Public Hearing

Audience publique

Commissioner / Commissaire
The Honourable / L’honorable
Paul S. Rouleau

VOLUME 30

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Thursday, November 24, 2022

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Ms. Christine Johnson

The Democracy Fund, Citizens for Freedom, JCCF Coalition
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Mr. Antoine D’Ailly
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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: Bonjour. Good morning.

Je m'excuse pour delay mais merci votre patience. Apologize for the short delay, but I think we're ready to go.

MS. SHANTONA CHAUDHURY: Thank you, Mr. Commissioner. Shantona Chaudhury for the Commission. Our witness this morning is Deputy Prime Minister and Minister of Finance, Chrystia Freeland. Good morning, Minister Freeland.

DEPUTY PM CHRYSTIA FREELAND: Good morning, Ms. Chaudhury.

MS. SHANTONA CHAUDHURY: So will the witness be sworn or affirmed.

THE REGISTRAR: Madam Deputy Prime Minister, will you swear on a religious document, or do you wish to affirm?

DEPUTY PM CHRYSTIA FREELAND: On a religious document.

THE REGISTRAR: We have the Bible, the Quran or the Torah available.

DEPUTY PM CHRYSTIA FREELAND: I have my Bible.

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

DEPUTY PM CHRYSTIA FREELAND: My name is Chrystia Freeland, C-H-R-Y-S-T-I-A, Freeland, F-R-E-E-L-A-N-D.
--- DEPUTY PM CHRYSITA FREELAND, Sworn:

THE REGISTRAR: Thank you.

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

MS. SHANTONA CHAUDHURY: Good morning again, Minister Freeland. So we'll just start with a little bit of the usual housekeeping, which is you recall sitting for an interview with Commission Counsel on September 5th?

DEPUTY PM CHRYSITA FREELAND: I do.

MS. SHANTONA CHAUDHURY: And you'll recall that after that interview, Commission Counsel prepared a summary of the interview?

DEPUTY PM CHRYSITA FREELAND: I do.

MS. SHANTONA CHAUDHURY: And you've reviewed that summary and confirm that it's accurate?

DEPUTY PM CHRYSITA FREELAND: Yes.

MS. SHANTONA CHAUDHURY: Okay. Thank you.

Mr. Clerk, for the record, that's WTS00000078. No need to pull it up.

So, Minister Freeland, I'll just ask you by -- ask you to start by describing your dual role as on the one hand Minister of Finance, on the second hand, Deputy Prime Minister. The first is probably fairly well understood. The Deputy Prime Minister aspect maybe less so.

DEPUTY PM CHRYSITA FREELAND: Okay. So as Minister of Finance, I'm responsible for Canada's federal finances. I think that role does also include a broader responsibility for the economy as a whole. One of the principal jobs which is relevant to our discussion today, one of the...
principal jobs obviously of the Department of Finance is preparing a budget every year. That budget is presented in the spring.

My second role is as Deputy Prime Minister. That is a more loosely defined role. I would say it means I'm available to do whatever the Prime Minister needs me to do. I maybe am especially involved in areas where I have a particular background or knowledge or expertise. Today and during the period that this covers, that would certainly involve Ukraine and Russia. And I think it does often involve my past as a Trade Minister and my involvement in the negotiation of the new NAFTA.

And then maybe the final thing worth mentioning is, you know, largely, you know, being the Finance Minister is a big and consuming role, particularly when a budget is being prepared. Being Deputy Prime Minister as well, I feel a particular responsibility when an issue emerges as being of sort of overwhelming national significance, even if it's not specifically in my lane, to start getting involved.

MS. SHANTONA CHAUDHURY: To lean in essentially to ---

DEPUTY PM CHRYSTIA FREELAND: Yeah.

MS. SHANTONA CHAUDHURY: Well, that leads fairly nicely into my next question actually because that dual role you had as Minister of Finance and as Deputy Prime Minister puts you in a unique position to tell us a little bit about the context in which the events that are before the Commission, the Freedom Convoy and the protests, occurred. So we spoke about this a bit
in your interview and I'm hoping you can put -- situate in context from your unique perspective what was going on.

DEPUTY PM CHRYSTIA FREELAND: Okay. Well, I'll try. And I'll mostly focus on the economic and financial perspective because that was largely my focus.

So all of this started to happen at the end of January. And it's worth bearing in mind, as I said, we were preparing the budget at that point. We were sort of deep, deep in budget preparation mode. And that means that the Department of Finance, I personally, Michael Sabia, we were all really focussed on where is the Canadian economy right now, and what is our path forward. And I think it's worth reminding people that it was a really challenging time for the Canadian economy. COVID was still very much with us in January. In Ontario, there had been lockdowns. There was virtual school. So we still have COVID with us. We could see beyond it, and we could see that the time was coming to go from a COVID lockdown, really emergency government support for the economy situation to reopening the economy and doing everything we could to achieve a soft landing for the Canadian economy after the trauma of COVID, the COVID lockdowns, the COVID recession, the economic trauma.

That meant that we were particularly focussed in the economy on two things. One was supply chains. You know, by now, I think it's sort of become part of the common discourse that supply chains were strained by COVID. It was maybe less apparent to regular Canadians in January of this year, but it was really apparent to us that the peculiar nature of the global economy during COVID had placed some very significant strains on the
supply chains. That was jeopardizing Canada's recovery from the COVID recession in areas like the lack of semiconductors putting real stress on our car sector, to give just one example of very specific supply chain problems that we were focussed on and thinking about.

The second area we were really focussed on, which again has moved more into what everyday people are talking about, but we were focussed on it already in January was we could see, partly because of those strained supply chains, that inflation was elevated and rising. And so it was apparent, I think to us, that we were going to be moving from the covid recession situation, where the challenge was, you know, prevent the greatest downturn since the Great Depression in Canada from really taking hold and scarring the Canadian economy. That had been the preoccupation during covid.

We knew that we were moving into an environment where the challenge was reopening and elevated inflation, and how do you deal with that. And that made us particularly concerned, again, about the supply chains, because they posed a challenge to elevated inflation.

So I would say that was kind of my Finance Minister budget related set of concerns.

The second economic issue that I was very focused on in December/January -- November/December/January, was the U.S. Build Back Better legislation. And in particular, their proposal on EV incentives.

And, you know, I realize to an Ottawa kind of maybe legal community type audience, that might seem a little
bit esoteric. But the reality is -- and it might seem a little bit esoteric and a little bit specific. The EV incentives, as proposed by the U.S. -- and that legislation made its way through the House in the fall in the U.S., I believe in November. That legislation, as proposed, would have been completely devastating to the future of the Canadian car sector.

What the incentives would have done, had they been passed into law as initially proposed is create very strong incentives for buying electric vehicles that were made in the U.S., not North America, just the U.S. And EVs, that’s a nation industry; right? We’re just shifting to the production of EVs.

Imagine if you are a car company -- and all the car companies that produce cars in Canada operate on both sides of the border. Imagine these powerful U.S. incentives are put in place, but they only apply to EVs and batteries made in the U.S. Are you going to build anything in Canada? Are you going to put any of those production lines in Canada? And the answer is you wouldn’t have. And, you know, these incentives, frankly, were quite intentionally designed to drive all of the building of the new fledgling EV industry into the U.S. only and to create a powerful economic disincentive to build any of that in Canada. That would have been a disaster for us because EVs are the cars of the future.

And to just give you a final kind of sense of how significant this was, at the end of 2021, Marry Ng, the Trade Minister, and I, sent a letter, which we made public, to the U.S. warning that Canada was prepared to retaliate, at scale, were this measure to be passed into law.
In December, in Finance, we were looking at and putting the final touches on a retaliation list, because whenever there is trade retaliation, the first step is you publish the list of things you might retaliate against. We did that during the 232 challenge, say we say, the 232 Tariff challenge.

The initial retaliation list that we were looking at was going to include up to $100 billion of U.S. imports into Canada. So that’s to give you a sense of the scale that we judged this challenge to be at.

Now, we didn’t want to do that. We really didn’t want a trade war. That would have been terrible for Canada. And so we were also negotiating. And we were talking all of us, the Prime Minister with President Biden, Mary Ng with the U.S. TR. I was speaking about it with Janet Yellen at the Treasury. And really, the key person emerged as a guy called Brian Deese, who is in the White House. He is the President’s Economic Advisor.

And what we were trying to persuade Brian Deese of is the idea that look, we understand that you want incentives for electric vehicles. We believe in that too. We also believe in the green transition.

We understand that you want U.S. workers to benefit from these incentives, but our car sector is very, very closely interconnected. A favourite line that you’ll hear every single Canadian trade negotiator who ever has negotiated mention to the Americans on this is a single car part can cross the border six times on the way to becoming part of a car. So we
say that all the time to the Americans.

And so what I said to Brian is, our sectors are totally integrated. We’re not asking for a free ride from the U.S. Why don’t we match your incentives, and you guys have incentives, we’ll have incentives too, and both of us have incentives for North American made EVs, thus creating a level playing field between Canada and the U.S. and frankly, a strong incentive for investment into Canada, because in that kind of an environment, Canadian made EVs would be uniquely able to be sold into the U.S. market.

So that was what we were talking about precisely at that time. And in the months of December and January, we were drafting these ideas. My department was working on it, and I was sharing them with the Treasury and with Brian Deese.

And actually, at the very end of January, my department prepared for me a sort of yet another iteration of this sort of Deese note on how can we coordinate?

So that was sort of a second direction of economic concern. I would even say anxiety. We knew we had to make this work, coming at exactly that time.

And then the final thing, which was more maybe a Deputy Prime Minister area of focus, was Russia and Ukraine. The war hadn’t started yet, but we and our allies started to get intelligence in December and in January that Russia could well be preparing to invade Ukraine.

I was briefed directly at the beginning of January that the judgement was this could really happen.

And again, it’s happened now, so we might not
fully remember how astonishing and horrifying that thought was before it actually happened. It’s horrifying now too, of course.

So, you know, that was a very big deal. I learned about it at the beginning of January and the threat just kept getting greater, and greater, and greater. I believe NATO troops were put on alert at the end of January and then I think the U.S. took this extraordinary step of declassifying its intelligence about Russia’s plans in early February, to kind of alert everyone.

And I was also involved at the Finance Minister level, working with other Finance Ministers, talking to the Ukrainians about putting together sort of pre-emptive sanctions. If you think back to that time, the idea was we would be very explicit with Russia about the sanctions that would snap in in the event of an invasion. So we were working on that.

So that was kind of a third area I was very aware of.

I thought then, and I think today, that Russia’s invasion of Ukraine, which of course did ultimately happen, is the biggest challenge to Canada’s national security since the Second World War. I think it’s a very serious attack on western democracies, on the rules-based international order.

I took it seriously then and I believed it was really important for Canada to be in a strong position to be able to respond.

MS. SHANTONA CHAUDHURY: Okay. There’s a lot to unpack there.
DEPUTY PM CHRYSTIA FREELAND: There was a lot going on.

MS. SHANTONA CHAUDHURY: Fair enough. In the interest of time, I’m just going to go over a couple of points and then move on.

But so the last point you raised was what was going on in Ukraine, you saw a link to that, Canada’s national security. So that link may not be obvious; it’s something going on in the other end of the world. So what do you mean by that, that would be a risk to Canada’s national security?

DEPUTY PM CHRYSTIA FREELAND: well, Vladimir Putin’s invasion of Ukraine is the first time that one internationally recognized state has tried to take -- has tried to conquer or seize the territory of another since the Iraqi invasion of Kuwait.

It’s a very grave violation of what I think is one of the greatest accomplishments of the post-World War II international order, which was, you know, a basic, basic understanding that internationally recognized countries don’t invade each other and seize each other’s territory.

Now, that has been perfectly honoured, but if you compare the entire post-World War II period with all of human history prior to that, it’s a huge change, and that has hugely enhanced the security of every country in the world. So that’s number one.

Number two way that Canada’s security was threatened, is threatened, but I think our -- I think the Allied response has been strong and has strengthened Canada, is I
absolutely believe that one of Vladimir Putin’s warnings -- you know, his principal objective was -- is -- to crush Ukraine to take it over; to crush Ukrainians as a people and to replace democratically elected government, to make it a puppet satrapy.

But he has another objective, which is to show that dictatorships work, and democracies don’t. There is a broader goal he has in mind, and that is, I believe, in his view, because he wants that demonstration effect; he wants to show Russians, “You know, you might not like that much, how things work here, but we’re better than those, you know, weak, feeble, pathetic Western democracies.” That’s sort of the message that he wants to communicate with what he perceives to be his own strength. And his success, were he to be successful, I absolutely believe would weaken Western democracies writ large, including our own.

**MS. SHANTONA CHAUDHURY:** Okay. That’s, I think, helpful context for -- if you’ll agree with me -- for what was in your mind, essentially, as the convoy arrived in late January. You said that that dovetailed, basically, with negotiations on the electric vehicle incentives.

And in the chronology -- you can appreciate this is the second-last day of the Commission’s testimony, so we’ve been a lot of chronology of what happened in those early days, and I want to focus with you this morning on your specific involvement. And I think you’ve expressed within the interview, and you may agree or you may not, but you started to become very actively engaged in this file, in this matter around February 6th, around the second SSE meetings; does that ring a bell?
DEPUTY PM CHRYSTIA FREELAND: That’s the second weekend, right?

MS. SHANTONA CHAUDHURY: That’s right.

DEPUTY PM CHRYSTIA FREELAND: Is that the Saturday or the Sunday?

MS. SHANTONA CHAUDHURY: That would be the Sunday.

DEPUTY PM CHRYSTIA FREELAND: Okay. Yes, that’s true. And that’s kind of consistent with how I was describing my role. So I would sort of say up until that point, I was pretty much heads-down, we have the budget, we have -- budget is sort of 90 percent of the focus and then there’s electric vehicles over here, “Hope we can get a good outcome otherwise it’s going to be really bad.”

And, you know, I’ve spoken with a lot of conviction a moment ago about the significance of the Russian invasion of Ukraine, but I want to remind us all at the end of January, beginning of February, it hadn’t happened yet. So that was just out there as a threat that I had in mind.

So up until February 6th, 90 percent budget; EVs on one side; worried about Russia/Ukraine; hoping that we can put forward strong sanction ideas that will prevent it, but it was really budget, budget, budget.

But then the second weekend of the occupation happened, and I started hearing, particularly from business leaders, that this was starting to be an area of concern. And so I did attend that committee meeting. And then, as that week went on, I became more and more and more involved.
MS. SHANTONA CHAUDHURY: Okay. And just to clarify; you wouldn’t normally attend an SSE meeting, is that right?

DEPUTY PM CHRYSTIA FREELAND: No, not at all.

MS. SHANTONA CHAUDHURY: A standing invitation as Deputy Prime Minister?

DEPUTY PM CHRYSTIA FREELAND: The Finance Minister has a stand -- I think they call it an ad refreo member. The Finance Minister can attend any Cabinet Committee meeting that she or he chooses to attend.

MS. SHANTONA CHAUDHURY: So on February 6th, you sort of invited yourself?

DEPUTY PM CHRYSTIA FREELAND: I think my colleagues also thought it would be good to have me there.

MS. SHANTONA CHAUDHURY: Fair enough. Okay. So soon after that on February 9th, your department produced an options memo.

And, Mr. Clerk, if we can just pull that up quickly? It’s SSM.CAN.00003764.

(SHORT PAUSE)

MS. SHANTONA CHAUDHURY: Okay. So Minister Freeland, we’ve talked a little bit about this already, but I’d like you to take through the options, and how this memo came about and the two options that are outlined, which are essentially amendments to -- sorry; scroll down a bit, please, Mr. Clerk.

The first option that’s outlined until you get to -- there we go. So it would be potential amendments to the
PCMTLFA Act, and then if we scroll down beyond that, you’ll see amendments to the Bank Act.

So can you tell us how you perceived these options, how the memo came about, and what you did with this information afterwards?

DEPUTY PM CHRYSSTIA FREELAND: Sure. And I think -- so this was on he 9th, which is the Wednesday.

MS. SHANTONA CHAUDHURY: I believe that’s right.

DEPUTY PM CHRYSSTIA FREELAND: Right. So -- and that really was the crucial week, from my perspective, and I think the blockade of the Ambassador Bridge began on the Monday of that week.

MS. SHANTONA CHAUDHURY: Yes.

DEPUTY PM CHRYSSTIA FREELAND: So from a finance/economic perspective, that escalated things exponentially; that’s what made it a hugely significant economic action.

And, you know, I had started to get really worried on the Sunday. I attended the Cabinet Committee meeting; the bridge is occupied on the Monday. I start talking very urgently with my team, with Michael Sabia and officials, and we basically go through sort of three thought processes.

Number one, is this a really huge problem that has risen to the level of that we need to figure out a way to stop this? And by the beginning of that week, especially with the bridge blockade, we were coming to that conclusion; we have to figure out something to do.

So then step two is; we’re the Department of
Finance. I think you’ve probably heard from other ministers, the instruction was, “Okay, everyone, take a look in your toolbox and figure out what tools are available to you to act on this.” And so that’s what we did. And we found, looking at what was in the finance toolbox, that there were basically two areas where there could be authority. One was FINTRAC, which is the centre that sort of monitors financial transactions, money laundering, terrorist financial activity, and then the second was the Bank Act, and would there be authorities under the Bank Act that could be useful in resolving this situation.

So that was the two areas we looked at. We looked at what the existing tools, available as of that moment, permitted us to do, and we came to the conclusion pretty quickly that everything that could be utilized was being utilized.

So then we thought, well, is there a need to legislate, and that memo outlines areas where the department said you could legislate to create this authority, or, you know, you could legislate to create these various authorities as outlined in the memo.

MS. SHANTONA CHAUDHURY: And did you consider those viable options then?

DEPUTY PM CHRYSTIA FREELAND: We definitely looked at them. As you know, I would say -- let me say a couple of things. So on the FINTRAC front, what we concluded was, you know, to put it in maybe kind of more regular terms, what we concluded, and this is something that finance officials had been thinking about for a while, is that basically the FINTRAC monitoring authorities were appropriate for a 20th century
economy, but not for a 21st century economy. That FINTRAC -- so FINTRAC, and I know you guys know this because you have been over this for hours and hours and hours, but maybe for people who are tuning in for the first time, FINTRAC is not an enforcement agency. The job of FINTRAC is to monitor what's going on, to both look into reports that it gets and to just kind of have situational awareness and let us know what's happening in terms of illicit financial flows in Canada. I think that's a summary I would offer you of FINTRAC, of FINTRAC's job.

What we were sort of reminded of in looking at this is FINTRAC's sort of line of sight was very blinkered. They could look into what you might call the 20th century financial system, but they didn't have authority over the 21st century financial system. And by that specifically, I mean over crowdfunding and over payment platforms. So that was the lacuna. It was well known that it was a lacuna, but there hadn't been an urgency to act. And the memo identifies this is an authority that we think FINTRAC should have, and you could legislate to create that authority.

Subsequently, as we all became FINTRAC experts very quickly, or thought we were becoming FINTRAC experts very quickly, we understood that regulatory authority would be sufficient to grant FINTRAC these additional powers. And as you know, that's what we ultimately did. So FINTRAC, one area.

And then second area which is outlined in this note is could the Bank Act be used to allow the banks to effectively freeze accounts. That's basically what the memo
discusses, and it discusses what would be the different authorities which would allow that. And so those were the options that were developed there.

Maybe the final point worth mentioning with regard to that memo is in terms of a legislative path, what we understood was it takes a long time. And, look, it's a good thing that it takes a long time for legislation to be passed in Canada, even when we're working really together and urgently and quickly. And an example, you know, just this fall of Parliament coming together, understanding an urgent necessity and passing legislation was the Bill that granted us the authority to double the GST credit, which we proposed as soon as we returned from the summer recess. It gained all party's support, and it speeded through. And, you know, we got -- we proposed it in the middle of September, and we got the first cheques out to Canadians on November 5th.

In Parliamentary legislative time, that is a sprint, and that was good, because we know that Canadians need inflation relief, but that's really, really fast from September 19th to November 5th. So -- and that's just one real-life example where there was urgent action by Parliament and the Senate -- and the House and the Senate. And so while this -- we looked at what the legislative options could be, we quickly understood that they would take a long time.

MS. SHANTONA CHAUDHURY: So skipping way ahead now, so the conclusion in the end was you did not have time to legislate?

DEPUTY PM CHRYSTIA FREELAND: Not that -- I mean,
I think the short answer is yes. You know, basically, the legislative timelines and the snowballing sort of exponentially damaging impact on the economy, they were not -- the legislative timeline was not appropriate to the scale and speed with which the damage was mounting.

**MS. SHANTONA CHAUDHURY:** You mentioned in the course of that, that you were having conversations and you were hearing from various stakeholders and businesspeople, et cetera, so I want to spend a moment -- and also, U.S. officials, obviously, so I want to spend actually a moment, a little while going through some of the conversations that you were having. And I think the best way to do this is with the assistance of some of the documents that we have that may remind you of the specific conversations.

So we'll start with, Mr. Clerk, SSM.CAN.00001255. So this is a summary of your conversation -- while it's being pulled up, with Mr. Deese, Brian Deese, on February 10th. And you've already explained to us who Mr. Deese is, but just maybe go over that again. So would you say he's the Senior Economic Policy Advisor to the President?

**DEPUTY PM CHRYSTIA FREELAND:** A hundred percent. I would say when it comes to U.S. executive economic authority, the most important person is President Biden, obviously, and his most important advisor is Brian Deese, and then, of course, Secretary Yellen is a very significant and, you know, frankly, brilliant figure and player in all of this.

And we were -- maybe just as a quick footnote, I don't want to offend the Treasury, in talking about these EV
DEPUTY PM FREELAND
In-Ch (Chaudhury)


talk to often?

DEPUTY PM CHRYSTIA FREELAND: I try to. What was striking to me about the conversation I had with him on the 10th of February is he is a person who is very hard for Canadians to get a hold of. And actually, in the fall when we realized how significant the EV issue was, and when in my conversations with the Treasury I really learned how important the White House and Brian Deese were, and also our Ambassador Kirsten Hillman sort of identified to us Brian Deese is the guy you have to talk to. And it was a real effort to develop a relationship and a dialogue with him, and an effort to get -- always an effort to get him on the phone, to get him to answer an email. And I don't mean that in any way to slight him. He's an extremely busy person. In a way, the fact that it's hard for Canada to reach him is a good thing. It means we're a peace border and good government country and they're not very worried about us.

And so what was really striking to me was how quickly he got on the phone with me on that Thursday. It was instant. And while in some ways, you know, that was in -- as a practical matter that was good, but it gave me a measure of how worried the White House was about this.

MS. SHANTONA CHAUDHURY: Okay. So let's look at the summary of the conversation you had with him. Mr. Clerk, if

INTERNATIONAL REPORTING INC.
DEPUTY PM FREELAND: Yeah.

MS. SHANTONA CHAUDHURY: Okay. So starting February 10th, so this is you, Minister Freeland, writing. You say,

"He called me.

They are very, very, very worried. If this is not sorted out in the next 12 hours, all of their north eastern car plants will shut down.

He said that he supposed that this proved the point [that] we had made previously to them about how closely integrated our economies are. (He did not seem to see this as a positive.)

He asked what he could do to help us.

I said -
- Tow trucks
- Make your point about banning travel to the US for participants public
- Arrange a call between the PM and the President"

And then you say:

“He was aware of points 1 and 2 [tow trucks and banning travel] and said he would push on both.

He was supportive of the idea of a call"
DEPUTY PM FREELAND: Yeah. I mean, you know, I think -- can you move up a little bit? Just, you know, I think the point, the second sentence, he said that this proved the point about how integrated our economies are and he didn’t seem to see this as a positive, he brought that up.

And you have to kind of bear in mind, I have been bugging the guy, and Canadians have been nagging Americans since the fall, and we’ve been saying, “Guys, you don’t understand Canada. You don’t understand how integrated our economies are. This approach you’re taking to the EVs, it’s completely counterproductive for you, because we work so closely together, those parts, they cross the border six times.” We’ve been saying this over and over. And so he comes back at me and he says, “Yeah, okay.” Like, “You’ve made the point. We get it.” And it was a surprise to him, actually, the extent to which their car industry was dependent on the trade with Canada.

But that was a dangerous moment for Canada, I felt. Very, very dangerous. Because the U.S. then and now, as part of their own soft landing from covid, something that is happening there is a real move to protect the supply chains of the United States, the same supply chain challenges I was talking about earlier is affecting Canada, affected the U.S. And I think we have all seen a very strong push this year, by Americans, to insulate their supply chains, particularly, from China, are very worried about the semiconductors, but more
broadly, covid brought alive to them the vulnerability of their
supply chains.

And this was so worrying to me because I could
see, really, for the first time ever, the Americans having this
amber light flashing in Canada. And this amber light that said
to them, “You know what? The Canadian supply chain could be a
vulnerability too.”

And that’s a problem for us because there are
plenty of Americans, both Democrats and republicans, who would
love any excuse to impose more protectionist measures on us. So
that line to me, it jumped out at me, it made me really, really
worried, and I understood -- I really understood at that point
that the danger wasn’t just the danger of the -- it wasn’t just
the immediate damage. It wasn’t just the immediate harm. It
wasn’t, oh, you know, this plant looses four days of operation.
The danger was were we in the process as a country of doing
long-term and possibly irreparable harm to our trading
relationship with the United States.

And it’s also important to understand that our
trading relationship with the United States, it’s not just about
Canada/U.S. trade. It’s about Canada’s attractiveness as a
destination for all foreign investments. Japanese car companies
invest in Canada because of our trading relationship with the
United States.

So that one conversation was a seminal one for
me, and it was a moment when I realized, as a country, somehow
we had to find a way to bring this to an end.

**MS. SHANTONA CHAUDHURY:** And Mr. Clerk, if you
just scroll up a bit so we can see the next email there?

You say:

“One final thing - [...] he would like to
talk to me again tomorrow and every day
until this is sort out.”

Did that end up happening?

**DEPUTY PM CHRYSTIA FREELAND:** It didn’t, because
we sorted it out. So, you know, that was a conversation on the
Thursday night.

You’ll see from that conversation that I asked
Brian to help organize a call between the Prime Minister and the
President. And again, that’s a very hard thing to set up. The
President of the United States, the most important elected
leader in the world, very, very busy guy. He also, by the way,
was involved in this potential Russian invasion of Ukraine.
Very involved. And yet I asked for the call that Thursday, I
can’t remember exactly when my call with Brian happened
Thursday, sort of early evening, I think, late afternoon/early
evening. The President and the Prime Minister spoke on the
Friday. And then, as you know, we made an announcement on the
Monday.

**MS. SHANTONA CHAUDHURY:** Okay. Just going to
take you back for one second.

Mr. Clerk, can you pull that one down and go to
SSM.CAN.00004175?

Minister Freeland, this is a text exchange you
had on the 11th with Brian Clow of the PMO?

**DEPUTY PM CHRYSTIA FREELAND:** Yeah, okay. And
that is ---

MS. SHANTONA CHAUDHURY: That’s the following day then.

DEPUTY PM CHRYSSTIA FREELAND: That’s the Friday.

MS. SHANTONA CHAUDHURY: Yes, the Friday.

And scroll down a little bit, please, Mr. Clerk. Until we see “Windsor was supposed to...“ There.

So you say:

“Windsor was supposed to happen today.
This can’t go on. We need to show some federal leadership too.” (As read)

So does that go back to what you were just saying? At that point you had decided something had to be done and quickly?

DEPUTY PM CHRYSSTIA FREELAND: Yes. And also, you know, that point “Windsor was supposed to be today”, I think it’s worth dwelling on for a moment because it speaks, you know, to our experience in the eye of the storm, which is that we continued to hear that action was going to be taken and things were going to come to an end. And it seemed that that wasn’t happening.

And at the same time, what seemed to be happening is we had this metastasizing of the illegal blockades and occupations. So there was sort of, you know, copy cat action across the country, sort of a wack-a-mole. And that was also worrying.

MS. SHANTONA CHAUDHURY: Okay. We’ll go back to the stakeholders now, Mr. Clerk. Thank you. Can you take that
one down and pull up SSM.CAN.00004138?

So this is a text exchange with Mr. Flavio Volpe.

DEPUTY PM CHRYSTIA FREELAND: Yes.

MS. SHANTONA CHAUDHURY: Explain who Mr. Volpe is?

DEPUTY PM CHRYSTIA FREELAND: Yeah, Flavio is the head of the car parts group. He is a real leader in the car sector. I got to know him well during the NAFTA negotiations, where we had sort of a real Team Canada approach and autos were a very important issue. And so Flavio and his constituent companies and the trade negotiators and I worked really closely together on the specifics of the deal.

And Flavio also, you know, significantly, I think, for this exchange, Flavio was very aware of the EV issue. And if I have seemed to you guys today to be kind of weirdly obsessed with EVs, and U.S. EV incentives, I would urge you to spend five minutes talking to Flavio and you will understand how really kind of life or death for the car sector it is.

So he was very, very steeped in all of these issues.

MS. SHANTONA CHAUDHURY: Okay. So if we just look at the text exchange, he says to you on the 9th:

“The Ambassador Bridge debacle is embarrassing.”

And then you say:

“Let’s talk tomorrow. I would love to get your ideas. I am worried too.”

So the text then skips to February 14th, but we
don't necessarily need to go -- well, actually, let's go there.

So this is at the point, I guess, where the Emergencies Act has been involved. And you say -- express to him:

“I know devastating this has been and am determined that we need to take strong action. We didn’t save NAFTA only to have it undermined.”

Can you tell us about the conversations you had sort of in-between these texts?

DEPUTY PM CHRYSTIA FREELAND: Not really, because I don’t have, sort of, specific memory of actual things we said and I can’t even tell you 100 percent whether we spoke on the phone or just exchanged texts. So I don’t want to pretend to knowledge of that.

But, you know, I can give you some context for that view that I expressed there, which I do remember expressing, which I think is consistent with what I’ve been saying earlier this morning, that all of us who had been involved in the NAFTA negotiation, very much the car sector people, but I think you'll see that I also had a text exchange with one of the steel guys, you know, all of the industries that were very implicated in the NAFTA negotiations were aware of how Canada's access to the U.S. market was both essential and kind of constantly fragile and in need of tending. I don't know, maybe it's like a marriage. Like your whole life is based on it, but you have to take care of it every single day. And these people, whose jobs, whose livelihoods depending on it really
understood that.

And like I'm aware as I'm speaking that this might seem esoteric to lawyers, and what I really want to say is, you know, especially for me, personally, the NAFTA negotiations were kind of a bonding experience, just for me as an elected Canadian leader, with everyone who works in a Canadian car plant or a Canadian car part plant with Canadian steelworkers, with Canadian aluminum workers, with people in Regina who make pipes. I knew during the NAFTA negotiations their jobs were on the line, and they knew it too.

And all of those people across Canada, they were so great. Like they were prepared for Canada to take a strong position, they were prepared for the U.S. President to insult us, they were prepared for us to take really strong retaliatory actions against the 232 tariffs because they knew how important it was for them and their jobs and their lives.

And what text exchange with Flavio represents is me sharing with him something I know he felt too, which is this really important market access that we managed to secure just a couple of years ago, it's constantly under threat, witness the EV incentives, and it's under threat right now, and we just -- we can't let Canada be devastated this way.

MS. SHANTONA CHAUDHURY: Okay. You mentioned one of the steel guys. Would that be Alan Kestenbaum?

DEPUTY PM CHRYSTIA FREELAND: It certainly would.

MS. SHANTONA CHAUDHURY: Okay. Let's pull up, then, SSM.CAN00004171.

This is a text exchange you had with him on the
11th. And what he has to say is a little bit different, I think, so it's worth going through. So he sends you this, and he says:

"Hi Chrystia, I hope [you're] well...I know you have your hands full...I'm not saying anything you [probably] don't know..but this is really impacting us badly now like many others, and I fear, that even worse, the long term consequences of shutting down auto plants because of lack of Canadian parts, will only convince the auto companies 'on shore' even more and relocate supplies..."

This is a bit annoying because it's in three separate documents.

So Mr. Clerk, can you take that one down, and put up SSM.CAN00004349. Record time.

Okay, so that's a continuation of the text:

"...relocate supplies (and our customers) to the USA. I know it sucks politically to back down and reverse course, but does it really pay to carry on the policy in support of a mandate for a vaccine that doesn't prevent the spread of omicron and which seems to be vanishing naturally anyway? Moreover this could create a resurgence of the
right wing, just like it did in
America. Anyway, I know this is a
massive headache for you, but it could
be solved by retreating and letting it
fade away from everyone's memory. Just
sharing my views...hoping the spreading
disruption gets resolved quickly."
Okay. And then the next one, Mr. Clerk, is your
response, which is SSM.CAN00004170.
And that response is:
"Dear Alan - Thank you for reaching
out. I share your concerns. We are
determined to bring this to an end
quickly, and we will."
So what Mr. Kestenbaum is expressing there is the
same concern and a suggestion that the solution to it is to
alter the public health measures. So what was your reaction to
that?

DEPUTY PM CRYSYIA FREELAND: For me, the salient
point was the first part of his message, and you know, I think
what he says there, and he is -- runs Stelco in Hamilton, he is
American, though, and U.S. based. What he was saying at the
beginning about onshoring and relocating to the U.S. that's what
I was talking about earlier today. And I kind of highlight that
for all of us here, just to kind of make clear to everyone that
for people whose bread and butter, whose livelihoods were in the
U.S. trade exposed industries, their immediate conclusion, you
didn't have to think about it, the immediate conclusion from the
blockage of trade was the Americans are going to respond by
cutting us out.

And then in terms of Alan's proposal, I didn't
debate it with him. I don't think that it's -- I think that the
relevant information for me from him wasn't for him to tell me
what the right solution was, the relevant information for me
from him was for him pointing out to me that this was a really
big problem and it had to get resolved.

MS. SHANTONA CHAUDHURY: Okay. We're now going to
skip to one of the very, very crucial days in all of this
chronology, which is the 13th of February. I understand that on
that day you had a call with a number of Canadian bank CEOs, and
I think, correct me if I'm wrong, but the chronology of that day
in your world goes, call with the bank, afternoon around
1:00 p.m.; IRG meeting mid-afternoon; and then Cabinet meeting
at 8:30 at night. Does that sound right?

DEPUTY PM CHRYSTIA FREELAND: It does. I'm just
referring to my own chronology because there was one other
meeting which is relevant, which is at two o'clock that day I
had a national security meeting on Ukraine.

MS. SHANTONA CHAUDHURY: Okay, fair enough.

DEPUTY PM CHRYSTIA FREELAND: So just to give you
guys the sense of how overlapping the issues were.

MS. SHANTONA CHAUDHURY: Okay.

Mr. Clerk, if you could pull up document -- I've
lost my document. SSM.CAN1281, please.

Okay. So we're on the 13th now, and this is an
email from Meredith Tyler?
DEPUTY PM CHRYSTIA FREELAND: Tyler Meredith.

MS. SHANTONA CHAUDHURY: Tyler Meredith. I'm sorry. Can you tell us who Tyler Meredith is?

DEPUTY PM CHRYSTIA FREELAND: He doesn't work in my office anymore, but he -- I think his title was Strategic Policy Advisor, a senior ---

MS. SHANTONA CHAUDHURY: So one of your staff.

DEPUTY PM CHRYSTIA FREELAND: --- policy person.

MS. SHANTONA CHAUDHURY: Okay. And he writes, and the timestamp of this email is that wonky Greenwich meantime thing, so that means around 11:30 in the morning I believe. He writes:

"Hi Chrystia, everyone is confirmed for 1pm. A list of CEOs...is at the bottom of this email.

A couple of points of background for the call:

The institutions are all aware we convened a call with the Canadian Bankers Association earlier this week just to check in on whether they had any advice for us in light of recent events. The message from industry (mostly speaking for..."

That probably means "from":

"...from their legal [counsel]) at the time was - we've got this under control and generally feel comfortable with the
current regime."

Then he says:

"Privately...[certain banks] have...proactively said...that it might be worthwhile...[looking] at bringing [in] platforms under...AML..."

That's anti-money laundering:

"...Proceeds of Crime...limiting access to...payment processors."

And then the last bullet is:

"We [haven't] given them any indication about [what's] under consideration..."

So in all of that, it's actually the first bullet that I want to focus on most, which was this message that what had been heard from industry prior to this was "we got this", "it's under control", "we're comfortable with what's happening."

Is that something that you were aware of that you heard before?

DEPUTY PM CHRYSTIA FREELAND: So I -- I mean, this was an extremely busy time that week. Tons and tons of stuff was happening. I had a lot of information flowing through my phone and my inbox.

And I can't confirm one way or the other whether I read the specific note from Tyler. So I can't comment on this specific email. What I can say is that -- and you've seen sort of the disclosure of all of the things that -- all of the messages that I sent and things I wrote down. What I can also say is that weekend, and I can't tell you the specific times, I had two one-on-one phone calls with bank CEOs, with the CEO of
BMO and the CEO of TD, I believe at their request. That was unusual. I do, sort of as a matter of course, meet with the bank CEOs as a group every six months, and obviously, they can and should have access to me, like, they should be able to meet with me. But it usually takes a while for people's calendars to work and for the meeting to be arranged. And it's highly unusual for them to want to talk to me on a weekend.

