is that -- I believe Commissioner Lucki said that there
6 were times, or I think it was Deputy Commissioner Duheme said
7 that there were times where it may have felt to him like
8 officials may have stepped a little over that line, that line
9 between church and state. Now I think they did say
10 specifically, I remember -- I recall Commissioner Lucki saying
11 that she never felt pressured by her Ministers, you and Minister
12 Blair. She did say that at some point you sort of had to
13 educate her or educated -- she didn't point to any sort of
14 instance where it was necessary, but she said you educated and
15 it felt you essentially to educate the rest of Cabinet, I think,
16 or it was the February 10th IRG ---

17 **MINISTER MARCO MENDICINO:** Right.

18 **MS. SHANTONA CHAUDHURY:** --- on where that line
19 was and the importance of operational dependence. Do you recall
20 that?

21 **MINISTER MARCO MENDICINO:** I do, and I wanted to
22 be sure that as colleagues around the Cabinet table were
23 expressing the same concerns that I had, that others had about
24 the ineffectiveness of existing authorities and resources to
25 restore public safety up to that point, and we are approaching
26 now two weeks into the blockade, that nevertheless, we should
27 not violate the principle of operational independence. Because,
28 again, just situate yourself in our shoes for just a moment.

1 Our paramount concern is restoring public safety. And by then,
2 there were countless reports of the very dire consequences that
3 had been visited upon Canadians. But that could never be a
4 license for assuming the roles and the responsibilities of
5 police when it came to making the tactical and operational
6 decisions around how to restore public safety. So it was
7 important to strike a balance between respecting that principle,
8 but also, fulfilling our -- my role specifically in holding the
9 RCMP accountable for their role in restoring public safety and
10 more broadly, the government's role in understanding why it was
11 that despite existing authorities and resources, we could not
12 achieve the goal of getting a law and order back on the ground.

13 And when I look back now and, you know, I ask
14 myself, you know, why it was in the perception of the
15 Commissioner that she felt that some, not all, were coming up to
16 the line, it is because of the unique and singular nature of
17 this public order emergency. It was the fact that the scale of
18 this was national. It was the fact that what sparked this
19 movement in the opinion of the government was an expressly
20 stated political objective that at times was expressed in
21 violent terms that led to the entrenchment of a significant
22 number of individuals to ignore the direction of law enforcement
23 at the risk and at the peril of Canadians.

24 It was -- the challenges that we had in
25 government around having the appropriate intelligence tools to
26 understand how those initially stated objectives could pull in
27 people from many different walks of life with different
28 backgrounds and different grievances and coalesce them around

1 something that so significantly and persistently caused
2 significant interruption to public safety, to the economy, to
3 our international relations, and all of that was, I think, part
4 of the reason why people were really trying to probe and
5 understand that despite the fact that you had a *Criminal Code*,
6 you couldn't use it. Despite the fact that you had provincial
7 statutes around the *Highway Traffic Act*, they couldn't be
8 effectively used. Despite the fact that we had tow trucks, we
9 had many tow trucks, that they could not be deployed to clear
10 the blockades, and all of that was leading to an escalation of
11 the risk and the threat of serious violence as time went on.
12 And that is why I think that the Commissioner, both signalled
13 her concern, but also, appreciated my intervention that we still
14 had to be respectful of that principle of operational
15 independence.

16 **MS. SHANTONA CHAUDHURY:** Okay. So just to go
17 back on that a little bit. I mean, what we've heard over the
18 weeks that we've been here at the Commission, there is what
19 could be described as, quote on quote, "pressure" all over the
20 record. So there's a real sense of urgency from politicians and
21 from officials, "We need to do something about this now." "We
22 need to do this quick, quick, quick." "We need to do -- this
23 has to end", et cetera, et cetera. And how does that not
24 constitute, can you explain how that does not constitute
25 pressure on law enforcement to do something to clear up this
26 protest in whatever way they can?

27 **MINISTER MARCO MENDICINO:** Well, to be clear,
28 there was pressure on all of us. I mean, this was an extremely

1 tense situation. So -- I mean, I think that is just a natural
2 reaction to all of the events that were occurring.

3 But the reason why I'm confident, and the reason
4 why I believe Commissioner Lucki testified that we didn't
5 violate the principle of operational independence is because at
6 no time were we instructing police on how to do their job on the
7 ground. So at no time were we saying "You must arrest people
8 under the following provisions of the law." "You must prosecute
9 these people, you know, to the fullest extent." "You must, you
10 know, to the granularity of detail deploy, you know, five people
11 here and a hundred people there." And to prioritise all these
12 operations, we at all times steered clear of that zone, which
13 would have been a violation of the principle of operational
14 independence. And that's why I think I'm, you know, very
15 confident that we didn't cross that boundary.

16 **MS. SHANTONA CHAUDHURY:** Okay. So the line is
17 politicians and the government has a role to play in expressing
18 a desire, let's say, to -- or the need to solve a situation, but
19 not in telling the police how to do it?

20 **MINISTER MARCO MENDICINO:** That's right.

21 **MS. SHANTONA CHAUDHURY:** Right.

22 **MINISTER MARCO MENDICINO:** You don't want me, as
23 an elected official, putting on a badge or a uniform and going
24 out there and doing the job that police are there to do. That's
25 not my role, that's not my responsibility. However, it is my
26 responsibility as Minister of Public Safety to be accountable to
27 Canadians when it comes to equipping police with the tools and
28 the resources that they need to restore public safety.

1 And by then, on February 10th, we did not have
2 public safety in the Nation's Capital and at other critical
3 infrastructure across the country, and so because of that we
4 really wanted to understand why existing authorities were
5 ineffective at that point, and that was the balance that we
6 struck.

7 **MS. SHANTONA CHAUDHURY:** Okay. Another issue
8 that we -- we've heard a lot about the last few weeks is the
9 idea or the notion of one could put it as negotiating or we
10 could put it as engaging with demonstrators or protesters. So
11 we've heard that that was an issue that was discussed, is there
12 a way to sort of end this or to ameliorate this by engaging
13 directly with demonstrators? There is reference in the --
14 Sylvia Jones's notes of the February 7th call to having an
15 interlocutor engage with the protesters, and we've heard a lot
16 about an effort by your Deputy Minister, Deputy Minister Rob
17 Stewart, around the 10th, 11th of February, to create what's
18 become known as the Engagement Proposal.

19 So can you tell us a little bit from your
20 perspective how those engagement efforts, if I can put it that
21 way, and eventually the Engagement Proposal, came to be and
22 evolved?

23 **MINISTER MARCO MENDICINO:** Engagement was always
24 an option. And I had articulated on a number of occasions that
25 law enforcement should be the last resort. And you saw, from
26 one of the exhibits that you had put to me a little bit earlier
27 in my testimony this morning, that I had turned my mind right at
28 the very beginning of the briefings that it was important for

1 there to be some engagement with those who were participating in
2 the convoy and the blockade, and wanted to be briefed on that by
3 law enforcement, who I thought was the most appropriate actor in
4 this context to be engaging with, given that, you know, in my
5 estimation, that it was operational and tactical. That didn't
6 mean that I wasn't still having conversations with individuals
7 outside of law enforcement about an engagement proposal, but
8 there was early contemplation and reflection about having an
9 engagement strategy.

10 I would say beyond that, there were conversations
11 between the Prime Minister and myself about searching for a
12 suitable mediator or interlocutor, someone who would have had
13 the experience to de-escalate and resolve situations that are
14 complex. And beyond that, by the time we got to the IRG there
15 was a report that was given by Deputy Minister Stewart about
16 information that he had gleaned from conversations that he was
17 having with the Ontario Government and the OPP around the
18 intelligence of what the group was constituted of in terms of
19 adherence to, you know, ideology, the desire to, you know,
20 double down and hold the line, and et cetera, and all that,
21 versus everybody else who might have just been there to express
22 another point of view.

23 And so as a result of that report that he offered
24 at the IRG, there were taskings that were listed by the Clerk of
25 the Privy Council at the end of that meeting, one of which was
26 to continue to develop a potential engagement strategy. And so
27 that's what the Deputy Minister set about to do, and I know that
28 there, you know, was some additional work on that front.

1 **MS. SHANTONA CHAUDHURY:** Okay. So this was --
2 you knew that this was -- you were aware that this was being
3 worked on by your Deputy Minister?

4 **MINISTER MARCO MENDICINO:** Yes.

5 **MS. SHANTONA CHAUDHURY:** Okay.

6 Mr. Clerk, can we pull up SSM.NSC.CAN.00002958.

7 So Minister, this is a text from you to Katie
8 Telford, the PM's Chief of Staff. The date of it is
9 February 11th, it's at 6:49 p.m. So just to situate you in
10 time, the IRG happens on February 10th, there's no IRG I think
11 on February 11th. So you write to Ms. Telford:

12 "Hey there. We got some very last
13 minute (and thin) paper tonight on an
14 engagement strategy from my DM, who
15 apparently socialized it with PCO, Rcmp
16 [Commissioner] and the Ontario
17 [Government], and not me. We only
18 found out about it during a call
19 tonight I placed to him. The DM's
20 outreach during the day to the [Ontario
21 Government] on this engagement
22 proposal, resulted in the [Ontario]
23 Deputy [Solicitor General] sending my
24 DM a draft letter addressed to unnamed
25 protesters proposing engagement, which
26 would be co-signed by [Ontario
27 government] and an unnamed official
28 from the [Federal Government]. It's

1 unclear whether PCO, RCMP or [Ontario
2 Government] has given their support to
3 the engagement proposal. Flagging as a
4 concern and inconsistent with good info
5 flow. I have addressed with
6 him...wanted you to know. I will be
7 replying to DM and letting him know..."

8 Then there's some redactions, and the last that
9 you say is "Sorry - but had to let you know."

10 Can you explain to us what you were expressing in
11 this text?

12 **MINISTER MARCO MENDICINO:** I'm expressing a
13 concern that the Deputy Minister had socialised with a different
14 level of government an engagement proposal that I would have
15 wanted to have some input into prior to that. And you know,
16 again, admittedly, in this particular moment everybody is
17 working extremely hard, long hours, trying to quickly fulfill
18 the tasks that had been accomplished, or fulfill the tasks that
19 had been assigned, I beg your pardon, at the end of the last
20 IRG.

21 And so I wanted to be sure that we were together,
22 thinking through, not only the engagement proposal, but also,
23 mitigating and thinking through some of the very real and
24 practical considerations that had to be woven into the strategy
25 if one was going to be deployed. For example, and I posed some
26 of those questions, who are we going to send this to? Where is
27 it going to take place? How can we be sure that if we do engage
28 in it that we can maintain public safety?

1 Because the situation was extremely volatile and
2 very tense, and among the concerns were whether or not there was
3 actually any cohesive structure to the occupation at that moment
4 in time, and so understanding who we were sitting down with was
5 critically important.

6 And so I just was -- I wanted to be sure that
7 Ms. Telford was aware of that, because ultimately, when we go
8 back to Cabinet, I am responsible and accountable for my
9 department, including the Deputy Minister, and wanted to be sure
10 that I was equipped to answer any questions from colleagues
11 about what this engagement proposal would look like. So, you
12 know, I say, again, in fairness to everybody, this was an
13 exceedingly difficult and challenging time, and I know that
14 Deputy Minister Stewart was doing his level best to fulfil a
15 task that had been assigned to him after the IRG and was, I
16 think, trying to action it and get some traction at the Ontario
17 level of government, and we did have a good conversation about
18 that. And, you know, subsequently, I think as we saw on
19 February 14th, that despite the efforts of the City of Ottawa to
20 engage some of the members of the occupation here in Ottawa,
21 that it ultimately unravelled I think for many of the reasons
22 and concerns I previously articulated.

23 **MS. SHANTONA CHAUDHURY:** Okay. So your concern,
24 if I understand it then, is not with the engagement proposal
25 itself, with the ---

26 **MINISTER MARCO MENDICINO:** No.

27 **MS. SHANTONA CHAUDHURY:** --- work that was being
28 done. It's the information flow ---

1 **MINISTER MARCO MENDICINO:** Correct.

2 **MS. SHANTONA CHAUDHURY:** --- and the fact
3 specifically that it had been socialized, as you put it, with
4 the Ontario government without you knowing about; is that right?

5 **MINISTER MARCO MENDICINO:** At that particular ---

6 **MS. SHANTONA CHAUDHURY:** Okay.

7 **MINISTER MARCO MENDICINO:** --- moment in time,
8 and just wanted to be sure that I had a line of sight and
9 understood it, and also, that it was part of a broader effort by
10 both me and others from within the government to explore
11 engagement. And as I pointed out, seeking briefings and
12 information from police right from the beginning about how we
13 were engaging with members of the occupation, equally, the
14 conversations that I had with the Prime Minister around finding
15 potentially a mediator to de-escalate so we could avoid law
16 enforcement as much as possible, and, you know, ultimately, this
17 engagement proposal as well. It was all a suite of things that
18 we were doing together to really try to restore public safety as
19 quickly as we could.

20 **MS. SHANTONA CHAUDHURY:** I believe Deputy
21 Minister Stewart's evidence was that he hadn't socialized it
22 with Mr. Di Tommaso but with Commissioner Carrique. So would
23 that change your view at all as to whether that engagement was
24 appropriate?

25 **MINISTER MARCO MENDICINO:** I'm not sure. I think
26 the broader concern was just making sure that I could stay up to
27 speed.

28 **MS. SHANTONA CHAUDHURY:** Okay.

1 **MINISTER MARCO MENDICINO:** And recognizing,
2 again, the pressures on everybody to go about and complete these
3 taskings. I just wanted to be sure both me and my staff had an
4 opportunity to contribute to the idea before it got -- before it
5 was shared with other -- not only other branches of government,
6 but as you pointed out, other branches of law enforcement, and I
7 wanted to be sure we were really, you know, staying on the same
8 page. But it was an exceedingly difficult time, in fairness to
9 the Deputy Minister.

10 **MS. SHANTONA CHAUDHURY:** Everything was happening
11 very quickly. There's no doubt about that.

12 The other -- the reason I asked you whether you
13 were concerned about the proposal itself was because one of the
14 bits of evidence we've heard is that Commissioner Lucki and the
15 RCMP may have had some concerns about it or -- about the
16 proposal in the sense that it may have crossed the line between
17 church and state. So, again, we're back to this issue of police
18 independence, operational independence. And I'd like you to
19 speak for a moment, if you could, about how -- the idea -- where
20 does political negotiation fall into that piece. And just for a
21 little -- to situate you in background, what we know now is that
22 there were different lines of potential engagement going on
23 almost simultaneously. There was an attempt at engagement in
24 Windsor. There was an attempt on the part of Mayor Watson to
25 coral trucks up onto Wellington Street and get them off the
26 residential streets where they were disturbing the residents on
27 those streets, and then there was the federal government's
28 engagement proposal. So we have these different lines going at

1 the same time, and that could arguably, at least, be put as
2 something that makes it difficult for law enforcement to do
3 their job. What's your reaction to that?

4 **MINISTER MARCO MENDICINO:** Yeah, I would agree
5 with you. I think it was extremely difficult for law
6 enforcement to figure out how to engage in a constructive way
7 with the occupation and the blockades, not only here in Ottawa
8 but across the country. I know from the early days that members
9 of Police Liaison Units, these are individuals within law
10 enforcement who have very specific expertise in engaging with
11 people who protest, to sort of set the boundaries of what --
12 just to be sure that everybody can be safe. So here's what we
13 can all sort of agree to, and I think that there -- as you've
14 heard previously, there was some effort to do that certainly at
15 the local level here in Ottawa. But to come back to what I
16 think that -- like, the core of your question is, you are
17 absolutely right that it becomes a lot trickier and more complex
18 once elected officials start to penetrate into the terms and the
19 conditions by which you negotiate a disengagement of the
20 blockades and the occupation if it involves, let's say, you
21 know, the moving of vehicles, the moving of people, the moving
22 of police officers. All of that, I would submit, is much more
23 within the operational domain, and by extension, independence of
24 police, which was one of the concerns that I had in navigating
25 this appropriately. So that was, I think, part of what I was
26 getting at in my text to Ms. Telford was just I wanted to be
27 able to think that through with everybody, and especially if we
28 were going to be sharing it with other levels of law enforcement

1 so that we were respectful of those principles of operational
2 independence as well.

3 **MS. SHANTONA CHAUDHURY:** Okay. I now want to ask
4 you, turning to -- we know the engagement proposal didn't go
5 anywhere in the end. And we're -- chronologically, we're now
6 getting to the crux of events and when the *Emergencies Act* was
7 actually decided on. So I know it wasn't decided necessarily on
8 the 13th, but that's the day we're going to talk about.

9 There's some evidence, and I'll ask you if you
10 know about this first, so shortly before -- we understand there
11 was an IRG meeting in the afternoon of the 13th, followed by a
12 meeting of the full Cabinet in the evening at 8:30 p.m. The
13 Commission has seen evidence shortly before that 8:30 meeting.
14 Commissioner Lucki sent an email, and let's get the email up.
15 It is SSM.NSC.CAN.00002280.

16 So this is an email, the timestamp on it is just
17 shortly before eight o'clock once we do the Greenwich Mean Time
18 adjustment. This is your Chief of Staff, Mike Jones, sending
19 this to you and copied to Deputy Minister Stewart,

20 "Evening Minister
21 Responses from the commissioner below."

22 And this is -- we've seen this already in the
23 inquiry, so I won't go through it at length, but there's a sort
24 of a wish list or these are tools that could be effective. And
25 then at the very bottom of the email -- there -- Commissioner
26 Lucki says,

27 "This said, I am of the view that we
28 have not yet exhausted all available

1 tools that are already available
2 through the existing legislation.
3 There are instances where charges could
4 be laid under existing authorities for
5 various *Criminal Code* offences
6 occurring right now in the context of
7 the protest. The Ontario *Provincial*
8 *Emergencies Act* just enacted..."

9 Skip that in the narrative, but we know that
10 happened February 11th.

11 "...will also help in providing
12 additional deterrent tools to our
13 existing toolbox."

14 So my first question, Minister Mendicino, is did
15 you see this before the Cabinet meeting?

16 **MINISTER MARCO MENDICINO:** I don't recall exactly
17 when I would have seen it. This, as you pointed out, was sent
18 just prior to the commencement of the Cabinet meeting. I will
19 say to you importantly that, a couple things, first, the
20 Commissioner did not express that opinion to me at any time
21 directly. And I actually spoke to the Commissioner earlier that
22 day, on February 13th. And while she did not at all address that
23 last point that you raised in the email, she did call me and
24 only me. This was a conversation between just her and I, to be
25 clear, to express her very grave concerns about the situation in
26 Coutts. And she underlined for me that the situation in Coutts
27 involved a hardened cell of individuals who were armed to the
28 teeth with lethal firearms, who possessed a willingness to go

1 down with the cause. And the reason why this was such a
2 sensitive conversation was that we had RCMP undercover personnel
3 deployed in the field. And she was justifiably concerned that
4 there not be any leak of this information because lives
5 literally hung in the balance. And, for me, this represented,
6 far and away, the most serious and urgent moment in the blockade
7 to this point in time.

8 And so it also spoke volumes to me about the
9 Commissioner's state of mind, which was that we were potentially
10 seeing an escalation of serious violence with the situation in
11 Coutts. And it certainly, I think, was -- in the broader
12 context of the preponderance of the advice that we were getting
13 from the Commissioner at that time as a result of conversations,
14 not only in the ERGs, about where there were gaps in authorities
15 -- in existing authorities to return public safety to the
16 ground, could not have drawn any other inference that she was
17 supportive, as she later expressed that she was, of the decision
18 to invoke the *Emergencies Act*.

19 This was a singular moment for me, in my mind.
20 And it was so urgent that I said to her, "Well, look, I can't
21 just keep this information to myself. At a minimum I have to be
22 able to share it with the Prime Minister," which I then
23 subsequently took steps to do.

24 Shortly thereafter, I reached out to Ms. Telford
25 ---

26 **MS. SHANTONA CHAUDHURY:** Sorry, just to be clear,
27 which information are you talking about there?

28 **MINISTER MARCO MENDICINO:** About Coutts, and

1 about the potential for gun violence and for the loss of life,
2 and the fact that there were RCMP personnel that were in the
3 field. And all of this occurring literally within hours, not
4 even days, of the invocation to the *Emergencies Act*.

5 I was extremely concerned that this had reached a
6 new height of both urgency and emergency. And so I felt I had a
7 responsibility to let, at a minimum, the Prime Minister know,
8 and his staff know, while respecting the operational sensitivity
9 at the most delicate levels to protect the people on the ground.

10 And so I did that. I spoke to Ms. Telford
11 afterwards, where I conveyed to her both the best information
12 that I had at the time around Coutts, and asked her to keep this
13 -- to respect, in effect, the Commissioner's request that we
14 treat this information with the utmost sensitivity so that we
15 could ensure that we were keeping people safe. But this was a
16 threshold moment for me, there's no doubt about it.

17 **MS. SHANTONA CHAUDHURY:** And that was on -- you
18 had that conversation ---

19 **MINISTER MARCO MENDICINO:** That was the same day.

20 **MS. SHANTONA CHAUDHURY:** --- on the afternoon of
21 the 13th.

22 **MINISTER MARCO MENDICINO:** That was the same day,
23 yes.

24 **MS. SHANTONA CHAUDHURY:** Okay. So just to recap
25 a little bit; you didn't see this email from Commissioner Lucki
26 before the Cabinet meeting?

27 **MINISTER MARCO MENDICINO:** Again, I -- I'm trying
28 very much to reconstruct the sequence of events. Things moved

1 very, very quickly. It literally came in inside of a half hour
2 of the commencement. So I don't want to say definitively I
3 didn't see it; I was much more preoccupied with the actual
4 direct conversation that I had with Commissioner Lucki earlier
5 that day, where she had imparted to me perhaps the most urgent
6 information to date with regards to the occupation and the
7 blockades, and that was a threshold moment.

8 **MS. SHANTONA CHAUDHURY:** Okay, fair enough. So
9 if you did see it, it didn't register as much as what she'd said
10 about Coutts; put it that way.

11 In your recollection, was that information put
12 before Cabinet? So we know that Commissioner Lucki wasn't
13 called on to speak; do you recall this being expressed to
14 Cabinet that evening?

15 **MINISTER MARCO MENDICINO:** No.

16 **MS. SHANTONA CHAUDHURY:** Okay. And you
17 certainly, obviously, ---

18 **MINISTER MARCO MENDICINO:** And I wasn't permitted
19 to share -- or I was asked not to share the information about
20 Coutts with anyone else, except for the Prime Minister, which I
21 did.

22 **MS. SHANTONA CHAUDHURY:** Okay. If you had known
23 this information -- and I appreciate you're not entirely sure on
24 whether you saw this information or didn't -- would it have
25 changed your mind at all?

26 **MINISTER MARCO MENDICINO:** I don't think so, at
27 that point. My interactions directly with the Commissioner were
28 actually going in the opposite direction. And certainly the

1 fact that we were on the precipice of engaging in a -- in an
2 operation in Coutts, where people were armed with a significant
3 number of lethal firearms; where they possessed body armour;
4 where there was intelligence or information that they had
5 ideologically extremists views and symbolism that was attached
6 to the group; that they were prepared to go down with the cause,
7 was a very strong signal to me that the Commissioner was of a
8 heightened concern around the state of affairs. And, again, it
9 was consistent with the advice that we were getting
10 contemporaneous to the decision of the invocation of the
11 *Emergencies Act* around tools to address the gaps that existed.

12 So, you know, the need to deploy RCMP officers;
13 the need to procure essential services; importantly, the need to
14 declare no-go zones, or prohibition of assemblies.

15 Let me just say on that last point that I wasn't
16 just hearing about that from the RCMP. The CBSA had briefed
17 Cabinet on, at least a -- one occasion for sure, if not more,
18 about their explicit concerns about the lack of their authority
19 and jurisdiction to clear roads on the way to the border.

20 And so, you know, all of those powers were
21 subsequently included in the declaration and the Regulations
22 under the *Emergencies Act*.

23 **MS. SHANTONA CHAUDHURY:** Okay. Well, let's
24 actually stop there for a moment. I'm going to go back to what
25 we were talking about.

26 But PB.CAN1864, please, Mr. Clerk?

27 So this is a text from John Ossowski, President
28 of the CBA -- CBSA, the evening of February 13th, and he says:

1 "The gap..." -- well, you asked:

2 "Is it possible to direct CBSA
3 officials to take a harder line? Or is
4 the heightened sense of vigilance as
5 far as it goes?"

6 And he writes back:

7 "The gap is the fact that there is not
8 an inadmissibility in irpa [*Immigration*
9 *Refugee and Protection Act*] for coming
10 to a protest. We have directed back 29
11 so far for other reasons as part of our
12 enhanced vigilance...."

13 And you say:

14 "Right, ok. So nothing we can do to
15 strengthen our position there? I think
16 our position broadly is that it's an
17 illegal blockade...."

18 And it goes on.

19 So that is -- sorry; go on. Scroll down a little
20 bit, please.

21 "...if you're blocking a
22 border...hurting Canadians,...it would
23 warrant a tougher position."

24 Then you ask:

25 "The 29 were sent back because it was
26 believed they had violent intentions?
27 Or on what grounds were they sent
28 away?"

1 We don't have the text after that. But first of
2 all, is this a -- is this is a text conversation that was
3 happening during the Cabinet meeting that evening?

4 **MINISTER MARCO MENDICINO:** Well, I'd have to go
5 back and take a look at the time stamps, but ---

6 **MS. SHANTONA CHAUDHURY:** About 9:23 p.m., I
7 think.

8 **MINISTER MARCO MENDICINO:** Could very well had
9 been. I assume it was. This is February 13th, right?

10 **MS. SHANTONA CHAUDHURY:** That's right.

11 **MINISTER MARCO MENDICINO:** Yes. So I would have
12 been trying to really get a clarity of understanding about what
13 the gaps were. And what the then-President of the CBSA is
14 expressing to me is that they need something that they don't
15 have. And what they don't have at this moment in time is any
16 existing authority to turn away foreign nationals who are
17 attempting to enter into Canada where there are reasonable
18 grounds to suspect that they may want to support, what at this
19 point, is an illegal blockade.

20 And so that is, again, a cry, an obvious request
21 for some assistance here as a result of a gap in an authority.
22 And there is a direct line between that gap and the subsequent
23 powers which were included under the *Emergencies Act*. There's
24 no other way for me to interpret the information that I'm
25 getting from John Ossowski. It's certainly not to do anything
26 about it. And subsequently we did provide that authority, and
27 there were, as my understanding recollects, at least, I think,
28 one or two individuals who were turned away on February 19th by

1 CBSA on the strength of the *Emergencies Act* authorities that
2 were provided to them.

3 **MS. SHANTONA CHAUDHURY:** I think we know it was
4 two, and the answer to the question here is that the 29 were
5 sent back because -- under enhanced vigilance, because --
6 generally speaking, I think, because they weren't -- they didn't
7 meet the vaccination requirements.

8 **MINISTER MARCO MENDICINO:** I think your
9 interpretation's right, and I think Mr. Ossowski is -- he's
10 communicating to me that, "We're working with what we got, but
11 it's not enough."

12 **MS. SHANTONA CHAUDHURY:** Okay.

13 **MINISTER MARCO MENDICINO:** "And we're concerned
14 that we don't have the authority that we need." And this was in
15 addition to what I think is one of the other significant
16 concerns that CBSA expressed to me and to other Cabinet
17 colleagues, which is that they did not have the authority or the
18 jurisdiction to clear the roads leading to the border. And,
19 certainly, that limited their capacity to keep the border open,
20 and by extension, critical supply chains; food, fuel, health
21 supplies; all the like, the people in the border communities.
22 And I'm certainly familiar with the community in Windsor, as a
23 result of some family relationships. But people have got to go
24 about their daily lives, and this was completely impossible at
25 that time. And so, you know, I think he's expressing two very
26 legitimate gaps. And so again, the only interpretation for me
27 is that we need some help here. And so we endeavour to provide
28 that help to them through the *Emergencies Act*.

1 **MS. SHANTONA CHAUDHURY:** Okay. I'm at the end of
2 my ---

3 **MR. BRENDAN van NIEJENHUIS:** I just wanted to
4 just clarify, because I think the impression was left,
5 inadvertently or otherwise, that these are the Minister's texts,
6 as opposed to the Chief of Staff Jones.

7 **MS. SHANTONA CHAUDHURY:** Absolutely. You're
8 right.

9 **MR. BRENDAN van NIEJENHUIS:** I apologize for
10 intervening.

11 **MS. SHANTONA CHAUDHURY:** No, thank you. That's
12 helpful.

13 Mr. Commissioner, I'm at the end, but if I can
14 ask for five minutes to ask some concluding questions?

15 **COMMISSIONER ROULEAU:** No, it's your call when --
16 you still have time, so.

17 **MS. SHANTONA CHAUDHURY:** Not a lot. Actually,
18 no, I do have some time. Okay.

19 **COMMISSIONER ROULEAU:** By my count, you have lots
20 of time.

21 **MS. SHANTONA CHAUDHURY:** Actually, ---

22 **COMMISSIONER ROULEAU:** I was just thinking ---

23 **MS. SHANTONA CHAUDHURY:** --- you can count better
24 than I am -- better than I can. I was thinking of the old time
25 allocation. Okay. So ---

26 **COMMISSIONER ROULEAU:** I've ---

27 **MINISTER MARCO MENDICINO:** Something rarely heard
28 in any kind of a proceeding.

1 **COMMISSIONER ROULEAU:** Well I have a lot of
2 experience following time. Or not following it.

3 So just wondering if you wanted the break now or
4 later?

5 **MS. SHANTONA CHAUDHURY:** Sure. Let's take the
6 break now.

7 **MR. BRENDAN MILLER:** Sir, before we take the
8 break, I just have a quick application. I apologize, sir. I
9 think it's important.

10 I've just met Mr. Alexander Cohen. He's present
11 in this room. And sir, Mr. Cohen, as we have heard throughout
12 this proceeding, has relevant and material evidence to this
13 proceeding's mandate. He has very relevant evidence with
14 respect to the Inquiry, as to the circumstances, as to the
15 invocation of the *Emergencies Act*. He also has relevant and
16 material information with respect to misinformation, of which
17 this Commission has been asked with exploring, beginning with
18 the text messages between himself and Mary-Liz Power that are
19 already in evidence, in building the narrative with respect to
20 the protestors in Ottawa being extremists and thereafter
21 essentially setting out that they are in fact proprietors of
22 Nazi symbolism.

23 Sir, this Commission is, in hearing from various

24 ---

25 **COMMISSIONER ROULEAU:** Can I just interrupt?

26 **MR. BRENDAN MILLER:** Yeah.

27 **COMMISSIONER ROULEAU:** What's your application?

28 **MR. BRENDAN MILLER:** I'd like to call him as a

1 witness, sir.

2 **COMMISSIONER ROULEAU:** Well have you written any
3 -- is there ---

4 **MR. BRENDAN MILLER:** I didn't expect that we
5 would have the opportunity.

6 **COMMISSIONER ROULEAU:** So you haven't? At the
7 moment, there's no application, so ---

8 **MR. BRENDAN MILLER:** No, this is my application,
9 sir. I'm making it orally. And I am asking for the Commission
10 to have him testify after the Minister. He has relevant
11 material and information.

12 **COMMISSIONER ROULEAU:** I'm not going to do this
13 orally right now.

14 **MR. BRENDAN MILLER:** Well ---

15 **COMMISSIONER ROULEAU:** It's -- I ---

16 **MR. BRENDAN MILLER:** We're given 15 minutes to
17 cross-examine, elicit relevant material evidence, and we have
18 relevant and material witnesses here. The Government of Canada
19 has redacted without lawful authority all of these statements
20 from these staffers and have suppressed records.

21 **COMMISSIONER ROULEAU:** I have no idea at this
22 point where this is going, so I'm going to take the break, and
23 you can speak to Commission Counsel, which I think I've repeated
24 many times is the way to at least raise the issue.

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

26 **COMMISSIONER ROULEAU:** And then we'll see if they
27 can resolve it ---

28 **MR. BRENDAN MILLER:** Yes.

1 **COMMISSIONER ROULEAU:** --- or not. But we have a
2 schedule and ---

3 **MR. BRENDAN MILLER:** Sir, the schedule ---

4 **COMMISSIONER ROULEAU:** --- procedure to follow.

5 **MR. BRENDAN MILLER:** --- is not as important as
6 getting to the truth.

7 **COMMISSIONER ROULEAU:** So there's no question we
8 want to get at the truth, but you know what? It's a very
9 complex issue and it's not all about what you want. It's about
10 what the Commission needs to do, what the ---

11 **MR. BRENDAN MILLER:** Yes, sir. I think ---

12 **COMMISSIONER ROULEAU:** --- parties want to do.
13 I'm trying ---

14 **MR. BRENDAN MILLER:** --- it's what Canadians are
15 entitled to.

16 **COMMISSIONER ROULEAU:** I'm trying to control a
17 process. And we have witnesses. We have a schedule. It's been
18 going for a while. Please speak to Commission Counsel. We'll
19 see where we go. And the -- we'll take the morning break.

20 **MR. BRENDAN MILLER:** Sir, I understand, but I
21 just ask for a ruling after the morning break. Thank you.

22 **COMMISSIONER ROULEAU:** So we'll take 15 minutes.

23 **THE REGISTRAR:** The Commission is in recess for
24 15 minutes. La Commission levée pour 15 minutes.

25 --- Upon recessing at 11:24 a.m.

26 --- Upon resuming at 11:42 a.m.

27 **THE REGISTRAR:** The Commission is reconvened. La
28 Commission reprend.

1 **MR. BRENDAN MILLER:** Sir, ---

2 **COMMISSIONER ROULEAU:** Commission Counsel has not
3 completed ---

4 **MR. BRENDAN MILLER:** I understand, but sir, I
5 mean, your counsel has advised you that ---

6 **COMMISSIONER ROULEAU:** No.

7 **MR. BRENDAN MILLER:** I know you've directed ---

8 **COMMISSIONER ROULEAU:** I'm sorry, ---

9 **MR. BRENDAN MILLER:** --- you wanted the
10 application ---

11 **COMMISSIONER ROULEAU:** I'm sorry, I'm speaking.

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

13 **COMMISSIONER ROULEAU:** The application, if you
14 want to do it, you've been advised it's to be done in writing,
15 not in the middle of ---

16 **MR. BRENDAN MILLER:** Sir, we've filed ---

17 **COMMISSIONER ROULEAU:** --- the presentation. So
18 I'm ---

19 **MR. BRENDAN MILLER:** --- two motions in writing
20 at your direction that you've refused to rule on with respect to
21 the redaction ---

22 **COMMISSIONER ROULEAU:** You're ---

23 **MR. BRENDAN MILLER:** --- of documents from the
24 Government of Canada ---

25 **COMMISSIONER ROULEAU:** You're speaking.

26 **MR. BRENDAN MILLER:** --- that has not ---

27 **COMMISSIONER ROULEAU:** I'm speaking.

28 **MR. BRENDAN MILLER:** --- been ruled on. Has been

1 filed for days.

2 **COMMISSIONER ROULEAU:** I will take a break while
3 you're asked to leave.

4 **MR. BRENDAN MILLER:** Sir, ---

5 **COMMISSIONER ROULEAU:** I will return in five
6 minutes. If security could deal with counsel?

7 **THE REGISTRAR:** The Commission is in recess. La
8 Commission est levée.

9 --- Upon recessing at 11:43 a.m.

10 --- Upon resuming at 11:44 a.m.

11 **THE REGISTRAR:** The Commission is reconvened. La
12 Commission reprend.

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

14 Commission counsel.

15 **--- MINISTER MARCO MENDICINO, Resumed:**

16 **--- EXAMINATION-IN-CHIEF BY MS. SHANTONA CHAUDHURY, Continued:**

17 **MS. SHANTONA CHAUDHURY:** Okay. Welcome back,
18 Minister. I want to take you back to something we were -- we'd
19 touched on before the break and I'd like to get your reaction
20 on. I asked you whether if you had seen and observed, let's put
21 it that way, Commissioner Lucki's statement that they had not
22 yet exhausted all available tools? Law enforcement still had
23 tools available. I asked you whether that would have changed
24 your mind as to necessity of the *Emergencies Act* and you
25 answered no and you explained that your concern about Coutts.

26 How do you reconcile that position with the
27 notion that the *Emergencies Act* is a measure of last resort?

28 **MINISTER MARCO MENDICINO:** Well first I would say

1 that the absence of having a direct conversation with
2 Commissioner Lucki, and I pointed out the call that we had
3 earlier today, but that wasn't the only one. There were other
4 meetings, and IRGs, and daily briefings. Really it was an
5 impediment at that point to have the kind of back and forth
6 exploration of that advice, which she had included in an email
7 to my Chief of Staff, Mike Jones.

8 I think the other thing -- the other reason why I
9 don't believe it would have substantially changed my views at
10 that point are two-fold. One, it didn't really expand at all on
11 how she had come to that point of view.

12 So when she talked about a plan, there was no
13 elaboration on it. And I would point out that for the better
14 part of two weeks leading up to February 13th, that there were
15 times where the Commissioner and others at those daily calls
16 that we were having were expressing concerns about the absence
17 of a plan with existing authorities.

18 So at that particular moment in time, it seemed
19 to me, as a conclusory statement that was not substantiated with
20 any kind of particular detail.

21 And the second reason why I don't believe it
22 would have changed, you know, where my thinking was at that
23 particular moment in time, was predominately because of the call
24 earlier that day, which was top of mind.

25 And as I explained before the morning break, it
26 just -- it spoke volumes about what her state of mind was, which
27 was that this was a potentially an escalation of violence that
28 could result in there being gun violence and potentially serious

1 injuries or even fatalities to members of law enforcement and
2 Canadians.

3 One thing I didn't mention was that my worry, my
4 real fear, was that had that operation not gone down peacefully,
5 that it might have sparked other gun violence across the
6 country. And I recall early reports from the Ottawa Police
7 Service that guns had been brought into the National Capital
8 Region and into the -- potentially into the Parliamentary
9 Precinct. And there wasn't a lot of detail around that. I want
10 to be clear. But we were operating with the best information
11 that we had available to us. So that elevated my concerns.

12 And so that's where my state of mind was, as
13 opposed to the one bullet point that she had sent to my Chief of
14 Staff shortly before the Cabinet meeting on February 13th.

15 **MS. SHANTONA CHAUDHURY:** So you're expressing
16 here a concern that what was going on in Coutts might be going
17 on in other places. Not evidence of that, but you were
18 nevertheless concerned about it?

19 **MINISTER MARCO MENDICINO:** On the basis of both
20 previous information and reports publicly available from Ottawa
21 Police Service that firearms had made their way into the
22 Capital. And as well, again, a report about an arrest involving
23 someone who was participating in the convoy here that ultimately
24 resulted in the seizure of a firearm.

25 So I was worried about the potential chain
26 reaction, that if the operation did not go flawlessly that it
27 might actually escalate in more violence. And that's why -- I
28 think she communicated that, you know, very clearly. And

1 rightfully so. I want to be clear that Commissioner Lucki was
2 entirely appropriate and justified in signalling that this was
3 a, you know, potentially much higher level of concern around the
4 state of affairs.

5 **MS. SHANTONA CHAUDHURY:** Okay. So I'll put this
6 to you and you can tell me right or wrong. But are you sort of
7 saying your concern was okay, but what if it gets worse?

8 **MINISTER MARCO MENDICINO:** My concern was that
9 this was -- that this information was highly sensitive. It
10 involved a hardened cell. It involved guns. It involved
11 ideological symbolism, potentially. And that if that operation
12 to arrest those individuals did not go efficiently, and smoothly
13 and peacefully, that it may have created a chain reaction
14 elsewhere across the country, because there were past reports
15 about the presence of guns.

16 **MS. SHANTONA CHAUDHURY:** Okay. Sorry, I should
17 have put my question more clearly maybe, but with respect to the
18 availability of tools and whether law enforcement had what it
19 needed, are you saying, and you may not be, so I'm asking you,
20 but are you saying that regardless of whether the tools -- there
21 may have been tools available, there was a concern that it would
22 actually -- that the situation would get worse, and ---

23 **MINISTER MARCO MENDICINO:** Yes. And again, I --
24 the urgency with which we had that conversation, the
25 confidentiality around it, the operational sensitivity about it,
26 the jeopardy of having lives at stake, the potential chain
27 reaction of other gun violence across the country on the basis
28 of reports, and the concurrent advice that we were getting about

1 tools that could only be granted in the *Emergencies Act* because
2 resources were ineffective at restoring public safety, and there
3 were gaps around deploying RCMP efficiently, I mean, you'll
4 recall the swearing in provisions, the no-go zones, the
5 procuring of tow trucks, all of that was where my state of mind
6 is.

7 **MS. SHANTONA CHAUDHURY:** Okay.

8 **MINISTER MARCO MENDICINO:** And by the way, those
9 were conversations that we did have in-person at the IRGs and at
10 the Cabinet table around where those gaps were.

11 **MS. SHANTONA CHAUDHURY:** Where the gaps were.

12 **MINISTER MARCO MENDICINO:** Yes.

13 **MS. SHANTONA CHAUDHURY:** So we have heard
14 evidence about gaps that have been -- that were identified. We
15 also heard from a number of of officials, and we saw in
16 documentation, a lot of hesitancy around the idea of using the
17 *Emergencies Act* and the possibility that it may inflame
18 tensions, it may make things worse. There was a lot of, if I
19 could put it this way, doubt around that.

20 In light of that, and in light also of a lot of
21 discussion that we have had here in the Commission about whether
22 the threshold itself was met under the *Emergencies Act*, can you
23 go there at this point and explain to us your understanding of
24 why it -- why the threshold was met and why it was necessary in
25 light of the hesitancy that had been expressed about the need to
26 invoke it?

27 **MINISTER MARCO MENDICINO:** Well, you've touched
28 on a few important points in your question, so I'm going to try

1 and unpack the questions that you've put to me.

2 Just first on hesitancy, I would be more inclined
3 to describe it as reluctance, and I think that that instinct was
4 the right one. That this was a statute that was created coming
5 out of the aftermath of the October 1970 crisis and there being
6 real concerns about using -- resorting to the *War Measures Act*
7 and using the military to restore public order, which is not the
8 mandate or the expertise of the military, a very blunt
9 instrument.

10 And the creation of the *Emergencies Act*, which
11 very consciously and deliberately does not make any reference to
12 military powers, but nevertheless, affords the Government broad
13 scope to respond to public order emergencies, and just by virtue
14 of its title, you know, the -- if you're into an emergency, this
15 is obviously a very serious situation, so you don't want to have
16 to use it unless it's necessary.

17 So that is the right posture I think of every
18 government, that this is not a piece of legislation that we
19 should be using in a way that is anything reserved but for the
20 most serious situations. So that's my answer in regards to the
21 reluctance around it.

22 You also mentioned in your question that, you
23 know, that this business about there being the concern that if
24 we invoke the *Emergencies Act* that it might actually lead to
25 more violence, or radicalisations I believe you heard from
26 Mr. Vigneault and CSIS.

27 I was very mindful of that, but I also, and
28 colleagues at the Cabinet table, also had to weigh the risks of

1 not invoking the *Emergencies Act* because there were -- the
2 materialisation of counterprotests from individuals,
3 specifically in Ottawa, because they were so frustrated at their
4 inability to go to their jobs, take their kids to daycare, get
5 access to emergency medical services, their prescriptions and
6 the like, I mean, it was utter and total mayhem. I mean, let's
7 call a spade a spade. And so that frustration was boiling over.

8 And my concern in my capacity, as the Minister
9 for Public Safety, is that if we don't equip police with the
10 additional tools and the authorities that they need to
11 specifically address the gaps that they had been consistently
12 briefing us on, then that might lead to more violence. And so
13 we also had to weigh the risks of not taking the decision to
14 invoke.

15 And so that -- we weighed in the potential
16 concerns around radicalisation, but ultimately we came down on
17 the side of invoking.

18 **MS. SHANTONA CHAUDHURY:** Okay.

19 On this point, then, Mr. Clerk, can you pull up
20 SSM.NSC.CAN.00000290.

21 So this is a readout of minutes of the Guns and
22 Gangs. Can you situate us, actually, Minister Mendicino, and
23 tell us Guns and Gangs, what does that refer to, that meeting?

24 **MINISTER MARCO MENDICINO:** Sorry. This is a
25 document published by?

26 **MS. SHANTONA CHAUDHURY:** It's a reading or
27 minutes of a meeting that was held -- okay, the date of it isn't
28 clear, actually, but we know that it's post invocation because

1 it refers to the invocation of the *Emergencies Act*. And it
2 says:

3 "(Schedule was changed, Guns & Gangs
4 instead)."

5 It's a Guns and Gangs meeting. And there's a
6 report from you. "M3" I think refers to you. That's the
7 notation that's used to describe you, "M3". Why M3?

8 **MINISTER MARCO MENDICINO:** Minister Marco
9 Mendicino.

10 **MS. SHANTONA CHAUDHURY:** I should have been able
11 to answer that. Okay.

12 Bullet Number 3 here, you're discussing -- okay,
13 well, let's go from the Bullet Number 1:

14 "Update on current state of affairs:
15 The blockades that started a month ago,
16 aiming critical infrastructure, had a
17 very significant and negative impact on
18 our security, sovereignty, integrity at
19 the borders.

20 We worked very closely with FPT to get
21 a grasp of the risks to public safety,
22 [and] international security."

23 The important one, which I'll slow down on, is
24 the third one:

25 "We took unprecedented decision to
26 invoke [*Emergencies Act*] on the advice
27 we received from many branches of
28 enforcement on every level."

1 **MINISTER MARCO MENDICINO:** Right.

2 **MS. SHANTONA CHAUDHURY:** What I want to ask you
3 about is the advice you received from branches of enforcement,
4 was that advice to invoke the *Emergencies Act* specifically?

5 **MINISTER MARCO MENDICINO:** The advice that we
6 received was around tools that could only be granted through the
7 *Emergencies Act*, and the reason why I say that is that there is
8 an express element of the test that says that you don't get to
9 the threshold unless you've exhausted authorities or if you --
10 unless it can be established that existing authorities are
11 ineffective at restoring public safety. And for me, that is the
12 operative word, because there were authorities there were on the
13 books, but the fact is that on the basis of what I was seeing
14 and what I was hearing that those existing authorities were not
15 sufficiently effective to restore public safety. And that is
16 consistent with the advice that we were getting from various
17 partners within the public safety community, including law
18 enforcement, including CBSA, and other officials, as you've
19 heard.

20 **MS. SHANTONA CHAUDHURY:** Okay. So just to recap,
21 then, the advice you're talking about is the advice that's
22 identifying gaps in tools, not specifically advice to invoke the
23 *Emergencies Act* but advice that goes to identifying gaps or
24 tools.

25 **MINISTER MARCO MENDICINO:** And tools, as you
26 actually saw in the email from Commissioner Lucki on February
27 13th. That would be invoked in the *Emergencies Act*; she used
28 that language in her email to me.

1 **MS. SHANTONA CHAUDHURY:** Okay. Then the very
2 last question -- I think I actually am now out of time, so the
3 last question I want to ask you, Minister Mendicino, and your
4 legal background shows in how you unpack my triple-barrelled
5 question last time around, so this is the last barrel, the third
6 barrel that you didn't get to in your answer, which is the
7 threshold for invoking a Public Order emergency, as you know,
8 depends on identifying a threat to the security of Canada with
9 reference to the *CSIS Act*.

10 We've heard a lot of discussion at the Commission
11 about how that threshold may or may not have been met, and we
12 know that there was no specific threat to the security of Canada
13 assessed by CSIS. Nevertheless, the government concluded that
14 the threshold was met, presumably, because the Act was invoked.

15 How, in your view, was that threshold met?

16 **MINISTER MARCO MENDICINO:** Well, first let me
17 address the piece about CSIS's conclusion, and I know you've
18 heard some evidence about that, but I do think it is important
19 to emphasize that they are assessing through their mandate,
20 which is conventionally confined to espionage and foreign
21 interference and potential threats to cybersecurity, for the
22 purposes of establishing a legal threshold under that statute,
23 which then leads to potentially obtaining warrants, judicially
24 authorized, so that we can mitigate against those potential
25 security threats.

26 This was very different. This was not about
27 isolating a lone wolf or a small group; rather, it was about
28 looking at a protest which became illegal at a national scale.

1 And assessing -- completing that exercise also had to take a
2 look at the broader objective and scope of the *Emergencies Act*,
3 which means looking at section 2 of that statute where it talks
4 about the presence of a serious threat, or threat of serious
5 violence so as to exceed the capacity of any province to respond
6 on the basis of authorities that exist.

7 And so in my judgment, you need to kind of look
8 at both. And that was precisely the skillset that I was
9 applying in my role as Minister of Public Safety. Drawing on my
10 understanding of the law and the principles as they were being
11 applied to the facts that existed on the ground at the time.

12 And so looking at everything in its totality, we
13 had a situation where for two weeks we had a protest that was
14 national in scale that overwhelmed the resources of police and
15 other border officials, very deliberately, for a protracted
16 period of time, where despite the existence of statutes and
17 resources; and, in my view, as informed by counter-operational
18 tactics that were specifically deployed to stop people from
19 restoring public safety, the extraordinary jeopardy that it
20 placed our economy in; the thousands of Canadians who had their
21 jobs interrupted; the fact that businesses were shuttered; that
22 sectors were compromised that are the literal and figurative
23 engine of our economy; the fact that all of this was tied to a
24 politically stated objective to overthrow the government if it
25 refused to reverse course on pandemic policy, and the challenges
26 that were presented to the security and intelligence community,
27 and the broader law enforcement community, in understanding what
28 the nature of this protest was, and why it was so difficult and

1 challenging to restore public safety all drew me to the
2 conclusion that we met the threshold.

3 And, ultimately, for me at the end of the day, it
4 worked. I'm not saying that the *Emergencies Act* is a perfect
5 instrument, and my sincere hope to the Commission is that there
6 will be some reflection about that, but it was a measure that
7 was successfully deployed by law enforcement to restore public
8 safety without significant injury, or any fatalities at all.

9 And the fact that as part of the invocation of
10 this Act, that we now have an opportunity to go over the
11 circumstances that led to that decision in great forensic detail
12 with witnesses testifying is, I think, an important pillar of
13 our democratic process, which, of course, was one of the things
14 that we were very much concerned with preserving throughout.