So that was significant to me that they wanted to talk to me on the phone. I spoke to both of them, I am sure, pretty sure -- well, 90 percent sure I spoke to both of them before this call at 1 p.m. on Sunday with all of the bank CEOs. And each of them expressed a high degree of concern about the damage being done to Canada and the Canadian economy, which was then reflected in the group call.

MS. SHANTONA CHAUDHURY: Okay. So let's have a look at that group call now. Mr. Clerk, it's SSM.CAN.00008766. So this is about a three-page document, Minister Freeland, and I'm just going to take you to certain excerpts of it that I'd like you to elaborate on. So the first one, Mr. Clerk, if you just scroll -- there we go.

We don't know who's speaking here, but whoever it is, it's one of the bank CEOs, says,

"The big hole in our financial system is these platforms, which are effectively money service businesses that are not being regulated as such."

So that -- these platforms refers to the payment processors, the crowdfunding platforms?
DEPUTY PM CHRYSTIA FREELAND: I believe so. I mean, I shouldn't put words in the mouth of another person, but I think one of the messages that I recall came through in this call and that, you know, my memory was refreshed when I looked at these notes, one of the messages from the bank CEOs was kind of what finance had concluded independently earlier in the week, which is there's this whole space where financial transactions happen that no one has any line of sight to. And that is crowdfunding platforms, or the crowdfunding platforms, the payment systems, and then I think someone also mentions crypto later on in this call.

MS. SHANTONA CHAUDHURY: Yeah, I think they do. That's right. So we'll just scroll down a little bit there. I'm not sure we're going to get to crypto just yet, but we are going to get to your response here where you say, "I am very prepared to come out and speak about this. This is an attack on democracy. We need to educate Canadians about this."

What do you mean by this is an attack on democracy here?

DEPUTY PM CHRYSTIA FREELAND: So I was responding specifically to one of the CEOs whose bank had acted to freeze an account based on -- this was prior to the invocation of the Emergencies Act. It was based, as that note shows, on what the banks anti-money laundering systems detected, and based on that, the bank rightly acted. What was a concern for me, and this was -- this did shape how we acted, was the banks being blamed for
taking this action, the banks being seen as choosing to do it, as having the agency. And it was particularly a concern, and you note the mention of Fox News -- the thing you have to remember about Canadian banks is many of them are significant banks in the United States as well. They are big players there, and some of them trade under their Canadian names. And so they were in jeopardy not only in Canada, but also in the United States, if they were being seen to taking a politicized position. I didn't think that was their responsibility. I thought it was the responsibility of the government to make judgments about this.

**MS. SHANTONA CHAUDHURY:** Okay. The next concern highlighted there is, "Canada's reputation indeed is at risk. We need to show the world proactively that we won't let this happen again [...] our trade corridors will remain open. We should think about putting the military in place to keep the border crossings moving even after the protestors are removed. To send a clear signal."

So this is about as strong a suggestion as you can get, bring in the military. And your response though here is, "Couldn't agree more with those points. We must make clear that 1) we will resolve this [and] 2) we won't let this
happen again."

So can you explain your response there? Were you agreeing there that bringing in the military to patrol the borders was a viable option?

DEPUTY PM CHRYSTIA FREELAND: No. It was -- I mean, look, if you look at that conversation, people raised lots of different points in their commentary, and I didn't respond to every single one, just as in my previous exchange with Alan Kestenbaum, our Stelco guy, I acknowledged his concern, but I didn't really address his public health measure point. My point there was, as I said in my follow-up, that what we need to is, as a government, one, resolve it, two, be clear it's not going to happen again. And, you know, from my perspective, I wanted -- the reason I convened that call, and again, probably worth highlighting, it is highly unusual for the CEOs, like, highly, highly, like, never -- I mean, I've only been Finance Minister for two years, but it hasn't happened before and I hope it will never happen again -- for the CEOs of all of Canada's banks on, you know, a couple of hours' notice on a Sunday afternoon to come together on a Zoom call with the Finance Minister and Deputy Minister of Finance. It's very, very unusual for them to find the time to do that.

I'm right now trying to organize a meeting with them, my kind of every six-month meeting, for December, and it's the kind of thing that we sort of organize four to six weeks in advance because these are all busy people. So that's kind of just worth mentioning. It shows their degree of concern and anxiety.
Value for me of this meeting, why did I want to have it, what did I want to get out of it? Two things. One, I wanted to hear from them how worried were they. By that point, I was really worried, but we were contemplating, as you know, really serious action. And I needed to hear directly myself from the leaders of Canada's financial institutions did they share my level of concern. That was a very important proof point for me. So that was kind of number one.

And it was important for me for them -- it was important for it to be a meeting of everyone because that's also a measure of how worried were they; right? Are you prepared to say these things to a group of your peers? Is that -- that's -- you judge your words carefully there and you should. So, number one, am I right to be as worried as I am? What do these guys think?

And then number two concern was, okay, we do have some tools. Are -- how are the tools working? The people who have these tools, who are in charge of using them, how are they finding they work in practice? Those were the two things I tried to get out of the call. And it was a very useful call in terms of answering both those questions.

MS. SHANTONA CHAUDHURY: So maybe the next extract I wanted to point out goes to that second point.

Mr. Clerk, can you just scroll down a little -- there we go.

So this is someone saying,

"We need court orders to act. We had identified an individual who is an
organizer who had several hundred thousand dollars move into their accounts, we flagged it to FINTRAC...started work on a court order and because of the delay of 4 hours, the money was withdrawn before we cold stop it.”

And you say there, you ask:

“Was the problem there...a gap in the current system or [that] it moves too slowly?”

And the reply is, “4 hours was too long.” And then I think underneath that, there’s, “And let’s be clear...”; that’s the reference you were talking about:

“And let’s be clear, they will all eventually move to crypto.”

Okay. A little lower down -- Mr. Clerk, bottom of that page -- you mention reputational risk. That’s something you’ve talked about several times. Here’s one of those, I think, quotable quotes:

“Agree with my colleagues. The reputation of Canada is at risk. Just spent a lot of time in the US last week and we were being called a ‘Joke’ by people. I had one investor say ‘I won’t invest another red cent in your banana republic in Canada.’ That adds to an already tough investment
perspective on Canada.”

Did that have any impact, the banana republic idea? I mean, it’s hyperbolic.

DEPUTY PM CHRYSTIA FREELAND: Well, I mean, I believe, and subsequent conversations underscore -- you know, if I were an editor, I would ask my -- still an editor, I would ask my reporter, “Is that a direct quote, or are you paraphrasing?” And I think subsequent conversations we had show that was a direct quote, and a direct quote that a Canadian bank CEO was relaying to me that he had heard on an investment trip to the US from someone who he wanted to invest in Canada; he was trying to persuade someone to invest in Canada.

And that was a heart-stopping quote, for me. That was really a moment when having already been concerned, when I really understood that what was happening was profoundly jeopardizing the Canadian economy and putting investment in Canada at risk.

And, you know, I don’t expect you guys to have read our April budget, but one of the things we identify in the April budget is underinvestment as being a core problem for the Canadian economy, an Achilles heel. We don’t have a high enough rate of business investment.

We’ve done really well. Like, I don’t want to talk Canada down. Canada’s fantastic. Our economy is very strong; we have a great jobs recovery from the COVID recession. But one indicator where we’re underperforming is business investment. And, again, that can sound like a dry thing to focus on, but a lack of business investment ultimately
translates into Canadians not having jobs and Canadians not
having jobs that pay well enough to maintain a good standard of
living. That’s what a lack of business investment means. And
that quote relayed to me, really made me realize I had a duty of
stewardship; I have a duty. I had, at that moment, a very
profound duty to Canadians to stand up for them. And I’m
surprised that I’m getting emotional, but I really felt it, and
I felt like you know, the Canadian economy, it can feel like
this amorphous thing; investment, it can seem amorphous; EV
incentives, amorphous. But when I heard that, I realized, I’m
the Finance Minister, I’m the Deputy Prime Minister, I have to
protect Canadians; I have to protect their wellbeing, it’s being
really, really damaged.

So, yeah, that was a meaningful conversation for
me and that was a very memorable quote, and for sure a spur to
action.

MS. SHANTONA CHAUDHURY: So maybe in the end not
so hyperbolic, in your view?

DEPUTY PM CHRYSTIA FREELAND: Well, look; I can’t
comment on what that investor was thinking; it’s second-hand,
right? That was what a bank CEO reported to me an investor said
to him. But it is my job to -- ultimately, what’s the job of
the Finance Minister? To make sure Canadians have a good life,
right? And part of how Canadians have a good life is capital is
invested into the Canadian economy, so they have well-paying
jobs. And what that quote said is something is happening in
Canada that very profoundly hurts Canadian jobs.

And if you go down a little bit, you’ll see --
and I didn’t remember this until I reread this note; you know, I tried to kind of rally the troops there in the call. I tried to say -- I can show you the line.

MS. SHANTONA CHAUDHURY: Scroll down?

DEPUTY PM CHRYSTIA FREELAND: Yeah, please.

MS. SHANTONA CHAUDHURY: Okay.

DEPUTY PM CHRYSTIA FREELAND: So this is it:

“If the investor you speak of is American,...”

I sort of said -- what I was trying to do was rally the bank CEOs, and kind of say to them, “You guys are playing for Team Canada. Don’t take that from your investors.” Don’t let guys -- you know, I don’t know if it was New York or wherever, but, like, “Don’t let those guys say to you that Canada is a banana republic. We’re a great country.” That’s what I was trying to say there, and I was trying to say, sure we have our problems, but you know, we -- as I say there, our report card looks not too shabby.

I wanted the CEOs to have confidence in Canada and the Canadian economy so that they could relay that to investors.

So, you know, I put up a good -- I think anyway, my objective was to imbue them with confidence because the confidence they project is important for Canada. But when I turned the Zoom off, I thought, “Wow, this is really serious.”

MS. SHANTONA CHAUDHURY: Okay. The last thing I want to take you to before we put this document down is that -- just that last little paragraph there that just came up on the
screen. You say:

“I am very resolute in ending this occupation of our democracy. But I will never support negotiating with those who [held] our democracy hostage. No good thing comes of that.”

Can you explain that comment; you:

“...will never [sanction or] never support negotiating with those who hold our democracy hostage”?

**DEPUTY PM CHRYSTIA FREELAND:** I think it’s pretty self-explanatory. I don’t think it’s healthy for a democracy, for any democracy, for policy to be made, you know, at gunpoint, if you will. And that really also devalues the views and the contributions of all Canadians who express their political views and their political preferences in different ways; for example, by voting. So, yeah.

**MS. SHANTONA CHAUDHURY:** Were you referring there to the vaccine mandates, to public health measures, or more generally; ---

**DEPUTY PM CHRYSTIA FREELAND:** Yeah, I think ---

**MS. SHANTONA CHAUDHURY:** --- do you recall?

**DEPUTY PM CHRYSTIA FREELAND:** I think -- I mean, again, I don’t have a sort of photographic or a video memory of exactly how that conversation evolved. And, in fact, I didn’t remember saying this until I read it again, but I’m sure that’s a faithful account.

Having read the note -- having read this note
what I think I was referring to is a comment made earlier in the conversation suggesting that the solution to this was a change in policy on vaccines. That’s what I think I was responding to.

MS. SHANTONA CHAUDHURY: Okay. So we’re going to leave the call now -- Mr. Clerk, you can take that document down -- and talk about the economic impact of the protest and the blockades as you saw it and what you conveyed to your colleagues on that front.

So last week when your department officials were here, we went through, in some detail, the initial assessment they prepared on February 10th, and also the eventual February 22nd economic analysis. So we’re not going to go through that in detail this morning, but what I would like to take you to is -- actually, this is SSM.CAN0000095.

(SHORT PAUSE)

MS. SHANTONA CHAUDHURY: These are the minutes of the February 13th IRG, so we’re still on the same day here, February 13th, and that was -- I believe it was around -- what was the time of the IRG again?

DEPUTY PM CHRYSTIA FREELAND: Four o’clock.

MS. SHANTONA CHAUDHURY: Early evening, around 4 o’clock, okay.

DEPUTY PM CHRYSTIA FREELAND: It says right there 4 o’clock, yeah.

MS. SHANTONA CHAUDHURY: Thank you. I was looking at my paper, not at the screen; 4 o’clock.

So in between, you had the bank call, then you had the Ukraine call that we learned about, and then 4 o’clock
is the IRG.

And if you scroll down to page 6, please, Mr. Clerk? Rotate there.

So you’re reporting to the IRG on the economic impact, and you say:

“The Minister highlighted ongoing economic losses of 0.1 per cent to 0.2 per cent of [the GDP] for every week the blockades continue.”

We know at this point that that didn’t come from an internal Department of Finance analysis. I believe you were referring to something that had been reported in a Bloomberg article? Is that right?

DEPUTY PM CHRYSTIA FREELAND: A Bloomberg economic analysis.

MS. SHANTONA CHAUDHURY: A Bloomberg ---

DEPUTY PM CHRYSTIA FREELAND: Yes.

MS. SHANTONA CHAUDHURY: --- economic analysis.

DEPUTY PM CHRYSTIA FREELAND: And it was also fresh in my mind because in that bank CEO conversation, that number was also referred to by one of the CEOs. So I was aware of that Bloomberg economic analysis and I was also aware that on the street, that was the number that Canadian business leaders and international investors were seeing and citing.

MS. SHANTONA CHAUDHURY: So on the street, you mean on Bay Street? On ---

DEPUTY PM CHRYSTIA FREELAND: On Bay Street and probably on Wall Street too.
MS. SHANTONA CHAUDHURY: Okay. Did you explain to your colleagues at the IRG the source of this number?

DEPUTY PM CHRYSTIA FREELAND: I cannot recall whether I did or not, but my -- yeah. So I can’t remember. But, you know, it was a very busy time. A lot of people were speaking. My objective was, in a succinct way, to convey to my colleagues, who aren’t responsible for the economy, that this was a really serious economic impact.

So I think that it was possible, you know, say you’re a Cabinet Minister, you don’t have principally economic responsibilities, you might be seeing this mostly about, you know, damage to Ottawa shopkeepers. And that’s really serious. I don’t want to understate the human toll of that. but what I wanted to communicate was this is getting to have a macro impact that will be material on the Canadian economy.

And the only other thing that I would say is, you know, with hindsight, if anything, I feel that number -- I feel that that statement, if that’s all I said there, I feel that statement understated the possible impact, because the real challenge was it was exponential. So as it happened, that trade blockade was effectively a weeklong thing, and that’s what statistics ended up recording.

But had it gone on, then you would have seen not an arithmetic adding up the damage of week, plus week, plus week. I think what you would have seen, and why this really rose to the level of a profound threat to Canada’s economy, was the exponential nature of it, that the longer it went on, the greater threat that the U.S. would lose faith in us and our...
trading relationship would be irreparably damaged. The longer it went on, the greater the threat that foreign investors would write off Canada.

**MS. SHANTONA CHAUDHURY:** Okay. So obviously that was a concern that you were expressing to your Cabinet colleagues that day.

**DEPUTY PM CHRYSTIA FREELAND:** Probably more clearly to you right now than I did then. But I think I did communicate to them I was really worried.

**MS. SHANTONA CHAUDHURY:** Okay. So the overall economic impact, both near-term and long-term.

We can take that down now. Thank you, Mr. Clerk.

The next topic I want to address with you is another concern that was being expressed around this time, which is the issue of foreign funding and foreign influence, and money flowing, largely, I think, up from the U.S., to fund the convoy.

So Mr. Clerk, can you pull up, please, SSM.CAN.00001846?

So this is an after the fact, not quite after the fact, but certainly after the invocation of the *Emergencies Act*, discussion that you’re having with your departmental officials.

And if we scroll down a little bit, please, Mr. Clerk. Keep going. Keep going. I’ll let you know when to stop. Keep going. There we go.

So this is a question that you’ve posed to your officials, and the question is:

“And do we have any info on foreign donations?”
And the response that comes back is:

“We do not have any information on foreign donations that entered our Canadian financial systems. It is possible that FINTRAC, CSIS, or the RCMP possess information on foreign donations but that information is not shared with the Department of Finance.”

So is it fair to say that at the points at which foreign influence, foreign donations were being talked about, the government wasn’t actually in possession of information to corroborate that?

**DEPUTY PM CHRYSTIA FREELAND:** No, I wouldn’t say that. What I would say is a couple of things. One, one of the things that this occupation and the blockades really brought to our attention was how little official insight we had to crowdfunding and payment platforms, how little we knew for sure about what was going on there. And we’ve talked about that and we have since acted on a permanent basis to correct that.

The -- there was very good reason to believe and in fact the subsequent report that the Commission did that I thought was very good on foreign donations documents in a lot of detail that there were foreign donations coming in to support the convoy. And so, you know, that was happening.

Our own systems were weak at officially picking that up, and slow. And quite rightly, actually, there are a lot of checks and balances within the Canadian system about what Finance specifically learns; right? Because law enforcement and

INTERNATIONAL REPORTING INC.
Finance are -- operate in different silos, and certainly elected Ministers and law enforcement have a lot of silos between them, and I think that’s a good thing.

So yeah, so that would be my understanding of the situation.

**MS. SHANTONA CHAUDHURY:** So to summarize that, would it be fair to say that you were operating with incomplete information at that ---

**DEPUTY PM CHRYSTIA FREELAND:** Yeah, I would 100 percent say that.

And the other thing I would say is, you know, we were operating in the fog of war. And we -- things were moving very quickly in real life on the ground. We had to operate based on the best possible information we could get at every single moment. And sometimes that meant using open-source information. It didn’t always mean relying on official government information and analysis that came through the Finance channels.

And I feel, you know, not only comfortable doing that, but that that’s the right thing to do.

In a fast moving, hour by hour situation like this, you have to gather information from a lot of different sources, reliable sources. But I believe that’s the responsibility of an elected Minister.

And if you don’t do that, my experience in government has been, you know, quite rightly, stuff that you officially get through official channels as a Minister, I don’t know, it’s like flour that has been sifted many, many times.
It’s like very pure, very verified. It’s gone through a lot of
different hands and there have been a lot of different checks on
it. That’s a good thing, because it has, you know, Government
of Canada stamp of approval. And I think it’s really good for
us to have those systems.

But at the same time, I think to do your job as a
minister you have to be aware of and actively seek out other
sources of information, including open sources of information,
and I think you have to hear some things for yourself. That's,
for example, why for me having that call with the banks directly
was really, really important, and I wasn't just going to rely on
other people telling what they were hearing.

**MS. SHANTONA CHAUDHURY:** Okay. So the last thing
I want to take you to on this point is SSM.CAN00003807, please,
Mr. Clerk.

So this a draft, Minister Freeland, of the
section 58 explanation that was reported to Parliament. I'm
sure you're familiar with that, as we all are in this room right
now.

If we scroll down to page 8, Mr. Clerk. Bottom
of the page, I believe.

Okay, yeah. Sorry, here we go. So under Item
Number 6 there, Roman numeral, this is a paragraph in the draft
or a bullet point in the draft that says:

"...there is credible evidence that
significant amounts of funding for the
protests come from sources outside of
Canada, which raises concerns about
foreign interference in Canadian affairs and questions whether they represent threats to the security of Canada."

And the comment made on that underneath is:

"Anecdotal reports of donations from outside Canada to support the protesters were given credence, when, on February 13...hackers of the crowdfunding website, GiveSendGo...released hacked data..."

And it goes on to explain what happened there.

But that bullet point paragraph there:

"...there is credible evidence that significant amounts of funding for the protests come from sources outside of Canada..."

Was removed from the eventual section 58 explanation. Were you aware of that?

**DEPUTY PM CHRYSTIA FREELAND:** I wasn't part of that whole process.

**MS. SHANTONA CHAUDHURY:** Okay. And do you have any comment on that at this point?

**DEPUTY PM CHRYSTIA FREELAND:** I mean, that -- I wasn't part of that process and of the drafting of all of that, and Finance was not -- we weren't the people responsible for looking at that aspect of what was going on. And you know, as my previous comments have kind of underscored I think, my
primary concern and anxiety around this was about the economic impact. And we've talked about that at some length, but that's -- that -- I felt my job was in the Cabinet and as a teammate with my colleagues, you know, what were they relying on me as the Minister of Finance to do. They were relying on me to figure out and communicate to them how big is the economic problem, and then they were relying on me to figure out and communicate to them, "Look, Finance guys, are you doing your job here? Are you awake? Are you using all the possible tools you have to stop the problem?" That was my job number two. And then job number three is, "Okay. If you think it's a really big problem", which we did, "if you think you're using all the tools which currently exist", which we did, number 3, "do you have any ideas? Is there anything in the Finance toolbox that could be devised that would help?" That was how I understood Finance's job.

MS. SHANTONA CHAUDHURY: Okay. So this would be more law enforcement/intelligence area?

DEPUTY PM CHRYSTIA FREELAND: I think so.

MS. SHANTONA CHAUDHURY: Okay. We can take that one down, Mr. Clerk, and move on to...

Well, it sort of goes back to what you were just addressing, Minister Freeland, what do we do about this, so the development and the implementation of the Emergency Economic Measures Order.

So again, we've heard at this point quite a bit about the orders and about what was done with them, so I want to take you to a few specific concerns that have been expressed
about them, the first one being that the EMO was overbroad in
the sense that it might capture individuals who were not really
directly involved in the protests, but people who donated to the
protests and/or had adverse effects on family members. You
know, if you freeze someone's bank account, it may be a spouse
or a child of someone else who suffers.

So my first question, was that -- is that a

concern that you were aware of? Is that a concern that you had?

And is that a concern that you felt was properly addressed with

some of the -- with the measures that were enacted?

DEPUTY PM CHRYSTIA FREELAND: Okay. That's a lot

of questions, but it's -- I mean, that is kind of, I would say,

core -- you're getting at some core things to be grappled with

beforehand during the time the measures were enforce and in our

reflections afterwards.

And I want to start by saying something that I

was really, really worried about and extremely conscious of the

whole time was, you know, I've talked a lot about my profound

conviction that Canada was in economic jeopardy, but then as we

were talking about, okay, what can we do about it, I had

probably an equally profound and even emotional concern of we
don't want anybody to get hurt. And one of my colleagues said
to me in our conversation about all of this, as, you know, we
had -- we were talking constantly, and I was sort of saying we
really have to act, something has to be done, and I remember a

colleague saying to me "my nightmare is blood on the face of a

child." And I remember that very clearly because I was worried

about that.
And I really was conscious that yes, we had to end this, but it was so important for it to be ended peacefully without anybody being hurt. So that was a hugely important objective for me.

I didn't want to be a person responsible for making Canada a place where people, and you have heard by now there were reports of children, would actually get hurt in our efforts to protect the country. That was wrong. And I felt so strongly we had to look for ways to resolve this, yes, that was urgent, but not physically hurting anyone, and look, especially not a change, but anyone was a really key objective for me.

And that -- so that was one key thing, and that is -- was the consideration that very much shaped the development and use of the financial measures. From my perspective at the time, and also with hindsight, a virtue of these measures was no blood on the face of a child, no physical coercion required, and I thought that it was good that we came up with a way of creating some economic incentives for people to leave. So that was a very important consideration.

And -- yeah. And a second really important consideration in this question, right, I think you're asking exactly the right question. It's the balance; right? I've talked a lot now about why it was such a big problem, why I think we needed to act. Are your actions kind of appropriate and proportionate?

And I would say the other thing in my mind there was we needed to always have in our minds, yes, a concern about the number of people who would be restricted by these measures,
but that always need to be -- needed to be balanced against an
awareness of the number of people who would be protected by this
action.

So those were the things that I chiefly had in
mind. And you know, I think at the end of the day, it was
something like 280 accounts frozen. One of the reports I
remember when we were at like 240 or 241 accounts frozen, my
numbers won't be exact but I know you guys have all the numbers
too, it was something like 57 people when we were at around 240.
So I don't have the exact figure of how many actual people, when
we were at 280, but I think we have an idea of the ballpark.

And so in my mind, I say okay, that I regret that
that happened to those people, I really do. I would have prefer
-- it was a serious thing; I would have preferred not to have
had to do this. But in my mind, I weigh that against what I
really believe is the tens -- hundreds of thousands of Canadian
jobs and families that we protected.

So that's kind of a high-level thing. I can talk
about donations and family members, if you'd like me to?

**MS. SHANTONA CHAUDHURY:** Sure. I mean, what I
was going to ask you, and maybe this will lead into it, but
would it be fair to say, then, that -- if it's put to you, you
know, someone -- someone is at the protest in Ottawa and gets a
call, "You've got to come home. They've frozen the account and
I can't pay the grocery bill," in a sense, that is the measure
doing exactly what it was designed to do, which is create an
incentive for that person to have to go home and leave the
protest. That is, in effect, exactly what the measure was
trying to do because the purpose of it was to avoid a -- what
you saw as a worse outcome, being an enforcement action that
would have potentially violent aspects to it.

DEPUTY PM CHRYSTIA FREELAND: I wouldn’t quite go
that far.

So, you know, had it been possible, if we lived
in a universe where, you know, it was possible that a joint -- a
jointly held family account, the family members could still have
access to it but the person doing the illegal activity didn’t,
that would be great. But that’s not how these accounts really
work.

So the intention was not to apply -- to create
any incentives on people who were not personally choosing to
engage in this illegal activity. I accept that that may have
happened to some people, but that wasn’t the intention. The
intention was really clear -- and I think, broadly, it worked --
was to create non-violent, non-physical incentives for people to
stop doing this illegal activity, which was hurting Canadians
very much.

And what I would also say is, you know, I would
have loved it if we had made the announcement on February 14th
that, “We are going to take this action unless you leave”; ideal
outcome would have been if everyone had left that night and if
none of the measures had actually had to be used.

There was no desire -- there was no desire to be
in any way punitive. There was a desire to create non-violent
incentives for people to do the right thing.

MS. SHANTONA CHAUDHURY: Okay. I do want to talk
about the donations issue.

Sorry, Mister Commissioner; I saw you looking at me -- were you -- is that break time, or...?

COMMISSIONER ROULEAU: Yes, anytime you like. It's a -- can be now or in 10 minutes; what's a good moment?

MS. SHANTONA CHAUDHURY: Maybe now, might as well.

COMMISSIONER ROULEAU: Okay. So we’ll take the morning break for 15 minutes.

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

--- Upon recessing at 11:16 a.m.

--- Upon resuming at 11:35 a.m.

THE REGISTRAR: Order. À l'ordre.

COMMISSIONER ROULEAU: Okay.

THE REGISTRAR: The Commission is reconvened. La commission reprend.

MS. SHANTONA CHAUDHURY: Thank you, Mr. Commissioner. I think I have about 15 minutes left in the examination, so we may actually clock in on time.

COMMISSIONER ROULEAU: That's great.

--- DPM CHRYSTIA FREELAND, Resumed:

--- EXAMINATION-IN-CHIEF BY MS. SHANTONA CHAUDHURY (cont’d):

MS. SHANTONA CHAUDHURY: Minister Freeland, when we left off, the next topic that we'd planned on addressing was the issue of donations. And to do that, Mr. Clerk, can you please pull up SSM.CAN.00003972?

And to be clear, the issue that we're getting at
here is whether donations are captured, small donors are
captured by the measures that were enacted, and what we've heard
in the evidence was that the position taken essentially by the
RCMP was this is not who they were targeting. They were
targeting influencers. They weren't targeting small donors. So
this is a text exchange between, I believe, two of your
staffers. Can you tell us who Alex Lawrence is there?

DEPUTY PM CHRYSTIA FREELAND: Yes. He's my
Director of Communications.

MS. SHANTONA CHAUDHURY: Okay. So the comment
made here, if we can just scroll down a bit, Mr. Clerk, is,

"Freeland highly skeptical of this.
Thinks that the banks will have frozen
some smaller accounts and we just won't
know"

Is that an accurate depiction of your thinking
around this at the time? Were you concerned that small donors
were -- when I say small donors, I'm talking about the amount of
the donation, were being captured by these measures?

DEPUTY PM CHRYSTIA FREELAND: What I remember
being concerned about, and again, this isn't something that I
wrote. It's something that Alex wrote, so I can't speak to his
specific conveying of what I said to him and what I was
concerned about. But once we put the measures in place, I knew
this was an extraordinary action, the kind of thing that I hope
only happens, you know, once in a generation. And I knew that
Canadians were very focussed on what was happening and concerned
about it. And it was very important for me, having taken this
extraordinary step, to be as careful as possible in communicating what was happening, not to over-egg the pudding, not to stretch the truth. And I didn't want to make a flat statement that no small donors have had their accounts frozen, although I very much hoped that was the case. I didn't want to make that categorical statement unless I knew for sure that was the case, because I really did understand that we were, you know, in terra incognita, and it was really important for us to do everything we could to maintain public confidence of Canadians in their government, including the confidence of the Canadians who disagreed with us, maybe most of all the confidence of those Canadians.

And so my skepticism was sort of about saying to my team, "If I'm going to be in question period, if I'm going to be in a press conference, I only want to assert things that are absolutely true." And the position I didn't want to be in was, to take this example of donations, I'm really glad that no small donors had their accounts frozen. That was a good outcome and the one that I hoped would be the case. But I also knew that things were happening in real time, and what I didn't want to have happen was for me to go out to say categorically and reassuringly, "Don't worry, if you made a small donation, your account isn't going to be frozen," and then have someone show up and say, "Well, actually, it was." Because had that been the case and had I categorically asserted otherwise, then people who already had real doubts about our government would be feeling, wow, these guys are even lying to us. So that's where my skepticism came from.
MS. SHANTONA CHAUDHURY: Okay. So would it be fair to say then that perhaps the intention was not to capture small donations in the measures, but they weren't crafted in order to be able to avoid that outcome specifically, and therefore, you couldn't guarantee that that had happened?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MS. SHANTONA CHAUDHURY: Okay. The next issue I want to address briefly is, Mr. Clerk, can you pull up SSM.NSC.CAN.00000404?

You mentioned earlier, Minister Freeland, that one of the issues or one of the concerns you were hearing from the banks was being – that they were being put in the middle of this, essentially having to do some -- action having to be taken on their specific parts.

As a corollary to that, -- I hope that’s the right document. If we go to the top of page 7?

So there’s the banks themselves, and then there’s the issue of the bank employees themselves. So the people who are working there, who now essentially have become front-line officers in this particular area, you voice this at the -- this is the minutes of the February 19th IRG:

“The Deputy Prime Minister and Minister of Finance noted that in conversations with the banks, she is hearing concerns around the safety of bank employees, especially tellers who work at branches who may be dealing with individuals who have had their accounts frozen.”
So what were you conveying there? What was the concern? What were you hearing?

**DEPUTY PM CHRYSTIA FREELAND:** I was concerned about bank tellers. You know, they are vulnerable, they’re front-line people, they don’t get paid that much money, they worked hard during covid.

It was important to me for them not to be exposed to any danger in all of this.

And actually, one of the motivations for crafting the measures the way we did was to protect them.

And you’ll remember in the document we looked at from that Sunday, February 13th, a concern one of the CEOs expressed is absent a clear government instruction to the banks, the banks would be held responsible and that that was not fair or appropriate. And I actually agreed with that.

And my central concern was, you know, that some poor teller not get yelled at and be held responsible, and even be in a dangerous situation.

And so that was part of the thinking behind having these measures, to give the banks, at all levels, including the tellers, the ability to say, “This is the government’s decision, it’s not my decision. If you’re angry at someone, you know, be angry at Chrystia Freeland. Don’t be angry at me.” And I think that’s appropriate.

**MS. SHANTONA CHAUDHURY:** Okay. Do you think that worked?

**DEPUTY PM CHRYSTIA FREELAND:** Yeah, I think by and large it did.
MS. SHANTONA CHAUDHURY: Okay. The next topic I want to ask you about is, as you know, the Commission -- part of the Commission’s mandate is to examine the necessity of the measures that were taken and whether the measures that were decided upon and chosen by your government were the correct measures in the circumstances.

So you’ve identified, obviously, identified at the time, choking off funding as an important part of how to bring an end to what was going on in Ottawa and across the country, funding of the convoy, funding of protestors. We know that there were a number of actions being taken on that front by various actors. So in and around the time when the Emergencies Act was being considered by Cabinet, by the IRG, and by Cabinet, and by the Prime Minister, a number of things had already taken place.

So just to list some of them, GoFundMe obviously had shut down the convoy’s campaign on February 4th. TD -- and by the way, all of these are listed in the crowdfunding overview report that you referenced earlier that I can take no credit for.

But the TD had frozen accounts on February 10th, I believe, and the Attorney General of Ontario had obtained a restraint order and the Mareva injunction process was in play and was eventually obtained on February 17th.

So all this to say, there were various measures being taken by others designed to achieve a similar end, choking off the funding.

And in light of that, and knowledge of what was
going on in that area, why did you conclude that it was still necessary for the government to do what it did with the economic measures?

**DEPUTY PM CHRYSTIA FREELAND:** It’s a good question, and something that we thought about a lot, and we were constantly assessing.

And so one of the things I think worth bearing in mind is, you know, sitting here today, we kind of are judging a period of time that’s frozen, whereas as we were making the decisions, we were making the decisions in real time as things were evolving. It’s a real difference in perspective. And I’ve been struck by it myself as I have reviewed documents to get ready for today.

In that real-time process, you know, I can’t emphasize too much the extent to which our preference, everyone’s preference, would have been for the actions to stop the blockades and occupation, without the Emergencies Act needing to be invoked. That was overwhelmingly what we would have preferred to do.

It is a measure of last resort. We understood it to be a measure of last resort. And we would have preferred not to have needed to resort to it.

So on the financial side of things, we were constantly looking and seeing, okay, are the tools that are currently in place good enough, effective enough?

And that was one reason, from my perspective, that I convened that call of the banks’ CEOs on February 13th.

And what you’ll see in that call that we’ve gone
over already is they were very clear that the measures were not enough. And there was one CEO there who talked about how very specifically they had identified an account, they went to get the court order, but by the time they did, just four hours had passed, and the money had moved.

And that -- it is certainly consistent with my understanding of the financial system as moving faster than the legal system can move.

The other concern, which was also raised on that call, which I was very alive to, was the inappropriateness of putting the onus on the banks, including the tellers that we’ve spoken about, about acting, that this had become a very politicized space and they felt, and one of the CEOs said in that conversation on Sunday, “We are being seen in taking this measure as having taken a political position.”

And I thought it was really legitimate for them to say, “It’s not our job to make a political judgement here. You are the elected government. It’s your job. And it’s your job to bear that responsibility.”

**MS. SHANTONA CHAUDHURY:** So essentially, if this is going to happen, the government should own it, not the banks?

**DEPUTY PM CHRYSTIA FREELAND:** Yeah.

**MS. SHANTONA CHAUDHURY:** Okay. Also on the topic of necessity then, there were a variety of measures enacted, some of which were barely even used. So the insurance provisions for instance. Barely -- not used at all, I believe, FINTRAC ended up seeing very few reports made.

How would you say, in retrospect, those measures
were necessary, given that they weren’t even used?

**DEPUTY PM CHRYSTIA FREELAND:** In retrospect, I am glad that we put both of those measures in there. And I can explain each one, if you would like me to.

**MS. SHANTONA CHAUDHURY:** Please.

**DEPUTY PM CHRYSTIA FREELAND:** So on FINTRAC, as we said we would do on February 14th, this was the case of this crisis causing us, you know, to review out toolbox and kind of saying, “Okay. We’re missing a screwdriver.” And it turned out we couldn’t, I don’t know, build the screwdriver in time to use it in this situation, but we were missing a screwdriver, we identified that, and we said on February 14th, you know, “This is a gap we’ve identified. We’re going to fill the gap.” And we did in fact go ahead and do that. So FINTRAC now has those authorities, and that’s a good thing.

As it happened in this sort of fast-moving situation, the way FINTRAC works means there was a lag time between those authorities being granted to FINTRAC -- not granted, being sort of put there in the measures, and that actually being actionable and meaningful in this specific case. I judge that to be a good thing because it meant that things came to an end quite quickly. But I also judge, as we judged at the time -- and as we said very openly to Canadians, and I don’t think there’s actually a lot of debate around this -- that it’s a good thing for FINTRAC to have this authority. So that’s FINTRAC.

And it was also appropriate, as was the case, that in the Emergency Measures, that specific extra power was
limited just to the time of the -- just to the actions and the
measures, it wasn’t a universal granting. We went back with
regulatory changes to give that authority to FINTRAC in a
permanent way. And I think Isabelle Jacques has explained that
-- you know, I guess theoretically a person can say, “Well, why
not just take that regulatory action on February the 14th or
February the 15th, right away rather than put it in the Emergency
Measures?” And regulation just takes longer to fully develop
and to do properly.

But that was always the intention, and we did it,
and I think that’s good.

On the insurance, from my perspective, it
actually is good that we put it in place, and it’s good that we
didn’t have to use it. You will have seen in some of the
previous -- in some of the previous documents you’ve discussed
with me, and in some of previous testimony, that a huge
preoccupation was tow trucks. I think Canadians will not forget
Premier Kenney’s comments about tow trucks, for example.

And it's something that I raised with Brian
Deese. It was, like, this serious thing; you know, for lack of
a tow truck, the economy was wrecked, right; for lack of a nail,
a kingdom was lost. It was that kind of a situation. It all
came down to lack of tow trucks.

The insurance measure I saw, and I see, as like a
virtual tow truck. It was specifically designed to create an
incentive for the trucks to move. And I think it did. And
there was news reporting at the time that suggests that some
people moved their trucks because they saw the insurance measure
was there; we were very public about it being there, and that
that created an incentive to leave. And that’s what we wanted
to have happen. I see the fact that it didn’t ever have to be
used as a feature, not a bug.

Again, from my perspective, the less action we
had to actually take, the less we had to actually use these
measures, the better. If the measures had been effective purely
upon being announced, creating a deterrent and an incentive for
people to leave, and if that had happened in 24 or 48 hours, and
no accounts had been frozen, that would have been a wonderful
outcome.

MS. SHANTONA CHAUDHURY: I think you’ve coined a
phrase there; we’ve been at this for seven months, and “Virtual
tow truck” is not an expression we’ve yet heard.

Getting back to the substance of what you were
saying there, would it be fair to say the emergency was revoked
within about a week, the declaration of an emergency. Did it
end faster than you expected it to?

DEPUTY PM CHRYSTIA FREELAND: I don’t think I can
answer that question because I don’t think I had any precise
expectation. In a situation like that, I think you have to just
hope for the best and plan for the worst, and I think that’s
what we tried to do.

MS. SHANTONA CHAUDHURY: Almost done. There’s a
few texts I want to take you to now that consist of some
discussions you had with various people after the Act was
invoked.

So the first one I want to pull up is
So this is a discussion you had with Perrin Beatty. And can you just explain for the Commission’s benefit, who Perrin Beatty is?

DEPUTY PM CHRYSTIA FREELAND: Okay. And maybe for my benefit, you can remind me what the date of this was, because I don’t remember.

MS. SHANTONA CHAUDHURY: The 22nd of February.

DEPUTY PM CHRYSTIA FREELAND: Oka, thanks. Maybe you already -- maybe you said that and I didn’t ---

MS. SHANTONA CHAUDHURY: No, no.

DEPUTY PM CHRYSTIA FREELAND: Sorry.

So Perrin Beatty is the head of the Chamber of Commerce. He is a person with whom I have now worked closely for a long time; during the NAFTA negotiations, also during the COVID recession when we were working on our economic response. He was particular -- he is someone who I -- whose collaboration I really value, of course, because he represents the Chamber and Canadian small business, and that’s an important constituency for the Department of Finance, obviously. But also because Perrin is a former Conservative Cabinet Minister, and in fact is the guy originally responsible for the Emergencies Act.

But in his capacity as sort of a former Conservative Cabinet Minister, I do think that where possible, it’s really good for a Liberal government to try to have good relationships, good working conversation with former Conservative Ministers, to understand that point of view; to, you know, I fully understand that we’re talking now about a very
strong action we took, which was polarizing for the country, for
-- which spoke to a time of polarization in the country. But
Perrin specifically, for me, is an example of a person with whom
I work hard to maintain a relationship because I think where we
can have consensus in Canada, where we can work cross-partisan
lines -- and we can’t always do that, but where we can, I think
that’s good for the country.

**MS. SHANTONA CHAUDHURY:** Okay. So let’s see what
Mr. Beatty wrote to you. So presumably you were texting him
about the invocation of the Act, and he writes:

> “Hi Chrystia. Thanks for your note. While I’m still working my way through
> the implications, the financial aspects you announced seem to be the most
> significant additional measures that the government took under the Act.”

Then he goes on and says:

> “I certainly hope that we’ll see an early, non-violent end to the blockades
> although I am worried, as I know you are.

There are also lots of long-term issues we need to consider once this is over,
including whether we need to take other measures that could obviate the need to
use the extraordinary powers in the Act in the future, and how to repair holes
in our political system. [I’m]
particularly concerned about the
radicalization of people who would
normally be law-abiding...”

Mr. Clerk, could you now pull up again, it’s in
two separate documents; SSM.CAN00004351, please? So scrolling
down until we get to where we were. There we go.

“[I’m] particularly concerned about the
radicalization of people who would
normally be law-abiding and focused on
going about their daily lives.
Glad to talk at any time.”

So the first thing I want to ask, Minister, is
would you agree that Mr. Beatty says the most significant
additional measures taken by the government were the financial
ones; is that an observation you would agree with?

DEPUTY PM CHRYSTIA FREELAND: I think they were
significant, for sure, and effective. I’m not sure I would say
they were the most significant, but I think for sure they were
significant.

MS. SHANTONA CHAUDHURY: Okay. And the next --
the other question I want to ask is Mr. Beatty raises the issue
or the possibility of considering other measures that could be
taken to obviate the need for the Emergencies Act. Do you have
any comment on that aspect of his ---

DEPUTY PM CHRYSTIA FREELAND: I think that’s a
question for Perrin.

MS. SHANTONA CHAUDHURY: Okay, fair enough. And
perhaps even a question for the Commission as we head into
policy week next week.

DEPUTY PM CHRYSTIA FREELAND: He could -- Perrin
-- actually, I mean quite seriously, I think Perrin Beatty would
be a very good person to talk to about this.

MS. SHANTONA CHAUDHURY: Thank you. Okay.

DEPUTY PM CHRYSTIA FREELAND: He's very
thoughtful, and -- yeah.

MS. SHANTONA CHAUDHURY: Which is why you were
approaching him about this at this time. Okay, so I think
that's probably enough of Mr. Beatty's observations.

The other person, do you recall a phone call or a
conversation with Brian Mulroney, former Prime Minister Brian
Mulroney about this?

DEPUTY PM CHRYSTIA FREELAND: I did not recall it
at the time, and so it didn't immediately come to mind, but
having reviewed my own notes, I do see that I spoke to him.

MS. SHANTONA CHAUDHURY: Okay. So if I pull up
the notes will you recognise the ---

DEPUTY PM CHRYSTIA FREELAND: Yes.


So it's SSM.CAN00008764. And the notation I
believe is at page 37. There we go.

So you'll have to forgive me if I butcher this in
deciphering the handwriting, but, "Mulroney - you have conduct",
conducted I guess, "yourself in such a way"...

And then flipping to the next page. There's not
much else there.

"Emergencies Act - I brought it into
law, so I am in favour of it. The
thing (protests) are over."
And then scrolling down, "I am glad I brought" --

DEPUTY PM CHRYSTIA FREELAND: "In", that's "in",
yeah.

MS. SHANTONA CHAUDHURY: "I am glad I brought in
that legislation."
So do you have any recollection of this
conversation and why you would have approached Mr. Mulroney
about this?

DEPUTY PM CHRYSTIA FREELAND: Being perfectly
honest, my recollection of the conversation is really sparked
and based on having the notes. There was a lot going on, that's
why I take notes.

I do think, actually, that the conversation was
mostly or was a lot about Ukraine and Russia, and Prime
Minister Mulroney was the Canadian Prime Minister who recognised
Ukraine, and is very proud of that, and it's an issue that I
talk with him about, and I have found him to be a really smart
and wise advisor on it, so I do talk to him about that. And I
do have a relationship with him dating back to the NAFTA
negotiations where he was a very good and helpful advisor to me
and to the government.

MS. SHANTONA CHAUDHURY: So the date of that
conversation is February 25th. So that ---

DEPUTY PM CHRYSTIA FREELAND: Yeah.

MS. SHANTONA CHAUDHURY: --- would probably go
back to your point about there were a lot of things going on at that time.

**DEPUTY PM CHRYSTIA FREELAND:** Right. Russian invaded Ukraine on the 24th of February, and I think -- I can't -- you know, I've sworn on the Bible, what I'm about to say I can't swear 100 percent, but my recollection is that that conversation was actually chiefly about Ukraine, and him giving me some advice, and specifically, that he thought it was an important opportunity for Canada to play an important role in the world, and he wanted me -- he wanted to encourage me, and you know, through me, our government, not to underestimate the impact that Canada could have and the seriousness of this.

**MS. SHANTONA CHAUDHURY:** So that brings me to the very last question I want to ask you, Minister, which is this is something that's been touched on already in the Inquiry. We haven't really spoken about it yet today.

But if you look at the section 58 explanation, and I'm not going to pull it up because it's nothing specific, but in reporting to Parliament about why the Act was invoked, much of that explanation focusses on economic security and the threats to, as we've talked about today, Canada's economy that we're -- and this has been now the discussion for about two hours today. What is the link, as you see it, between the threat to economic security and the threat to national security? Because that link is not necessarily obvious in looking at legislation, and I'd really like to hear, we would really like to hear your perspective on that question.

**DEPUTY PM CHRYSTIA FREELAND:** Yeah, thank you for
the question, and I say that really sincerely. I think that is
a really important question, and a serious and challenging one.
You know, people could write books about it, maybe someone can
write a PhD thesis about it one day. But I will try to offer
two links that are central in my own thinking, and were at the
time.

The first is I really do believe our security as
a country is built on our economic security, and if our economic
security is threatened all of our security is threatened. And I
think that's true for us as a country, and it's true for
individuals.

It's true for the people who work in a Windsor
car plant and who, you know, in some dystopian counterfactual
let's imagine that we hadn't acted, let's imagine that this had
entirely spiralled out of control, let's imagine that immediate
trade in the car sector had been imperilled and that the
Americans just sort of said, "you know what, we just can't do
this building of cars together with you guys, you're too
unreliable." So you know, the people who would have lost their
jobs there, the people in a steel mill in Hamilton who would
lose their job as that relationship fell apart. The people in
aluminum smelter in Quebec.

For each of those people, having this all fall
apart and the country's economy become profoundly undermined,
that would undermine their security and it would undermine our
security as a country. And if that seems too abstract, I think
you're seeing it today in the geopolitical space, where we're
actually seeing economic tools being weaponized in actual wars.
I spoke yesterday with the Prime Minister of Ukraine because we're issuing sovereignty bonds. It's a good thing that Canada is doing. I -- it's good. But I spoke with him yesterday, and he was talking to me in the darkness because most of Ukraine's power and water had been taken out by Russian missiles. Now, I'm not saying that we're talking about missiles with Canada, but I'm saying that a tool being used to undermine Ukraine is directly going at its economy.

And we're seeing something similar happening in Europe, where energy supply to Europe, entirely an economic measure, is being used to undermine Europe's security.

So I do think that an attack on, or an undermining of a country's economy, that can fundamentally undermine that country's national security.

There's a second aspect which I was really worried about, which is maybe less kind of highfalutin and philosophical and more human and specific. And what I was worried about was, you know, it sounds -- it can sound very abstract to say economic security can undermine national security, to say geoeconomics is a tool in geopolitics, but actually that's not that complicated. And I think that while these illegal blockades and occupation were going on, I think actual ordinary Canadians, who do not debate these concepts in their ordinary lives, were feeling their own security to be undermined and were getting really angry.

And one thing that I was worried about, I've mentioned that I was worried about in the ending of these blockades and occupation, I really didn't want anyone who was
part of the blockade and occupation to be hurt. Another thing
that was very much in my mind was the possibility of violent
countlict between people doing the blockading and occupying and
other Canadians who were very angry about it. I felt that
Canada was sort of a powder keg and that you could have a
violent physical confrontation at any point.

I didn't visit Windsor at the time, but I heard a
lot of people saying, you know this could really get out of
hand. And the people of Windsor did really understand how
important that trade over the Ambassador Bridge is, and I did
really fear you could have counterprotests and a confrontation
there, and that would've been terrible for the people involved
and terrible for our country.

And I was worried in Ottawa, also. And this is
now just very sort of personal eye-witness experience. But I
don’t normally have RCMP security, and I think that’s a good
thing; I think that says something good about Canada. But the
RCMP, they know what I’m doing everyday, and it’s their job to
judge whether they think I need security or not. And I have to
say to the RCMP officers who are here, who I recognize, they do
a very good job of it, of making that judgment, I think.

So a measure for me of how much Ottawa was a
powder keg, was the fact that, I think from the end of January,
the RCMP judged that I did need to have RCMP with me, just
walking around. And so I didn’t feel personally in danger
because the RCMP were taking care of me.

But I do remember one morning -- and I’m sorry, I
didn’t write it down in my notebook so I can’t tell you the
date, but I remember one morning when I was walking from my
day, I walked past a parked truck and there was a
young woman walking there too. And the truck honked really
loudly, and she shouted something not very nice and made an
obscene hand gesture, and the truck honked again really loudly.
And I was really glad that I was there, and more importantly,
that the RCMP was there, because I thought this is exactly the
kind of thing -- like, imagine no-one had been there, it was
just this small, young woman, and this big truck, and a person
in it. And she was mad, and I just thought, you know, there are
dozens and dozens of these things happening every day, and you
know, God forbid that one of them should actually flare into
violence and physical harm.

So I was worried about that too, and that does
speak to the economic challenge because many, many Canadians,
while this was happening, understood that this -- for them, this
threat to Canada’s economic security, for many, many Canadians,
it was a personal threat to them, and they felt that their
government was not protecting them. And they were right, we
weren’t, for a while.

And it was a real danger, I think, that that
totally understandable and reasonable feeling that, “My economic
security is being undermined by these illegal blockades and
occupation. My government isn’t taking care of me, maybe I have
to take care of myself.” And that would have been terrible, had
that happened. That’s why we have a government.

MS. SHANTONA CHAUDHURY: Thank you, Commissioner,
those are my questions.
COMMISSIONER ROULEAU: Okay, well thank you.

So we’re now -- we’ll move to the cross-

examination portion. First, I’d like to call on the convoy

organizers for -- first to go ahead, please.

(SHORT PAUSE)

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

MR. BRENDAN MILLER: Hello. My name’s Brendan

Miller, and I’m counsel to Freedom Corp., which is the

representative of the protesters that were in your city, at

Ottawa, in January and February 2022.

So ma’am, I understand the mandate regarding

truckers that led to the protest that came into effect in

January 15th, 2022; is that correct?

DEPUTY PM CHRYSTIA FREELAND: I don’t recall the

exact date, but I’m prepared to believe you are citing ---

MR. BRENDAN MILLER: Thank you.

DEPUTY PM CHRYSTIA FREELAND: --- it correctly.

MR. BRENDAN MILLER: And during the pandemic,

from March 20 through January 15th, 2022, there was no such

regulation, right?

DEPUTY PM CHRYSTIA FREELAND: Again, I’m -- don’t

recall the exact dates myself, but I do know we didn’t have the

mandate and then it came into force.

MR. BRENDAN MILLER: Right. And just so the

folks at home understand, a regulation is a different type of

law; it’s passed by the Executive Branch alone, not by all

Parliament, right, like the Emergencies Act?

DEPUTY PM CHRYSTIA FREELAND: There is absolutely
a distinction between things a government can do by regulation
and things it can only ---

MR. BRENDAN MILLER: Right.

DEPUTY PM CHRYSTIA FREELAND: --- do by
legislation.

MR. BRENDAN MILLER: Right. And so would you be
-- would you agree with me that, given that the -- during the
throes of the pandemic from March 2020 through to January 15th,
2022, and we had no regulation, you didn’t need one.

DEPUTY PM CHRYSTIA FREELAND: No. I actually --
I believe that, taken as a whole, the Public Health measures
that Canada put in place were very, very important ---

MR. BRENDAN MILLER: Okay. I understand that,
but I’m just going to ---

DEPUTY PM CHRYSTIA FREELAND: --- for the health
and safety of Canadians ---

MR. BRENDAN MILLER: I only have so much time, so
I’m going to cut you off there.

And you’d agree with me that, given that there
was no regulation in place from March 2020 through January 15th,
2022, during the throes of the pandemic, there was no reason to
pass one in January 15th, 2022, was there; there was no health
risk?

DEPUTY PM CHRYSTIA FREELAND: No, I’m afraid I
don’t agree. In January we had an Omicron wave; we were still
fighting COVID; and there was a real value in encouraging as
many Canadians as possible ---

MR. BRENDAN MILLER: Okay. But ---
DEPUTY PM CHRYSTIA FREELAND: --- to get vaccinated.

MR. BRENDAN MILLER: But -- so -- or the purpose was to encourage Canadians to get vaccinated, to compel them to get vaccinated; is that fair?

DEPUTY PM CHRYSTIA FREELAND: That’s right.

MR. BRENDAN MILLER: All right. So that was the purpose of the regulation; that was the true purpose: It wasn’t to keep people safe; it was to get them vaccinated.

DEPUTY PM CHRYSTIA FREELAND: I believe then, and I believe now, that creating strong incentives for Canadians to be vaccinated protected the health ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: --- of vaccinated Canadians, and protected ---

MR. BRENDAN MILLER: So ---

DEPUTY PM CHRYSTIA FREELAND: --- the health of our country overall.

MR. BRENDAN MILLER: Okay. So from March 2020 to January 15th, 2022, did you fail to protect Canadians by not having that regulation?

DEPUTY PM CHRYSTIA FREELAND: Let me start with one aspect of that timeline, which is obviously when COVID first hit us, vaccines didn’t exist. And then even when vaccines arrived, it took time for them to be distributed. So of course vaccine mandates couldn’t be put in place before vaccines existed ---

MR. BRENDAN MILLER: Okay.
MR. BRENDAN MILLER: So -- and of course the government -- you ended up creating a vaccine compensation fund in December of 2020; do you remember that?

DEPUTY PM CHRYSTIA FREELAND: Yes, I do.

MR. BRENDAN MILLER: Right. And you’re aware that Quebec had a vaccine compensation fund, and is the only province that actually had one, prior to that?

DEPUTY PM CHRYSTIA FREELAND: I am prepared to accept that that’s the case. I can’t recall specifically.

MR. BRENDAN MILLER: And can you agree with me that the United States has a federal vaccine compensation fund, ---

DEPUTY PM CHRYSTIA FREELAND: Again, ---

MR. BRENDAN MILLER: --- a long time.

DEPUTY PM CHRYSTIA FREELAND: --- I’m prepared to accept that ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: --- that’s the case.

MR. BRENDAN MILLER: So from 1867, when Canada was founded, up until December of 2020, Canada had no federal vaccine compensation fund; can you agree with that?

DEPUTY PM CHRYSTIA FREELAND: Again, I’m not an expert in the history of vaccine compensation funds ---

MR. BRENDAN MILLER: Right.

DEPUTY PM CHRYSTIA FREELAND: --- in Canada.
MR. BRENDAN MILLER: But the first -- and you can agree the first compensation fund in Canada for vaccines came about only because of the COVID vaccines; correct?

DEPUTY PM CHRYSTIA FREELAND: Again, I’m really not an expert ---

MR. BRENDAN MILLER: Yeah.

DEPUTY PM CHRYSTIA FREELAND: --- in vaccine compensation funds. If the direction of the question is to suggest that the COVID vaccines are more dangerous in some way, than previous vaccines we’ve used in Canada, I’ll say, one, I’m not a health expert, ---

MR. BRENDAN MILLER: I understand.

DEPUTY PM CHRYSTIA FREELAND: --- but I ---

MR. BRENDAN MILLER: I understand.

DEPUTY PM CHRYSTIA FREELAND: --- believe very much in, really, the advice, the effectiveness, the thoroughness of Health Canada.

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: They’re very good at judging ---

MR. BRENDAN MILLER: I agree.

DEPUTY PM CHRYSTIA FREELAND: --- the safety of vaccines. And I will say I have been vaccinated four times; my children have been vaccinated.

MR. BRENDAN MILLER: I understand. Ma’am, I don’t need to know that, but ---

DEPUTY PM CHRYSTIA FREELAND: But it does speak -- it does speak to my confidence in the vaccines, if ---
MR. BRENDAN MILLER: I understand, I don’t ---

DEPUTY PM CHRYSTIA FREELAND: --- I’ve had my
children vaccinated. It speaks to ---

MR. BRENDAN MILLER: Ma’am

DEPUTY PM CHRYSTIA FREELAND: --- my belief that
they’re safe ---

MR. BRENDAN MILLER: Please stop talking out the
clock and let me ask my questions, okay?
So ---

COMMISSIONER ROULEAU: Well, it’s a bit of a
trade-off. You ask a -- you make a statement, and you say, “Do
you agree," and she qualifies the answer, ---

MR. BRENDAN MILLER: Yeah.

COMMISSIONER ROULEAU: --- that’s appropriate.

MR. BRENDAN MILLER: Okay.
So, ma’am, if that’s the case, then, did Health
Canada advise you to enact this regulation?

DEPUTY PM CHRYSTIA FREELAND: The mandate?

MR. BRENDAN MILLER: Yeah.

DEPUTY PM CHRYSTIA FREELAND: Again, I am not the
Health Minister, and I’m not going to speak to ---

MR. BRENDAN MILLER: Yeah.

DEPUTY PM CHRYSTIA FREELAND: --- specific
moments that we had advice. But ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: --- what I will say
is we were very careful and thoughtful throughout COVID in the
public health measures that we ---
MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRystIA FREELAND: --- put in place and acted based on advice of PHAC.

MR. BRENDAN MILLER: Right. And so that mandate was only in place until June of 2022; right?

DEPUTY PM CHRystIA FREELAND: Again, I can't recall the specific dates, but ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRystIA FREELAND: --- I'm prepared to accept ---

MR. BRENDAN MILLER: So ---

DEPUTY PM CHRystIA FREELAND: --- what you're saying.

MR. BRENDAN MILLER: --- we're going to move on into just another area. I take it you know who Tamara Lich is; right?

DEPUTY PM CHRystIA FREELAND: I don't know here personally, but I have read about her.

MR. BRENDAN MILLER: Yeah. And you knew -- you know who Chris Barber is?

DEPUTY PM CHRystIA FREELAND: Again, I don't know him personally, but I've read about him.

MR. BRENDAN MILLER: Yeah. And you know who Tom Marazzo is; right?

DEPUTY PM CHRystIA FREELAND: Can you say the third name?

MR. BRENDAN MILLER: Tom Marazzo, the gentleman over there?
DEPUTY PM CHRYSTIA FREELAND: I can't say that I know as much about him or I've heard as much about him.

MR. BRENDAN MILLER: And what about Danny Bulford? You know who he is; correct?

DEPUTY PM CHRYSTIA FREELAND: What was that final last name?

MR. BRENDAN MILLER: Danny Bulford. He used to be with the security team for the RCMP with the Prime Minister.

DEPUTY PM CHRYSTIA FREELAND: I'm afraid I'm not ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: --- so familiar with that final name, but ---

MR. BRENDAN MILLER: So ---

DEPUTY PM CHRYSTIA FREELAND: --- Tamara Lich and Chris Barber I've heard of, yes.

MR. BRENDAN MILLER: And when you were making your decision with respect to invoking the Emergencies Act you'd already heard about Tamara Barber, or sorry, Tamara Lich and Chris Barber?

DEPUTY PM CHRYSTIA FREELAND: I had heard of their names, yes.

MR. BRENDAN MILLER: Yeah. And you -- there was some discussions about them in some of the records. You -- there was issues, you knew who they were?

DEPUTY PM CHRYSTIA FREELAND: I had read their names in the media.

MR. BRENDAN MILLER: Yeah. And you knew about
that before you invoked the Emergencies Act?

DEPUTY PM CHRYSZIA FREELAND: Again, I can't say

100 percent, not having reviewed what I read, but my
recollection is they were reasonably prominent, and so I think
it's reasonable to think that I would've read their names.

MR. BRENDAN MILLER: And of course, you know with
Tamara Lich, she's a Canadian?

DEPUTY PM CHRYSZIA FREELAND: Again, I haven't
familiarised myself with her biography ---

MR. BRENDAN MILLER: Okay. And she's ---

DEPUTY PM CHRYSZIA FREELAND: --- before coming
here.

MR. BRENDAN MILLER: She's from Alberta? Do you
know that? Where you're from?

DEPUTY PM CHRYSZIA FREELAND: I really haven't
studied about her before coming here.

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSZIA FREELAND: I want to be
careful ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSZIA FREELAND: --- that I say
things that I know for sure are true. I am certainly Canadian,
and I'm born in Peace River, Alberta.

MR. BRENDAN MILLER: Okay. Is Tamara Lich a
terrorist?

DEPUTY PM CHRYSZIA FREELAND: In terms of
designating who is a terrorist and who isn't, that is not my job
as Minister of Finance or Deputy Prime Minister.
MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: We have authorities whose job is to do that.

MR. BRENDAN MILLER: Right. And -- so it's not your authority to designate Tamara Lich, Chris Barber, Tom Marazzo, or Danny Bulford terrorists, that's somebody else has to do that?

DEPUTY PM CHRYSTIA FREELAND: Yes. We have intelligence services, we have enforcement agencies whose job is to determine who is a terrorist ---

MR. BRENDAN MILLER: Okay. So ---

DEPUTY PM CHRYSTIA FREELAND: --- and that's entirely appropriate. It's ---

MR. BRENDAN MILLER: Can I bring up ---

DEPUTY PM CHRYSTIA FREELAND: Can I say one thing about that?

MR. BRENDAN MILLER: Yeah, just a second.

If I can bring up document SSM.CAN.00008764_REL.001, Please.

And you can -- while he's pulling that up if you want add to your answer.

Okay, if we can scroll down to page -- I believe this is a note with Dave. What page? Twelve. Page 12, please.

And this is a note that I understand you wrote with Dave from CSIS that's -- 11, and this is a meeting with Dave from CSIS.

And if you scroll down. Keep going. Okay.

And there, you say that "you need to designate
the group as terrorists." So -- but it's not your job, but you
wanted to designate them as terrorists; right?

DEPUTY PM CHRYSTIA FREELAND: So that handwritten
note in my notebook, I can assure you that was not a meeting
with the Director of CSIS.

MR. BRENDAN MILLER: That's ---

DEPUTY PM CHRYSTIA FREELAND: With him, I didn't
have a meeting.

MR. BRENDAN MILLER: It says -- okay. It's with
David Vigneault from CSIS.

DEPUTY PM CHRYSTIA FREELAND: It doesn't say
that. It says it's with a gentleman called Dave.

MR. BRENDAN MILLER: Which Dave?

DEPUTY PM CHRYSTIA FREELAND: That meeting --
that is not an account of a ---

MR. BRENDAN MILLER: Which Dave?

DEPUTY PM CHRYSTIA FREELAND: --- meeting with
Dave Vigneault ---

MR. BRENDAN MILLER: Which ---

DEPUTY PM CHRYSTIA FREELAND: --- because I
didn't have ---

MR. BRENDAN MILLER: Which Dave are you ---

DEPUTY PM CHRYSTIA FREELAND: --- a meeting ---

MR. BRENDAN MILLER: Which Dave is in these
notes?

DEPUTY PM CHRYSTIA FREELAND: --- with the CSIS
Director.

MR. BRENDAN MILLER: Which Dave is in those
notes? What's Dave's last name?

**DEPUTY PM CHRYSTIA FREELAND:** I need to see my whole notebook that you're referring to, but I can tell you for certain ---

**MR. BRENDAN MILLER:** It only said Dave.

**DEPUTY PM CHRYSTIA FREELAND:** I can tell you for certain that I did not have a meeting during this time with the CSIS Director.

**MR. BRENDAN MILLER:** Okay. So ---

**DEPUTY PM CHRYSTIA FREELAND:** I can exclude that 100 percent.

**MR. BRENDAN MILLER:** --- I'm just going to -- this isn't a document, I don't need to bring it up, but you state in the House:

"Mr. Speaker, the members opposite has just used the bad apple excuse. She has excused the desecration of a national..." (As read)

**MR. STEPHEN AYLWARD:** Sorry.

**MR. BRENDAN MILLER:** Yes?

**MR. STEPHEN AYLWARD:** (Off mic) ...referring to something the Deputy Prime Minister said in the House.

**MR. BRENDAN MILLER:** Yeah.

**MR. STEPHEN AYLWARD:** There's an object in there for Parliamentary privilege.

**MR. BRENDAN MILLER:** This is a Parliamentary Commission. There is no Parliamentary privilege.

**COMMISSIONER ROULEAU:** There -- it does exist.
Parliamentary privilege ---

MR. BRENDAN MILLER: Oh, absolutely it exists.

COMMISSIONER ROULEAU: --- does exist.

MR. BRENDAN MILLER: It does exist, but because this a report to Parliament, pursuant to the case I gave you earlier in McIver, it doesn't apply. You can actually ask all of it because we're carrying out a Parliamentary function. And there's no liability here, it's just a report to Parliament, and the Federal Court of Appeal has agreed.

COMMISSIONER ROULEAU: I'm not aware of that.

MR. BRENDAN MILLER: I gave you the McIver case quite a while ago when we talked about the objections, and I think I -- yeah, it's there.

MR. STEPHEN AYLWARD: Well, I'd ask my friend for the document that he's referring to so that we know what he's talking about so we can understand the Parliamentary privilege --

MR. BRENDAN MILLER: This is just a statement from the Deputy Prime Minister in the House. And, "Mr. Speaker, the members opposite" ---

MR. STEPHEN AYLWARD: Sorry.

MR. BRENDAN MILLER: This is what it says:

"...used just the bad apples excuse. She has excused the desecration..."

COMMISSIONER ROULEAU: I think we're going to have to sort this out because I don't think at this stage, and I apologise, I'm not as familiar with you -- as you are about that case, and clearly the Crown is not either -- the Government. So
I think we're going to have to find that. So I'd like you to hold that ---

MR. BRENDAN MILLER: Okay, I'll come back to it.

COMMISSIONER ROULEAU: --- question.

MR. BRENDAN MILLER: And -- but you do recall, ma'am, that you had expressed concerns publicly with respect to desecration to national monuments. Is that fair?

DEPUTY PM CHRYSTIA FREELAND: I'm going to need advice from my counsel on whether things I said in Parliament I should be speaking about.

MR. BRENDAN MILLER: Okay. So here I'll just ---

DEPUTY PM CHRYSTIA FREELAND: I'm not an expert in this.

MR. BRENDAN MILLER: I'll move on. It's okay. So one of the things that happened during the protest in Ottawa dealt with the National Monument and the Terry Fox statue. Do you remember reading about that?

DEPUTY PM CHRYSTIA FREELAND: I do -- yes, I do remember the Terry Fox statue. I remember discussing it with my children ---

MR. BRENDAN MILLER: Yeah, and ---

DEPUTY PM CHRYSTIA FREELAND: --- who were very upset.

MR. BRENDAN MILLER: Yeah, and there was -- and that Terry Fox statue, they put a hat on Terry Fox's head and then put a flag in his arm, and then there was a "Mandate Freedom" sign on it.

DEPUTY PM CHRYSTIA FREELAND: I don't remember
specifically ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM Chrystia Freeland: --- what -- how the

Terry Fox statue was ---

MR. BRENDAN MILLER: Yeah.

DEPUTY PM Chrystia Freeland: --- implicated in

this, but I do remember ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM Chrystia Freeland: --- reading about

it, and I remember -- I remember it specifically because my

children were aware of it ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM Chrystia Freeland: --- and were upset.

MR. BRENDAN MILLER: Right. And so I went online

and I just looked at how many times someone's done that to that

statue, and there seems to be hundreds, so I'm just going to

put this one to you. If someone puts an LGBTQ flag on the Terry

Fox statute and flowers on the statute is that a desecration?

DEPUTY PM Chrystia Freeland: I am not going to

go into -- I really don't think it's my job or helpful for

Canadians for me to go into a discussion of what is okay and not

okay to do with the Terry Fox statue.

MR. BRENDAN MILLER: But you said it was a

desecration -- when you call it a desecration in public that was

what you were referring to, based on what was put on the statue.

So is it fair to say that it's only a desecration to you if you

don't agree with the message?

DEPUTY PM Chrystia Freeland: Again, you've made
a couple of leaps beyond anything that I've said.

MR. BRENDAN MILLER: You -- that's okay, it's public record.

With respect to -- you had said you had concerns for violent actions and interactions with respect to protesters, and I take it that was nationally, you had concerns nationally, or was it just Ottawa?

DEPUTY PM CHRYSTIA FREELAND: I described in my testimony a moment ago two specific areas where I had concern. I was worried about the potential for conflict between angry people in Ottawa and the occupation.

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: I -- can I finish the answer because ---

MR. BRENDAN MILLER: Yeah.

DEPUTY PM CHRYSTIA FREELAND: --- I have something to add? And as I said in my earlier testimony, and I believe the Mayor of Windsor shared this concern, I was concerned about the possibility of that kind of a conflict in Windsor, and I was concerned about the situation in Coutts ---

MR. BRENDAN MILLER: Okay.

DEPUTY PM CHRYSTIA FREELAND: --- which we heard about at the IRG ---

MR. BRENDAN MILLER: Right.

DEPUTY PM CHRYSTIA FREELAND: --- on the Saturday.

MR. BRENDAN MILLER: Okay. So -- but with respect to the interaction with protesters, I don't know if you
heard the testimony of the Mayor there, but he said that
75 percent of his small town supported the blockades and that
many of the properties have “F Trudeau” flags all over them.

So did -- you wouldn’t have concern with that
specific protest; would you?

DEPUTY PM CHRYSTIA FREELAND: My reference to
Coutts just now was very specific. At the IRG on Saturday, the
12th of February, the RCMP Commissioner raised with us the
possibility that there were weapons there, and that was a source
of great concern.

MR. BRENDAN MILLER: Right. And so you can agree
that police investigate weapons offences all over the country
every day?

DEPUTY PM CHRYSTIA FREELAND: Again, I’m not a
police expert, but that seems like a reasonable common-sense
observation.

MR. BRENDAN MILLER: So simply because the police
know a weapon is somewhere, you can agree with me it’s not a
national emergency?

DEPUTY PM CHRYSTIA FREELAND: The concern about a
single weapon somewhere in Canada, and as you say, I think that
one weapon being investigated somewhere in Canada, if that were
to happen today, certainly.

MR. BRENDAN MILLER: Right. And you testified
earlier about what you viewed as, you know, ensuring that we, as
Canadians have a good international reputation so that people
come to our country and want to do business with us. Is that
fair?
DEPUTY PM CHRYSTIA FREELAND: Yes, that’s something I was very concerned about.

MR. BRENDAN MILLER: Okay. And I take it when you consider those sort of things, you look at various reports, and I’m sure you look at various indexes, I’m sure you look at the Transparency International Index? Is that fair?

DEPUTY PM CHRYSTIA FREELAND: I am familiar with the Transparency International Index, but I haven’t looked at it recently.

MR. BRENDAN MILLER: Okay. Well since 2019, we’ve began to fall. All right? And we have now come down out of the top 10. And it continues to decline.

So can you agree with me that Canada not being transparent hurts our relationship internationally?

DEPUTY PM CHRYSTIA FREELAND: I have to say that I disagree with the premise of the question. I think Canada is a very transparent democracy. And in fact, the Commission that we’re part of right now is a part of Canadian transparency.

MR. BRENDAN MILLER: Right. And ---

DEPUTY PM CHRYSTIA FREELAND: That’s why it’s important.

MR. BRENDAN MILLER: And on that point, if I told you that there is a whole bunch of unlawfully redacted documents that we’ve been fighting over and waiting for an order just to get them today, and we haven’t had them for whole proceeding, do you think that’s transparent?

DEPUTY PM CHRYSTIA FREELAND: Again, and with apologies, I can’t agree with the premise of the question. I
think that -- but what I can say is I think that the fact that
this Commission exists, that these hearings are being held, that
they’re public, is really important for Canada and is a measure
of Canadian transparency.

MR. BRENDAN MILLER: Right. And one of your
concerns, of course, with transparency and our reputation was
that you would want your government to be as transparent as
possible; right?

DEPUTY PM CHRYSTIA FREELAND: Again, here, I do
believe that transparency and accountability are important, but
I also recognize that Cabinet confidentiality in many issues
needs to be preserved for a reason and, you know, there are
areas where transparency is not appropriate, and I recognize
that as well.

MR. BRENDAN MILLER: Okay. Can you agree with me
if, you know, any time it comes out that the Canadian Government
has misled Canadians on something, it really hurts our
international reputation; doesn’t it?

DEPUTY PM CHRYSTIA FREELAND: I think that the
Canadian Government should always seek not to mislead Canadians
---

MR. BRENDAN MILLER: Right.

DEPUTY PM CHRYSTIA FREELAND: --- first and
foremost, because that’s wrong, and that is not the way we
should treat Canadians.

MR. BRENDAN MILLER: And in the many statements
that have been said by all the politicians in this matter, one
of the main things they talked about, and Justin Trudeau did
particularly, on the -- following the first weekend of the
 invocation of the Emergencies Act was these horrible, horrible,
 the Nazi flag and all those things that people saw in Ottawa?
 You heard him say that?

**DEPUTY PM CHRYSTIA FREELAND:** Again, I have to

say prior to coming here, I have not specifically reviewed

specific statements of the Prime Minister. If you want to point

to a specific one, ---

**MR. BRENDAN MILLER:** Yeah.

**DEPUTY PM CHRYSTIA FREELAND:** --- maybe we could

discuss it.