15 So that is my answer with regards to the
16 threshold and why I think it's important that I'm here today.

17 **MS. SHANTONA CHAUDHURY:** Commissioner, those are
18 my questions. I'll pass the baton.

19 **COMMISSIONER ROULEAU:** Okay.

20 So now cross-examination; start with the convoy
21 organizers, please.

22 **MR. KEITH WILSON:** Good morning, sir. My name is
23 Keith Wilson, counsel for the convoy organizers.

24 I apologize for my voice; I'm recovering from a
25 cold.

26 **MINISTER MARCO MENDICINO:** I have a bit of the
27 same.

28 **MR. KEITH WILSON:** Thank you, sir.

1 Sir, we're not in a position to proceed with
2 cross at this time. There's two reasons.

3 One is the federal government has disclosed over
4 a week ago an extension volume of documents that are highly
5 redacted. It is obvious from the face of the documents that
6 they don't meet the criteria for lawful redactions.

7 A motion was made last week for those redactions
8 to be lifted. The submissions closed on Thursday evening. We
9 still have no ruling; a number of days have passed. For the
10 cross-examination and the discovery of truth process to be valid
11 and effective, the parties require access to the documents; we
12 don't have that.

13 So we would appreciate some indication as to when
14 the Commission is actually going to rule on that and hopefully
15 compel the proper disclosure of the record so that cross-
16 examinations can be effective.

17 I emphasize that these documents are not related
18 to future witnesses, but present witnesses, so we're making the
19 process inefficient, with all due respect, by not allowing the
20 parties to have access to unredacted documents.

21 The second reason we're not in a position to
22 proceed with our cross-examination at this time with this
23 witness is our lead counsel, Mr. Brendan Miller, who had
24 prepared for the cross, as you know, sir, has been removed by
25 the room by you when he was raising a motion to find a way
26 around the absence of a ruling on the redaction.

27 So we're just not in a position to proceed on
28 cross, sir.

1 **COMMISSIONER ROULEAU:** Okay. Well, just on your
2 first question, it is expected that the ruling will come out at
3 the -- during the lunch hour.

4 There have been a fair amount of back and forth,
5 without going into detail, there's some, let's say, innovative
6 type of issues that had to be dealt with. So that should come
7 out at the lunchtime, which I'm happy to -- yeah, I will do my
8 utmost. It's going to come out, unfortunately probably not on
9 the record, the website, because it won't be translated, which
10 is one of the issues we have to deal with, but we will -- in
11 light of what you say, we'll issue it in English only for the
12 moment, and it will become -- be posted when it's bilingual, but
13 I understand that submission.

14 So that should enable you. So we can put off the
15 cross-examinations till after the lunchtime.

16 In terms of the other problem, that's not
17 something I can deal with. I've dealt -- I'm trying to deal the
18 best I can with the situation; and, quite frankly, if the issue
19 had been raised the way you have now, I would have given the
20 answer I'm giving now.

21 So what I propose, then, since this witness will
22 be here after lunch, we simply delay till after lunch. If you
23 could endeavour, because I see you have Mr. -- you have a co-
24 counsel, so you can sort out how that can be done, that would be
25 appreciated.

26 **MR. KEITH WILSON:** Thank you, sir.

27 **COMMISSIONER ROULEAU:** So next I'll call on the
28 OPP, please.

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

2 **MR. CHRISTOPHER DIANA:** Good afternoon, Minister.
3 Chris Diana, counsel to the OPP.

4 **MINISTER MARCO MENDICINO:** Good afternoon.

5 **MR. CHRISTOPHER DIANA:** We received some
6 documents last night that we're all frantically trying to
7 review; some of them are quite interesting.

8 And of the ones I'd like to start with, Mr.
9 Clerk, is PC.CAN.00001849.

10 And this appears to be a text exchange with you
11 and an unidentified person, who I'm hoping you'll be able to
12 help us identify. And if we can go to page 26?

13 All right. So if you could help situate us as to
14 kind of context here, this appears to be a text with someone. I
15 believe you're on the left and somebody else is on the right.
16 If you could scroll down a little bit, so that the witness has a
17 chance to review it?

18 Do you know who this text exchange was with?

19 **MINISTER MARCO MENDICINO:** I believe it's Mike
20 Jones.

21 **MR. CHRISTOPHER DIANA:** And he would be your
22 Chief of Staff; correct?

23 **MINISTER MARCO MENDICINO:** Yes.

24 **MR. CHRISTOPHER DIANA:** And someone who you would
25 have been in touch with, obviously, every day, your closest
26 contact ---

27 **MINISTER MARCO MENDICINO:** Yes.

28 **MR. CHRISTOPHER DIANA:** --- within the -- within

1 your system. All right. And so if we scroll to the top again
2 to set the time context here, Monday, February 14th at 12:48 a.m.
3 So very early in the morning February 14th, so basically, the
4 night of February 13th if we were to look at it that way. And
5 the context here is that the Ambassador Bridge had just been
6 opened to traffic, I believe, about 30 minutes earlier; is that
7 correct?

8 **MINISTER MARCO MENDICINO:** Yes.

9 **MR. CHRISTOPHER DIANA:** That accords with your
10 recollection of when the exchange took place?

11 **MINISTER MARCO MENDICINO:** It does. There were
12 some questions about whether or not it was fully opened and
13 exactly when CBSA would declare that it was officially open, but
14 on the whole, yes, there were reports that it was opened in the
15 early hours of February the 14th.

16 **MR. CHRISTOPHER DIANA:** Yeah, but I think for
17 clarity, I think the Windsor Police Service institutional report
18 identifies 12:12 a.m. on that day, so ---

19 **MINISTER MARCO MENDICINO:** That sounds about
20 right to me.

21 **MR. CHRISTOPHER DIANA:** All right. And so you
22 would agree that everything you had heard was that, well, it was
23 open. There was still a concern about potential volatility;
24 correct?

25 **MINISTER MARCO MENDICINO:** That's right.

26 **MR. CHRISTOPHER DIANA:** All right. If we can ---

27 **MINISTER MARCO MENDICINO:** There were reports of
28 flair-ups, if I'm not mistaken ---

1 **MR. CHRISTOPHER DIANA:** Yes.

2 **MINISTER MARCO MENDICINO:** --- either on the 13th,
3 but certainly after the 14th as well.

4 **MR. CHRISTOPHER DIANA:** All right. So I'm
5 interested in the text that says, and I'll read it,

6 "Following the declaration, we should
7 go to ambassador and inspect the bridge
8 re-opening and thank law enforcement
9 and rcmp

10 Assuming things go according to plan"

11 So I'd like to follow up on what -- and this is
12 you texting Mike Jones; correct?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MR. CHRISTOPHER DIANA:** Your term "following the
15 declaration", I assume you're talking about the *Emergencies Act*
16 declaration?

17 **MINISTER MARCO MENDICINO:** Yes.

18 **MR. CHRISTOPHER DIANA:** And you would agree the
19 *Emergencies Act* had not yet been invoked at this point; correct?

20 **MINISTER MARCO MENDICINO:** That's correct.

21 **MR. CHRISTOPHER DIANA:** And in fact, there had
22 not even been consultation with the provinces at this point;
23 correct?

24 **MINISTER MARCO MENDICINO:** That's -- well, to be
25 clear, the First Minister's meeting had not yet occurred, which
26 occurred the next morning. There were conversations with
27 provincial and territorial counterparts, but it was before the
28 First Minister's meeting.

1 **MR. CHRISTOPHER DIANA:** Right. But I think it --
2 and I'm not going to go to the document for lack of time, but I
3 think it was made very clear by the Prime Minister and others
4 that his mind hadn't been made up yet, that the consultation was
5 essentially being done in good faith ---

6 **MINISTER MARCO MENDICINO:** Yes.

7 **MR. CHRISTOPHER DIANA:** --- correct?

8 **MINISTER MARCO MENDICINO:** Yes, and I wasn't
9 communicating that the decision had been finally taken, but
10 rather the assumption that it may have been.

11 **MR. CHRISTOPHER DIANA:** Not may have been.
12 Following the declaration, it sounds to me like you're pretty
13 convinced that it was going to be made, regardless of what
14 happened at the consultation?

15 **MINISTER MARCO MENDICINO:** I won't dispute we
16 were definitely trending very much in that direction, yes.

17 **MR. CHRISTOPHER DIANA:** Okay. "Assuming things
18 go according to plan", and so what plan are you referring to
19 here?

20 **MINISTER MARCO MENDICINO:** Restoring public
21 safety and Ambassador Bridge was one of the real flashpoints, as
22 you'll recall, because not only of the impact domestically in
23 Windsor, but Ambassador Bridge was one of the reasons why I was
24 engaged by my American counterparts, Secretary Mayorkas, who had
25 reached out and was very concerned that it was going to have an
26 impact on two-way trade -- and you will be familiar with this by
27 now I assume, but at Ambassador Bridge we do the most
28 significant amount of our day-to-day land trade, so there was a

1 lot at stake in restoring public safety at the Ambassador Bridge
2 in Windsor-Detroit.

3 **MR. CHRISTOPHER DIANA:** So a cynic might suggest,
4 and we're both lawyers, and there are a number of us in that
5 category, a cynic might suggest that it appears here you're
6 talking about setting up a photo op in Windsor, even before the
7 *Emergencies Act* is invoked.

8 **MINISTER MARCO MENDICINO:** I agree with you, a
9 cynic may suggest that, but that was not my intent. The point
10 was this was a very stressful time, and I wanted to be in a
11 position to reassure Canadians that we were restoring public
12 safety right across the country, including in Windsor-Detroit,
13 and that was an idea that I had proposed at the time to my Chief
14 of Staff.

15 **MR. CHRISTOPHER DIANA:** Okay. So let's read the
16 rests of it. Your Chief of Staff says, "Ok -- do you know when
17 that will be?" Presumably being the invocation of the Act;
18 correct?

19 **MINISTER MARCO MENDICINO:** Yes.

20 **MR. CHRISTOPHER DIANA:** Your response,
21 "I'm hearing as late as tomorrow
22 morning
23 I think it's a powerful visual
24 Otherwise it's just tweets"

25 So basically, what you're saying is, I should go
26 there, get some pictures, get some video, because it sends a
27 better image than just tweeting about it; fair?

28 **MINISTER MARCO MENDICINO:** Well, I think what I'm

1 getting at is that people are anxious and are concerned and want
2 to be confident that we are restoring public safety. I mean, I
3 would point out that that is not the end of the matter and
4 there's some additional back and forth between my Chief of Staff
5 and law enforcement. Ultimately, I chose not to go on sober
6 reflection.

7 **MR. CHRISTOPHER DIANA:** All right. So let's go
8 to that then. The OPP was not impressed with this idea; is that
9 fair to say?

10 **MINISTER MARCO MENDICINO:** I didn't speak
11 directly with the OPP, but it was expressed to me that law
12 enforcement had concerns about me or any other elected official
13 going.

14 **MR. CHRISTOPHER DIANA:** All right. If we can
15 take up the document ID OPP4582? And I'm going to be taking you
16 to text messages between Commissioner Carrique and Deputy
17 Commissioner Chris Harkins on February 14th. And once that's up,
18 if we can go to page 71? All right. So you can see at the top
19 it says, "Dana called." And that would be a reference to Dana
20 Earley, as you know. And this is from Chris Harkins,

21 "Dana called. She is not happy. The
22 rcmp called and the federal public
23 safety Minister..." (As read)

24 And that would be you; correct?

25 **MINISTER MARCO MENDICINO:** Yes.

26 **MR. CHRISTOPHER DIANA:** "...is coming tomorrow
27 for a photo op, tour the command post,
28 etc. Not appropriate. Optics are

1 terrible.

2 Can we stop it?"

3 Commissioner Carrique responds a little while
4 later saying, "Visit is being postponed." So you can see here
5 that obviously the OPP was not happy with the idea and described
6 it as a photo op.

7 **MINISTER MARCO MENDICINO:** Yeah, their advice
8 changed my mind.

9 **MR. CHRISTOPHER DIANA:** Part of the reason that
10 they were concerned, of course, and I think you've heard this
11 from the RCMP as well, was the potential that it could further
12 inflame the situation if you actually showed up and took
13 pictures; fair?

14 **MINISTER MARCO MENDICINO:** And I had to balance
15 that against what my initial thought or objective was, which was
16 to assure -- to be accessible and to assure people that we had
17 restored public safety. So in the end, I took that very much
18 into consideration. It was actually quite differential and
19 respectful to the advice that we got back from police and chose
20 not to go.

21 **MR. CHRISTOPHER DIANA:** Okay. Can we go back to
22 the other document, which is PB.CAN.1849? And this is back to
23 your text exchange with Mike Jones. And page 32.

24 Here it says, "RCMP..." and this is, I believe,
25 Mike Jones saying,

26 "RCMP Commissioner also strongly
27 advising against a trip to Windsor.
28 Concerned that it's still quite

1 volatile and things have been inflamed
2 by today's announcement. (Someone
3 drove at an officer again).
4 I want the visual as well, but with two
5 levels of forces asking us not to, my
6 .02 [cents] is that it's not worth the
7 risk of going and something happening
8 in response. Delaying gives us more
9 time to plan,..."

10 Et cetera. Scroll down, "Ok I hear you let's
11 discuss." So essentially, it was your Chief of Staff that was
12 saying, "Look, we've heard from two police services. Let's not
13 do this."

14 **MINISTER MARCO MENDICINO:** Yes. Solid advice and
15 I took it.

16 **MR. CHRISTOPHER DIANA:** In retrospect, and I
17 raise this because, you know, I think you would agree that
18 sometimes having politicians attend these kinds of sites can
19 have perhaps unintended consequences; fair?

20 **MINISTER MARCO MENDICINO:** Absolutely, yes.

21 **MR. CHRISTOPHER DIANA:** And that in retrospect,
22 you would agree that it probably wasn't a good idea to have
23 gone?

24 **MINISTER MARCO MENDICINO:** Yes, that's why we
25 didn't go, yes.

26 **MR. CHRISTOPHER DIANA:** And in my last minute I'm
27 going to ask you about consultation, and I've put these
28 questions to other witnesses, but I'm just simply going to ask

1 you -- or put to you the proposition about consultation with the
2 law enforcement, and the suggestion that I'll put to you is that
3 it's a good idea that when there is consultation with law
4 enforcement on tools, that that be done in writing for purposes
5 of accountability, so we can go back and check exactly who said
6 what to whom.

7 **MINISTER MARCO MENDICINO:** Right.

8 **MR. CHRISTOPHER DIANA:** Would you agree that's a
9 good idea?

10 **MINISTER MARCO MENDICINO:** Totally, and you would
11 have heard my evidence a little bit earlier this morning where I
12 talked about navigating the principle of operational
13 independence. I referred to Article 9.3 under Police Service
14 Agreements which we reach with provinces, which actually do set
15 out a mechanism and a protocol by which additional resources are
16 requested from the Office of the Federal Minister of Public
17 Safety, as well as the Office of the Provincial Ministers of
18 Public Safety.

19 One thing I didn't mention but I do think is
20 really relevant is that in those Police Service Agreements, it
21 is expressly contemplated under either 9.1 or 9.2 of those
22 agreements that prior to the deployment of the intra-provincial
23 RCMP resources, it is the elected provincial Minister of Public
24 Safety who has to form the opinion that there is a state of
25 emergency before they can be deployed. And it is only if
26 existing RCMP resources within the province are overwhelmed or
27 insufficient to deal with that emergency that you then take the
28 next step of requesting for the deployment of RCMP resources

1 outside of the province to deal with the situation, which is
2 Article 9.3.

3 And that is a request that comes to this office.

4 My point is, I agree with you that there is a
5 protocol there.

6 The *Emergencies Act*, unfortunately, does not
7 prescribe that process, so what we did instead was we did the
8 best that we could having various meetings daily, ultimately, in
9 the ERG and the Cabinet meetings where we were soliciting
10 inputs, including, as you saw in the email that I received from
11 Commissioner Lucki the day before, where she very specifically
12 and thoughtfully prescribes tools that could only be granted
13 under the *Emergencies Act*.

14 But I agree that maybe some additional thought
15 ought to be given to this protocol.

16 **MR. CHRISTOPHER DIANA:** And I am out of time, so
17 as I'm leaving, I'm just going to say that we've heard evidence
18 that -- some ambiguous evidence about conversations within the
19 RCMP, perhaps with others, that haven't been written down. And
20 I think you would agree that it'd be helpful to have everything
21 clear, unambiguous so there's no room for doubt.

22 **MINISTER MARCO MENDICINO:** Yes.

23 **MR. CHRISTOPHER DIANA:** Thank you, Minister.

24 **COMMISSIONER ROULEAU:** Okay. Next call on the
25 Ottawa Police Service, please.

26 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

27 **MS. JESSICA BARROW:** Good afternoon, Minister.

28 My name is Jessica Barrow, and I'm one of the counsel to Ottawa

1 Police Service.

2 **MINISTER MARCO MENDICINO:** Good afternoon.

3 **MS. JESSICA BARROW:** Prior to the arrival of the
4 convoy, would you agree with me that there was conflicting
5 information about how many protestors may participate in Ottawa
6 as well as how long they may stay?

7 **MINISTER MARCO MENDICINO:** I do agree. And by
8 the way, the range was very broad.

9 **MS. JESSICA BARROW:** Right.

10 **MINISTER MARCO MENDICINO:** I mean, I'd heard
11 something in the low thousands and then it quickly escalated as
12 we got closer to the weekend upwards of seven or eight thousand,
13 so yes.

14 **MS. JESSICA BARROW:** And so that was a real
15 difficulty from a planning perspective at all levels of
16 government and law enforcement. Is that fair?

17 **MINISTER MARCO MENDICINO:** Yes.

18 **MS. JESSICA BARROW:** And in fact, you testified
19 earlier that you were concerned that even the intelligence you
20 were receiving from your team maybe didn't fully capture all of
21 what you were seeing in terms of public narrative. Is that
22 fair?

23 **MINISTER MARCO MENDICINO:** I recall that, yes.

24 **MS. JESSICA BARROW:** And Deputy Minister Stewart
25 testified last week that there was a difficulty amongst the
26 intelligence community at that time in assessing the information
27 that was being received because much of that evidence was open
28 source and there was difficulty ascertaining the credibility of

1 that information. Would you agree with that?

2 **MINISTER MARCO MENDICINO:** I would agree with
3 that.

4 **MS. JESSICA BARROW:** And so again, that's
5 something that all levels of law enforcement would have been
6 grappling with at that time.

7 **MINISTER MARCO MENDICINO:** I agree.

8 **MS. JESSICA BARROW:** And so ultimately, no one
9 really had a very clear picture in advance of the scope of the
10 event as well as the behaviour of the protestors before it
11 arrived. Is that fair?

12 **MINISTER MARCO MENDICINO:** Yes. And I think
13 you've heard from a number of individuals, including me, that
14 that posed challenges with regards to assessing the intelligence
15 and the information about who the protest was made up of, how
16 many would participate, how long they would stay, what would be
17 the kind of conduct they would be engaging in, could it become
18 violent. There was a lot of information to have to sift through
19 and assess and it was, as you pointed out, at times varying and
20 conflicting, and so that definitely posed some challenges.

21 **MS. JESSICA BARROW:** And ultimately, what we did
22 see here in Ottawa as well as elsewhere in the country was
23 entirely unprecedented, both in terms of the scope as well as
24 the behaviour we ultimately saw from protestors. Is that
25 correct?

26 **MINISTER MARCO MENDICINO:** Yes, it is.

27 **MS. JESSICA BARROW:** I want to move on to the
28 police response once the protestors arrived here in Ottawa.

1 And we've heard considerable evidence to the
2 effect that when OPS and its partners engaged in *ad hoc*
3 enforcement actions or ticketing, by-law enforcement, things
4 like that, it could create dangerous situations for officers.
5 We heard about swarming, harassment I think you spoke to
6 earlier.

7 So you would agree that that type of thing was
8 occurring in Ottawa; correct?

9 **MINISTER MARCO MENDICINO:** It was. And I was
10 worried, as I said earlier, that it was the function of some
11 counter-operational advice that was being provided to the
12 blockade and the occupation, and it was -- in addition to police
13 officers, it was public figures. And we've heard many reports
14 about serious criminal violent threats, including death threats.

15 I received a death threat. My family received a
16 death threat throughout the -- throughout the convoy.

17 It was members of the press who were trying to
18 report on the facts that were occurring on the ground. There
19 were -- there were many, many, I think, efforts to try to crowd
20 out legitimate law enforcement.

21 **MS. JESSICA BARROW:** Right. And so that was a
22 real difficulty for law enforcement on the ground, particularly
23 OPS, since that was the bulk of the officers, obviously, at that
24 time, that to be able to engage in any real enforcement was a
25 real challenge as a result of what they were facing in response.

26 **MINISTER MARCO MENDICINO:** Yes.

27 **MS. JESSICA BARROW:** And that remained the case
28 until they had sufficient resources; correct?

1 **MINISTER MARCO MENDICINO:** That's right.

2 **MS. JESSICA BARROW:** And at that time, they did
3 not have sufficient resources to really engage in meaningful
4 enforcement in a way that people could maybe see it as
5 meaningful. Is that fair?

6 **MINISTER MARCO MENDICINO:** And I would say both
7 Chief Sloly and then Interim Chief Bell both expressed concerns
8 about having sufficient resources on the ground, which is why,
9 in my capacity as Minister of Public Safety, I was facilitating
10 additional help with the assistance of the Commissioner of the
11 RCMP by providing those resources. And when that didn't work,
12 looking at other tools leading up to the *Emergencies Act*.

13 **MS. JESSICA BARROW:** So specifically with respect
14 to the resources, you had obviously agreed that that messaging
15 coming from both OPS and Chief Sloly was from the very
16 beginning, essentially. Once it became apparent that these
17 protestors were not leaving, it became equally apparent that
18 there was insufficient resources. Is that fair?

19 **MINISTER MARCO MENDICINO:** That came very early
20 on, yes.

21 **MS. JESSICA BARROW:** And would it be fair to say
22 that any concerns in relation to operational plans or the level
23 of enforcement should not be taken as some kind of suggestion
24 that OPS should have engaged in enforcement action without the
25 resources they needed?

26 **MINISTER MARCO MENDICINO:** Well, that was
27 certainly the subject of discussions that was going on between
28 the RCMP, the OPP and the OPS as it was reported to me. It was

1 about making sure that we understood what the plan was and what
2 was needed by the Ottawa Police Service to restore public safety
3 and, from where I sat, one way in which we could support the
4 formulation and the ultimate implementation of a plan would be
5 to offer additional RCMP resources, and that we did.

6 **MS. JESSICA BARROW:** Right. And so none of the
7 sort of if we could call it criticisms about the lack of
8 enforcement or the lack of a plan should be perceived as a
9 suggestion that there was -- that OPS should have been engaging
10 in enforcement notwithstanding the fact that they didn't have
11 the resources to do that safely.

12 **MINISTER MARCO MENDICINO:** I would agree that we
13 shouldn't be sending out any police officer into the field if
14 they can't be safe.

15 **MS. JESSICA BARROW:** Right.

16 **MINISTER MARCO MENDICINO:** And so this particular
17 event was singular and unprecedented, as you pointed out
18 earlier, and therefore, it did require sufficient and
19 significant resources to restore public safety.

20 **MS. JESSICA BARROW:** And something you said
21 earlier, and I just want to expand on it, if I can, you
22 indicated that it was essentially impossible to police those on
23 Wellington Street. Do you recall making a statement to that
24 effect?

25 **MINISTER MARCO MENDICINO:** Yes, I held that view
26 throughout the entirety of the blockade and the occupation until
27 we invoked the *Emergencies Act*.

28 **MS. JESSICA BARROW:** And that's because if you

1 compare the sort of lawlessness of the behaviour of the
2 protestors as compared to the resources that were there to deal
3 with that situation, there was a disconnect. Is that fair?

4 **MINISTER MARCO MENDICINO:** It was
5 disproportionately skewed towards those who were participating
6 in the occupation and -- and I believe at times that was a
7 tactical decision. And when police tried to enforce, you know,
8 they were -- they were crowded out, they were swarmed, they were
9 intimidated. In some cases reports of assaults.

10 So yes, they were overwhelmed.

11 **MS. JESSICA BARROW:** And so when we talk about
12 the operational plans, and you've touched on it a couple of
13 times, would it be fair to say that the reason the plans were
14 required was to ensure that if the resources were provided,
15 there was an understanding by those agencies about how they
16 would be used to safely and productively contribute to an end of
17 the event?

18 **MINISTER MARCO MENDICINO:** Yes.

19 **MS. JESSICA BARROW:** And so it wasn't a question
20 of undermining the actions of OPS. It was about ensuring
21 collaboration. Is that fair?

22 **MINISTER MARCO MENDICINO:** Yes.

23 **MS. JESSICA BARROW:** And there was never any
24 suggestion that OPS should have engaged in an overall operation
25 to end the event before it had the resources to do that safely.

26 **MINISTER MARCO MENDICINO:** I think that makes
27 sense.

28 **MS. JESSICA BARROW:** Okay. I want to move on and

1 quickly discuss a couple of points referenced in your witness
2 statement in relation to the engagement proposal. I don't think
3 I need to bring up your witness statement, but I'm happy to if
4 that's necessary.

5 Deputy Minister Stewart testified that the
6 purpose of the draft engagement proposal was to give protestors
7 in Ottawa a potential exit strategy. Do you agree with that
8 statement?

9 **MINISTER MARCO MENDICINO:** To the best of my
10 recollection, yes, that sounds right.

11 **MS. JESSICA BARROW:** And that view came from
12 Deputy Minister Stewart's conversations with Inspector Beaudin,
13 who you may or may not know is an expert from OPP on protestor
14 engagement through his PLT work. Are you aware of that?

15 **MINISTER MARCO MENDICINO:** Yes, I have some
16 recollection of that.

17 **MS. JESSICA BARROW:** And he also testified, he
18 being Deputy Minister Stewart, that the proposal had buy-in from
19 both OPP and OPS. Were you aware of that?

20 **MINISTER MARCO MENDICINO:** I believe so, yes.

21 **MS. JESSICA BARROW:** And you testified earlier
22 that you saw it to be your job during this time, or perhaps the
23 job of your department, to ensure that law enforcement had both
24 the resources and the tools they required?

25 **MINISTER MARCO MENDICINO:** That's correct.

26 **MS. JESSICA BARROW:** And so in your witness
27 statement, you indicated that there were two issues with respect
28 to why the enforcement, or sorry, the engagement proposal didn't

1 come to fruition. The first was questions that were left
2 unanswered about the convoy organizers, who they are and who was
3 in charge. And the second related to safety concerns about the
4 person engaged in the proposal. Do you recall saying that?

5 **MINISTER MARCO MENDICINO:** Yes. And in addition
6 to that, the logistics of where engagement would occur.

7 **MS. JESSICA BARROW:** Okay. So I just want to
8 pull up a couple documents in relation to that.

9 The first is OTT00005318. If we could scroll to
10 the bottom?

11 So this is an email -- sorry, up a little so we
12 can see who it's to. Yeah. Sorry, the email at the bottom of
13 the first page. Yes, there.

14 So this is an email from someone at Ottawa
15 Police, Vicky Nelson, to a number of people, including Deputy
16 Minister Stewart. And as you can see, it says:

17 "Good morning,
18 On behalf of General Counsel [...] please
19 find attached the list of the convoy
20 leaders and their affiliates."

21 That's on February 7th. And then if you scroll to
22 the top, it's an email back from Mr. Stewart saying, "Thank
23 you".

24 And so you would agree with me that there is some
25 level of engagement with OPS to get the information your
26 department needs about those convoy organizers and their
27 affiliates to assist with this proposal?

28 **MINISTER MARCO MENDICINO:** It would appear so, on

1 the basis of that email exchange. I don't recall being briefed
2 at the time about who those individuals were or, moreover, how
3 those individuals would help to ensure the clearing of the
4 convoy. But yes, on what you're showing me, it does seem that
5 there is a back and forth between Deputy Minister Stewart and
6 the Ottawa Police Service on who the leaders of the organization
7 might be.

8 **MS. JESSICA BARROW:** Thank you. I'm just going
9 to bring up one last document. This one's PB.NSC.CAN2963. If
10 we go to the second page? Right there. We see the first
11 bullet.

12 "Would the signatory of the letter or the
13 person who goes to the meeting be putting
14 themselves at risk? Is that a big
15 concern?"

16 And this is an email change between yourself and
17 Mr. Stewart, amongst various other people. Does this reflect
18 the concern that you're referencing in relation to whether there
19 would be a risk to the person engaging with this proposal?

20 **MINISTER MARCO MENDICINO:** Sorry, can we just go
21 back up to the top of that document? Right, sorry, scroll down
22 a bit. And again.

23 So the way I recall this is that Deputy Minister
24 Stewart is responding to concerns that I had raised with him
25 about the engagement proposal.

26 **MS. JESSICA BARROW:** Right. So if we scroll then
27 -- back up to the first page of the document, it looks like we
28 have the answers to those questions. And if we look at the last

1 -- the second bullet, we see:

2 “The risk to the signatory and government
3 rep at a later [date --] meeting is low,
4 assuming the meeting is virtual.”

5 So again, would you agree that the concern that
6 you’ve raised has been addressed as a result of a conversation
7 between Deputy Minister Stewart and his OPP expert?

8 **MINISTER MARCO MENDICINO:** I would say it begun
9 to address the concerns. I don’t think I was wholly satisfied
10 by the answers that I had gotten at that stage.

11 In particular, I would have explored the
12 assessment that the risk to the signatory and to the government
13 rep was low because I needed to understand exactly where the set
14 up was going to be, how it was going to be undertaken, and
15 bearing in mind at the time the situation on the ground was
16 volatile, and at times extremely chaotic, and certainly with a
17 very compromised ability to enforce the law.

18 I really wanted to be satisfied that those
19 answers -- that those questions would be answered, because if I
20 went back to Cabinet and was asked about the engagement proposal
21 that was being worked up by my Deputy Minister, I had to be
22 accountable and I had to be in a position to answer them.

23 So it begun to answer some of those questions, I
24 would say, not completely.

25 **MS. JESSICA BARROW:** So you said, “I would have,”
26 as though it were hypothetical. Did you ultimately continue
27 that conversation or was a decision made at this point to kind
28 of stop the process?

1 **MINISTER MARCO MENDICINO:** No, there was no
2 decision to stop the process. And there were some ongoing
3 conversations about engagement. And, you know, ultimately, I
4 mean this is February 12 at 12:25. The following day, we have
5 an IRG and then a Cabinet meeting. And then the 14th is the day
6 in which -- that's about a day and a half after this email
7 exchange, we saw that the efforts of the City of Ottawa were not
8 successful in the engagement proposal. And by then, we were
9 into the invocation of the *Emergencies Act*.

10 **MS. JESSICA BARROW:** So you would say sort of
11 events overtook and the proposal fell by the wayside?

12 **MINISTER MARCO MENDICINO:** I would say there was
13 a lot of work that was going on, and I know that the Deputy
14 Minister at the time was working very hard to fulfil this task
15 around the engagement proposal, but we were also, you know,
16 meeting with enforcement officials, meeting with Cabinet,
17 meeting with and engaging with provincial and territorial
18 colleagues, and then yes, the sequence of events that had to be
19 fulfilled prior to taking a decision on the invocation of the
20 *Emergencies Act* was pressing.

21 **MS. JESSICA BARROW:** Okay. Thank you. Those are
22 my questions.

23 **MINISTER MARCO MENDICINO:** Thank you.

24 **COMMISSIONER ROULEAU:** Thank you. Next, counsel
25 for former Chief Sloly, please.

26 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

27 **MR. TOM CURRY:** Thank you.

28 Minister, Tom Curry for the former chief. Good

1 afternoon.

2 Just on the point that was last raised, did you -
3 - were you briefed on the outcome of the effort to try to engage
4 protestors in Windsor by Minister Jones or by the OPP and the
5 letter from Minister Jones?

6 **MINISTER MARCO MENDICINO:** I recall some
7 information coming to me about that engagement and it being
8 similarly unsuccessful, I recall there being a report about a
9 letter being circulated to individuals who were part of the
10 blockade in Windsor, and that my recollection is that it did not
11 gain any traction with them.

12 And so likewise, here in Ottawa, a lot of the
13 concerns around the cohesive structure of the blockade and the
14 occupation raised legitimate concerns about whether or not even
15 if a negotiated settlement had been reached, whether or not it
16 would have been successful in disengaging and clearing the
17 blockade and the occupation.

18 **MR. TOM CURRY:** Thank you. The issue about
19 whether a negotiated resolution was possible, was that taken
20 eventually to Cabinet and discussed?

21 **MINISTER MARCO MENDICINO:** It was discussed at
22 definitely one of the IRGs, where, as I said earlier today, my
23 Deputy at the time had briefed the members of the IRG on the
24 constitution of the individuals that made up the occupation here
25 in Ottawa and the degree to which they were entrenched and dug
26 in, and how we might shaken or loosen that through engagement.
27 So it was discussed, yes.

28 **MR. TOM CURRY:** And similarly, did you become

1 aware that the Mayor of Ottawa had negotiated successfully for
2 the relocation of some of the vehicles away from residential
3 neighbourhoods and that that was thought to represent a possible
4 breakthrough?

5 **MINISTER MARCO MENDICINO:** I do recall there
6 being discussions between Mayor Watson and I think his -- there
7 was an appointed mediator that he had managed to secure.

8 But I also remember being very concerned that the
9 vehicles that were clearing out of neighbourhoods were actually
10 come back downtown into the Parliamentary Precinct and that that
11 created a surge of vehicles that were, again, entrenching at the
12 seat of the Federal Government, and my concern was that it was
13 actually growing the scale of the occupation here and that would
14 have made it even potentially more difficult and challenging to
15 clear.

16 **MR. TOM CURRY:** A couples of things, if I could,
17 just about the resources. The information that you received
18 about resources came principally from Commissioner Lucki. Is
19 that fair?

20 **MINISTER MARCO MENDICINO:** That's correct.

21 **MR. TOM CURRY:** And did you become aware that the
22 information that you were receiving from the Commissioner did
23 not accord with the provision of resources to the OPS?

24 **MINISTER MARCO MENDICINO:** Yes. In trilateral
25 meetings with Mayor Watson, and in discussions with some of his
26 officials, I think he articulated a concern that perhaps there
27 was a need to look more carefully at the number of -- one, the
28 number of RCMP that were actually deployed; and two, what their

1 taskings were. And I know that he sort of underlined that
2 latter part on a couple of occasions, that it wasn't just the
3 numbers it was what were the RCMP going to be dispatched to do?

4 And in fairness, those were questions that we did
5 put to Commissioner Lucki at the time, and I think she did her
6 best to answer them.

7 **MR. TOM CURRY:** Right. Understood. And you
8 relied in making -- you made very -- I won't take you to them in
9 the time I have, but you made various public statements in
10 response to questions from the media about what you were doing -
11 - what the Federal Government was doing to help the Ottawa
12 Police Service and in reliance from the information you had from
13 Commissioner Lucki you made those statements, including naming
14 the numbers of officers, I think at one time 250 or 275,
15 something like that.

16 **MINISTER MARCO MENDICINO:** In that range. Yeah,
17 the reason why we were trying to get the message out was that
18 there were, I think, increasing questions and concerns from the
19 City that they didn't have enough personnel, and I wanted to
20 communicate that on behalf of the Federal Government that we
21 were acting quickly and decisively to respond to those concerns
22 by dispatching RCMP personnel.

23 **MR. TOM CURRY:** And the idea that -- all you can
24 do in your position, I presume, is rely on those, in this case
25 the Commissioner, to provide you with information to the best of
26 her ability and then you can rely on that and convey it. As it
27 turns out in this case, you learned that the information that
28 you had and conveyed was not accurate.

1 **MINISTER MARCO MENDICINO:** Well, I would say a
2 couple of things. One, when the Commissioner is briefing me, I
3 take that information, you know, specifically around Operations,
4 very much into account as we're making decisions about what
5 additional resources we can offer. I was, nevertheless,
6 interested to know whether or not we needed to do more to
7 coordinate because the Mayor and certain officials were saying
8 it wasn't just about numbers, it was about tasking. So there
9 was a free-flowing dialogue there.

10 The numbers was -- the issue of whether or not to
11 be public about the numbers was also a concern because the
12 Commissioner said that she was concerned that if we posted
13 numbers or we published numbers that that might actually lead to
14 a surge, and so we had to try to find a balance.

15 **MR. TOM CURRY:** Right. Just -- and just for the
16 -- I'm not going to take it up, but in one of the statements
17 that you made, it's captured at OPS8365 at page 5.

18 That's just for the record. I don't need it,
19 Mr. Registrar.

20 You described, again based on information that
21 you had from the Commissioner, that the RCMP had added 275
22 Mounties in the Ottawa deployment. And as you pointed out, and
23 we learned later, and the Commissioner and the Deputy
24 Commissioner, I think, described it as essentially about the mix
25 up of the numbers. That the -- it wasn't actually that many
26 Mounties, it was a way of accounting for them that added up
27 shifts and the like.

28 Did you subsequently become aware that that's how

1 the numbers became, as they said, mixed up?

2 **MINISTER MARCO MENDICINO:** I was aware that there
3 was an ongoing conversation between the RCMP and the OPS about
4 exactly how many RCMP had been deployed to respond to the
5 occupation and the blockade. I will say, you know, ultimately
6 in the lead up to the invocation, my recollection is we did
7 dispatch about a thousand RCMP officers.

8 **MR. TOM CURRY:** Yes. Yeah. In the end, it was a
9 massive deployment, which gets to the point you've already
10 touched on. Chief Sloy has described this as unprecedented and
11 representing a paradigm shift in the way we think about policing
12 public protests. Do you agree with that?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MR. TOM CURRY:** And the -- in terms of the
15 circumstances in which everyone of you found yourselves in, all
16 of the participants, and I include the convoy organisers, who
17 seemed not also to have appreciated how many people were going
18 to attend and maybe the nature of their sense of protest, this
19 resulted in great frustration at all levels, as you've
20 expressed. You were frustrated about the pace at which this was
21 being resolved. Fair?

22 **MINISTER MARCO MENDICINO:** I was concerned about
23 the fact that for two weeks we could not enforce the law and
24 maintain public safety in the Capital and at border communities
25 across the country, yes.

26 **MR. TOM CURRY:** And in your communications and
27 the communications of some of your ministerial colleagues, do
28 you agree that in hindsight some of the language that was used,

1 even internally, was unhelpful to the cause because it added
2 concerns and doubt about the effectiveness of, for example, the
3 Ottawa Police Service or the Chief in being able to deal with a
4 problem that had overwhelmed their service?

5 **MINISTER MARCO MENDICINO:** I think with the
6 benefit of reflection, you know, you always look back and, you
7 know, ask yourself could you have expressed a sentiment with
8 more diplomacy. I mean, we've heard earlier today that there
9 were some rather, you know, tense and terse exchanges. I think
10 it is completely understandable in the moment, and it wasn't
11 just government and police who were concerned and frustrated.
12 The people that I was most worried about were Canadians and the
13 materialisation of counterprotests and just the ability to be
14 able to go about daily lives, was my paramount concern, and the
15 only way we could get life back to normal is if we could uphold
16 the law.

17 **MR. TOM CURRY:** Right. And although you were
18 expressing, and Minister Blair expressed I think yesterday, and
19 no doubt this has appeared in media because it was found in some
20 of the documents, that he expressed his embarrassment about his
21 former profession of law enforcement because of these
22 circumstances, we should not take any of those comments as
23 reflecting on the hard work that was done by the OPS or
24 Chief Sloly at the time?

25 **MINISTER MARCO MENDICINO:** No. And I know how
26 much regard Minister Blair holds for law enforcement. I mean,
27 he was a member of that community for decades. So you know,
28 look, it was a really tough moment for the country, it was a

1 tough moment for the people who were impacted by the occupation,
2 and at times, yes, emotions were definitely running high and it
3 was challenging. But you know, ultimately we got the right
4 players at the table to restore public safety.

5 **MR. TOM CURRY:** Can I just ask, then, one last
6 thing to get your help with this, please, Minister? The issue
7 that you've been asked about in terms of the difference between
8 setting priorities in your role as the Minister of Public Safety
9 and interfering with Operations, do you agree with me that
10 describing for the Commissioner the importance of, for example,
11 the circumstances that the country found itself in with the
12 border blockades, having that discussion with the Commissioner
13 doesn't interfere with operational autonomy?

14 **MINISTER MARCO MENDICINO:** No, I don't think so.
15 And I think again this is an area that is really important to
16 this Inquiry, which is to understand where those boundaries are
17 within the context of an emergency.

18 So it is important that in my job as the Minister
19 of Public Safety that I am holding the RCMP and other line
20 agencies in the Public Safety portfolio accountable for doing
21 the job of finding ways to restore public safety, exhausting
22 every effort, using statutory authorities which exist, using
23 authorities and resources that exist, and failing that, to look
24 and scan at what's left. And so that is what took us to the
25 *Emergencies Act*.

26 But throughout, finding that, you know, that
27 right balance of ensuring accountability without crossing the
28 boundary is an extremely important part of this exercise, I

1 agree with that.

2 **MR. TOM CURRY:** At the level both of the federal
3 and provincial ministry because both have -- the Commissioner
4 has seen expressions of priorities by the Provincial and Federal
5 Government as to, for example, the blockade at the Ambassador
6 Bridge. Appropriate in your judgement?

7 **MINISTER MARCO MENDICINO:** Yeah, that's right,
8 and, you know, I do think that there are some existing
9 conventions that we can look to have a, like an important
10 conversation about what those principles are. And I mentioned
11 one under the Police Services Agreement, where there is the
12 relationship between the elected branch of government and police
13 when it comes to forming the opinion that an emergency exists
14 and then the elected government responding to requests from
15 police to deploy resources and additional tools which may not
16 exist in any other statute.

17 **MR. TOM CURRY:** Including the Commissioner might
18 think about recommendations for how those priorities can be set,
19 so that, for instance, if this occurs again, the -- an entity or
20 a police service like the Ottawa Police Service isn't caught
21 between the federal and provincial government deciding which is
22 the first port of call, for example?

23 **MINISTER MARCO MENDICINO:** I think that's a very
24 important question because right now, the linkages between
25 municipal to provincial police services is clear, through
26 provincial statute, through the respective provincial *Police*
27 *Services Acts*. But there is no direct link following that to
28 federal law enforcement resources, and that was something that

1 we did have to navigate, given the unique circumstances that we
2 found ourselves in. And I do agree with the suggestion that was
3 put to me earlier from Counsel for the Ontario Provincial Police
4 that it may be appropriate to look at developing some protocols
5 around that.

6 **MR. TOM CURRY:** Final thing, in your dealings
7 with Chief Sloly, do you agree that, to your observation, he
8 performed his duties in good faith to the best of his abilities?

9 **MINISTER MARCO MENDICINO:** I think Chief Sloly
10 did the best that he could in those circumstances, yes.

11 **MR. TOM CURRY:** Thank you, Minister.

12 Thank you, Commissioner.

13 **COMMISSIONER ROULEAU:** Thank you. Next is the
14 Ottawa Coalition, please.

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

16 **MR. PAUL CHAMP:** Good morning, Minister. My name
17 is Paul Champ and I'm Counsel for the Ottawa Coalition of
18 Residents and Businesses.

19 **MINISTER MARCO MENDICINO:** Hello.

20 **MR. PAUL CHAMP:** Hi. I just have some questions
21 for you today. We're going to cover just two issues in the time
22 that I have. Parliamentary staff are -- many of them are
23 residents of downtown Ottawa; are they not?

24 **MINISTER MARCO MENDICINO:** Yes.

25 **MR. PAUL CHAMP:** And obviously, their workplace
26 was also right in the middle of this occupation as well?

27 **MINISTER MARCO MENDICINO:** Yes.

28 **MR. PAUL CHAMP:** And were you hearing from

1 Parliamentary staff who were sometimes concerned about coming to
2 work in the circumstances?

3 **MINISTER MARCO MENDICINO:** Frequently, yes.

4 **MR. PAUL CHAMP:** And/or were experiencing other
5 personal impacts due to the convoy occupation?

6 **MINISTER MARCO MENDICINO:** Yes.

7 **MR. PAUL CHAMP:** I wonder if I could ask the
8 Registrar to pull up a document, PB.CAN.0001850?

9 And while he's pulling that up, Minister, I just
10 want to confirm, Mike Jones, he's your Chief of Staff; is that
11 right?

12 **MINISTER MARCO MENDICINO:** That's correct.

13 **MR. PAUL CHAMP:** And I gather that Mr. Jones, he
14 was advising you of information that he received from many
15 sources?

16 **MINISTER MARCO MENDICINO:** Yes.

17 **MR. PAUL CHAMP:** Okay. So what I've pulled up
18 here is a text messages between Mr. Jones and an Ottawa City
19 Councillor, Matt Luloff. In blue is Mr. Jones and in grey is
20 Mr. Luloff. I was wondering if we could just scroll to page 2?
21 Perfect.

22 And here you'll see in blue Mr. Jones writes,
23 "So maybe not for a public avail but
24 heard about an incident that's pretty
25 angering." (As read)

26 And Mr. Luloff says,

27 "The small woman moved from blocking
28 traffic." (As read)

1 And then Mr. Jones writes,
2 "From one of my staff, I won't be
3 coming into the office while convoy is
4 there, however. My friend was directly
5 threatened of rape yesterday because
6 she was wearing her mask, and that is
7 super triggering for me as a survivor
8 of sexual assault. I know Yasir,
9 sharing how residents feel..." (As
10 read)

11 I gather that's probably Mr. Naqvi, the MP for
12 downtown Ottawa.

13 "...but I would be remiss if I didn't
14 share that I don't even feel safe
15 dropping my son off at daycare downtown
16 and kids have not been outside because
17 of fear the educators will be yelled at
18 for wearing a mask. Understood." (As
19 read)

20 Were you hearing those kinds of stories,
21 Minister?

22 **MINISTER MARCO MENDICINO:** I was, and as I said,
23 I was hearing them frequently and was very concerned about the
24 safety of the people that were working on the Hill. I mean, I
25 think I testified earlier that I had expressed the view that we
26 may want to consider going completely virtual in Parliament
27 because I was worried about the concentration of people, the
28 fact that some of the expressions that you have pointed out

1 today were being targeted, again, disproportionately at women.
2 I was hearing from a lot of staff, and from people on my team
3 along the lines of these types of incidents, and that really
4 preoccupied me.

5 And as you may recall, I mean, there was one day
6 on which we did actually have to shut down Parliament. I mean,
7 that is only the second time in the history of this country
8 where that has had to occur, and that was entirely because of
9 security concerns. So this was very serious.

10 **MR. PAUL CHAMP:** It was. If you just scroll to
11 the next page, Mr. Clerk?

12 So you'll see understood, and then Mr. Jones
13 says,

14 "When she reported to police, they told
15 her "Well, maybe take your mask out
16 when you're walking outside so reduce
17 any intention to you."" (As read)

18 And Mr. Luloff says,

19 "The City Councillor of Ottawa
20 says, yes, I've heard of these
21 incidents too." (As read)

22 So the -- were you hearing about that as well
23 that Ottawa Police sometimes weren't following up on complaints
24 from Ottawa residents?

25 **MINISTER MARCO MENDICINO:** Well, I can't -- I
26 don't know why, but I do know that, at the time, that law
27 enforcement was overwhelmed.

28 **MR. PAUL CHAMP:** Yeah.

1 **MINISTER MARCO MENDICINO:** And so my
2 interpretation of that was just by the sheer number of
3 incidents. And I think at one point, they numbered in the
4 thousands ---

5 **MR. PAUL CHAMP:** Yeah.

6 **MINISTER MARCO MENDICINO:** --- that it was
7 difficult to investigate or take any kind of appropriate action
8 to hold those who are responsible to account. But there were
9 hundreds of criminal investigations and charges that were
10 subsequently laid.

11 **MR. PAUL CHAMP:** Yeah, and indeed, Minister, I'm
12 not -- we've heard a lot of witnesses in this proceeding,
13 including many Ottawa police witnesses, and the thrust of the
14 evidence as I heard it is it was just simply capacity. They
15 were just so overwhelmed ---

16 **MINISTER MARCO MENDICINO:** Right.

17 **MR. PAUL CHAMP:** --- they didn't have an
18 opportunity. Okay. Thank you.

19 The -- just the second issue I wanted to speak to
20 you about -- thank you for that -- is, of course, as Minister of
21 Public Safety, the RCMP and CSIS both report to you; is that
22 right?

23 **MINISTER MARCO MENDICINO:** Yes.

24 **MR. PAUL CHAMP:** And, Minister, you were
25 receiving a range of information about the risks and threats
26 from those agencies that were being posed by the Ottawa
27 occupation?

28 **MINISTER MARCO MENDICINO:** Yes.

1 **MR. PAUL CHAMP:** And we understand, we've heard
2 other evidence that there were former military and law
3 enforcement members who were participating in and assisting the
4 convoy, you were hearing that information?

5 **MINISTER MARCO MENDICINO:** I'd heard those
6 reports, yes.

7 **MR. PAUL CHAMP:** And I gather that was a concern
8 for public safety because those types of individuals would have
9 certain skills and expertise that could, you know, present some
10 logistical or greater threats?

11 **MINISTER MARCO MENDICINO:** Yes, that's correct.

12 **MR. PAUL CHAMP:** And now -- and you also heard
13 information that former CSIS officers were participating in the
14 protests?

15 **MINISTER MARCO MENDICINO:** I don't recall off the
16 top of my head, but I, you know, as you pointed out, had the
17 concern generally about individuals who had previously served in
18 the military and law enforcement for sure. And would really
19 need to jig my memory about whether or not that also included
20 members from the Service.

21 **MR. PAUL CHAMP:** And were you also hearing
22 information that current members of law enforcement or military
23 might be participating in the protests?

24 **MINISTER MARCO MENDICINO:** Well, there were
25 reports about leaks of information during operations and, you
26 know, it involved or entailed some -- it would appear to be
27 snapshots of texts. And so I do recall there being some
28 concerns about active members being potentially sympathetic.

1 **MR. PAUL CHAMP:** And do you know, are you aware,
2 Minister, are there any investigations of those issues
3 internally within RCMP or any other agencies?

4 **MINISTER MARCO MENDICINO:** I know that the RCMP
5 certainly wanted to be sure that they were getting to the bottom
6 of any potential security lapses, and that those investigations
7 were conducted.

8 **MR. PAUL CHAMP:** Okay. Thank you very much,
9 Minister. Those are my questions.