**MR. BRENDAN MILLER:** You’d agree if it turned out

those flags were linked to your government, that would look

really bad for our international reputation; wouldn’t it?

**DEPUTY PM CHRYSTIA FREELAND:** Based on some ---

**COMMISSIONER ROULEAU:** Okay. Next. If I could

call on the CCLA, please?

--- CROSS-EXAMINATION BY MS. EWA KRAJEWSKA:

**MS. EWA KRAJEWSKA:** Good afternoon, Minister

Freeland. My name is Ewa Krajewska. I’m counsel for the

Canadian Civil Liberties Association.

Minister Freeland, I’d like to start off with

going back to your testimony in-chief with respect to the

Ambassador Bridge.

If I understand your testimony correctly, you

stated that the blockage of the Ambassador Bridge escalated

matters, in your mind, significantly. That’s fair?

**DEPUTY PM CHRYSTIA FREELAND:** So first of all,
good afternoon, Ms. Krajewska. Nice -- well, maybe I shouldn’t say nice.

MS. EWA KRAJEWSKA: Maybe you can tell me that later.

DEPUTY PM CHRYSTIA FREELAND: Yeah, but I -- good afternoon. And I will try to answer your questions. And I think when you say testimony, you’re referring to the ---

MS. EWA KRAJEWSKA: Your exchange with Ms. Chaudhury.

DEPUTY PM CHRYSTIA FREELAND: --- two hours this morning.

So to be very -- try to be precise, yes, as Finance Minister, in my judgement around the economic impact of the illegal blockades and occupation, certainly the blockade of the Ambassador Bridge was a very significant escalation.

MS. EWA KRAJEWSKA: Right. And precisely the words you just used now, it was, at least at that point, if not earlier, that to your mind, the blockades and the demonstrations became illegal?

DEPUTY PM CHRYSTIA FREELAND: No, I don’t think I want to be so precise about that. What I am very clear about is the blockade of the bridge made this a real economic crisis for Canada. And that was a moment when, as Finance Minister, I really had to figure out a way to stop the harm to Canada from getting worse and from really snowballing and irreparably damaging our country.

MS. EWA KRAJEWSKA: And you said because it had
phonetically exponential harm to the Canadian economy?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, that -- by --

I mean, I wasn’t taking notes of what I said, but I believe that.

**MS. EWA KRAJEWSKA:** Yes. And that’s when you started looking at the Bank Act and the PCLMFTA as potential -- using measures under that legislation to stop those demonstrations?

**DEPUTY PM CHRYSTIA FREELAND:** Again, here let me be sort of very precise about my state of mind.

From my perspective, the -- we had a number of different, but certainly inspired by one another, occupations and blockades across the country. There was the occupation of Ottawa. And I can’t tell you the chronology of them. I’m sure you familiar with them. So there’s the occupation of Ottawa, there was Coutts, there was Emerson. In terms of economic impact, the Ambassador Bridge was the most significant. There was also, I believe, Sarnia, Niagara, and Surrey.

So from my perspective, what was happening was this kind of metastasizing, wack-a-mole, copycat events around the country and some of them had a greater specific economy impact than others. The Ambassador Bridge sort of stepped up the impact.

But it was not the case, in my view, that this was just the Ambassador Bridge.

**MS. EWA KRAJEWSKA:** And I didn’t -- that was not the purpose of my question, that ---

**DEPUTY PM CHRYSTIA FREELAND:** Okay.
MS. EWA KRAJEWSKA: --- it was only about the
Ambassador Bridge. I understand your evidence that the
blockades, generally, had a significant economic impact on
Canada that you were concerned about; that's fair?

DEPUTY PM CHRYSTIA FREELAND: Again, can I say
yes and offer an explanation?

MS. EWA KRAJEWSKA: I'm not trying to make this
controversial or to trap you. I'm just ---

DEPUTY PM CHRYSTIA FREELAND: No, just ---

MS. EWA KRAJEWSKA: --- I'm just trying to
establish this to move on to my next point.

DEPUTY PM CHRYSTIA FREELAND: Okay. Well, I
would just say you are a lawyer, so a person ---

MS. EWA KRAJEWSKA: Yeah.

DEPUTY PM CHRYSTIA FREELAND: --- does have to be
careful.

MS. EWA KRAJEWSKA: Yeah.

DEPUTY PM CHRYSTIA FREELAND: But -- and I say
that with the greatest of respect for all the lawyers who are
here. But look, the point that I just want to be clear about,
and I do think that there has been in some of the public
thinking about this a lack of clarity, is from my perspective,
one way that you could look at the economic harm was what
happens every day arithmetically and just add it up. From my
perspective, that grossly understates the potential economic
harm that was being done, because what I was really worried
about was that as this goes on, every single hour, more damage
is done to American confidence in us as a trading partner, and
more damage is done to us an investment destination. Witness the Banana Republic conflict.

MS. EWA KRAJEWSKA: Right. And -- exactly. So you were concerned that this economic disruption was painting Canada as politically unstable, not a place that is safe to invest for, and potentially a Banana Republic, which by definition is an unstable country; that's fair?

DEPUTY PM CHRYSTIA FREELAND: I mean, Banana Republic wasn't my term ---

MS. EWA KRAJEWSKA: No, it's not ---

DEPUTY PM CHRYSTIA FREELAND: --- but it was a term that had an impact on me, for sure.

MS. EWA KRAJEWSKA: Okay. Now, Minister Freeland, you can appreciate that from the Canadian Civil Liberties Association, our concern is that the Emergencies Act should not be used to quash political dissent. That's -- you understand that?

DEPUTY PM CHRYSTIA FREELAND: I totally do. And if I can be personal for one moment, in my life as a person and a writer and an elected politician, I would always prefer for myself to be on the same side as the Civil Liberties Association. That -- these are values I hold very dear, and I -- so I understand the urgency with which you champion them.

MS. EWA KRAJEWSKA: Right. And you -- and then so I think you would also agree that the Emergencies Act should not be used because demonstrators are disagreeing with government policy. I think that's a very low threshold view that I'm putting to you.
DEPUTY PM CRYSTIA FREELAND: Yes.

MS. EWA KRAJEWSKA: Okay.

DEPUTY PM CRYSTIA FREELAND: I absolutely agree with that.

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

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

MS. EWA KRAJEWSKA: And -- exactly. And civil disobedience will, on occasion, also involve serious economic disruption, and I'll give you a few examples. A general strike is a form of civil disobedience that causes economic disruption; you'd agree with that?

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

MS. EWA KRAJEWSKA: Okay. And sometimes blockades by Indigenous people cause economic harm; correct?

DEPUTY PM CRYSTIA FREELAND: They do.

MS. EWA KRAJEWSKA: And sometimes occupations like Occupy Wall Street or Occupy Toronto may cause economic
harm?

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

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

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

**MS. EWA KRAJEWSKA:** Yeah. You know, coming from the Eastern Block, it was going to happen.

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

**MS. EWA KRAJEWSKA:** Okay ---

**DEPUTY PM CHRYSTIA FREELAND:** In Canada, what happened was a democratically elected government that was actually acting on policies that we had campaigned on just that summer, so it was a fresh democratic mandate. There was no lack of transparency with the people of Canada. And people who disagreed with those policies were holding the country's economy hostage.

**MS. EWA KRAJEWSKA:** Okay. Minister Freeland, I just ---

**DEPUTY PM CHRYSTIA FREELAND:** And that was not appropriate.

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

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

MS. EWA KRAJEWSKA: And, Minister Freeland, I'd
like to just take you to -- you started your comments this
morning as well with the bigger geopolitical issues here between
President Putin trying to demonstrate that his way of
dictatorship is preferrable to western democracies. And one --
you know, I think you can appreciate that there have been
countries in the world that have said you should invest in us
because we are politically stable. We do not have general
strikes. We do not tolerate dissent. And I want to end on
this, surely you agree that in Canada, which is a democracy, the
right to protest, the right to demonstration must be sedulously
protected and that economic security does not trump those
rights?

DEPUTY PM CHRYSTIA FREELAND: So many things
packed in there.

MS. EWA KRAJEWSKA: I know. I just -- because
I'm running out of time, so it's ---

DEPUTY PM CHRYSTIA FREELAND: So ---

MS. EWA KRAJEWSKA: --- all going in.

DEPUTY PM CHRYSTIA FREELAND: So, so many things
packed in there, and many of them I agree with. I have reported
on a lot of authoritarian regimes that spoke about their
stability as something that should be attractive to investors.
And clearly, I strongly disagree with that argument.

My concern, when it came to the economic security
of Canada, was about our ability not to not have political
debate; political debate is a sign of healthy society. You know, the fact we’re having this Commission, that’s a healthy democracy. The fact that in Question Period we yell at each other; I really don’t like it but it’s a sign of a healthy democracy.

What was undermining of Canada’s economic security sufficiently dangerously that I believed we needed to act, and it’s the right thing to do, was that our trade was being stopped, and was being serious blocked. And I was very worried that that was handing arguments to US protectionists, who were already on the move, and that had that relationship been seriously damaged, that would really hurt Canada.

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

**DEPUTY PM CHRYSTIA FREELAND:** I did not say War Museum, and I didn’t ---

**MS. EWA KRAJEWSKA:** Sorry.

**DEPUTY PM CHRYSTIA FREELAND:** --- say placard, --

---

**MS. EWA KRAJEWSKA:** Sorry.

**DEPUTY PM CHRYSTIA FREELAND:** --- but the basic idea, I think we’re in ---

**MS. EWA KRAJEWSKA:** I’m sorry; I’m thinking -- I’m thinking of a different Ottawa monument. But you agree that public assembly and the right to protest goes beyond simply me
DEPUTY PM FREELAND: I, you know, am not going to, right now, try to define with you specifically, you know, what is — you know, give examples of protests. But I will say, and I really agree with, and I think one of the lines that very much in my mind in this decision is, I do agree with you that in a democracy the right to protest is important and has to be protected. And, yeah, obvious -- I mean, that’s such an obvious statement, and I agree with that, and I agree -- yeah, since it’s obvious I’ll say it and I won’t gild the lily.

MS. EWA KRAJEWSKA: Thank you.

Thank you, Minister, and thank you, Commissioner Rouleau.

COMMISSIONER ROULEAU: Okay. We have five minutes left. I don’t know if the Canadian Constitution Foundation wants to start, or...?

MS. JANANI SHANMUGANATHAN: Good morning -- or good afternoon.

I think it might be easier to come back after lunch, but I’m in your hands.

COMMISSIONER ROULEAU: It’s -- I don’t know. I think we’ll adjourn for lunch, how’s that?

MS. JANANI SHANMUGANATHAN: Okay, great. Thank you.

COMMISSIONER ROULEAU: We’ll come back, then, at 2 o’clock.
THE REGISTRAR: The Commission is in recess until 2 o’clock. La Commission est levée jusqu'à 2 heures.

--- Upon recessing at 12:55 p.m.

--- Upon resuming at 2:04 p.m.

THE REGISTRAR: Order. À l'ordre.

The Commission is reconvened. La Commission reprend.

COMMISSIONER ROULEAU: Okay. Once again, I apologize for the slight delay. Issues have come up that I’m having to deal with, so I apologize.

Now, I think we can go to the next, which is the Canadian Constitution Foundation, and you’re online. Go ahead.

MS. JANANI SHANMUGANATHAN: Great, thank you very much.

--- DEPUTY PM CHRYSTIA FREELAND, Resumed:

--- CROSS-EXAMINATION BY MS. JANANI SHANMUGANATHAN:

MS. JANANI SHANMUGANATHAN: So good afternoon, Minister.

My name is Janani Shanmuganathan and I am Counsel for the Canadian Constitution Foundation. And today in your evidence, you talked about the economic and financial consequences of the protests. You talked about the reputational damage to Canada as an investment destination. And at the end of Commission Counsel's examination, she asked you to explain how you understood this, you know, economic harm was linked to national security. Do you recall that?

DEPUTY PM CHRYSTIA FREELAND: Yes, I do.

MS. JANANI SHANMUGANATHAN: All right. And your
answer to that was you believe our security as a country is built on economic security, and if our economic security is threatened, all of our security is threatened. And now I'm not asking you to elaborate on this. I just want you to confirm that this was your evidence.

DEPUTY PM CHRYSTIA FREELAND: Obviously, I don't have word by word recall of what I said, but that's what I believe and sounds like you're reading the transcript, so ---

MS. JANANI SHANMUGANATHAN: All right. Thank you very much. And now I take it you know that in order to declare a Public Order Emergency pursuant to the Emergencies Act, there must be what's called threats to the security of Canada. You're aware of that?

DEPUTY PM CHRYSTIA FREELAND: Yes, I am.

MS. JANANI SHANMUGANATHAN: And the Emergency Act says that threats to the security of Canada has the meaning assigned by section 2 of the CSIS Act. You're aware of that?

DEPUTY PM CHRYSTIA FREELAND: Yes, I am.

MS. JANANI SHANMUGANATHAN: All right. So I just want to take you to section 2 of the CSIS Act, and this is COM either 5 Os or 6 Os 935. It should be 5 Os. If I can take to page 8, please? Perfect. If you can just pause there.

So the CSIS Act defines threats to the security of Canada, and we've heard evidence in this Commission that, for the purposes of invoking the Emergencies Act here, the focus was on (c). That's where they were focussed on in terms of the threats to the security of Canada. So what (c) says is, "activities within or relating to
Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state..."

So you see that?

DEPUTY PM CHRYSTIA FREELAND: I do.

MS. JANANI SHANMUGANATHAN: All right. And so in terms of the economic harm that you've described today, the reputational damage to Canada as, you know, an investment country, you'll agree that it doesn't fall within (c); right? The activities relating to Canada directed toward or in support of the threat or use of acts of serious violence. Would you agree with that or is that fair to say?

DEPUTY PM CHRYSTIA FREELAND: Not precisely. You know, if the direction of these questions is to ask me, did I believe we were acting within legal authorities granted by the Emergencies Act, if that's where this question is leading, then my answer is, yes, I believed we had the authority to do what we did. And I hope no one is surprised by my saying that. Had I not believed it, I would not have done it, and I wouldn't be here speaking, you know, with sadness but confidence that we did the right thing.

MS. JANANI SHANMUGANATHAN: So my question was whether the economic harm that you've described today falls within the definition found in (c), which speaks specifically
to,

"...the support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state..."

Does the economic harm you've described today fall within (c)?

**DEPUTY PM CHRYSTIA FREELAND:** It's a big question and so I was offering an answer in several parts. And I offered the first part of it, and I can continue if you'd like.

**MS. JANANI SHANMUGANATHAN:** No, I mean to be respectful. I just want to know -- you know, I appreciate that your position is that Canada acted within lawful authority to invoke the Emergencies Act, but I just want to understand if the economic harm that we spent a lot of today talking about, whether that falls within the scope of (c). And so I just want to know your answer to that question.

**DEPUTY PM CHRYSTIA FREELAND:** And I also really do want to be respectful and answer this really important question. But it's a big question, so I'm going to have to take it in stages. And I offered the first stage. I can carry on if you'd like.

**MS. JANANI SHANMUGANATHAN:** Sure.

**DEPUTY PM CHRYSTIA FREELAND:** So that was my first stage. Second stage is in terms of, you know, one of the things that this Commission is I think quite rightly
investigating, you know, was the government acting within its authorities. For me, as Finance Minister, an important factor in the judgment I came to, which is that we were, was the expert advice that we received. I'm not a lawyer. I rely on the judgment of officials who advised us and on expert legal advice. And I say that even as I am very confident that it was the right decision and confident in taking personal political responsibility.

I can also speak to what I saw and experienced and believed that falls within the scope of the serious violence against persons or property point. But I do want to be clear that I'm not speaking here as someone with an expert legal opinion, but I'm speaking as a Minister who made a political judgment and as someone who was also in Ottawa. So some of the things that factored into my thinking about it were, as I described in my testimony this morning, a real concern that we were in a tinderbox situation, where the economic threats and the threats generally, that -- and the damage that were being created both by the Ottawa occupation and the Ambassador Bridge did risk, I felt at every moment, some kind of conflict between protesters and counter-protesters. I saw that and experienced it myself just being a person who was in Ottawa. I felt it was a tinder keg that could be sparked at any moment and was therefore very dangerous. And although I didn't see it myself, I heard accounts of Windsor of a situation there which I found to be very credible. I was ---

MS. JANANI SHANMUGANATHAN: Okay.

DEPUTY PM CHRYSTIA FREELAND: --- also influenced
-- can I say one more thing?

**MS. JANANI SHANMUGANATHAN:** Sure.

**DEPUTY PM CHRYSTIA FREELAND:** Which speaks to this. I was also influenced by our IRG meeting on I think it was the Saturday the 12th, where we heard from the RCMP Commissioner about concerns that there were serious weapons in Coutts. And that really raised the stakes in terms of my degree of concern about what could be happening there, but also what could be happening in this sort of whack-a-mole copycat situation across the country.

**MS. JANANI SHANMUGANATHAN:** Okay. So my question was about how you understood the economic harms to fall within subsection or (c), the definition of threats to security of Canada in (c). And as I understand your explanation, your explanation is it falls within it because there’s a risk that the economic harm that’s being created by the protest could somehow manifest into actually threats of violence; is that your understanding of how it falls within (c)?

**MR. STEPHEN AYLWARD:** I’m going to object as phrased. That’s a legal question.

**MS. JANANI SHANMUGANATHAN:** I’m just trying to find out her -- you know, she’s offered an explanation for how she says the economic harm falls within (c) and she linked it directly to the threats or use of acts, and I’m just trying to understand what that link is.

**DEPUTY PM CHRYSTIA FREELAND:** I -- I mean my counsel may have something to say but I don’t think that’s a fair characterization of what I said just now or of what I said
this morning. What I think is fair is, first of all, that I relied on expert legal judgment to make a very important and weighty legal decision. What I also said is, as a person who was here in Ottawa, I did see a real danger of violence. And then finally, what I described in my testimony this morning was the way in which the economic security of our country, I really believe, is a part of our national security, but that was a much broader conversation we were having about a broad set of issues, which I certainly think are important for us to think about and consider.

MS. JANANI SHANMUGANATHAN: And I don’t want to mischaracterize your evidence. Just so that we’re all clear, do you see a link between the economic harm that you say was caused by the protests to Canada with what’s contained in (c) in terms of the threats or use of acts of serious violence against persons?

DEPUTY PM CHRYSTIA FREELAND: And again there, I really do not want to shirk my personal political responsibility. And while this was a grave and serious decision, we took it carefully and thoughtfully. And I believed it was the right decision then, and I believe today it is the right decision.

MS. JANANI SHANMUGANATHAN: So it ---

DEPUTY PM CHRYSTIA FREELAND: But I’m also conscious -- if I may continue?

MS. JANANI SHANMUGANATHAN: Of course.

DEPUTY PM CHRYSTIA FREELAND: I’m also conscious that I am not a lawyer and I’m not a person who can give expert
opinion on the precise parsing of these authorities. It was important for me to be assured that we did have the authority to act, and I received, as a Cabinet Member, assurances that we had those authorities from people who I believed were qualified to offer those assurances.

MS. JANANI SHANMUGANATHAN: And I don’t mean to belabour the point. I just want to make sure the evidence is clear. So you’re evidence is that you understood that you had the authority to invoke the Emergencies Act but, in terms of saying there’s a linkage between the economic harm cause by the protests with the requirement of the threat or use of acts of serious violence, is that something that you can’t speak to?

MR. STEPHEN AYLWARD: Again, Commissioner, this is a legal interpretation question that will be addressed in closing submissions.

MS. JANANI SHANMUGANATHAN: And I don’t mean to belabour this. I just want to make sure I understand Deputy Minister’s evidence. Is she just saying that she can’t comment on it because it’s a legal question or is she saying that there is a link? I just want to know what the answer is.

MR. STEPHEN AYLWARD: I’d renew my objection and would ask for a ruling on it.

COMMISSIONER ROULEAU: Okay, well I -- I think at the end of the day, I don’t think you can pursue this any further at the moment. I think you’ve got your answer as it is.

MS. JANANI SHANMUGANATHAN: That’s fine. Thank you very much. I don’t know how much time I have left but I do have just one other point I’d like -- or one other issue to
address, if I may. So when we were talking about FINTRAC this morning and you explored it as one option to pursue but decided that, you know, making a change to it, you know, the legislative amendment would take too much time -- do you recall your evidence earlier today about that?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, I do.

**MS. JANANI SHANMUGANATHAN:** All right. And so, just so that we’re all clear, because we have Canadians watching who may not understand the process, the money -- the Proceeds of Crime and Money Laundering and Terrorist Financing Act, it gives the ability to create regulations; right?

**DEPUTY PM CHRYSTIA FREELAND:** If your question is, was it possible to grant FINTRAC -- to give FINTRAC these expanded powers through regulation, that is correct, and I said that this morning.

**MS. JANANI SHANMUGANATHAN:** Thank you.

**DEPUTY PM CHRYSTIA FREELAND:** We did go on to grant those powers through regulation.

**MS. JANANI SHANMUGANATHAN:** And there’s just a difference between how regulations are passed versus, say, for example, legislation or amendments to legislation. The latter is what you have to do three readings, going to Senate. It’s a much longer legislative process; that’s fair?

**DEPUTY PM CHRYSTIA FREELAND:** A hundred percent.

**MS. JANANI SHANMUGANATHAN:** And, by comparison, passing regulations is a much shorter process?

**DEPUTY PM CHRYSTIA FREELAND:** Absolutely.

**MS. JANANI SHANMUGANATHAN:** Okay. Those are all
my questions. Thank you very much.

COMMISSIONER ROULEAU: Okay, thank you. Next is

the Democracy Fund, JCCF.

--- CROSS-EXAMINATION BY MR. ALAN HONNER:

MR. ALAN HONNER: Good after, Minister.

DEPUTY PM CHRYSTIA FREELAND: Good afternoon.

MR. ALAN HONNER: My name’s Alan Honner. I’m a

lawyer at the Democracy Fund and we share status with the JC

Citizens for Freedom. Ms. Freeland, in your witness statement,
you mentioned challenges to supply chains as being a major focus
for you in January of 2022, but you didn’t mention the
government vaccine mandate for truckers, and I’d just like to
ask you a little bit about that. Can we please pull up

OTT00027621.0001?

And Ms. Freeland, while we’re waiting for that to
come up, this is a letter which is addressed to you and other
ministers by the Canadian Trucking Alliance and it’s dated
December 10th, 2021, and I’d like to take you through part of
this letter. But before I do that, can you tell me, do you know
who this group is, the Canadian Trucker Alliance?

DEPUTY PM CHRYSTIA FREELAND: I can’t say I’m
familiar with them right now. Maybe I’ve heard of them, but ---

MR. ALAN HONNER: Okay. Well, I think we’ve
heard some evidence about them but if you’re not familiar with
them, that’s okay. Let’s just go down to the first paragraph
here. And Ms. Freeland, I just want to read this to you. It
said that:

"The Canadian Trucker Alliance is
disappointed to learn that our current exemption from the national vaccination mandate is being removed considering the immense impact this decision will have on already beleaguered supply chains."

Do you see that?

DEPUTY PM CHRYSTIA FREELAND: I do.

MR. ALAN HONNER: Okay. And if I can take you to another part of that letter, just on the second page, second paragraph, please, here we see:

"CTA estimates that, combined, the proposed vaccine mandate for cross-border truck drivers and the federal sector mandate announced by the Minister of Labour would remove between 15,000 and 30,000 Canadian drivers from the interprovincial and international supply chains. The expected loss of transportation service capacity will trigger significant ripple effects throughout the entire economy."

And Mr. Freeland, I just want to ask you -- this is something you knew about. When the exemption for truckers was removed in February, you knew that this might have some effect on the supply chain; is that fair?

DEPUTY PM CHRYSTIA FREELAND: I knew that some people asserted that it might.
MR. ALAN HONNER: Okay, thank you. And I’m going to suggest this is not the first this group wrote to you. If we can scroll down to page 5, please, we have another letter -- just to the top of page 5 -- sorry, it might be page 4, just go up, please. Okay, so here we have a letter. It is -- a little bit down, please. I’m sorry, can we just scroll to the top -- so December 8th, 2021, and if we can scroll down to the second paragraph, it says here:

"When the mandate was originally announced, CTA expected that upwards of 20 percent of the 120,000 Canadian truck drivers crossing the US-Canada border would have likely remained unvaccinated by January 2022. Of the 40,000 US-based truck drivers crossing the border, CTA estimated that upwards of 40 percent of these drivers would not be prepared to meet the vaccine mandate requirement."

Do you see that?

DEPUTY PM CHRYSTIA FREELAND: I do.

MR. ALAN HONNER: Okay. And just one last question about this, you would agree that the reduction of truck drivers crossing the border when there are already supply chain issues could have an effect on the economy?

DEPUTY PM CHRYSTIA FREELAND: I don’t agree with the estimates that are provided there, and I don’t agree with the assertion that the vaccine mandates themselves caused
problems for our supply chain.

MR. ALAN HONNER: But they affected it, they had a contribution to that supply chain problem?

DEPUTY PM CHRYSTIA FREELAND: No, I don’t agree with that.

MR. ALAN HONNER: Okay. Well, let's scroll down ---

DEPUTY PM CHRYSTIA FREELAND: The vast majority of Canadian truckers are, in fact, and were at the time vaccinated, and supported the vaccine mandates.

MR. ALAN HONNER: Okay. Well, let's go to page 6, please. And the first paragraph that we see there, the CTA is giving the stats that truckers -- you have of 70 percent of the $648 billion Canada/U.S. trade. Does that sound about right to you?

DEPUTY PM CHRYSTIA FREELAND: Again, I can't ---

MR. ALAN HONNER: You have ---

DEPUTY PM CHRYSTIA FREELAND: --- say whether that’s ---

MR. ALAN HONNER: --- disagree with it though.

DEPUTY PM CHRYSTIA FREELAND: --- true or not, but I have no reason to -- let me say this. Trucking is very important for the Canadian economy, trucking is very important for our supply chains, and trucking is very important for cross-border trade. That, I am very prepared to agree with.

MR. ALAN HONNER: I think we can all agree on that.

And let's just consider that if what the Canadian
-- if what the CTA is saying is correct and the drivers are
reduced by 20 percent, that’s a reduction of 24,000 trucks in
the supply chain.

**DEPUTY PM CHRYSTIA FREELAND:** The challenge here
for me is I disagree with the fundamental premise, and this was
something that was looked at carefully by Minister Alghabra, and
also by the Minister of Health.

**MR. ALAN HONNER:** Okay. So you disagree with the
fundamental premise of the Canadian Trucker Alliance. Thank
you.

I'll move on to something else. I just want to
understand a little bit more about what was going on in January.
And you gave some evidence today, and I think you told us that
it was a very intense month for you. That would be fair?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, that would be
fair.

**MR. ALAN HONNER:** Okay. And let me make sure
that I understand it. So on the one hand, you were preparing a
budget?

**DEPUTY PM CHRYSTIA FREELAND:** Yes.

**MR. ALAN HONNER:** And there was the issue of the
Build Back Better legislation in the States, and there was the
electric vehicle tax credit, right? That was on your plate?

**DEPUTY PM CHRYSTIA FREELAND:** Not solely on mine,
but it was something I was working on.

**MR. ALAN HONNER:** Right. And there was the COVID
recovery and there were local and global supply chain issues?

**DEPUTY PM CHRYSTIA FREELAND:** Yes.
MR. ALAN HONNER: And there was the looking threat of inflation?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MR. ALAN HONNER: And we talked a little bit about the Ukraine, and I think you said that was the biggest threat to national security since World War II?

DEPUTY PM CHRYSTIA FREELAND: The Russian invasion.

MR. ALAN HONNER: The Russian invasion.

DEPUTY PM CHRYSTIA FREELAND: When it actually happened, yes, I think that is the biggest security -- national security challenge our country has faced.

MR. ALAN HONNER: And it was on your radar in January?

DEPUTY PM CHRYSTIA FREELAND: Yes, it was.

MR. ALAN HONNER: Okay. And in the midst of this, there was this trucker protest of unprecedented proportions taking place across the country, and you described that as Whack-a-Mole?

DEPUTY PM CHRYSTIA FREELAND: No. What I would describe as what we saw happening from the moment that the initial occupation began is copycat protests happening across the country, and that posed a particular national challenge.

MR. ALAN HONNER: I see. I thought you said the word Whack-a-Mole, but it's not important.

But what is important, I would put to you, is that the U.S. was unhappy with the situation in Canada and they were seeing their own vulnerability in our supply chains. That
was your evidence, was it not?

DEPUTY PM CHRYSTIA FREELAND: Certainly. The ---

MR. ALAN HONNER: And they didn’t like that?

DEPUTY PM CHRYSTIA FREELAND: The -- in particular, blockade of the Ambassador Bridge exposed the vulnerability of the U.S. economy, particularly the car sector to the Canadian car sector.

MR. ALAN HONNER: Exactly, and I put it to you, Minister, that the government felt that they had to do something about these protests, not because of threats of serious violence, but because your government was completely overwhelmed and you were under a tremendous amount of pressure from the United States.

DEPUTY PM CHRYSTIA FREELAND: I absolutely disagree with that.

MR. ALAN HONNER: Okay. Well, we heard evidence from you earlier today, and you said that you were put into contact with Brian Dietz. So he's economic advisor to the president who's a very influential player in the decision of the electric vehicle tax credit issue, and he actually contacted you?

DEPUTY PM CHRYSTIA FREELAND: That’s correct.

MR. ALAN HONNER: Right? And you thought that it was striking that someone of his importance who's so hard to get a hold of, contacted you?

DEPUTY PM CHRYSTIA FREELAND: I had spoken to Brian Dietz before and since, but the speed and urgency with which he got in touch with me was definitely significant and
relevant.

**MR. ALAN HONNER:** And he was unhappy and there could be major economic consequences?

**DEPUTY PM CHRYSTIA FREELAND:** What he said to me, as I reported in that readout, was that they were very concerned that because of the blockades, U.S. factories would shut down.

**MR. ALAN HONNER:** Right. And we heard that the CEOs of two major banks contacted you, Canadian banks, I believe. And we also heard that President Biden, who's probably the world's most powerful person or near that, had a telephone call with the prime minister?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, both of those things are true.

**MR. ALAN HONNER:** And that telephone call, it happened on a Friday and by the Monday, the *Emergencies Act* was invoked.

**DEPUTY PM CHRYSTIA FREELAND:** That’s true.

**MR. ALAN HONNER:** Okay. And so I put it to you, Minister, that the federal government had to show the USA that they were in control and that explains why the *Emergencies Act* was invoked, despite the fact that, for example, the Ambassador Bridge was cleared and open to traffic.

**DEPUTY PM CHRYSTIA FREELAND:** No, I wouldn't agree with that characterization.

**MR. ALAN HONNER:** Well, I would put it to you that the pressure the government was under explains why the *Emergencies Act* was invoked despite the fact that a deal had been struck with the protesters in Ottawa to reduce the
footprint of the protest in that city.

**DEPUTY PM CHRYSTIA FREELAND:** Again, I would disagree with that.

**MR. ALAN HONNER:** Well, let's see if you would agree with this. I put it to you that there was no meaningful consultation with the provinces, not even advance notice of what the first minister's meeting was about, and that's because the government didn't have time for it, they just had to make a decision about the *Emergencies Act* because of the tremendous pressure that they were under.

**DEPUTY PM CHRYSTIA FREELAND:** Again, I disagree with a great deal of that characterization.

**MR. ALAN HONNER:** One last question for you then, Ms. Freeland. I put it to you that given the overwhelming situation that the government was facing explains why they were willing to use extraordinary powers against their own people, despite the fact that no police agency or intelligence agency told them that there were threats to the security of Canada.

**DEPUTY PM CHRYSTIA FREELAND:** Again, I disagree with many of the premises in that question and I would be happy to elaborate, but it seems that we're out of time.

**MR. ALAN HONNER:** It seems so. Thank you very much for your answers.

Thank you, Mr. Commissioner.

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

Next I'd like to call on the Government of Alberta.

--- **CROSS-EXAMINATION BY MS. MANDY ENGLAND:**
MS. MANDY ENGLAND: Thank you very much, and good afternoon.

Minister Freeland, I have just two questions for you this afternoon.

As has been discussed today -- oh, sorry. I apologize, for the transcript, my name is Mandy England and I'm one of the lawyers for the Government of Alberta.

As has been discussed today, you had consultations with the CEOs of several banks on February the 13th about potential economic measures, and you said in your testimony today how important it was for you to hear from the leaders of the financial institutions, what their views were on the situation with the blockades.

And as you're also aware, consultation with the first ministers of the provinces and territories was held on the morning of February 14th, and that was after the Cabinet meetings and the IRG meetings had been held.

Now, consulting with the CEOs of financial institutions for their views on the situation is not required by the Emergencies Act before the government can invoke the Act for a Public Order Emergency, but consulting with the provinces and territories for their input is required.

As deputy prime minister, don’t you think that the input of the first ministers of the provinces and territories on the potential invocation of the Emergencies Act and the proposed measures would have been relevant information to have before you at the IRG meetings and the Cabinet meetings where the invocation of the Emergencies Act was discussed and
debated?

**DEPUTY PM CHRYSTIA FREELAND:** Thank you for the question, and as a former intergovernmental relations minister, I understand it and I really do understand the importance and sometimes the challenges of that federal/provincial relationship. In this particular situation, it was a very complex fast-developing situation, and each minister was responsible for managing a series of relationships and bringing that information to the table.

My colleague, Dominic LeBlanc, is an extremely able minister, an extremely able Intergovernmental Affairs minister, and I relied on him, as did everyone around the table, to manage that relationship and to bring to us and to the table his knowledge of the views of the provinces and territories.

**MS. MANDY ENGLAND:** And with your knowledge that they weren't consulted or -- about the Emergencies Act or told until the morning of February the 14th that the Emergencies Act might be invoked, wouldn't you agree that the information on their views on the potential invocation of the Emergencies Act wasn't before the Cabinet or the IRG, it wasn't one of the items because it wasn't available until March or February the 14th?

**DEPUTY PM CHRYSTIA FREELAND:** In my view, Minister LeBlanc very effectively, from what I could see, very effectively communicated with the provinces and territories, and communicated with us his -- what he learned from those conversations. That discussion that happened on the Monday was important. I wasn't part of that discussion, but it happened and it was important that it happened.
MS. Mandy England: And so the evidence that has been given before this Inquiry is that the Emergencies Act had not been raised with any of the First Ministers of the provinces or territories or any of the Cabinet members of the provinces or territories. So wouldn't you agree with me that whatever information it was that Minister LeBlanc was bringing to the table, it did not involve discussions about the Federal Emergencies Act?

Deputy PM Chrystia Freeland: Again, there, I would say this was an area of responsibility for Minister LeBlanc, who I do absolutely believe does that very difficult job very well, and I had confidence in how he did that job.

MS. Mandy England: I'll move on to my second question.

We spoke about the call that you had with the banks on February the 13th. There was another call with the banks on February the 21st, and I'd like to just pull up the readout from the call if I may.

It's SSM.CAN00001828.

And the section that I'd like to draw your attention to is close to the top. It's the portion that reads from "DPM" which I take it to be indicating what you said on the call as Deputy Prime Minister would be DPM; is that correct?

Deputy PM Chrystia Freeland: I think so.

MS. Mandy England: Okay, thank you. And then the -- there's a paragraph that begins "First", and then the next little paragraph says:
"The RCMP has told [us] they have heard
from protesters as they were leaving
the blockades that they did so because
their families said their accounts were
frozen, so get the hell out of there.
This is a much better and peaceful way
to end things."

Now, freezing someone's bank account without due
process engages their personal rights, and it also engages the
personal rights of the families that shared many of those bank
accounts, individuals who weren't even at the protest. You
stated here in this document that your view was that this is
better and more peaceful, presumably than using the existing
legal authorities, which multiple branches of law enforcement
have testified at this Inquiry were adequate to bring a peaceful
end to the protests, and indeed they did so using those
authorities.

So do you still hold that view today, that
freezing the accounts was a better solution than law enforcement
carrying out its legal authorities in the responsible manner
that they do?

**DEPUTY PM CHRYSTIA FREELAND:** The view that I do
hold, as we discussed earlier today, is one of my very grave
concerns about bringing these illegal blockades and this illegal
occupation to an end was the danger that there would be
violence, and that there would be violence directed towards the
protesters. I was particularly concerned because of reports
that children were present.
And that was one of the reasons that I felt the financial tools that were put in place by the Emergencies Act were a better option. From my perspective, the job of these tools was to create a peaceful, non-violent incentive for people who were doing something illegal to leave. And I think those tools did work.

**MS. MANDY ENGLAND:** And so I would just remind you in that regard that the call that we're looking at, this readout from in front of us, was held on February the 21st. And so at that time, the Coutts blockade...

We can scroll up to the top of the document.

We have Monday, February the 21st, and you say, it's:

"Hard to believe that it was only a week ago that we were on a call...last Sunday..."

Which was February the 13th, "talking about this."

So this is a call that was held on February the 21st after the enforcement actions had been taken out at Coutts, which were done before the Emergencies Act was invoked, after the Ambassador Bridge was cleared, which was before the Emergencies Act was invoked, and while the enforcement efforts in Ottawa were well underway, and you would have had the knowledge at that time that there was peaceful resolution by law enforcement at both of those border blockades, and that there was no violence against children and it was a peaceful resolution by law enforcement in Ottawa.
And so with respect to those comments about the fear of the prospect of violence, I don't know that on the timeline of February 21st are you saying you still had them then and you would still have those today?

**DEPUTY PM CHRYSTIA FREELAND:** No, not at all. On

---

**MS. MANDY ENGLAND:** And so you expressed this view ---

**DEPUTY PM CHRYSTIA FREELAND:** --- February ---

**MS. MANDY ENGLAND:** --- after you were of the knowledge that there was ---

**DEPUTY PM CHRYSTIA FREELAND:** May I? May I explain?

**MS. MANDY ENGLAND:** Absolutely. I didn't realise you were talking. I apologise.

**DEPUTY PM CHRYSTIA FREELAND:** No problem. It can be hard on the video calls.

So on February 21st, when I made those comments, it was looking back on the events of the week that had passed, and I certainly believed then and I believe today that the financial tools we put in place aided in peaceful resolution of all of those occupations and blockades. The reports that we heard, the reports that were in the media, the reports from law enforcement were that many people did leave as a result of the incentives created by those tools.

And then the final thing that I think is important to emphasise is we said on February 14th "we are putting these tools in place so please leave now so that these
tools never need to be used." So any person who had their account frozen had due warning that they were engaged in illegal activity and that they should stop doing that activity.

And the other thing that I would point to that I think did work well is the accounts were very quickly unfrozen after the illegal activity ceased.

**MS. MANDY ENGLAND:** And with respect to the due warning, there were, as you acknowledge in your earlier testimony, accounts of families, individuals who weren't present at the protests, that were also frozen. Would your view be the same with respect to those individuals?

**DEPUTY PM Chrystia Freeland:** Again, there, that was never the intent, that -- to in any way affect family members. Certainly the consequence, the reality of people having joint bank accounts made that impossible to entirely avoid. But I would say that the family members whose presence at the protest, at the illegal occupation and blockades, caused the accounts to be frozen, had a very easy readily available remedy with a lot of notice. They could have left before the freezing began, and as soon as people did leave the accounts were unfrozen.

**MS. MANDY ENGLAND:** Thank you, Minister, those are my questions today.

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

Next, I'd like to call on the City of Ottawa, please.

**MS. ALYSSA TOMPKINS:** The City has ceded its time to the Government of Canada. Alyssa Tompkins for the record.
COMMISSIONER ROULEAU: Okay, thank you.

Counsel for former Chief Sloly, please.

MS. REBECCA JONES: Rebecca Jones for Chief Sloly, and we also have no questions for the Deputy Prime Minister, and have ceded our time to the Government of Canada.

Thank you.

COMMISSIONER ROULEAU: Okay.

Next is City of Windsor?

--- CROSS-EXAMINATION BY MS. JENNIFER KING:

MS. JENNIFER KING: Good afternoon, Deputy Prime Minister. My name is Jennifer King, and I am legal counsel to the City of Windsor.

I only have a few moments with you this afternoon. You have testified about the macroeconomic impacts of the border blockades and the Ambassador Bridge blockade specifically. In my few moments with you, I want to shift tracks a bit and ask you to scope down and talk to us about the impacts of the blockades on the community and individual level. As you may be aware, I hope you're aware, Windsor is not just a road to the Ambassador Bridge. It's a community. It's a place where people live, work and study. Are you aware that the bridge lands in the community?

DEPUTY PM CHRYSTIA FREELAND: Yes, I am.

MS. JENNIFER KING: Are you aware that for Windsor and Windsorites the blockade of the bridge was felt directly and immediately?

DEPUTY PM CHRYSTIA FREELAND: Yes, I am.

MS. JENNIFER KING: I understand from Deputy
Minister Sabia that Transport Canada has not completed an analysis of the blockade and the impacts on the local economy and local Windsor businesses; is that right?

DEPUTY PM CHRYSTIA FREELAND: That's right.

MS. JENNIFER KING: Okay. But you are well aware of the importance of the automotive sector as an employer in the region; right?

DEPUTY PM CHRYSTIA FREELAND: I'm very aware of that and was motivated by my awareness of that in some of the actions we've been discussing today.

MS. JENNIFER KING: Okay. And you're aware that, given the nature of the automotive sector, the blockade had a significant impact and resulted almost immediately in shutdowns and partial layoffs?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MS. JENNIFER KING: Can you tell us generally how impacts on the Canadian economy at this kind of macro-level that you've been talking about trickles down and impacts local communities and residents, particularly communities like Windsor that are reliant on these types of automotive industries?

DEPUTY PM CHRYSTIA FREELAND: I think you've been doing a very good job of telling us that, and certainly, I'm, you know, very prepared to agree with you, that Windsor was very specifically and meaningfully affected.

MS. JENNIFER KING: Okay. You also gave testimony this morning about U.S. EV incentives. Mayor Dilkens gave evidence to this Commission about the $5 billion investment announced in March through a joint venture between Stellantis
and LG Energy Solutions to establish a battery manufacturing plant in the region. You're aware of that investment?

**DEPUTY PM CHRYSTIA FREELAND:** Extremely.

**MS. JENNIFER KING:** So this will be the first Canadian electric vehicle battery manufacturing facility?

**DEPUTY PM CHRYSTIA FREELAND:** Well, let's get it off the ground, but I'm very optimistic about it.

**MS. JENNIFER KING:** And Mayor Dilkens testified that these discussions and preplanning about this investment was underway at the time of the blockade?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, I believe that's the case.

**MS. JENNIFER KING:** Is this the kind of investment that you were concerned about, that you were talking about earlier today?

**DEPUTY PM CHRYSTIA FREELAND:** A hundred percent.

**MS. JENNIFER KING:** The Commission has heard evidence about the response in Windsor, Windsor Police and its policing partners to peacefully clear the blockade of the bridge. Were you aware at the time that the necessary policing efforts to maintain access to the bridge after the blockades impacted Windsorites?

**DEPUTY PM CHRYSTIA FREELAND:** Yes.

**MS. JENNIFER KING:** Deputy Minister Sabia agreed that the reopening of the bridge was key to avoiding greater damage to Canada's reputation as a good place to invest, Canada's reputation as a reliable trading partner. Do you agree?
DEPUTY PM CHRYSTIA FREELAND: Yes, I do.

MS. JENNIFER KING: For Windsorites, this isn't, of course, not about just what happened in February. Windsor has been host to this critical piece of infrastructure for almost a century, and Windsor keeps traffic flowing to this bridge every day, and that benefits the entire country; doesn't it?

DEPUTY PM CHRYSTIA FREELAND: One hundred percent. It helped us get the 3M masks, in fact.

MS. JENNIFER KING: Right. So we've heard a number of witnesses recommend that the frameworks and laws to protect critical infrastructure should be studied and strengthened; do you agree?

DEPUTY PM CHRYSTIA FREELAND: I do.

MS. JENNIFER KING: Would you also agree that Windsor is not only a stakeholder in debriefing the lessons learned and in developing these frameworks, but also an important partner?

DEPUTY PM CHRYSTIA FREELAND: Yes, Windsor is definitely an important partner.

MS. JENNIFER KING: Okay. Thank you. Those are all my questions.

DEPUTY PM CHRYSTIA FREELAND: Okay. Thank you.

COMMISSIONER ROULEAU: Thank you. Next is the Windsor Police Service.

MS. HEATHER PATERSON: Hi, there, Heather Paterson for the Windsor Police Service. We have no questions for Minister Freeland and have ceded our time to the Government
of Saskatchewan.

COMMISSIONER ROULEAU: I guess then we go to
Government of Saskatchewan.

--- CROSS-EXAMINATION BY MR. MIKE MORRIS:

MR. MIKE MORRIS: Good afternoon. My name is
Mike Morris and I'm Counsel for the Government of Saskatchewan.

Minister, spoiler alert, I hope to get you to
agree with me as much as my colleague did just a couple minutes
ago. I guess we'll see where we get to.

But, Minister, I think I can start out with some
easy ones. You're familiar with Farm Credit Canada, which is a
federal Crown corporation; is that fair?

DEPUTY PM CHRYSTIA FREELAND: Not intimately, but
I know it exists.

MR. MIKE MORRIS: You grew up on the Prairies.
It used to be called Farm Credit Corporation. If I call it FCC,
you'll understand what I mean; is that fair?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MR. MIKE MORRIS: Okay. And are you aware that
FCC is headquartered in Regina?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MR. MIKE MORRIS: Okay. And that it provides
loans to farmers; correct?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MR. MIKE MORRIS: And Farm Credit Canada would
have been a financial institution subject to the Emergency
Economic Measures Order; correct?

DEPUTY PM CHRYSTIA FREELAND: I believe so.
MR. MIKE MORRIS: And if I just call that "the Order", you'll understand what I mean; is that fair?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MR. MIKE MORRIS: Okay. I want to refer you to an article from Farmer's Forum, which is self described as the largest circulation farm newspaper in Ontario. So I'm going to ask the Clerk to pull a document. It's POESAS0000003. And just while we're pulling this up, it's the May 3rd, 2022 article from Farmer's Forum entitled "Read the Documents: Farm Credit complied list of 9 names for possible blacklisting." So we can see that on the screen there now.

And I'm just going to read from the first three paragraphs of the article. So we'll just have to go down.

There. Perfect.

"Farm Credit Canada compiled a list of nine people to be potentially blacklisted because of possible participation in the Freedom Convoy protest in February, according to internal FCC emails acquired by Farmer Forum through an access to information request.

The access to information documents revealed that FCC employees were instructed to report the names of customers who were involved in the Freedom Convoy in Ottawa after the Emergencies Act was enacted on Feb. 14.
The federal lending agency compiled a list of nine people by viewing Twitter accounts and online media posts, as well as drawing from conversations with customers."

Now I expect we can agree that it's not surprising that FCC instructed its employees to report in this manner because FCC was required to do so under the terms of the Order; is that fair?

**DEPUTY PM CHRYSTIA FREELAND:** Well, maybe not entirely. And I will say I am reading this news report for the first time as I see it on my screen. So my response is a little bit limited. But even in the paragraphs that you've displayed for us, the -- there is a misunderstanding if this email is genuine, and I'm just saying because ---

**MR. MIKE MORRIS:** Sure.

**DEPUTY PM CHRYSTIA FREELAND:** --- I haven't seen it; right? And ---

**MR. MIKE MORRIS:** We can look at the emails ---

**DEPUTY PM CHRYSTIA FREELAND:** --- reporting is -- no, no, no, reporting is a hard thing to do. I used to be a reporter. But the email that is reported on here saying if the federal government directs us to, that is a misunderstanding of how the Order worked. We were always very conscious that it wasn't the job of the federal government or the Ministry of Finance to name specific names or to even know which names were involved.

**MR. MIKE MORRIS:** Understood. It was the ---
DEPUTY PM FREELAND: The way the Order worked was that that was to be a communication between law enforcement and the financial institutions. And I know it's not my job to ask you to agree with me, but I hope you will agree with me that that was appropriate, that elected Ministers shouldn't be involved in naming specific names. So that was a misunderstanding.

MR. MIKE MORRIS: I think we should look at the documents referred to from that Access to Information Request, so I'm going to ask the Clerk to bring up POESAS0000004. And these are the documents which were obtained by Farmer's Forum and that are referred to in this article.

And I'm just going to ask that we go to the third page of this PDF, please?

There. Perfect.

So we can see this is an email with the subject line, “How the Emergencies Act Affects FCC,” and it’s to Operations Field Staff, dated February 23rd, 2022.

So I’d just like us to scroll down to the third paragraph, please? Stop there.

The third paragraph begins:

“If you become aware of potential customer involvement in blockades, occupations and other support of activity related to the ‘Freedom Convoy,’ you must submit a tip to the Customer Diligence Centre (CDC)....”

So this is the morning of February 23rd, and we
know that the Order was no longer in place later that day because, of course, the Emergency Declaration was revoked on February 23rd, later that day. Is that fair, Minister?

DEPUTY PM CHRYSTIA FREELAND: That -- yes, yes exactly.

MR. MICHAEL MORRIS: Okay.

I’d just like us to scroll down to page 5 of the PDF now, please? And this should be an email dated February 25th? Yes, there it is. So we see this is an email dated February 25th, with the subject, “Emergencies Act - Customers Identified” and the content of the email indicates that the Centre is telling the recipient that they’d like to follow-up regarding customers that have been, “identified as possibly participating in the 2022 Freedom Convoy.”

So we’ve agreed, I think, or we can agree, that as of February 25th there was no requirement under the Order to conduct this follow-up; is that fair?

DEPUTY PM CHRYSTIA FREELAND: So let me say a couple of things. First of all, I’m seeing this email now for the first time, and as far as I know, it had nothing to do with me.

MR. MICHAEL MORRIS: Understood.

DEPUTY PM CHRYSTIA FREELAND: Second of all, it’s certainly the case, that the Order was -- ceased to apply after February 23rd. And maybe the third thing, for people who are listening, that it’s worth pointing out, is all the accounts were unfrozen around that time.
MR. MICHAEL MORRIS: Okay. I just want to continue on to the next page of the PDF, which is page 6. I appreciate you’re seeing this for the first time, Minister, and I understand that’s difficult. But this appears to be a spreadsheet entitled, “2022 Freedom Convoy - Tips”; has a column for Tip; for Date; for Customer Name, and Preliminary Findings. And I would just like us to slowly scroll to the very end of all of these PDFs, looking at the dates as we can -- as it goes by.

Yeah, you can keep scrolling; that’s a good pace.

So we’ve seen February 23rd, keep scrolling. Now we see February 24th, and keep scrolling. I think there’s one more page and we’ll get to the end here. Oh, another page, more February 24th. Keep going, yeah. So last one is number 9. Okay, go up a little bit.

And this would appear to indicate that the last tip in the spreadsheet was received February 25th, there’s a description, I gather, of the preliminary investigation at this point. So you know, it appears -- and I appreciate you’re viewing this for the first time -- that FCC was still investigating tips relating to the Freedom Convoy 2022 as of February 25th. And I don’t know when it stopped investigating tips, and I expect you may not know either. Is that fair, Minister?

DEPUTY PM CHRYSTIA FREELAND: With real respect, I have to say I think these are questions for FCC and not for me.

MR. MICHAEL MORRIS: Okay. I expected you might
answer that, and that’s a fair answer.

Aside from FCC, can you identify any other federal financial institutions which were subject to the Order for us?

**DEPUTY PM CHRYSTIA FREELAND:** The Order applied to all financial institutions across the country.

**MR. MICHAEL MORRIS:** Okay. No, that’s fair.

It was a privilege to speak with you, Minister.

Thank you very much for answering my questions.

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

So we now turn to the Government of Canada, please.

--- CROSS-EXAMINATION BY MR. STEPHEN AYLWARD:

**MR. STEPHEN AYLWARD:** Good afternoon, Deputy Prime Minister. As you know, my name is Stephen Aylward; I’m one of the lawyers for the Government of Canada.

My friend for the Government of Saskatchewan just now took you to a news article that referred to the blacklisting of account holders, or the -- of borrowers under a federal program. Is there anything in the Emergency Economic Measures Order that authorized or required financial institutions to blacklist an individual?

**DEPUTY PM CHRYSTIA FREELAND:** No, there was not.

**MR. STEPHEN AYLWARD:** Was there anything that prescribed any lasting impacts, beyond the expiry of the designation of a person as a designated -- determination that a person was a designated person, or the expiry of the Emergencies Act?
DEPUTY PM CHRYSTIA FREELAND: There absolutely was not.

MR. STEPHEN AYLWARD: Earlier my friend for Commission Counsel put it to you that -- on the issue of foreign funding, that there was no information that the government had in relation to foreign funding at the time the declaration of the emergency. In your response, you mentioned open-source information. I take it that would’ve included news articles?

DEPUTY PM CHRYSTIA FREELAND: Yes, it would.

MR. STEPHEN AYLWARD: Okay. And I won’t take you to them, but I’m just going to read into the record the names of two such articles; PB.CAN.00001755 and PB.CAN.00001756. My friend for the Democracy Fund mentioned to you certain letters from the Canadian Truckers Association in which they expressed concern in December of 2021 over the removal of the exemption for cross-border trucker -- trucking; do you recall that?

DEPUTY PM CHRYSTIA FREELAND: I do.

MR. STEPHEN AYLWARD: And if we could pull up, Mr. Clerk, SSM.CAN.00000335?

And this document that’s pulling up is a statement from the same organization that was made in January of 2022. And if you see there, the statement says: “The...(CTA) does not support and strongly disapproves of any protests on public roadways, highways and bridges. CTA believes such actions - especially those that interfere with public safety
DEPUTY PM FREELAND: Yes, I was.

MR. STEPHEN AYLWARD: And, indeed, if we could go to SSM.CAN.00000987, this is a letter dated February 10th, 2022, again from the Canadian Truckers Association. And in this letter, the Canadian Truckers Association is asking the federal government to take action to address the issue with the border blockades.

Are you -- were you aware -- it’s a letter addressed to the Prime Minister and Minister Alghabra, but I’ll just ask; were you aware of the Canadian Truckers Association making such a request at the time?

DEPUTY PM CHRYSTIA FREELAND: I can’t pretend to have memorized the exact date and content of the letter, but I was aware that Minister Alghabra was in touch with the Truckers Association, and that they were very concerned.

MR. STEPHEN AYLWARD: Okay. So if we talk about economic impacts for a moment, you had discussed with Commission Counsel earlier the -- a Bloomberg briefing and, as well, a Bloomberg article.

If we could just pull up the news article at COM00000839, please? And if we could go to the third page of that document, when it’s ready.

This is the news article. And apart from the reference to the .1 percent that you were discussing earlier,
there’s some -- there’s some reporting in here about other
individuals that were commenting on the situation of the border
blockades at the time.

And if you look under the heading there, “‘We
Don’t Need This’”. There’s a quote attributed to the Governor
of the Bank of Canada, Tiff Macklem, that was made on the
Wednesday, so that would have been the day before this article,
so on Wednesday, February 9th, in which the Governor of the Bank
of Canada noted that we were having --

“We’ve already got a strained global
supply chain. We don’t need this.” (As
read)

In reference to the border blockade. Do you
remember being aware of the comments of the Governor of the Bank
of Canada at the time?

**DEPUTY PM CHRYSTIA FREELAND:** I absolutely do,
and that’s in my timeline, I think it’s in my notebook, that
when we spoke earlier today about concerns around achieving a
soft landing for the Canadian economy, concerns about rising
inflation, concerns about the rise in interest rates, which the
Bank of Canada -- with which the Bank of Canada would respond to
rising inflation, that was very much on my mind, and I mentioned
that we had already had a January inflation number which was
elevated. We expected inflation. We expected an elevated
number -- the number that we had in January was for December.
We expected in February to learn of an elevated number for
January. We were aware that the bank was concerned, and that
made us concerned. Definitely.
MR. STEPHEN AYLWARD: Okay. So you spoke earlier about some of your concerns around comments by public officials in the United States. I’d just like to go through the timeline of some of those statements, because I think we’ve heard a bit about them, but I think it’s helpful to look at ---

DEPUTY PM CHRYSTIA FREELAND: Sure. And if could just say one more thing on the Bank of Canada, that wasn’t in an interview with Bloomberg, Government Macklem spoke at a press conference about it. so that was widely reported.

MR. STEPHEN AYLWARD: No, indeed. That was just one instance of a document that’s in the record that ---

DEPUTY PM CHRYSTIA FREELAND: Yeah.

MR. STEPHEN AYLWARD: --- recorded that statement.

So February 7th we know is the day that the blockade begins at the Ambassador Bridge. And so on February 9th, this is day three, that’s the date of those comments by the Governor of the Bank of Canada, it’s also the date of several statements by U.S. public officials.

If we could pull up PB.CAN.00000023? and go to page three?

This is a Tweet by Representative Elisa Slotkin. And I believe you may have indirectly made reference to this earlier this morning. But I’d just like to put the Tweet up. And ---

DEPUTY PM CHRYSTIA FREELAND: Yeah.

MR. STEPHEN AYLWARD: If you can see there, we have Representative Slotkin saying:
“If we needed another example of why supply chains matter, look no further [than the Ambassador Bridge --] the blockade of the Ambassador Bridge…”

Then it continues. And if you look at the second installation of the thread, or the second part of the thread, it says:

“It doesn’t matter if it’s an adversary or an ally -- we can’t be this reliant on parts coming from foreign countries.”

Was that the comment that you were referencing earlier in your testimony?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, it was. And I remember when that came out very, very clearly. And what was being publicly said by U.S. officials, all of it worried me. But I think if I had to identify for people here one particular line that worried me the most, it’s those two sentences. And in particular:

“It doesn’t matter if it’s an adversary or an ally -- we can’t be this reliant on parts coming from foreign countries.”

That is a huge threat to Canada’s entire auto sector. And the point especially there that she’s underscoring, “adversary or ally”, because a point that we had been making, and actually, we had made successfully, for example, with the 232 steel and aluminum tariffs, was those were inappropriately levied against Canada by the U.S. because we were an ally. And so you could rely on us.
And that point there is saying, “You know what?
You shouldn’t differentiate between, for example, Canada and China. The United States is equally at risk if it has an economic dependency.”

And having U.S. elected representatives assert that publicly and connect it to this blockade and say, “Look, by relying on Canada, you’re going to lose your job,” that was very, very dangerous for us.

And I will also point out this was a democratic member of the Michigan delegation. And I think later on in the Tweet, Representative Slotkin talks about being in touch with the White House.

These were the people that the White House was talking to about this situation, but also about the EV incentives. And their views mattered very, very much.

**MR. STEPHEN AYLWARD:** And on the White House point, if we look just further down this page, the last line on this page of the document, it’s a headline from an article from the Detroit News: “White House worried about Ambassador Bridge blockade…”

And that article, we don’t need to go through the text, but it references a statement by then Press Secretary Jen Psaki commenting on White House concern.

And I take it you were aware of those comments at the time as well?

**DEPUTY PM CHRYSTIA FREELAND:** Yes, I was.

**MR. STEPHEN AYLWARD:** And so then if we go to February 10th, that’s day four of the blockades, Commission
Counsel mentioned earlier that the Department of Finance prepared an economic analysis on February 10th, that day. We looked at it the other day with the Department of Finance officials. That background noted that by the -- at that time, as of the fourth day, there were auto plant shut downs at Ford, Stellantis, and Toyota plants that were caused by the Ambassador Bridge blockade.

Were you aware of that? Were you surprised at how quickly those shut downs occurred?

DEPUTY PM CHRYSTIA FREELAND: I was aware of that. And we spoke earlier this morning about my conversation that day, the 10th of February, with Brian Deese, where he said, and I can’t recall exactly, but something like another 12 hours and all the northeast will shut down.

So I was aware of the impact. And at some level, I wasn’t surprised, because I did know -- I knew two things, that the auto sector is so hugely integrated and, you know, the U.S. plants are dependent on us, but we’re also dependent on the U.S. plants. Those parts go across six times; right? So I knew that.

And the other thing, which I think Rhys Mendes spoke to you guys about, but is very true, is the auto sector operates on a just in time production process. They don’t like to hold big stores of parts because that’s expensive. And so the industry requires very reliable and very speedy supply chains, and if there’s a break in them, yes, it stops production.

So I knew that intellectually. I would say
though, at a kind of emotional level, it still, you know, was breathtaking how quickly it had happened, how quickly the effect mounted, how swift the political impact was, and I think that was the case also for the White House. And that was reflected in my Brian Deese conversation, where he sort of said, “Yeah, you’ve been telling us about the integration, but now I really see it.”

MR. STEPHEN AYLWARD: And so you mentioned you spoke to Brian Deese and part of that was setting up a call with the President -- between the President and the Prime Minister, which then took place the following day.

What was your reaction when you heard that the call -- that that call had taken place the next day after you’d begun the process to set it up?

DEPUTY PM CHRYSTIA FREELAND: So I was glad that the conversation happened because I knew it was important and valuable for the Prime Minister to have a chance to explain the situation, to discuss the situation directly with the President, so that was good, but -- and I had asked Brian for that call to happen, but at another level, I was quite concerned by how quickly the call was set up because the speed of response spoke to me about the degree of concern.

MR. STEPHEN AYLWARD: We've heard earlier in this proceeding about a statement that was released by Governor Whitmer on February 10th, but there was a second statement that Governor Whitmer released on February 11th.

And if we could just pull that one up. It's PB.CAN.00001840.
And as part of that statement, Governor Whitmer said:

"We cannot let another minute to go by unnecessarily..."

Calling on the Canadian Government to act.

Was it unusual for Governor Whitmer to be issuing two statements on the same topic one day after the next?

DEPUTY PM CHRYSTIA FREELAND: Very unusual, and her -- the content of her statement was also very striking. So she makes the point, first of all, that she is talking to the White House, she's talking to the congressional delegation, the people who we have been speaking about. There is a real concerted push. And then I can't quite see it here, yeah, this:

"We [can't] let another minute to go by unnecessarily..."

That was also striking to me and speaks to how I perceived, and I believe rightly, the economic situation. That every minute, every hour counted, that the situation was deteriorating really hour by hour and Canada was being very harmed. And so that speaks to why I believed, and I think it was the right judgement, we needed to act really swiftly.

MR. STEPHEN AYLWARD: And if we fast-forward, then, to after the events of January and February, have you heard anything from business leaders since that time about the impacts of the blockades?

DEPUTY PM CHRYSTIA FREELAND: I have. The -- and I'll give you a couple of examples. PDAC is a big annual Toronto mining conference. If you're in the mining industry you
will have heard of it, it's famous among miners, and Canada is rightly proud to host it every year and to be the mining capital of the world.

PDAC this year, because of COVID restrictions, it's normally held in the winter but it was held in June, and at PDAC in Toronto in June, Jonathan Wilkinson, the Minister of Natural Resources, and I convened a table to talk about critical minerals and metals, and electric vehicles. And one thing that really struck me was -- and we had sort of miners there, processors, and also car companies and car parts people, sort of the full circle of that sector.

One of the people there, the Canadian CEO of a Japanese car company, proactively, so went around the table, everyone raised their points about critical minerals and metals and EVs and opportunities in Canada. And this CEO, who, you know, is a guy whose job is to get his Japanese headquarters to invest in Canada, and he raised in his remarks, I think it was the first thing he said, "I'm still getting questions around the blockades and the occupation. And I need to be able to say to my headquarters in Japan that this is not going to happen again in Canada. That they can be confident that that access to the U.S. market is not going to be impeded."

So that was very striking to me, that still in June, even after our action, which worked, there were still those lingering concerns, and it made me glad that we had acted when we did and not later.

And then in -- just in October, I was in Winsor, which we've heard so much about earlier today, speaking about
the economy, actually at a big car parts event, and one of the car industry journalists asked me a question, and I'm -- you know, it's on the public record exactly what he said, but I'm just recalling broadly. His question was basically, "Can you offer assurances that something like the convoy and the blockade won't happen again? It continues to be a major concern in the car industry here."

And again, I was surprised that someone in October was still asking the question, and it was further evidence to me of how serious the threat had been. And you know, while taking very seriously the magnitude of our action and the reluctance that any government should have on ultimately acting as we did, that question was a confirmation for me that there was very great harm that was in the process of being done, and I was glad that we acted to stop the harm.

MR. STEPHEN AYLWARD: Thank you. Shifting gears, if we talk about the economic measures or...

My friend from the Government of Alberta put it to you that the -- there was no need to adopt the economic measures, that police had adequate tools to clear the blockades without them. I take it that you did not direct the Commissioner of the RCMP to use any of the tools made available in the Emergency Economic Measures Order?

DEPUTY PM CHRYSTIA FREELAND: I absolutely did not.

MR. STEPHEN AYLWARD: And -- so to the extent that police made use of those tools that was because they believed in their judgement that it would be a useful thing to
do in carrying out their duties?

**DEPUTY PM Chrystia Freeland:** Yes, that would be correct.

**Mr. Stephen Aylward:** And have you heard anything from police officers about whether they in fact found those tools to be effective in dealing with the situation?

**DEPUTY PM Chrystia Freeland:** I'm not the main person who speaks to or hears from police officers, but it is my understanding that the tools were used and that they were effective.

**Mr. Stephen Aylward:** I'd like to ask you a couple more questions about the readout of the February 13 banks call that we -- that Commission Counsel went through with you earlier this morning. First, Commission Counsel took you to the email setting up that call from Tyler Meredith, in which he alluded to previous communications with the Canadian Bankers Association, in which he relayed that the message from the industry, mainly speaking for their legal counsels, is that "we have this under control and we're generally feeling comfortable with the existing -- with the current regime."

Do you remember that exchange?

**DEPUTY PM Chrystia Freeland:** I remember that exchange from this morning. I didn't remember that email from the time, but I remember our conversation this morning.

**Mr. Stephen Aylward:** So my question is just in light of your call on February 13th with the bank CEOs, you believed that statement, as expressed in the email, that the banks believe they have the situation under control and were
comfortable with the current regime, you believed that was an accurate statement based on the reaction of the bank CEOs on that call?

**DEPUTY PM CHRYSSTIA FREELAND:** I didn't write it, and I can't remember whether I read it at the time or not, but what I can say 100 percent, based on the conversation that I had, which I both recorded and remember, certainly parts of it with striking, kind of branded on my brain clarity, is when I spoke to the bank CEOs on the Sunday they were very, very concerned. They did not feel the situation was under control. We did not discuss with them specific measures. I was sort of in listening mode, apart from kind of saying to them, you know, “Buck up, gentlemen, and do tell your investors that Canada is great,” and sort of wanting to give them confidence in our leadership.

But, as you have seen from the transcript, they volunteered a number of them -- two things: one, grave concern about the economic situation, and two, absolute concern, and I would even say frustration, that the tools available to them were both inadequate. You remember from that transcript, there was the point made of, “We tried to get a court order but it took four, and by the time we tracked it down, the money had moved to another account.” And then also the concern, which I take seriously, about the banks being concerned that acting absent some form of government instruction would put them in jeopardy, the Fox News point that was there.

**MR. STEPHEN AYLWARD:** And so the banks were effectively asking for more government regulation?
DEPUTY PM CHRISTIA FREELAND: I suppose you could put it that way. And I think what they -- I think what the banks were saying -- and not "I think", I mean people can read through the transcript -- is they were saying, "This is a real threat to our economy and you, the government, need to act."
And I think they were right. And the other thing that I will say there is it's not in the ordinary way of things for leaders of big Canadian businesses to want the government to do more in the economy. I would say, quite the contrary.

And at this particular moment, the banks had reason to not be so happy about things the government was doing. This followed our election, during which we had campaigned on the 15-percent Covid-recovery dividend which would be levied on banks and financial institutions, and we had campaigned on a permanent tax on the banks. So I would guess -- and you could speak to them, but I would guess that if you had spoken to the bank's CEOs at the beginning of January and said, "Would you like the Liberal Government to take a more active position when it comes to economic management of Canada," they would say, "No, we wouldn’t like that, and we would certainly like them not to impose these taxes."

So I just say that because the fact that they were saying the tools were not adequate and, "You need to do more," was particularly compelling to me because they were not a constituency that was inclined to seek strong government action in the economy.

MR. STEPHEN AYLWARD: Just on the Fox News point that you just mentioned, in the Commission’s overview report on
fundraising, they traced the flow of funds through the crowdfunding platforms and showed that there was a million dollars raised through the GoFundMe campaign that was paid into a TD bank account and that TD froze that account on Thursday, February 10th, so before the phone call, and we -- there’s -- so the Fox News coverage, when it says on the readout of there having been Fox News coverage that Friday of an incident, you’re aware that was in reference to TD freezing that -- the million dollars from the GoFundMe campaign?

DEPUTY PM CHRYSTIA FREELAND: Yeah, that makes sense. That makes sense, but it was Bharat Masrani speaking

MR. STEPHEN AYLWARD: And Bharat Masrani, that would be the CEO of TD Bank?

DEPUTY PM CHRYSTIA FREELAND: Yes.

MR. STEPHEN AYLWARD: And so the concern was putting on any individual bank the potential for backlash of public opinion of taking that step?

DEPUTY PM CHRYSTIA FREELAND: Yes, that was the concern, as we have also discussed already today, a concern about tellers being in jeopardy. And the Fox News reference there is especially significant because many Canadian Banks have significant operations in the United States. And so having Fox News attack you isn’t a problem only because Canadians might be watching, but if you have a big US operation, it’s a problem because your American customers will be watching. And I do think that was a problem that was legitimate to raise, and I was concerned about it.

MR. STEPHEN AYLWARD: And so just briefly, to
conclude, earlier, you mentioned that you had relied on certain legal advice related to matters connected with this inquiry. I just want to confirm you, as Deputy Prime Minister, you don’t have the authority to waive solicitor-client privilege on behalf of the Government of Canada and you weren’t intending to do so?

DEPUTY PM CHRYSTIA FREELAND: I was not intending to do so. And to be clear, I was speaking about the advice we received, which I think the Commission -- some of which I think the Commission has heard about earlier from officials.

MR. STEPHEN AYLWARD: Thank you. Those are my questions. Thank you, Commissioner.

COMMISSIONER ROULEAU: Okay, thank you. Any re-examination?

MS. SHANTONA CHAUDHURY: No re-examination, Commissioner.

COMMISSIONER ROULEAU: Okay, well, thank you very much for attending and for your testimony. We know you probably have other things to do but I appreciate your coming here and taking the Commission’s work seriously.

DEPUTY PM CHRYSTIA FREELAND: I guess I should say thank you very much. And I will say to you, Commissioner, and all the lawyers doing this work, I do think it’s really important work, and it’s important for Canadians to be able to see and hear you asking the government and other people questions about this very important and serious decision.

COMMISSIONER ROULEAU: Okay, thank you. We’ll take a short break to prepare for our next panel, and it should only be five minutes or so, but I’ll -- if it takes longer,
they’ll let me know. Thank you.

THE REGISTRAR: The Commission is in recess for five minutes. La Commission est levée pour cinq minutes.

--- Upon recessing at 3:33 p.m.

--- Upon resuming at 3:44 p.m.

THE REGISTRAR: Order. A l’ordre. The Commission has reconvened. La Commission reprend.

COMMISSIONER ROULEAU: Okay.

MS. SHANTONA CHAUDHURY: Good afternoon, Mr. Commissioner. Shantona Chaudhury, for the record.

Our next witnesses are from the prime minister's office, Mr. John Brodhead, Ms. Katherine Telford, Mr. Brian Clow.

THE REGISTRAR: Mr. Clow, will you swear on a religious document or do you wish to affirm?

MR. BRIAN CLOW: I will affirm.

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

MR. BRIAN CLOW: First name, Brian B-r-i-a-n, last name Clow, C-l-o-w.

--- MR. BRIAN CLOW, Affirmed:

THE REGISTRAR: Thank you.

Ms. Telford, will you swear on a religious document or do you wish to affirm?

MS. KATHERINE TELFORD: A religious document.

THE REGISTRAR: We have the Bible, the Quran, or the Torah available.

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

MS. KATHERINE TELFORD: Katherine Telford, K-a-t-h-e-r-i-n-e, Telford, T-e-l-f-o-r-d.

--- MS. KATHERINE TELFORD, Sworn:

THE REGISTRAR: Thank you.

Mr. Brodhead, will you swear on a religious document or do you wish to affirm?

MR. JOHN BRODHEAD: Affirm, please.

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

MR. JOHN BRODHEAD: John Brodhead, J-o-h-n B-r-o-d-h-e-a-d.

--- MR. JOHN BRODHEAD, Affirmed:

THE REGISTRAR: Thank you.

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

MS. SHANTONA CHAUDHURY: Good afternoon. Thank you for being here.

We're just going to start with a couple of routine housekeeping items, the first of which is introducing your interview summary.

So you'll recall having sat for an interview with Commission counsel on October 11th of this year, and following that interview, Commission counsel prepared a summary of the interview. Have you all three reviewed that summary?

MR. BRIAN CLOW: Yes.

MR. JOHN BRODHEAD: Yes.

MS. SHANTONA CHAUDHURY: Sorry, just for the
record, I know it's a bit difficult with the three of you, but someone answer yes, please.

MR. BRIAN CLOW: Yes.

MS. SHANTONA CHAUDHURY: Okay. And also present at that interview was your colleague, Mr. Jeremy Broadhurst?

MR. BRIAN CLOW: Yes.

MS. SHANTONA CHAUDHURY: Can you confirm that Mr. Broadhurst as well has reviewed that -- the summary of the interview?

MR. BRIAN CLOW: Yes.

MS. SHANTONA CHAUDHURY: And that it is accurate according to all four of you?

MR. BRIAN CLOW: Yes.

MS. SHANTONA CHAUDHURY: Perfect.

So Mr. Clerk, for the record, that’s WTS00000083. No need to call it up.