10 **MINISTER MARCO MENDICINO:** Thank you.

11 **MR. PAUL CHAMP:** I know I've still got some time.
12 Maybe I'll try to roll it over to the next one.

13 **COMMISSIONER ROULEAU:** That's to be encouraged.
14 I may even allow that.

15 So I think we'll take the lunch break now and
16 come back at ---

17 **MR. ROB KITTREDGE:** Commissioner? Commissioner,
18 if I may, just a couple of comments before lunch.

19 Rob Kittredge for the Justice Centre for
20 Constitutional Freedoms. I just wanted to express regarding the
21 removal of my friend Mr. Miller this morning, I wanted to
22 express the Justice Centre's position on asking that you make a
23 decision about his return to the room during the lunch break,
24 and express our support for his room -- or for his return to the
25 room at the earliest convenience. I'm a big supporter of
26 constructive communication, and I understand that may not have
27 taken place this morning, but I think his clients have a right
28 to representation here and we'd like to support his ability to

1 cross-examine Mr. Mendicino today. If you can make that
2 decision at lunch, that would be very much appreciated on our
3 part.

4 **COMMISSIONER ROULEAU:** I'm certainly a favour of
5 communication. I believe that the Convoy is still represented,
6 so it's not a question of no representation. I'm not aware of a
7 request that he return to the room, but if he's requests it, I
8 will consider it.

9 **MR. ROB KITTREDGE:** All right. Well, thank you
10 very much.

11 **THE REGISTRAR:** The Commission is in recess until
12 two o'clock. La commission est levée jusqu'à 14 heures.

13 --- Upon recessing at 12:59 p.m.

14 --- Upon resuming at 2:07 p.m.

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

17 **--- MINISTER MARCO MENDICINO, Resumed:**

18 **COMMISSIONER ROULEAU:** Okay. I think the next up
19 is the Government of Alberta, please.

20 (SHORT PAUSE)

21 **MS. MANDY ENGLAND:** Good afternoon.

22 Sorry, I'm having an issue; I'm unable to start
23 my video.

24 **COMMISSIONER ROULEAU:** Okay. Do you want to take
25 a minute, or do you want to -- oh, there you go.

26 **MS. MANDY ENGLAND:** Thank you.

27 **--- CROSS-EXAMINATION BY MS. MANDY ENGLAND:**

28 **MS. MANDY ENGLAND:** Good afternoon, Minister

1 Mendicino. My name is Mandy England; I'm counsel for the
2 Government of Alberta.

3 **MINISTER MARCO MENDICINO:** Good afternoon.

4 **MS. MANDY ENGLAND:** I'd like to just take you
5 back to something that you said earlier in response to a
6 question from Commission Counsel. I believe you said that
7 Premier Kenney expressed to you that he had neither the
8 resources nor the tools to deal with the blockades in Alberta.
9 And I just wanted to clarify what you meant by tools.

10 Often in this Inquiry that term has been used to
11 refer to legislative tools or authorities such as, you know,
12 being able to use the *Criminal Code*. And so I was hoping you
13 could clarify what you meant by using that word.

14 **MINISTER MARCO MENDICINO:** Yeah, that's a fair
15 question. What I was referring to were conversations that we
16 had at the beginning of February where he had indicated that he
17 needed physical tools and assets to help clear the blockade.

18 I believe he was expressing a concern that he was
19 having a really hard time getting access to those assets through
20 either the RCMP or through provincial police services. So he
21 was putting to me the suggestion that we might be able to assist
22 him through military assets, and I'd said to him that although
23 statutorily requests for assistance were still within my
24 office's authorities, but they were, in practice, being
25 addressed by my colleague, Minister Blair, in the new Ministry
26 that was created following the '21 election through the Ministry
27 of Emergency Preparedness. And I took that conversation and I
28 committed to then-Premier Kenney that I would relay it to both

1 Ministers Anand and Blair.

2 **MS. MANDY ENGLAND:** Okay, thank you. So you
3 meant physical tools, as opposed to legislative authority?

4 **MINISTER MARCO MENDICINO:** At that point, yes,
5 that's correct.

6 **MS. MANDY ENGLAND:** Okay, thank you.

7 If I could, could I please take you to document
8 SSM.NSC.CAN00003069?

9 And this is a text, the portion that I will be
10 reading will be a text between Zita Astravas, Minister Blair's
11 Chief of Staff, with Mike Jones, your Chief of Staff. And you
12 can see the date, as we're scrolling, is February the 6th at 8:49
13 p.m. And in this text, Ms. Astravas says:

14 "Your DM Mike said the following:
15 Head's up. I have spoken to my
16 [Alberta] counterpart and flagged that
17 we are likely to decline the RFA..."

18 So request for assistance, as you were just
19 mentioning:

20 "...for CAF equipment + optics +
21 precedent + [provincial] authorities
22 not fully explored reasons,. She was
23 not surprised but said Minister McIvor
24 would want to call Minister Blair."

25 And Mr. Jones says, "Thanks".

26 And so I'd just like to break down this text.
27 The reference to "Your DM" would have been a reference to Deputy
28 Minister Stewart; is that correct?

1 **MINISTER MARCO MENDICINO:** That's how I read it.

2 Can I just clarify, though, that you said Zita
3 Astravas. I note at the top of that text chain that the
4 initials are MJ and SK, and previously we've read email -- or,
5 sorry; text exchanges where SK was Sam Khalil. So I just
6 thought I would offer that clarification. I'm not sure if that
7 makes any sense to you.

8 **MS. MANDY ENGLAND:** It makes sense, and actually
9 I should have clarified the email chain myself. I believe it's
10 a group chat in which all three of them were present. And so
11 the indication with the document is that this is taken from Ms.
12 Astravas's phone, and then it indicates at the top of her screen
13 the other two individuals that she's texting with.

14 **MINISTER MARCO MENDICINO:** Okay.

15 **MS. MANDY ENGLAND:** Does that help clarify?

16 **MINISTER MARCO MENDICINO:** Yes.

17 **MS. MANDY ENGLAND:** Okay, thank you.

18 And so would you understand the reference here to
19 Deputy Minister Stewart -- what do understand here, in terms of
20 what that means, that the reference to Deputy Minister Stewart
21 having said that your Ministry was likely to decline the request
22 for assistance because of optics?

23 **MINISTER MARCO MENDICINO:** Well, I'm not privy to
24 this exchange, but it seems on the text that what's being
25 indicated is that "Your DM," and so I agree with you; I infer
26 that that is DM Stewart, "said the following," and a "Head's
27 up," that DM Stewart has spoken to, as I interpret it, his
28 Alberta "counterpart and flagged that we," as in the federal

1 government:

2 "...are likely to decline the [request
3 for assistance] for CAF equipment +
4 optics + precedent + [provincial]
5 authorities not fully explored
6 reasons."

7 Of all of those -- of all those itemized reasons,
8 the one that I have the least insight to is the optics. And to
9 be clear, following my conversation with Premier Kenney, I
10 really did delegate that task to Minister Blair and his office.

11 **MS. MANDY ENGLAND:** And just so that we are clear
12 on the dates here, though, this text does predate that
13 conversation with Premier Kenney; would that be correct? This
14 is Sunday, February 6th, the day after the request for assistance
15 was sent.

16 **MINISTER MARCO MENDICINO:** I have to, again, try
17 to jig my memory. There may have been a conversation with
18 Premier Kenney before the 6th. It was certainly at the very
19 beginning of February.

20 In any case, it actually seems to me to make
21 sense that given the sequence of events as we've been discussing
22 them this morning, that I spoke to Premier Kenney, indicated
23 that Minister Blair would be the lead on processing the request
24 for assistance. And this, then, seems to be the follow-through,
25 if you will, of that exchange, with his staff being on the email
26 chain. The reason why Deputy Minister Stewart is there is that
27 he is both accountable to both me and Minister Blair.

28 **MS. MANDY ENGLAND:** I see. And so you don't have

1 any insight, then, is what you're saying, into why Deputy
2 Minister Stewart would have communicated to Alberta that a
3 reason for declining the request was optics?

4 **MINISTER MARCO MENDICINO:** On the optics part,
5 no, I was not privy to that exchange, or that conversation at
6 the time.

7 **MS. MANDY ENGLAND:** And did you have a concern
8 about optics?

9 **MINISTER MARCO MENDICINO:** I had a concern about
10 clearing Coutts, and I know that Premier Kenney was expressing
11 the impasse that he found himself in and was, I think, engaging
12 me to encourage both Ministers Blair and Anand to strongly
13 consider a request for assistance which would provide him with
14 military assets.

15 In the context of conversations that I had with
16 Premier Kenney; he'd suggested that his provincial RCMP were
17 saying to him that they had the appropriate equipment to remove
18 the large commercial vehicles that had blockaded Coutts since
19 the beginning of February. So I think, in essence, what he was
20 conveying to me is, "Look, I need help, and one of the ways in
21 which you can help me is by looking very carefully at military
22 assets which could help to clear the blockade in Coutts." And
23 he said he had a really hard time getting access to tow trucks
24 that were large enough to accomplish that job.

25 **MS. MANDY ENGLAND:** Okay, thank you. And in
26 terms of the next reason that's given for declining the request,
27 do you have any insight into why Deputy Minister Stewart might
28 have said it was due to precedent?

1 **MINISTER MARCO MENDICINO:** Again, I'm
2 extrapolating a little bit here, but I assume one of the
3 concerns was -- that was being weighed in the mix was that if
4 the -- if the request for assistance was granted in the case of
5 Alberta, that potentially others would and -- you know, again,
6 I'm inferring a bit here, but the use of military assets is
7 something that is done on a very exceptional basis. So I think
8 there was a concern about potentially opening up the door to
9 other requests to insert the military, and, as you've heard,
10 there was a lot of reluctance and restraint around resorting to
11 military resources and authorities in the context of the
12 blockade and the convoy.

13 **MS. MANDY ENGLAND:** Okay, thank you. And as
14 noted previously, the text is sent, the follow-up request was
15 February 5th, this text is sent on February the 6th, indicating
16 that there was a conversation at some point between the 5th and
17 the 6th between Deputy Minister Stewart and someone from Alberta.

18 Would it be fair -- I also note that nowhere on
19 the list of reasons does it say that the request for assistance
20 would be denied because CAF equipment wasn't suitable, or they
21 didn't have suitable equipment. Would it be fair to say that
22 the communication by Deputy Minister Stewart was made before the
23 possible CAF equipment options were fully explored?

24 **MINISTER MARCO MENDICINO:** I'm afraid I couldn't
25 answer that. I don't know at that point exactly what Deputy
26 Minister Stewart has said or not said to the Province of
27 Alberta. And again, owing to machinery, he would have been
28 reporting the RFA to Minister Blair in conjunction with any

1 dialogue that was going on to Minister Anand.

2 **MS. MANDY ENGLAND:** Okay. Thank you. Had you
3 discussed the suitability of CAF equipment with Minister Anand
4 before the evening of February the 6th?

5 **MINISTER MARCO MENDICINO:** I know we had an
6 exchange. I know I flagged for her that Premier Kenney had
7 engaged me to get some assistance and that I anticipated that
8 there would be an RFA, Request for Assistance, that was
9 submitted to us, and I anticipated that it would engage her and
10 her authorities. So I just wanted to give her a heads up.

11 But as to precisely what equipment was used, what
12 was suitable to remove or clear the blockade in Coutts, I would
13 have deferred, appropriately, to her and the CAF's assessment
14 about that, in conjunction with Minister Blair's
15 responsibilities and roles around processing requests for
16 assistance that related to CAF.

17 **MS. MANDY ENGLAND:** Okay. Thank you very much.

18 **COMMISSIONER ROULEAU:** Okay. Your time is up, so
19 if you can try and wrap up, please?

20 **MS. MANDY ENGLAND:** Okay. Certainly.

21 I just wanted to confirm very quickly on two
22 quick -- on one quick point. You're familiar with the report of
23 the houses of Parliament, the *Emergencies Act* consultations
24 tabled February 16th? Is that right?

25 **MINISTER MARCO MENDICINO:** Yes.

26 **MS. MANDY ENGLAND:** So I'd like to pull up
27 SSM.CAN.00000124 and take you to page 3, please.

28 And if we could scroll down to the bottom of that

1 page? Yeah, right there.

2 So we can see that there's a discussion of
3 engagement, and the first sub-bullet point:

4 "The Minister of Public Safety engaged
5 with the Premier of Alberta on February
6 2[nd] and 9[th] [...] and [then] with the
7 Premier and the Acting Minister of Justice
8 and Solicitor General [...] on February
9 [the] 7[th] [...]. [You] also engaged
10 [with] the Acting Minister of Justice and
11 Solicitor General [...] on February 1[st],
12 5[th], and 9[th]..."

13 Can I confirm with you that in none of those
14 conversations did you discuss the potential invocation of the
15 Federal *Emergencies Act* with either Premier Kenney or Acting
16 Minister Savage?

17 **MINISTER MARCO MENDICINO:** Certainly with Premier
18 Kenney, I can confirm that. I would also note that it does
19 confirm what I had mentioned earlier, which was that he and I
20 had had a conversation on February the 2nd, as I recalled it,
21 which was prior to the February 6th exchange that you had pulled
22 up earlier. So I do think that that does sit more neatly with
23 the chronology and the sequencing of events as we described.

24 I would say that my engagements with the then
25 Minister of Justice and Solicitor General, Sonya Savage, very
26 likely did not include any express references to the *Emergencies*
27 *Act*. But I believe there would have been general references to
28 whether or not existing tools and authorities beyond physical

1 assets were going to be sufficient to restore public safety, and
2 it would have been in the very general nature.

3 **MS. MANDY ENGLAND:** So Minister Savage's evidence
4 is summarized in our Institutional Report is that you did not
5 discuss the Federal *Emergencies Act*. Would that be something
6 that you would agree with, or would you dispute that?

7 **MINISTER MARCO MENDICINO:** Yes. No, I agree with
8 that, yes.

9 **MS. MANDY ENGLAND:** Okay. Thank you. And I know
10 I'm out of time, and so perhaps I don't have time to take you to
11 this, but there are emails and text exchanges confirming that it
12 was the conversation on February the 7th. There's a read out and
13 text exchanges with yourself and Minister Blair that it was on
14 that date that you had had the conversation with Premier Kenney
15 about the tow trucks, with the agreement to relay it to Minister
16 Blair and Minister Anand. Would that, you know, jog, perhaps,
17 your recollection on the chronology of when that conversation
18 might have taken place?

19 **MINISTER MARCO MENDICINO:** That sounds right.

20 **MS. MANDY ENGLAND:** Okay. Thank you very much.
21 Those are my questions.

22 **COMMISSIONER ROULEAU:** Okay. Next if I could
23 call on the Union of British of Columbia Indian Chiefs, please?

24 **--- CROSS-EXAMINATION BY MS. CHEYENNE ARNOLD-CUNNINGHAM:**

25 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Good afternoon,
26 Minister. My name is Cheyenne Arnold-Cunningham and I'm counsel
27 for the Union of B.C. Indian Chiefs.

28 We've heard a lot today already on the topic of

1 consultation. So we'd like to ask, did you consult or cooperate
2 with local First Nations or Indigenous groups during the Freedom
3 Convoy situation and/or the decision to invoke the *Emergencies*
4 Act?

5 **MINISTER MARCO MENDICINO:** I would say that I've
6 had broad and ongoing conversations with representatives and
7 leadership within First Nations and Indigenous communities in my
8 role and in my capacity as Minister of Public Safety.

9 I know that, you know, in the lead up to the
10 invocation, that a number of colleagues that sit at the table,
11 including Ministers Miller and Hajdu are in routine and constant
12 engagement with First Nations and Indigenous peoples and the
13 communities.

14 So there's a broad range of ongoing dialogue that
15 is undertaken by representatives of the Cabinet.

16 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay. Thank
17 you. From a Public Safety viewpoint, do you think that it's
18 important during public order emergency event for Public Safety
19 Canada and Police Services to engage with First Nations in the
20 local territory?

21 **MINISTER MARCO MENDICINO:** I do.

22 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** So in your
23 mandate letter dated December 2021, you were directed to
24 implemented the United Nations Declaration of the Rights of
25 Indigenous Peoples, which is also known as UNDRIP. Are you
26 familiar with Bill C-15, which came into force as federal
27 legislation in June 2021 to adopt and implement UNDRIP?

28 **MINISTER MARCO MENDICINO:** Yes. And I would just

1 add to that that we are leveraging UNDRIP to advance important
2 reforms within the RCMP around First Nations and Indigenous
3 policing.

4 And so for example, over the last number of weeks
5 and months in my capacity as Minister of Public Safety, I have
6 been deeply engaged with First Nations and Indigenous and Inuit
7 communities for the purposes of ensuring that there are more
8 Indigenous led public safety initiatives, including the creation
9 of Indigenous led police services, which are independently
10 created.

11 We have also -- are in the process of
12 codeveloping legislation that expressly recognizes that
13 Indigenous policing is an essential service so that we can move
14 away from the current First Nations and Indigenous policing
15 program-based approach to one that is more structured and
16 enduring, and uses UNDRIP and the principles of reconciliation
17 as the anchor for a relationship between the Federal Government
18 and First Nations and Indigenous policing.

19 And then the last thing I would point out is that
20 we are currently debating Bill C-20, which is before Parliament,
21 which is an Act that would create a new Public Complaints and
22 Review Commission, what we are referring to as the PCRC, and we
23 are, again, very engaged with First Nations and Indigenous
24 communities to ensure that there is representation on that
25 Commission so that there can be appropriate civilian review and
26 accountability in the way that we police and uphold the law in
27 Indigenous communities.

28 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Great. Thank

1 you so much. I'll actually jump off the last few points that
2 you made there.

3 So speaking of Bill C-20 and the work that you're
4 doing there, would you agree then that ensuring Indigenous
5 participation and presence on oversight bodies of the RCMP, as
6 either decision makers or complaints investigators, would assist
7 in that acceleration of RCMP reform moving forward?

8 **MINISTER MARCO MENDICINO:** I agree it's
9 essential, and that's one of the things that we talk about in
10 our engagements, and it's one of the reasons why we are
11 codeveloping the legislation around the recognition that
12 Indigenous policing is an essential service.

13 And in order to give life and breadth to that
14 principle, it means being at the table together, starting from
15 the premise that there needs to be a recognition of the inherent
16 right of Indigenous peoples to chart out their own courses, to
17 implement their own priorities as it relates to public safety,
18 including and leading up to Indigenous police services which are
19 self-governed.

20 So both in that co-development exercise, as well
21 as in Bill C-20, we are very much engaged with First Nations and
22 Indigenous people so that they are reflected in our
23 institutions, including when it comes to public safety.

24 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** What about the
25 *CSIS Act*; are there any plans to ensure modernization of this
26 legislation and alignment with UNDRIP?

27 **MINISTER MARCO MENDICINO:** Well, the reforms that
28 I'm carrying out in my capacity as Minister of Public Safety

1 has, as part of the overarching mandate given to me by the Prime
2 Minister, the need to adhere to the principles of
3 reconciliation. And part of that is addressing long, enduring,
4 systemic structural challenges in the relationship between the
5 federal government and Indigenous peoples that go back to, you
6 know, the origins of colonialism. And that would apply, not
7 only to RCMP and CBSA, but right across all of my line agencies,
8 including CSIS.

9 So we are really trying to get at some of those
10 inherent biases which have led to the overrepresentation of
11 Indigenous peoples interacting with the justice system and using
12 UNDRIP as well to make sure that we reduce and ultimately
13 eliminate those barriers.

14 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.

15 So in considering all the work that you're doing
16 to implement UNDRIP, and your mandate, and Bill C-15, and
17 another piece of your mandate, which is to work in partnership
18 with Indigenous peoples to advance their rights, considering
19 UNDRIP's implementation, do you think that there should be,
20 then, distinct considerations on CSIS and the RCMP and their
21 ability to monitor and respond with enforcement action against
22 non-violent and unarmed First Nations people who engage in
23 activism pertaining to their lawful and distinct rights, even in
24 situations that might be perceived or profiled as being a Public
25 Order event?

26 **MINISTER MARCO MENDICINO:** I do, and that's one
27 of the reasons why it's really important, as we implement these
28 reforms, that we modernize training to be culturally sensitive

1 of Indigenous language, of Indigenous culture and tradition, and
2 Indigenous laws. And that is something that we are actively
3 doing right now. And the hope is that by doing so, that we will
4 create a relationship that is based on respect, on the nation-
5 to-nation principles and values that -- that are informed by
6 UNDRIP.

7 And, again, this is not just with regards to line
8 agencies in my portfolio; this is work that has to be done right
9 across our government.

10 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Okay, thank you.

11 And then in thinking about the practice of
12 consultation and cooperation with Indigenous peoples, and in the
13 context of responding to a situation like the Freedom Convoy
14 situation, or Public Order emergency events, and looking at it
15 in this context of a multijurisdictional landscape, and First
16 Nations' jurisdiction and sovereignty and rights and
17 territories, how is Public Safety Canada, then, now going to
18 build in consultation and cooperation in these contexts?

19 **MINISTER MARCO MENDICINO:** By listening and --
20 that is one of the core principles that I feel very strongly
21 about, and my department and my officials are in frequent
22 contact, building the relationship on the ground.

23 I am also travelling, with increasing frequency,
24 to Indigenous communities across the country, to meet in person
25 with Indigenous Leaders, with residents. I recently had the
26 chance to visit with the James Smith Cree Nation following the
27 mass casualty there at the beginning of -- or at the end of
28 summer, I beg your pardon.

1 And so that direct, personal experience is meant
2 to foster a relationship so that we can move forward with the
3 kinds of reforms that are inspired and governed by UNDRIP, and
4 by the principles of reconciliation, which have been documented
5 in the Truth and Reconciliation calls to action; the MMIWG calls
6 to justice. It's a full-court press from the federal government
7 to really move forward with those reforms, but you have to meet
8 with people, and you have to respect that inherent right of
9 self-government and that inherent right of self-determination.
10 And that includes when it comes to public safety initiatives.
11 And I think by doing so, we can break that intergenerational
12 trauma; that endless cycle that has seen a disproportionate
13 number of Indigenous peoples caught up in the criminal justice
14 system, for example.

15 And so that is work that I am deeply committed
16 to.

17 **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Thank you so
18 much for your time today. Those are all of our questions.

19 Thank you to the Commissioner, as well.

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

21 Next, if I can call on the Canadian Constitution
22 Foundation please?

23 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

24 **MR. SUJIT CHOUDHRY:** Commissioner, Minister, my
25 name is Sujit Choudhry; I'm counsel for the CCF.

26 Minister, I'd like to begin by picking up on a
27 comment you made, I believe in -- during your examination in-
28 chief, where you said there's a dialogue between civilian

1 leadership and law enforcement professionals. And so I want to
2 pick up on that idea in the conduct of your relationship with
3 Commissioner Lucki.

4 And so -- and in the context of the convoy, I'm
5 wondering if you could just answer, you know, a few questions.
6 I mean, did -- were you getting daily briefings; were you in
7 frequent communication with her? If you could just give us --
8 and I have limited time, so if you can just give us a bit of a
9 window into what your interactions were like with her?

10 **MINISTER MARCO MENDICINO:** The short answer is
11 yes, and yes. And to give you a little bit of detail, we would
12 have been meeting daily; on some days, multiple times for
13 different briefings. The purpose of those interactions was to
14 have a dialogue so that I could understand from her exactly what
15 law enforcement was doing to restore public safety. And then,
16 ultimately, in the lead-up to the invocation to seek some advice
17 so that I could then impart some advice to the government around
18 the invocation. So these were daily and frequent conversations
19 that I was having with the Commissioner.

20 **MR. SUJIT CHOUDHRY:** So when the February 7th
21 letter came to you and the Prime Minister from Mayor Watson and
22 Chair Deans, requesting a deployment of RCMP officers, I suppose
23 you would have delivered that letter to the Commissioner, then?

24 **MINISTER MARCO MENDICINO:** We certainly were in
25 constant contact. Just to be clear, it wouldn't have
26 necessarily been my personal responsibility ---

27 **MR. SUJIT CHOUDHRY:** Yes.

28 **MINISTER MARCO MENDICINO:** --- to transfer it,

1 ---

2 **MR. SUJIT CHOUDHRY:** Of course.

3 **MINISTER MARCO MENDICINO:** --- but there was a
4 very clear line of communication about the pressures that the
5 Ottawa Police Service was under to muster the resources that
6 were necessary to restore public safety.

7 It also would've been clear to Commissioner Lucki
8 some of the information and the feedback that I was getting from
9 the City of Ottawa around the numbers and tasking and the like,
10 and so those conversations and that dialogue would've been
11 occurring, yes.

12 **MR. SUJIT CHOUDHRY:** And she was updating you,
13 then, on her steps to respond to that request for support?

14 **MINISTER MARCO MENDICINO:** She was.

15 **MR. SUJIT CHOUDHRY:** Okay.

16 So Mr. Registrar, if you could up on the screen,
17 the following document. And I apologize, it's
18 PBNSCCAN00002872_REL.0001.

19 And Minister, while this is coming up, this is a
20 document that's dated on or about February 10th. And it's a
21 Memorandum of Agreement between the RCMP and the -- essentially,
22 the OPS and the OPSB about force deployments. Have you seen
23 this document before?

24 **MINISTER MARCO MENDICINO:** I can't recall if I've
25 seen this document specifically. I am, obviously, generally
26 aware of the ongoing arrangements and agreements that were
27 reached.

28 **MR. SUJIT CHOUDHRY:** So if we could go down to

1 page 3, please, Mr. Registrar. If you could go to clause 2.1?
2 There you go.

3 So as you'll see here that article 2.1, Minister,
4 if you could just have a quick look at this? It says that the
5 RCMP agreed to deploy to Ottawa up to 250 members of the RCMP in
6 a number of different capacities. And then it suggests later
7 down in that clause that -- in that article that provision for
8 over 250 members can be made for -- with subject to mutual
9 agreement.

10 **MINISTER MARCO MENDICINO:** Yes.

11 **MR. SUJIT CHOUDHRY:** And does this seem familiar
12 to you?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MR. SUJIT CHOUDHRY:** Okay. And so I just want to
15 get a bit of clarification from you, if you're able to. So when
16 the RCMP was providing support here to the OPS, to the best of
17 your knowledge, would that be a -- not include RCMP deployments
18 already, for example, in the Parliamentary precinct or out at
19 Rideau cottage to protect the Prime Minister?

20 **MINISTER MARCO MENDICINO:** Well, I think that was
21 certainly one of the issues that was raised by Mayor Watson and
22 his staff at the time, which was that some of the numbers that
23 were being reported were inclusive of pre-existing RCMP
24 deployment, for example, in the precinct or for protection. And
25 so my responsibility at that point, in my capacity as Minister
26 of Public Safety, was to relay that to the Commissioner to get
27 some clarity about exactly how many we had deployed and for what
28 purpose.

1 **MR. SUJIT CHOUDHRY:** And do you recall what
2 information came back to you?

3 **MINISTER MARCO MENDICINO:** I do. I have a
4 general recollection that one of the concerns that the
5 Commissioner had expressed at the time was that while RCMP
6 members were being dispatched or deployed to the City of Ottawa,
7 that it wasn't clear to her what those taskings would be and
8 whether or not or how exactly it would fit into the OPS's
9 Operational Plan at the time. And that was the feedback that I
10 was getting.

11 But what was clear despite that was that we were
12 sending RCMP and that we were open to sending more RCMP to
13 support the City of Ottawa to restore public safety.

14 **MR. SUJIT CHOUDHRY:** So if we could just call up
15 another document. It's OPB00001014.

16 And so Minister Mendicino, I'm not sure if you've
17 seen this. It's a chart of deployments by different police or
18 law enforcement entities in Ottawa up to and including the 12th
19 of February. Have you seen this chart before or something
20 similar to it?

21 **MINISTER MARCO MENDICINO:** I have not seen this
22 chart. Sorry, who is the author of this document?

23 **MR. SUJIT CHOUDHRY:** So this is a production by
24 the Ottawa Police Board. So I'm not -- I'm afraid I can't give
25 you more details about who put this together, but this is in
26 evidence before the Commission.

27 **MINISTER MARCO MENDICINO:** This is a City of
28 Ottawa publication is what you're saying?

1 **MR. SUJIT CHOUDHRY:** Well, it might be. It's
2 something that was put into evidence by the Ottawa Police Board.
3 I can't speak to them, sir, about where they -- how they
4 generated it.

5 **MINISTER MARCO MENDICINO:** Okay. I don't
6 recognise this document.

7 **MR. SUJIT CHOUDHRY:** Okay. Well, then, look,
8 let's soldier on. So if you look under Regular Members, Federal
9 RCMP...

10 Yes, Mr. Registrar, thank you.

11 So it says at the end of this line that 167
12 officers were deployed. And so that -- I mean, were you aware
13 of that figure on that day?

14 **MINISTER MARCO MENDICINO:** Well, setting aside
15 the exact timeframe, I am familiar with the initial figure of
16 about 150, in that range. And again, you've heard previously
17 that there was some ongoing back and forth on exactly how many
18 and when, but that was one figure that had come to me early on,
19 in that range.

20 **MR. SUJIT CHOUDHRY:** In that range. And so -- I
21 mean, you'd agree that on its face it does appear that these
22 numbers are lower than the 250 that are in the agreement I
23 showed you?

24 **MINISTER MARCO MENDICINO:** Well, I agree that on
25 the face of this document that that is lower than 250, but again
26 without knowing more about the authorship or the origins of this
27 document it is very difficult for me to testify as to its
28 accuracy.

1 **MR. SUJIT CHOUDHRY:** And you're not able to say,
2 and I think I know the answer, sir, but I have to do it for the
3 record. You're not able to say of that 167 how many were at
4 Rideau Cottage and on the Parliamentary Precinct, are you?

5 **MINISTER MARCO MENDICINO:** I am not.

6 **MR. SUJIT CHOUDHRY:** Okay. Minister, I'd like to
7 just turn to another theme if I could. And so this morning, you
8 made a number of statements. You said it was virtually
9 impossible to enforce the law on Wellington. Wellington falls
10 within the jurisdiction of the OPS. The RCMP could not go and
11 assert itself on Wellington to bring things under control. Is
12 that fair?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MR. SUJIT CHOUDHRY:** Okay. And so Minister, were
15 you able to -- I know you're very busy, but were you able to
16 review or be briefed on Commissioner Lucki's cross-examination
17 last week?

18 **MINISTER MARCO MENDICINO:** I don't know that I
19 was briefed. I may have read some general reports about it in
20 the media.

21 **MR. SUJIT CHOUDHRY:** So my co-counsel went
22 through some issues in respect of those themes with
23 Commissioner Lucki, and I just want to take you to what she said
24 if you wouldn't mind.

25 And so this is Transcript 23, Mr. Registrar, and
26 we're on to page -- we're going to begin at page 241.

27 And Minister Mendicino, I know you're a member of
28 the Law Society of Ontario, so this will be a bit -- there will

1 be a bit of legal questioning here.

2 **MINISTER MARCO MENDICINO:** Okay.

3 **MR. SUJIT CHOUDHRY:** Great. So if we can start
4 at line 5. Super. Okay.

5 So my colleague, Ms. Shanmuganathan, was asking
6 questions of Commissioner Lucki, so I just want to take you
7 through some of the back and forth if I could. So my colleague
8 says, my co-counsel:

9 "Okay. So you'll agree...that RCMP
10 officers have the power to enforce the
11 *Criminal Code*, for instance?"

12 And the Commissioner says, "Yes". Then my
13 co-counsel says:

14 "Right. And they always have the
15 power to enforce the...Code? It's just
16 part of what they're allowed to do?"

17 And the Commissioner says, "Yes."

18 And then if you could scroll down, Mr. Registrar.
19 My co-counsel says:

20 "Right. They don't need to be sort of
21 the local police in a jurisdiction.
22 This is a power...they always have?"

23 And the Commissioner says, "Yes". And then my
24 colleague says:

25 "Right. And there's nothing in
26 the...Code, for example, that says an
27 RCMP [officer] can't enforce the
28 *Criminal Code* in one particular place?

1 They can enforce [that] anywhere in
2 Canada?'"

3 And then this -- and Commissioner Lucki is not
4 sure that's the -- and I'll let you read her response there,
5 sir. And when you're done, let us know, and I'll go to the next
6 page.

7 And Commissioner, I know I'm a little bit over
8 time, but I think this is an important. It goes the
9 jurisdiction on Wellington.

10 Mr. -- can we go to the next page?

11 **MINISTER MARCO MENDICINO:** Yes.

12 **MR. SUJIT CHOUDHRY:** So if you could go to
13 page 242.

14 **MR. BRENDAN Van NIEJENHUIS:** Mr. ---

15 **MR. SUJIT CHOUDHRY:** I'm sorry.

16 **MR. BRENDAN Van NIEJENHUIS:** Mr. Commissioner,
17 just -- I just do think it is important that the Commissioner's
18 evidence not be put that she wasn't sure, but that she
19 articulated that that power she was describing was if you were
20 to find committing a *Criminal Code* offence, just so the witness
21 is ---

22 **MR. SUJIT CHOUDHRY:** Of course.

23 **MR. BRENDAN Van NIEJENHUIS:** Just so the witness
24 does not skip past that.

25 **MR. SUJIT CHOUDHRY:** Of course. I didn't mean to
26 mislead. So I take my friend's point.

27 And so if you could just go down to my colleagues
28 next question. So:

1 "'Okay. So just to use sort of a bit
2 of a silly example, if we have an RCMP
3 officer that's standing on Wellington
4 Street in Ottawa, and they see somebody
5 committing an offence under the
6 *Criminal Code*, they don't need to call
7 up [OPS] to arrest the person, they
8 could go and arrest the person
9 themselves?'"

10 And the Commissioner answered, "Yes". And so
11 we're sort of -- we're running -- we're past time, so I just
12 wanted to ask you, so we put to the Commissioner a number of
13 questions about the scope of RCMP officers under the *RCMP Act*,
14 particularly section 18(a). And would you -- do you have any
15 reason to think that Commissioner Lucki is incorrect here?

16 **MINISTER MARCO MENDICINO:** I think she's right in
17 saying that if any peace officer sees that the law is being
18 broken under the *Criminal Code* that they may take an appropriate
19 -- they may use their common law authority to effect an arrest,
20 but because of the important conventions around respecting
21 jurisdiction and recognising that in -- certainly in the
22 Province of Ontario that there are municipal police services
23 that are set up under the *Police Services Act* that they would
24 not act unilaterally.

25 And certainly, and I hope I'm not going too far
26 in trying to ascertain your line of questioning here, but it
27 would be somewhat chaotic for the RCMP to simply insert
28 themselves unilaterally into Wellington Street and start

1 effecting arrests without coordinating very closely with the OPS
2 and the OPP. So that is why so much of the energy was around
3 understanding what the Operational Plan is, notwithstanding that
4 in theory, yes, this line of questioning is correct. You know,
5 an RCMP officer could effect an arrest if they saw the law being
6 broken under the *Criminal Code*.

7 **MR. SUJIT CHOUDHRY:** Okay. Well, Commissioner,
8 I'm well over time, and thank you, Minister Mendicino.

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

10 Next is the Democracy Fund/JCCF, please.

11 **MR. ANTOINE D'AILLY:** Good afternoon,
12 Mr. Commissioner.

13 **--- CROSS-EXAMINATION BY MR. ANTOINE D'AILLY:**

14 **MR. ANTOINE D'AILLY:** Good afternoon,
15 Minister Mendicino. My name is Antoine D'Ailly. I'm counsel
16 for the Citizens for Freedom, representing the protesters in
17 Windsor, Ontario.

18 I'd just like to take you through two aspects
19 today. First, some of the considerations that were made by you,
20 Mr. Minister, in considering some of the legal alternatives
21 other than invoking the *Emergencies Act* to deal with the
22 protests, and also some specific questions about your
23 communications with the Windsor governance structure.

24 Just for the record, do you remember the mandate
25 letter, JCF.00000189.

26 Mr. Clerk, I don't think we need to pull that up.

27 But that's the mandate letter you received on
28 December 16th of 2021 from Prime Minister Trudeau. Do you

1 recall that letter?

2 **MINISTER MARCO MENDICINO:** Yes.

3 **MR. ANTOINE D'AILLY:** And I think on the fourth
4 page, fifth bullet from the bottom, it mandates you to:

5 "Continue working with the Minister of
6 Health and the Minister of Transport to
7 protect the health and safety of
8 Canadians through safe, responsible,
9 and compassionate management of the
10 border with the United States and other
11 ports of entry into Canada." (As read)

12 Do you recall that portion of your mandate?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MR. ANTOINE D'AILLY:** And so I take it the
15 Minister of Health, the Minister of Transport, you worked
16 closely together, and that would be Minister Duclos and
17 Minister Alghabra. Is that correct?

18 **MINISTER MARCO MENDICINO:** Yes.

19 **MR. ANTOINE D'AILLY:** And is it also your
20 understanding that Minister Duclos is an economist by formal
21 educational training?

22 **MINISTER MARCO MENDICINO:** Yes, with an academic
23 background, yes.

24 **MR. ANTOINE D'AILLY:** And then you're obviously a
25 lawyer by background and former Crown prosecutor. So with
26 respect to the Freedom Convoy and the protest, would it be fair
27 to say that, you know, a trucker protest, protesting about
28 health mandates with concerns about public safety and border

1 concerns, that this group between the three of you as part of
2 your mandate, you were the key Ministers involved in dealing
3 with some of the concerns raised by the convoy; is that correct?

4 **MINISTER MARCO MENDICINO:** Well, I would say
5 there were a number of Ministries that were engaged by the
6 convoy and the blockade, not only my colleague Ministers
7 Alghabra and Hajdu, but equally as you heard previously,
8 Minister Blair under Emergency Preparedness, Minister Leblanc
9 under Intergovernmental Affairs, and many others.

10 **MR. ANTOINE D'AILLY:** Sorry, just got limited
11 time here. Yes and no answers where we can and where we need to
12 elaborate, just as concisely as possible, please.

13 If we could pull up a document ID
14 PB.CAN.00001868, and this is from the emails that were received
15 last night. Do you recall hearing Jason Kenney's position that
16 "the trucker vax policy is obviously just dumb political
17 theatre"? Was that ever brought to your attention?

18 **MINISTER MARCO MENDICINO:** Well, I'll wait to see
19 what the document says to refresh my memory.

20 And, sorry, who is this text exchange with or
21 between?

22 **MR. ANTOINE D'AILLY:** If we could scroll down, so
23 it should be the third attachment and the sixth email that was
24 received from Mr. Brousseau last night. There it is.

25 "The trucker vax policy is obviously
26 just dumb political theatre. Calling
27 them Nazis hasn't exactly helped."

28 Do you recall being informed of Premier Kenney's

1 position on this?

2 **MINISTER MARCO MENDICINO:** I recall seeing that
3 that was Minister Leblanc's -- looks like a cut and paste of
4 what Premier Kenney had relayed to him.

5 **MR. ANTOINE D'AILLY:** Okay. And I take it you
6 disagree with Premier Kenney's position?

7 **MINISTER MARCO MENDICINO:** Yes.

8 **MR. ANTOINE D'AILLY:** But is it true though that
9 the Liberal platform in September of 2021 dealt with a mandatory
10 vaccination policy cross the entire federal service and on
11 federally regulated transportation?

12 **MINISTER MARCO MENDICINO:** Yes, we put that to
13 the electorate in the '21 election.

14 **MR. ANTOINE D'AILLY:** And I believe you had 33
15 percent roughly of the popular vote then; is that correct?

16 **MINISTER MARCO MENDICINO:** Well, to the best of
17 my recollection, yes, your number's right on.

18 **MR. ANTOINE D'AILLY:** Okay. And so would you say
19 then that in part this mandate, or this must-do activity is
20 rooted at least in part in a political or ideological purpose?

21 **MINISTER MARCO MENDICINO:** Well, it was part of,
22 I think, two important things. First, the best available
23 medicine, evidence, and science that we got, and it was our
24 belief then and it continues to be now that vaccines were the
25 best way out of the pandemic. And secondly, in the leadup to
26 the '21 election, there was a very, I think, robust debate among
27 all Canadians to ---

28 **MR. ANTOINE D'AILLY:** Understood then, sir, I'm

1 trying to figure out what specific knowledge you had ---

2 **MINISTER MARCO MENDICINO:** --- support the
3 government ---

4 **MR. ANTOINE D'AILLY:** --- in dealing with the
5 Minister of Health here. So would it be fair to say that under
6 the Department of *Public Safety and Emergency Preparedness Act*,
7 you were given the responsibility of exercising leadership at a
8 national level relating to public safety and that the Department
9 of Health has a similar aspect in terms of promotion and
10 presentation of health. So what I'm trying to get at here is
11 the separation of powers a little bit, because we did have an
12 unprecedented emergency situation with the pandemic in Canada
13 where some of these vaccines were pushed through very quickly.
14 And so, you know, perhaps by way of analogy, you know, if
15 there's a new peanut that's coming on the market that may have
16 been genetically modified, it would clearly be within the
17 purview of the Ministry of Health to assess the safety of that.
18 But was there ever a consideration where, let's say you're now
19 implementing a mandate that results in 90 percent of Canadians
20 ingesting this product. Does that concern your mandate under
21 public safety at all?

22 **MINISTER MARCO MENDICINO:** Well, first, there was
23 a lot of thoughtful deliberation and research done prior to the
24 decision of launching and implementing a national vaccine
25 strategy. But while there is a common objective between the
26 Public Safety Ministry and Health in protecting the health and
27 safety of Canadians, Public Safety has a different mandate,
28 which includes the law and there are agencies under my portfolio

1 that are responsible for upholding the law ---

2 **MR. ANTOINE D'AILLY:** Understood. So, Minister,
3 so there is a little bit of overlap, and this is -- some of this
4 overlap could have been discussed through your mandate working
5 with the Minister of Health and Transport; is that fair to say?

6 **MINISTER MARCO MENDICINO:** Well, there were,
7 again, very robust communications within government throughout
8 the pandemic and throughout the convoy, and that includes with
9 Minister Leblanc, Minister Alghabra, Minister ---

10 **MR. ANTOINE D'AILLY:** Understood. If we could
11 pull up, Mr. Registrar, JCF.00000183?

12 So this here is the regulatory decision summary
13 published by Health Canada on September 16th of 2021. I believe
14 this was the second -- the purpose of this document was to
15 transition the approval of some of these vaccines from being
16 authorized under an interim order to being authorized under I
17 believe it is schedule division 8 of the *Foods and Drugs Act*.

18 So if we could go to page 6, the first paragraph
19 there. It states that,

20 "An important limitation of the data is
21 the lack of information on the long-
22 term safety and effectiveness of the
23 vaccine."

24 Were you made aware of this concern?

25 **MINISTER MARCO MENDICINO:** I recall being privy
26 to conversations where there were discussions about the efficacy
27 of vaccinations and also how, you know, there were other
28 considerations around the administration of them as part of an

1 overarching health policy to deal with the pandemic.

2 **MR. ANTOINE D'AILLY:** Right. And would you also
3 agree with me that because of the time constraints, because of
4 the emergency situation that this rollout had to occur within,
5 that it did not go through the regular, rigorous testing that it
6 otherwise would have. And if we can scroll to the last sentence
7 of ---

8 **MINISTER MARCO MENDICINO:** Sorry, just before you
9 go on, I just want to be clear, I actually don't agree with
10 that.

11 **MR. ANTOINE D'AILLY:** Which part?

12 **MINISTER MARCO MENDICINO:** The last part that you
13 said in your question where you asked me if I agree ---

14 **MR. ANTOINE D'AILLY:** That it was rushed?

15 **MINISTER MARCO MENDICINO:** --- that it was sped
16 up and rushed.

17 **MR. ANTOINE D'AILLY:** Okay.

18 **MINISTER MARCO MENDICINO:** And you linked it, I
19 think, to the events of the blockade and the convoy and I
20 disagree with that. There was a lot of work that was done in
21 the leadup to the rollout of the national vaccination strategy
22 that predated the convoy.

23 **MR. ANTOINE D'AILLY:** So if we could look at page
24 4 of 8. Was it ever brought to your attention that in terms of
25 the safety evaluation for adolescents, only 660 adolescents,
26 that's age between 12 to 15, only 660 adolescents that had been
27 followed for 2 months formed the basis of Health Canada's
28 conclusion that this was safe or effective for this particular

1 age group? And were you aware that this is one of the concerns
2 that was being brought by the convoy?

3 **MINISTER MARCO MENDICINO:** I know that in my
4 conversations with Minister Duclos and other colleagues who
5 participated both at the COVID Committee as well as broader
6 Cabinet, that those conversations were informed by the best
7 available science and data in the leadup to the national
8 vaccination strategy.

9 **MR. ANTOINE D'AILLY:** Okay. And if we can -- one
10 more document here quickly, JCF000008 -- 187? Were you aware
11 that at least our counterparts in the United States, that when
12 they approved the Pfizer BioNTech vaccine, they stated that
13 they,

14 "...determined that an analysis of
15 spontaneous postmarketing adverse
16 events reported under [...] the FDCA
17 [would] not be sufficient to assess
18 known serious risks of myocarditis and
19 pericarditis and identify an unexpected
20 serious risk of subclinical
21 myocarditis."

22 And that in fact they ordered a battery of tests
23 requiring Pfizer to study adverse effects until at least May 31st
24 of 2027. The question I'm trying to get at -- well, were you
25 aware of that, first of all?

26 **MINISTER MARCO MENDICINO:** I have not seen this
27 document before.

28 **MR. ANTOINE D'AILLY:** Okay. And so my question

1 to you is, if you're exercising leadership within the realm of
2 public safety, and you have the statutory power to establish
3 strategic priorities and exercise powers to initiate, recommend,
4 coordinate, implement, or promote policy programs or projects
5 relating to public safety, was there ever any consideration of
6 initiating a review perhaps to -- of some of these safety
7 concerns? Because I understand that other countries had limited
8 the use of some of these vaccines for under age 18 or under age
9 30, and that perhaps by exercising some of those powers leading
10 up to the entrenchment of the convoy, or even, you know, as late
11 as ---

12 **COMMISSIONER ROULEAU:** Just bring it to a
13 question, please.

14 **MR. ANTOINE D'AILLY:** --- the 13th, did you ever
15 consider ordering or initiating additional tests to satisfy the
16 concerns of some of these protesters?

17 **MINISTER MARCO MENDICINO:** That would not have
18 been within my mandate. My mandate was to make sure that we
19 protected public safety through the enforcement of the law, and
20 this is a Commission inquiry about the circumstances that led to
21 it. I'm not saying your question isn't relevant. I'm saying
22 that would be a question that would be best put to the Minister
23 of Health.

24 **MR. ANTOINE D'AILLY:** And was there any
25 discussion between you and the Minister of Health about perhaps
26 engaging proactively in some of these additional studies to
27 alleviate some concerns of Canadians?

28 **MINISTER MARCO MENDICINO:** Well, throughout the

1 circumstances of the blockade and occupation I was in touch with
2 all of my colleagues in Cabinet, including Minister ---

3 **MR. ANTOINE D'AILLY:** Okay. And I understand I'm
4 running out of time here, but just quickly, a couple of ---

5 **COMMISSIONER ROULEAU:** You have ran out of time
6 so you're going to have to focus here.

7 **MR. ANTOINE D'AILLY:** Understood. Could we pull
8 up document WIN00002295. I believe these are text messages
9 between you and Mayor Drew Dilkens. I'd first like to take a
10 look at page four and this question was put to Mayor Dilkens
11 earlier: "With respect to OPP resources...", I'm just waiting
12 for Mr. Registrar here.

13 Page four, is it your -- it appears that it's
14 your understanding on February 9th at 7:35 p.m. that Chief Mizuno
15 had not requested any additional police officers from the OPP.
16 Was that your understanding, and if so, where did you attain
17 that understanding?

18 **MINISTER MARCO MENDICINO:** This exchange is about
19 trying to clear up what I think is a miscommunication or a
20 misunderstanding between different levels of enforcement and the
21 City of Windsor. And so what I'm really trying to get to the
22 bottom of there, is whether or not additional help had been
23 turned down by the City of Windsor.

24 **MR. ANTOINE D'AILLY:** But it says "apparently
25 your Police Chief just told", so I'm -- the question is, where
26 did you ascertain that belief or that understanding?

27 **MINISTER MARCO MENDICINO:** I'm trying to recall
28 whether or not that was information that I got either directly

1 from Commissioner Lucki or from other sources. Off the top of
2 my head I can't say.

3 **MR. ANTOINE D'AILLY:** Okay. And lastly, just on
4 page 20 here, the last question here, Mr. Commissioner. So on
5 February 14th at 11:57 a.m. It says that "To the extent you", so
6 here being Dr. Dilkens:

7 "You can be supportive of any additional
8 authorities that gets Windsor the resources you
9 need to keep the bridge open and people safe;
10 that would be great."

11 Is it your understanding that Drew Dilkens, Mayor Drew Dilkens
12 invoked the City Wide Emergency before or after this text
13 message?

14 **MINISTER MARCO MENDICINO:** Again, off the top of
15 my head I can't recall, but I know first that the Ontario
16 Government had declared a state of emergency on the Friday
17 before, which would have been ---

18 **MR. ANTOINE D'AILLY:** So I think on the 14th the
19 City of Windsor declared an emergency by order of the Mayor;
20 correct?

21 **MINISTER MARCO MENDICINO:** The same day; yeah,
22 that sounds about right, but yeah, the Ontario Government had
23 declared the Friday before.

24 **MR. ANTOINE D'AILLY:** Okay. And last one here;
25 when you reference resources, do these resources include money?

26 **MINISTER MARCO MENDICINO:** He and I and other
27 representatives of the Government have had a conversation around
28 potential compensation for losses suffered to businesses and

1 residents arising out of the blockade, yes.

2 **MR. ANTOINE D'AILLY:** Understood, okay. And I'm
3 out of time so thank you for the indulgence. Those are my
4 questions; thank you.

5 **MINISTER MARCO MENDICINO:** Thanks.

6 **COMMISSIONER ROULEAU:** Next, the CCLA, please.

7 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

8 **MS. CARA ZWIBEL:** Good afternoon, Mr. Mendicino,
9 Minister Mendicino. My name is Cara Zwibel; I am counsel for
10 the Canadian Civil Liberties Association.

11 **MINISTER MARCO MENDICINO:** Good afternoon.