And then the second small order of business is the PMO Institutional Report, so the prime minister's office prepared that institutional report for these proceedings. That doc ID number of that is DOJ.IR.00000014, and I'd just like you to confirm again that that report was prepared by PCO and that you have reviewed it and that it is accurate, to the best of your knowledge and belief.

MS. KATHERINE TELFORD: Yes.

MS. SHANTONA CHAUDHURY: Thank you.

Okay. So the first thing I'll say is this is one of the examinations that we're doing of a panel. There are three of you. And some of my questions will be directed at one
of you specifically because it's something that's within your personal knowledge, or a document or a communication that you were involved in, and some of them I will throw out more generally, and the person best placed can answer. And you can also feel free if it's appropriate and you have knowledge to add to someone else's answer, you're free to do that.

So the first question I think I'll address to Ms. Telford, which is just can you explain the mandate and the structure at a very sort of general level of the Prime Minister's Office? What does the Prime Minister's Office do?

**MS. KATHERINE TELFORD:** The Prime Minister's Office, we serve at the pleasure of the Prime Minister, which is different than our public service colleagues in the sense that job security is a little different. We work between elections as well, and many of us, though not all of us, do take leaves during election campaigns to work on election campaigns.

But in-between elections and working in government, our role is to facilitate information to the Prime Minister, to facilitate his ability to make the best decisions he can to advance the agenda that he was elected on by Canadians. So that includes everything from very operational work. So we have teams of tour advance people, as we call them. We have regional desks who coordinate with stakeholders, including different levels of government in different parts of the country.

I'm sure my colleagues can speak to -- John is our Director of Policy and can speak to the Policy Team. Brian Clow is one of two Deputy Chiefs of Staff in the Prime Minister's Office.
Minister's Office, the other Deputy Chief of Staff is Marjorie Michel. And the other Chief of Staff, since she is not here, is primarily responsible for a lot of the operational elements of the office ranging from human resources because we are an office of roughly a hundred, and -- so the human resources side. The public appointments as well, there's hundreds and thousands of public appointments that go through government, and so we act as a coordinating body in many ways on the political side between ministers' offices as well.

And -- but our primary job is getting the Prime Minister the information that he needs, getting him the best advice from all parts of government, but also from outside of government that he needs to be able to accomplish what he committed to Canadians he would do if he were elected.

**MS. SHANTONA CHAUDHURY:** And just building on that, I'll ask you to explain, Ms. Telford, your specific role as Chief of Staff, and then I'll ask each of your colleagues to do the same.

**MS. KATHERINE TELFORD:** So I view my role in two ways: There's the day-to-day management role. So I manage the Prime Minister's Office, and I have an extraordinary group of people who work day and night, particularly during this time period they did. And -- so it's all the sort of operational scheduling and day-to-day management you can imagine of running an office of that size, as well as coordinating between other ministers' offices as well. So we have a weekly Chief of Staff meeting that involves the Chiefs of Staff from all of the ministers' offices across government as a way of touching base
and sharing information, sometimes best practices.

And then the other hat I wear at the same time is being a senior advisor to the Prime Minister, and in terms of bringing him the best advice I can from everywhere I can, but also facilitating people being able to get in front of him and provide him with all the advice and the inputs that he needs to make the best decisions he can for Canadians.

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

And Mr. Brodhead, can you explain your role, please?

**MR. JOHN BRODHEAD:** Sure. So as Director of Policy, one of the key pieces of my role is to kind of work with the Privy Council Office very closely to coordinate the Cabinet agenda. So as you've heard through these proceedings, there's -- we have many Cabinet committees, and -- so we work with PCO to make sure items are ready to go forward on those agendas, any kind of remaining issues to be sorted out between ministers or departments, so that's one.

We have a team of 14 policy advisors. So they cover the -- all the departments. So they each have policy files, so they become, you know, the links to the ministers' offices as well as to the content experts at PCO and other departments. And I think in that role, we provide advice to the Prime Minister on policy items, so whether it's items going to Cabinet, other items such as the budget, our team will often prepare memos along those lines and advise the Prime Minister on the policy side of these things.

**MS. SHANTONA CHAUDHURY:** Okay. And we're going
to come back in a minute to -- you mentioned PCO. And we've heard from a few witnesses last week from PCO, so we're going to come back to the interplay a little bit between your office and PCO.

But first, I'll just ask Mr. Clow to introduce himself and describe his role.

MR. BRIAN CLOW: So I am one of two Deputy Chiefs of Staff, as Katie laid out, and I oversee five teams in the office. One is the Policy Team, which John described; second is the Communications Team, it's the largest of the five. They do exactly what their name says, press releases, all government communications and media relations for sure. Quite a range of activities in that department.

There is -- third, is the Issues Management and Parliamentary Affairs Team. That's one unit. So everything that goes through Parliament, whether it's legislation, votes in the House, debates in the House, the PMO Parliamentary Affairs Team engages in that space. But they also focus on Issues Management, which I like to think of it as the government has its proactive agenda, which is largely driven out of the Policy Team, and then the Issues Management Team deals with day-to-day developments, whatever comes at us. So certainly the Issues Management Team was involved in what's being studied here quite early on.

And then there are two more units that I oversee, they're smaller units. One is the Global Affairs Team. They focus on all -- any number of international files. And finally, there's a unit that was created a couple of years ago to deal
with the response to the COVID-19 pandemic.

**MS. SHANTONA CHAUDHURY:** Thank you. And I should mention that the reason you've all been selected to be here today is you were all involved in some way in assisting the Prime Minister in responding to the events of late January and February that are before the Commission. Certainly not just you, but certainly all of you.

So just going back to that question of the interplay between PCO and PMO, I'm not sure who's best placed to speak to that between the three of you, but Mr. Brodhead, you brought it up, so maybe we'll start with you.

**MR. JOHN BRODHEAD:** So what specifically -- what -- is of interest? Just the general relationship?

**MS. SHANTONA CHAUDHURY:** Yeah. So the lines of communication and the interaction between the public service and the political side in advising the Prime Minister.

**MR. JOHN BRODHEAD:** Sure. So I'll speak to my experience because I obviously cover one part of that dynamic. And I interact with primarily two parts of the Privy Council Office. One is the kind of Priorities and Planning Group, which is Michael Vandergrift's group, and then the other one is the Operations Team, which is now run by Kaili Levesque. Plans and Priorities is really the Cabinet side, and Operations is more of the execution and -- of that.

So there is, I would say, a constant flow of information back and forth. They provide us advice, they convene meetings of departments across the government, they really kind of hold the institutional knowledge on many of these
files, and so we kind of work very closely together to ensure we're aligned on the policy agenda, that things are rolling out. They also have great experience in terms of execution of policy, so it's are things getting done, are things happening that we brought into play, are they still going, is it still moving? So it's a very constant and a very important relationship for us.

**MS. SHANTONA CHAUDHURY:** Ms. Telford, do you have anything to add to that in terms of the lines of communication and providing advice to the Prime Minister?

**MS. KATHERINE TELFORD:** I would just add that, and I'm sure you heard this from the Clerk, who is -- who I have primarily the most contact with is with the Clerk and the National Security and Intelligence Advisor, and to only a slightly lesser degree, the Deputy Clerk. And they're also the ones who have the most contact with the Prime Minister.

And so the Clerk meets with the Prime Minister on a very regular basis, often meets with the Prime Minister and Deputy Prime Minister together, and I will attend the majority of those meetings as well. And there is -- and then she and I will talk regularly in between those meetings as well in terms of planning out, you know, what needs to get covered and what's going on, and prioritising who else we might need in those meetings. And so as John said, it's a very regular flow of information back and forth.

But -- and that's true for the entire Prime Minister's Office. Everybody has counterparts of one kind or another on the public service side, and the flow of information is significant, though we do have clearly different roles in...
terms of what our responsibilities are to the Prime Minister, and of course, as I said earlier, how we're employed.

**MS. SHANTONA CHAUDHURY:** Thank you. Okay, with that introduction out of the way, we'll turn to the matters before the Commission.

And starting with the very early days of the convoy, can you describe to us when PMO first became aware that the convoy was a thing that was possibly rolling into Ottawa, what your initial impressions of it were, what your sources of information were and the sort of prearrival early days.

**MR. BRIAN CLOW:** So the week of January 17th, there were a few interactions. On Monday, January 17th, there was a report sent from PCO to PMO. I think one or two people in the Prime Minister's Office -- it might have actually come from a Minister's office as a flag that there were some slow roll activity in Emerson, Manitoba. At that point though, that information was not shared beyond that. It was just one of any number of issues.

As the week went on though, we started to hear more and see more reports of the convoy protest. On Thursday, January 20th, there was an email that came from PCO to a number of people in PMO that laid out -- it was an update on the convoy protest. I think it was focussed on -- it named three places specifically: Coutts, North Portal, Saskatchewan, and Ottawa. And the update also included a press release from the Canadian Trucking Alliance, which condemned the convoy activity, specifically proposed unlawful activity, which even at that point, there -- what was coming out of a number of the speakers...
was proposed unlawful activity and road blockages specifically.
So it was that week January 17th when we started to hear about
this.

That weekend, I'd say 22nd, 23rd, by then, it was
on everybody's radar. The week of the 24th is when the Prime
Minister started to get updated daily on it.

MS. SHANTONA CHAUDHURY: Okay. And that takes us
-- Mr. Clerk, can you please bring up SSM.CAN.NSC 00002578?

So, Mr. Clow, if I take this correctly, you were
speaking at that point of PMO's sort of monitoring of what was
going on, and I believe the 25th was the first time you got a
briefing from the PCO?

MR. BRIAN CLOW: So the -- in addition to -- I'll
look at this email. So there was email traffic and there would
have been phone calls the week of the 17th between PCO and PMO.
But Tuesday the 25th, I do believe was the first meeting
scheduled with PCO and PMO staff to go through all of the
elements as were known at that point.

MS. SHANTONA CHAUDHURY: Okay. So we're just
going to look at what the content of that meeting was. Mr.
Clerk, if you can scroll down -- keep scrolling. Okay. There
we go. So this is Mike MacDonald, and we know he -- actually,
just refresh our memories as to who Mike MacDonald is?

MR. BRIAN CLOW: So he works in PCO and he's part
of the National Security team.

MS. SHANTONA CHAUDHURY: That's right.
Intelligence Secretariate. Okay. So Mike MacDonald is
explaining and briefing, essentially, on what the state of
knowledge there is at the time. So he says,

"Latest lay of the land -- security, coordination, [National Security] apparatus -- what do we know? Law enforcement across the country is learning more about the convoy and its organizers as they interact with them."

And then there's some description of where it's coming from. The next bullet down says,

"Actively monitoring -- one thing they're picking up on is chatter on social media. So far, RCMP telling us that the convoy itself is peaceful, not causing problems along the way. Their goal is to get to Ottawa, not have infractions along the way."

And then,

"Very small online chatter. That's where people are using disturbing language."

Mr. Clerk, if you can just keep scrolling to the next page, please? There we go.

"Following Jan[uary] 6[th] events last year..."

Which is a reference to January 6th in Capitol Hill in the United States,

"...NSIA worked with PPS, RCMP and sergeant at arms for a scenario
planning for regular protests, pushed boundaries and plan out for things like an insurrection. This has been done."

Then,

"Ottawa Police and PPS have an MOU, have done exercises for these types of protests [...] On the federal side, we have governance in place that is up [and] running. ADM national security operations centre. Meeting every day to ensure [...] parts of [the] federal family are coordinated in efforts, and can feed information through."

So does that represent essentially, first of all, the content of that briefing as you were aware of it that day?

**MR. BRIAN CLOW:** So I wasn't a part of this specific brief, but received this email. And so I have no reason to believe it doesn't represent what was discussed there. But I would say it's only a piece of the picture of what we were watching at that time. There's a reference in there to social media chatter and disturbing comments. And by this point, it was a very significant issue and getting a lot of coverage in media, some of those comments. This email was sent on January 25th, which is the same day it was reported in media that some individuals who were planning to participate in the demonstration were saying they wanted this to be their January 6th. That's why you see -- I suspect you see this in this email
summary because there were individuals explicitly referencing January 6th. And at this point as well, it was known in public that some people planning to participate in the demonstration had a proposal to replace the government by going to the Governor General and the Senate. It's otherwise known as the MOU.

**MS. SHANTONA CHAUDHURY:** Okay. So just scrolling down a bit again, Mr. Clerk, there's a comment at the end there. So you'll see at the end it says, "Questions? Z..." And I believe that's a reference to Zita Astravas, Bill Blair's Chief of Staff?

**MR. BRIAN CLOW:** Yes.

**MS. SHANTONA CHAUDHURY:** Mr. Blair's Chief of Staff. So she says,

"...curious to know how feed into political level. From our perspective, feel assured having worked in the space of all the work being done, but ministers feeling uneasy and keen on details."

I'm wondering if you can help us understand what is meant there by sense of unease at the political level.

**MR. BRIAN CLOW:** I think they're -- at that point, there was a lot of conversation going on about what we were seeing and what we thought this was going to be, and there were a number of updates coming through, like the one you see here, but we were also seeing a lot in open source and through the media, which was very concerning. I already mentioned the
reference to January 6th. So that's what I think this speaks to.

**MS. SHANTONA CHAUDHURY:** Okay. So is it fair to say then, that in Mike MacDonald's email that we just read through, the message coming through is essentially, well, we've planned for this. We did some planning after January 6th and things are sort of under control and the machine is operating as it should. But then Ms. Astravas raises a concern saying the Ministers are actually pretty worried about this. So is it fair to say that there was some unease at the Ministerial or at the political level, but it isn't reflected in the briefing?

**MR. BRIAN CLOW:** Yes.

**MS. SHANTONA CHAUDHURY:** Okay. So then just move -- thank you, Mr. Clerk. You can take that document down.

So that's the sort of prearrival state. Is there -- unless there's anything else you'd like to add about what was going on prearrival, but then chronologically, the next thing that happens is the convoy arrives and doesn't leave when everyone expected it to do, and then we head into the first week of the protest, if we can call it that.

So I'd like you to pull up now, Mr. Clerk, SSM.NSC.CAN00002941. And as that's being done, maybe I can ask you to just describe to us from your point of view what that first week was like and what was going on from your perspective in attempting to respond. And the notes I'm pulling up here are Mr. Clow's notes from a February 3rd meeting, which I think can fairly be described as a brainstorming ideas kind of meeting. But before we get into the specifics of the notes, can you fill in a bit of the narrative of what was happening in your thinking...
in your office at the time?

MR. BRIAN CLOW: So we watched the convoy arrive, not only in Ottawa, but there was activity in Coutts, very serious activity that first weekend. Emerson we're starting to see some blockages there. It's down to one lane and would open up again, some trucks would move, but there was activity in Emerson. So this was already a national issue in the first week. And we were -- we continued to see very concerning statements from some demonstrators, including from demonstrators and organizers that they were not going to leave until the government changed its policy. But in that first weekend, law enforcement was responsible -- local law enforcement I should say, and by the end of the weekend, it was clear they weren't leaving, so I would say concern had increased at the end of the weekend.

So we in the Prime Minister's Office, with PCO, with Minister's offices, with caucus, with others, we were hearing a lot of concern and we were discussing internally and getting updates and sharing information with each other as best we could. Before this meeting on the 3rd, which was well into the second week, there had been a briefing of the Prime Minister by the National Security Advisor and the Clerk, so there were discussions happening. What happened on February 3rd and what these notes reflect is this was a Thursday. The second weekend was approaching, and law enforcement had not been able to contain the various protest. And, in fact, in my view, they were getting worse. So we assembled and basically covered the waterfront, what's going on, who's talking to who, what can we
be doing more of, what are different provinces and municipalities asking, are different provinces and municipalities asking questions? And if they aren’t asking for support -- if they aren’t, can we have a conversation with them to see if they should be asking for support? So in these notes, you’ll see us cover quite a few different ideas.

MS. SHANTONA CHAUDHURY: Thank you. And you’ll appreciate, we have an hour and a half so I’m skipping -- I know I’m skipping though weeks in chronology very quickly but it’s necessary, and thank you for filling that in. So here we go. February 3rd, there’s just a few points that I want to pick out here. So the first notation says “JB”. That’s John Brodhead, Mr. Brodhead?

MR. BRIAN CLOW: That’s Jeremy Braodhurst.

MS. SHANTONA CHAUDHURY: Oh, that’s Jeremy Broadhurst, okay. This may get confusing. Jeremy Broadhurst: "Looks like OPS won’t move. Weeks not days. Weird reinforcements problem."

As read.

Or something “reinforcements problem”.

MR. BRIAN CLOW: “Weekend reinforcements problem”.

MS. SHANTONA CHAUDHURY: Ah, that makes more sense.

"Behind scenes, too deferential: need bad cop: you’ve got to use tools you have. Whether to change public message is different."
And then “KT”. That’s Ms. Telford?

**MS. KATHERINE TELFORD:** Yes.

**MS. SHANTONA CHAUDHURY:** Okay, I can’t read the first part. The second part says:

"What if anything can we do? What are options?"

So that’s introducing this as a sort of a brainstorming of ideas. And then we’ll see a variety of ideas expressed here. Mr. Clerk, can you just scroll down. We see — sorry, just above there:

"Any way we can get Bergen’s help."

That’s a reference to Candice Bergen.

**MS. KATHERINE TELFORD:** I believe she had just become leader that day.

**MS. SHANTONA CHAUDHURY:** Okay. And then we have Ms. Astravas saying:

"Blair doesn’t want to call Sloly [but he’s] open to calling Watson." As read.

And then RFA is a reference to a request for assistance. And we’re going to come back to these in a moment but:

"Ontario could only ask if they have exhausted resources."

Scrolling down again, please, Mr. Clerk, until you get to the bottom of the page. So here we have an intervention. Many of the ideas that are expressed here we’ve already heard about so I’m skipping through them quickly but, at
the bottom of the page here, this is Yasir, I believe?

MR. BRIAN CLOW: So that was separate from the meeting we just covered. That was a phone call from Ottawa Centre MP, Yasir Naqvi. He called me and I wrote down what he told me.

MS. SHANTONA CHAUDHURY: Okay, that same day, on February 3rd?

MR. BRIAN CLOW: The same day.

MS. SHANTONA CHAUDHURY: Okay, so -- and what he told you was:

"Clearly, Ottawa Police and City are unable to deal with this. Reinforcements coming this weekend. It’s going to really embolden these folks. My constituents near breaking point, worried people will take things into their own hands."

So does that reflect, Mr. Clow, what Mr. Naqvi was expressing to you?

MR. BRIAN CLOW: Absolutely. And this was on February 3rd so, by this point, the Ottawa convoy had been here for a full week, a full seven days, and Ottawa residents had experienced a lot, and I think you see that reflected in Mr. Naqvi’s comments.

MS. SHANTONA CHAUDHURY: Okay. Mr. Clerk, can we scroll down to the top of the next page? Yeah, there we go. So I think this is a continuation of the phone call with Mr. Naqvi:

"What I heard from Sloly: plea for
help. It’s a plea for something, something political."

Do you recall that reference, Mr. Clow?

MR. BRIAN CLOW: I believe that was a reference to either the day before or earlier that week, Chief Sloly said there was no policing solution.

MS. SHANTONA CHAUDHURY: That’s correct. It was the day before. And what I’m wondering is, can you -- what was the reaction within PMO to that statement? He we have Mr. Naqvi’s, I think, interpretation of it, which is it’s a “plea for something”, and then he says it’s a “plea for something political”. Does that reflect -- or was there any thinking among the three of you or among your office -- within your office about what Chief Sloly may have been expressing there?

MR. BRIAN CLOW: It definitely added to the concern of what we were seeing. And to hear Ottawa Police say that this was not a policing solution was very concerning and it told us that this was not going to end anytime soon.

MS. SHANTONA CHAUDHURY: I think we can leave those notes for now. Thank you, Mr. clerk. The next ones we’ll pull up -- well, it’s actually notes. Sorry, Mr. Clerk. Keep scrolling down until you see February 6th. Yes, there we go. So it says, "PM, February 6th, 6:00 to 8:00 p.m." So I assume this was a meeting that was with the Prime Minister attended by, as it says here, the Clerk, the NSIA, and then John, Janice, Jody, Sam. That would be John Brodhead, Mr. Brodhead; Janice, the Clerk, Janice Charette; Jody Thomas, the NSIA; Sam -- who’s Sam?

MR. BRIAN CLOW: Sam Khalil is the Director of
Issues Management.

**MS. SHANTONA CHAUDHURY:** Okay.

**MR. BRIAN CLOW:** And there were probably a few other people on that call, not many more. I’m confident Katie was on that call.

**MS. SHANTONA CHAUDHURY:** Okay. So if we just scroll down, then, until we see:

"OPS trying to reduce violence, are taking some steps."

And then below that:

"Coutts persists but traffic is moving. AB asked for RFA. We don’t see CAF being able to help with that."

Do you remember who was making that statement there? Is this the NSIA’s update there, Mr. Clow?

**MR. BRIAN CLOW:** So, one, to situate this conversation, this was Sunday, February 6th in the evening, so the end of the second weekend. The Prime Minister was updated, just as he was updated the previous Sunday, because a second weekend had passed and Ottawa had worsened and other situations were becoming more difficult as well. And I note, the NSIA reported that:

"Eleven (11) BC communities have protests, 35 across the country."

So I can’t tell from the notes if that comment was Jody Thomas’ comment, the one you asked about, but it looks like it was part of a list of updates from Jody Thomas.

**MS. SHANTONA CHAUDHURY:** Were these briefings...
happening daily?

MR. BRIAN CLOW: There were multiple conversations happening daily at this point, and there were interactions with the Prime Minister every day at this point, in some way or another, but this specific construct of a meeting with the Clerk, National Security Intelligence Advisor, and staff didn’t happen every day but it happened with increasing frequency.

MS. SHANTONA CHAUDHURY: Okay. So the next point that I want to look at here is right at the bottom of the page here: “ON” -- that’s a reference to Ontario -- “pushed back”. And then the notation is:

"PM: establish list of mandates."
I can’t read the next word, something “vaccines”.

MR. BRIAN CLOW: “Gyms, vaccines, all provincial”.

MS. SHANTONA CHAUDHURY: Okay. And then under that, it says:

"DM for SolGen..."

So that would be the Deputy Minister -- Deputy Solicitor General:

"...pushed back."

And that takes us to an issue that we’ve canvassed a bit here in the Commission so far and I’d like to get your perspective on this afternoon, which is, what was going on in those early days of the protest, the first week and the first week and a half in terms of interaction between the various levels of government, and the federal and provincial...
aspects, and especially Ontario’s response, or perhaps lack of response, if we can characterize it that way. Mr. Brodhead, I believe this is probably best put to you within your purview.

MR. JOHN BRODHEAD: Sure, I can start and then folks can add it. So I would say there was lots of conversations happening at this point with various governments, at the officials’ level, at the political level, across the country, as we tried to make sure we were hearing from them on what was happening on the ground and making sure we had those -- that intelligence. I think -- with respect to Ontario, specifically, I think there was, at the outset, a different approach to this -- to the strategy, and I think, as we get to -- we were quite keen on this idea of a tripartite table that Minister Blair had been working on and we thought that was a good way of getting everybody at the table and making sure resources were aligned, making sure everyone, you know, looked each other in the eyes and worked together.

And at that time, Ontario was not as keen on that approach. I don’t really want to, you know, speculate for why the Solicitor General or Deputy Minister Solicitor General at this point wasn’t, but from my conversations with them, they did want to have Ottawa -- the City of Ottawa and the Ottawa Police Service kind of play the lead role and were not as interested at that time in the collaborative tripartite approach that were interested in.

MS. SHANTONA CHAUDHURY: Okay, I’ll -- Mr. Clerk, can you take those notes down for a second and pull up SSM.NSC.CAN00003015, please? Mr. Brodhead, I think this is a
text that goes to the point you were just elucidating. So we
don’t have a confirmed date for this one but it must be ---

MR. JOHN BRODHEAD: It’s February 8th.

MS. SHANTONA CHAUDHURY: Thank you. And this is
a text between you and Ms. Astravas, a text exchange, and she
says to you -- I believe she’s in the blue here:

"Marco..."

That’s a reference to Minister Mendicino.

"...hasn’t heard back from Sylvia Jones."

That’s a reference to solicitor general of
Ontario on the meeting with the three orders of government,
reference to the tripartite.

And you say, "Yeah, because we don’t want to be a
part of it."

And she says, "Oh, I know."

And you say, "So anything I should do? We should
just go ahead without them."

And then it goes on.

So can you contextualize that for us a little
bit?

MR. JOHN BRODHEAD: Yes. As they were getting
kind of push back and -- or just not support from their
counterparts, the solicitor general in particular, they had
asked me to connect with my contact in the premier's office and
to just check and see if -- was this something that the Ontario
government or this minister or just to kind of ascertain some of
those kind of contextual details. So I did. I chatted with
Jamie Wallace, and it was clear that they were kind of -- they
had a different approach and strategy and the tripartite table
was not a priority for them at that time.

**MS. SHANTONA CHAUDHURY:** Sorry, who is Jamie
Wallace, exactly?

**MR. JOHN BRODHEAD:** Sorry. Jamie Wallace is the
chief of staff to Premier Ford.

**MS. SHANTONA CHAUDHURY:** Okay. So you had a
conversation with Mr. Wallace ---

**MR. JOHN BRODHEAD:** Yeah.

**MS. SHANTONA CHAUDHURY:** --- chief of staff to
Premier Ford, and the message coming back to you was?

**MR. JOHN BRODHEAD:** Was that this was not a
strategy they wanted to pursue at this time.

**MS. SHANTONA CHAUDHURY:** Was there any reason
given for that?

**MR. JOHN BRODHEAD:** It was -- you know, I think --
- you know, my recollection of that conversation was it was
really they wanted Ottawa to be the main driver of this and did
not want a kind of multi-governmental approach to this at that
time. That was the impression I got from that phone call.

**MS. SHANTONA CHAUDHURY:** Okay. Were you having
interactions during this time with counterparts in other
provinces as well?

**MR. JOHN BRODHEAD:** Yeah. So previous to being
Director of Policy, which I started in January, I was Senior
Advisor with a focus on intergovernmental affairs. And so
through that, I got to work closely with a number of the
provinces.
The three I was having most contact with, one was British Columbia because they were chair of the Council of Federation at the time, so that was an ongoing active discussion generally, and I want to be clear, not just about this. For example, Mr. Wallace and I were working on child care very actively at this time as well, and other issues were very -- would come up.

So -- and then other provinces as well, but the other part of our PMO which is important in this is the regional desks who don’t report to me, they're part of the operations team. They have geographical areas of responsibility, so they are often in touch with provinces and cities and we have kind of information sharing between us, so I'm in touch with them a lot. They let me know when things are happening. I do as well, so I know that from -- in those times, there was a lot of informal contact as well as obviously from ministers and officials.

**MS. SHANTONA CHAUDHURY:** We may come back to some of those interactions, but we'll stick to Ontario for now.

Mr. Clerk, can you pull up SSM.NSC.CAN00002935? So Ms. Telford, this is a text exchange between you and Minister Dominic LeBlanc, who we know is the Minister of Intergovernmental Affairs.

And he writes to you and says, "Just got this from Vandergrift."

So that’s a reference to his deputy minister, Michael Vandergrift.

"Minister, want to let you know that
the Ontario solicitor general has again
deprecated the invitation to attend the
tripartite meeting today on the Ottawa
occupation."

And you say, "I think we need to let -- shine a
light on that."

He says, "We'll say it."

Can you explain to us what was going on in this
text message and what you meant by "I think we need to shine a
light on that"?

**MS. KATHERINE TELFORD:** So I think this was a
continuation of what John was just talking about. This was
obviously a further attempt at a meeting with the three levels
of government, and Ontario was continuing to decline.

I don't recall when he says, "We'll say it,"
where that meant, but in putting myself back in that time, I
think when I'm saying we should shine a light on it, it's
bringing some attention to the fact that Ontario wasn't at the
table and we really did believe it would be a more efficient and
effective way to work.

**MS. SHANTONA CHAUDHURY:** Would it be fair to say
that there was some frustration with Ontario's response at this
point?

**MS. KATHERINE TELFORD:** There was definitely some
frustration because we believed it could be easier than it was,
all things being very relative at that time. But there was
ongoing communication with Ontario bilaterally throughout. It
just meant that the conversations were happening between Ottawa

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and the federal government, the federal government and Ontario, Ontario and -- so there were just numerous bilateral conversations that we just thought could have been better handled and more efficient if we could have all just come together, because as I know has come up throughout the Inquiry, there was a fair bit of confusion around numbers and requests and the RFAs, the way they worked, the requests for assistance. They do need to go through the provincial level of government and so not having them as part of the conversation made things that bit more complicated.

**MS. SHANTONA CHAUDHURY:** That’s fair.

Mr. Clerk, can you please pull up ONT.00000159? So I'm going to ask you here about a meeting that was held on February 6th that was a sort of tripartite but not quite, between the City of Ottawa, federal government, and provincial government.

And the exchange I'm going to take you to -- we've seen this document several times in the Commission, so I'm not going to go through the whole thing, but at the end of the document, there's an exchange between the national security advisor and the deputy solicitor general of Ontario that I'd like to get your take on.

So it's February 6th, an 11 o'clock meeting attended by officials from three levels of government.

So Mr. Clerk, if you can scroll down to the very bottom of the document you'll see it says there:

"Jody Thomas, National Security Advisor, noted that it was a positive
meeting and regrets to end on this following point. Would the province be looking to the federal government if this protest was happening outside the City of Ottawa, e.g., happening in other places like Kingston?"

And the response from Mr. Di Tommaso was:

"This is a protest and encampment moving against the federal mandate on trucks. They came across -- they came to Ottawa from across the country for that purpose."

Mr. Di Tommaso testified at the Commission approximately two weeks ago and he expressed that in his view, Ms. Thomas' -- he interpreted Ms. Thomas' comment as -- I'll quote the words here, "The federal government wanting to wash its hands of the entire matter."

And so I'd just like to get your reaction in terms of whether you think that was a fair assessment of what was going on, what do you think that that was, what was being expressed there, and what Ms. Thomas was trying to express when she said, "Would this be -- would the province be looking to the federal government if this was somewhere other than Ottawa?"

**MR. JOHN BRODHEAD:** I might start. I don’t -- I'm not putting too much weight into this as I read it, and I wasn’t there, but this strikes me as frustration and a bit of a back and forth and that frustration happening and both sides kind of articulating some of that frustration. I think we were
trying to look for ways to work together. There were three levels of government and it was a challenge to get these machines working in the right direction. And I think this is a -- this back and forth is a -- would be my guess, would be this is an outcrop of just a frustration around those levels of government and the two different approaches that I've outlined before.

MS. SHANTONA CHAUDHURY: Fair enough. And you can appreciate that one of the issues the Commission is looking into is the interaction between governments and -- which is not always an easy thing, but how it all played out here.

Okay. So eventually, around this time, around the time of February 7th, 8th, 9th, Ontario became more engaged when the Ambassador Bridge blockade became entrenched and so we know that that has happened.

And I'll take you with that point to the witness summary. I'm sorry, Mr. Clerk, it's WTS00000014, page 11.

Oh, I'm sorry, 83. I'm sorry, I got the wrong number, 83. Fourteen (14) is the IR.

(SHORT PAUSE)

MS. SHANTONA CHAUDHURY: So if we scroll down to page 11, please, Mr. Clerk? Keep scrolling. Keep scrolling. Okay, scroll up a bit, please.

What I'm looking for is the panel was asked what, in their view -- it could be that I have the wrong page number.

(SHORT PAUSE)

MS. SHANTONA CHAUDHURY: While they’re looking for the reference, Mr. Brodhead, what I want to ask you about is
what in your view -- you were asked this during the interview, and I’d like you to elaborate on it; what inspired the shift from Ontario? Why did it happen then, and how did that occur?

MR. JOHN BRODHEAD: And I’ll preface my answer by saying this is me not in the Government of Ontario, which I did spend a long time in the Government of Ontario, but I was not there at this point.

I think in a sense it started to become absolutely clear that we had to work together. So it was almost the increase of things happening to add the Ambassador Bridge to the Ottawa situation, other things starting to happen around the province; Windsor, Sarnia, Cornwall, and all -- I think it became clear -- and I’m hypothesizing here -- that -- but we did see an evolution of their strategy at that time.

In terms of at the political level collaboration, I think there’s lots going on in other places that I don’t want to comment to, but just that’s what I would -- I can specifically comment to.

MS. SHANTONA CHAUDHURY: Okay. And we know that there was several important phone calls that happened around time, certainly between the Prime Minister and Premier Ford, which we’ll talk about tomorrow when the Prime Minister is here; between Minister Leblanc, we talked about when Minister Leblanc was here.

Leaving Ontario for a moment and talking about engagement with other provinces, I do want to ask you some questions about another topic that’s come up several times here, which is Alberta’s request for assistance.
So I’m going to put to you a few facts that we know and that have come out already at the Commission, and that are also brought out in the PMO Institutional Report.

So there’s a notation in your IR that PMO staff engaged with Pam Livingston. So Mr. Brodhead, maybe you can tell us who Pam Livingston is?

**MR. JOHN BRODHEAD:** Pam Livingston at the time was Chief of Staff to the Premier -- to Premier Kenney.

**MS. SHANTONA CHAUDHURY:** Okay. And there were two interactions, apparently, between PMO and Ms. Livingston about the Alberta request for assistance. And that request for assistance we’ve seen several times before, so no need to pull it up, but was for, essentially, assistance in tow trucks, in removing vehicles from the Coutts blockade.

There’s also a notation that the Prime Minister had a formal call on February 6th with Minister Blair to discuss Alberta’s request for assistance and the ongoing situation. And then I’m going to pull up -- or ask the Clerk to pull up Mr. Clow’s notes again, SSM.NSC.CAN00002941.

So this is the notation I said we’d come back to. This is the meeting that you’re having with the Prime Minister on February 6th, and the notation -- there it is, thank you:

“Coutts persists, but traffic is moving. [Alberta] asked for RFA. We don’t see CAF being able to help to [with] that.”

So at that point, it’s apparently been concluded, or decided in some form, that the Canadian Armed Forces is
unable to assist; is that correct, Mr. Clow?

MR. BRIAN CLOW: So the RAF came in the day before that, and it immediately spurred a number of conversations with different offices; Ministers were consulted, and the Prime Minister was consulted on a few different occasions about this. And, yes, there was a general sense that CAF should be last resort. But also in this specific case, I think you’ve heard from other witnesses as well, but at the time, the discussion was that this was not -- this was not an appropriate, or even useful, response to what the problem was.

And what I mean by that was, were these trucks actually going to be able to do the job? That was all part of that discussion that ensued after the request came in on the 5th.

MS. SHANTONA CHAUDHURY: What I’m really wondering about all of these exchanges -- and there was a further meeting, apparently, on the 9th, where, again, this time it was Ms. Telford and Ms. Charette, the Prime Minister, and Ministers Leblanc, Mendicino, and Blair, all discussing the RFA during one of the -- the meetings that was held. Why was this RFA treated quite differently than most are? This was elevated to the level of the PMO and the Prime Minister, which most requests for assistance are not. Can you explain or elaborate on that?

MS. KATHERINE TELFORD: Just -- and you may want to add to this, but we are usually made aware of requests for assistance, wherever they’re going in government. And in this case, we were obviously following everything to do with the blockades and the occupation very, very closely.
And in this case, because the feedback from departments was coming that there wasn’t a way to help, and our -- what we were trying to do was support anybody who needed assistance on the ground. And so if Alberta was asking for help, we wanted to be able to support them.

So it just led to a lot of conversations. It kind of comes to the role that our office often plays, of coordination and facilitation, because we then started reaching out and asking questions of other departments, saying, “Does anyone else have the equipment that they might be looking for? It may not be appropriate for CAF, and they may not have the equipment but is there that equipment somewhere else that could be found?”

So I think as it says in the interview summary, you know, we even went so far as to say, “Does Parks Canada have this kind of thing?” Because the goal was to be able to assist if we could.

**MR. JOHN BRODHEAD:** Maybe if I can just add, I think, you know, we also looked at can we reimburse? If they find them privately, can/should we reimburse that? So it was -- and I kind of push back a little bit on that this rarely happens. Like, in a case where the process comes through and it goes to the Minister and it’s a -- I’ve known of other cases where it was like, “No, we can’t assist.” The Minister’s office will often flag it to us, and we’ll ask questions about while we explored this.

And I can remember other instances where that was the case, where we just pushed more to find other solutions that
in the kind of narrow band of the RFA process, they may not bother.

**MS. SHANTONA CHAUDHURY:** Okay, that’s fair. It’s the request for assistance that we’re dealing with in the Commission, it’s the only one that we’ve seen this pattern in. But that’s a fair explanation.

Okay. I now want to shift gears now and talk about what you were hearing during this process with various stakeholders and interlocutors, both nationally and internationally.

So Mr. Clow, I’ll start with you. We know you had a few conversations with a man named Juan Gonzales, he’s the special advisor to President Biden. Can you tell us about those conversations, and what you were hearing from him?