12 **MS. CARA ZWIBEL:** I want to ask you about an area
13 that we haven't really talked about and I'm going to ask for a
14 document to be pulled up, and I have to apologize, I didn't ask
15 for this document in advance, but I don't think it will be
16 controversial; it's just the Emergency Measures Regulation.
17 It's COM00000854. And I just -- I think you've probably given
18 some of the clearest testimony we've heard about this issue of
19 the separation of church and state, the relationship between law
20 enforcement and government. And I think what you've said is
21 that, you know, there needs to be good lines of communication
22 open but that it's not government's role to direct the police on
23 what to do in an operational sense; is that accurate?

24 **MINISTER MARCO MENDICINO:** Yes.

25 **MS. CARA ZWIBEL:** Okay. Now, in the case of the
26 *Emergencies Act* and the enactment of these Emergencies Measure
27 Regulations, would you agree with me that ultimately what these
28 Regulations do is empower law enforcement -- give law

1 enforcement more tools in which to exercise their authorities
2 and discretion?

3 **MINISTER MARCO MENDICINO:** I would agree, and
4 just to add, tools that otherwise don't exist in any of the law.

5 **MS. CARA ZWIBEL:** Right. And in the case of --
6 and we won't pull them up, but the other, the economic -- the
7 other side of this, the economic measures that were enacted, in
8 that case it empowered both law enforcement and financial
9 institutions to -- with new powers?

10 **MINISTER MARCO MENDICINO:** Yes.

11 **MS. CARA ZWIBEL:** Okay. And would you agree that
12 although this is a formal way of doing this, by using the
13 extraordinary step of invoking the Act, this is a very clear
14 message being sent by Government to law enforcement about what
15 the law needs to be enforced is right now. In this moment,
16 these are the laws that we need to be enforced and we need you
17 to enforce them?

18 **MINISTER MARCO MENDICINO:** I think that's fair,
19 yes.

20 **MS. CARA ZWIBEL:** Okay, thank you.

21 Now, if we can scroll down a little bit, Mr.
22 Clark, thank you; I think it's the second -- sorry, third page;
23 sorry, next page; a little bit further. Okay, so there's a
24 definition of critical infrastructure and then keep scrolling
25 please. So stop right here; thank you.

26 So this the prohibition on public assembly, and I
27 know you said in examination by Commission Counsel, you talked
28 about your concerns about some of the protestors and their links
to extremist groups, but you also said a few times that:

1 "There were a large number of people there
2 who were there to exercise their lawful
3 rights to protest."

4 Is that fair?

5 **MINISTER MARCO MENDICINO:** Yes, it is.

6 **MS. CARA ZWIBEL:** And that in fact I think you
7 said there were thousands who were there for legitimate and
8 lawful purposes?

9 **MINISTER MARCO MENDICINO:** I think that was my
10 lay estimation, but I believe that there were many Canadians who
11 were co-mingled with other elements of the occupation in the
12 blockade who were there to express legitimate differences of
13 opinions and views as it related to Federal Government policy.

14 **MS. CARA ZWIBEL:** Okay. Thank you. Now I know
15 when the Government made the announcement about the use of the
16 Act and what orders would be enacted; it talked about the
17 measures being time-limited because there's an expiration date
18 so to speak on the use?

19 **MINISTER MARCO MENDICINO:** Yes.

20 **MS. CARA ZWIBEL:** It also talked about the
21 measures being proportional?

22 **MINISTER MARCO MENDICINO:** Yes.

23 **MS. CARA ZWIBEL:** Would you agree with me that
24 the definition of a public assembly, which is prohibited, and if
25 we can scroll down so you can see the whole thing. Maybe we can
26 just make it a bit smaller so that it will all fit. Thank you,
27 Mr. Clark. So:

28 "A person can't participate in a public assembly

1 that may reasonably be expected to lead to a
2 breach of the peace by the serious disruption of
3 the movement of persons for goods for the serious
4 interference with trade."

5 Let's just stop at that one. You might be aware as an MP coming
6 from the Province of Ontario that we've had some labour strikes
7 and threats of labour strikes in the last couple of weeks.
8 Would you agree with me that during the existence of these
9 orders a strike would likely be contrary to these orders?

10 **MINISTER MARCO MENDICINO:** Well, I do think that
11 we need to be very careful and circumscribed in defining what
12 the powers are. So the prohibition of public assembly as it is
13 itemized under the Regs. does direct that people can't be part
14 of a public assembly that may be reasonably expected to lead to
15 a breach of the peace by the serious disruption of the movement
16 of persons or goods or the serious interference with trade.

17 Let me pause me there and say that that is
18 directly responsive in part to CVSAs concerns around the lack of
19 authority to clear roads adjacent to critical infrastructure in
20 the form of the border. And you can draw a straight line to the
21 rationale for that power.

22 That having been said, in addition to that the
23 Regs. still have to comply with the *Emergencies Act* which is the
24 parenting statute. And what that says, is that, yes, all of the
25 individual rights that are there around freedom of assembly,
26 including the right to protest, are preserved so long as you do
27 not then cross the boundary into activity which could pose a
28 threat of serious violence. And that is the delineating

1 limitation to how it is that we both protect *Charter* rights
2 while at the same time giving circumscribed targeted powers to
3 restore public safety. So you have to read this provision in my
4 opinion in conjunction with the parroting statute.

5 **MS. CARA ZWIBEL:** Okay. But I mean this
6 definition is what law enforcement is going to use when they go
7 out and decide whether someone is in violation of the order, and
8 this is the document that perhaps a very diligent citizen would
9 look to to find out what is permitted. Is that fair?

10 **MINISTER MARCO MENDICINO:** It is, but, you know,
11 we count on law enforcement to interpret the law correctly, and
12 as part of the rolling out of these regulations and these
13 circumscribed powers, and it would have been part of the plan to
14 implement that there is a respect for the right to lawful
15 assembly.

16 In any event, by the time these regs had come
17 into force, certainly it was clear to those who were still there
18 that law enforcement had directed, government officials had
19 directed that this was no longer lawful because it was no longer
20 safe.

21 **MS. CARA ZWIBEL:** Understood. So I'm not so
22 concerned about whether there was a question that this applied
23 to, for example, Wellington Street. I'm concerned about whether
24 there was a question about where else this might have applied
25 and the potential that it might have applied to a range of other
26 places.

27 Would you agree with me that there's nothing in
28 these orders that geographically restricts their scope? There's

1 nothing that says they're confined to Ontario or they're
2 confined to border crossings?

3 **MINISTER MARCO MENDICINO:** I think by inference,
4 you could say that certainly under Sub 2(1) and the subparagraph
5 A, that there are, you know, geographic -- there are some
6 geographic circumscriptions there in that there are a limited
7 number of places where you can seriously disrupt the movement of
8 persons or goods or the serious interference with trade. And I
9 think the border would be one.

10 **MS. CARA ZWIBEL:** Okay. I want to just move to
11 one other area. You mentioned in your testimony when you were
12 being questioned by Commission Counsel, and I think this is the
13 first that we've heard about this, that -- and I think you said
14 it was on the 13th, this was when Commission Counsel took you to
15 the email from Commissioner Lucki that, you know, that laid out
16 sort of the current status of things.

17 And you talked about a private conversation that
18 you had with Commissioner Lucki where she told you about the
19 situation in Coutts and shared her concerns. And I think you
20 said that was a threshold moment for you.

21 So and I appreciate that that would be a
22 frightening set of circumstances to hear about. The timeline of
23 events is that we have the IRG on the 13th in the afternoon and
24 then the Cabinet meeting the evening of the 13th. And then on
25 the morning of the 14th, the First Ministers Meeting, and then
26 the Act is invoked.

27 First of all, there's no Cabinet meeting between
28 the First Ministers Meeting and the invocation of the Act? Is

1 that correct?

2 **MINISTER MARCO MENDICINO:** That's right.

3 **MS. CARA ZWIBEL:** Okay. The morning of the 14th,
4 I think you would have learned that the Ambassador Bridge
5 blockade had been cleared and that arrests had been made and
6 that police had executed a safe operation in Coutts leading to
7 arrests?

8 **MINISTER MARCO MENDICINO:** That was true, but I
9 would add that there were reports of flare ups. There was an
10 exchange between the Mayor and I. There were also public
11 reports following that and some information that we had received
12 in subsequent briefings about the threat of the blockade coming
13 back to the Ambassador Bridge.

14 I would point out that it was a recurring theme
15 over those two weeks that progress was not linear, that it was
16 very much a wack-a-mole kind of dynamic and the idea was not
17 only to restore public safety, but to maintain it. And the
18 objective of invoking the *Emergencies Act* was to maintain law
19 and order to stop the wack-a-mole.

20 **MS. CARA ZWIBEL:** Understood. I know you said in
21 your testimony to Commission Counsel that one of the concerns
22 about Coutts was that it could lead to a chain reaction. But
23 would you agree with me that that didn't happen? When the
24 arrests were made in Coutts, actually many of the other
25 protestors decided to leave because they actually weren't
26 comfortable being associated with that level of violence? They
27 had different goals, and once they learned that that's what was
28 going on, they decided to voluntarily leave?

1 **MINISTER MARCO MENDICINO:** I agree. And I was
2 relieved. But I was also dealing with the best information
3 available to me at the time and surveying the landscape and
4 being mindful that there were reports of guns and firearms that
5 were present at other locations and not knowing exactly how it
6 was that the operation in Coutts was going to play out at that
7 time, and bearing in mind the sensitivities, the fact that the
8 situation was combustible, that the individuals that were
9 involved in Coutts were prepared to go down with a fight that
10 could lead to the loss of life, that if that had happened and
11 that occurred, it still remains an open question in my mind as
12 to whether or not it would have triggered other events across
13 the country.

14 And so that's why I -- in my mind, it was very
15 much -- it was a threshold moment.

16 **MS. CARA ZWIBEL:** Okay. I understand -- I think
17 I understand what you're saying. And I just -- I know I'm out
18 of time. I just want to just clarify.

19 I understand you're saying if that had happened.
20 But would you agree with me that the arrests happened in Coutts
21 and that didn't happen? What happened is that people decided to
22 voluntarily leave Coutts and that situation, at least that
23 particular location, was resolved for the time being?

24 **MINISTER MARCO MENDICINO:** I think you may be
25 putting it a little optimistically. I know that after the
26 Coutts takedown, that there were still engagements there. I do
27 agree that things did start to dissipate and disengage in
28 Coutts, but I also recall that people were still very much dug

1 in in other parts of the country, including here in the Nation's
2 capital.

3 **MS. CARA ZWIBEL:** Thank you, Minister.

4 Thank you, Commission.

5 **COMMISSIONER ROULEAU:** Next I'll call on the City
6 of Windsor, please.

7 **MR. GORDON CAMERON:** Mr. Commissioner, if I could
8 just ask if -- I don't know if people still use the expression,
9 the division bells are ringing?

10 **COMMISSIONER ROULEAU:** Oh, so we need a short
11 break?

12 **MR. GORDON CAMERON:** Yes. And fortunately the
13 timing won't be precise, but it would be timely now to break if
14 we want to do it in-between examiners, because it appears that
15 otherwise it would be right in the middle of the next
16 examination.

17 **COMMISSIONER ROULEAU:** Okay. So we'll take 10
18 minutes. Is that all that's needed or is it longer?

19 **MR. GORDON CAMERON:** I think 10 minutes is all
20 that's needed. We're just at the end of a question period, and
21 so we'll alert if it'll be any longer than that.

22 **COMMISSIONER ROULEAU:** Okay. Well I'll -- we'll
23 take a 10-minute break. If it needs to be more, please ---

24 **MINISTER MARCO MENDICINO:** Thanks, Your Honour.
25 Otherwise you'd have to watch me vote digitally.

26 **COMMISSIONER ROULEAU:** I'm not sure I'd be
27 allowed to do that.

28 **THE REGISTRAR:** The Commission is in recess for

1 10 minutes. La Commission est levée pour 10 minutes.

2 --- Upon recessing at 3:14 p.m.

3 --- Upon resuming at 3:36 p.m.

4 **THE REGISTRAR:** The Commission is reconvened. La
5 Commission reprend.

6 **COMMISSIONER ROULEAU:** Okay. So I guess that --
7 where we at? Oh, but that counts. I called you already. So
8 the time ---

9 **MS. ALYSSA TOMKINS:** Commissioner, Alyssa Tomkins
10 for the City of Ottawa. I'm very sad because the witness in
11 fact once taught me cross-examination for a week at intensive
12 trial advocacy and I was desperately hoping to try an
13 impeachment on him, but my areas of questioning have all been
14 canvassed. So I'm going to cede my time to the City of Windsor.
15 And I just wanted to let her know before she steps.

16 **MS. JENNIFER KING:** I'm going to change my end
17 time.

18 **COMMISSIONER ROULEAU:** Can I take a moment though
19 to make a point? Tomorrow we have a very full day. We will
20 have a presentation on the public input. We have three
21 witnesses, three Ministers. You may have already received the
22 allocation of time. The allocation of time is arguably brutal.
23 I won't have much flexibility given the amount of time. So I
24 would strongly urge that counsel talk amongst themselves. If
25 you want to have a longer period of cross-examination with some
26 of the witnesses that are limited to five minutes, try to work
27 out a deal a bit like this one to have a longer period, because
28 I know five minutes is hard to make a point in five minutes. I

1 understand that. But I mean, we're bound by the time limits we
2 have. So there's a long list of five-minute people and some may
3 be willing to coordinate or allow.

4 So I mention it so that you have time to do it
5 maybe at the break. Obviously totally up to you. I've had to
6 allocate essentially everyone who asked, but the allocation is,
7 I recognize, small. And I'm simply signalling that given
8 tomorrow's schedule, it's going to be hard to be flexible.

9 So thanks for giving me that opportunity, but I
10 think it's important. I'd like you to think about it.

11 Again, it's up to you, obviously, but my interest
12 is that people who want to get at an important point with any
13 one of the three witnesses have the time.

14 Okay. with that, you have fresh time.

15 We'll start from zero. Okay.

16 **MS. JENNIFER KING:** Thank you, Commissioner.

17 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

18 **MS. JENNIFER KING:** Good afternoon, it's still
19 afternoon, Minister. My name is Jennifer King. I am legal
20 counsel to the City of Windsor.

21 **MINISTER MARCO MENDICINO:** Good afternoon.

22 **MS. JENNIFER KING:** Hi. So yesterday,
23 Minister Blair testified about the responsibility of all three
24 orders of government to communicate and cooperate in responding
25 to an event like the protests earlier this year. Do you agree
26 with him that that's important?

27 **MINISTER MARCO MENDICINO:** Yes.

28 **MS. JENNIFER KING:** Yes. Minister, you and your

1 staff had excellent communication with the City of Windsor;
2 right?

3 **MINISTER MARCO MENDICINO:** Yes.

4 **MS. JENNIFER KING:** Mayor Dilkens texted you
5 immediately after first learning of the potential of the slow
6 roll, the potential of blocking the bridge, when he learned that
7 from the Chief of Police on February the 4th; right?

8 **MINISTER MARCO MENDICINO:** Yes.

9 **MS. JENNIFER KING:** And he kept in regular
10 contact with you throughout.

11 **MINISTER MARCO MENDICINO:** He did.

12 **MS. JENNIFER KING:** And are you aware that once
13 the blockade commenced Mayor Dilkens' Chief of Staff was in
14 contact with his counterparts at the Federal Government,
15 including your Chief of Staff, Mike Jones?

16 **MINISTER MARCO MENDICINO:** Yes.

17 **MS. JENNIFER KING:** And for example, on
18 February 8th he told Mike Jones that Windsor Police had put in a
19 request through policing channels for policing resources; right?

20 **MINISTER MARCO MENDICINO:** That's right.

21 **MS. JENNIFER KING:** And he specifically told your
22 Chief of Staff that the Chief of Police had asked for Public
23 Order personnel; right?

24 **MINISTER MARCO MENDICINO:** I believe that's
25 correct, yes.

26 **MS. JENNIFER KING:** So early on, you were aware
27 that Windsor Police Services required resources, specifically
28 Public Order resources?

1 **MINISTER MARCO MENDICINO:** Yes, that's my
2 recollection.

3 **MS. JENNIFER KING:** And in fact, you assisted in
4 amplifying that message to Commissioner Lucki?

5 **MINISTER MARCO MENDICINO:** I did.

6 **MS. JENNIFER KING:** So Windsor provided you and
7 your ministry with important and timely updates throughout,
8 before, during and after the blockades?

9 **MINISTER MARCO MENDICINO:** Yes.

10 **MS. JENNIFER KING:** And you used this information
11 from Windsor in your work at the federal level to respond to the
12 blockades?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MS. JENNIFER KING:** Did the protests this year
15 then reinforce your view of the value of the importance of
16 two-way communication and collaboration between the Federal
17 Government and border municipalities with respect to the
18 protection of border infrastructure?

19 **MINISTER MARCO MENDICINO:** It really did, and
20 especially because of the many unique aspects of this particular
21 public order event.

22 **MS. JENNIFER KING:** Minister Blair yesterday told
23 us that the police operation in Windsor was a success. Do you
24 agree?

25 **MINISTER MARCO MENDICINO:** I think on the whole,
26 yes.

27 **MS. JENNIFER KING:** Okay. Windsor Police
28 required an influx of policing resources that we just talked

1 about and hard assets to respond to the event?

2 **MINISTER MARCO MENDICINO:** Yes.

3 **MS. JENNIFER KING:** Last week, we heard evidence
4 from Deputy Minister Keenan, and Mr. Ossowski, the former
5 President of the CBSA, regarding federal authority over the
6 bridge. Were you able to listen to that testimony?

7 **MINISTER MARCO MENDICINO:** I'm afraid I was not,
8 sorry.

9 **MS. JENNIFER KING:** Okay. Well, we or I reviewed
10 a CBSA document with Mr. Ossowski, and he confirmed that CBSA
11 officers are not designated to enforce criminal arrest
12 provisions and cannot directly engage in enforcement operations
13 at prohibited public assemblies, even if they're on the bridge.
14 You agree with him?

15 **MINISTER MARCO MENDICINO:** Well, there were
16 definitely gaps, and there are very specific mandated powers
17 that are afforded to CBSA officers for the purposes of
18 administering other statutes, for example, customs and the like.
19 But one of the main -- there were two main concerns in addition
20 to the one that you mentioned that he raised with me and with
21 other Cabinet colleagues that was preventing foreign nationals
22 where there were grounds to believe that they may support the
23 blockade or the occupation; and secondly, the lack of authority
24 to clear the roads leading to the bridge, which I think is very
25 much in relationship to the point that you made.

26 **MS. JENNIFER KING:** Well, they didn't have that
27 authority even on the bridge, did they?

28 **MINISTER MARCO MENDICINO:** There are limitations

1 as to how far they can go, and certainly if there are criminal
2 charges or if there is criminal conduct that is occurring on the
3 bridge itself they would have peace officer authorities to
4 facilitate restoring control, that's one of the reasons why CBSA
5 officers were ultimately granted the right to hold firearms, but
6 ultimately they would pass those investigations onto local
7 police of jurisdiction.

8 **MS. JENNIFER KING:** Right. So Mr. Ossowski told
9 us that for any protest activity, even if it was occurring on
10 the Ambassador Bridge or in the Plaza, the CBSA would rely on
11 the police of jurisdiction.

12 **MINISTER MARCO MENDICINO:** There were limitations
13 to the authorities, yes.

14 **MS. JENNIFER KING:** Right. And so it would be
15 Windsor Police that would respond?

16 **MINISTER MARCO MENDICINO:** It depends on which
17 side of the bridge. So if it was on the Canadian side, then
18 yes, then I would assume that he would have reported those to
19 the Windsor Police.

20 **MS. JENNIFER KING:** Right. And Mr. Ossowski
21 confirmed that even after the *Emergencies Act* was invoked the
22 new *Emergencies Act* didn't change these authorities, and in
23 fact, CBSA officers were directed not to directly engage in
24 enforcement operations at prohibited public assemblies, whether
25 on or off the bridge. Were you aware of that?

26 **MINISTER MARCO MENDICINO:** That sounds generally
27 consistent with my recollection, although there were other
28 powers that we did afford under the *Emergencies Act* that were

1 responsive to the gaps that John Ossowski, as the then President
2 of the CBSA, had identified.

3 **MS. JENNIFER KING:** Okay. So there is
4 significant reliance on Windsor's police force to protect this
5 piece of national infrastructure; right?

6 **MINISTER MARCO MENDICINO:** Yes.

7 **MS. JENNIFER KING:** And therefore, there's a
8 significant reliance on Windsor and its taxpayers to protect
9 this border crossing since they're ultimately responsible to
10 fund Windsor's police force?

11 **MINISTER MARCO MENDICINO:** No question about it.
12 And Huron Church Road, which begins where the 401 ends as you're
13 driving west into town, takes you right to the entry to the port
14 of entry that then crosses into Detroit. So yes, the people of
15 Windsor are very much, and the City administration, the Police
16 Service very much share the responsibility of maintaining public
17 safety.

18 **MS. JENNIFER KING:** Okay. So would you agree
19 with me that the issue of what respective authorities are
20 available to the police of jurisdiction and to federal
21 authorities at a port of entry should be understood and planned
22 in advance so as to avoid any confusion over jurisdiction and
23 roles during an event like this?

24 **MINISTER MARCO MENDICINO:** I think that's a fair
25 statement, and indeed, during the course of my conversations
26 with Mayor Dilkens at the time, I did foreshadow that we may
27 have to consider how it is that we maintain jurisdiction in the
28 roads leading into the borders, certainly immediately adjacent

1 to, so that the Federal Government could properly play a role in
2 maintaining those critical supply chains that were compromised
3 and ultimately blocked for extended periods of time, not only in
4 Windsor but across the country. So yes, I do think that that is
5 a -- an issue that merits conversation.

6 **MS. JENNIFER KING:** And this planning should
7 include who's responsible for those resources; right?

8 **MINISTER MARCO MENDICINO:** I think that it goes
9 hand in glove. I think that if you are going to talk about
10 expanding the jurisdiction of the CBA to, let's say, roads which
11 are otherwise provincial highways, that that is a conversation
12 that has to occur with other levels of government, municipal
13 authorities, and then if you're going to make any recalibration
14 there, you're going to have to make sure that CBSA have the
15 resources to enforce as well, or at a minimum engage in some
16 kind of an understanding or an agreement with different levels
17 of government and enforcement to make sure that we can protect
18 our critical infrastructure, including our borders.

19 **MS. JENNIFER KING:** And you'd agree that that
20 plan should also include plans to protect the community that is
21 around that critical infrastructure?

22 **MINISTER MARCO MENDICINO:** Yes.

23 **MS. JENNIFER KING:** So I'll have a couple more
24 questions about planning, but I -- as a bit of an aside, in
25 Windsor, RCMP are not the police of jurisdiction; right?

26 **MINISTER MARCO MENDICINO:** That's correct.

27 **MS. JENNIFER KING:** We heard from
28 Commissioner Lucki last week that the RCMP "O" Division has a

1 detachment in Windsor. Are you aware of that?

2 **MINISTER MARCO MENDICINO:** Yes.

3 **MS. JENNIFER KING:** She wasn't sure how many
4 officers are there in Windsor. Minister Mendicino, do you know
5 how many RCMP officers are in Windsor?

6 **MINISTER MARCO MENDICINO:** I know that -- my best
7 recollection is, is that we deployed approximately 75, I
8 believe, or 100 RCMP officers, that's my recollection. Off the
9 top of my head, I don't know how many are permanently stationed
10 there at "O".

11 **MS. JENNIFER KING:** So are you aware,
12 Minister Mendicino, that shortly after the successful police
13 operation, Windsor representatives, including Mayor Dilkens, and
14 others, started asking all three levels of government to sit
15 down and develop a long-term sustainable framework to protect
16 critical infrastructure?

17 **MINISTER MARCO MENDICINO:** I don't actually have
18 a specific recollection of that conversation being started, but
19 I wholeheartedly endorse the idea, and I think it's a good
20 initiative.

21 **MS. JENNIFER KING:** Okay. So I just want to take
22 a little bit of time on that.

23 Mr. Clerk, can you please pull up
24 SSM.CAN00006251, and scroll to page 4. Hopefully I have the
25 right reference.

26 Minister, this is a readout of a call that you
27 had with Mayor Dilkens and MP Masse on February the 18th. I
28 expect this was a busy time for you, as we have already heard,

1 but you had a call with Mayor Dilkens and MP Masse. Do you
2 recall this call?

3 **MINISTER MARCO MENDICINO:** Yes.

4 **MS. JENNIFER KING:** And so the readout...

5 If you scroll up a little bit, Mr. Clerk.

6 ...was sent to a number of recipients, including
7 Katie Telford and Brian Clow. And they're of the Prime
8 Minister's Office?

9 **MINISTER MARCO MENDICINO:** Yes.

10 **MS. JENNIFER KING:** Okay. And you can see, you
11 can't see the colour on this, but the summary or the highlights
12 at the top included that:

13 "MP Masse highlighted the desire for a
14 comprehensive plan with redundancies to
15 prevent this from happening again."

16 **MINISTER MARCO MENDICINO:** Yes.

17 **MS. JENNIFER KING:** Here's an example of a
18 Windsor representative saying right off the bat "we need a
19 plan".

20 And if you could scroll to page 5.

21 In the middle of the page, you'll see some notes
22 of Mayor Dilkens' comments, and he notes that:

23 "...the current set of...jersey
24 barriers - and police support is
25 important but is incredibly resource
26 intensive and disruptive to the
27 community (both small businesses and
28 the [University] of Windsor)."

1 And you agree with him?

2 **MINISTER MARCO MENDICINO:** I would and in fact, I
3 visited the community there including some of the small business
4 along Huron Line Church and the barriers impeded access to them
5 and that's one of the losses that the community suffered. So I
6 think Mayor Dilkens was highlighting one of the issues that if
7 they were going to use jersey barriers to prevent the blockade
8 from forming or reforming, that they then had to also consider
9 what impact that was going to have on the local community
10 including some of the smaller businesses that dot along the
11 Huron Church Line.

12 **MS. JENNIFER KING:** Right. And you'll see that
13 Brian Masse, if you scroll down a little bit, MP Masse indicates
14 that this plan must include how to respond as a community and
15 how to support small businesses. So that's consistent with what
16 you just said.

17 **MINISTER MARCO MENDICINO:** Yes.

18 **MS. JENNIFER KING:** Did you take any steps
19 following this meeting to work with Windsor and the province on
20 this plan?

21 **MINISTER MARCO MENDICINO:** Well, as I -- as you
22 pointed out, I maintain frequent contact with Mayor Dilkens as I
23 do with many municipal counterparts and provincial counterparts.
24 And we have spoken about the ongoing ways in which we can
25 support Windsor, you know, not only with respect to thoughtful
26 planning around avoiding a similar type of blockade from
27 interrupting not only trade and commerce, but the very strong
28 people to people ties. You have so many families who go back

1 and forth over that bridge every single day and this blockade
2 completely interrupted that and I was very sympathetic then and
3 remain now to, you know, the trauma and the loss that that
4 caused the residents of Windsor. But in addition to that, we've
5 had ongoing discussions around how we can compensate them ---

6 **MS. JENNIFER KING:** Okay.

7 **MINISTER MARCO MENDICINO:** --- for the losses
8 during the blockade I should add. Sorry.

9 **MS. JENNIFER KING:** Mr. Clerk, if you could
10 please pull up WIN00002240? I take it you might not have seen
11 this recently, Minister Mendicino, but we have been discussing
12 this letter a bit over the course of this hearing. I did show
13 this letter to Minister Blair yesterday. So the Commission has
14 heard that Mayor Dilkens wrote to you, Minister Blair and former
15 Solicitor General Jones on March the 17th. Do you recall
16 receiving this letter?

17 **MINISTER MARCO MENDICINO:** Yes.

18 **MS. JENNIFER KING:** Okay. And he's asked you
19 again to sit down and plan. What did you do with this letter on
20 receipt?

21 **MINISTER MARCO MENDICINO:** Well, I would say
22 informally, certainly, I keep strong lines of communication with
23 Mayor Dilkens. We've spoken on -- in many numerous occasions
24 since March 17, '22 by text. You know, when I visit the
25 community there, I make a point of trying to check in. And I
26 would say, you know, there remains a commitment from the federal
27 level of government to action the letter.

28 **MS. JENNIFER KING:** Okay. And so just taking a

1 few moments to talk about the lessons that we've learned from
2 the protest that are -- protect border infrastructure and the
3 communities they're in, would you agree with me that planning
4 processes to protect border infrastructure must include
5 municipalities like Windsor?

6 **MINISTER MARCO MENDICINO:** I think it must
7 include every level of government. I think it must also include
8 -- and that is obviously inclusive of the City of Windsor and
9 other border communities as well. I also think it should
10 include obviously law enforcement and the CBSA who play an
11 essential role in maintaining the integrity and the security of
12 our borders. And I think it should also include a number of the
13 other residents and local businesses who are clearly impacted as
14 a result of people and vehicular traffic flow.

15 **MS. JENNIFER KING:** Okay. And we spoke earlier
16 about the importance of two-way communications. What are you
17 doing to ensure collaborative two-way communication between your
18 Ministry, which I understand is responsible for critical
19 infrastructure, and municipalities with critical infrastructure
20 in their borders?

21 **MINISTER MARCO MENDICINO:** Well, one, maintaining
22 direct bilateral contact with my municipal counterparts
23 including Mayor Dilkens. I would say secondly, making sure that
24 as we discuss the, you know, the lessons to be taken from this,
25 that we get advice from law enforcement, so CBSA, as I said
26 earlier, would play a very important role. And then, you know,
27 building as well into the discussion essentially, the provinces,
28 including Ontario, so that we are all really focussed on how it

1 is that we can insulate ourselves from a similar type of event.
2 And I think that this particular public order emergency
3 demonstrated what's at stake, especially around a critical port
4 of entry like Windsor where you're talking about not only
5 economic impacts, which, you know, have a huge, huge knock on
6 effect, but just the critical supply chains around food, around
7 fuel, around healthcare supplies, that is a vital artery, not
8 only for Canada, but equally for the United States, which as I
9 described earlier is one of the reasons why Secretary Mayorkas
10 had engaged me in the height of the blockades.

11 **MS. JENNIFER KING:** Thank you for your answers.

12 **COMMISSIONER ROULEAU:** Okay. Next call on the
13 Convoy Organizers, please.

14 **MR. BRENDAN MILLER:** Thank you, sir. And just
15 before I start, I apologize for talking over you earlier today.

16 **COMMISSIONER ROULEAU:** Okay.

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

18 **MR. BRENDAN MILLER:** Hello.

19 **MINISTER MARCO MENDICINO:** Good afternoon.

20 **MR. BRENDAN MILLER:** My name's Brendan Miller and
21 I'm Counsel for Freedom Corp., which is the entity of -- that
22 represents the protesters that were here in Ottawa in January
23 and February of 2022.

24 So, sir, you're a lawyer; correct?

25 **MINISTER MARCO MENDICINO:** Yes.

26 **MR. BRENDAN MILLER:** And before you were a
27 politician, you were a Crown prosecutor; is that correct?

28 **MINISTER MARCO MENDICINO:** Yes.

1 **MR. BRENDAN MILLER:** And you worked for Public
2 Prosecution Services Canada; right?

3 **MINISTER MARCO MENDICINO:** Yes.

4 **MR. BRENDAN MILLER:** And you worked for Public
5 Prosecution Services Canada for a period of 10 years; is that
6 correct?

7 **MINISTER MARCO MENDICINO:** That's right.

8 **MR. BRENDAN MILLER:** And you've prosecuted
9 terrorism cases; right?

10 **MINISTER MARCO MENDICINO:** I prosecuted terrorism
11 cases as well as other types of cases including the *Controlled*
12 *Drugs and Substances Act* and other federal statutes. So it
13 wasn't just limited to cases involving national security. There
14 were a broad range of cases that I prosecuted.

15 **MR. BRENDAN MILLER:** And you agree that in
16 prosecuting terrorism cases you had to become intimately
17 familiar with national security law; fair to say?

18 **MINISTER MARCO MENDICINO:** I had to become
19 familiar with the principles around national security, the *Anti-*
20 *Terrorism Act*, you know, other statutes that would have
21 implicated national security, yes, the *CSIS Act* would be another
22 ---

23 **MR. BRENDAN MILLER:** Okay.

24 **MINISTER MARCO MENDICINO:** --- Act as well.

25 **MR. BRENDAN MILLER:** And so included in your
26 knowledge would be the *CSIS Act*?

27 **MINISTER MARCO MENDICINO:** Yes.

28 **MR. BRENDAN MILLER:** Right? And that would also

1 include in your knowledge would be the *Canada Evidence Act*
2 provisions protecting national security as well as criminal
3 investigation information; is that fair?

4 **MINISTER MARCO MENDICINO:** Sorry, could you just
5 repeat that last question?

6 **MR. BRENDAN MILLER:** Your intimate knowledge in -
7 - knowledge as prosecutor in what you were doing, it would also
8 include the provisions and the case law with respect to the
9 *Canada Evidence Act* provisions protecting national security as
10 well as criminal investigation information?

11 **MINISTER MARCO MENDICINO:** Yes, it would.

12 **MR. BRENDAN MILLER:** And as a lawyer, of course,
13 before you testified here today in these proceedings, I take it
14 that you knew you needed to be prepared to testify?

15 **MINISTER MARCO MENDICINO:** Yes.

16 **MR. BRENDAN MILLER:** And in preparing to testify
17 here today, I assume you reviewed many records and as many as
18 possible?

19 **MINISTER MARCO MENDICINO:** I spent a fair bit of
20 time, yes, reviewing the documents that were prepared for me in
21 anticipation of this testimony.

22 **MR. BRENDAN MILLER:** Right. And I'm sure you
23 reviewed the numerous statements that you made in public and to
24 Canadians with respect to the protests in Ottawa as well as the
25 invocation of the *Emergencies Act*?

26 **MINISTER MARCO MENDICINO:** I would have done
27 that, yes.

28 **MR. BRENDAN MILLER:** And with respect to

1 preparing for this hearing, and again as a lawyer, I take it you
2 probably watched all of the evidence given yesterday by the
3 Director of CSIS and Minister Blair; is that fair?

4 **MINISTER MARCO MENDICINO:** Well, in fact, no, I
5 did not watch the evidence yesterday. I -- in real time, I
6 would have caught some of the headlines and some of the clips,
7 but I was not watching the evidence yesterday. During the day,
8 I have a number of, you know, engagements, even, you know, on
9 Mondays. So, yes, I was not able to watch the evidence in real
10 time yesterday.

11 **MR. BRENDAN MILLER:** So yesterday, we had a
12 discussion, I had questioned the Director of CSIS and I asked
13 him the following questions. This is just from the transcript.
14 And I asked him, "Are you aware of a company called Enterprise
15 Canada?" And his answer was, "Not specifically, no." And then
16 I asked him,

17 "And have you identified the
18 individual, the one that is -- there
19 was -- he was all over the news, the
20 gentleman that was carrying the Nazi
21 flag, have you identified him?" (As
22 read)

23 And Mr. Vigneault responded, said,

24 "Mr. Commissioner, as I said before, we
25 -- the specific details of our
26 investigation have been shared, you
27 know, with the Commission earlier. I
28 would not be able to go into more

1 specific detail." (As read)

2 Were you aware that he said that?

3 **MINISTER MARCO MENDICINO:** I was not aware that
4 he said tha,t and I don't know what you're referring to.

5 **MR. BRENDAN MILLER:** Okay.

6 **MINISTER MARCO MENDICINO:** I'm sorry.

7 **MR. BRENDAN MILLER:** Well, now I take it that you
8 know as a former prosecutor with Public Prosecution Services
9 Canada in the realm of national security law that the identity
10 of a man carrying a flag in public, who's photographed in public
11 is not protected by any form of national security law or other
12 evidentiary protection; can you agree with that?

13 **MINISTER MARCO MENDICINO:** I'm sorry, I really
14 don't understand the nature of the question. Could you repeat
15 it?

16 **MR. BRENDAN MILLER:** So I take it that you know,
17 as a former prosecutor with Public Prosecution Services Canada,
18 in the realm of national security law, that the identity of a
19 man carrying a flag in public, who has been photographed in
20 public is not protected by any form of national security law or
21 other evidentiary protection, we know that.

22 **MINISTER MARCO MENDICINO:** You're suggesting that
23 the identity of an individual is not protected by national
24 security laws; this is what you're asking me?

25 **MR. BRENDAN MILLER:** I'm saying that the identity
26 of an individual whose picture has been taken carrying the Nazi
27 flag, in public, by someone in the public and posted on line,
28 the identity of that person, who he is, is not protected by

1 National Security law; is it?

2 **MINISTER MARCO MENDICINO:** I have no idea of the
3 -- if you're talking about a hypothetical or if you're talking
4 about a real example; I mean this is a completely abstract
5 question.

6 **MR. BRENDAN MILLER:** Mr. Clerk, if you could
7 bring up the one document, please?

8 **THE CLERK:** Yeah, just for the record
9 POE.HRF00000018.

10 **MR. BRENDAN MILLER:** I think so, yeah. Okay.
11 So this is the individual I'm talking about; it
12 was all over the news and we've been trying to figure out who he
13 is and we think we have. Now, again, in looking at this
14 picture, it was posted on line, it was in the news, everywhere.
15 And when I asked the Director of CSIS about his identity, he
16 didn't say he didn't know; he invoked the National Security law.
17 But I take it you know, as a former prosecutor, with Public
18 Prosecution Services Canada, in the realm of National Security
19 law, that the identity of this man carrying the Nazi flag in
20 public, who's photographed in public, is not protected by any
21 form of National Security law or other evidentiary protection;
22 you know that?

23 **MR. BRENDAN van NIEJENHUIS:** Mr. Commissioner, I
24 have an objection to state with respect to the nature of this
25 questioning.

26 In my submission the placing of this photograph
27 again before the witness in light of the evidence given to date,
28 is an abuse of the process of the public hearing process and

1 that the purpose of my friend putting this document up on the
2 screen is not in good faith purpose; it is apparently for the
3 purpose of asserting claims in order to associate them with the
4 credibility of this public hearing process and distract from the
5 fact-finding process that the Board work of this Inquiry
6 surrounds.

7 In my submission there needs to be a good faith
8 basis for the questions put to the witnesses and this is a
9 further example of what my friend is seeking to do that is not
10 directed to the fact-finding process of this Inquiry
11 respectfully, but to injecting this photograph and other
12 documents into the public light so that they may be commented
13 on, taking advantage of the privileged forum in which my friend
14 is speaking and making assertions to which witnesses repeatedly
15 have had no evidence to give and there could be no reasonable
16 expectation that they would have relevance ---

17 **MR. BRENDAN MILLER:** But, sir, of course we filed
18 an Affidavit ---

19 **MR. BRENDAN van NIEJENHUIS:** I'd ask to finish my
20 objection, which I'm also complete.

21 In my submission the Commission must respectfully
22 insist that participation be conducted in good faith by those
23 who have been given the right of audience in the form of full
24 party standing and where public funding has been recommended for
25 the purposes of enabling their participation to serve the
26 objects of the Commission and their client's interests. I
27 object to this line of questioning.

28 **COMMISSIONER ROULEAU:** Okay.

1 **MR. BRENDAN MILLER:** Sir, as you know, we filed
2 an Affidavit from an individual who identified this man and the
3 man is Mr. Brian Fox, according to that Affidavit. He met him
4 when he was doing -- that photo was taken around the same time;
5 he talked to him; he's been identified; there's an application
6 before this Commission to call Mr. Fox as well as to allow our
7 witness, Mr. Sean Folks to testify and it is clear, frankly,
8 from the lack of answer and from the objection, that the witness
9 here needs to answer this question. And subject to any
10 questions, sir, those are my submissions.

11 **COMMISSIONER ROULEAU:** Okay. Well, just going
12 back, I think -- I suspect you may be functioning under a
13 misapprehension with respect to the testimony of Mr. Vigneault,
14 but that's a different issue which we can get back to, because I
15 don't -- I think you've misunderstood his answer. So that's
16 something which maybe could be cleared up.

17 With respect to the question, I'll let you
18 continue this, however the outstanding motion that you've
19 referred to has not been ruled on and the evidence that you're
20 proposing to tender is not in the public record. So that is not
21 an appropriate, if you like it, an appropriate representation at
22 this stage. So -- but I'll let you ask the question; I have --
23 because of the outstanding motion at the moment.

24 **MR. BRENDAN MILLER:** Right. So, sir, now again,
25 I take it you know as a former prosecutor with Public
26 Prosecution Services Canada in the realm of National Security
27 law, that the identity of that man ---

28 **COMMISSIONER ROULEAU:** Can I just interrupt you?

1 **MR. BRENDAN MILLER:** Yeah.

2 **COMMISSIONER ROULEAU:** If you could just read
3 what the question was to Mr. Vigneault again?

4 **MR. BRENDAN MILLER:** Question, right.

5 "Are you aware of a company called
6 Enterprise Canada?"

7 **MR. VIGNEAULT:** Not specifically, no.

8 Q. And have you identified the individual,
9 the one that is there; he was all over the
10 news, the gentleman that was carrying the
11 Nazi flag; have you identified him yet?

12 Mr. Commissioner, as I said before, we --
13 the specific details of our investigation
14 have been shared you know with the
15 Commissioner earlier. I would not be able
16 to go into more specific details."

17 And then I tried to get him to identify that it was the
18 individual and I was cut off.

19 **COMMISSIONER ROULEAU:** Yeah, so I just want to --
20 my understanding to try and assist, is that CSIS will neither
21 confirm or deny that they're investigating that because that's
22 all secret. So what he's answering there is not a refusal to
23 identify, not a refusal to answer, it's because their job is to
24 do investigations. They do not answer those questions. That's
25 my understanding So I just want to clear that up.

26 **MR. BRENDAN MILLER:** Yeah.

27 **COMMISSIONER ROULEAU:** So it isn't that Mr.
28 Vigneault was trying to ---

1 **MR. BRENDAN MILLER:** No, okay.

2 **COMMISSIONER ROULEAU:** So -- but I think for the
3 record that's important and it may assist you. Now, I don't
4 know if Commission counsel wants to add or whether I've
5 misstated it.

6 **MR. GORDON CAMERON:** To assist Mr. Miller, and as
7 someone who has encountered over about 30 years similar refusals
8 to answer questions on the basis of National Security, I
9 sympathize with his point. But it is exactly as you described,
10 Mr. Commissioner, the representative of CSIS or another National
11 Security officer is typically saying I refuse to admit or deny;
12 I refuse to acknowledge or disclaim et cetera; they're not
13 saying one way or another, they're just saying that as a matter
14 of National Security they can't take a position on it.

15 **MR. BRENDAN MILLER:** And so if I may ask my
16 question.

17 Now, I take it that you know as a former
18 prosecutor with Public Prosecutions Services Canada and the
19 realm of National Security law, that the identity of the man
20 that was in the photo carrying a flag in public, is a photograph
21 in public and is not protected by any form of National Security
22 law or other evidentiary protection. You're aware of that?

23 **MINISTER MARCO MENDICINO:** I have no idea what
24 this photo is, who the person depicted in that photo is or any
25 of the other circumstances. This is the first time I have seen
26 this photo produced.

27 **MR. BRENDAN MILLER:** You're aware and you know
28 that Mr. Brian Fox was the individual who was walking around in

1 downtown Ottawa carrying a Nazi flag on January 29th, 2022, don't
2 you?

3 **MINISTER MARCO MENDICINO:** No.

4 **MR. BRENDAN MILLER:** Now, are you aware that
5 Freedom Corp, and you've already heard, has applied to have Mr.
6 Fox testify?

7 **MINISTER MARCO MENDICINO:** In the Commission
8 here?

9 **MR. BRENDAN MILLER:** Yes.

10 **MINISTER MARCO MENDICINO:** Or the application is
11 -- I am not aware.

12 **MR. BRENDAN MILLER:** Okay. And you're aware of
13 the company Enterprise Group; is that right?

14 **MINISTER MARCO MENDICINO:** I believe I have heard
15 of it.

16 **MR. BRENDAN MILLER:** Enterprise Canada?

17 **MINISTER MARCO MENDICINO:** Yes.

18 **MR. BRENDAN MILLER:** And they do work for the
19 Liberal Party of Canada; is that right?

20 **MINISTER MARCO MENDICINO:** I do not know.

21 **MR. BRENDAN MILLER:** You don't know?

22 **MINISTER MARCO MENDICINO:** No.

23 **MR. BRENDAN MILLER:** Weren't they working for the
24 Liberal Party of Canada and political staffers and staff in
25 January and February of 2022?

26 **MINISTER MARCO MENDICINO:** I don't know.

27 **MR. BRENDAN MILLER:** And I take it you know who
28 local Ottawa freelance photographer David Chan is?

1 **MINISTER MARCO MENDICINO:** No.

2 **MR. BRENDAN MILLER:** You don't know that David
3 Chan was the official photographer for Prime Minister Paul
4 Martin; you didn't know that?

5 **MINISTER MARCO MENDICINO:** No, I don't know this
6 individual.

7 **MR. BRENDAN MILLER:** And you didn't know that
8 Paul Chan still does freelance work for the Prime Minister,
9 Prime Minister Trudeau?

10 **MINISTER MARCO MENDICINO:** Again, I ---

11 **MR. BRENDAN MILLER:** Okay. And you're not aware
12 that Mr. Chan was the individual who took the photos of the
13 person carrying the confederate flag.

14 **COMMISSIONER ROULEAU:** Put it as a question;
15 you're trying to make all kinds of statements that are of no
16 assistance to the Commission or of this witness.

17 **MR. BRENDAN MILLER:** Okay. So I will just ask.
18 So are you aware that Katie Telford, the Chief of Staff for the
19 Prime Minister, has a relationship with Enterprise Group and
20 their staff?

21 **MINISTER MARCO MENDICINO:** No, I am not aware.

22 **MR. BRENDAN MILLER:** Okay. And I just want to
23 talk to you then about your statements.

24 You had said after and during the invocation:
25 "We are listening to law enforcement. According
26 to law enforcement we need the Emergencies Act."
27 You said that, correct?

28 **MINISTER MARCO MENDICINO:** Yes.

1 **MR. BRENDAN MILLER:** Right, but law enforcement
2 didn't advise you they needed the *Emergencies Act*; did they?

3 **MINISTER MARCO MENDICINO:** Well I think as you've
4 heard me explain today, I had every reason to believe that law
5 enforcement was supportive and requested the *Emergencies Act*
6 through the tools that could only be granted through that
7 statute.

8 I've identified the briefings that we received
9 from law enforcement, where they identified the gaps in existing
10 authorities and can draw a straight line between the tools that
11 were proposed to us from the RCMP, from the CBSA, to the
12 regulations which then prescribed them, which were then invoked,
13 and which were then used to restore public safety.

14 **MR. BRENDAN MILLER:** And you agree that you
15 stated that the *Emergencies Act* was instrumental in addressing
16 the blockades of ports of entry? Do you remember seeing that?

17 **MINISTER MARCO MENDICINO:** Yes.

18 **MR. BRENDAN MILLER:** But the *Emergencies Act*
19 wasn't used to remove any of the protestors at any blocks of
20 entry -- or ports of entry; you're aware?

21 **MINISTER MARCO MENDICINO:** Well I would just
22 clarify, as I said earlier, that in fact it's my understanding
23 that CBSA did use the *Emergencies Act* powers to prevent two
24 foreign nationals from entering into Canada, and that was
25 exercised under the powers that were granted to them. And that
26 was, again, a direct link to a gap that had been expressed to me
27 and to my colleagues in Cabinet, and by invoking the Act, we
28 were addressing a gap and what was necessary in the

1 circumstances.

2 **MR. BRENDAN MILLER:** Okay. And you also said
3 that:

4 "We got advice from our law enforcement
5 that we met the threshold. That advice
6 and the decision to invoke it, informed by
7 non-partisan professionals." (As read)

8 Can you agree that no law enforcement ever
9 advised you that the threshold to invoke the *Emergencies Act* was
10 met? That never happened; did it?

11 **MINISTER MARCO MENDICINO:** Well I'd say two
12 things in response. One, we did receive advice from law
13 enforcement very specifically with regards to the tools that
14 were then invoked as part of the *Emergencies Act*. In fact, as I
15 mentioned earlier today, in the February 13th email that my Chief
16 of Staff received from Commissioner Lucki, that there was an
17 express link that she drew between those tools, which again, we
18 were getting briefed on consistently, and the language of the
19 use of the *Emergencies Act*.

20 The second thing that I would say is the
21 Commission has since heard that a number of our non-partisan,
22 professional, independent, public servants, including those who
23 operate in the security and intelligence sphere, did advise that
24 the threshold had been met.

25 **MR. BRENDAN MILLER:** Okay. And just two last
26 questions arising from that.

27 Commissioner Lucki, in an email, and it's already
28 in evidence, told you, and told your Deputy Minister -- or your

1 Chief of Staff actually, that she believed that the *Emergencies*
2 Act wasn't necessary because they could use the normal laws of
3 Canada to deal with the matter?

4 **MR. BRENDAN van NIEJENHUIS:** My friend is
5 misstating the content of the letter that he's putting to the
6 witness.

7 **MR. BRENDAN MILLER:** Okay. Can you agree that
8 Commissioner Lucki, and no law enforcement official, a police
9 officer, a police officer, advised you that the threshold to
10 invoke the *Emergencies Act* was met? Meaning that there was
11 reasonable and probable grounds or reasonable grounds of a
12 threat to the security of Canada? No one from law enforcement
13 specifically said that to you; did they?

14 **MINISTER MARCO MENDICINO:** Well in the broad
15 context of my portfolio, I would disagree with that.

16 **MR. BRENDAN MILLER:** Thank you.

17 **MINISTER MARCO MENDICINO:** And certainly, as you
18 heard from CSIS, the threshold was met in the broader
19 interpretation of the law.

20 **COMMISSIONER ROULEAU:** Okay. Next, the Windsor
21 Police Service, please.

22 **MS. HEATHER PATERSON:** Hi there. Good afternoon.
23 Heather Paterson for the Windsor Police Service. Our questions
24 have already been canvassed by the City of Windsor, so we have
25 nothing further.

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

27 **MS. HEATHER PATERSON:** Thank you.

28 **COMMISSIONER ROULEAU:** Next is the Government of

1 Saskatchewan, please.

2 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

3 **MR. MICHAEL MORRIS:** Good afternoon. My name is
4 Mike Morris. I'm counsel for the Government of Saskatchewan.
5 Minister, you've had a long day so far. I don't
6 think you'll be too much longer with me.

7 **COMMISSIONER ROULEAU:** That's what you said
8 yesterday. It didn't turn out that way.

9 **MR. MICHAEL MORRIS:** Minister, will you agree
10 with me that the RCMP and the Saskatchewan Highway Patrol worked
11 together and worked very well in response to demonstrations in
12 Saskatchewan?

13 **MINISTER MARCO MENDICINO:** Yes.

14 **MR. MICHAEL MORRIS:** And will you agree with me
15 that the Federal Government was never advised that
16 demonstrations in Saskatchewan could not be dealt with using
17 existing authorities?

18 **MINISTER MARCO MENDICINO:** I'm sorry, could you
19 repeat the question?

20 **MR. MICHAEL MORRIS:** Weill you agree with me that
21 the Federal Government was never advised that demonstrations in
22 Saskatchewan could not be dealt with using existing authorities?

23 **MR. DAVID VIGNEAULT:** I believe that's accurate,
24 yes.

25 **MR. MICHAEL MORRIS:** Okay. we've heard quite a
26 bit about a Cabinet meeting on February 13th, a First Ministers
27 Meeting on February 14th. I'd like to ask you about whether
28 there were some other meetings, however. And in particular,

1 whether there was a Caucus meeting between the Cabinet meeting
2 on February 13th and the invocation of the *Emergencies Act* on
3 February 14th. Was there a caucus meeting?

4 **MINISTER MARCO MENDICINO:** Between the Cabinet
5 meeting on February 13th and the invocation later on 14th, I
6 believe there was.

7 **MR. MICHAEL MORRIS:** And do you know what time
8 that Caucus meeting would have occurred?

9 **MINISTER MARCO MENDICINO:** I want to say in the
10 morning. I don't have the time exactly off the top of my head.

11 **MR. MICHAEL MORRIS:** Would it have occurred
12 before or after the First Ministers Meeting, sir?

13 **MINISTER MARCO MENDICINO:** I really -- I can't
14 recall off the top of my head.

15 **MR. MICHAEL MORRIS:** Okay. do you recall whether
16 Caucus was advised that the *Emergencies Act* was going to be
17 invoked that day?

18 **MR. DAVID VIGNEAULT:** I don't believe that that
19 was the case. I think that Caucus was being made aware of the
20 circumstances of the convoy and certainly there was a lot of
21 public speculation at the time about the potential for the
22 invocation of the *Emergencies Act* and there was the call that
23 was scheduled with the First Ministers on that same morning.

24 **MR. MICHAEL MORRIS:** Okay. Was there a meeting
25 with leaders of the official opposition or the opposition
26 leaders that day as well?

27 **MINISTER MARCO MENDICINO:** Yes, to the best of my
28 recollection.

1 **MR. MICHAEL MORRIS:** Okay. Did you attend that
2 meeting?

3 **MINISTER MARCO MENDICINO:** I recall attending a
4 meeting with the Prime Minister and other Cabinet colleagues
5 that involved the leaders of the opposition parties. I can't
6 recall exactly what time that would have been.

7 **MR. MICHAEL MORRIS:** Do you know whether it would
8 have been in the morning or the afternoon?

9 **MINISTER MARCO MENDICINO:** Again, I think it was
10 in close conjunction to the First Ministers call. I don't have
11 the times at my fingertips.

12 **MR. MICHAEL MORRIS:** Okay. Do you recall whether
13 the opposition leaders were advised that the *Emergencies Act* was
14 going to be invoked that day?

15 **MINISTER MARCO MENDICINO:** I think there was a
16 signal to the opposition that the government was strongly
17 considering the invocation and was going through the sequence of
18 steps that were necessary in the lead up to that decision,
19 including consultation with First Ministers of the provinces and
20 territories.

21 **MR. MICHAEL MORRIS:** Okay. I want to talk just
22 briefly about the numbers at the Ottawa protest, because it's my
23 understanding they fluctuated greatly, you know, from the
24 weekend to during the week. Is that fair? That there were a
25 lot of people there on the weekends, but not necessarily during
26 the weekdays?

27 **MINISTER MARCO MENDICINO:** Yes, I would say that
28 was fair.

1 **MR. MICHAEL MORRIS:** So I mean, this is a bit of
2 an assumption, but perhaps people had other things to do during
3 the week, such as going to work? Would that be your
4 understanding as well?

5 **MINISTER MARCO MENDICINO:** I think that's a safe
6 assumption, yes.

7 **MR. MICHAEL MORRIS:** Okay. So by the time Monday
8 rolls around then, I assume that the numbers have dwindled out
9 significantly in Ottawa and they don't start to build up again
10 until Friday before the weekend? Is that fair?

11 **MINISTER MARCO MENDICINO:** I think that's fair.

12 **MR. MICHAEL MORRIS:** Okay. We know the
13 *Emergencies Act* was invoked on a Monday. It was February 14th.

14 My question is, could an assessment not have been
15 done throughout the week as to whether an invocation was
16 necessary, given the numbers would have been limited during the
17 week before the anticipated build up on the weekend?

18 Put another way, could you have given the police
19 an opportunity to exercise their operational plan before
20 deciding to invoke the *Emergencies Act*?

21 **MINISTER MARCO MENDICINO:** I would say a few
22 things in response. One, the assessment of whether or not to
23 invoke the *Emergencies Act* didn't really take shape until that
24 first Incident Response Group that the Prime Minister convened
25 on February the 10th, and by then, we were approaching two weeks
26 in to the blockade and the convoy across the country. And one
27 of the realities on the ground, what we were seeing, what we
28 were receiving in the way of information from law enforcement is

1 precisely what you described in your question, which was
2 progress that was not linear, where at times, perhaps, you know,
3 there may have been, you know, some travel or trade going
4 through borders but then in other times blockages. At times,
5 you know, there were maybe only a thousand or so individuals
6 here in the Parliamentary Precinct or even less, but then it
7 would surge on the weekends, and so it was that state of
8 volatility that made it very difficult to not only restore but
9 maintain public safety, and by then, the government, in my view,
10 in my opinion, had already exercised considerable, I think,
11 reflection and restraint in trying to understand why it was that
12 existing law enforcement, resources and authorities were not
13 effective at restoring public safety. That was the backdrop to
14 the very focussed discussion that we had around the potential
15 invocation of the *Emergencies Act*.

16 **MR. MICHAEL MORRIS:** Thank you. Commissioner, I
17 just have one more question. Am I still under time or over
18 enough that I can ask that one?

19 **COMMISSIONER ROULEAU:** You're way over time, but
20 I'll let you ask the question.

21 **MR. MICHAEL MORRIS:** Thank you, Commissioner.
22 Minister, can you tell us when you found out on
23 the 14th that the Prime Minister had made the decision to invoke
24 the *Emergencies Act*?

25 **MINISTER MARCO MENDICINO:** Well, it was after the
26 First Minister's meeting, and it was through a series of
27 conversations with staff and officials. So it would have been -
28 - and again, I can't say exactly what time, but it would have

1 been in the -- I believe in the afternoon, early afternoon to
2 mid afternoon.

3 **MR. MICHAEL MORRIS:** Okay. Thank you, sir.

4 **COMMISSIONER ROULEAU:** Okay. Next is the
5 National Police Federation, please.

6 **--- CROSS-EXAMINATION BY MS. NINI JONES:**

7 **MS. NINI JONES:** Hello, Minister. My name is
8 Nini Jones. I'm Counsel to the National Police Federation,
9 which is, as I'm sure you well know, the union for RCMP officers
10 employed under the auspices of your Ministry.

11 **MINISTER MARCO MENDICINO:** Good afternoon.

12 **MS. NINI JONES:** I want to actually just pick up
13 -- I want to go back to policing a little bit in a bit more
14 detail and pick up on a theme that you've explored a great deal
15 in your evidence. And that was sort of barriers to the surge
16 capacity of police in responding to the convoy in various
17 locations. And you know what I mean when I talk about surge
18 capacity; right?

19 **MINISTER MARCO MENDICINO:** Yes.

20 **MS. NINI JONES:** Yeah, okay. You agreed with
21 Counsel to Mr. Sloly that a recommendation around a protocol for
22 requesting additional police resources was something that would
23 be welcome in terms of that provincial, municipal, federal
24 hierarchy or could ask first question; right?

25 **MINISTER MARCO MENDICINO:** Yes.

26 **MS. NINI JONES:** And you were asked some
27 questions about the barriers created particularly by the *Police*
28 *Services Act* in Ontario and swearing in RCMP officers as peace

1 officers, so they can function effectively inside Ontario in
2 respect of enforcing the law in various jurisdictions. And
3 that, I think, is a second barrier; you'd agree with me?

4 **MINISTER MARCO MENDICINO:** I would agree that was
5 a challenge when it came to deploying. It was seen as creating
6 delay once additional RCMP were deployed to then have them sworn
7 in individually in accordance with the local police of
8 jurisdiction to carry out peace officer responsibilities on the
9 ground, and so the *Emergencies Act* again was directly responsive
10 to a challenge that had been pointed out to us in briefings.

11 **MS. NINI JONES:** Challenge is probably a better
12 word than barrier, but I think we agree on that. So can I just
13 take you to a bit of a -- of what we see as sort of a third
14 barrier or challenge in response -- in respect of the issue of
15 surge capacity. And that's the question of not authority, which
16 is sort of that authority to enforce the law, but the
17 jurisdictional problems that are created in Ottawa. And you've
18 talked a lot, both in your witness statement and your evidence
19 today, about this kind of mismatch in jurisdiction in respect of
20 the NCR or the national capital region and the Parliamentary
21 Precinct.

22 **MINISTER MARCO MENDICINO:** Well, I think what I
23 highlighted earlier was that Provincial Police Services Statute
24 do clearly spell out how municipal police services can turn to
25 the provincial Commissioner to backstop any gaps in resources if
26 they are overwhelmed. So that ---

27 **MS. NINI JONES:** Thank you. Sorry.

28 **MINISTER MARCO MENDICINO:** --- that part is

1 clearly spelled out.

2 **MS. NINI JONES:** If I may, you mean the OPP
3 Commissioner?

4 **MINISTER MARCO MENDICINO:** That's correct.

5 **MS. NINI JONES:** Right.

6 **MINISTER MARCO MENDICINO:** And so the Ontario
7 *Police Services Act* is helpful in that regard because it can
8 then be very instructive to the local Chief of Police to turn to
9 his or her counterpart provincially and say, "I need help." And
10 if that is insufficient, I think that's where there is currently
11 a lacuna, there is a gap. And so we worked around that gap with
12 daily dialogue and through, you know, a lot of collaboration and
13 coordination, so that RCMP could be deployed.

14 I will say though, it is important to draw a
15 distinction since you represent the membership of the RCMP in
16 the arrangement, here in Ontario where there is a provincial
17 *Police Services Act* and in other provinces where there are
18 police service agreements, where again, and I've been I think
19 pretty specific in my references to the articles in those
20 agreements that have a mapped out protocol of steps where you
21 can deploy resources of the RCMP within the province, and where
22 that isn't sufficient, to then pull RCMP officers from other
23 provinces under Article 9.3. And I believe that that could be
24 potentially a roadmap for an ongoing discussion about how
25 municipal, provincial and federal law enforcement authorities
26 can work together to address potential future public order
27 emergencies.

28 **MS. NINI JONES:** So just to get a little bit

1 granular on that exact point, thank you for that very helpful
2 answer, in Coutts, for example, or Emerson, or in the lower
3 mainland, the RCMP was able to rely on Article 9 powers to draw
4 in additional officers to provide that surge capacity; right?

5 **MINISTER MARCO MENDICINO:** Yes, and in fact,
6 again, I think it bears emphasizing that that was an authority
7 that was exercised by the office that I occupy. And this is one
8 of the customs by which we have developed the dialogue between
9 elected government and police to respond to extraordinary
10 situations that do require additional resources.

11 **MS. NINI JONES:** And so again, just to get a
12 little bit more into the details on this, you know there are
13 about 19,000 RCMP officers across the country?

14 **MINISTER MARCO MENDICINO:** Give or take.

15 **MS. NINI JONES:** Sure. I mean, no one's looking
16 for precise numbers on that front. We've heard evidence here
17 that there is slightly less than about 1500 Ottawa Police
18 Service officers.

19 **MINISTER MARCO MENDICINO:** I believe I recall
20 hearing that evidence ---

21 **MS. NINI JONES:** Yeah?

22 **MINISTER MARCO MENDICINO:** --- yes.

23 **MS. NINI JONES:** And we heard evidence from
24 Commissioner Carrique that on any given day he has about 3,000
25 uniform officers who are engaged in frontline policing out of
26 his larger total complement?

27 **MINISTER MARCO MENDICINO:** I recall that.

28 **MS. NINI JONES:** Okay. So would you agree with

1 me that the RCMP are uniquely positioned in terms of sheer
2 numbers to provide or facilitate providing that surge capacity
3 in public order emergencies like the one that arose in Ottawa
4 during the convoy?

5 **MINISTER MARCO MENDICINO:** I think by the sheer
6 size of the force that there are many members that can be
7 deployed, and we do do that. So I would say, yes, that as a
8 result of the size of the RCMP, they are somewhat unique in
9 their capacity to deploy across the country.

10 **MS. NINI JONES:** Amazing. Thank you so much for
11 -- I think I am under time? I can't believe that.

12 **COMMISSIONER ROULEAU:** No. No, you're not. No.
13 Don't try and pull that.

14 No, no, no, but you were close, to be fair.

15 Okay. Government of Canada, please.

16 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

17 **MR. BRENDAN van NIEJENHUIS:** Good afternoon,
18 Minister. My name is Brendan van Niejenhuis, and I'm Counsel
19 for the Government of Canada.

20 **MINISTER MARCO MENDICINO:** Good afternoon.

21 **MR. BRENDAN van NIEJENHUIS:** Could we go, please,
22 to document COM00000951? I'm showing you a document that's
23 appeared in the Commission database that appears to be a
24 statement from Enterprise Canada regarding comments made by Mr.
25 Miller yesterday and issued on November 21st. Have you seen a
26 copy of this document before?

27 **MINISTER MARCO MENDICINO:** I don't believe so.
28 This is a statement from Enterprise Canada on comments from

1 today's ---

2 **MR. BRENDAN van NIEJENHUIS:** Okay.

3 **MINISTER MARCO MENDICINO:** No.

4 **MR. BRENDAN van NIEJENHUIS:** You'll see that it
5 indicates a denial of the -- what are called absurd and
6 despicable accusations relating to that entity and a gentleman
7 named Brian Fox?

8 **MINISTER MARCO MENDICINO:** Yes.

9 **MR. BRENDAN van NIEJENHUIS:** Do you have any idea
10 what this statement is talking about?

11 **MINISTER MARCO MENDICINO:** I mean, same and
12 except for the exchange that I had earlier today, no.

13 **MR. BRENDAN van NIEJENHUIS:** Thank you. Next
14 issue, and we can take that down, from listening to your
15 evidence today, I don't believe it was entirely clear whether
16 you had indicated in your evidence concerning the border
17 officers employed by the CBSA, whether they, in your view, could
18 exercise or could not exercise the powers of peace officers at
19 or around bridges and other ports of entry if there is criminal
20 activity observed there. Do you recall clearly?

21 **MINISTER MARCO MENDICINO:** I believe that if they
22 were in observation of laws being broken that they could effect
23 an arrest, but if the arrest involved the *Criminal Code* that
24 they would then call in the police of jurisdiction, whoever they
25 were.

26 **MR. BRENDAN van NIEJENHUIS:** Mr. Ossowski had
27 given some evidence, some -- in more particularity about this
28 issue last week, which was to the effect that such officers had

1 no such authority, other than with respect to particular
2 offences that are noted within section 163.5 of the *Customs Act*.
3 Now, to the extent that there is in fact any distinction between
4 your understanding and that of Mr. Ossowski, would you defer to
5 that of Mr. Ossowski?

6 **MINISTER MARCO MENDICINO:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:** All right. The next
8 issue is -- arises from the questions that were asked to you by
9 my friend acting for, I think it was the Democracy Fund. He was
10 asking you some questions pertaining to the science behind the
11 vaccines, and to the premise that COVID-19 vaccines approved by
12 Health Canada, and many health regulatory authorities around the
13 world, posed a risk to public safety. Do you recall being asked
14 about that?

15 **MINISTER MARCO MENDICINO:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** And I took it that
17 his questions, as I heard them, were focussed particularly on
18 vaccines developed by western countries, such as the Pfizer,
19 Moderna, and Janssen vaccines for COVID-19?

20 **MINISTER MARCO MENDICINO:** That's an assumption.

21 **MR. BRENDAN van NIEJENHUIS:** Could we go to
22 SSM.NSC.CAN00001573.

23 I'm showing you an analytical brief that appears
24 to date to December of 2020 from the Canadian Security
25 Intelligence Service. Do you see that?

26 **MINISTER MARCO MENDICINO:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** And it's entitled
28 Canadian Vaccination Rollout: Implications for Possible IMVE.

1 Yes?

2 **MINISTER MARCO MENDICINO:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** If we could go
4 page 2, please.

5 Do you see that the service in December of 2020
6 is reporting that:

7 "Adherents of IMVE...are using the
8 COVID-19 pandemic as opportunity to
9 promote disinformation and alternative
10 narratives regarding both the cause of
11 the pandemic and potential societal
12 outcomes.... The Service assesses that
13 individuals and groups adopt or promote
14 [these] conspiracies that best suit
15 their personalized worldviews and range
16 of grievances."

17 Is that consistent with the information that CSIS
18 reported to you when you became Minister of Public Safety?

19 **MINISTER MARCO MENDICINO:** Yes.

20 **MR. BRENDAN van NIEJENHUIS:** And if you look at
21 the bullet points that are listed as key anti-vaccination
22 conspiracy narratives, you see that one of them is:

23 "[Threats] to liberty and freedom:
24 [that] mass vaccinations constitute
25 government overreach and pose an
26 increasing threat to individual rights
27 - vaccination will be mandatory and the
28 government will establish 'internment

1 camps' for those who do not adhere to
2 government rules."

3 Is that information, or information of that
4 nature, consistent with what was related to you by the
5 Intelligence Service under your remit?

6 **MINISTER MARCO MENDICINO:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:** And another key
8 anti-vaccination narrative is that:

9 "Vaccine development, provision and
10 access: [that] vaccines have only been
11 tested on animals...Russian and Chinese
12 vaccines are safer and more effective."

13 Do you see that?

14 **MINISTER MARCO MENDICINO:** Yes.

15 **MR. BRENDAN van NIEJENHUIS:** And did you receive
16 information to that effect from the Service?

17 **MINISTER MARCO MENDICINO:** I can't recall whether
18 or not I received this particular ---

19 **MR. BRENDAN van NIEJENHUIS:** Fair enough.

20 **MINISTER MARCO MENDICINO:** --- particular point.

21 **MR. BRENDAN van NIEJENHUIS:** The next key
22 conspiracy narrative is that:

23 "...rejection of the existence of the
24 pandemic and/or its severity and [that]
25 safety of the vaccination - [that] the
26 vaccine is not needed and causes a
27 multitude of health issues...or will
28 contain small microchips placed by the

1 government."

2 Did you receive that kind of information from
3 CSIS about ---

4 **MINISTER MARCO MENDICINO:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** Yeah. And lastly,
6 amongst these key narratives is a:

7 "...lack of confidence in government
8 and scientific advice - [that]
9 governments are corrupt and puppets of
10 big business; [that] the pandemic was
11 man-made to the financial enrichment of
12 politicians and international
13 corporations."

14 Were you briefed to similar effect by CSIS when
15 you became Public Safety Minister?

16 **MINISTER MARCO MENDICINO:** Yes.

17 **MR. BRENDAN van NIEJENHUIS:** Could we go now,
18 please, to PB.NSC.CAN00000527.

19 I'm showing you, sir, a Special Threat Advisory
20 from the RCMP, and this is dated January the 18th of this year.
21 Do you see that?

22 **MINISTER MARCO MENDICINO:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** And it's a Special
24 Threat Advisory concerning Anti-Public Health Order: Escalation
25 in Online Violent Rhetoric?

26 **MINISTER MARCO MENDICINO:** Correct.

27 **MR. BRENDAN van NIEJENHUIS:** Would you go down
28 the page to Current Status.

1 You see under that heading, sir, the second
2 sentence that:

3 "The IMCIT has observed an escalation
4 in threatening rhetoric against public
5 officials, including references to
6 assassination, holding 'Nuremberg
7 Trials 2.0', and conducting civilian
8 arrests of those perceived to be
9 involved in imposing public health
10 rules."

11 Do you see that?

12 **MINISTER MARCO MENDICINO:** Yes.

13 **MR. BRENDAN van NIEJENHUIS:** And if you look at
14 the footnote concerning Nuremberg Trials there, it says:

15 "The Nuremberg Trials reference is in
16 relation to a set of research ethics
17 developed after German doctors
18 conducted unethical human
19 experimentation during the Second World
20 War. It has been used by COVID-19
21 vaccine opponents throughout the
22 pandemic to argue that vaccines violate
23 the Nuremberg Code."

24 Do you recognise that?

25 **MINISTER MARCO MENDICINO:** Yes.

26 **MR. BRENDAN van NIEJENHUIS:** Did you see that
27 particular idea of Nuremberg Code or Nuremberg Trials in
28 relation to the events of the convoy?

1 **MINISTER MARCO MENDICINO:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** Did you see that,
3 for example, in the Memorandum of Understanding that was
4 promulgated by some of the protesters, such as Mr. Bauder?

5 **MINISTER MARCO MENDICINO:** I have recollection of
6 that.

7 **MR. BRENDAN van NIEJENHUIS:** If you go to the
8 next page, please.

9 Do you see at the third paragraph presently on
10 the page that starts "Open source information", it has at the
11 end of that paragraph, it says:

12 "The following is a list of some
13 of the demonstrations that have
14 occurred outside the residences of
15 public officials in recent
16 months."

17 Do you see that?

18 **MINISTER MARCO MENDICINO:** Yes.

19 **MR. BRENDAN van NIEJENHUIS:** And they include a
20 number of municipal and other chief medical officers or health
21 officials?

22 **MINISTER MARCO MENDICINO:** I see that.

23 **MR. BRENDAN van NIEJENHUIS:** As well as the
24 Premier of Ontario and the Minister of Education, if you go
25 further down the list?

26 **MINISTER MARCO MENDICINO:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** Was this information
28 briefed to you by the RCMP, or information of this nature, ahead

1 of the arrival of the convoy?

2 **MINISTER MARCO MENDICINO:** Definitely of this
3 nature, and as you heard me say earlier today, there were
4 significant alterations to security posture to public figures
5 that is consistent with the report that you are referring to
6 here as a result of the ideologically extremist rhetoric that
7 was becoming more and is becoming more and more pervasive, and
8 the concern that that rhetoric can lead to violence and the
9 threat of serious violence.

10 **MR. BRENDAN van NIEJENHUIS:** Now, I would like to
11 go, if we may, to SSM.CAN.NSC00002578.

12 And this will be a readout of a briefing from
13 January the 26th of this year.

14 If you go to the bottom of the page, of the first
15 page, please, there we go, to the email header.

16 You see there this note at the bottom, it's from
17 Mary Liz Power to Katie Telford, to Jeremy Broadhurst and
18 others, dated January the 26th?

19 **MINISTER MARCO MENDICINO:** Yes.

20 **MR. BRENDAN van NIEJENHUIS:** And it is a readout
21 concerning trucker convoy and security concerns; right?

22 **MINISTER MARCO MENDICINO:** (Inaudible response)

23 **MR. BRENDAN van NIEJENHUIS:** Could you go over to
24 the next page, please.

25 **MINISTER MARCO MENDICINO:** Yes.

26 **MR. BRENDAN van NIEJENHUIS:** All right. You see
27 under Key points, this is summarising or discussing the upcoming
28 at that point, as of January the 25th, upcoming convoy expected

1 to arrive in Ottawa?

2 **MINISTER MARCO MENDICINO:** Yes, and I would just
3 emphasise that the key points are all critical infrastructure
4 within and around the Parliamentary precinct, besides 24 Sussex,
5 which is obviously very publicly known as the Official Residence
6 of the Prime Minister.

7 **MR. BRENDAN van NIEJENHUIS:** And if you could go
8 down the page, please, to the other -- as to the key points.

9 Do you see the notes at the end of that
10 paragraph, right under the redaction? In the second sentence,
11 that the:

12 "Federal family has already been
13 activated, and since last year's
14 insurrection conducted 3 readiness
15 exercises in case a similar event were
16 to occur here."

17 Do you see that?

18 **MINISTER MARCO MENDICINO:** I do.

19 **MR. BRENDAN van NIEJENHUIS:** Was it a concern by
20 January 25th already to look at the potential for the convoy to
21 develop into something similar to what occurred in January 6th in
22 the United States?

23 **MINISTER MARCO MENDICINO:** I know that that
24 question did surface in one of the early briefings that we were
25 having with law -- the law enforcement and public safety
26 communities. I know one of my colleagues raised -- one of my
27 Ministerial colleagues raised the concern that this -- that the
28 blockade and the convoy could potentially result in a January 6

1 type event, and much of that was connected to the foundation
2 that you've already laid around the increase and the
3 pervasiveness of ideologically extremist rhetoric, many of which
4 included the dog whistles that -- examples that you've already
5 provided. So that, I think, is one of the reasons why at the
6 same time we were -- the RCMP were adjusting security posture
7 for Parliamentarians, and why there was enhanced security in the
8 Parliamentary precinct.

9 **MR. BRENDAN van NIEJENHUIS:** Could we go to
10 PB.NSC.CAN00000996, please?

11 (SHORT PAUSE)

12 **MR. BRENDAN van NIEJENHUIS:** And sir, this is
13 another RCMP Special Threat Advisory, this one dating from
14 January the 25th, so that'd be three days or so before the convoy
15 was expected to arrive in Ottawa; three or four days?

16 **MINISTER MARCO MENDICINO:** January 28th or 29th?

17 **MR. BRENDAN van NIEJENHUIS:** Yes, that's the
18 description of the convoy. If you look to the top right of the
19 page, you'll see the date of the document.

20 **MINISTER MARCO MENDICINO:** Yes, sorry. There it
21 is, I see that now. Yes, that's about three or four days before
22 the arrival.

23 **MR. BRENDAN van NIEJENHUIS:** And if you could
24 just go to the "Key Points," please? The third key point
25 indicates that:

26 "The IMCIT assesses that there has been
27 an increase in online narratives
28 supportive of the convoy among both

1 ideologically motivated networks, as
2 well as in general public discourse.”

3 Correct?

4 **MINISTER MARCO MENDICINO:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** And it notes the
6 “Significant amount of financial support” that’s occurring?

7 **MINISTER MARCO MENDICINO:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** Okay.

9 Could we go to page 2, to the heading “Convoy
10 Participants”?

11 And sir, it appears that the RCMP advised in the
12 threat advisory that:

13 “[It’s] assessed that this convoy will
14 include ideologically motivated
15 individuals with grievances that are
16 anti-government, anti-authority and
17 conspiratorial in nature.

18 [That]...individuals with racially
19 motivated and ethno-nationalist views
20 may also be attracted to this event,
21 though the purpose of the event is not
22 rooted in these specific grievances.”

23 Do you recall being briefed to that effect?

24 **MINISTER MARCO MENDICINO:** There was definitely
25 discussion about the intelligence around what the potential
26 makeup of the convoy and the blockade would be. And as I
27 discussed earlier in my testimony, the -- those sentiments,
28 anti-government, anti-authority, were definitely -- they were

1 dynamics that we were alive to in trying to understand, not only
2 the objective, which was expressly stated at the outset in the
3 manifesto, but the degree to which the blockade and the
4 occupation would resist law enforcement and become entrenched.

5 **MR. BRENDAN van NIEJENHUIS:** And just one more
6 reference in this document. It says, at the end of that
7 paragraph:

8 "..."rhetoric observed online in various
9 networks known for more extreme content
10 have made references to the January 6,
11 2021 events [at] the US Capitol when
12 discussing the convoy to Ottawa."

13 Were you aware of those kinds of communications
14 being on the radar of law enforcement?

15 **MINISTER MARCO MENDICINO:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** Right, thank you.

17 I'd like to go now just to a couple of texts, the
18 first being PB.CAN00001843. This will be an exchange with Brian
19 Clow.

20 You're familiar with Mr. Clow as the Deputy Chief
21 of Staff to the Prime Minister?

22 **MINISTER MARCO MENDICINO:** I am, yes.

23 **MR. BRENDAN van NIEJENHUIS:** And it'll be page 2,
24 once the document's up.

25 I apologize that we'll need to zoom in to be able
26 to make any sense of this image.

27 If you could scroll down, please? Continue to
28 scroll down to the next image. All right, there we go.

1 Do you see there that you send to Mr. Clow on
2 January 29th -- and if you can go down, you can see the text that
3 actually follows the image. It is a text from a gentleman named
4 Randy Hillier -- oh sorry; a tweet from a gentleman named Randy
5 Hillier. Do -- are you familiar with him?

6 **MINISTER MARCO MENDICINO:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:** And I believe he's
8 complaining that the police have restricted access to Parliament
9 Hill, and he goes on to say -- well, sorry; that he indicates
10 that the PPS are restricting access to Parliament Hill; you see
11 that?

12 **MINISTER MARCO MENDICINO:** Yes.

13 **MR. BRENDAN van NIEJENHUIS:** Was Mr. Hillier
14 later arrested on nine charges, including counselling and
15 commission of indictable offences and mischief in relation to
16 the convoy events?

17 **MINISTER MARCO MENDICINO:** I can't speak to the
18 exact nature of the charges, but I do recall he was arrested,
19 yes.

20 **MR. BRENDAN van NIEJENHUIS:** If we could go down
21 -- or actually, if we can go to PB.CAN.00001847.

22 And on page 1, this is the same item here. Do
23 you see Mr. Hillier here is calling publicly:

24 "...on the PPS to completely open
25 Parliament Hill, or we might have to
26 open it up for ourselves"?

27 **MINISTER MARCO MENDICINO:** Not only do I remember
28 the tweet, I remember some of the reporting around that time,

1 and I was, again, extremely concerned that by sheer size of the
2 crowd, that they would try to impose themselves on the PPS. And
3 if memory serves, there were a couple of what I would describe
4 as brushes with law enforcement on the Hill, where PPS was there
5 on the stairs trying to, I think, urge calm and to hold back
6 from allowing the crowds to walk up towards Centre Block, and I
7 think, actually, this is -- might have been closer to West
8 Block., but the PPS officer was completely overwhelmed. And the
9 concern -- the very real concern that I had at the time, was
10 that that could immediately spill over into serious violence
11 that would jeopardize the safety of everybody involved. And the
12 former Parliamentarian in question, Randy Hillier, was, I think,
13 clearly trying to provoke and incite people to follow him up the
14 Hill.

15 **MR. BRENDAN van NIEJENHUIS:** Could we just go
16 back for a moment to PB.CAN.00001843, which is the last item
17 we've looked at with Mr. Clow?

18 I'm sorry; for the record, this last one was with
19 Ms. Khalil.

20 **MINISTER MARCO MENDICINO:** Okay.

21 **MR. BRENDAN van NIEJENHUIS:** It'd be down to the
22 third page, please. There we go.

23 Do you see there, this is on January the 29th that
24 you pass along to Mr. Clow a tweet from -- or a tweet reporting
25 on a statement by former President Donald Trump, indicating:

26 "We want those Canadian truckers to
27 know that we are with them all the
28 way." (As read)

1 **MINISTER MARCO MENDICINO:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** Were you aware of
3 that those kinds of statements from U.S. former and current
4 politicians in support of the convoy?

5 **MINISTER MARCO MENDICINO:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** Thank you.

7 Could we -- Your Honour, I just have really two
8 more questions on the text about Commissioner Lucki, if I may
9 have an indulgence for two more minutes?

10 **COMMISSIONER ROULEAU:** Okay.

11 **MR. BRENDAN van NIEJENHUIS:** Can we go to
12 PB.CAN.00001842, and it will be page 10.

13 Is this an exchange of text between you and the
14 clerk, Ms. Charette?

15 **MINISTER MARCO MENDICINO:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** Could we go to page
17 10 please?

18 All right. I'm showing you a text from February
19 16th, and it appears that you indicated below the redaction,
20 "Speaking with Brenda now," is that referring to Commissioner
21 Lucki?

22 **MINISTER MARCO MENDICINO:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** The most substantive
24 brief on the Ottawa enforcement plan to date, she says she is
25 confident this weekend will not look like the last few weekends,
26 right?

27 **MINISTER MARCO MENDICINO:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** Were you encouraged

1 by Commissioner Lucki's briefing after the invocation of the
2 *Emergencies Act*?

3 **MINISTER MARCO MENDICINO:** I was. There were
4 more details forthcoming once the invocation of the *Emergencies*
5 *Act* was invoked around exactly how a number of law enforcement
6 were going to coordinate. You know, there were details around
7 Softec and HardTech and how it was all going to be sequenced,
8 and that information, I think was reassuring that we were going
9 to hopefully, with the skills of law enforcement, restore and
10 maintain public safety.

11 **MR. BRENDAN van NIEJENHUIS:** Was it evident to
12 you that she may have been walking a very challenging line in
13 reporting enough to you and cabinet to ensure you were fully
14 informed without providing inappropriate operational detail?

15 **MINISTER MARCO MENDICINO:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** And lastly, let me
17 just ask, you had indicated in your evidence you weren't sure if
18 it would have made a difference if you had seen -- you couldn't
19 recall, but if you had seen the note in her email that
20 indicated, "That having been said, I am of the view we have not
21 exhausted all available tools." Do you remember giving that
22 evidence?

23 **MINISTER MARCO MENDICINO:** Yes, I do.

24 **MR. BRENDAN van NIEJENHUIS:** Was it possible, in
25 your view, at that point in time, February the 14th, February
26 the 13th, both to recognize that not every imaginable tool had
27 been exhausted, but also recognize that there were insufficient
28 police resources available to use those tools with the protests

1 remaining at that size and number of locations across the
2 country?

3 **MINISTER MARCO MENDICINO:** I suppose that was
4 possible, but you know, I come back to and stress what I said
5 earlier, which is that the most important conversation that I
6 had that day was the call that I got from Commissioner Lucki
7 around the situation in Coutts. And you know, the urgency and
8 degree to which things really hung in the balance at that moment
9 is what shed light on her state of mind, and it certainly
10 informed the opinions and the advice that I shared with the
11 government thereafter.

12 **MR. BRENDAN van NIEJENHUIS:** Thank you, Minister.
13 Those are my questions.

14 **MINISTER MARCO MENDICINO:** Thank you.

15 **COMMISSIONER ROULEAU:** Any re-examination?

16 **MS. SHANTONA CHAUDHURY:** No, Commissioner, no re-
17 examination.

18 **MS. BATH-SHEBA VAN DEN BERG:** Mr. Commissioner,
19 it's Bath-Sheba Van den Berg ---

20 **COMMISSIONER ROULEAU:** Yes.

21 **MS. BATH-SHEBA VAN DEN BERG:** --- co-counsel for
22 Freedom Corp and Protesters.

23 **COMMISSIONER ROULEAU:** Yes.

24 **MS. BATH-SHEBA VAN DEN BERG:** There's been an
25 unredacted document shared to the parties by counsel for
26 Government of Canada at 4:00 p.m. pursuant to your decision
27 earlier today. It's the document SSM.CAN.00007721.

28 We advise that the Commission counsel should look

1 at it, as it is relevant and material to this witness, in
2 particular, Jody Thomas, the National Security and Intelligence
3 Advisor states in that document that there is no national
4 security threat pursuant to section 2 of the CSIS Act.

5 **MS. SHANTONA CHAUDHURY:** I believe that point was
6 canvassed this morning with the witness. It was put to him that
7 there -- it had been concluded by CSIS that there was no threat
8 pursuant to section 2 of the CSIS Act.

9 **MS. BATH-SHEBA VAN DEN BERG:** Mr. Commissioner --
10 -

11 **COMMISSIONER ROULEAU:** Yeah. I guess maybe just
12 have the document put up.

13 **MS. SHANTONA CHAUDHURY:** Sure. If we can have
14 the doc ID number?

15 **MS. BATH-SHEBA VAN DEN BERG:** The ID number is
16 SSM.CAN.00007721.

17 **THE CLERK:** Mr. Commissioner, it's possible
18 because of the timing of the disclosure it's not available in
19 the party database right now.

20 **COMMISSIONER ROULEAU:** Okay.

21 **THE CLERK:** But the clerk's going to email the
22 copy.

23 Yeah. So I do have a copy and I will put up on
24 the screen shortly.

25 **MS. SHANTONA CHAUDHURY:** Okay. Let's read this
26 then. Can we scroll down a little bit please? A little bit
27 more please? Okay.

28 "NES spoke with NSIA -- "

1 ---looks like and Jody Thomas, but the NSIA is
2 Jody Thomas---

3 "--- section 2 of the CSIS Act,
4 violence not met. Wonder if we need
5 full 30 days if Ottawa cleared."

6 I suppose the question would be, Minister, were
7 you aware that it had been concluded that section 2 of the CSIS
8 Act was not met?

9 **MINISTER MARCO MENDICINO:** Was -- sorry, what is
10 the date of this note?

11 **MS. SHANTONA CHAUDHURY:** I'm afraid I don't know.

12 **MINISTER MARCO MENDICINO:** Well, look. Leaving
13 that aside, yes, I was ---

14 **MR. BRENDAN MILLER:** It says it's before the
15 speech Monday morning which is the date that they announced the
16 invocation. That might assist.

17 **MINISTER MARCO MENDICINO:** Okay. Yes, I was
18 aware that CSIS had concluded that section 2 under the CSIS Act
19 was not met. I was aware of that fact.

20 **MS. SHANTONA CHAUDHURY:** Thank you.

21 **COMMISSIONER ROULEAU:** Okay. Well, I only have
22 one question and it's probably already been answered, but I just
23 want to explore it just a bit more, and this is about the --
24 it's been called the line between the police and the politicians
25 or the Board or whatever.

26 And I try and ask you something more specific.
27 Let us say that there were two protests, one going on in Ottawa
28 and one at the border in Windsor. Would it be appropriate for

1 either you, in respect of the RCMP, or the solicitor general in
2 Ontario to advise the superintendent -- the commissioner, rather
3 -- that the government's priority would be Windsor; however,
4 it's totally up to them, obviously, to decide and to deploy
5 resources in accordance with what they're prepared to do? Would
6 that be -- and I'll give you a spoiler alert -- Minister Blair
7 thought that would be inappropriate, and so as I think you
8 mentioned, we should be -- this Commission should be looking at
9 that relationship. I want to hear your view.

10 **MINISTER MARCO MENDICINO:** I appreciate the
11 spoiler alert, given the witness who testified who has an
12 abundance of police experience under his belt. But I would say
13 this is precisely the type of question that really ought to be
14 explored through the ongoing deliberations of this Commission,
15 and I suppose, Your Honour, I would impart a few principles to
16 you, as you are trying to think through exactly where to
17 delineate the boundaries.

18 One is, as I said, we don't want elected
19 politicians to go behind the veil and politicize the constituent
20 elements of the traditional administration of justice, so
21 exactly what kinds of investigations are being conducted, who
22 lays charges, whether or not those charges proceed to trial,
23 whether or not there are any sanctions or remedies that flow
24 from that. That is all properly within either the independent
25 discretion of police or the Crown. And I believe that those
26 should be protected as sacrosanct as part of our democracy.

27 On the other hand, police and the elected
28 government do not operate as two solitudes, that there does have

1 to be an ongoing channel of communication around how it is that
2 we support one another in maintaining public safety. And there
3 are some customs that have developed over time in how we strike
4 that balance.

5 One is, as I hope I've been able to demonstrate
6 today, through the authorities that are exercised by the office
7 that I occupy in ensuring accountability, in pressing for
8 questions and obtaining information so that we can be sure that
9 law enforcement have all of the tools that they need and the
10 resources that they need to maintain public safety, and where
11 they don't, to give those things that they don't have to them so
12 that they can restore it and then maintain it. That is
13 something that I did in the course of the blockades and the
14 occupation in the case of Alberta, where ---

15 **COMMISSIONER ROULEAU:** We've heard that.

16 **MINISTER MARCO MENDICINO:** Yeah. So then I think
17 that the question then becomes, you know, how far can elected
18 governments go in identifying priorities? And I think it will
19 depend very much on the circumstances, but one, again, I think
20 established threshold that already exists by convention under
21 the police service agreements that we have is that Provincial
22 Ministers of Justice are able to form the opinion of where an
23 emergency exists. And why is that important? Because once that
24 is -- once that opinion has been formed, then resources can be
25 deployed. I think that that is a principle that might be
26 potentially expanded or that could be explored on a national
27 scale, because then there might be a way to stitch together the
28 way law enforcements operate and cooperate at the municipal,

1 provincial, and federal levels.

2 I do think though, as you consider that question,
3 that you also have to, I think, take an inventory and a
4 landscape of the big gap that exists right now between
5 provincial police services acts and the *Emergencies Act*. And
6 the *Emergencies Act* does afford the elected government a fair
7 bit of scope and latitude.

8 But what we did here was rather than just divine
9 those tools, we looked to law enforcement to identify where
10 those gaps existed and then used that to fill them in with the
11 regulations under the *Emergencies Act* to address the situation
12 at hand. It will be very much driven by the particular
13 circumstances of each case.

14 So coming back to your hypothetical, I think it
15 is possible, and it doesn't have to be even Ontario, but let's
16 assume your hypothetical was in Alberta. It is open to the
17 Minister of the Solicitor General there, or the Minister of
18 Public Safety in Alberta, to determine which of those two may
19 constitute an emergency or not. And by exercising that
20 discretion, then open the door to granting the requests of
21 assistance to deploy additional resources and to make that
22 decision on the basis of the police, who can then operationalize
23 where to go first based on where the emergency is at.

24 So I hope that's helpful.

25 **COMMISSIONER ROULEAU:** I think you've dodged my
26 question, and if you don't want to answer it, that's fine, given
27 the spoiler alert I gave you. But I am literally very
28 interested in, obviously, what you gave me as an answer, ---

1 **MINISTER MARCO MENDICINO:** Right.

2 **COMMISSIONER ROULEAU:** --- which is helpful.

3 **MINISTER MARCO MENDICINO:** Right.

4 **COMMISSIONER ROULEAU:** But I am curious about
5 something as clear as that question I asked. If you really
6 don't have a view, that's fine.

7 **MINISTER MARCO MENDICINO:** Well again, I mean, I
8 -- and I want to be as responsive as I possibly can be, and we
9 are working with a hypothetical, but I guess the most -- the
10 dilemma would be if both events were absolutely identical, would
11 it be appropriate for the elected government to sort of pick?
12 And I tend to -- I'm inclined to agree with Minister Blair, that
13 that's not the kind of choice or dilemma you want.

14 On the other hand, if they're not completely
15 identical and there is a threshold question as to whether or not
16 one poses an emergency as opposed to the other, then I think on
17 the basis of some conventions that already exist under the
18 Police Services Agreement, it may be appropriate for elected
19 government to say, "No, there is an emergency here," and that
20 then opens the door to deploying police services.

21 But I think going beyond that, for example, the
22 number of police officers, precisely the type of equipment that
23 is used, all of the other things that I've already outlined to
24 you, elected governments should steer wide clear of that, and
25 for good reason. I think there is a slippery slope there that
26 would be very difficult to escape from if we went down that
27 path.

28 **COMMISSIONER ROULEAU:** Okay. Well thank you very

1 much. I have no further questions. I do appreciate you coming
2 to testify and you being patient as we went a little bit over
3 time. So thank you.

4 **MINISTER MARCO MENDICINO:** Thank you. Merci.

5 **COMMISSIONER ROULEAU:** So we're now going to go
6 to our second witness. I probably should take about five
7 minutes while we get -- change the witness and get organized.

8 So we'll take a five-minute break. Thank you.

9 **THE REGISTRAR:** The Commission is in recess for
10 five minutes. La Commission levée pour cinq minutes.

11 --- Upon recessing at 5:04 p.m.

12 --- Upon resuming at 5:14 p.m.

13 **THE REGISTRAR:** The Commission is reconvened. La
14 Commission reprend.

15 **COMMISSIONER ROULEAU:** Okay. We have another
16 witness.

17 **MS. SHANTONA CHAUDHURY:** Good afternoon, almost
18 evening, Mr. Commissioner. Shantona Chaudhury for the
19 Commission. Our next witness is Minister Dominic Leblanc.

20 **THE REGISTRAR:** Minister Leblanc, will you swear
21 on a religious document or do you wish to affirm?

22 **MINISTER DOMINIC LeBLANC:** J'aimerais jurer sur
23 un document religieux, s'il vous plait.

24 **LA GREFFIÈRE:** On a la Bible, le Coran ou la
25 Torah disponibles.

26 **--- MINISTER DOMINIC LeBLANC, Sworn:**

27 **--- EXAMINATION-IN-CHIEF BY MS. SHANTONA CHAUDHURY:**

28 **MS. SHANTONA CHAUDHURY:** Good afternoon,

1 Minister.

2 **MINISTER DOMINIC LeBLANC:** Good evening.

3 **MS. SHANTONA CHAUDHURY:** Good evening. Exactly.

4 Almost.

5 Juste avant qu'on commence, si vous voulez
6 répondre en français, aucun problème. Il se peut que je pose
7 quand même mes questions en anglais, mais dans la langue de
8 votre choix.

9 **MINISTER DOMINIC LeBLANC:** Je vais répondre
10 surtout en anglais, mais il y aura peut-être des moments où je
11 préférerais répondre en français.

12 **Me SHANTONA CHAUDHURY:** Parfait, même chose.

13 Okay. we'll just start with a little
14 housekeeping then. You'll recall, Minister Leblanc, having sat
15 for an interview with Commission Counsel on September 9th? And -
16 - oh, sorry.

17 **MINISTER DOMINIC LeBLANC:** Yes, I do. In
18 Vancouver.

19 **MS. SHANTONA CHAUDHURY:** Yes, that's right. And
20 following that interview, we prepared -- Commission Counsel
21 prepared a summary of that interview, and you've reviewed that
22 summary?

23 **MINISTER DOMINIC LeBLANC:** Yes, I did.

24 **MS. SHANTONA CHAUDHURY:** And you can confirm that
25 it's accurate?

26 **MINISTER DOMINIC LeBLANC:** It is.

27 **MS. SHANTONA CHAUDHURY:** Okay. Perfect. Sorry,
28 just any time you're nodding or ---

1 **MINISTER DOMINIC LeBLANC:** Understood. It's
2 better for your record.

3 **MS. SHANTONA CHAUDHURY:** Perfect. So for the
4 record, Mr. Clerk, that's WTS0000073. No need to call it up.

5 So Minister LeBlanc, obviously you're the
6 Minister of Intergovernmental Affairs. And I'll just ask you to
7 start of by describing very briefly what that entails. What is
8 the role of the Minister of Intergovernmental Affairs, generally
9 speaking?

10 **MINISTER DOMINIC LeBLANC:** So I would probably be
11 the Prime Minister's representative, principal representative,
12 in terms of his ongoing relationships with provinces and
13 territories. So it can cover a number of different
14 federal/provincial issues.

15 I would normally be present when the Prime
16 Minister meets other First Ministers. I'm supported by the
17 Privy Council Office, which is the Prime Minister's department.
18 And we would attempt to coordinate across the Government of
19 Canada as best as is possible, the Federal Government's
20 relationship with provinces and territories, many of the federal
21 legislative measures or policy measures necessarily involve
22 relationships with provinces. So that would be the principle
23 function I would assume for the government.

24 **MS. SHANTONA CHAUDHURY:** Okay. And we haven't --
25 the Commission hasn't called as witnesses anyone from the
26 Intergovernmental Affairs Secretariat, so could you just spend a
27 moment explaining how that works? How you're supported within
28 PCOS, as opposed to by an external line department?

1 **MINISTER DOMINIC LeBLANC:** That's right. So
2 there's a Deputy Minister, Michael Vandergrift, who supports me
3 in the Intergovernmental Affairs role at Privy Council. He has
4 a small group of people that support him, and me as well. And
5 they would have ongoing relationships at the senior officials'
6 level with their counterparts in different provinces and
7 territories.

8 And perhaps the unique role of an
9 Intergovernmental Affairs Minister is, I think with the
10 exception of the Province of Quebec, many Premiers have kept,
11 for themselves, the role of being Intergovernmental Affairs
12 Minister in their province or territory. So my counterparts in
13 many cases are the Premiers, as I say, with the exception of the
14 Province of Quebec.

15 **MS. SHANTONA CHAUDHURY:** So you're not dealing
16 with another Minister, you're dealing with the Premier?

17 **MINISTER DOMINIC LeBLANC:** Right. In his or her
18 capacity as Intergovernmental Affairs Minister.

19 **MS. SHANTONA CHAUDHURY:** Okay, thank you, that's
20 helpful. Well, as you know we're here today to talk about the
21 events that led to the Emergencies Inquiry and we have about an
22 hour and change to do so, so we'll take it pretty quickly. But
23 to start off, can you give us an overview of what your
24 involvement was essentially; what role did you play in the
25 Federal Government's response to the events of late January,
26 early February?

27 **MINISTER DOMINIC LeBLANC:** I was invited by the
28 Privy Council Office to I think what was one of, if not the

1 first meetings. It was originally as sort of an *ad hoc* or
2 informal briefing of a small group of Ministers on the
3 preparations for the arrival of the convoy. It was before the
4 first weekend of the convoy arrival in Ottawa and Privy Council
5 Office decided to bring a small group of Ministers together to
6 bring us up to date on the preparations, including relationships
7 with the House of Commons or the Parliamentary Protective
8 Service. I also sit on the Board on Internal Economy of the
9 House of Commissions as one of two Ministers that has a role in
10 terms of the security of the parliamentary precinct as well,
11 which was obviously the initial target that people identified on
12 that first weekend.

13 And then I was included in most of, if not all of
14 the subsequent meetings of the Security & Safety & Emergencies
15 Committee of Cabinet, and then ultimately it became the Incident
16 Response Group chaired by the Prime Minister.

17 So I was included in most, if not all of those
18 briefings for Ministers. And during that period I would have
19 ongoing discussions, both with my Cabinet colleagues that had
20 line responsibilities for a number of these elements.

21 Mr. Mendicino, who you saw earlier today, about
22 the Transport Minister, for example, in some cases the Justice
23 Minister. So I would talk to my own Cabinet Colleagues
24 principally to ensure that they were engaging with their
25 provincial or territorial counterparts as much as was
26 appropriate in the particular context of whatever issue was
27 before the Cabinet, and in some cases I spoke to Premiers
28 directly as well.