**MR. BRIAN CLOW:** Yes. So I heard from Juan Gonzales. He is part of the national security team in the White House, and we’d interacted on a few files before the convoy protests. And he reached out, I believe on Wednesday, February 9th. At that point it was a request to connect National Security Intelligence Advisor Jody Thomas with the White House Homeland Security Advisor, to urgently discuss the Windsor blockade, but also other border blockades that were in effect at that time.

So Juan and I had a bit of back and forth about that. That, then, led to a number of conversations, some of which you heard about this morning from the Deputy Prime Minister. But there were various interactions between the Prime Minister’s Office, PCO, several Ministers’ offices, and their counterparts in the United States, in the White House and
different departments in the United States because they became seized with the border blockades that were impacting them quite significantly.

MS. SHANTONA CHAUDHURY: So you mentioned that we heard this morning from the Deputy Prime Minister that she was hearing a lot of concern from officials in the United States about what was going on, and some encouragement, if we could put it that way, to bring a swift end, given the impact this was going to have on Canada-US relations and trade.

Were you hearing similar concerns from the people you were talking to in the United States and/or in other countries?

MR. BRIAN CLOW: Absolutely. And the concern was not only about trade, economics, dollars and cents; it was for sure but there was also a discussion in many of these conversations, including between the Prime Minister and the President, that both countries were facing similar forces in certain ways. For example, the United States also saw some convoy activity, I think it was dealt with quite quickly by the Americans but they saw a trucker protest heading to the Superbowl. There was one that was trying to be assembled to head to Washington, C.C. So these were a part of the conversations as well. It was viewed as a shared problem. But for sure, the immediate issue was the blockades at various border crossings, especially Windsor, and how do we sort these out quickly.

MS. SHANTONA CHAUDHURY: And we understand you also had some conversations with Ambassador Hillman, Ambassador
to the United States. Can you tell us about those conversations?

MR. BRIAN CLOW: Well, she was one of the key principals having interactions with the White House and various departments in the United States. And the substance -- you know, one example of substance within those conversations was how can we introduce measures to end the blockades, or at least dissuade them from growing and from new ones from popping up. For example, there was discussion of potential immigration measures or penalties placed on people who conducted unlawful activity at these border blockades. There was definitely discussion of whether the United States could provide tow trucks to help, given it was virtually impossible to get tow trucks on the Canadian side of the border. So that's the kind of thing that was discussed.

MS. SHANTONA CHAUDHURY: Did that ever end up happening?

MR. BRIAN CLOW: I don't know -- so the immigration measures, I don't believe the United States implemented any measures. We did in the Emergencies Act. In terms of tow trucks being provided by the United States, there might have been some in Detroit-Windsor, provided by Detroit or the government of Michigan. I'm not sure about that.

MS. SHANTONA CHAUDHURY: Mr. Brodhead, Ms. Telford, were either of you having conversations with international counterparts? No?

MS. KATHERINE TELFORD: Not during the occupation or when the blockades were on. For months afterwards I can say,
including up until recent summits though, this is a topic that continues to come up with counterparts from various countries. And the Prime Minister also had calls during the occupation with other world leaders where this was a topic that was coming up because they were watching what was happening in Canada and concerned that they were starting to see the same thing in some of their countries and they were concerned about copycat situations. So this has been an ongoing conversation with international leaders.

**MS. SHANTONA CHAUDHURY:** Okay.

**MR. BRIAN CLOW:** I would just add as well, another feature of all of the conversations between the Americans and us, including the call between the Prime Minister and the President, was the fact that a lot of the support for the unlawful activity here in Canada was coming from the United States in terms of money, in terms of people, and in terms of political support, from some of the most prominent U.S. political figures. Millions of dollars came in from the United States, according to published reports. Chief Sloly announced that there were American citizens who had travelled to join the occupation in Ottawa. So that was also a feature of the discussions here. The flooding of 9-1-1 phone lines here in Ottawa came largely from Americans, as announced by Chief Sloly, and the Ottawa Police. So this was very much a shared problem and we were talking about it in that sense.

**MS. SHANTONA CHAUDHURY:** Okay. We've heard about some of that already at the Commission. You speak of the foreign funding and we explored that a bit this morning with the
Deputy Prime Minister and it was found in the end that there were millions of dollars coming from the United States, from private donors. So there was no foreign state funding coming in; would you agree with that?

MR. BRIAN CLOW: Yes.

MS. SHANTONA CHAUDHURY: Okay. And we've also established that there was little information available to the government at the time of the convoy of how much money was coming in from the United States. That wasn't really information that was available to the government at the time. Would you agree with that?

MR. BRIAN CLOW: It definitely became more apparent as time passed, and I totally agree with you, it is cloudy and unclear and it's concerning that it happened. But one example I would give, I mean, we felt quite strongly at the time that it was happening, and proof of that I would say is when GoFundMe paused the account, you saw some of the most prominent American political figures attack GoFundMe. And they didn't do that out -- for no reason. They did it because it was clear to them, and it was clear to us, that a lot of the funding was coming from Americans.

MS. SHANTONA CHAUDHURY: Okay. So you've taken me to what I actually wanted to ask you about, which is one thing we haven't heard much about so far is political commentary coming from the United States. So you'd mentioned prominent political figures weighing in on all of this. Can you tell us about some of that, some of what you were hearing or observing on that front?
MR. BRIAN CLOW: The issue there, there were a number of examples from senators, from governors, from the former President, and the issue there is not that individuals and politicians aren't allowed to comment on politics and policies in other countries. It happens all the time. But the concern for us was it was direct encouragement for unlawful activity that was hugely damaging to the country, including the border blockades. So that's why I raise it here and that's why the President and the Prime Minister spoke about it. It was the support for unlawful activity.

MS. SHANTONA CHAUDHURY: Okay. Mr. Clerk, can you please pull up Mr. Clow's notes again? So that's SSM.NSC.CAN00002941. Remarkably effective note taker.

Now it's going to be a little challenging to find the page here because we don't have a date for it, so just keep scrolling down until you see "talked about the Emergencies Act."

So scroll down again please. Scroll down. Keep scrolling. Keep scrolling. Keep going. I think it's just after this. Keep going, please. There's a lot of blackout in this, so it's a little challenging. Oh, we're at the FMM already, so it must be before that.

MR. BRIAN CLOW: I think I saw it ---

MS. SHANTONA CHAUDHURY: Did you?

MR. BRIAN CLOW: --- a few pages up. Yeah.

MS. SHANTONA CHAUDHURY: Can you zoom out a little bit, please, Mr. Clerk, so we can see? Thanks. Keep going up a little bit.

MR. BRIAN CLOW: Just a little bit further up. A
little bit further. So I think you see ---

MS. SHANTONA CHAUDHURY: Yeah, there we go.

Okay. So first question, we don't have a date on this because it's sort of -- there's some blackout before that, but do you remember the date of this, Mr. Clow?

MR. BRIAN CLOW: I believe it was February 9th.

MS. SHANTONA CHAUDHURY: Okay. So at the meeting on February 9th and ---

MR. BRIAN CLOW: This is various things happening over the course of the day.

MS. SHANTONA CHAUDHURY: Why don't you tell us what ---

MR. BRIAN CLOW: I wouldn't call this one meeting.

MS. SHANTONA CHAUDHURY: Why don't you tell us what was happening?

MR. BRIAN CLOW: So February 9th was -- there were a few conversations going on. I don't specifically remember what meetings at what times. But I did write down and it was reported to us that Minister Blair had spoken to the Clerk about the Emergencies Act, and that was in the leadup I think just one day before the Incident Response Group meeting where the Emergencies Act was discussed in some detail, in addition to other things. So this was just a report to us that that conversation had happened between the Minister and the Clerk.

MS. SHANTONA CHAUDHURY: Okay. So around February 9th we're getting to the point of we know where the federal government felt a need to perhaps intervene in the
situation and bring this to a close in some way. So as you say,
   "Blair spoke to [the] Clerk and talked 
   about the Emergencies Act 
   On the options..."
   Can you just read your handwriting there?
   "Didn't commit on the options -- 
   Emergenc[y] could be piece [if] that 
   Sounds like we have authority"
   And then a reference to Nathalie Drouin, the

Deputy Clerk ---

   MR. BRIAN CLOW: So I see this as discussions are 
   happening about how we can help, what more we can be doing. And 
   the Emergencies Act could be a piece of that.

   MS. SHANTONA CHAUDHURY: Okay. And we know that 
   the following day, the Prime Minister convened the first 
   Incident Response Group meeting.

   MR. BRIAN CLOW: Yes.

   MS. SHANTONA CHAUDHURY: So I'd like you to tell 
   us a bit about that meeting, the decision to convene the IRG and 
   what that meant in the Prime Minister's eyes, in your eyes, and 
   what an IRG really is.

   MS. KATHERINE TELFORD: I think as the Clerk may 
   have spoken to already, and I think as these notes show too, the 
   meetings were becoming increasingly frequent with added 
   Ministers and different departments getting involved because of 
   the request for assistance amongst a growing number of blockades 
   now, as well as protests in different parts of the country and 
   the occupation of course is now heavily entrenched in Ottawa.
And so as we were having these meetings, the Clerk, I believe, advised the Prime Minister, though it made good sense to the group of us at the time as well that it was time to formalize our structure, moving forward and that we were at a point of national crisis and that’s what the Incident Response Group was put together for. It was a group that was -- it was a Cabinet committee that was created, I believe, in the first mandate of the government midway through, and it is chaired by the prime minister.

It does not have a set permanent membership. It is convened with the ministers appropriate to whatever the incident is that is being discussed.

And the thing that makes it very different from other Cabinet committees is where in another Cabinet committee it tends to be policy focused and over a longer term, this is obviously dealing with something in real time and something that’s crisis-like in nature.

But the structural difference too is that officials lead in many ways the conversations within the IRG meetings space, and they are right at the table. So whereas at a Cabinet committee the ministers would be sitting around the Cabinet table and the officials might be sitting to the side, they may very well be making presentations and then the ministers would be discussing those presentations or they might speak to make clarification when their ministers call on them for that clarification.

At an IRG meeting, the principal presenters are officials and so whether it's the NSIA, whether it's the
commissioner of the RCMP, whether it was the head of CSIS, depending on the incident, in past, it might be the CAF and the chief of defence staff.

And then the ministers are called on by the prime minister to add anything that they might see as not having been covered, to any thoughts they have on the basis of the information that’s been presented, but they are all sitting around the same table which makes it quite a different meeting than really any other.

**MS. SHANTONA CHAUDHURY:** And what is the purpose of that? Why is an IRG structured like that with direct input from officials?

**MS. KATHERINE TELFORD:** I think for a number of reasons. It's their expertise and getting it in real time to the prime minister and to the ministers. And things are moving very quickly. And it's -- so it's an efficiency and an effective kind of tool to bring everybody to that same table and convene the leadership of the different security agencies for whatever the security incident is and to hear from people directly.

**MS. SHANTONA CHAUDHURY:** Okay. So essentially, you remove sort of the layering up and instead, the prime minister has direct access to all of the input that he may want or need?

**MS. KATHERINE TELFORD:** As do all of the other ministers because they then get to hear from -- directly from the heads of the different agencies or law enforcement heads.

**MS. SHANTONA CHAUDHURY:** Okay. Fair enough.
So we've been through the content of many of the IRGs. One theme I want to pick up with you is something that was eventually brought to the IRG on February 12th, but has been a discussion at the Commission throughout, which was the idea of whether the prime minister or anyone from the federal government should engage with the protesters and attempt to bring this to a close through either some sort of negotiation, some engagement, some speaking.

So the first thing I'll bring up on that point is, Mr. Clerk, it's PB.CAN.00001184 -- or it might be 1844, sorry.

Ms. Telford, this is a text exchange on February 6th between you and Minister Mendicino, so it's early days. As I said, the theme of interaction, negotiation is something that came up.

Can we scroll down, please, Mr. Clerk? Keep going, keep going, going, page 8, please. Okay. Here we go.

So if we can blow that up, it's really hard to read, but you'll see a notation here:

"Lawyer, arbitrator, mediator offer suggested by Anne McLellan of a possible interlocutor. Again, I think it's a long shot for the reasons we discussed. Also, I noticed after we hung up that we didn’t even spend a moment on politics and readiness."

Okay. So that part that may not be all that relevant.
But can you -- do you remember this text exchange, Ms. Telford?

**MS. KATHERINE TELFORD:** Now that I see it.

**MS. SHANTONA CHAUDHURY:** Okay. And do you remember the idea of discussing and a possible interlocutor at that point and what was going on? Can you fill that in for us, please?

**MS. KATHERINE TELFORD:** Look, I think over the course of like, from the beginning of the occupation, when it became an occupation, there were numerous people who were trying to suggest anything they could to try to find a way to assist, and I think that’s what Anne was doing here.

And I've received -- and I believe it's part of the documents as well that you've received -- I received suggestions from numerous other people as well. MPs were raising names with us. There were suggested names of MPs from other parties who were coming forward wondering if they could help. There was a lot of people that were trying to find a way to figure out if an engagement could work, and no one was able to take it past that first thought.

And so no one could figure out who they should talk to. There was no clear leadership on the other side. There was no clear understanding of what they would even be talking about.

The police were already, as we were being informed through the Incident Response Groups, they were already engaging at a certain level and so it wasn’t clear what this engagement strategy would be, let alone if it could have any
effect.

And you know, I think there's a difference too between engagement and negotiation. And the prime minister and the Cabinet, the government, wasn’t prepared to negotiate public health measures that were rooted in science.

I'm not -- I also am not sure, and I think a lot of people weren’t sure at the time that really, that that’s what this was all about. And so figuring out what the topic of the conversation could be let alone who it could be with that could have any effect on changing the circumstances, when no one could answer that question, really, these conversations couldn't -- didn’t move past the initial suggestion of "I wonder if."

**MS. SHANTONA CHAUDHURY:** Okay. So at this point, this is part of the conversation. We're still in sort of early days of the protest, and I think what you're taking us to now is what's come to be known as the engagement proposal. And we've heard some evidence on that.

And Mr. Clerk, you can take that one down please and pull up SSM.NSC.CAN00002958.

So Ms. Telford, I think what you've just been referencing has been canvassed before the Commission a bit, and it's Mr. -- Deputy Minister Stewart's engagement proposal that he prepared with the assistance of Marcel Beaudin from the OPP PLT.

And this is now we're the evening of February 11th. It's a text that Minister Mendicino sent to you saying: "Hey there. We got some very last-minute and thin paper tonight on an
engagement strategy from my deputy minister, apparently socialized it with several people including the Ontario government, not me."

I'll just scroll down and see the rest of the text, please.

It says it's unclear whether PCO, RCMP, or Ontario supports this, but he's flagging this as a concern about information flow.

And then he says at the bottom, "Sorry, but had to let you know. Marco."

So can you tell us a bit from your perspective? We've heard Minister Mendicino's perspective on it, but what was your perspective receiving this text, and do you know why Minister Mendicino was essentially apologizing, saying, "Sorry, I'm just letting you know about this"?

**MS. KATHERINE TELFORD:** When the IRGs began convening, just the day before, I believe, one of the things that was stressed at the first IRG or in and around the IRG really was just the need for appropriate information flow and for regular and constant information flow. And so I believe that's what he's -- he's saying sorry for there is -- he's letting me know that there's this information that is now floating around that has already gone to some people and it had not kind of followed the usual channels, and I think he was sorry that it was the hour that it was, that we were all trying to grapple with what to do here.

But I had also just received the paper previously
from the clerk, I think, about an hour before, by the looks of this, and so I wouldn’t read too much into the story, and we were much more focused on the draft. And, ultimately, what was decided later that night after I talked with the Clerk and I then called the Prime Minister and the Prime Minister agreed to put it on -- with the suggestion that was coming from the Clerk, he agreed to put it on the agenda for the IRG the next day for discussion.

MS. SHANTONA CHAUDHURY: And we’ve seen that it ended up on the agenda, and I think you just started to tell us a little bit, but maybe you can finish that answer, why ultimately it was decided not to pursue that engagement strategy.

MS. KATHERINE TELFORD: In some ways, it’s what I already touched on, which is, this was one more proposal that was not yet at the place that one could act on. There were too many unanswered questions. There was no clarity in terms of who the discussion would be with on either side of the discussion, and what the discussion would be about, and what it might result. And so, you know, while everyone, including the Prime Minister, was encouraging everyone to put every option the table, and its why this was put on the agenda, ultimately, there wasn’t anything further to pursue on this at that time.

MS. SHANTONA CHAUDHURY: Okay. Thank you, Mr. Clerk, you can take that one down. So we’re going to skip a little ahead in the chronology again. The following day, February 13th, is obviously key. There’s the Incident Response Group meeting in the afternoon followed by the Cabinet meeting
in the evening. The decision coming out of the IRG is to have
the Cabinet meeting, and then the decision coming out of the
Cabinet meeting is to have a First Ministers’ Meeting to consult
on whether or not to invoke the Emergencies Act. Mr. Clerk, can
you pull up SSM.NSC.CAN00002941? It’s Mr. Clow’s notes again.
This time at page 22.

So when Minister LeBlanc testified a few days
ago, we went through some of the comments, the record of the
readout of the First Ministers’ Meeting, and some of what was
expressed by the provinces there. And these, I believe, are Mr.
Clow’s notes of that same meeting, and I’m wondering whether we
can through a bit of these. And Mr. Brodhead, maybe this is
best directed at you, but -- or that you can fill in a bit of
the context about what was being expressed during the First
Ministers’ Meeting by these various premiers and whether or not,
in your view, in coincided with what you’d been hearing up to
then about solving the problem of the convoy.

MR. JOHN BRODHEAD: Sure, I’ll start and then my
colleagues can add. I -- you know, I think it was quite
consistent with what we had heard before, but I think it was a
very robust conversation. You know, we had the ministers,
Minister Lametti and, I believe, Minister Mendicino or LeBlanc,
and the Prime Minister speak. Then, the Prime Minister went
across the country in terms of making sure he heard from each of
the provinces and territorial premiers. I think -- you know, we
had known on where -- not specifically on the Emergencies Act,
but we had known from conversations with Ontario what they were
kind of feeling generally. We had heard from a lot of the
provinces. So I think it was -- it was quite an interesting conversation. I think we did learn a lot.

And just to use, you know, a couple of quick examples, you know, some of the issues around supply chain that Newfoundland and Nunavut brought up, and concern from the Premier in the Northwest Territories about a blockade, concerns from Premier Horgan about RCMP being stretched too thin as they were -- a contingent to support another part of the country. And it really kind of showed the national nature of it and the kind of variety of issues folks were facing.

And even the folks who were, I would say, more concerned, such as the Premier of Alberta or the Premier of Saskatchewan, you know, even they had said things like, “Well, I won’t quibble with the use of the Emergencies Act but I’m worried about enflaming folks,” which was something we were concerned about, had talked about at IRGs, was a real cause of discussion. And same with Premier Mo who said, you know, “The six you’ve mentioned sounds reasonable, but I’m worried about enflaming.”

So, you know -- and even, you know, Premier Legault talking about, your know, the Sûreté du Québec and -- you know, and the dynamic between the Sûreté and the RCMP and us having to kind of, you know, discuss where those boundaries were them in calls, Mr. Leblanc mentioned, after with Minister Labelle, I believe it was, really showed -- like it was a very meaty conversation, I found, and -- but not a -- not a -- not one where I think we were shocked by what we were hearing because of the outreach that happened in advance.
MS. SHANTONA CHAUDHURY: Ms. Telford?

MS. KATHERINE TELFORD: I would just add that this was some -- I’m not sure there’s a Prime Minister in Canadian that has had as many First Ministers’ Meetings as this Prime Minister has because of the pandemic, and so they were such a regular occurrence and this group of premiers know each other quite well because of that. And while, you know, there are perhaps sometimes more pointed and more partisan statements made in public-facing environments, in these meetings that they have -- and I think you can see that it in the notes and in the descriptions of it -- they really -- they are thoughtful conversations.

And they do come at things differently; there’s no doubt. They have different, you know, regional needs and were facing different things in different parts of the country. But, as Premier King, I can still remember saying -- you know, toward the end, he was one of the later speakers, as per the notes, and him saying to the Prime Minister, “I know you don’t take this lightly,” and this was a thoughtful conversation.

And because they really were grappling with -- you know, even those who were concerned about the potential inflammation if the Emergencies Act were invoked, even those who were concerned about their specific regions, understood there was a broader national -- potential national need here, and that the Prime Minister had the authority, ultimately, and potentially -- and the need to do this.

And so even those who were showing some reluctance from their kind of premier perspective of their
particular province were showing an openness or a recognition, as Premier Kenney did in sort of saying, “I won’t quibble with you on whatever you have to do with the Emergencies Act, ultimately.” And I think that speaks to -- they’d had an FMM just a couple of weeks prior to this that was solely focused -- before all of this had started, as part of -- par for the course now during the pandemic, because we need to remember the time we were in, which was the height of Omicron. And so they’d actually had an FFM just -- I think it was January 10th where they were talking about the new mandates that the provinces were having to put into place, and we were looking to support them on that front. So this is a group that has navigated crisis for a couple of years together in many, if not most, of their cases.

**MS. SHANTONA CHAUDHURY:** That’s helpful context in understanding comments like you just brought up, “I don’t” -- Premier Kenney saying, “I don’t quibble with the use of the Act.” Mr. Clow, do you have anything to add on that -- on this front?

**MR. BRIAN CLOW:** I think it’s been well covered. I would just emphasize -- I know it’s been addressed here and elsewhere in the past couple of weeks, but Premier Kenney’s comment on this phone call that there was a potentially violent, hard-core group of individuals at the centre of the Coutts blockade who were ready to die for a cause, we had heard through other reports and from our own officials, but it was a recognition that’s just one example of the very serious potential for violence that was posed by many of these demonstrations.
MS. SHANTONA CHAUDHURY: Thank you, Mr. Clerk.

You can take that one down. So we know that what happened after the First Ministers’ Meeting, which lasted about an hour. There was then, I believe, a call with opposition leaders, and then at some point that afternoon, the Prime Minister received a Decision Note from the Clerk, and fairly shortly thereafter took the decision to invoke the Emergencies Act. One thing I wanted to ask, from your perspective, was any consideration given in any of this to holding a debate before parliament, not to decide, of course, but to engage in a debate over whether the Emergencies Act should be invoked?

MR. BRIAN CLOW: So there was an emergency debate about the convoy and the demonstrations about a week — about a week — I think exactly a week before the invocation of the Emergencies Act. The Emergencies Act itself contains parliamentary process and provisions of that debate, and the vote in the House did happen. But the decision to invoke on February 14th was made after a series of discussions and inputs, the FMM that morning being a critical one — the opposition leader called “the critical one”. The view was time was up and it needed to be enacted right away. And recognizing that the parliamentary process is built into the Act and was to come in the days ahead, we thought that that was robust.

MS. SHANTONA CHAUDHURY: So, essentially, that conversation didn’t happen because it didn’t have to; there was already a parliamentary process built in?

MR. BRIAN CLOW: Yes.

MS. SHANTONA CHAUDHURY: Is that fair? Okay.
And I just want to turn briefly now to the topic of revocation of the Act, which I know is skipping ahead again.

Mr. Clerk, if you can pull up Mr. Clow's notes again. I don't know what we'd do without Mr. Clow's notes here.

SSM.NSC.CAN00002941, page 28.

The only thing missing from the notes is clear page numbers. Always number the pages. So this is February 19th, it's a staff call, and right at the bottom there, you say:

"Parliament's job is to confirm or revoke, doesn't impact changes."

I believe:

"After revocation what happens to frozen accounts?"

So that's a topic we've explored a bit with Finance:

"At what point do we withdraw based on what inputs?"

So is it fair to say at this point this is a discussion of almost first principles. "We don't really know what the criteria are to revoke, we need to figure out what those criteria are." Was that an accurate reflection?

MR. BRIAN CLOW: It's hard to say for sure what that specific note refers to, but there was progress by that point, the February 19th. We were far from out of it. There were still a lot of situations, there were still many threads. And if I remember correctly, Ottawa was -- there may have been the beginning of action, but it wasn't done. So definitely at
the IRGs and on staff calls and in other conversations we were
beginning to ask ourselves, "Okay, what -- how long is this
needed?" And it was always understood, and it was made clear by
the Prime Minister this should only be in place as long as it's
needed. So we were constantly asking ourselves that very
question, "What are -- what do we need to assess and what will
feed into the decision to revoke?"

MS. SHANTONA CHAUDHURY: Okay. And there was no -
-I think what I was saying was there was no playbook for it, so
it was essentially a discussion for first principles of trying
to figure out what these criteria should be.

Would you scroll down a bit, please, Mr. Clerk,
to the following day. You'll see IRG. Not that one,
February 20th. Keep going.

So the first notation there says:

"IRG February 20th. RCMP/Officials
public brief on how long emergency act
is needed."

Now, we're going to take this down, and bring up
a different document, Mr. Clerk, which is SSM.CAN.NSC00002910.

This isn't something that's recorded in your
notes, Mr. Clow. What I'm going to bring up is
Commissioner Lucki's key messages from that date. So it's an
RCMP document, and I'm going to take you through it and ask you
whether your recollection is that that was expressed during the
IRG.

So there we go. So the key messages are:

"As I said yesterday, the situation
across the country remains concerning, volatile and unpredictable. We are continuing to see a range of protest events and solidarity actions across the country, with ports of entry and legislatures the key targets.

I want to underscore two key bottom lines off the top. First - as it relates to Ottawa and Ontario, there is an operational need to maintain access to these powers to ensure that we can finish what we started and prevent any retrenchment. Even for the next 2 [to] 3 weeks."

And then after that:

"It is important that we retain the ability to maintain the perimeter, restrict travel and ensure we can continue to choke off financial support and other assistance to the protesters in Ottawa."

And then it goes on.

Do you recall this having been expressed, at the IRG, that the Emergencies Act should stay in place, by the RCMP, by Commissioner Lucki for another two or three weeks?

**MR. BRIAN CLOW:** My colleagues may have stuff to add, but I don't know if it was conveyed on the 20th, but that was definitely a message right up to the revocation, that the
RCMP believed that the powers were critical, and they argued that they should stay in place for a period longer in order to prevent additional blockade from starting or from people from returning to the ones that existed.

MS. SHANTONA CHAUDHURY: Okay. Ms. Telford,
Mr. Brodhead, do you have anything to add to that?

MS. KATHERINE TELFORD: No, that's ---

MR. JOHN BRODHEAD: Agree.

MS. KATHERINE TELFORD: Yeah.

MS. SHANTONA CHAUDHURY: Okay. And as we know that that's not what happened in the end. The Act was revoked three days later. So is it fair to say that that input was received but not followed by, in the end, the Government?

MR. BRIAN CLOW: Important to point out is that both for the invocation and the revocation the RCMP was one of many inputs. So for sure this view would have been considered and was considered, but ultimately the Prime Minister and the IRG decided to revoke when they decided to revoke based on what -- many different inputs.

MS. SHANTONA CHAUDHURY: Okay. One thing I wanted to ask you as well about the revocation decision is there have been some suggestions that the motion to confirm the declaration of emergency had been passed through the House of Commons but was up for a vote in the Senate, and that part of the timing of revocation may have been due to -- some perhaps lack of confidence around whether the Senate would confirm the declaration. Can you speak to that?

MR. BRIAN CLOW: So quite the opposite, actually.
And yes, I am aware of that suggestion, that perhaps there was an attempt to revoke before the Senate got to its vote. We actually wanted the Senate to move as quickly as possible, and I think it did too, but as it was reported to us, the Senate was delayed in convening partly because of the Ottawa, very significant continuing Ottawa demonstrations that were happening right on the Senate's doorstep. They did begin their debate at a certain point, but that was not considered when it came to revocation. Decisions around revocation was "What's the situation? Is this Act still needed? Are these powers still needed?"

We would have liked the Senate to have its vote, but I will also say I have no reason to be believe that the Senate would not have endorsed it, and I do believe that -- I'm not sure about this, but I do believe that this Commission has seen evidence that the Chief of Staff to Senator Gold, the Government leader in the Senate, was doing vote-counting and they were quite comfortable that they were in a good place.

MR. STEPHEN AYLWARD: Anything to add on that point, Ms. Telford or Mr. Brodhead?

MS. KATHERINE TELFORD: No, I completely agree with what Brian was just saying, and I would just add that it was extraordinarily important to the Prime Minister that it be - - that he be true to what he set out in the beginning when he invoked the Act, and that it wasn't going to last one minute longer than absolutely necessary. And so that was the entire motivation behind when the revocation happened. The same way, you know, safety and security was at the core of every meeting
he was having throughout, the politics and parliamentary issues
were on a completely separate track from that decision-making.

MS. SHANTONA CHAUDHURY: Okay. Those are actually
all the questions I have for you, since -- given that the Prime
Minister will be here tomorrow, your boss will be speaking for
himself. Those are the questions that I have for you this
afternoon, but before I sit down, is there anything that we
haven't covered here today that you would like to say now that
you have the opportunity?

MR. BRIAN CLOW: I think we're good.

MS. SHANTONA CHAUDHURY: No, pretty quiet. Okay.

Thank you.

Commissioner, those are my questions.

COMMISSIONER ROULEAU: Okay, thank you very much.

I think probably this is a good time to take a
15-minute break and let everyone get up and stretch. And so
we'll come back in 15 minutes. Thank you.

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

--- Upon recessing at 5:16 p.m.

--- Upon resuming at 5:36 p.m.

THE REGISTRAR: Order. À l’ordre.

The Commission is reconvened. La Commission
Reprend.

--- MS. KATHERINE TELFORD, Resumed:

--- MR. BRIAN CLOW, Resumed:

--- MR. JOHN BRODHEAD, Resumed:

MEMBER ROULEAU: Okay. Now the next stage.
First I’d like to call on the Government of Alberta, please.

--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:

MS. STEPHANIE BOWES: Good evening to this panel. My name is Stephanie Bowes. I am counsel for the Province of Alberta.

I just want to start with the statement in the PMO Institutional Report, which indicates that PMO staff engaged with Premier Kenney’s Chief of Staff, Ms. Livingstone, on February 5th and 12th. I just want to confirm that during that time, the PMO did not discuss the possible use of the Emergencies Act during those engagements. Is that correct?

MR. JOHN BRODHEAD: It was not me having those conversations, but that is my understanding, yes.

MS. STEPHANIE BOWES: Okay. Thank you. And with respect to the First Minister’s meeting, Mr. Brodhead, you were asked about your understanding of the various positions of Premiers at that meeting.

I’d like the clerk to pull up SSM.NSC.CAN00000625. And these are some expanded notes prepared and produced by the Government of Canada describing that meeting.

Once we have them up, I’ll ask the Clerk to please scroll down to page 3.

Okay. So we can see here that there’s some further notes about the comments of Premier Kenney at this meeting. And I’ll just walk through some of these right now.

He starts by describing the situation at Coutts...
and how it went from 1,000 trucks on a rolling protest to 900 going home, with 100 staying behind. And then down to a group of 40, which he described as a core group.

Then you’ll see him describe the arrests at the border and indicate:

“We believe the situation has been secured.” (As read)

And further down there:

“Have procured on market for equipment and have drivers in place. Unless an unexpected surprise, should open Coutts border crossing today.”

And a little further down again:

“Would be problematic to declare emergency today to take momentum of arrests last night. Declaration risks further radicalizing thousands of sympathizers in Alberta. Know you have a lot of serious issues to balance off, including in Ottawa, but I am suggesting this could create a net negative for Alberta. If we need to seize or compel people, we are prepared to use our own Emergencies Act.”

(As read)

So you would agree that it’s fair to say that the Premier’s position at this First Ministers Meeting was that invoking the federal Emergencies Act was neither wanted, not needed in Alberta; correct?
MR. JOHN BRODHEAD: I would say he was definitely clear that he did not believe it was needed in Alberta at that time.

MS. STEPHANIE BOWES: Okay. Thank you.

And I'd like to switch tracks with you and ask about what was done to prepare the Prime Minister for the February 13th Cabinet meeting, and specifically, where his inputs of information came from. So I'm going to ask you -- you can answer yes or no -- whether the PMO was responsible for providing the Prime Minister with the following information, and that's about the status of the RCMP operation in Coutts. Was it the PMO that was responsible for providing that information to the Prime Minister?

MS. KATHERINE TELFORD: No.

MS. STEPHANIE BOWES: And how about the status of Alberta's acquisition of tow trucks from the private market?

MS. KATHERINE TELFORD: The Privy Council leads these briefings that you're referring to.

MS. STEPHANIE BOWES: Okay. So I'll just name off a few more, and maybe then you can tell me if there was anything in my list that the PMO was responsible for providing the information to the Prime Minister. And those are the status of the protests in Windsor at the Ambassador Bridge, the status of opening of the Ambassador Bridge, the status of the OPS operational plan with respect to the protests in Ottawa, or that the Commissioner -- Commissioner Lucki was of the view that not all tools available through existing legislation had yet been exhausted.
MS. KATHERINE TELFORD: We may have added information if we'd heard it through Minister's offices or through open source information. But the briefing on all the matters you're -- would have been led by the Clerk of the Privy Council, the Deputy Clerk of the NSIA.

MS. STEPHANIE BOWES: Okay. Thank you.

MR. BRIAN CLOW: I would just add that we heard various points in the weeks leading up to invocation of the Act that action was about to be taken in some of the places that you've mentioned. And on the point about RCMP stating that not all tools had been exhausted, that was obvious to everyone. In various locations, law enforcement had tools that they weren't able to enforce because there were other more serious issues preventing that, and that's partly why decision was made to invoke the Act the next day.

MS. STEPHANIE BOWES: Okay. And so you would agree that the Prime Minister had that information as well, that there were tools available but that they weren't being used?

MR. BRIAN CLOW: As I said, that was obvious to everyone who was watching what was going on, on the ground.

MS. STEPHANIE BOWES: Okay. Thank you. I would like the Clerk to please pull up SSM.NSC.CAN 00002941. And this is a record that Commission Counsel has taken you through in some detail already. There's just a few places where I was hoping you could help me read some of the writing.

So, Mr. Clerk, if you could please scroll down to page 12 -- actually, this is not something that I need clarification on the writing on but something I do have a
question on. Let me just make sure I'm in the right place here.

So if you see on the right-hand side, there's a note beside Brenda. And I'm assuming this is Commissioner Lucki; is that correct?

MR. BRIAN CLOW: Yes.

MS. STEPHANIE BOWES: Okay. And she indicates with respect to Coutts,

"They were almost gone, but a pastor incited them to stay. Was 250 vehicles, now down to 40 [and] Weapons are in the protest. Need to go slow [here]."

Was the Prime Minister part of this conversation?

MR. BRIAN CLOW: Yes, he was. This was the February 10th Incident Response Group meeting.

MS. STEPHANIE BOWES: Okay. Good, thank you.

And then if we go to page 23, here's where I'll need your help interpreting the writing. Thank you.

So we can see about a quarter a way down the page there's an arrow and it says "specific" and what's the next word after that?

MR. BRIAN CLOW: To be honest, I can't read it either. The quality of the photocopy is not strong.

MS. STEPHANIE BOWES: Okay. So specific something, "...draft list. Using the money as a..." And then what's that next word there?

MR. BRIAN CLOW: "...as a hook for the national stuff." So this was a reference to there -- we knew and we
heard on the FMM call that some Premiers and some people felt
that the Act should not be provided -- applied nationally. And
this comment referred to needing to underscore in the
communications that part of the reason the Act needed to apply
nationally was so that it would apply to financial transactions
across the country, given many of the demonstrators were from
across the country.

**MS. STEPHANIE BOWES:** And do you -- yeah, I think
you just said that this was about needing to refer in the
communications. What communications are you talking about?

**MR. BRIAN CLOW:** So this was February 14\textsuperscript{th}, 12:30
p.m., after the FMM as preparations were underway for a
potential Prime Ministerial announcement later that afternoon.
Prime Minister took the decision to invoke the Act later that
afternoon and he went out and announced it.

**MS. STEPHANIE BOWES:** Okay. Now I'd like to talk
a little bit about that announcement. If we can go to SSM.CAN
00002665?

And if we go to the very last email in this
record, there's a discussion of a press conference that was, at
that time, scheduled for noon on February 14\textsuperscript{th}. And we'll see
the time of this email is listed as February 13\textsuperscript{th} 8 p.m. Now I'm
not sure if this is one of the emails that caught with the time
difference related to Greenwich Mean Time, but it's either 3
p.m. or 8 p.m. on the 13\textsuperscript{th}. In either event, that's before the
Cabinet meeting; correct?

**MR. BRIAN CLOW:** I can't confirm the timing of
MS. STEPHANIE BOWES: Okay.

MR. BRIAN CLOW: --- email, but it could be.

MS. STEPHANIE BOWES: Okay. And it indicates that there was going to be a press conference the next day with the Prime Minister, the Deputy Prime Minister, Minister Blair, Minister Mendicino and Minister Lametti. There's a bit more discussion in other emails including that Minister Lametti is there just to answer questions and that only the Prime Minister and the Deputy Prime Minister will provide comments. Is this because that was the press conference that was intended to announce the invocation of the Emergencies Act?