1 **MS. SHANTONA CHAUDHURY:** Okay. So I think
2 you've probably answered this question then, but as you
3 mentioned, that initial group of Ministers consisted of I think
4 public safety, so Mr. Mendicino, Minister Blair, Emergency
5 Preparedness, Minister Alghabra, Transport, and then you as --
6 in your capacity as Inter-Governmental Affairs Minister or was
7 your role sort of a within government coordination role or?

8 **MINISTER DOMINIC LeBLANC:** I wouldn't have
9 described it as a sort of coordination within the Government
10 more generally, other than perhaps in terms of the relationship
11 between our Government and provinces and territories. The Privy
12 Council Office, the Prime Minister's National Security &
13 Intelligence Advisor were participating in those meetings. They
14 have sort of horizontally across the Government because of their
15 role at the Privy Council Office, some of that responsibility
16 with respect to other departments. But I would often encourage
17 my Cabinet colleagues to ensure that they're maintaining active
18 and open conversations with their provincial or territorial
19 counterparts as the circumstances evolved into various parts of
20 the country in the days that followed that initial weekend.

21 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can I
22 ask you to pull up SSM.CAN00000293. Minister LeBlanc, this is a
23 document that summarizes the engagements you had with various
24 provincial counterparts. And you'll see it starts on February
25 10th. We're not going to go through it right now; we are going
26 to go through it; we'll become very familiar with it by the end
27 of this examination, but at this point I'm just going to sort of
28 highlight the fact that these engagements really started on

1 February 10th.

2 So the convoy arrives on January 28th, 29th and
3 your engagement specifically start on the 10th.

4 So the role you were playing, if I understanding
5 it, prior to the 10th, is essentially facilitating or encouraging
6 these communications between your colleagues and their various
7 counterparts in other provinces?

8 **MINISTER DOMINIC LeBLANC:** That's right. I would
9 not have been engaged in a very active way with First Ministers
10 before that date you see on February 10th.

11 **MS. SHANTONA CHAUDHURY:** Okay, thank you, Mr.
12 Clerk. You can pull that one down and pull the following one
13 up, SSM.CAN00006594.

14 So, Minister LeBlanc, given the short time we
15 have, we're skipping a lot of narrative and going to some pretty
16 specific questions that effect your participation and your role
17 in all of this. So you'll just have to bear with me in that.

18 So this is an email, and just scroll down a
19 little bit, Mr. Clerk, that you received from Ralph Goodale on
20 February 6th, and I take you're familiar and you recall this
21 email?

22 **MINISTER DOMINIC LeBLANC:** Oh, absolutely. I
23 have been asked to talk to Mr. Goodale and I think prepared that
24 email after my conversation with him.

25 **MS. SHANTONA CHAUDHURY:** Okay. So that was my
26 first question, how did it come about? So you were asked to
27 speak to him. I think this email is him emailing you.

28 **MINISTER DOMINIC LeBLANC:** Following my

1 conversation with him.

2 **MS. SHANTONA CHAUDHURY:** Following your
3 conversation with him, okay. So maybe we'll start with your
4 conversation with him then. Can you tell us about that
5 conversation?

6 **MINISTER DOMINIC LeBLANC:** Sure. So Mr. Goodale
7 has been a friend of mine and somebody that I have worked with
8 obviously for a long time. He was a Public Safety Minister
9 himself for the first four years of our Government. He's from
10 the Province of Saskatchewan which is unique in terms of his
11 parliamentary experience in our Government. And he had a very
12 broad perspective. He, himself, is a lawyer and it was
13 suggested to me that it might be interesting to see how he, from
14 his current position as Canada's High Commissioner in the United
15 Kingdom, but still very much following domestic events clearly,
16 to see what he's thinking and what are his views on the
17 situation as it was evolving in that week of February 5th and 6th.
18 So I had sent him an email and said "Can I speak to you at the
19 end of the day?" and set up a phone conversation and had a
20 lengthy conversation with him.

21 **MS. SHANTONA CHAUDHURY:** Okay. And is the
22 content of that conversation more or less reflected in the email
23 that we're about to read out, or is there anything that you want
24 to say about it before we do?

25 **MINISTER DOMINIC LeBLANC:** No, his email to me,
26 which you see, as I say, followed that telephone conversation
27 and it largely summarizes what he had said to me in the
28 telephone conversation.

1 **MS. SHANTONA CHAUDHURY:** Okay. I can appreciate
2 that it was probably a lengthier conversation than what we see
3 here, but we'll just read the summary in the email.

4 So he's sending this to you and he says:

5 "See this tweet from Mayor Tory. The point
6 is clear - Toronto and many other cities
7 handled this MUNICIPAL policing problem in a
8 professional and competent manner. Granted
9 the volume of the protest in Ottawa was
10 greater and came without as much warning,
11 but the City of Ottawa and the OPS have
12 proven themselves incapable of grappling
13 with this problem. And it is now the duty of
14 the responsible senior authority - i.e., the
15 Public Safety Minister of ONTARIO under
16 PROVINCIAL policing legislation ..."

17 I'm emphasizing the capitals:

18 "... - to rectify that problem, including
19 talking control ..."

20 I think it's "taking" not "talking":

21 "...if and as necessary.

22
23 See this tweet from Mayor Tory. The point
24 is clear. Toronto and many other cities
25 handled this municipal policing problem in a
26 professional and competent manner. Grant it,
27 the volume of the protest in Ottawa was
28 greater and came without as much warning,

1 but the City of Ottawa and the OPS have
2 proven themselves incapable of grappling
3 with this problem and it is now the duty of
4 the responsible senior authority, ie. the
5 Public Safety Minister of Ontario under
6 provincial policing legislation..."

7 I'm emphasizing this should be capitals:

8 "...to rectify that problem, including
9 taking control ..."

10 I think it's "taking" not "talking":

11 "...if and as necessary.

12 There should not be an unconstitutional leap
13 to pin this on the feds or the RCMP.

14 Federally under mutual assistance agreements
15 we can/should provide resources and
16 personnel, as requested, but the authority
17 and responsibility rests with the
18 municipality and the province. To this
19 point, they have failed to deliver safety
20 and security to the inhabitants of Ottawa
21 (and those innocent inhabitants include many
22 parts of the Government of Canada).

23 Scrolling down, please, Mr. Clerk?

24 "It remains essential to delve deeply into
25 the true genesis of this demonstration and
26 who is controlling and directing it.

27 Stefanie Carvin..."

28 Who I believe is an academic:

1 "...suggests it is the work of
2 organized Violent Right Wing
3 Extremists. It may even have US roots.
4 She could be correct. Our intelligence
5 and national security experts must
6 absolutely get to the bottom of this
7 horrific set of events. And prepare for
8 the next one."

9 So Mr. Goodale is expressing a few things in this
10 email, but the one thing that comes out clearly, is that he
11 views this as a -- he sees a policing problem and views the
12 solution as municipal and provincial with a federal overlay; is
13 that fair to say?

14 **MINISTER DOMINIC LeBLANC:** Yes, that would have
15 been -- that would have reflected my conversation on the phone
16 with him and it's certainly faithful to I think what he
17 expressed in that email.

18 **MS. SHANTONA CHAUDHURY:** Okay. And what was
19 your take on that at that point, or your reaction to that
20 conversation?

21 **MINISTER DOMINIC LeBLANC:** As I said, I think one
22 of the benefits for me in terms of having that conversation with
23 him, was his four years of experience as our Public Safety
24 Minister, and I thought he put in a very concise way that I may
25 not have appreciated until that conversation with him, the sort
26 of escalating orders of Government that have to respond to thee
27 situations. So we had seen obviously a pretty significant
28 failure of municipal authorities in Ottawa in those weeks that

1 preceded this, and I thought his insights into the
2 responsibility of different orders of Government and not --
3 perhaps because it was the nation's capital, there was a great
4 deal of confusion certainly in the public conversation about
5 what's the Government of Canada doing about Wellington street?
6 But after my conversation with him and having read his
7 subsequent email, I thought he put in a rather concise way his
8 view, his opinion as to the roles of different orders of
9 government.

10 **MS. SHANTONA CHAUDHURY:** Okay. Thank you, Mr.
11 Clerk, you can take that one down now. So one thing we spent a
12 lot of time talking about this morning with Minister Mendicino,
13 so we won't spend a ton of time on it this afternoon, or
14 evening, is engagement with Ontario and specifically -- and
15 Ontario's role in responding to these events. So, as I said,
16 the Commission's heard a lot of evidence about Ontario's role
17 over the past five weeks and attempts to essentially draw
18 Ontario into the conversation, into tripartite meetings, into
19 being part of the solution, and it seems that -- I'll just try
20 and summarize this -- Ontario's position at first may have been,
21 as you sort of just articulated, "Well, this is a -- it's
22 parliament. It's a federal vaccine mandate and it's happening
23 at parliament so this is a really a federal problem." Is that a
24 fair characterization, do you think, of what Ontario's initial
25 attitude was?

26 **MINISTER DOMINIC LeBLANC:** I'm not sure. I can't
27 speak for the Government of Ontario or what Premier Ford or his
28 ministers were thinking. But as I said, in the initial arrival

1 of the convoy in Ottawa, the focus was on the Nation's Capital.
2 As we know, it quickly spread to other cities and other parts of
3 the country, not just in the Province of Ontario. But we did,
4 as a national government -- and my colleagues, I know, the
5 Transport Minister, Mr. Mendicino himself and senior officials
6 of our government, deputy ministers, were engaging in active and
7 ongoing discussions with their Ontario counterparts as the
8 situation in Ottawa was becoming more entrenched to see if every
9 possible provincial regulatory or legislative authority was
10 being brought to bear to try and resolve, ultimately, not only
11 Ottawa, of course, but Windsor and other places.

12 So I think our government -- and I remember those
13 conversations from the incident response group meetings or the
14 Cabinet Security and Safety Committee. There was an ongoing and
15 active effort, both at the level of ministers, but senior
16 officials supporting them, to reach out to provincial
17 jurisdictions where they were seeing some of the sort of
18 sympathy or knock-on effects of the Ottawa occupation to make
19 sure that every available authority was being brought to bear to
20 bring these illegal events to a conclusion.

21 **MS. SHANTONA CHAUDHURY:** And I suppose the
22 response that the federal government would have gotten would be
23 varying degrees of success, if we can put it that way?

24 **MINISTER DOMINIC LeBLANC:** Yeah, I think that --
25 and obviously the inability across the country to use existing
26 provincial and municipal authorities was one of the constant
27 discussions before our government as we led up to the ultimate
28 decision to invoke the *Emergencies Act*. But I remember, from

1 the very beginning, an effort to educate ourselves as a
2 government -- and Mr. Goodale's email, to some extent, speaks to
3 that -- in terms of the different jurisdictional roles of orders
4 of government, but we quickly understood the importance of
5 collaborating and ensuring that municipal and provincial
6 authorities were very much working with federal agencies that
7 could provide support -- and there are a number of federal
8 agencies that were working with their counterparts, of course --
9 but to really use every available remedy to bring these very
10 damaging illegal occupations or blockades to an end.

11 **MS. SHANTONA CHAUDHURY:** Okay. And we know that
12 on February 10th you had a call with Premier Ford. Can you tell
13 us about that call, how it came about? And before you even
14 start, I'll pull up the document for your benefit. There's a
15 readout of it at SSM.NSC.CAN00000256. So just situating in
16 time, this would be the Ambassador Bridge blockade is in full
17 swing; February 10th is the date of the first IRG, so we're
18 fairly advanced in the events of the time period we're looking
19 at. And scroll down. Is that the right document? Okay, yeah,
20 there were go, "Readout Minister LeBlanc's call with Doug Ford".
21 Okay so can -- what can you tell us about the call that you had
22 with Premier Ford?

23 **MINISTER DOMINIC LeBLANC:** So it was on the
24 evening of February 10th. I remember, as you said, it was
25 following that Incident Response Group meeting. I left Ottawa
26 to fly home to Moncton, New Brunswick, and I had been asked to
27 talk to Premier Ford specifically around what we thought were
28 some authorities the province had in the transportation sector

1 around trucking licences, permits, insurance certificates. I'm
2 certainly not an expert on the precise regulatory authorities
3 around provincial transportation sectors, but there was a belief
4 that the Province of Ontario may have a series of instruments or
5 authorities that perhaps hadn't been brought to bear, whether it
6 was in Windsor or in Ottawa, so it was suggested that I could
7 perhaps reach out to Premier Ford.

8 I have a very constructive and cordial
9 relationship with the Premier of Ontario. I texted him to say I
10 was leaving for New Brunswick and would like to chat to him
11 that evening, if possible, and would be at home in two hours in
12 Moncton, and he told me to call him when I landed. And I
13 remember being at home; it was about 10:30 or 11:00 in the
14 evening in New Brunswick. He was still at his office at Queen's
15 Park in Toronto. I said I was calling him to talk about what we
16 thought were some additional authorities that the Government of
17 Ontario may have that could be brought to bear over the
18 circumstance in the Windsor and, obviously, in Ottawa, and he
19 immediately went to the process that his government was going
20 through, which ultimately led to their declaration of an
21 emergency order the following day.

22 So the conversation quickly evolved into what
23 Premier Ford was planning to do the following day and, frankly,
24 it went well beyond what we were hoping in terms of some
25 trucking or transportation regulatory authorities. He was very
26 much focused on the economic damage to the Province of Ontario
27 and to the country. He talked to me about conversations he'd
28 had with the Governor of Michigan, the chief executives of some

1 of the big auto companies, representatives of some of the big
2 unions. He was extremely focused on the severe economic damage
3 to Ontario and to the country. He was focused on the
4 reputational damage that this means in terms of foreign
5 investment into our country. And he was very focused on the
6 public safety concerns and the threats of real violence that
7 people were still continuing to advance in Ottawa and in
8 Windsor.

9 So the conversation -- he was quite candid with
10 me about his desire to have the Ontario Provincial Police take a
11 greater role in the Windsor context, and also in Ottawa. He
12 talked about his frustration that the situation in Ottawa had
13 not been resolved and his government was very involved and
14 committed to stepping out, including with the Government of
15 Canada, to do what we needed to bring this to a conclusion
16 across the Province of Ontario. And I offered, obviously, as
17 had my cabinet colleagues, to provide any federal resources,
18 policing resources, regulatory authorities that the Government
19 of Canada may have to support the plan that he outlined to me in
20 that conversation. And then the next day, he had a news
21 conference which laid out most of what he'd told me in that --
22 on that evening conversation.

23 **MS. SHANTONA CHAUDHURY:** Okay. Just before we
24 leave the readout, Mr. Clerk, can you scroll down a little bit?
25 There's just one thing I want to ask you about:

26 "Minister LeBlanc informed him..."

27 So informed Premier Ford:

28 "...that the Americans will make it clear

1 that anyone convicted will be barred
2 from entering the United States."

3 Can you tell us what that was about and what did
4 or did not happen with that?

5 **MINISTER DOMINIC LeBLANC:** So, in terms of what
6 happened afterwards, I probably wouldn't have precise
7 information, but whether it was the Canadian Border Services
8 Agency or the National Security Advisor to the Prime Minister
9 who had been having conversations with her counterparts in the
10 Whitehouse -- Jody Thomas had been briefing the Incident
11 Response Group and a number of ministers around the real
12 concerns the Americans had. I know my colleague, the Transport
13 Minister, who I think you'll see tomorrow, had spoken to his
14 counterpart, the Secretary of Transportation in the United
15 States.

16 So in those meetings, those Americans, we were
17 told by our colleagues or senior officials who had conversations
18 with senior American authorities including, as I say, our
19 Transport Minister who spoke to his American counterpart, that
20 they were prepared to do whatever they could to support our
21 efforts to bring this illegal activity, these border blockades,
22 to an end. And my understanding -- and if I said that to the
23 Premier, it's because somebody would have told us that the
24 American authorities were prepared to help us. If there were
25 convictions of some of these truck drivers, for example, they
26 would look at what authorities they had in the United States to
27 bar them from entering the United States.

28 **MS. SHANTONA CHAUDHURY:** Okay. And Minister --

1 just taking you back, the Minister Alghabra's counterpart would
2 be Secretary Buttigieg?

3 **MINISTER DOMINIC LeBLANC:** Exactly.

4 **MS. SHANTONA CHAUDHURY:** Okay. And we'll hear
5 about that tomorrow I think.

6 Thank you, Mr. Clerk, you can take that one down
7 and pull up SSM.NSC.CAN00002947.

8 So Minister, this is, as it's being pulled up, I
9 think shortly after that call you reported on it to the PMO, and
10 so this is your text where you're conveying Premier Ford's
11 position and:

12 "Spoke to Ford. He is going
13 gangbusters on truckers tomorrow.
14 Using Emergency Order—fines, seizing
15 trucks, arrests, suspension of
16 licenses.. he is...hot to hammer them
17 at a presser tomorrow at 10am.
18 [He'll]..."

19 Sorry:

20 "He will introduce legislation to make
21 sure this can't happen again—and wants
22 us to work on plan together to secure
23 border/critical infrastructure going
24 forward. He will then do a presser on
25 Monday to diminish public health
26 measures—but tomorrow is hard on
27 enforcing against blockades."

28 Response comes, "Excellent".

1 So is it fair to say that at that -- at this
2 point, whatever happened leading up to this, Premier Ford and
3 the Federal Government are aligned on approach?

4 **MINISTER DOMINIC LeBLANC:** Oh, very much so. And
5 that, I think, probably was a message that I would have sent to
6 the Prime Minister's Office following that conversation that
7 evening on the 10th of February, and it's certainly faithful to
8 my recollection of that conversation.

9 What I would do is, as I would talk to or
10 exchange messages with the premiers, I would often ensure that
11 Michael Vandergrift, the senior official at Privy Council
12 Office, had a readout of the substance of those calls that he
13 could then circulate as well, but that would have been a message
14 I would have sent to the Prime Minister's Office.

15 And I certainly agree with your characterisation.
16 That evening, I finished the conversation with Premier Ford very
17 reassured that the governments were going to work together to
18 bring this to a conclusion, not just in Windsor, but obviously
19 in Ottawa, and I would think the 10 or 12 days that followed
20 were a proof point that that was the case.

21 **MS. SHANTONA CHAUDHURY:** So both of you were
22 going gangbusters?

23 **MINISTER DOMINIC LeBLANC:** Hot to hammer at a
24 presser, I think -- the context was very much a frustration that
25 what we had seen in Ottawa was now dragging into the third
26 weekend. The border blockages, as I said in -- at the
27 Ambassador Bridge in Windsor, were having huge economic and
28 reputational damage to our country, and there was an enormous

1 sense of frustration, I think in both governments, that we
2 needed to bring these illegal blockades and occupations to a
3 safe and proper conclusion, and that two weeks prior to this
4 conversation weren't giving any of us a great deal of assurance
5 that that was the outcome that we were going to quickly achieve.

6 **MS. SHANTONA CHAUDHURY:** Fair enough. I was
7 defining "going gangbusters" as being committed to finding a
8 solution.

9 **MINISTER DOMINIC LeBLANC:** And that was
10 absolutely the case.

11 **MS. SHANTONA CHAUDHURY:** Okay. Thank you,
12 Mr. Clerk. Can you pull up SSM.CAN00000293.

13 So we'll leave Ontario now, and move to Alberta.
14 So the next on the list here, February 11th:

15 "Premier Kenney communicated with
16 Minister LeBlanc to express concerns
17 that the provinces had been left with
18 the enforcement challenge, and that
19 there has been no response to the
20 request for the CAF..."

21 That's the Canadian Armed Forces, "...to help
22 with tow trucks."

23 And in our interview, you clarified that that
24 message was conveyed by text.

25 And Mr. Clerk, now, if you can pull up
26 PB.CAN00001868.

27 Not particularly legible, but Minister LeBlanc
28 maybe you can confirm that this is the text exchange to which

1 you were referring.

2 Scroll down one page, please, Mr. Clerk. There
3 we go.

4 So this one reads, this is from you to -- is it a
5 chat with Minister Alghabra and Minister Mendicino. And so
6 you're reporting:

7 "I got these two messages from Jason
8 Kenney last night.
9 Your guy has really screwed the pooch.
10 This..."

11 Technical term:

12 "This trucker vax policy is obviously
13 just dumb political theatre. Calling
14 them all Nazis hasn't exactly helped.
15 And now the provinces are holding the
16 bag on enforcement. I can't get any
17 heavy equipment from private vendors to
18 move these freakin trucks off the
19 border because the crazies are making
20 death threats, and you guys turned down
21 our request for army equipment to help
22 us. Because apparently the Government
23 of..."

24 Scroll down, please:

25 "...Canada doesn't really care about
26 the international border being closed."

27 Pensive emoji:

28 "But don't worry, the RCMP commander in

1 Alberta just told me proudly that he
2 has secured some psychologists to do a
3 profile assessment on the protesters.
4 I said, 'that's great news, Deputy
5 Commissioner. Do you any of them know
6 how to drive a tow truck.' J."

7 To which Minister Alghabra replies, "Speaking of
8 bonkers", and you reply, "Totally."

9 So is that the text exchange that's reported in
10 the summary of engagements?

11 **MINISTER DOMINIC LeBLANC:** Yes, it is.

12 **MS. SHANTONA CHAUDHURY:** Okay. So we're just
13 going to pick apart and understand, because this is the second
14 time this text has arisen today, so I just want to pick apart a
15 few statements made there.

16 First of all, when he says that "Your guy has
17 really screwed the pooch." Is that -- is he referring to the
18 Prime Minister or who's that a reference to?

19 **MINISTER DOMINIC LeBLANC:** I didn't ask him. I
20 didn't reply and ask him exactly which guy he was referring, so
21 I don't think I could speak for Premier Kenney when he sent that
22 message.

23 **MS. SHANTONA CHAUDHURY:** Okay. What was your
24 reaction broadly to these texts?

25 **MINISTER DOMINIC LeBLANC:** I had developed as a
26 Member of Parliament a cordial, a rather amicable relationship
27 with Premier Kenney, we had kept in touch on a whole range of
28 issues, so we had a sort of an ongoing conversation on a whole

1 bunch of issues. When I was in Alberta I would see him from
2 time to time.

3 I knew, and I think we saw Mr. Mendicino talk
4 about that today, that the Government of Alberta had
5 considerable concerns around the ability to get tow trucks with
6 respect to the blockage at the border crossing in Coutts,
7 Alberta, and I knew, again from probably Bill Blair or Marco at
8 Incident Response Group meetings, that the Government of Alberta
9 was seeking potentially some military assets to help -- heavy
10 military tow trucks to move some of these trucks from the border
11 blockage in Coutts. So this text message was the premier
12 emphatically expressing his frustration, which I think he had
13 shared with other colleagues, including Marco Mendicino.

14 **MS. SHANTONA CHAUDHURY:** Okay.

15 Thanks, Mr. Clerk, you can take that one down and
16 pull up SSM.CAN.00000293 again.

17 Okay. So we've been now through Ontario and
18 we've been to Alberta, and the remainder of this document,
19 Minister, reports on various other engagements you had with
20 provincial premiers all around the time, February 12th through
21 15th, so it's February 12th onwards.

22 And with the assistance, feel free to keep it up,
23 can you tell us about the various conversations you were having
24 and what you were hearing?

25 **MINISTER DOMINIC LeBLANC:** Sure. So you'll see,
26 I think it was the Saturday, February 12th, that was the weekend
27 we were having I think daily, almost daily Incident Response
28 Group meetings that the Prime Minister was chairing in which I

1 was participating.

2 The situation from our perspective was becoming
3 more and more alarming. There were a lot of public discussions
4 of potential pop up blockades or demonstrations, and I'm going
5 by memory, but a number of provincial legislatures saw
6 demonstrations. There were some in Toronto, some in Quebec
7 City, a number of provincial capitals. There was public
8 discussion of a number of potential border crossings being
9 targeted as well. There was some discussion about a border
10 crossing in Woodstock, New Brunswick with the State of Maine in
11 my home province. There were concerns around the Pacific
12 Gateway border crossing in British Columbia.

13 I know one of the discussions, again that was
14 reported in the media or certainly in social media, was a
15 potential sort of sympathy protest at the ferry terminal in
16 North Sydney, which is the main supply route for the Province of
17 Newfoundland and Labrador for the Island of Newfoundland.

18 So on that Saturday, I wanted to reach out
19 principally to a group of premiers in Atlantic Canada and
20 Premier Horgan in British Columbia, who were seeing some of this
21 activity and sympathy to the occupation that was taking place in
22 Ottawa. I wanted to offer those premiers again, as they knew
23 from their conversations between their senior officials but I
24 wanted them to hear from me that the Government of Canada was
25 absolutely ready inasmuch as we could to provide any support
26 that they thought would be useful. The RCMP in many of those
27 provinces are also the contract police authority and some of the
28 premiers had said to me that they were receiving updates from

1 the Divisional commanders of the RCMP in their capacity as the
2 contract police of jurisdiction in those provinces.

3 I remember Premier Furey telling me of his real
4 concern around a potential blockage at the ferry terminal in
5 North Sydney. He's a doctor by profession and told me that on
6 that ferry many medical supplies, drugs, medical equipment, is
7 essentially transmitted to Port aux Basques in Newfoundland and
8 then distributed around the province. And if ever there was a
9 blockage of access to that ferry terminal, it's much more than
10 fresh fruits and vegetables in grocery stores in Newfoundland.
11 But it represented a real threat to public safety and security
12 in his province.

13 So I wanted them to know that we were monitoring
14 those situations. We were receiving updates from senior federal
15 officials in the law enforcement community and in the
16 intelligence community, and that if they had any concerns they
17 could reach out to me.

18 That was the nature of those conversations and on
19 the Sunday, on February 13th, Premier Horgan, I'm assuming -- I
20 would have sent those messages and followed up on the Saturday
21 the 12th, but if it shows up on the 13th, it's because Premier
22 Horgan probably replied to me on the Sunday the 13th to talk to
23 me about some of the concerns we were seeing in the media around
24 the Pacific Gateway border crossing.

25 **MS. SHANTONA CHAUDHURY:** Okay. And in any of
26 those conversations did the notion of invoking emergency
27 legislation come up, either provincial or federal?

28 **MINISTER DOMINIC LeBLANC:** No, not in those

1 conversations. It was the conversation with Premier Ford on the
2 10th where he spoke about the provincial emergency orders. But
3 in those subsequent conversations on that weekend, no, I did not
4 discuss with them the issue of a Federal *Emergencies Act*
5 invocation.

6 **MS. SHANTONA CHAUDHURY:** Okay. And we know that
7 Premier Ford did, in fact, invoke Ontario's Emergency
8 legislation on February 11th.

9 So you mentioned that Premier Furey was
10 expressing a concern about -- if I can put it this way -- there
11 was no identified sort of threat to the supply chain but he was
12 concerned that what was happening might spread and affect the
13 supply chain in Newfoundland. Is that right?

14 **MINISTER DOMINIC LeBLANC:** That's right. And it
15 was discussed in the public space, if it was Atlantic media,
16 Nova Scotia media is what, in many cases is followed in the
17 neighbouring province of new Brunswick. So I was seeing in
18 public discussions the risk or the threat or the discussion of
19 potential attempts to block access to the North Sydney ferry
20 terminal, the Marine Atlantic Ferry. And it reminded me of the
21 vulnerability of half a million Canadians on the island of
22 Newfoundland and Labrador in terms of what is their main supply
23 route for things as important as medicines, medical equipment,
24 and so on.

25 And that was the concern the Premier had
26 expressed to me. And sort of saying that he wanted to be
27 reassured that the Government of Canada was ready, should that
28 materialize, to do everything we had to do to ensure that his

1 province wouldn't be held hostage in some kind of circumstance
2 there.

3 **MS. SHANTONA CHAUDHURY:** And you told him that
4 the federal government would do whatever it could? Or do what
5 it could?

6 **MINISTER DOMINIC LeBLANC:** Of course. And my
7 conversations with his Atlantic First Ministers counterparts was
8 exactly in that sense. I remember Premier Higgs, as I said,
9 there's a border crossing that was the subject of some
10 discussion in Woodstock, New Brunswick. There were protests, I
11 think, in the city -- I'm going by memory -- in Halifax. And of
12 course, Premier King, that Confederation Bridge to Prince Edward
13 Island is obviously a critical supply route for that province as
14 well.

15 That's not far from where I live, that bridge.
16 It's a two-lane bridge and it wouldn't theoretically take much
17 to create a lot of confusion in accessing that bridge. So there
18 was a heightened concern that I was hearing both publicly --
19 but from First Ministers, from premiers, about what -- I think
20 they were seeing what was happening in Windsor principally, but
21 other points as well. And they were sharing their concerns with
22 us.

23 **MS. SHANTONA CHAUDHURY:** Okay. Whereas Premier
24 Horgan in B.C., if you'll see that middle sort of bullet there -
25 - February 13th. He sort of seems to be conveying that from his
26 perspective things are pretty under control in B.C.; is that
27 fair?

28 **MINISTER DOMINIC LeBLANC:** Absolutely.

1 **MS. SHANTONA CHAUDHURY:** Okay. Thank you, Mr.
2 Clerk. Can you take that one down?

3 So again, we're going to skip pretty quickly in
4 the narrative here, given time constraints. But so those
5 consultations, most of the ones we've discussed, were the
6 weekend of February 12th and 13th. We know now essentially the
7 chronology of what happened on February 13th, so the IRG meeting
8 in the afternoon leading to a Cabinet meeting in the evening and
9 the outcome of that Cabinet meeting has been described to us by
10 the Clerk as -- the decision was to call a First Ministers
11 meeting to discuss the potential invocation of the *Emergencies*
12 *Act*. Is that fair?

13 **MINISTER DOMINIC LeBLANC:** Yes. That Cabinet
14 meeting, both at the IRG, the Incident Response Group meeting,
15 the prime minister chaired earlier in that day on the 13th and
16 the Cabinet meeting which was quite late in that Sunday evening,
17 the prime minister made it very clear to ministers that he had
18 not come to a decision. He was very clear that he had not come
19 to a conclusion around invoking the *Emergencies Act*, that he was
20 going to hear from premiers the following day. But the
21 discussion was amongst ministers in terms of what are the steps
22 that we -- what are the steps that are necessary to bring these
23 illegal occupations and blockades to an end, and to restore some
24 sense of public confidence because even if particular activities
25 or blockades were perhaps being resolved -- Ottawa certainly
26 wasn't -- but there was a concern, as I said about a spreading
27 effect or what would be the knock-on effect.

28 So he listened to ministers. We were briefed by

1 the senior officials responsible for a number of federal law
2 enforcement agencies, the National Security Advisor, for
3 example, the Commissioner of the RCMP, the Canadian Border
4 Services, some of the officials I'm sure you've interviewed
5 would have described to ministers their sense of the evolving
6 situation. And then the prime minister would have heard from
7 ministers in terms of their views on what was necessary to
8 resolve this.

9 **MS. SHANTONA CHAUDHURY:** Okay. And you'll be
10 glad to know that, given your role as Minister of
11 Intergovernmental Affairs, I'm going to be focusing on that as
12 opposed to going through all of the inputs that were received
13 before Cabinet that night.

14 So Mr. Clerk, can you then pull up please
15 MAN00000048?

16 So Minister LeBlanc, we understand the Cabinet
17 meeting took place around 8:30 the night of the 13th. And the
18 document we're about to pull up is the email invitation that was
19 sent about the First Ministers meeting. I think it was sent --
20 if we see the time stamp, it works out to 10:46 p.m. EST. I
21 have to do the conversion for time there.

22 Scroll down a little bit, please, Mr. Clerk. It
23 says:

24 "Colleagues. The prime minister will
25 convene an urgent First Ministers call.
26 The call will take place on February
27 14th at 10:15. Dial-in info to follow.
28 Please confirm your premier's

1 availability. I apologize for the
2 short notice. Michael"

3 Michael being Michael Vandergirft, the Deputy
4 Secretary of --- the Deputy Minister, I'm sorry, of
5 Intergovernmental Affairs.

6 **MINISTER DOMINIC LeBLANC:** That's right. And I
7 remember discussing with him that evening after -- he sent that
8 after the Cabinet meeting had concluded at 10:30 or 10:45 that
9 evening.

10 **MS. SHANTONA CHAUDHURY:** Okay. What's sort of
11 conspicuous by its absence in that email is any mention of the
12 *Emergencies Act*, any mention of why the First Ministers meeting
13 is being convened.

14 Can you tell us why that would be?

15 **MINISTER DOMINIC LeBLANC:** So we obviously had a
16 significant concern about potential leaks in the public domain
17 about the subject of that First Ministers meeting. I had no
18 doubt that had we said we're convening this First Minister's
19 conversation on the *Emergencies Act* everybody on their morning
20 radio shows would have heard that the prime minister has a
21 meeting with the premiers to discuss the *Emergencies Act*.

22 And we've heard from law enforcement officials in
23 our own government, and I've taken note of a number of witnesses
24 before your Commission, about the potential of an incendiary
25 reaction to the invocation. So we thought that it would have
26 been irresponsible to risk that going out into the public space
27 before the First Ministers had had an opportunity, absent from
28 everybody's early morning radio shows to talk to the prime

1 minister about that issue. So there were two reasons probably
2 why Mr. Vandergrift didn't put a subject line. One was to
3 minimize the inevitable leak to a media or in the public space.
4 We had a lot of experience with First Ministers' meetings in the
5 COVID context and very rarely were those discussions not, in
6 some extent, reflected in public comments, so that was a
7 concern.

8 But also, I think there was a desire from the
9 Privy Council Office to as much as was possible, to as much as
10 was possible, to allow first ministers to have that conversation
11 with the prime minister at 10:15 on the 14th, absent, as I said,
12 the public discourse that would have inevitably followed about
13 should we, will we, did the government decide that as much as
14 possible, would have been counterproductive to an open and frank
15 discussion amongst first ministers.

16 **MS. SHANTONA CHAUDHURY:** And one thing Madam
17 Drouin said on this point when she testified on Friday was --
18 her words, I believe, were they knew that from the moment the
19 government starts talking publicly about invoking the
20 *Emergencies Act*, the timeline to take a decision was very short.

21 So does that reflect the -- what you're
22 discussing right now? It was sort of -- it was kept quiet
23 because once it's out there, who knows what happens?

24 **MINISTER DOMINIC LeBLANC:** That was very much a
25 concern the government had. She reflected, I think, what was a
26 concern of some of the advice we were getting from senior
27 officials in the law enforcement and intelligence apparatus of
28 the Government of Canada.

1 But we've seen subsequently, we've seen
2 subsequently premiers who had expressed in that meeting concerns
3 around the public effect of a discussion of a potential
4 invocation, so the shortest period of time between the public
5 discussion around should the government or will the government
6 proceed to an invocation of the *Emergencies Act*, the shorter
7 period of time would perhaps be conducive with the public safety
8 imperative of making that decision in a way that was
9 responsible.

10 **MS. SHANTONA CHAUDHURY:** Well, I think in the end
11 it clocked in as under 24 hours, so that was mission
12 accomplished?

13 **MINISTER DOMINIC LeBLANC:** Yeah. And obviously,
14 some people would have said that we should have had an open and
15 extensive public conversation around these issues. In the
16 particular context of the illegal activities that were taking
17 place and the real threat to the safety of Canadians, we as a
18 government concluded that a prolonged and public conversation of
19 this would not be conducive to a safe and efficient and
20 effective ending of these illegal blockades and occupations.

21 **MS. SHANTONA CHAUDHURY:** Understood. And because
22 you mentioned it, the various first ministers conversations or
23 calls, rather, that were had around COVID back in, I think,
24 probably March 2020, around then, is something that's arisen
25 sort of tangentially in passing a couple of times in testimony
26 before the Commission, but -- so I'll just ask you to also
27 address it tangentially in passing.

28 But can you tell us a little bit about how those

1 meetings were convened and how they proceeded and what they were
2 about, because obviously, we know that they -- those meetings
3 touched, in part on whether emergency legislation would be
4 appropriate in that context.

5 **MINISTER DOMINIC LeBLANC:** So obviously, in the
6 context of the pandemic, federal-provincial cooperation on
7 public health measures, on things as important as vaccine
8 procurements, vaccine distributions, border measures, the
9 Government of Canada has responsibility obviously for
10 international borders. So there was a very effective, I would
11 argue, and extensive federal-provincial collaboration around the
12 fight against COVID. That was one of, I think, our country's
13 successes in terms of managing our federation.

14 That required, in some cases, weekly or bi-weekly
15 calls the prime minister would convene with first ministers. I
16 would participate in most if not all of those calls, usually as
17 an observer. But the prime minister wanted to coordinate as
18 much as possible the various public health measures. Dr. Tam
19 would provide updates. So that was an ongoing discussion.

20 At one point, there was a discussion -- I don't
21 remember, but I think it was in 2020 in the first months
22 potentially of the pandemic around could the *Emergencies Act* be
23 an instrument that would be helpful in our collective fight
24 against COVID? And I think my colleague, David Lametti,
25 consulted some of his provincial and territorial counterparts --
26 or not some of -- consulted provincial and territorial
27 counterparts. There was a process and the government concluded
28 that at that moment -- there was never a conclusion that we

1 would never or could never perhaps have recourse to the
2 *Emergencies Act* around the COVID measures, but certainly we
3 concluded, having had that conversation with premiers and public
4 health experts, that it wouldn't have been a particularly
5 advisable tool at that particular moment.

6 **MS. SHANTONA CHAUDHURY:** Okay.

7 **MINISTER DOMINIC LeBLANC:** But that was not an
8 active part of the first ministers' conversations around the
9 COVID measures. It probably came up once or twice, but to say
10 it was a source of significant discussion at the first
11 ministers' level I think might not be an accurate
12 representation, but it certainly had come up.

13 **MS. SHANTONA CHAUDHURY:** Okay. And certainly,
14 before this first ministers' call, the idea of invoking the
15 *Emergencies Act* in the context of the Freedom Convoy had not
16 come up in conversations with any premiers?

17 **MINISTER DOMINIC LeBLANC:** Absolutely.

18 **MS. SHANTONA CHAUDHURY:** Okay.

19 **MINISTER DOMINIC LeBLANC:** That's accurate.

20 **MS. SHANTONA CHAUDHURY:** How am I doing for time?
21 I completely neglected to write down when I started.

22 **COMMISSIONER ROULEAU:** You have lots of time
23 left. You have about I think about 20, 30 minutes.

24 **MS. SHANTONA CHAUDHURY:** Perfect, okay.

25 So then I want to take you, Minister, to the
26 chronology of February 14th. And I'll ask Mr. Clerk to pull up
27 now OPS0001456. No, sorry, 14566.

28 So this is just a little chronological point that

1 we'd like to clear up because if you scroll down here -- and
2 just to let you know what these are, these are -- I think are
3 probably scribe notes of a police meeting, so I think the
4 participants were Commissioner Lucki, Commissioner Carrique, and
5 Chief Sloly, if I'm not mistaken.

6 Scroll down a -- oh, actually, you've got it.

7 Thank you, Mr. Clerk.

8 So if you see the last bullet point there, this
9 is a meeting that takes place at 10 o'clock in the morning on
10 February 14th. And you'll see what's recorded about what
11 Commissioner Lucki says is, "Lucki did not get prime minister
12 briefed on the plan," the plan here being the Ottawa Police plan
13 to resolve the situation in Ottawa.

14 And then, "Prime minister will be enacting the
15 *Emergency Measures Act*."

16 So if I take your evidence and some other
17 evidence we've heard so far, that had not been decided at 10
18 o'clock in the morning on the 14th, that the prime minister
19 would invoke the *Emergencies Act*?

20 **MINISTER DOMINIC LeBLANC:** No, it had not been
21 decided at all. I don't know why the commissioner would have
22 said that. The prime minister began the meeting with the
23 premiers 15 minutes after she said that by saying he had not
24 come to a decision whatsoever. The clerk had not moved the
25 decision memo to him, so that is not an accurate representation
26 whatsoever from my perspective of when the government made the
27 decision.

28 **MS. SHANTONA CHAUDHURY:** And to be fair, these

1 are notes of a meeting, so it's nothing -- it's not necessarily
2 what Commissioner Lucki said, but it's what written down about
3 what ---

4 **MINISTER DOMINIC LeBLANC:** That right, and I'm
5 seeing this for the first time here.

6 **MS. SHANTONA CHAUDHURY:** Okay. So -- but in any
7 event, that does not accord with your recollection of the
8 chronology?

9 **MINISTER DOMINIC LeBLANC:** No, that does not
10 reflect at all my understanding and my personal involvement with
11 those decisions on that day on the 14th.

12 **MS. SHANTONA CHAUDHURY:** Thank you. Thanks, Mr.
13 Clerk. You can take that one down.

14 And can you pull up SSM.NSC.CAN00000625?

15 This is the readout, Minister LeBlanc, of the
16 first ministers' meeting itself, so with the assistance of this,
17 I'd like you to just walk us through. How did that meeting
18 unfold, how did it take place? Obviously not every detail, but
19 what were the various opinions being conveyed, being expressed,
20 and how were they received?

21 **MINISTER DOMINIC LeBLANC:** So I obviously have
22 familiarized myself with this summary of that conversation, and
23 I participated, of course, in that meeting. I made a brief
24 intervention at the front end of that conversation.

25 The prime minister began by stressing that he had
26 not come to a decision on whether we should invoke the federal
27 *Emergencies Act*. He spoke at length in terms of these measures
28 would not supplant existing provincial authorities.

1 I think later in the conversation there was some
2 discussion about whether command structures of provincial police
3 authorities would change.

4 The Prime Minister wanted to, at the front end of
5 the meeting, make it very clear that these were designed to be
6 complimentary measures that provincial and municipal law
7 enforcement authorities could use when they thought they were
8 needed. He was very clear that it should be a proportionate
9 series of measures, proportionate to the real public order
10 emergency that the government was seeing to the threat to the
11 safety and security of Canadians.

12 And he also made it clear to the Premiers at the
13 front end that nothing in the invocation of the *Emergencies Act*
14 would take away the *Charter* protections that Canadians enjoyed,
15 and that this could be done in a way that was compliant with the
16 *Charter of Rights and Freedoms*.

17 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can
18 you scroll down to the next page, please? We're just going to
19 go through a few of the views that appear to have been expressed
20 by various participants on the call.

21 So Premier Horgan sees -- he says:

22 "Approach sounds measured and practical.
23 We are susceptible as anyone across the
24 country."

25 But then he says:

26 "Only concern is that these measures would
27 be implemented by [the] RCMP [...] which are
28 already fully taxed."

1 And then:

2 "Concern about emboldening those losing
3 public support. People are exhausted [...],
4 but have taken three shorts [...]. Worry
5 that too heavy a hand may embolden
6 others."

7 But then he says in the end:

8 "Would support this at this stage."

9 So can you explain to us, in your words,
10 essentially, what Premier Horgan was conveying to you at the
11 meeting?

12 **MINISTER DOMINIC LeBLANC:** My recollection of his
13 intervention, the Prime Minister started on the west coast and
14 went across the country. Those -- sometimes he started in
15 Newfoundland and Labrador. This time he started in British
16 Columbia.

17 And Premier Horgan reflected or offered a concern
18 that was shared by a number of Premiers during that
19 conversation, around the potential risk of inflaming or
20 emboldening some of the actors that were already entrenched at
21 various blockades or in the City of Ottawa.

22 He talked about the importance of the
23 proportionality of it, that the measures have to be targeted to
24 the specific threat, but the measures would need to be tailored
25 to bring it to a successful and safe conclusion as quickly as
26 possible.

27 A number of premiers, I think Premier Horgan,
28 it's not reflected in these notes, but a number of premiers

1 expressed their concern for what they saw was happening in the
2 City of Ottawa. That clearly was a source of a lot of national
3 attention.

4 But Premier Horgan -- we took Premier Horgan's
5 support to be very important because his province had not been
6 immune from some activity, including some threats to the Pacific
7 Border crossing with Washington State.

8 **MS. SHANTONA CHAUDHURY:** Scrolling down a little
9 bit more, Mr. Clerk, until we get to Premier Cochrane says at
10 the very last bullet there:

11 "Would support emergency measures, but
12 would ask for further consultation if
13 decide to bring in [the] army."

14 Where does that reference to bringing in the army
15 come from? Was that something that was discussed actively at
16 the meeting?

17 **MINISTER DOMINIC LeBLANC:** No, it wasn't
18 discussed, by my recollection, until she raised it.

19 One of the confusions that I worried about, and
20 is reflected in the interview summaries of our conversation in
21 Vancouver, because this was the first time the *Emergencies Act*
22 was potentially going to be invoked, many people went back to
23 the 1970's context, where the legislation had a different name,
24 and some of the enforcement was not done by civilian police
25 officers, or some of the physical security presence, I think is
26 a better way to say it, was not only done by civilian police
27 officers.

28 So Premier Cochrane raised it and the Prime

1 Minister, I think later on in the meeting, made it very clear
2 that having military personnel deployed in an enforcement or
3 security context on the streets in Canada was an absolute last
4 resort and it was not being contemplated whatsoever in any of
5 the conversations we had in terms of what might be the measures
6 in a potential declaration.

7 So he very quickly, I think, tried to clear up
8 Premier Cochrane's misunderstanding about the role of the
9 military. It was not being considered and it wasn't a context
10 that the government was looking at.

11 **MS. SHANTONA CHAUDHURY:** Okay. And since you
12 raised it actually, let me ask you this. The misperception of
13 the -- between the *Emergencies Act* and its predecessor, the *War*
14 *Measures Act*, is that something you were picking up a lot over
15 these three weeks? Over the events of the convoy?

16 **MINISTER DOMINIC LeBLANC:** I think so, because
17 this was a unique moment heretofore in Canada where the
18 successor legislation was potentially going to be invoked for a
19 public order emergency. The criteria were different, the
20 protection of the *Charter*, of course, wasn't present in 1970.
21 So the juridical and constitutional context was different.
22 That's why a previous Parliament passed the *Emergencies Act*
23 some, I guess, four decades ago.

24 But yeah, we worried about that public
25 misunderstanding. Il n'y a pas de doute qu'au Québec, les
26 commentaires du Premier Ministre Legault, lors de son
27 intervention plus tard dans les notes que vous avez, était, je
28 crois... et ça c'est mon impression, et je l'ai partagée avec la

1 Ministre Lebel du Québec suite à la discussion des premiers
2 ministres, que c'était pas du tout le même contexte. Il y avait
3 aucune autorité fédérale qui allait remplacer une autorité
4 municipale ou provinciale, surtout en ce qui a trait aux corps
5 policiers. Il demeurait encore une confusion, moi je dirais,
6 profonde quant à l'application de la loi et moi je pensais que
7 c'était important de rassurer le Premier ministre du Québec,
8 mais les autres premiers ministres, comme la Première ministre
9 des Territoires du Nord-Ouest que c'était pas du tout le cas.

10 **MS. SHANTONA CHAUDHURY:** Bon, allons-y voir ça,
11 en fait. At page -- I'm just going to find the page where Mr.
12 Legault's statements are made. Page 6, please.

13 So Premier Legault here says -- this is in
14 English, so translated, I imagine, but:

15 "In Quebec, we are preoccupied by the
16 situation in Ottawa. It is unacceptable.
17 Have to do what needs to be done. Support
18 Ford 100%.
19 What is important to say is we don't have
20 this type of problem in Quebec. [The] SQ
21 [that's The Sûreté du Québec] has been
22 able to control the situation so far. [...]
23 we have to be very cautious about moves to
24 inflame [...]. We don't want the [...]
25 Emergencies Act to apply in Quebec. [...]
26 the [...] Emergencies Act must only apply to
27 provinces in agreement with the
28 application of the Act. [We] [d]on't need

1 [it] and [we] don't want [it]."

2 So is that the -- are those the remarks that you
3 were referring to?

4 **MINISTER DOMINIC LeBLANC:** Ça c'était... ça c'est
5 fidèle aux commentaires que je me rappelle que le Premier
6 ministre Legault avait faits à l'époque...

7 **Me SHANTONA CHAUDHURY:** Oui.

8 **MINISTER DOMINIC LeBLANC:** ...lors de cette
9 discussion. Je pense que le Premier ministre lui a rassuré et
10 j'ai fait la même chose avec son ministre des Relations
11 canadiennes, Madame Lebel, suite à la rencontre des premiers
12 ministres, qu'une proclamation potentielle allait pas remplacer
13 les autorités existantes au Québec ou ailleurs au Canada, que la
14 GRC allait pas prendre une autorité policière au Québec qui
15 n'existait pas avant la proclamation.

16 J'ai aussi discuté, dans mon cas, avec Madame
17 Lebel suite à la rencontre, la situation à Gatineau et
18 ultimement, il y a eu l'aide, je crois des corps policiers de
19 Gatineau et la Sûreté du Québec dans les ententes qui existaient
20 entre les provinces pour partager des ressources policières dans
21 le besoin.

22 Le Premier ministre a soulevé l'importance du
23 poste frontalier à Lacolle et l'importance pour le commerce
24 international. Il y avait possiblement des discussions d'un
25 blocus dans ce sens-là.

26 Mais nous étions d'accord, d'ailleurs, avec le
27 Premier ministre Legault que la situation au Québec, que ce soit
28 dans la Ville de Québec ou à Montréal, a été très bien maîtrisée

1 par les autorités locales et provinciales. Ils n'ont pas eu la
2 situation difficile qui s'est implantée à Ottawa. Alors c'était
3 pour rassurer le Premier ministre du Québec que c'était pas une
4 question de prendre juridiction dans sa province. Au contraire,
5 c'était d'offrir des outils potentiels dans le cas où les outils
6 seront nécessaires aux autorités provinciales au Québec.

7 On a aussi expliqué que les mesures économiques,
8 qui étaient une des raisons, je crois, importantes dans la
9 décision d'utiliser la *Loi sur les mesures d'urgence* parce que
10 sans la *Loi sur les mesures d'urgence*, ces mesures économiques
11 et financières n'auraient pas été possibles, que le Québec
12 pourra se trouver dans une situation où les autorités policières
13 auraient identifié un compte bancaire ou une autre transaction
14 financière dans la Province du Québec, qu'il fallait peut-être
15 geler ou qu'il fallait enquêter.

16 Alors c'était surtout les aspects économiques qui
17 auraient pu avoir une présence dans la Province du Québec mais
18 c'était, à ce moment-là, hypothétique, mais je l'ai partagé avec
19 Madame LeBel pour essayer d'aider la compréhension de tout le
20 monde de qu'est-ce qui était une situation tout à fait nouvelle
21 devant tous les ordres de gouvernement.

22 **Me SHANTONA CHAUDHURY:** En fait, c'était ma
23 prochaine question parce que l'avis exprimé ici par le Premier
24 ministre Legault était aussi exprimé par d'autres, en fait.

25 Si je peux dire, why does it have to apply here?
26 Why in our province? You may be having a problem in Ottawa, you
27 may be having a problem at the Ambassador Bridge but we're not
28 having a problem in say Saskatchewan or Manitoba; that was a

1 view expressed by several provinces. And so was any serious
2 thought given to an approach to the *Emergencies Act* that would
3 be targeted in the sense of where the measures would apply?

4 **MINISTER DOMINIC LeBLANC:** Sure. The government
5 considered one option under the *Act* and I don't have a complete
6 juridico sense of the different interoperability of different
7 sections of the *Emergencies Act*, but there is a possibility to
8 invoke it in a geographically specific context.

9 That was determined not to be the appropriate
10 course of action. I think for two reasons.

11 First of all, the concern about the financial
12 measures, which we believed and which law enforcement senior
13 officials of the finance department believed might be one of the
14 most effective ways to bring this illegal occupation or these
15 blockades to an end, is to choke off the very real supply of
16 money that they were generating in ways that hadn't been
17 contemplated perhaps when some of this legislation was drafted.

18 So that instrument was seen as one of the
19 effective, and in my view it turned out to be quite effective,
20 in dissuading other protest activities and bringing to a
21 conclusion, particularly the context in Ottawa.

22 So there was the requirement for a national
23 application of the *Act* to ensure that those economic and
24 financial measures if you're a trucker from New Brunswick that's
25 parked on Wellington Street and your bank account is at the
26 Caisse Populaire UNI in Caraquet, New Brunswick, you shouldn't
27 be able to evade the financial measures that were necessary, in
28 our view, to bring this to a conclusion.

1 And the other very compelling reason from our
2 perspective to have a national application, was because the
3 situation was very dynamic and it was very fluid, and it wasn't
4 clear that if the Ambassador Bridge had been, and was in the
5 process of being cleared, it wasn't clear that these people
6 wouldn't come back; it wasn't clear that they wouldn't show up
7 in another jurisdiction.

8 There were still threats identified in other
9 provinces so we thought that the national application in the
10 event that there was a sympathy or pop-up blockade that was
11 illegal, it would give the law enforcement authorities in those
12 jurisdictions those instruments, but it also had a dissuasive
13 effect. It would have allowed enforcement authorities to
14 designate critical infrastructure to prevent people from
15 bringing children into an illegal protest or illegal occupation,
16 so we think that it had a dissuasive effect in terms of
17 spreading the serious and illegal occupation in Ottawa to other
18 jurisdictions across the country.

19 **MS. SHANTONA CHAUDHURY:** So it's really those
20 two branches or those two aims? One, the application of the
21 financial measures and cutting off funding; and two, the
22 preventative or dissuasive effect that in the Government's view,
23 meant that the Act had to apply nationally if it was going to be
24 effective?

25 **MINISTER DOMINIC LeBLANC:** That's right. Maybe
26 the second one might be sort of 2(a) and 2(b). There was a
27 dissuasive element but there was also the preventative element
28 of giving those jurisdictions those tools should they suddenly

1 arise that the Ferry Terminal to Newfoundland was blocked, that
2 we wouldn't have to reinvoke some special measure to allow the
3 authorities in the Province of Nova Scotia to have the measures
4 to designate a critical piece of infrastructure and to render
5 illegal an activity that was designed to disrupt the peace in
6 one of those contexts.

7 **MS. SHANTONA CHAUDHURY:** Okay, thank you. You
8 can take that document down now, Mr. Clerk, and pull up briefly
9 SSM.NSC.CAN00003224. And you can scroll down to page three,
10 please.

11 So, Minister LeBlanc, as you know the
12 consultation with the provinces is part and parcel of the
13 *Emergencies Act* under section 25; it's an obligation that must
14 be fulfilled before the *Act* can be involved,

15 So this is -- what we're looking at right now, is
16 the decision note prepared by the Clerk of the Privy Council
17 delivered to the Prime Minister on February 14th. And at the
18 bottom of the page here she talks about the consultation
19 requirement and she says:

20 "On February 14th, 2022 you convened a First
21 Ministers Meeting to discuss with the
22 Premiers and seek their views on this
23 scenario and the measures being explored."

24 Scroll down a bit because we know essentially what was said
25 during the meeting.

26 She summarizes the various opinions that were
27 expressed and then she says:

28 "This First Ministers Meeting will mee the

1 requirements for consultations with the
2 provinces under the *Emergencies Act*.

3 And then follows that with a letter.

4 So I suppose the question to put would be so this
5 was a -- one First Ministers Meeting and I think it lasted about
6 an hour or something like that, if that's correct. If this meets
7 the consultation requirement is there anything that wouldn't?

8 **MINISTER DOMINIC LeBLANC:** We believe that hat
9 meeting was an essential part, as you noted in terms of the
10 decision to invoke the *Act*. The Prime Minister had not made up
11 his mind whatsoever before that conversation. But a number of
12 discussions between my Cabinet colleagues and their counterparts
13 in the provinces and territories between senior officials of our
14 Government, in multi-lateral fora, and some cases bilaterally
15 with provincial and territorial officials, informed our
16 Government's conclusion that existing provincial municipal
17 authorities were going to be inadequate to bring this to a safe
18 and expeditious conclusion.

19 So this one meeting was the moment where the
20 Prime Minister shared his views on the potential invocation of
21 the *Emergencies Act*, but as I said, there were ongoing and
22 active bilateral and multi-lateral conversations at almost every
23 level of our Government that were necessary inputs into the
24 Government's decision to proceed to the *Emergencies Act* as the
25 source of final authority or the last resort in terms concluding
26 this serious threat to Canadian safety and security.

27 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can
28 you take that one down now and pull up SSM.CAN00000124.

1 So this is the report to Parliament on the
2 consultations which I assume you're quite familiar with,
3 Minister LeBlanc, and it goes to the point you were just making
4 I believe, which is -- sorry, scroll down a bit please, Mr.
5 Clerk, so we can just see what goes -- so the first thing that's
6 listed here is the background and then a sub-heading that says
7 "Engagement".

8 And over the next few pages -- we're not going to
9 go through it all; a lot of it we've heard about over the last
10 few weeks, but scroll down. It describes the various
11 engagements that were had about the political and officials'
12 level over the course of the convoy events.

13 Sorry, Mr. Clerk, can you just keep scrolling for
14 a little bit. Scroll down and we see the Prime Minister
15 speaking to the Premiers. Scroll down again, scroll down again,
16 keep scrolling. Keep scrolling,

17 And then we see on page -- I've lost count,
18 "Consultations on the *Emergencies Act* with the First Ministers."
19 And this describes the actual consultation with the First
20 Ministers that we've just gone through.

21 So if I take what you're saying, and if I'm not
22 putting it fairly, then please correct me, but the consultation
23 requirement was fulfilled in the Clerk's advice, and in your
24 view, by the First Ministers meeting at which the Premiers were
25 directly consulted about their views on the *Emergencies Act* but
26 that was also, in some sense, informed by discussions that had
27 been had broadly around the topic of how to resolve this problem
28 prior to that.

1 **MINISTER DOMINIC LeBLANC:** Exactly. There was a
2 very deep and a pervasive effort on our Government's part to
3 engage with provincial officials and Ministers, in some cases
4 municipal authorities, particularly to canvas that very issue of
5 our we missing some provincial regulatory authority, some
6 municipal authority that may assist in concluding some of the
7 illegal blockades or occupations, but also get ahead of some of
8 the discussion of other potential flareups.

9 So we viewed the consultation as much more than
10 one particular meeting. If you will, that was the conclusion of
11 the consultative effort. But as I said, many ministers and
12 senior officials of our government had been engaged for many
13 weeks with provincial and territorial officials on what
14 collectively we needed to do to manage a situation that was
15 becoming increasingly alarming, was spreading geographically.
16 The risk of violence or public disorder was growing, not
17 diminishing in some cases. So the trend lines were all
18 worrisome and that was part of the ongoing discussions.

19 The First Ministers meeting was the formal moment
20 where the prime minister heard from all the premiers. And I
21 think it might be instructive -- as I said, he started on the
22 west coast and went to the east coast with a trip across the
23 north to hear from the territorial premiers. He did not cut
24 anyone off. There were -- unlike your questioning and the
25 Commissioner's rules on time limits, there were no time limits
26 on that conversation.

27 He would have stayed on that call for as long as
28 any premier wanted to talk. He cut nobody off. He answered

1 some questions as premiers would ask them. Sometimes ministers
2 -- David Lametti, in particular -- so every premier on that call
3 had an unlimited opportunity to share his or her views with the
4 prime minister and some ministers and at the end he asked if
5 anybody had anything else to add before he concluded by saying
6 he had not made a decision and that he would reflect on what he
7 had heard, and the Governor-in-Council process was engaged later
8 that day.

9 **MS. SHANTONA CHAUDHURY:** Thank you. That's
10 helpful. And that actually, Minister, brings us to the end of
11 the questions that I have for you. But before I sit down I will
12 ask you, is there anything else you would like to add?

13 **MINISTER DOMINIC LeBLANC:** No, thank you. It's
14 been a privilege to answer your questions. And it's an
15 opportunity for me that I've never had as a lawyer to
16 participate in something like this. So thank you very much.

17 **MS. SHANTONA CHAUDHURY:** Commissioner, those are
18 my questions.

19 **COMMISSIONER ROULEAU:** Okay. So now we go to the
20 next phase. Do you want a break before we do that? Or just
21 press on?

22 **MINISTER DOMINIC LeBLANC:** Mr. Commissioner,
23 you've been at this longer today than I have, so if you're
24 prepared to go on, I am too. But it's entirely up to you.

25 **COMMISSIONER ROULEAU:** No problem. We're used to
26 long days here.

27 Okay. Convoy Organizers, please.

28 **MS. BATH-SHÉBA VAN den BERG:** Good evening, Mr.

1 Commissioner. Bath-Shéba Van den Berg, co-counsel for Freedom
2 Corp and Protesters. We have no questions for Minister LeBlanc.
3 However, we would like to give five minutes of our time to the
4 City of Windsor and 10 minutes to Justice Centre and Democracy
5 Fund. Thank you.

6 **COMMISSIONER ROULEAU:** That's a very good
7 development. Okay.

8 So just so I get that right, five minutes to
9 Windsor and 10 minutes the Democracy Fund JCCF; that's right?

10 Okay. So next is the Government of Saskatchewan,
11 please.

12 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

13 **MR. MICHAEL MORRIS:** Good evening, Minister. My
14 name is Mike Morris and I'm counsel for the Government of
15 Saskatchewan.

16 **MINISTER DOMINIC LeBLANC:** Good evening.

17 **MR. MICHAEL MORRIS:** I'm just going to advise,
18 I'm better in English than I am in French and my translation is
19 not working, so it will probably work better if we can speak in
20 English when possible, okay?

21 **MINISTER DOMINIC LeBLANC:** Happy to do so. My
22 mother was an Anglophone and my father a Francophone.

23 **MR. MICHAEL MORRIS:** Thank you, sir.

24 **MINISTER DOMINIC LeBLANC:** So I'm happy to have
25 our exchange in English.

26 **MR. MICHAEL MORRIS:** Okay. Minister, I
27 understand that the Intergovernmental Affairs Secretariat is
28 contained within the Privy Council Office, correct?

1 **MINISTER DOMINIC LeBLANC:** That's right.

2 **MR. MICHAEL MORRIS:** And Michael Vandergrift is
3 the DM of Intergovernmental Affairs, correct?

4 **MINISTER DOMINIC LeBLANC:** Yes, that's right.

5 **MR. MICHAEL MORRIS:** And I understand he was the
6 DM in January and February of this year as well; is that
7 correct?

8 **MINISTER DOMINIC LeBLANC:** Yes, it is.

9 **MR. MICHAEL MORRIS:** Okay. And there is an FPT
10 Intergovernmental Affairs group, correct?

11 **MINISTER DOMINIC LeBLANC:** There is. He has an
12 ongoing dialogue with his counterparts in provinces and
13 territories as well.

14 **MR. MICHAEL MORRIS:** I expect that group was very
15 active in January and February of this year, particularly with
16 respect to attempting to coordinate COVID related responses. Is
17 that fair?

18 **MINISTER DOMINIC LeBLANC:** That's fair. That
19 group was very busy, as I mentioned earlier, in our necessary
20 and, I would think, quite effective federal-provincial dialogue
21 around the COVID measures. But there were also, in the COVID
22 context Dr. Tam had her counterparts, the chief public health
23 officers. There were groups of health ministers. So the COVID
24 context was much more than Intergovernmental Affairs. But they
25 would have played, to your point, an active role in assisting
26 the Privy Council group that works with me and Mr. Vandergrift
27 in particular would have played an active role in supporting
28 other federal agencies and officials in their relationships with

1 provincial and territorial counterparts.

2 **MR. MICHAEL MORRIS:** Okay. But in spite of that,
3 this particular group that DM Vandergrift led, didn't meet with
4 respect to the *Emergencies Act* until after it was invoked,
5 correct?

6 **MINISTER DOMINIC LeBLANC:** That's right and there
7 has -- for the reasons I shared with your colleague, Commission
8 counsel, we thought that if the government was ultimately going
9 to conclude that that was the last resort to bring these illegal
10 occupations and protests and blockades to an end, it was not
11 conducive to have that conversation in a public context. And
12 the fewer meetings where that issue was raised, increased the
13 likelihood that we would be able to have that conversation in an
14 appropriate way at the appropriate moment and not have it in the
15 public space for days and weeks ahead of time.

16 **MR. MICHAEL MORRIS:** Right. And I'm just going
17 to quote from the interview summary for what DM Vandergrift
18 said. I expect this is exactly as you related it.

19 DM Vandergrift explained that the reason for this
20 was to avoid a leak of the subject matter such that premiers
21 could express their views at the meeting without creating a
22 public expectation around it. That sounds like it accords with
23 what you just explained, correct?

24 **MINISTER DOMINIC LeBLANC:** Absolutely. Yes,
25 that's correct.

26 **MR. MICHAEL MORRIS:** Okay. But you would agree
27 with me that the provincial governments would have been better
28 able to prepare for the meeting if they knew what it was going

1 to be about beforehand, would you not?

2 **MINISTER DOMINIC LeBLANC:** From my participation
3 at that meeting, none of the First Ministers appeared
4 unprepared. And frankly, when the prime minister explained the
5 reason for his convening the meeting, none of them expressed
6 surprise. So I didn't detect a level of unpreparedness or
7 surprise in that meeting at all.

8 **MR. MICHAEL MORRIS:** Okay. We heard a little bit
9 from Ms. Drouin, Deputy Clerk of the Privy Council last week.
10 And in her view, once it became known that the government, the
11 federal government was considering using the *Emergencies Act*, a
12 decision would need to be made very quickly about whether to
13 invoke it or not. Did you share that view as well?

14 **MINISTER DOMINIC LeBLANC:** Yes. I shared that
15 view and I think that view was widely shared in our government.
16 As I said, a protracted public discussion would not have been
17 conducive to an effective use of the Act, and effective
18 invocation. And a number of people offered the view that there
19 was a risk of an inflammatory effect including the government
20 you represent, so long protracted public conversation perhaps
21 wouldn't have been effective there either.

22 **MR. MICHAEL MORRIS:** Well, actually CSIS offered
23 that view as well, didn't they?

24 **MINISTER DOMINIC LeBLANC:** That's right. And the
25 government considered that view absolutely.

26 **MR. MICHAEL MORRIS:** Okay. But you're certainly
27 aware that on February 13th Minister Blair did -- well, I'm aware
28 of two interviews, one with Rosemary Barton and one with

1 Mercedes Stephenson where he indicated to those people, National
2 media, that the federal government was considering invoking the
3 *Emergencies Act*. You're aware of that, correct?

4 **MINISTER DOMINIC LeBLANC:** I remember those
5 interviews that Sunday. It was -- the journalists were asking,
6 you know, is the government considering every possible option?
7 I'll remind you, it was the third weekend that the City of
8 Ottawa was paralyzed in a way that was, in our view, of
9 significant and serious risk to public safety and security. And
10 Mr. Blair was saying that any responsible government would at
11 this point in that emergency look at every available option to
12 bring this to a successful and safe conclusion.

13 **MR. MICHAEL MORRIS:** Thank you. I'm going to ask
14 the clerk to pull up a document. It's SSM.CAN00002370. And
15 just so you know, Minister, this document is listed as "FMM Feb
16 14 Q and A" so I assume it's Q and As that were prepared for the
17 First Ministers meeting. Were you aware that such things were
18 prepared?

19 **MINISTER DOMINIC LeBLANC:** Some of those things
20 are prepared regularly for various meetings. I don't remember
21 seeing this document certainly before the meeting. I looked at
22 it and some of the documents that might have been sent by the
23 Commission, but I certainly didn't see this document before the
24 First Ministers' Meeting.

25 **MR. MICHAEL MORRIS:** Okay. Do you have any
26 reason to believe that it wasn't prepared for the First
27 Ministers' Meeting? It was ---

28 **MINISTER DOMINIC LeBLANC:** No, but I can't speak

1 to which documents were prepared by which officials. I don't
2 have a full recollection of what documents were circulated, but
3 if you tell me that that was a Privy Council or federal
4 government document that was circulated, I'm prepared to take
5 your word for it, but I can't speak to it personally.

6 **MR. MICHAEL MORRIS:** Okay. And I just want you
7 to take a look at the first two questions on this Q&A. The
8 first one is:

9 "Why did you wait so long to act?."

10 And the second is:

11 "When will this come into effect?"

12 Will you agree with me that these Q&As appear to
13 have been drafted as if the decision to invoke the Act had
14 already been made by the time of the First Ministers' Meeting?

15 **MINISTER DOMINIC LeBLANC:** No, that -- that -- I
16 can tell you without hesitation that the decision had not been
17 made. If some communications official is preparing documents
18 for other officials, or for political offices -- as I say, I
19 don't know who prepared these documents or where there were
20 circulated but there are a series of documents that are prepared
21 for various hypothetical scenarios in the government as part of
22 the routine course of the business, so I would not agree with
23 the characterization that that speaks to a decision made.

24 **MR. MICHAEL MORRIS:** Okay. Or perhaps whoever
25 drafted it may have been mistaken; is that your view, then?

26 **MINISTER DOMINIC LeBLANC:** No, maybe they were.
27 I hadn't -- I wouldn't have said it that way until you did.
28 Maybe they were. But, as I say, this is a normal course of

1 business for communications officials in the Government of
2 Canada. That decision was clearly before the cabinet. The
3 cabinet had been -- the Incident Response Group and the cabinet
4 had been considering this second track process for a few days.
5 I don't know when this document was produced, even. But as that
6 decision was being considered, it would have been normal for
7 communications officials to compare documents in contemplation
8 of a decision, but it does not confirm a decision. That would
9 not be accurate.

10 **MR. MICHAEL MORRIS:** Okay. Sir, Commission
11 counsel took you to some of the things that were said during the
12 First Ministers' Meeting. I would like to address some of the
13 things that weren't said during the call. Will you agree with
14 me that there was no discussion about there being an approved
15 operational plan to clear the protest in Ottawa?

16 **MINISTER DOMINIC LeBLANC:** That was a discussion
17 that I remember at a number of Incident Response Group meetings
18 or ---

19 **MR. MICHAEL MORRIS:** But not at the First
20 Ministers' Meeting. That's what I'm interested in, sir.

21 **MINISTER DOMINIC LeBLANC:** I don't remember the
22 First Ministers getting into operational policing details in the
23 City of Ottawa, no, I don't.

24 **MR. MICHAEL MORRIS:** Okay. And will you agree
25 with me that at that FMM meeting, the federal government did not
26 advise that no police services said they needed additional
27 authorities?

28 **MINISTER DOMINIC LeBLANC:** Again, that -- the

1 Prime Minister convened that meeting to hear from premiers. We
2 didn't provide them with detailed briefings on what police
3 authorities had told our cabinet.

4 **MR. MICHAEL MORRIS:** Okay. Will you agree with
5 me that there was no discussion of the specific measures that
6 would be included in the Emergency Economic Measures Order?

7 **MINISTER DOMINIC LeBLANC:** I'd want to see the
8 document again that was -- that your colleague, the Commission
9 counsel, brought out. In terms of the First Ministers' Meeting.
10 I do know, at the very front end of it, my colleague, David
11 Lametti, explained six areas where the government was
12 considering as potential sources of emergency authorities in the
13 declaration -- in a potential declaration, but I don't remember
14 the detail that he would have given on particular financial
15 measures. I do know that that was shared with premiers as one
16 of the potential sources of authorities in this declaration.

17 **MR. MICHAEL MORRIS:** Okay. I think your counsel
18 can probably take it up with you because they have some time at
19 the end. I have limited time, unfortunately. But would you
20 agree with me that there was no discussion, for example, of how
21 credit unions may be affected by the order, or how insurers
22 might be affected by the order, no acknowledgement that they're
23 provincial Crown corporations that provide motor vehicle
24 insurance that could be affected by the order. Will you agree
25 with me on those points?

26 **MINISTER DOMINIC LeBLANC:** Again, I don't
27 remember the specifics of which financial institutions would or
28 would not be affected, but I do know we shared with First

1 Ministers the very clear option that, should there be an
2 invocation of the *Emergencies Act*, one of the authorities that
3 we would purport to invoke would be a way to immobilize some of
4 the very real financing, which was fueling -- and no pun
5 intended because a lot of it was spent on fuel, I think -- was
6 fueling the illegal occupation in the City of Ottawa and some of
7 the blockades at critical border infrastructures, as examples.

8 **MR. MICHAEL MORRIS:** I think I can probably help
9 out a little bit. The document that Commission counsel showed
10 you was prepared by the Government of Canada, so I just want you
11 to confirm that you have no reason to believe that it was
12 inaccurate in terms of what it put in or left out in terms of
13 the summary, do you?

14 **MINISTER DOMINIC LeBLANC:** I'm not trying to be
15 difficult, but the Commission counsel put a number of government
16 document before me. If you're talking about the one at the end
17 where your colleague went through various premiers' comments at
18 the ---

19 **MR. MICHAEL MORRIS:** Yes.

20 **MINISTER DOMINIC LeBLANC:** --- at the First
21 Ministers' Meeting, that was an accurate description, as I
22 remember that particular conversation at 10:15 of the 14th with
23 the premiers.

24 **MR. MICHAEL MORRIS:** And you'll agree with me
25 that several of the premiers, including Premier Mo, expressed
26 concern that invoking the Act could enflame circumstance?

27 **MINISTER DOMINIC LeBLANC:** Yes, that's accurate.

28 **MR. MICHAEL MORRIS:** And, in fact, that was

1 similar to a concern that had been raised by CSIS, correct?

2 **MINISTER DOMINIC LeBLANC:** That's also correct,
3 yes.

4 **MR. MICHAEL MORRIS:** And several of the premiers
5 indicated that demonstrations were being adequately handled with
6 existing authorities including Premier Mo; is that fair?

7 **MINISTER DOMINIC LeBLANC:** That's fair. Several
8 also indicated concerns in their own jurisdictions, and the
9 Premier of Ontario, as I'm sure you've noted, identified very
10 real gaps. I also thought it was interesting, the number of
11 premiers that spoke of the challenge of getting tow trucks to
12 clear, if it was in Coutts, Alberta, or if it was in Windsor, I
13 -- the inability to get heavy-lift tow trucks was something that
14 a number of jurisdictions had shared, and that, as you would
15 know, is obviously one of the powers that the *Emergencies Act*
16 may have provided.

17 **MR. MICHAEL MORRIS:** Sir, do you know when the
18 Caucus Meeting was held on February 14th?

19 **MINISTER DOMINIC LeBLANC:** My recollection, I
20 think it was a half-an-hour or 45-minute call earlier in that
21 morning, as I'm -- I've thought about this. I didn't keep
22 notes. I listened to that meeting. I -- by memory, it would
23 have been maybe nine o'clock on the morning of the 14th.

24 **MR. MICHAEL MORRIS:** Okay. So it would have been
25 before the First Ministers' Meeting, then?

26 **MINISTER DOMINIC LeBLANC:** Again, subject to
27 somebody correcting me, that would be my best recollection, yes.

28 **MR. MICHAEL MORRIS:** We know that the prime

1 minister did a press conference at 4:30 p.m. on the 14th where he
2 announced that the *Emergencies Act* was being invoked. Did
3 cabinet receive any notice that the prime minister had made that
4 decision before 4:30 p.m.?

5 **MINISTER DOMINIC LeBLANC:** The way -- the prime
6 minister did not convene another cabinet meeting after the one
7 on the Sunday evening. A number of ministers with operational
8 responsibilities, of course, would have been involved in some of
9 the drafting necessary for the Governor-in-Council process,
10 which was engaged after the First Ministers' Meeting and after
11 the prime minister received the Decision Memo forwarded to him
12 by the Clerk of the Privy Council. But there was no formal
13 cabinet notification that took place once the prime minister had
14 come to his decision after the First Ministers' Meeting and the
15 Governor-in-Council process was engaged, which led to the Order-
16 in-Council being issued.

17 **MR. MICHAEL MORRIS:** Minister ---

18 **COMMISSIONER ROULEAU:** You're well over your
19 time. I've given you, in fact, an extra five minutes, so
20 please, if you could wrap up.

21 **MR. MICHAEL MORRIS:** One last question,
22 Commissioner. Minister, how and when did you find out that the
23 prime minister had made his decision to invoke the Act?

24 **MINISTER DOMINIC LeBLANC:** I was probably
25 consulted during that afternoon, whether it was around the media
26 -- the news conference the prime minister had at the end of the
27 day, and the Governor-in-Council process had been engaged, so I
28 was probably notified by somebody in his office that this was a

1 decision as we moved towards of the afternoon and we were
2 getting ready for what would have been the public announcement.

3 **MR. MICHAEL MORRIS:** Thank you, Minister. I
4 appreciate you answering my questions today.

5 **MINISTER DOMINIC LeBLANC:** Thank you.

6 **COMMISSIONER ROULEAU:** Okay, thank you. Next,
7 if I can call on the Canadian Constitution Foundation, please.

8 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

9 **MR. SUJIT CHOUDHRY:** Minister LeBlanc, my name is
10 Sujit Choudhry. I'm counsel for the Canadian Constitution
11 Foundation. So ---

12 **MINISTER DOMINIC LeBLANC:** Good evening.

13 **MR. SUJIT CHOUDHRY:** Good evening. I'd like to
14 pick up on a theme that was being developed by my friend from
15 the Government of Saskatchewan. And so the theme, I would
16 submit to you, is this: That, as you know, the *Emergencies Act*
17 has a number of requirements that has to be met to declare a
18 Public Order Emergency; correct?

19 **MINISTER DOMINIC LeBLANC:** That's right.

20 **MR. SUJIT CHOUDHRY:** And so it's -- one of the
21 questions that we're trying to get at is whether at the First
22 Ministers Meeting the Prime Minister and other members of the
23 Cabinet in attendance effectively communicated to the First
24 Ministers why they felt those requirements had been met.

25 So my friend just asked you questions about the
26 availability of other legal options, the so-called policing
27 plan; correct?

28 **MINISTER DOMINIC LeBLANC:** The policing plan ---

1 **MR. SUJIT CHOUDHRY:** Policing plan.

2 **MINISTER DOMINIC LeBLANC:** --- you're referring
3 to the City of Ottawa policing plan?

4 **MR. SUJIT CHOUDHRY:** Well -- or what
5 Commissioner Lucki has put into evidence that there was in fact
6 by the 14th a policing plan available or ready to be triggered,
7 but -- and my friend I believe asked you whether that plan was
8 put to the First Ministers, and you weren't sure if it had been
9 or not.

10 **MINISTER DOMINIC LeBLANC:** Well, I -- but I --
11 again, I -- I'd want to see the... One of the major concerns
12 that the Government had is the lack of effective policing plan,
13 particularly in Ottawa, to some extent in Windsor. These things
14 had dragged on now for two and three weeks, and the policing
15 authorities were not advancing a plan, or more importantly,
16 implementing a plan that would bring these to a conclusion. But
17 the First Ministers Meeting didn't discuss operational details
18 of policing plans.

19 **MR. SUJIT CHOUDHRY:** What I'd like to do is pick
20 up on another limb of the legal test for whether a Public Order
21 Emergency can be declared, which is whether there is a threat to
22 national security. And you're aware of that; correct?

23 **MINISTER DOMINIC LeBLANC:** Yes.

24 **MR. SUJIT CHOUDHRY:** And so you're aware that
25 under section 16 of the *Emergencies Act* the Governor in Council
26 can only declare a Public Order Emergency if there's a threat to
27 national security.

28 **MINISTER DOMINIC LeBLANC:** Yes, and we concluded

1 there was.

2 **MR. SUJIT CHOUDHRY:** You did. And did you
3 provide any type of documentation or explanation to the First
4 Ministers as to the basis for your conclusion that there was a
5 threat to national security?

6 **MINISTER DOMINIC LeBLANC:** Again, in terms of
7 documentary evidence, I -- or documentary exchanges, I wasn't
8 privy to those. I do know that Deputy Ministers and Public
9 Safety were sharing information, the Commissioner of the RCMP,
10 obviously, with various police leaders in other jurisdictions.
11 So there was an ongoing and active exchange of information, as
12 is entirely appropriate, between federal and provincial law
13 enforcement officials, but in terms of whether that particular
14 policing information was shared at the First Ministers table, it
15 was not.

16 **MR. SUJIT CHOUDHRY:** So Minister, I put to you
17 this: that for the consultation requirement to have some
18 substance to it, the Federal Government is under a duty, I'd ask
19 you, to be as transparent as possible with the First Ministers
20 on that call about why it is taking the exceptional step of
21 triggering the *Emergencies Act*; correct?

22 **MINISTER DOMINIC LeBLANC:** Why we were
23 considering taking the exceptional ---

24 **MR. SUJIT CHOUDHRY:** Yes.

25 **MINISTER DOMINIC LeBLANC:** --- step. And as I
26 explained to your colleague, the Commission Counsel, those
27 reflections, those considerations were informed by more than
28 three weeks of active exchanges between the Government of Canada

1 and provincial and territorial counterparts. So to say that
2 they were not in possession of the intelligence information, the
3 policing information I don't think is an accurate description.

4 And I know many of the premiers, because they told
5 me, were also being briefed on an active and ongoing basis, in
6 some cases by RCMP commanders in their particular provinces,
7 because the divisional commanders of the RCMP are of course
8 contract police in that jurisdiction, and they were having
9 ongoing and active discussions with Public Safety ministers in
10 those provinces. And in the case of Premier Kenney, he was
11 clearly being updated in considerable detail by the police
12 commanders in the Province of Alberta.

13 **MR. SUJIT CHOUDHRY:** But Minister LeBlanc, I
14 believe you understand that at this point, according to the
15 evidence that we've heard in the Commission, there were two
16 potential sorts of threat assessments at the centre presented in
17 the Privy Council Office. The first you're probably aware of is
18 Director Vigneault's assessment; correct? And he had assumed --
19 he concluded that there was no threat to national security for
20 the purposes of the *CSIS Act*. And you're aware that?

21 **MINISTER DOMINIC LeBLANC:** And that's a very
22 significant -- yes ---

23 **MR. SUJIT CHOUDHRY:** I -- yes?

24 **MINISTER DOMINIC LeBLANC:** --- for the purposes
25 of the *CSIS Act*, and I think it's important that there not be
26 confusion around which particular section of what Act he was
27 referring to.

28 **MR. SUJIT CHOUDHRY:** But as you probably know,

1 last week the NSIA, Ms. Thomas, testified that on her -- in her
2 view there was a threat to national security under the
3 *Emergencies Act*; correct?

4 **MINISTER DOMINIC LeBLANC:** Yes.

5 **MR. SUJIT CHOUDHRY:** And -- but was that -- was
6 her view shared with the First Ministers on that call so that
7 the consultation was more than just providing them with notice?

8 **MINISTER DOMINIC LeBLANC:** Well, I don't share
9 your view that the consultation was providing them with notice.
10 The National Security Advisor wasn't briefing the First
11 Ministers on that call, she would regularly update the Cabinet
12 and the Incident Response Group. We benefitted from her
13 analysis and that of Director Vigneault as well.

14 But I'm not quibbling with you. The purpose of
15 that consultation was not to have a legal discussion with First
16 Ministers on the test that the Governor in Council was going to
17 apply when and if we made the decision. My colleague, David
18 Lametti, will be here tomorrow. He'll be able, I'm sure, to
19 speak directly to the legal test that the government was using
20 and concluded when the Governor in Council made the decision.
21 We consulted carefully and listened very carefully to what First
22 Ministers said at that meeting, and in a series of previous
23 discussions in the preceding weeks as well.

24 **MR. SUJIT CHOUDHRY:** But just to be clear, at the
25 First Ministers meeting you don't recall if a detailed threat
26 assessment was provided to the premiers?

27 **MINISTER DOMINIC LeBLANC:** Again, that -- first
28 of all, that would not have been a secure forum. A telephone

1 conference call is not normally where senior intelligence
2 officials would share detailed threat assessments. So that
3 particular venue would not have been possible or appropriate.

4 But the way that information was shared with
5 provinces and territories is through the ongoing and secure
6 communications between law enforcement officials of the
7 Government of Canada, and those premiers, many of them would
8 talk to us about it, were being updated by their own Deputy
9 Ministers of Public Safety or Deputy Solicitors General in some
10 provinces, or senior police leadership in their province that
11 had the benefit of an open exchange in a secure context with the
12 Canadian intelligence and law enforcement officials that were
13 briefing the Government of Canada.

14 **MR. SUJIT CHOUDHRY:** Minister, I have a couple of
15 minutes left. I want to take you to a different issue if I may.

16 It's about your conversations with the Government
17 of Quebec and the reservations expressed by Premier Legault and
18 then your subsequent phone call with Minister LeBel. And if I
19 understood you correctly, it was your position that the economic
20 emergency measures that were taken had to apply nationally;
21 correct?

22 **MINISTRE DOMINIC LeBLANC:** Oui, moi, j'ai offert
23 à la Ministre LeBel, suite à la discussion avec les premiers
24 ministres, que pour que les mesures économiques soient
25 efficaces, il fallait y avoir une application nationale, parce
26 que si quelqu'un avait un compte de banque, par exemple, à la
27 Caisse populaire au Québec ou à la Banque Nationale, ce ne sera
28 pas à l'abri des mesures économiques nécessaires, dans notre

1 jugement, pour amener ces actes illégaux à une conclusion.

2 **MR. SUJIT CHOUDHRY:** But the same rationale does
3 not apply to the non-economic measures, does it?

4 **MINISTER DOMINIC LeBLANC:** Well, it does in the
5 sense that they were preventative. We thought it was important.
6 As I said to your colleague earlier, it wasn't clear that this
7 problem was going to go away or that the people occupying the
8 bridge in Windsor, Ontario weren't going to displace themselves
9 somewhere else. There was an active discussion about risks to
10 other critical infrastructure. So we thought that the national
11 application of those measures, in the case it ultimately was
12 necessary, would have given the local law enforcement
13 authorities the tools, for example, that the City of Ottawa and
14 the Ontario Provincial Police and the RCMP used so effectively
15 to bring the occupation in Ottawa to a conclusion.

16 **MR. SUJIT CHOUDHRY:** Minister Leblanc, let me end
17 with this question then. But wouldn't it have been an
18 alternative to have offered those non-economic measures to those
19 provinces that wanted them and to enable them to opt in as they
20 wished to? So those provinces that needed and wanted those
21 powers could have gotten them right away and those that maybe
22 needed them later could have opted in if they needed them?

23 **MINISTER DOMINIC LeBLANC:** That wasn't considered
24 as a responsible or realistic option because by enabling all of
25 the local enforcement, law enforcement, and provincial police
26 authorities to have recourse to those powers should they, in
27 their judgement, determine they were necessary, was a more
28 effective and comprehensive way to provide the deterrent effect

1 to not have a particular group of illegal occupiers in one spot
2 displace themselves somewhere else. So we didn't think we
3 should be having Governor in Council processes every day
4 following that decision. The more effective and responsible way
5 was to enable those authorities in the other jurisdictions to
6 have recourse to that should they, in their judgement, decide it
7 was necessary.

8 **MR. SUJIT CHOUDHRY:** Thank you, sir.

9 **MINISTER DOMINIC LeBLANC:** Thank you.

10 **COMMISSIONER ROULEAU:** Thank you. Next is the
11 Democracy Fund, JCCF.

12 **--- CROSS-EXAMINATION BY MR. HATIM KHEIR:**

13 **MR. HATIM KHEIR:** Good afternoon, Minister.

14 **MINISTER DOMINIC LeBLANC:** Good evening.

15 **MR. HATIM KHEIR:** Yes, good evening. I'm Hatim
16 Kheir. Counsel for the Justice Centre for Constitutional
17 Freedoms.

18 So the first document I'd like to take you to is
19 the one that we've been talking about for a bit now. It's
20 SSM.NSC.CAN.00000625_Rel.0001.

21 So while that's being pulled up, this is the
22 document relating to the First Ministers conference call, as it
23 says right there.

24 And if we could please go to page 2? Yes, there.

25 Do you see under Premier Horgan's third point, he
26 said that:

27 "Local law enforcement [was] able to manage."

28 Do you see that?

1 **MINISTER DOMINIC LeBLANC:** Yes.

2 **MR. HATIM KHEIR:** Okay. And if we could please
3 go to page 3? If we can go to Premier Kenney's comments?

4 So at the top of his first point, do you see
5 there where he said that 15 days ago they had 1,000 trucks doing
6 a rolling protest but then 900 went home, it was reduced to 100
7 hardcore who stayed behind. And then just a little bit beyond
8 that, he says they're down to a group of 40 "for the past
9 several days." Do you see that?

10 **MINISTER DOMINIC LeBLANC:** Yes, I do.

11 **MR. HATIM KHEIR:** And then do you also see where,
12 between the redactions, Premier Horgan informed the Ministers at
13 the meeting that they've:

14 "...procured on market for equipment and
15 have drivers in place. [So] [u]nless an
16 unexpected surprise, should open Coutts
17 border crossing today."

18 Do you see that?

19 **MINISTER DOMINIC LeBLANC:** Yes, I see that.

20 **MR. HATIM KHEIR:** Okay. And then lastly, under
21 the -- or lastly with respect to Premier Kenney, under the
22 redactions, if we can just scroll down a little bit, it seems
23 that Premier Kenney informed the First Ministers Meeting that at
24 a previous meeting he had asked the Federal Government to stop
25 the vaccine mandate for truckers. He said he doesn't:

26 "...understand the public health rationale,
27 given the level of transmission. Truckers
28 are isolated in cabs, can do rapid tests."

1 And that -- or he said he:

2 "Thought it was an unnecessary
3 provocation..."

4 Premier Kenney informed the First Ministers
5 Meeting of that?

6 **MINISTER DOMINIC LeBLANC:** Yes. As I said, this
7 is, in my view, an accurate summary of that meeting.

8 **MR. HATIM KHEIR:** Okay. And then just proceeding
9 on to page 5, Premier Stefanson for Manitoba, under her second
10 point, informed the government that the RCMP were confident that
11 they had the tools in place under provincial law needed at the
12 Emerson Border Crossing and they were finalizing plans to open
13 the border; correct?

14 **MINISTER DOMINIC LeBLANC:** Yeah, that's what it
15 says.

16 **MR. HATIM KHEIR:** Okay. So all those premiers
17 had informed the Federal Government that further powers were not
18 needed then in their provinces?

19 **MINISTER DOMINIC LeBLANC:** That was their view
20 during that meeting, yes.

21 **MR. HATIM KHEIR:** Okay. Thank you. The next --
22 I'm going to change course a little bit here. If we can please
23 pull up SSM.CAN.00000094_Rel.0001?

24 And while that's coming up, we're already heard
25 about you had a discussion with Premier on February 10th.
26 Correct?

27 **MINISTER DOMINIC LeBLANC:** Yes.

28 **MR. HATIM KHEIR:** Okay. So if we can please just

1 scroll down to the second email in the chain, which I take it
2 was chronologically the first email?

3 This is a read out of that conversation that you
4 had with Premier Ford?

5 **MINISTER DOMINIC LeBLANC:** Yes, that's a summary
6 that my Deputy Minister of Intergovernmental Affairs, Michael
7 Vandergrift, would have circulated to colleagues across the
8 government that you see noted at the top of that email.

9 **MR. HATIM KHEIR:** Okay. And Mr. Clerk, can we
10 please scroll down to the second page? I want to take you to
11 the third -- sorry, the final paragraph in the summary?

12 So it says there that the Premier had informed
13 you that on the following Monday, which I take it would be
14 February 14th, he will be announcing plans to relax public health
15 measures. And he said in his view:

16 "...the public is at a breaking point..."

17 And then he refers to other jurisdictions taking
18 these steps.

19 Do you see that?

20 **MINISTER DOMINIC LeBLANC:** Yes.

21 **MR. HATIM KHEIR:** And I take it that accords with
22 your recollection of the call?

23 **MINISTER DOMINIC LeBLANC:** Yes.

24 **MR. HATIM KHEIR:** Okay. Now he refers to other
25 jurisdictions taking steps. Was it your understanding that he
26 was referring to Alberta, who had announced that they were
27 implementing an accelerated removal of covid restrictions on
28 February 8th?

1 **MINISTER DOMINIC LeBLANC:** To be honest, I don't
2 want to mislead, I don't -- I would not be able to say which
3 jurisdiction he was referring to. He may have been talking,
4 obviously, to other provincial premiers, and his officials would
5 have been. They speak actively amongst themselves, as would Dr.
6 Moore, who was his Chief Public Health Officer with their
7 counterpart. So I can't purport to remember the sequence of
8 which jurisdiction was enacting or altering which particular
9 measures.

10 **MR. HATIM KHEIR:** Okay. So given that they're
11 all talking amongst themselves, he might have actually been
12 referring to Manitoba, which removed their -- made a similar
13 announcement the following day, or Saskatchewan, which made an
14 announcement on the same day Premier Ford had made that plan;
15 right?

16 **MINISTER DOMINIC LeBLANC:** Again, I'm taking your
17 word for it. I don't remember the sequence of which province
18 changed what public health posture within their own
19 jurisdiction. But I take your word for it if you have a
20 sequence of provincial public health measures.

21 **MR. HATIM KHEIR:** Okay. I want to hone in on one
22 point that Premier Ford raised there. He referred to the public
23 being at its breaking point. Would you agree that the Freedom
24 Convoy protest was one expression of that sentiment?

25 **MINISTER DOMINIC LeBLANC:** I would think that
26 certainly in the initial days of the convoy, that attracted a
27 great deal of that sentiment, and our government has
28 acknowledged the difficulty that covid represented for millions

1 of Canadians. We, the Prime Minister, Ministers, have
2 acknowledged that this has been extremely difficult on many
3 Canadians, on sectors of the economy. We all know the list of
4 very difficult circumstances that the pandemic brought. So we
5 acknowledge that.

6 And certainly, as the convoy was taking form, and
7 the first day that we saw on Parliament Hill, there were
8 probably a number of lawful protestors that came to express that
9 sentiment.

10 That wasn't the case as the thing dragged on and
11 as it evolved. But in the initial steps, I think that might be
12 a fair characterization, that some of the people participating
13 in some of the convoy activities fit in that category. Clearly
14 some didn't.

15 **MR. HATIM KHEIR:** But you'd agree as a general
16 principle that generally the goal of protestors is to be heard
17 by their government on an issue that concerns them?

18 **MINISTER DOMINIC LeBLANC:** I'm not sure I'd
19 generalize that across protest movements around the world or
20 across the country. I can't speak to why particular protest
21 movements are formed. One protests because one wants to bring
22 public attention to a particular issue or bring a certain public
23 policy or governmental policy to public attention. But I
24 wouldn't purport to speak for why people show up at protests or
25 organize protests.

26 **MR. HATIM KHEIR:** Well, you'd agree that the --
27 that ability to protest is one of the reasons it's protected in
28 our Charter is because it's important to that democratic

1 process? It's the voice of -- you know, it's one of the ways
2 that people can have a voice?

3 **MINISTER DOMINIC LeBLANC:** Absolutely. Lawful
4 and peaceful protest is an essential part of any democracy, and
5 as you said, it's protected constitutionally in Canada.

6 **MR. HATIM KHEIR:** So you agree that the provinces
7 then that were responding to these protests by lifting their
8 restrictions would be an example of protesters being
9 successfully heard, right?

10 **MINISTER DOMINIC LeBLANC:** No, I wouldn't speak
11 for why provincial health authorities made those decisions. I
12 have noted on a number of occasions that Premier Ford in the
13 case of Ontario referred to following the medical advice from
14 Dr. Moore, his chief public health officer, and other
15 scientists. So no, I wouldn't purport to say, and I certainly
16 don't purport to speak for premiers or their health ministers or
17 their chief public health officers. They can explain why they
18 made particular decisions with respect to their public health
19 measures. But to say that it is in response to a protest, I
20 think is a pretty simplistic analysis that may not be borne out
21 by what a number of them have said publicly.

22 **MR. HATIM KHEIR:** What they've said publicly, but
23 if we look at Premier Ford's comments in this call, I grant you
24 he says he has the support of Dr. Moore, but he says that the
25 public is at a breaking point, and so he's going to put in a
26 more aggressive schedule in Ontario. You didn't take him to be
27 referring to taking action in response to the protests?

28 **MINISTER DOMINIC LeBLANC:** No. He -- no, because

1 in that same conversation, he talked about his extreme
2 frustration with the protests and the illegal blockades and the
3 serious multi-billion-dollar damage it was doing to the economy
4 of Ontario.

5 He shared with me the conversations he had with
6 the governor of Michigan. He shared with me the conversations
7 with union leaders, business leaders about the investment
8 climate that this was sending for Ontario. He spoke to me about
9 the very real risk of violence in Ottawa, the illegal occupation
10 of Ottawa. He was not crediting the illegal occupation or
11 blockades with his decision to adjust public health measures,
12 and in fact, he referred to his chief public health officer in
13 that context as well.

14 **MR. HATIM KHEIR:** He wasn't crediting that
15 decision but it doesn't mean it wasn't motivating it, right?

16 **MINISTER DOMINIC LeBLANC:** Well, Premier Ford is
17 quite an articulate political leader. I can't speak for why he
18 made particular decisions within the sovereign jurisdiction of
19 the Government of Ontario, but my frequent conversations with
20 him would lead me to believe that the decisions that he made on
21 the appropriate public health measures -- and Ontario was one of
22 the jurisdictions in the country that had, at various times,
23 amongst the most severe measures.

24 So his government had taken very difficult and
25 very real steps in the fight against the Corona Virus, which we
26 thought were very conducive to trying to protect as many
27 citizens of his province as possible.

28 So his leadership with respect to public health

1 measures, from my conversations with him, was not motivated by
2 the illegal blockade that was causing such harm to the economy
3 of Ontario in Windsor or the completely unacceptable illegal
4 occupation of the City of Ottawa.

5 **MR. HATIM KHEIR:** Well, let's turn our attention
6 to a different premier. I'm going to ask that we pull up
7 PB.CAN.00001846. You've already seen this, I believe, or at
8 least, a different version of this document.

9 And Mr. Clerk, if we can please go to the last
10 page? We're going to have to zoom in on the second screenshot.
11 Perhaps if we could even just zoom in a little bit more? It's
12 okay if the bottom gets cut off. Okay.

13 So apologies for the quality of the screenshot.
14 This is how we received it but do you see there at the top it
15 says the date, Friday, February 11th?

16 **MINISTER DOMINIC LeBLANC:** I do.

17 **MR. HATIM KHEIR:** Okay. And then it says there,
18 "Dominic." I take it that this was -- I think actually, it was
19 already in response to Commission counsel, this is a message
20 that you sent?

21 **MINISTER DOMINIC LeBLANC:** Yeah, this is a -- I
22 had sort of copy pasted a text message that I had received, I'm
23 guessing if it was 7:47 in the morning. I might have received
24 it overnight from Premier Kenney and I was forwarding it, I
25 think, to my colleagues.

26 **MR. HATIM KHEIR:** So the message from Premier
27 Kenney that you were forwarding, which has already been referred
28 to, is that he said:

1 "The trucker vax policy is obviously
2 just dumb political theatre. Calling
3 them Nazis hasn't exactly helped."

4 Right?

5 **MINISTER DOMINIC LeBLANC:** Those were his words
6 in his message to me.

7 **MR. HATIM KHEIR:** Right.

8 Now, my question for you, Minister, is was this
9 sentiment ever relayed to Cabinet as a whole?

10 **MINISTER DOMINIC LeBLANC:** I was updating my
11 Cabinet colleagues at the Incident Response Group on various
12 discussions with premiers. I would have forwarded that to, I
13 think -- I can't see the top of it but I remember it was
14 Minister Alghabra, I think, Omar, and probably Marco Mendicino.
15 But I was updating my Cabinet colleagues on those interactions.

16 But so too was Dr. Tam, who was talking to her
17 chief public health officer counterparts. So the sharing of
18 information around the views of provincial governments was much
19 broader than my summarizing for Cabinet colleagues various
20 conversations that I may have had with premiers.

21 **MR. HATIM KHEIR:** Given -- and you know, we did
22 see that Premier Kenney raised a similar statement, though
23 perhaps a different language at the first ministers' meeting,
24 did the government consider lifting restrictions as a way to
25 hear what the protesters were asking for?

26 **MINISTER DOMINIC LeBLANC:** No. The decisions
27 that we made on public health measures were informed by public
28 health advice from doctors and from scientists. That was always

1 the focal point of our decision making as a government with
2 respect to these public health measures.

3 **MR. HATIM KHEIR:** I put it to you that Premier
4 Kenney was right in that the removal of the exemption for
5 truckers that led to this whole protest in the first place was
6 just a political tactic.

7 **MINISTER DOMINIC LeBLANC:** It won't surprise you
8 that I don't share that view, and I would also remind you that
9 the United States had a vaccine mandate with respect to truckers
10 that the Government of Canada was not able to lift. So there
11 was also a lot of confusion around whether if ultimately based
12 on medical and scientific advice we determined that that
13 particular mandate was no longer necessary, if the United States
14 government hadn't lifted that particular measure, it wouldn't
15 have changed much for truckers trying to cross that particular
16 international border, as an example.

17 **MR. HATIM KHEIR:** Well, what about referring to
18 the protesters as Nazis? I put it to you that that was also a
19 political tactic.

20 **MINISTER DOMINIC LeBLANC:** Again, I don't share
21 that view. I didn't agree with the characterization of Premier
22 Kenney. I shared his message with colleagues of mine.

23 **MR. HATIM KHEIR:** Those are all the questions I
24 have. Thank you, and I believe there is some time left over so
25 I can pay back yesterday's indulgence with interest.

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

27 So next is the CCLA please.

28 Not sure what's going on.

1 **MR. GRAHAM REEDER:** Those words we've heard so
2 many times, Commissioner, "You must be on mute."

3 **COMMISSIONER ROULEAU:** Yeah. Well, not on mute.
4 I think she's -- she was here this morning. We heard her
5 earlier. Maybe she didn't realize she had time, or you were so
6 clear that she has no questions.

7 Okay. Well, we'll move to the City of Windsor
8 instead, and maybe Commission counsel can -- thank you.

9 **--- CROSS-EXAMINATION BY MR. GRAHAM REEDER:**

10 **MR. GRAHAM REEDER:** Thank you. Good evening,
11 Minister LeBlanc. My name is Graham Reeder. I'm counsel for
12 the City of Windsor.

13 **MINISTER DOMINIC LeBLANC:** Good evening.

14 **MR. GRAHAM REEDER:** I want to start off by
15 clearing up some comments you made to my friend for the Canadian
16 Constitutional Foundation about the police operations in
17 Windsor. It was not the case that there was no plan in Windsor,
18 nor did it take weeks to resolve.

19 The evidence before the Commission is that the
20 blockade in Windsor began on February 7th. The preliminary plan
21 was in place. Windsor Police quickly requested Public Order
22 resources from the OPP and other policing partners. These
23 resources quickly arrived, and the plan was further developed
24 when integrated command was set up on the 10th.

25 The plan was actioned on the 12th and 13th, at
26 which point the blockade in Windsor was cleared, less than a
27 week after it was established, just -- so you misspoke when you
28 suggested the Windsor -- the blockade in Windsor had been going

1 on for weeks, and there was no plan. Just wanted to clear that
2 up, thanks.

3 **COMMISSIONER ROULEAU:** Is there a question at the
4 end of that?

5 **MR. GRAHAM REEDER:** No, there was not.

6 **COMMISSIONER ROULEAU:** It's an odd way to carry
7 out a cross-examination.

8 **MR. GRAHAM REEDER:** I'm happy to ask, if that
9 accords with your understanding, Mr. Leblanc?

10 **MINISTER DOMINIC LeBLANC:** My understanding is
11 that the economic and social disruption in Windsor was enormous,
12 and it had gone on for many days and was a source of
13 international concern at the highest levels in the American
14 administration. We were obviously glad that it was resolved in
15 the way it was resolved, but to have an international border
16 crossing that cost billions of dollars to the Canadian economy,
17 and led to considerable reputational damage for Canada as an
18 investment opportunity, we wouldn't have described as a very
19 successful effort, but we -- I certainly share your view that
20 when it was resolved peacefully, it was a very important moment
21 for the country.

22 **MR. GRAHAM REEDER:** I'll ask Mr. Clerk to bring
23 up SSMCAN0003117.

24 This is a letter from Prime -- from the Prime
25 Minister to Premiers, sent after the First Ministers' meeting on
26 February the 14th.

27 And if we can go to page 3, under point 6, the
28 letter reads:

1 "Our Government recognizes the
2 importance of coordinating with
3 provinces, territories, and
4 municipalities to ensure the safety and
5 security of Canadians."

6 Do you agree with the Prime Minister here?

7 **MINISTER DOMINIC LeBLANC:** Yes, and he was very
8 clear in the First Ministers' meeting and in various discussions
9 across our government that that was the case.

10 **MR. GRAHAM REEDER:** Thank you.

11 The -- Minister Blair and Minister Mendicino both
12 told this Commission that there's responsibility for all three
13 orders of government to communicate and cooperate when
14 responding to an event like the protest earlier this year; do
15 you agree with them?

16 **MINISTER DOMINIC LeBLANC:** Yes.

17 **MR. GRAHAM REEDER:** And we heard from Minister
18 Mendicino today that timely, two-way communication between the
19 -- his Ministry and the City of Windsor was important in his
20 work at the federal level to respond to the blockade at the
21 Ambassador Bridge.

22 I'll ask Mr. Clerk to bring up SSMCAN00002253.

23 Although I understand you did not communicate
24 directly with Windsor, were you aware that your Senior Advisor,
25 Meredith Caplan Jamieson, communicated with Windsor's Mayor's
26 Chief of Staff, Mr. Teliszewsky, during the blockade of the
27 bridge?

28 **MINISTER DOMINIC LeBLANC:** Yes, I know that

1 people who work in my office were speaking with officials at the
2 City of Windsor and in the Government of Ontario. And I know
3 that my colleague and he, I'm sure, spoke about it today, but
4 Marco Mendicino spoke, I believe, with the Mayor of the City of
5 Windsor, as well, on a number of occasions.

6 **MR. GRAHAM REEDER:** Ms. Caplan Jamieson spoke Mr.
7 Teliszewsky the morning of February 8th, the morning after the
8 blockade started in Windsor. She relied on the -- and Ms.
9 Caplan Jamieson relied on that information she received from Mr.
10 Teliszewsky in this briefing note to you on that same day. She
11 talks about Mr. Teliszewsky.

12 If we can slowly scroll through to give the
13 Minister a chance to ---

14 **MINISTER DOMINIC LeBLANC:** M'hm.

15 **MR. GRAHAM REEDER:** --- see the briefing note.

16 She talks about Mr. Teliszewsky's download and
17 highlights information that she characterized -- characterize as
18 the make-up of the convoy in Windsor, the situation on the
19 ground, the City's key concerns, what next steps the City had
20 already taken, and what the City's next steps were.

21 Are you aware that Mr. Teliszewsky continued to
22 share information with Ms. Caplan Jamieson throughout the
23 blockade?

24 **MINISTER DOMINIC LeBLANC:** I can't speak to the
25 number of specific times, or the dates when they would have
26 spoken, but I know that she had told me that she had an ongoing
27 discussion with some officials in Windsor, and I know she was
28 sharing that with colleagues in other offices as well; I assume

1 Mr. Mendicino's office and others.

2 **MR. GRAHAM REEDER:** And further to that, Ms.
3 Caplan Jamieson asked her counterparts in other Ministries to
4 invite her to meetings with Ontario counterparts, including
5 municipalities. Is that right? Does that purport with your...?

6 **MINISTER DOMINIC LeBLANC:** That would be a normal
7 part of her responsibilities in my office, yes.

8 **MR. GRAHAM REEDER:** Okay. And you're familiar
9 with the report to the Houses of -- the Houses of Parliament
10 regarding the *Emergencies Act* consultations?

11 **MINISTER DOMINIC LeBLANC:** The report that was
12 tabled per the legislation? Yes.

13 **MR. GRAHAM REEDER:** That's right. So let's pull
14 it up, PBCAN00001159.

15 So the report includes details on the federal
16 government's engagement with the provinces, territories, and
17 municipalities, and law enforcement it's on the first page under
18 "Engagement". Is it right that it includes details of the
19 federal engagement with the City of Ottawa?

20 **MINISTER DOMINIC LeBLANC:** Yes, I had read that
21 as part of what was tabled in Parliament.

22 **MR. GRAHAM REEDER:** It also describes regular
23 engagement with municipal and provincial officials concerning
24 the Ambassador Bridge, including -- just to list them out for
25 you -- communication between Prime Minister and the Mayor of
26 Windsor; between the Minister of Transport and the Mayor of
27 Windsor; the office of the President of the Queen's Privy
28 Council and the City of Windsor; Minister of Emergency

1 Preparedness and the City of Windsor; the Office of the Minister
2 of Intergovernmental Affairs, Infrastructure, and Communities --
3 and I believe that's your office -- and the City of Windsor. Is
4 that an accurate summary of ---

5 **MINISTER DOMINIC LeBLANC:** Yes, I believe that to
6 be accurate of the various communications that were taking
7 place.

8 **MR. GRAHAM REEDER:** Now, would you agree that
9 this regular communication with municipal officials, was vital
10 to the work of the federal government in responding to the
11 blockades?

12 **MINISTER DOMINIC LeBLANC:** It was, and I -- my
13 colleagues with operational responsibilities -- my own role in
14 the intergovernmental space is not, obviously, operational the
15 way it would be the Public Safety Minister or the Transport
16 Minister. But provincial and municipal partners were obviously
17 critical in managing this circumstance.

18 We're always conscious that municipalities
19 operate constitutionally as creatures of provincial legislation;
20 it's not a constitutional order of government. But they have
21 such an important responsibility in managing these Public Order
22 Emergencies, that necessarily their officials, their law
23 enforcement officials and so on, have open and active
24 conversations, I think, with provincial, and certainly federal
25 officials. And that's in everybody's interest in trying to
26 bring the maximum amount of pressure to bear on ending these
27 illegal circumstances in the most efficient and safest way
28 possible.

1 **MR. GRAHAM REEDER:** And this engagement with
2 municipal governments was important enough to -- the decision to
3 invoke the *Emergencies Act*, that the Government included it in
4 the consultation report; is that right?

5 **MINISTER DOMINIC LeBLANC:** Yes, because it was
6 part of our government's conclusion that existing provincial and
7 municipal authorities and resources were not going to be
8 adequate to bring these illegal events to a conclusion. And
9 that's why the *Emergencies Act*, which is necessarily the last
10 resort in this decision-making process, in our view, became
11 necessary.

12 So to inform ourselves, we had active and ongoing
13 conversations, as a national government, with these municipal
14 and provincial authorities because everybody was trying to use
15 every existing tool, authority, resource to bring these to a
16 safe and appropriate conclusion. So for us to conclude that it
17 wasn't likely going to work, and that it was necessary,
18 ultimately, for the Governor-in-Council to proceed to
19 invocation. This had to be one of the very critical inputs to
20 that process.

21 **MR. GRAHAM REEDER:** Would you agree with me that
22 it's apparent from the protests and the collaborative
23 relationship and two-way communication between the federal
24 government and impacted municipalities, that that communication
25 is critical in responding to a multijurisdictional event, like
26 the ones we experienced earlier this year?

27 **MINISTER DOMINIC LeBLANC:** Yes.

28 **MR. GRAHAM REEDER:** And would you agree that the

1 federal government cannot always rely on their provincial
2 partners to facilitate that communication?

3 **MINISTER DOMINIC LeBLANC:** Again, I want to be
4 careful, as the Intergovernmental Affairs Minister, I'm
5 conscious of the Constitutional Orders of Government; you're a
6 lawyer, you'll understand that as well. Some provinces are very
7 jealous of the Government of Canada having, in some contexts,
8 direct relationships with their municipalities; that's not the
9 case in every jurisdiction. And happily, that was not the case
10 with respect to this joint effort -- this collective effort, not
11 joint effort, from the different orders of government, as you
12 noted, to try and manage this national public safety emergency.

13 **MR. GRAHAM REEDER:** And the direct communication
14 that you alluded to there, is that particularly important which
15 -- in the case, for example, with the Ambassador Bridge, if an
16 event is related to federal critical infrastructure that borders
17 within within a municipality.

18 **MINISTER DOMINIC LeBLANC:** Yes, and that was one
19 of the challenges with respect to those international border
20 crossings which clearly are critical economic infrastructure for
21 the country, the fact that this international border crossing
22 could so effectively be blockaded, largely in the municipal
23 streets of the City of Windsor. One of the challenges was, the
24 bridge itself may have a different jurisdictional scope but
25 access to an international border crossing in this case is
26 properly in the municipal streets of the City you represent, so
27 that is exactly why it was important for us to have the
28 appropriate situational awareness as we contemplated what would

1 be the appropriate tools that might assist municipal and
2 provincial authorities in bringing this to a conclusion.

3 **MR. GRAHAM REEDER:** I understand; I'm at the end
4 of my time; if I could just ask one final question. What are
5 you doing to ensure this cooperation and communication happens,
6 particularly where if for example a provincial partner isn't
7 engaging in the way you would like?

8 **MINISTER DOMINIC LeBLANC:** So I, as the
9 Infrastructure Minister, another portfolio that I have
10 responsibility for, have ongoing and active discussions with
11 provinces and municipalities in terms of infrastructure
12 programs. So across the Government of Canada there are active
13 discussions with municipalities in many different areas of
14 public policy. And in something as important as the effective
15 enforcement of measures necessary to bring illegal, very
16 dangerous and damaging illegal activities to an end, we'll
17 continue to work with all the partners necessary to do this.
18 And as I said, from our perspective, the provincial governments
19 understood that the three orders of government had to be
20 involved for this to be effective, and the vast majority of
21 cases, that was the cooperation that was successfully being
22 used.

23 Thank you, Commissioner, thank you, Minister
24 LeBlanc, those are all my questions.

25 **MINISTER DOMINIC LeBLANC:** Thank you.

26 **COMMISSIONER ROULEAU:** Okay. Next the City of
27 Ottawa, please.

28 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

1 **MS. ALYSSA TOMKINS:** Good evening, Mr. LeBlanc,
2 my name is Alyssa Tomkins, I'm one of the counsel representing
3 the City of Ottawa. I just have a couple of questions for you
4 this evening, so - I'm going to follow-up on a document that
5 Commission Counsel took you, the email from Ralph Goodale, so if
6 we could bring that up; it's SSM.CAN.00006594. Good. And if we
7 can just scroll down.

8 So it's really the last sentence of the first
9 paragraph, but we'll start once sentence prior:

10 "Granted the volume of the protest in Ottawa
11 was greater and came without as much
12 warning, but the City of Ottawa and the OPS
13 have proven themselves incapable of
14 grappling with this problem."

15 And I get that's not your statement, it's his, so I'm going to
16 park it. But it's the last sentence:

17 "And it is now the duty of the responsible
18 senior authority - i.e., the Public Safety
19 Minister of ONTARIO under PROVINCIAL
20 policing legislation - to rectify that
21 problem, including talking control, if and
22 as necessary."

23 So the follow-up question I had was, and my understanding is the
24 public safety of the Minister of Ontario is in fact the
25 Solicitor-General of Ontario; is that your understanding as
26 well?

27 **MINISTER DOMINIC LeBLANC:** Again, I can't speak
28 for Mr. Goodale, but that was how I would have interpreted that

1 as well. He was our Federal Public Safety Minister and his
2 counterpart would have properly been the Solicitor-General of
3 Ontario. So I assumed like you, that that's what he was
4 referring to.

5 **MS. ALYSSA TOMKINS:** Now, all I want to know is,
6 are you aware if anyone from the Federal Government followed up
7 with Ontario to see if in fact they were going to discharge the
8 duty that Mr. Goodale is talking about here.

9 **MINISTER DOMINIC LeBLANC:** So I can't speak, I'm
10 not an expert on the statutory application of provincial
11 legislation in Ontario and what those authorities might be under
12 the *Ontario Polices Services Act*, so I have no ability; I
13 received this email from the now High Commissioner of Canada to
14 the United Kingdom and -- but a former Public Safety Minister as
15 I said to your colleague, the Commission counsel, so what was --
16 it was not as a result of Mr. Goodale's email to me, but I think
17 it's accurate to say that there was an ongoing and active
18 discussion between many senior officials of our government, many
19 of my cabinet colleagues, the Transport Minister, the Public
20 Safety Minister whom you heard from today, with their Ontario
21 counter parts, to explore every necessary and possible option to
22 bring these illegal occupations and blockades to a safe and
23 successful conclusion. But what are the precise mechanics in
24 the policing context I don't -- I can't speak to that. Perhaps
25 Mr. Mendicino did earlier today or maybe David Lametti can
26 tomorrow.

27 **MS. ALYSSA TOMKINS:** No, and I wasn't intending
28 to ask you about that, I was just asking if you're aware of any

1 interactions by your colleagues or by yourself with Ontario
2 along this line.

3 **MINISTER DOMINIC LeBLANC:** So, yes, I know there
4 was, as I say, a very active and ongoing discussion at many
5 levels of our government. One conversation that we discussed
6 earlier with your colleagues that I had with Premier Ford on the
7 night of February 10th. He spoke to me about his concern around
8 some of the challenges in municipal policing in the City of
9 Ottawa. He spoke to me about the role that he thought the OPP
10 was increasingly going to be playing in support of the necessary
11 public safety measures to clear the City of Ottawa and obviously
12 on that evening the circumstance in Windsor had not been
13 resolved.

14 So Premier Ford spoke to me about his strong
15 belief that the Ontario Provincial Police could and would be a
16 very important source of support, but in terms of what's the
17 right command structure, I can't speak to that, but I do know
18 that there was very real desire from the Premier, and that view
19 was shared by some of my Cabinet colleagues in the updates they
20 would give to the incident response group meetings because, as I
21 say, these discussions, if it was Commissioner Lucki, if it was
22 the National Security Advisor, Intelligence Advisor, the Prime
23 Minister, there were many and multiple discussions, particularly
24 with the Province of Ontario, but not exclusively, around all of
25 these measures, including the appropriate sharing of police
26 resources to try and bring these to a conclusion.

27 **MS. ALYSSA TOMKINS:** Okay. That's helpful, and
28 that's all I have. Thank you, Minister.

1 **MINISTER DOMINIC LeBLANC:** Thank you very much.

2 **COMMISSIONER ROULEAU:** Thank you. Next, counsel
3 for former Chief Sloly.

4 **--- CROSS-EXAMINATION BY MS. REBECCA JONES:**

5 **MS. REBECCA JONES:** Good evening, Minister,
6 Rebecca Jones for former Chief Sloly.

7 If we can actually pull up the same document,
8 SSM.CAN00006594. And, Minister, you testified -- this is the
9 document that was just up. So as we're pulling it up, you
10 testified that you appreciated Mr. Goodale, based on his
11 experience, his insights into the roles of the different orders
12 of government, right, when you got this email?

13 **MINISTER DOMINIC LeBLANC:** Yes. And him having
14 held the Public Safety portfolio in our Government, I thought
15 might have given him an insight that other colleagues would not
16 have had.

17 **MS. REBECCA JONES:** Fair enough. And I just want
18 to ask you about a few other comments in this email that I think
19 you'll agree with me are insights he shared that you did not
20 agree with.

21 So if we can start on the very first paragraph;
22 there's a reference to a tweet by Mayor Tory and then there's a
23 reference to it being -- the situation being a municipal
24 policing problem. And I take it that as a Minister in a
25 government that has repeatedly referred to this as a national
26 security crisis, you did not agree that this was a municipal
27 policing problem in Ottawa?

28 **MINISTER DOMINIC LeBLANC:** He was talking about

1 Toronto and other cities and I am thinking, off the top of my
2 head, of Quebec City; I'm thinking of Fredericton, New Brunswick
3 or perhaps Toronto, where -- and, again, I'm going not by some
4 operational experience I have or briefings on how this worked,
5 but if I go on the coverage of the events of the New Brunswick
6 legislature, the Fredericton Police appeared to have handled
7 that successfully. Certainly the Quebec City Police with the
8 Sûreté du Québec were seen to have handled it very effectively.
9 And I also remember the City of Toronto, the very real concerns
10 around some potential blockages at the legislature at Queen's
11 Park in Toronto, but as we know that University Avenue is a
12 critical access to many of the country's best hospitals.

13 So those kind of conversations or potential
14 protest attracted certainly our attention as a national
15 government, and again, without having been briefed on the
16 operational command of which police force did what, to the
17 observer, and Mr. Goodale was observing this from London in the
18 United Kingdom, I would agree with his assessment that in
19 Toronto it looked like the Toronto Police had effectively
20 handled that situation. But what was the role of other police
21 forces, I can't speak to that.

22 **MS. REBECCA JONES:** Right. You can't speak to
23 whether you can compare the experience in Toronto to the
24 experience in Ottawa, for example?

25 **MINISTER DOMINIC LeBLANC:** Well, clearly you
26 can't because the experience in Toronto was effectively resolved
27 and didn't lead to a three-week illegal occupation. So yeah, I
28 would agree with you.

1 **MS. REBECCA JONES:** Right. Well, I mean, there
2 are other differences, right, that we see? Even in
3 Mr. Goodale's email, he refers to the volume of the protest in
4 Ottawa and the amount of notice. Correct?

5 **MINISTER DOMINIC LeBLANC:** I -- yes, I would
6 agree the volume, but it wasn't a surprise that that convoy
7 arrived in the City of Ottawa. There was considerable notice.
8 In fact, people were filming across the country the trucks
9 rolling towards the city.

10 **MS. REBECCA JONES:** So Minister, I'm going to
11 return to my question. Is it your evidence that what happened
12 in the City of Ottawa was a municipal policing problem?

13 **MINISTER DOMINIC LeBLANC:** No.

14 **MS. REBECCA JONES:** That it was not a national
15 problem?

16 **MINISTER DOMINIC LeBLANC:** Not at all. That's
17 not my evidence. That's what Mr. Goodale's email would purport
18 to identify.

19 **MS. REBECCA JONES:** Right. So let me just go
20 back to my question. My question was I wanted to know what part
21 of his email you disagreed with. So you disagree that what was
22 happening in Ottawa was a municipal policing problem because you
23 say, and we all know, that it was a national problem that was
24 happening in Ottawa. Right?

25 **MINISTER DOMINIC LeBLANC:** It certainly became a
26 national problem when the Capital City was paralysed and
27 occupied illegally for three weeks. There was an element in the
28 City of Ottawa, of course around Parliament Hill and the role of

1 the Parliamentary Protective Service.

2 As I said to your colleague, I have sat for a
3 number of years on the Board of Internal Economy of the House of
4 Commons. The statute requires two ministers to be members. I'm
5 -- I sit there where we talk about parliamentary security.

6 But I wouldn't purport to say that the Public
7 Order Emergency in the City of Ottawa was a municipal problem.
8 If you're asking me to agree with that, I think it was a
9 national problem, and the -- all three orders of government had
10 to play an effective role in bringing it to a conclusion.

11 **MS. REBECCA JONES:** Right. Thank you. And one
12 more point that I hope we can agree on this one as well, which
13 is that to the extent that Mr. Goodale said that the City of
14 Ottawa and the OPS had proven themselves incapable of grappling
15 with the problem, you didn't agree, I take it, with any
16 suggestion that the City of Ottawa and the OPS had through any
17 fault of their own proven themselves incapable, but only that
18 the situation was not at that time being resolved. Is that
19 fair?

20 **MINISTER DOMINIC LeBLANC:** I don't have any
21 experience in police operations. So what is the appropriate
22 police response in a particular Public Order Emergency is not
23 something that I feel comfortable saying.

24 **MS. REBECCA JONES:** Okay.

25 **MINISTER DOMINIC LeBLANC:** If you're asking if
26 the Ottawa Police Service was overwhelmed and was unable in the
27 front end of this occupation to take control and resolve the
28 situation, that to an observer across the country I think might

1 be a conclusion.

2 But I do agree with your analysis that as the
3 thing became more entrenched, as it attracted perhaps different
4 actors from the initial weekend as it became a flashpoint and a
5 rallying point for different participants, the level of the
6 Public Order Emergency became much greater than in those initial
7 days that people may have estimated, perhaps with the advantage
8 of hindsight, incorrectly.

9 **MS. REBECCA JONES:** Thank you. No further
10 questions.

11 **COMMISSIONER ROULEAU:** Thank you.
12 Government of Alberta, please.

13 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

14 **MS. STEPHANIE BOWES:** Good evening, Minister. My
15 name is Stephanie Bowes. I am counsel for the Province of
16 Alberta.

17 I just have one area that I'd like to ask you
18 questions on, and that is on your communication with the Premier
19 of Alberta back in February of 2022.

20 And I'll start by asking the Clerk to please pull
21 up a summary of your witness interview. The document is
22 WTS00000073. And then if the Clerk could please scroll to
23 page 4.

24 We'll just have this up in case you have to
25 refresh your memory, Minister.

26 Now, you were asked by the Commission Counsel and
27 by other counsel about a text message that you shared that you
28 were sent by Premier Kenney. That wasn't the only text message

1 or communication that you had with Premier Kenney; is that
2 correct?

3 **MINISTER DOMINIC LeBLANC:** That's the one that I
4 remembered and I discussed in my interview with the
5 Commission Counsel because he was referring to the potential use
6 of military heavy lift tow trucks. It's possible that
7 Premier Kenney, as we saw earlier in a text message that I had
8 shared with my Cabinet colleagues, he had expressed some
9 frustration in terms of the response of some of the RCMP
10 officers with respect to the situation in Coutts.

11 **MS. STEPHANIE BOWES:** And just in your witness
12 summary, you indicate that you recall telling Premier Kenney
13 that there was a formal process for RFAs that you were not
14 involved in, but that you would speak to Minister Blair or
15 Minister Annand. Do you recall that conversation with
16 Premier Kenney?

17 **MINISTER DOMINIC LeBLANC:** Yes, it would have
18 been an exchange of text messages, and yes, I do recall that.
19 Mr. Kenney, of course, himself a Minister of National Defence, so
20 he would have had, more than other premiers perhaps, an insight
21 into that whole request for assistance process.

22 **MS. STEPHANIE BOWES:** And at that time, were you
23 aware that the Province of Alberta had in fact submitted an RFA
24 on February 5th?

25 **MINISTER DOMINIC LeBLANC:** I was not until
26 Premier Kenney indicated to me that they had submitted it. No,
27 I was not. That was being dealt with by my colleagues, Bill
28 Blair, and obviously the Minister of National Defence herself

1 was involved. But I was not -- I would not normally be involved
2 unless I was briefed in a meeting, a Incident Response Group
3 meeting, in terms of that RFA process.

4 **MS. STEPHANIE BOWES:** Okay. And so it's fair to
5 say that in your ministerial role, you don't typically handle
6 RFAs; correct?

7 **MINISTER DOMINIC LeBLANC:** That's correct. As I
8 say, I would have been in meetings where my colleagues would
9 have said, "We've received or we're expecting to receive"...
10 These things are rarely surprises. They're worked on between
11 officials. When the formal request for assistance arrives,
12 there has, in the vast majority of cases... In most of things,
13 you'll appreciate, there has been a massive increase in those
14 requests for assistance in the COVID context, in ---

15 **MS. STEPHANIE BOWES:** Yes, we heard evidence
16 about that.

17 **MINISTER DOMINIC LeBLANC:** Yeah. So the process
18 is well worn and well known to provincial emergency measures
19 organisations. There's nothing mysterious about this to
20 provincial authorities.

21 **MS. STEPHANIE BOWES:** Right. And indicating that
22 you would speak to either Minister Blair or Minister Annand, do
23 you recall if you did speak to either of those two ministers?

24 **MINISTER DOMINIC LeBLANC:** Yeah, I would have.
25 As you saw, I had forwarded a text message to the Transport
26 Minister and the Public Safety Minister, but I would have said
27 to, certainly to Bill Blair, when he was at the Incident
28 Response Group meetings I was at, that Premier Kenney had

1 reached out to me with the respect to the potential use of
2 military heavy lift tow trucks.

3 **MS. STEPHANIE BOWES:** All right. And that
4 limited your involvement there to the RFA; correct?

5 **MINISTER DOMINIC LeBLANC:** Yes, that's correct.

6 **MS. STEPHANIE BOWES:** Okay. And then, just one
7 other question. At no point in time prior to the invocation of
8 the *Emergencies Act* did you discuss with the Premier, or any
9 other official from Alberta, the potential use of the
10 *Emergencies Act*. Is that correct?

11 **MINISTER DOMINIC LeBLANC:** I have no recollection
12 whatsoever of having raised that with any of them before we had
13 that First Ministers call that we discussed earlier this
14 evening.

15 **MS. STEPHANIE BOWES:** All right. Thank you,
16 Minister, those are my only questions this evening.

17 **MINISTER DOMINIC LeBLANC:** Thank you.

18 **COMMISSIONER ROULEAU:** Thank you.

19 Do we have any news from CCLA?

20 **UNIDENTIFIED MALE SPEAKER:** Yes,
21 Mr. Commissioner. They have confirmed that they do not request
22 time, or if they did, they're not proceeding with it. If there
23 is a party that requested time and has not been called, now
24 would be the time to do it in case there was issue with the
25 sheet.

26 **COMMISSIONER ROULEAU:** Dangerous to say that
27 there is 10 minutes sitting out there.

28 **UNIDENTIFIED MALE SPEAKER:** I'm not necessarily

1 endorsing that. I'm just saying it's a possibility.

2 **COMMISSIONER ROULEAU:** To be fair, that is true.
3 If somebody -- if there is a bureaucratic error on our part,
4 which wouldn't be the first, speak now or forever hold your
5 piece. Okay. That's great.

6 So I call on the Government of Canada, please.

7 **--- CROSS-EXAMINATION BY MR. ROBERT MacKINNON:**

8 **MR. ROBERT MacKINNON:** Good evening. Robert
9 MacKinnon for the Government of Canada.

10 I just want to take you to a couple of documents
11 that my friends have taken you to already.

12 So the first one would be the read out with
13 Premier Ford, and that's SSM.CAN. several zeros, 94. I think
14 it's seven zeros.

15 And in this particular -- well, we can go to the
16 second page for this.

17 But in this call with Premier Ford on February
18 10th, late in the evening, the email is sent at 10:52, so I
19 assume that the call was shortly before that? Is that to your
20 best recollection?

21 **MINISTER DOMINIC LeBLANC:** Yes, and that would
22 have been 10:52 p.m. in Ottawa, which was almost midnight in New
23 Brunswick, where I was when that call had taken place.

24 **MR. ROBERT MacKINNON:** Okay. So ---

25 **MINISTER DOMINIC LeBLANC:** And I would have -- my
26 practice was to, after a call, certainly of that significance,
27 to immediately provide my Deputy Minister at Privy Council for
28 Intergovernmental Affairs, Mr. Vandergrift, with a summary of

1 the call, and he would circulate that to his counterparts as
2 appropriate in the Government of Canada.

3 **MR. ROBERT MacKINNON:** Right. And in this call,
4 he's letting you know about Ontario about to issue an order
5 under the *Emergency Act*?

6 **MINISTER DOMINIC LeBLANC:** Yes. The Premier had
7 told me that they were finalizing those measures and he was
8 announcing them the next day.

9 **MR. ROBERT MacKINNON:** And you had mentioned that
10 you had had discussions with Ontario concerning options to deal
11 with the situation. Is that correct?

12 **MINISTER DOMINIC LeBLANC:** Yes. The initial part
13 of the conversation, and the purported reason why I texted
14 Premier Ford to ask if I could speak with him when I got home in
15 New Brunswick was to explore what we thought were, particularly
16 in the transportation sector, but not exclusively, options that
17 perhaps -- non-*Emergency Act* options obviously, that might be
18 brought to bear in the context of Windsor and in Ottawa.

19 So this was part of an ongoing effort at every
20 level of our government, not only with Ontario, but the example
21 you're using was with Ontario, to ensure that we have used every
22 available and possible authority, municipal, federal,
23 provincial, that may assist in resolving these various illegal
24 activities.

25 **MR. ROBERT MacKINNON:** And that was late at the
26 end of the day on February 10th even you were looking at these
27 options apart from the *Emergencies Act* and talking to provinces?
28 Is that correct?

1 **MINISTER DOMINIC LeBLANC:** That's absolutely
2 correct. And as I say, I know there had been, that day, a
3 discussion around some what we thought were provincial
4 Transportation Department authorities that may be helpful in the
5 trucking context, and that was the original reason why I reached
6 out to Premier Ford. And as I say, the conversation was quickly
7 overwhelmed by his explaining to me the decisions that his
8 government was in the process of implementing, which led to
9 their invocation of their own measures the next morning.

10 **MR. ROBERT MacKINNON:** In fact, if you look at
11 the second last paragraph, second sentence, it says:

12 "Minister LeBlanc said [that] the RCMP is
13 ready to provide whatever resources are
14 needed as long as there is a good plan in
15 place."

16 **MINISTER DOMINIC LeBLANC:** That is absolutely
17 accurate. One of the things that struck me at the various
18 Incident Response Group meetings, and in briefings from
19 particularly Commissioner Lucki, but not exclusively the
20 Commissioner, because other federal law enforcement officials
21 were providing updates, the Head of the Canadian Border Services
22 Agency, the Director of CSIS, and others.

23 But police authorities, particularly in our case,
24 the RCMP, the Commissioner of the RCMP, were very concerned
25 about their counterparts in municipal or provincial police
26 organizations having the appropriate operational plan in place
27 that would enable the RCMP to then affect additional resources
28 in a safe and effective way. So that was a subject that

1 Commissioner Lucki brought up often with the Incident Response
2 Group and in various other briefings that I was a party to
3 before the Incident Response Group was stood up by the Prime
4 Minister.

5 **MR. ROBERT MacKINNON:** And there's no mention in
6 this email of any reference to the *Emergencies Act*, the Federal
7 *Emergencies Act*, only the Ontario one? Is that correct?

8 **MINISTER DOMINIC LeBLANC:** That's right. And I
9 did not discuss with the Premier at all the potential invocation
10 federally. We were still canvassing. And you would have seen
11 that in some of the Incident Response Group minutes. The first
12 track, track one, was still very much, on that evening, the
13 focus of our efforts because we recognized that the *Emergencies*
14 *Act*, ultimately if that was the decision, was a decision of last
15 resort. So we were very much actively in pursuit of existing
16 provincial and municipal authorities, and federal support that
17 would help them execute those authorities in the most safe and
18 effective way.

19 **MR. ROBERT MacKINNON:** When did you, I'm talking
20 about Cabinet, first consider the use of *Emergencies Act*?

21 **MINISTER DOMINIC LeBLANC:** The first time I
22 remember a discussion about the potential invocation or the
23 necessary analysis that might lead the government to conclude
24 that that was the necessary step of last resort was at a meeting
25 earlier in the evening on the 10th of February in Ottawa, an
26 Incident Response Group meeting. And as I say, the briefing by
27 officials was framed in the context of track one, which we had
28 been pursuing since the very beginning of this public order

1 emergency. And track two then became an option or a source of
2 discussion for the government as an option if track one, which
3 was the existing authorities, municipal, federal, provincial,
4 continued to prove ineffective in resolving these illegal
5 blockades and occupations.

6 **MR. ROBERT MacKINNON:** So it was earlier that day
7 then, you said February 10th, that Cabinet first considered?
8 There was an IRG meeting that day. Are you referring to that
9 IRG meeting?

10 **MINISTER DOMINIC LeBLANC:** Yes. And I want to be
11 careful. Considered, I'm not sure that is -- would be the way -
12 - that's the first time Cabinet was briefed by senior officials
13 that they were beginning to look at, and subsequently over the
14 meetings the next day and on the weekend, that became part of
15 the conversation.

16 But the first time it was raised as an option
17 before the government, the invocation, was as the second and
18 last resort track, if you will, was on that evening of the 10th
19 of February. At the Incident Response Group meeting. You're
20 correct.

21 **MR. ROBERT MacKINNON:** Right. We know that
22 there's a chart at the back of the February 12th minutes listing
23 track one and track two options. Do you recall that?

24 **MINISTER DOMINIC LeBLANC:** Yes. And I would
25 recall that conversation at that meeting as well. I think that
26 was the Saturday. I was physically in Ottawa during those days
27 and I remember that Saturday meeting.

28 **MR. ROBERT MacKINNON:** So would you use the word

1 "consider" in that context on the 12th for that meeting?

2 **MINISTER DOMINIC LeBLANC:** Yes. The Cabinet was
3 being briefed by officials and I assume the Minister of Justice.
4 I'm going by memory. I don't have the minutes in front of me.
5 But Cabinet colleagues and senior officials were explaining to
6 the government, to the Incident Response Group meeting in that
7 case, what might be the steps necessary and the potential
8 authorities that could be contained, should the government
9 decide to proceed to an invocation of the *Emergencies Act*.

10 **MR. ROBERT MacKINNON:** Okay. Thank you. Another
11 document my friends took you to, and you made reference to, so I
12 just want to make sure I'm highlighting an area that you
13 referenced in your answer. It's SSM.NSC.CAN. a number of zeroes
14 625. It's the first ministers' conference call.

15 And at the first page, you made reference in
16 answer to my friend who didn't have this up at the time, you
17 mentioned the first part that certain measures were listed and
18 you were -- he was asking you about certain measures, and you
19 said you thought you recall that in the first part -- and I'm --
20 stop there.

21 If you look at Minister Lametti -- and you
22 mention the six measures -- if you look on the fourth line, it
23 says:

24 "He highlighted six areas where
25 measures can be taken."

26 Do you see that?

27 **MINISTER DOMINIC LeBLANC:** Yes.

28 **MR. ROBERT MacKINNON:** Are those the measures

1 that you are referring to when you answered a question earlier?

2 **MINISTER DOMINIC LeBLANC:** Yes, I was.

3 **MR. ROBERT MacKINNON:** All right. And in there,
4 it has six. I won't read them all out, but it does have a
5 measure that authorizing or directing financial institutions to
6 render essential services to relieve impact of blockades.

7 Do you see that?

8 **MINISTER DOMINIC LeBLANC:** Yes, I do.

9 **MR. ROBERT MacKINNON:** My friend asked you for
10 more specificity, but the measure is referred to in there; is
11 that correct?

12 **MINISTER DOMINIC LeBLANC:** The measure is
13 referred to, and again, going by memory, my colleague, David
14 Lametti, would have explained that one of the concerns we have
15 is the financial support which was very considerable to these
16 illegal blockades and occupations, and these economic measures
17 were only available, should the government decide to invoke the
18 *Emergencies Act*.

19 And that's -- that was -- and I think it was your
20 colleague representing one of the provincial governments -- that
21 was exactly -- I'm going by memory -- it's getting late, but
22 it's not as late for some of you who've been here all day -- but
23 that was exactly what I was referring to. It is accurate to say
24 that Mr. Lametti told first ministers that there were these
25 economic measures that financial institutions could take to
26 effectively cut off funding of these illegal activities.

27 **MR. ROBERT MacKINNON:** All right. On the second
28 page, my friend referred to some premiers referencing the risk

1 of further inflaming the situation. Do you recall that?

2 **MINISTER DOMINIC LeBLANC:** Yes.

3 **MR. ROBERT MacKINNON:** And if you look at
4 response of -- so Premier Horgan, the PMs response, that premier
5 endorsed the invocation and then but recognized afterwards the
6 PM says:

7 "We would be as proportional and
8 measured as possible. Recognize the
9 risk of further inflaming. Also have
10 to show a firmness that comes with
11 this."

12 Do you see that?

13 **MINISTER DOMINIC LeBLANC:** Yes.

14 **MR. ROBERT MacKINNON:** So had Cabinet recognized
15 this risk that it could inflame the situation? There was a
16 reference to a CSIS document the day earlier by one of my
17 friends -- inflaming the situation, although in that sense, CSIS
18 was referring to the radicalization element. Do you have a
19 comment on recognizing the risk and taking account of any
20 concerns that the premiers had in that area?

21 **MINISTER DOMINIC LeBLANC:** So the prime minister,
22 in the course of that conversation with first ministers,
23 acknowledged that the Government of Canada recognized this risk,
24 but that was also part of the discussions we had at the Incident
25 Response Group, meetings when we would have received updates
26 from the various federal intelligence and law enforcement
27 officials that were updating those groups of -- the group of
28 ministers constituted at these various moments.

1 So it is accurate, I think, Mr. MacKinnon, to say
2 that the Government of Canada and certainly the Cabinet
3 considered carefully the risk of further inflaming or the
4 incendiary effect of a potential decision to invoke the
5 *Emergencies Act*. That was part of the deliberative process that
6 the government considered when we came to the decision that the
7 circumstances were such that it warranted this measure of last
8 resort.

9 **MR. ROBERT MacKINNON:** And on the third page of
10 this same document there's a reference under "Premier Kenney" at
11 the end. It's Premier Kenney. If we go a little -- about two
12 thirds of the way down. Yes. Yeah, that -- the last sentence.
13 There's the last line says:

14 "Don't quibble using Emergencies Act
15 but there are other ways to reduce
16 passions of people."

17 Do you know what that is a reference to?

18 **MINISTER DOMINIC LeBLANC:** That was a reference -
19 - and I remember listening carefully to that conference call, to
20 that first ministers' meeting. I do remember the premier of
21 Alberta, then Premier Kenney saying that he didn't quibble with
22 using the *Emergencies Act*, but his focus had been on some of the
23 risks, the public safety risks that were very real in Coutts.
24 He had shared with me his concern about the very high potential
25 for violence in Coutts. But I do remember being surprised that
26 the premier of Alberta did use the phrase that's accurately
27 reflected in that read out of the conversation.

28 **MR. ROBERT MacKINNON:** All right. And my last

1 reference in this document is page 10 -- I think it's -- or page
2 6, page 6, sorry.

3 There are six premiers and territorial leaders
4 who had endorsed the invocation in this meeting, it appears, by
5 my count, one of them being Premier Ford.

6 And in this statement from Premier Ford, says --
7 I'm looking -- so it's where -- it's in a bullet point third
8 from the last:

9 "Province does not have tow trucks.
10 Have to negotiate with tow truck
11 drivers. That will change in the
12 future. Will ensure that OPP have tow
13 trucks. Embarrassing that we can't get
14 the use of tow trucks."

15 Do you see that?

16 **MINISTER DOMINIC LeBLANC:** I do.

17 **MR. ROBERT MacKINNON:** And was that communicated
18 by Premier Ford at this meeting?

19 **MINISTER DOMINIC LeBLANC:** It very much was.
20 That view was shared, as we've heard previously, by Premier
21 Kenney. Premier Ford had talked to me about that. I think we
22 were all surprised at the extent to which commercial tow truck
23 drivers were reluctant or intimidated -- what the circumstance
24 was, I don't know, I can't speak to that -- but the lawful
25 authorities in this case in Ontario were not able to procure a
26 sufficient access to these heavy lift tow trucks to remove some
27 of these large trucks that would have been blocking either the
28 city streets of Ottawa or the bridge in Windsor or in the case

1 of Alberta, the Coutts, Alberta border crossing.

2 And one of the reasons why ultimately the
3 governor in council, the cabinet concluded that the *Emergencies*
4 Act was a necessary and proportionate use of last resort was
5 because it enabled in the *Emergencies Act* authorities to give
6 local enforcement authorities the ability to compel tow truck
7 operators or tow trucks -- and I may not be using the precise
8 words -- but this was seen as part of the solution to bring
9 these blockades to a conclusion. It was not tenable to say, "We
10 can't enforce municipal bylaws, Criminal Code bylaws because we
11 can't find somebody to tow a truck away from a critical piece of
12 infrastructure as important as the Ambassador Bridge."

13 That seemed untenable, but Premier Ford correctly
14 identified that as a real operational problem which we viewed
15 the *Emergencies Act* as being ultimately able to provide some
16 relief.

17 **MR. ROBERT MacKINNON:** And that was on February
18 14th?

19 **MINISTER DOMINIC LeBLANC:** Absolutely. This
20 discussion was at the first ministers' call on the 14th.

21 **MR. ROBERT MacKINNON:** My friends also took you
22 to your witness statement, WTS number of zeroes 73, at the very
23 last page.

24 I just want to ask you a question about
25 revocation.

26 So in your last paragraph, you describe the
27 revocation aspect, and in the last sentence, it says:

28 "He noted that the prime minister was

1 insistent both at Cabinet meetings and
2 in public that the measures would be
3 very time limited and would be revoked
4 as soon as the situation permitted."

5 Is that still a fair statement?

6 **MINISTER DOMINIC LeBLANC:** It is. The prime
7 minister, when we began to consider the potential invocation of
8 the Emergencies Act at the Incident Response Group meetings was
9 very insistent that it be time limited and that it not be used
10 longer than was minimally necessary.

11 **MR. ROBERT MacKINNON:** All right, and I just have
12 a couple more points to respond to, questions my friends have
13 asked. Council for the Democracy Fund mentioned, on February
14 8th, that Premier Kenney announced accelerated stages to remove
15 all Covid-19 measures. Do you recall being -- that being
16 referenced, the February 8th?

17 **MINISTER DOMINIC LeBLANC:** I do.

18 **MR. ROBERT MacKINNON:** Okay. And that -- on that
19 very day, the first step was to remove the vaccine passport;
20 correct? And was there a dispersal, as a result of that
21 announcement of healthcare measures, of protesters at Coutts in
22 the next few days?

23 **MINISTER DOMINIC LeBLANC:** That, I'm taking your
24 word for, Mr. MacKinnon. That decision of the Government of
25 Alberta was on the 8th of February?

26 **MR. ROBERT MacKINNON:** Of 8th, yes.

27 **MINISTER DOMINIC LeBLANC:** No, the Coutts illegal
28 blockade continued for a number of days after that. And in

1 fact, there were sites, I remember, on the route, on the access
2 to the particular Coutts border crossing that were increasingly
3 becoming the source -- a magnet for other activities. So to
4 pretend that the vaccine passports to go to a restaurant in
5 Alberta resolved the Coutts border crossing would not be an
6 accurate view, in my opinion, of the chronology of those events.

7 **MR. ROBERT MacKINNON:** Okay. There was another
8 point that was raised about the Windsor blockade and the fact
9 that it had been cleared. Are you aware -- if I could just pull
10 up this document. It's WIN00000932. Are you aware of the
11 injunction in -- at Windsor?

12 **MINISTER DOMINIC LeBLANC:** I was aware at our
13 Incident Response Group meetings officials were briefing us and
14 it was very much in the public domain and in public media about
15 the injunctive relief that was being sought by authorities in
16 Windsor.

17 **MR. ROBERT MacKINNON:** Could you go to page 8,
18 paragraph 47? That's it. That's right. About the notion that
19 all was fine at Windsor, if you just look at the top paragraph
20 there, it mentions that the -- a Court decision says that there
21 is a risk that there could continue to be, based on
22 uncontroverted evidence, a return of protesters, so it was
23 necessary to continue. So was the *Emergencies Act*, to your
24 knowledge, a deterrent that was useful for this state?

25 **MINISTER DOMINIC LeBLANC:** I -- in my view, yes,
26 and I think I tried to express to one of your colleagues that if
27 a particular -- in the case of the Windsor blockade, it was, as
28 I've said before, extremely damaging economically. It was high-

1 risk of public safety concerns. All of that, in our view, was
2 true. But once it was dispersed, it wasn't clear where those
3 people had gone or where they may show up next.

4 So in order to keep that particular border
5 crossing open, there was a level of very significant and
6 sustained police presence required. The injunctive relief, as
7 you noted, continued. There was an issue of potentially
8 spreading too thin police resources. So, in our view, the
9 *Emergencies Act* had a dissuasive and deterrent affect that may
10 make it possible for other particular pieces of critical
11 infrastructure or other municipal streets not to be affected in
12 this way once people understood the financial measures and the
13 local law enforcement authorities had these additional tools to
14 designate areas -- and your colleague's spoken about this
15 earlier -- as a way to manage potential pop-up or sympathy
16 protests.

17 So simply because the bridge had been reopened
18 did not remove, in our view, the risk of a recurrence, and the
19 heavy police presence that remained, I think, was perhaps
20 conformation of that concern.

21 **MR. ROBERT MacKINNON:** Okay, my last question --
22 my very last question is, are you -- because it has to do with
23 the deterrent effect, and I hope my question isn't in that same
24 vein, have that effect, but the ---

25 **MINISTER DOMINIC LeBLANC:** Mybe my answer needs
26 to be briefer.

27 **MR. ROBERT MacKINNON:** This can be brief. I
28 won't take you to it unless it's necessary. In the IRG of

1 February 23rd, there's a reference to the use of pamphlets in
2 Manitoba at the Winnipeg Legislature that contained measures
3 that were used -- that were handed out to protesters in order to
4 help deter them from coming. Are you aware of that from the IRG
5 from February 23rd?

6 **MINISTER DOMINIC LeBLANC:** Yes, we -- we took
7 note of the certain irony that the Province of Manitoba said
8 over and over again that this wasn't necessary and need not
9 apply on the territory of Manitoba, but the Winnipeg Police
10 Force thought that those measures that would have been available
11 to them had they been needed were of sufficient importance that
12 they should use them in a pamphlet that they were giving to
13 demonstrators who I think were in front of them Manitoba
14 Legislature. I think it's on Broadway Avenue. But that was a
15 source of real concern and the Winnipeg Police thought that
16 those additional authorities were significant enough that they
17 may be used to perhaps dissuade some of those protesters from
18 entrenching in front of the Manitoba Legislature like we saw in
19 the City of Ottawa.

20 **MR. ROBERT MacKINNON:** Thank you. And thank you
21 for your indulgence, sir.

22 **COMMISSIONER ROULEAU:** Okay. So any reply?

23 **MS. SHANTONA CHAUDHURY:** No re-examination,
24 Commissioner.

25 **COMMISSIONER ROULEAU:** Okay, well, then, I think
26 you're now free to have supper.

27 **MINISTER DOMINIC LeBLANC:** J'ai pas l'air de
28 quelqu'un qui a manqué beaucoup de repas.

1 **COMMISSAIRE ROULEAU** : Non, mais quand même peut-
2 être un petit verre de vin pour célébrer la fin de ton
3 témoignage.

4 **MINISTER DOMINIC LeBLANC**: Ah, je vais peut-être
5 aller même prendre un cigare avec mon collègue Mendicino.

6 Je vous remercie beaucoup, Monsieur le
7 commissaire.

8 **COMMISSAIRE ROULEAU**: Merci de votre présence et
9 de votre témoignage, puis aussi d'avoir accommodé cette heure
10 ici, parce que...

11 **MINISTER DOMINIC LeBLANC**: J'apprécie l'occasion
12 beaucoup et votre travail aussi.

13 **COMMISSIONER ROULEAU**: Merci. So we're
14 adjourning until 9:30 tomorrow morning -- longer than today, so.

15 **THE REGISTRAR**: The Commission is adjourned. La
16 Commission est ajournée.

17 --- Upon adjourning at 8:16 p.m.

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C E R T I F I C A T I O N

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2

3 I, Mitchell Kersys, a certified court reporter, hereby certify
4 the foregoing pages to be an accurate transcription of my
5 notes/records to the best of my skill and ability, and I so
6 swear.

7

8 Je, Mitchell Kersys, un sténographe officiel, certifie que les
9 pages ci-hautes sont une transcription conforme de mes
10 notes/enregistrements au meilleur de mes capacités, et je le
11 jure.

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