MR. BRIAN CLOW: So what I would say is, at this point, there were numerous statements being made by the Prime Minister and other Ministers to media, sometimes in the form of a press conference. My recollection was this was planning for a statement of some sort, and, yes, given the Emergencies Act was under consideration, it was a scenario at that time that they could be making announcements about the Emergencies Act the next day, but the decision had not been taken at that point.

MS. STEPHANIE BOWES: So you'll see that it says, "As you know, [the] presser is to provide an update on the federal government response to the Blockades as well as [the] Ukraine..."

And I'll take it from your answer that there was some anticipation that maybe it might be about the Emergencies Act, but what other announcement was going to be made about the blockades the next day?
MR. BRIAN CLOW: There could have been any number of measures taken and that's -- that was the examination going on exactly at that time, what tools could exist, is it going to be enough. Decision was Emergencies Act had the tools required, and that's why that decision was taken the next day.

MS. STEPHANIE BOWES: And I understand that part of the DMO's role is to prepare speeches for the Prime Minister; is that correct?

MR. BRIAN CLOW: The DPMO? No. The Prime Minister's Office and PCO prepared speeches for the Prime Minister.

MS. STEPHANIE BOWES: Sorry, I thought in the institutional report that there was mention of drafting speeches by the Prime Minister's -- oh, did I -- I'm sorry, by the Prime Minister's Office, yes.

MR. BRIAN CLOW: Yes, absolutely.

MS. STEPHANIE BOWES: Okay. I'm sorry. I misspoke there.

Did the Prime Minister's ---

COMMISSIONER ROULEAU: You're -- just to let you know, I think you're over your time, so you're going to have to wrap up pretty soon.

MS. STEPHANIE BOWES: Okay. I'll just finish this area.

Did the Deputy Prime Minister's Office draft a speech for the Prime Minister for the press conference on February 14th?

MR. BRIAN CLOW: I'm not aware.
MS. STEPHANIE BOWES: You're not aware. Okay.

Thank you. Those are all my questions tonight.

COMMISSIONER ROULEAU: Thank you.

Next call on the Convoy Organizers, please.

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

MR. BRENDAN MILLER: Sir, before I begin, I have an issue that I need to address. As you know, and I've made application several times, the disclosure in the record is entirely deficient. We've been trying to deal with these redactions. There is still redactions for parliamentary privilege with the Government has not removed. There's no legal basis for, as you've already ruled, to redact any document on the basis of parliamentary privilege. There is also the issue, as I've re-raised by email as well, the issue with the notes of this witness, the process that was used in dealing with that needs to be reassessed. These are important witnesses. I need rulings, and so does everyone here. The rulings on the redactions are so important.

And for example, Ms. Jody Thomas testified and said that she supported the invocation of the Emergencies Act, but there is a note that we got after we fought for the one redaction we got that said Jody Thomas did not. And it was put up on the screen. There was notes taken. It had one section 39 redaction on it, so if that's a Cabinet document we can assume Cabinet knew about it, and it states that section 2, no violence, and they were trying to come up with a way how to make this work anyway.

That would have been very helpful to have when...
she was on the stand under oath. This is happening constantly.

There is thousands of documents ---

COMMISSIONER ROULEAU: I'm not -- if you can, I'm not looking for a speech. I understand there has been -- have been issues about redactions. I believe that one is one I ordered disclosed, and I believe you questioned somebody about it as recently as yesterday or the day before.

I am not sure about the redactions. Certainly, for -- just to qualify, the redactions with respect to parliamentary privilege, I didn't say it doesn't exist, I said --

MR. BRENDAN MILLER: Sir -- sir ---

COMMISSIONER ROULEAU: I said it was novel and that the arguments presented were insufficient and I ordered the three redactions disclosed.

We received something, I think it's yesterday or maybe it was even today, and I apologise, I haven't yet ruled on it, that's true, but I do my very best to make decisions, I try my very best to make them intelligent and thoughtful and that sometimes is not done immediately.

So that's sort of how I can respond to those points.

MR. BRENDAN MILLER: So sir, I can make it very easy. We've written your counsel for a set of them. So the law is such that where a redaction is sought on the basis of irrelevance it is not the onus of the person seeking to have it redacted on the basis for the relevance, it's the onus on the person who's seeking for it to be redacted. And the purpose for
that is that all of the documents given to us are subject to the implied undertaking. So there -- they don't become public until a ruling on their relevance is made.

COMMISSIONER ROULEAU: Okay. Well, I'm not in a position to rule on that. I suspect that's the mode -- the request you made either yesterday or today, I don't know which, and I'm sorry, I'm not in a position to rule on it right now.

MR. BRENDAN MILLER: Sir, but ---

COMMISSIONER ROULEAU: So what I'd like you ---

MR. BRENDAN MILLER: Sir ---

COMMISSIONER ROULEAU: --- is if you could proceed with your examination or that would be ---

MR. BRENDAN MILLER: Yeah.

COMMISSIONER ROULEAU: --- I think ideal at this stage, and I'll do my best to deal with the motion of the redaction issues as soon as possible.

MR. BRENDAN MILLER: Okay. But I just want to put on the record that throughout this entire proceeding all counsel here, and we're on national television, this is supposed to be completely transparent. This is the purpose of this.

COMMISSIONER ROULEAU: I'm doing my very best.

MR. BRENDAN MILLER: It's not your fault.

COMMISSIONER ROULEAU: Well ---

MR. BRENDAN MILLER: It's just the fault that nobody's order DOJ to actually produce what they're obliged to do.

COMMISSIONER ROULEAU: Well, that's something you can deal with in another forum. I'm doing the best I can here.
I think we've gotten very -- a lot of disclosure. There are issues, and we're dealing with those issues that are raised as they are raised. We dealt with the ones you raised I believe at the end of last week, made some orders, confirmed some of the redactions and we'll deal with your most current application.

MR. BRENDAN MILLER: But could you just not order that the redactions for parliamentary privilege? Because I can -- sir, I can tell you, I've studied that area in and out, and the reason no one could provide you an authority for the purpose of a redaction on the basis of parliamentary privilege is it doesn't exist. And parliamentary privilege is, of course, an ancient doctrine.

And if you would just order the production of the records without those redactions it would remove a whole bunch. Then if you would order the production of all relevant records with respect to where irrelevant is claimed, those records are then subject to the implied undertaking. And there's no national security issue with those. If they were, section 38 would be claimed. There is no Cabinet confidence because section 39 is not claimed. And that's -- that has been the law since time immemorial. How can you contest if something's relevant if you don't know what it says?

And my problem is is that this witness is now on the stand. One of the documents is key, in my submission, it is the notes of Ms. Jackson, which is the office assistant to this witness. There are redactions therein on the basis of irrelevance, and there are redactions therein also I believe on one of the other grounds.
And I've sent a written motion, if you will, email to your counsel. We've been asking for these things, and asking for proper production throughout this proceeding. All counsel are in agreement that we don't have proper production, sir.

COMMISSIONER ROULEAU: Well, I'm not sure you can speak for all counsel, and I'm sure they can speak for themselves. As to whether or not you've been asking this for a long time, I'm not aware that you asked about those redactions --

MR. BRENDAN MILLER: So ---

COMMISSIONER ROULEAU: --- but maybe I don't have the records. But ---

MR. BRENDAN MILLER: So sir ---

COMMISSIONER ROULEAU: --- we're going to have to stop this, and despite your belief that the law is always very clear, my experience of 20 years is there's -- that's why judges are around.

And so if you could proceed ---

MR. BRENDAN MILLER: Yes.

COMMISSIONER ROULEAU: --- otherwise, you know, we're not going to get anywhere.

MR. BRENDAN MILLER: So if I could bring up the notes of Ms. Jackson, which are at -- oh, just a second.

SSM.CAN.7719.

Okay. So Ms. Telford, Sarah Jackson, she is your office manager; is this correct?

MS. KATHERINE TELFORD: Yes.
MR. BRENDAN MILLER: All right. And so obviously she's a scribe and does scribing for you when you're in meetings?

MS. KATHERINE TELFORD: No.

MR. BRENDAN MILLER: All right. So the notes that she takes she has...

If we can scroll down, and down. Right.

So that says "KT Call", and I take it that's you?

MS. KATHERINE TELFORD: KT usually does refer to me.

MR. BRENDAN MILLER: Right. So she's taking notes in a phone call she has with you?

MS. KATHERINE TELFORD: I don't know.

MR. BRENDAN MILLER: You don't know. So that's on February 4th. Do you remember February 4th?

MS. KATHERINE TELFORD: Yes.

MR. BRENDAN MILLER: Okay. So what happened on February 4th?

MS. KATHERINE TELFORD: Well, no, I don't remember in that level of detail.

MR. BRENDAN MILLER: Okay.

MS. KATHERINE TELFORD: Is there something you're looking for in particular?

MR. BRENDAN MILLER: Well, I'm trying to find out, because I have to build a record for this, do you have any idea why anything in your conversation on February 4th in that note would be irrelevant?

MS. KATHERINE TELFORD: I don't know.
MR. BRENDAN MILLER: And I take it when you spoke to Ms. Telford, or sorry, to this individual at the time there was no lawyer present, was there?

MS. KATHERINE TELFORD: I don't know what this call is.

MR. BRENDAN MILLER: Okay. So can we scroll down then. So you see there, the Government has claimed solicitor/client privilege, okay. And you don't remember speaking with a lawyer on February 4th, do you?

MS. KATHERINE TELFORD: As I said, I don't know what this call is.

MR. BRENDAN MILLER: Right. So how would the Government know, if you don't know, that this is solicitor/client privilege? They couldn't, could they? So it's redacted, and this is the problem, sir. You irrelevant ---

COMMISSIONER ROULEAU: Is there a question?

MR. BRENDAN MILLER: Yes. And so if we can scroll down. Okay. And in that note, on February 4th, I know you don't have a good memory, but in your conversation ---

COMMISSIONER ROULEAU: Well, that's ---

MR. BRENDAN MILLER: No, I know, good memory on February 4th, I know she doesn't have a good memory of it, but -- it wasn't an insult. "Blair's current strategy - Emergencies Act." Right?

MS. KATHERINE TELFORD: (Inaudible response)
MR. BRENDAN MILLER: So I take it your understanding, she's writing down what you were saying, and you told her that "Blair's current strategy is the Emergencies Act." So it was Minister Blair's strategy to invoke the Emergencies Act on February 4th. That's your understanding; isn't it?

MS. KATHERINE TELFORD: No, that's not my understanding.

MR. BRENDAN MILLER: So what was "Blair's current strategy - Emergencies Act" on February 4th, 2022?

MS. KATHERINE TELFORD: I can't speak to what's written here.

MR. BRENDAN MILLER: You don't remember?

MS. KATHERINE TELFORD: No, if you wanted to pull up notes of mine from February 4th, that might be helpful.

MR. BRENDAN MILLER: Okay.

MS. KATHERINE TELFORD: But I can't speak to these.

MR. BRENDAN MILLER: Do you have notes from February 4th?

MS. KATHERINE TELFORD: I have notes from a lot of days that have been provided.

MR. BRENDAN MILLER: You've been provided? Okay. Have you provided all of them to the Department of Justice?

MS. KATHERINE TELFORD: M'hm.

MR. BRENDAN MILLER: Okay. And would you say that you provided notes from each and every single day?

MS. KATHERINE TELFORD: From any day I have notes on.
MR. BRENDAN MILLER: Okay. And with respect to this meeting, do you remember what you and Ms. Jackson were talking about?

MS. KATHERINE TELFORD: I unfortunately don’t know what meeting she’s taking notes from here without more context.

MR. BRENDAN MILLER: Okay.

MS. KATHERINE TELFORD: It may or may not even be a meeting I was in.

MR. BRENDAN MILLER: But obviously you were discussing the Emergencies Act?

MS. KATHERINE TELFORD: The Emergencies Act came up at numerous occasions, as we’ve said earlier in ---

MR. BRENDAN MILLER: Okay.

MS. KATHERINE TELFORD: Earlier too.

MR. BRENDAN MILLER: Do you think it would assist the Tribunal and this Inquiry if Ms. Jackson testifies?

MS. KATHERINE TELFORD: No, I think I can answer any questions you might have around that.

MR. BRENDAN MILLER: But you can’t answer what that note says.

MS. KATHERINE TELFORD: Is there something you’re curious about that note in particular?

MR. BRENDAN MILLER: Well on February 4th of 2022, Ms. Jackson, in a conversation with you, writes down “Blair’s current strategy - Emergencies Act”. Right? And you hadn’t even had an IRG at that point.

MS. KATHERINE TELFORD: I believe you’ve had an
opportunity to speak with Minister Blair.

MR. BRENDAN MILLER: Yeah, and I put this to him and he said that it wasn’t true. So wouldn’t it be helpful, if you can’t remember ---

COMMISSIONER ROULEAU: I’m not sure that was correct, that he ---

MR. BRENDAN MILLER: He said that he never had -- I put the note to him, and he said that that’s not -- wasn’t his strategy, that that’s incorrect. That was his evidence.

COMMISSIONER ROULEAU: That doesn’t mean it isn’t true. I mean, all this note says is “Blair’s current strategy” and “Emergency Act” underneath it. So.

MR. BRENDAN MILLER: On February 4th.

When was the first time that the Government came out and spoke that they were considering invoking the Emergencies Act? Do you remember?

MS. KATHERINE TELFORD: Publicly?

MR. BRENDAN MILLER: Yeah.

MS. KATHERINE TELFORD: I mean, there were questions from the media where Ministers were speaking about the Emergencies Act long before it was invoked.

MR. BRENDAN MILLER: Yeah. And Minister Blair, I discussed this with him, on February 13th, for the first time he went on a show and he talked about that it was under consideration from the outset. But then when he testified here, he said it wasn’t.

So was the invocation of the Emergencies Act under consideration from the beginning of the protest in Ottawa?
MS. KATHERINE TELFORD: The Emergencies Act was something that was discussed at the beginning of the pandemic and it was a public conversation at that time, as well as a private conversation. There were calls for the Prime Minister --

MR. BRENDAN MILLER: If we could put the document back up, please?

MR. BRIAN GOVER: Perhaps -- it’s Brian Gover for the Government of Canada. Perhaps the witness could complete her answer to the question without interruption?

MR. BRENDAN MILLER: Oh, no, I was just -- the document went down. I’m not done. I apologize. Thank you.

So and I understand that there was a consideration of a public welfare emergency; right? That’s very different than a public order emergency. You know that. There doesn’t have to be a section 2 security threat; right?

MS. KATHERINE TELFORD: Are you talking about -- I’m not sure when you’re talking about or what about.

MR. BRENDAN MILLER: We’re talking about from covid, because you said it was under consideration then.

MS. KATHERINE TELFORD: They did look at the Emergencies Act at that time and there was some public call at that time, and it was determined, because the Prime Minister was very reluctant, as he was during the occupation this past February, to invoke it. And so there’s been conversations on various occasions about the Emergencies Act over time.

MR. BRENDAN MILLER: So when that note is taken on February 4th, 2022, are you saying that you’re talking about
it in relation to covid?

MS. KATHERINE TELFORD: I genuinely don’t know
what this note is, as I’ve already said to you a few times.

MR. BRENDAN MILLER: Okay. So if I can scroll up
-- or down -- or up, please -- or down. We’ll go down. Down’s
fine.

Okay. So that says: “Flag to KT” “Feb[ruary]
10th”. And it’s written in there that this is irrelevant. What
does that mean? Why is it irrelevant? Do you know?

MS. KATHERINE TELFORD: So I don’t know
specifically, but I ---

MR. BRENDAN MILLER: You don’t know either?

MS. KATHERINE TELFORD: But I could surmise that
“Flag to KT” means it’s probably a bit of a to-do list of things
she wanted to flag to me.

MR. BRENDAN MILLER: Okay.

MS. KATHERINE TELFORD: They were obviously
deemed irrelevant to what we are talking about today.

MR. BRENDAN MILLER: Okay. And could we scroll
down again?

And this one, where it says “Staff blockade”, and
then it has section 39 invoked, do you know what that means?

MS. KATHERINE TELFORD: I don’t know why they
invoked it there.

MR. BRENDAN MILLER: Right. And so I take it
when you were having this phone call, there was no one else
present on the phone other than you and Ms. Jackson; was there?

MS. KATHERINE TELFORD: I don’t believe that this
is a phone call any longer.

MR. BRENDAN MILLER: Well if we scroll back up, this is the second page. The way it’s worded ---

MS. KATHERINE TELFORD: Yes, it said “Flag ---

MR. BRENDAN MILLER: Oh.

MS. KATHERINE TELFORD: --- to KT” at the top.

MR. BRENDAN MILLER: “Flag to KT”. Okay. And so on February 10th, do you remember if Ms. Jackson was in a meeting with Cabinet?

MS. KATHERINE TELFORD: She is not normally in meetings with Cabinet.

MR. BRENDAN MILLER: So how could -- section 39 is a Cabinet confidence. So how can -- so this is the problem. Those are my questions.

COMMISSIONER ROULEAU: Thank you.

If we could now call on the Ottawa Police Service, please?

--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:

MR. DAVID MIGICOVSKY: Good evening. My name is David Migicovsky. I’m a lawyer for Ottawa Police Service.

Ms. Telford, my questions, at least initially, will be directed to you.

I understand that the PMO relies on the RCMP?

MS. KATHERINE TELFORD: Generally. What do you mean?

MR. DAVID MIGICOVSKY: I guess the PMO relies on the RCMP to protect the Prime Minister and others?

MS. KATHERINE TELFORD: Yes.
MR. DAVID MIGICOVSKY: And you trust the RCMP?

MS. KATHERINE TELFORD: I do.

MR. DAVID MIGICOVSKY: The RCMP has kept the Prime Minister and his family safe?

MS. KATHERINE TELFORD: They have.

MR. DAVID MIGICOVSKY: And the RCMP takes security very seriously?

MS. KATHERINE TELFORD: They do.

MR. DAVID MIGICOVSKY: And one of the documents, I won’t take you to it, but I believe the Commission took you to it, one of the documents that you were taken to referenced the INTERSECT group. You’re familiar with the INTERSECT group?

MS. KATHERINE TELFORD: Can you remind me?

MR. DAVID MIGICOVSKY: Sure. It was described in that document as a group that gets stood up and is composed of the OPS, the RCMP, PPS, OPP. You’re familiar with that?

MS. KATHERINE TELFORD: Yes.

MR. DAVID MIGICOVSKY: And all of them are involved in decisions and discussions about these types of protest events and security concerns; correct?

MS. KATHERINE TELFORD: That sounds right.

MR. DAVID MIGICOVSKY: And in fact, in that chain of emails that you were taken to, there’s reference, and it was on January 25th, Ms. Powers indicates that:

“The key will be tomorrow’s INTERSECT meeting and how law enforcement will pre-mobilize.” (As read)

So you’re obviously aware that the RCMP, whom you
have a lot of confidence in, is monitoring the protest as it’s approaching Ottawa; correct?

**MS. KATHERINE TELFORD:** Yes.

**MR. DAVID MIGICOVSKY:** And on January 27th, and I won’t pull it up, but I’ll give the reference for the record, it’s PB.CAN.00001844. There’s a series of text messages, I believe, between Minister Mendicino and yourself, and you indicate that the RMCP -- or he indicates to you that the RCMP, on January 27th, says that the current estimate is about 2,700 trucks, but the numbers could fluctuate. Do you recall that?

**MS. KATHERINE TELFORD:** That sounds right.

**MR. DAVID MIGICOVSKY:** And there’s another document from the PMO, I believe it’s from Ms. Power? She’s the Issues Advisor?

**MR. BRIAN CLOW:** She’s one of several Issues Advisors, but she holds the file for Public Safety.

**MR. DAVID MIGICOVSKY:** And so there’s an email from her on January 28, again the reference number is SSM.CAN.NSC.00002795. And she gives some more data as to what the status is.

One of the things that she references in that report on the latest numbers is Project Hendon. And we’ve heard a lot about Project Hendon. Was that something that you were familiar with as well?

**MS. KATHERINE TELFORD:** Not at the time.

**MR. DAVID MIGICOVSKY:** I’m sorry?

**MS. KATHERINE TELFORD:** Not at the time.

**MR. DAVID MIGICOVSKY:** Okay. Subsequently you
did hear about Project Hendon? Is that right?

MS. KATHERINE TELFORD: During the Inquiry I’ve heard a fair bit about it.

MR. DAVID MIGICOVSKY: Right. And so she’s referring to -- so obviously the RCMP, I’m assuming, has access to the same Hendon data as the other security services? Fair assumption?

MS. KATHERINE TELFORD: I couldn’t speak to what information they had access to.

MR. DAVID MIGICOVSKY: Okay. And so what we see when we look at all of these documents that I'm referring to is the numbers of vehicles of trucks in the convoy in the last couple of days before it arrives is a constantly fluctuating number nobody seems to be able to get a full grasp on; is that fair?

MS. KATHERINE TELFORD: It certainly felt that way.

MR. DAVID MIGICOVSKY: And certainly, nobody, even the RCMP, up until that day, the Friday, were saying that this protest was going to become an occupation, correct?

MR. BRIAN CLOW: I will say, in those updates that were coming from Mary-Liz Power, and they were more than once daily, by the end of the week. There were some references that I do believe this Commission has seen in those emails, and I think it was attributed to OP-INTERSECT that this could be a prolonged demonstration.

But you are right, there was a lot of uncertainty about what was coming.
MR. DAVID MIGICOVSKY: And so you understood that even the law enforcement community couldn't predict exactly what occurred and what did in fact occur, fair?

MR. BRIAN CLOW: I agree. This was a challenging situation for everyone.

MR. DAVID MIGICOVSKY: And you wouldn't fault the RCMP for that, would you?

MR. BRIAN CLOW: No.

MR. DAVID MIGICOVSKY: You've talked about what you saw on social media in the days leading up to it, and CSIS has told us that analyzing social media is rather complex and requires more than simply scrolling through social media. You wouldn't have any reason to disagree with that, would you?

MR. BRIAN CLOW: I think it's a fair statement, but there are some things said on social media that represent clearly the views of the person expressing it. And in this case, in this demonstration, there were statements made on social media about threats of violence, threats to individuals, and themes and motives that they had ---

MR. DAVID MIGICOVSKY: I'm sorry, I don't mean to cut you off, but I have a very limited amount of time.

My question was more related to the numbers of people that are coming on social media, because what Mr. Vigneault said is it is difficult to tell. It's a challenge, I think he said, to know when someone moves from the online space to physical space and the social media is full of misinformation.

Ms. Telford, you wouldn't disagree with that,
MS. KATHERINE TELFORD: I think it was challenging for everyone, and that's why it was important to bring everyone together at various points. But I do think there was -- you know, I think the number of people, including Mr. Vigneault, have spoken about how figuring out the social media space is something that needs to be done coming out of this.

MR. DAVID MIGICOVSKY: Right. And you recognize -- just moving on to another area -- you recognize that police -- and we've heard from a number of ministers -- that police need to have operational independence from government?

MS. KATHERINE TELFORD: Absolutely.

MR. DAVID MIGICOVSKY: And that police have to make operational decisions in real time for reasons that may not be evident to the government or to the public, fair?

MS. KATHERINE TELFORD: Of course, and that's something we took very very seriously.

MR. DAVID MIGICOVSKY: And again, you respected that operational independence. You wouldn't want the police, whether it's the Ottawa or OPP or the RCMP to take action without considering what impact that action would have on officer safety or crowd safety or children in the crowd?

MS. KATHERINE TELFORD: Of course.

MR. DAVID MIGICOVSKY: And in fact, one of the lessons of Ipperwash that we've heard is that governments should not be allowed to influence specific law enforcement operational decisions. You'd agree with that, fair?

MS. KATHERINE TELFORD: Ipperwash was actually
something I asked after, and we got a verbal brief on very early on. I think it was actually even before it all got -- before it became even an occupation because it was something we were very preoccupied about respecting.

MR. DAVID MIGICOVSKY: And that -- and it's because decisions, those type of operational decisions belong to the police based on their expertise and their discretion, correct?

MS. KATHERINE TELFORD: Yes.

MR. DAVID MIGICOVSKY: And there's nothing to suggest that the Ottawa Police Service did not exercise their discretion legitimately and in good faith in this case; is that fair?

MS. KATHERINE TELFORD: Fair.

MR. DAVID MIGICOVSKY: The situation we've heard in Ottawa was -- I'm going to use a word that we've all heard a lot in this -- was a volatile one. You wouldn't disagree with that?

MS. KATHERINE TELFORD: It was extremely volatile.

MR. DAVID MIGICOVSKY: And ultimately, that situation was defused, but you'd agree with me that defusing a situation like this one is something that takes time? In fact, the prime minister, in a conversation with the governor general on February 5th, specifically made that point when he said, "It's going to take time to defuse this."

You wouldn't disagree with that, would you?

MS. KATHERINE TELFORD: I believe that
conversation was a ways into the occupation already, so I don’t think I can agree or disagree with whether or not these things always take time.

**MR. DAVID MIGICOVSKY:** And ultimately, in addition to time, it took a massive amount of additional resources as well, correct?

**MS. KATHERINE TELFORD:** It certainly did in this instance.

**MR. DAVID MIGICOVSKY:** And those -- let me just finish off my remaining minute or two.

Negotiations, you understand that before police execute a tactical operation, they will try and defuse a situation and try to negotiate, right?

**MS. KATHERINE TELFORD:** These were things we were briefed on, yes.

**MR. DAVID MIGICOVSKY:** And in fact, you recall that the prime minister and Minister Blair met with opposition leaders and provided a briefing on February 10th, and at that briefing, the national security and intelligence advisor specifically said, "Law enforcement activities are in line with negotiations with organizers to ensure there's no violence."

That makes sense to you, doesn’t it?

**MS. KATHERINE TELFORD:** Yes.

**MR. DAVID MIGICOVSKY:** And she also indicated that Minister Blair talked about the importance of negotiation by the police, and you wouldn't disagree with what Minister Blair said?

**MS. KATHERINE TELFORD:** No, I believe -- and I
believe this was the first call of the opposition leaders that was earlier on in the occupation; is that right?

**MR. DAVID MIGICOVSKY:** I'm not sure if it was the first or the second.

**MS. KATHERINE TELFORD:** I'm pretty sure it was the first.

**MR. DAVID MIGICOVSKY:** Now, we talked about the engagement proposal that was prepared as a framework for negotiation. And I understand that Deputy Minister Stewart, on February 11th, advised that that engagement proposal had been prepared and validated with the OPP expert, Marcel Beaudin. Do you recall that?

**MS. KATHERINE TELFORD:** I know he worked with somebody in the OPP.

**MR. DAVID MIGICOVSKY:** And in fact, Chief Sloly had earlier on also requested an interlocutor be used as a method of achieving a breakthrough. You're aware of that?

**MS. KATHERINE TELFORD:** I'm not sure.

**MR. DAVID MIGICOVSKY:** And one of the rationales -- and I'll just finish off this point if I may, Commissioner -- one of the rationales that you mentioned in your witness statement for why the engagement proposal went nowhere was the -- what happened in Windsor. And when I looked at the record, there's an indication in a document that we'd seen previously -- it's PB.NSC.CAN.00002963, Deputy Minister Stewart said that the reason the letter from Ontario Minister Jones didn’t have much effect was owing to the late hour of the day in which it was given out and the enforcement starting the next morning.
You wouldn't have any reason to disagree with that, would you?

**MS. KATHERINE TELFORD:** I do believe that’s what the deputy minister said.

**MR. DAVID MIGICOVSKY:** Right. And after the engagement proposal was discarded as an idea, nobody went back to the police and -- or Marcel Beaudin and said, "Hey, what else should we do?" Is that fair?

**MS. KATHERINE TELFORD:** It wasn’t discarded as an idea. There was nothing to act on. I do think those are different things.

**MR. DAVID MIGICOVSKY:** Okay. Thank you very much. Those are my questions.

**COMMISSIONER ROULEAU:** Thank you. If I could now ask of the CCLA, please?

**MS. CARA ZWIBEL:** Good afternoon. My name's Cara Zwibel. I'm counsel for the Canadian Civil Liberties Association.

Mr. Commissioner, my friend, Mr. Honner from the Democracy Fund has given me five of his minutes, so he's going to limit his questioning to five minutes so I have 15 now, by my count.

**COMMISSIONER ROULEAU:** Okay.

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

**MS. CARA ZWIBEL:** So I want to ask you about a theme that my friend, Mr. Migicovsky was just asking you about around sort of this question about the proper relationship between police and government. And I would imagine that as
both, you know, employees in the prime minister's office and obviously residents of Ottawa, it might be difficult to sort of separate the fact that you’re looking at what’s going on both from a policy perspective but also living through it on -- right, you live here.

MR. JOHN BRODHEAD: I don’t.

MS. CARA ZWIBEL: Oh, you don’t live here.

MR. JOHN BRODHEAD: I live in Toronto.

MS. CARA ZWIBEL: Oh, okay. So some of you live here. Now, I know you have access to briefings from the RCMP. I’m not sure if you get briefings or sit in on briefings from any of the intelligence bodies, but I think we’ve seen some documents that also sort of show you doing a bit -- a bit of your own -- you know, getting information as we all do from media sources, from social media. So, for example, can we pull up SSM.NSC.CAN00002940? And I think, Ms. Telford, this is a text message between and the Prime Minister. I think it’s a tweet from a reporter, “An admission police” -- this is February 2nd:

"An admission police cannot control the situation. This is a complete mess and textbook mismanagement. They allowed the truckers to set up shop next to the PMO and West Block and where tens of thousands of people live and now realize the problem they helped create. Unbelievable."

And I think this is the Prime Minister writing to
you:

"The PPS..."

I think that’s the Parliamentary Protective Service:

"...RCMP guy in caucus said as much. He said he didn’t want to let them onto Wellington, but it wasn’t his call."

So are you sharing this with the Prime Minister and just sort of, “Here’s what’s happening on the ground. Here’s what people are talking about. Here’s what’s in the zeitgeist”?

**MS. KATHERINE TELFORD:** In a manner of speaking.

You’ll find throughout a lot of the texts that I submitted, a lot of different tweets as well as information from the Prime Minister’s executive assistant who lived right in Centertown and was keeping him posted on what it was like on the ground.

**MS. CARA ZWIBEL:** Okay. And then can we also pull up SSM.CAN00007729? I forget that they’re also here but I can’t really see them, so. So over here -- again, I think -- can we just scroll down just a little bit. So this is Evan Solomon:

"Just walked through the protest on Parliament Hill tonight and I spoke to two guys carrying fuel containers past police. Police chief said protesters would not be allowed to bring fuel to trucks but these two said police are bothering them at all. No
enforcement."

And I think this is you. Sorry, can we scroll up? Was this one of your texts, Ms. Telford?

MS. KATHERINE TELFORD: No, it’s not, actually.

So what you can’t see there is that also in this chat is -- was the Prime Minister’s Executive Assistant -- or was executive assistant at that time.

MS. CARA ZWIBEL: Okay.

MS. KATHERINE TELFORD: And so that’s an example of what I was just describing.

MS. CARA ZWIBEL: Okay. And can we scroll down.

So:

"Saw this type of things happen when I left Hill. Gas coming in and cops were just standing looking at them walk by."

We’ve heard evidence in the Commission that, at some point, protesters started filled jerrycans with water as a bit of a tactic so that it looked like the police weren’t doing anything about gas being brought in but, in fact, it was water. Is that something that you were aware of, or have you heard about that during the course of the Commission?

MS. KATHERINE TELFORD: I’ve heard a number of things to do with the jerrycans over the course of the Commission.

MS. CARA ZWIBEL: Okay. Is it fair to say that what you were seeing, both on social media, and in the media, and on the ground here in Ottawa, as residents -- or part-time residents, maybe -- weren’t sort of matching what you were
MS. KATHERINE TELFORD: I think especially, in the early days, there were a lot of different numbers coming from what we were seeing on social media, what we were seeing reported from mainstream media who were, you know, walking around and doing their own counts, as well as what was coming in from different law enforcement agencies.

MS. CARA ZWIBEL: Okay. Can we go to Mr. Clow’s notes, SSM.NSC.CAN00002941? It’s page 11 of the PDF. And if you can make it just a bit bigger. So I think -- I don’t think we have a date on this, although I think, based on where it’s placed in the document, we’re maybe -- I think it’s -- it’s after the note that you identified, Mr. Clow, as being on February 9th.

MR. BRIAN CLOW: Yes, it’s February 10th.

MS. CARA ZWIBEL: Okay, so February 10th. So this is, I think, the -- is this the three of you, or is this the other JB?

MR. JOHN BRODHEAD: It’s the other JB.

MS. CARA ZWIBEL: Okay, the other JB and the Prime Minister:

"KT will call Clerk next. You’re not being briefed by intel officials. Someone on US side who can give best advice. Surely, someone is system; someone played out plan."

And I’m not sure what:

"RCMP intel, Lucki - anyone else to
report on this."

So what is this -- can you tell me what this note means, “Not being briefed by intel officials”?

**MR. BRIAN CLOW:** Yes. So that morning -- so this is February 10th. There were a series of meetings that led up to the Incident Response Group that happened later that day. So right before this note, a meeting -- a discussion happened between the Prime Minister and several ministers, including Minister Mendicino, Minister Blair, where he was updated and it went around the table, full discussion of the current situation.

This discussion was a debrief of the Prime Minister and a few of us staff members coming out of that meeting, so you see some next steps. And I believe the comment about intel was a reflection that we were absolutely getting a lot of information, particularly from the National Security Intelligence Advisor, but there was an interest in more of it. And there was still an incomplete picture when you looked at the various blockades and demonstrations across the country and what was behind it, and what was going into it, and where was it going.

**MS. CARA ZWIBEL:** Okay, so not a lack of intelligence, but not as much as you’d wanted?

**MR. BRIAN CLOW:** Right.

**MS. CARA ZWIBEL:** Is that fair?

**MR. BRIAN CLOW:** Right.

**MS. CARA ZWIBEL:** Okay. In your witness summary -- and I can bring it up if you’d like, but there’s the lessons learned sort of section, or a place where you’re pointing out
some, you know, areas that you hoped the Commission could comment on. And on of the things you say there:

"The panel suggested that the Commission provide further guidance on the independence of police operations. Mr. Broadhurst…"

So that’s the other -- the other one who’s not here, sorry:

"...underscored that the government understands the importance of not dictating police operations, and at times it was difficult to know whether the police and the government shared the same ultimate goal. The government should be able to discuss a desired outcome, for example, to clear the occupation and blockades, and share concerns about the consequences that the country would face if that does not happen." (As read).

Did you -- during the time that the blockades and occupation were happening, did you have doubts about whether the police planned to clear them?

**MS. KATHERINE TELFORD:** I don’t think it’s a question of whether they planned to clear them but that there were, on multiple occasions, where we were being briefed that things were going to happen that then didn’t happen. So we found ourselves three weeks in with things continuing to
escalate.

MS. CARA ZWIBEL: Okay. But you would say that you did believe that you — that police and government had the same ultimate goal? There were frustrations and maybe mismatches in terms of timing, but was there a doubt in your mind that — like, I know it sounds silly but did you think that the police’s plan was to just allow this to continue?

MR. BRIAN CLOW: No, the concern was, do they have the tools or is there more that could be done by the federal government, provinces, municipalities? Could we support them more? That was the discussion and concern.

MS. CARA ZWIBEL: Okay. And once the Emergencies Act was invoked — I’ve talked to this with some other witnesses and I think they’ve agreed that, although government can’t direct police, one of the things that a public order emergency does is communicate very clearly to police that there are certain things that the government wants to happen and they’re giving them the tools to make those things happen; do you agree with that? So, in this case, the government wants the flow of funds to stop going to people that are funding the blockades ——

MS. KATHERINE TELFORD: Right.

MS. CARA ZWIBEL: —— and it’s giving the RCMP and financial institutions the tools to make that happen.

MR. BRIAN CLOW: The government, the Cabinet, the Prime Minister wanted the unlawful activity and the threats to stop, and the Emergencies Act and the measures in it was the best assessment of what could be provided as additional tools to help the unlawful activity stop.
MS. CARA ZWIBEL: Okay. And once the Emergencies Act was in place and the Orders were in place, I know the IRG continued to meet. And there was some tracking of the measures, of how the measures were working; right? There was an attempt to collect that information so that you could see what impact the Orders were having; is that fair?

MR. BRIAN CLOW: Yes.

MS. CARA ZWIBEL: Okay. Thank you. One other area I want to talk about, I understood your evidence on the engagement proposal and why that didn't go further because there wasn't sort of a tangible plan there. I just wanted to ask you about a different aspect of this. And if we can pull up -- sorry, it's -- I hope I have it here. Yeah, SSM.NSC.CAN.00000292. This is one of the -- I think it's an SSE meeting notes -- sorry, let's just take a look. Yes, SSE, and it's from February 3rd. And if we can scroll, it would be probably -- I think it's page 8.

And, Mr. Clerk, you might need to -- oh, you don't have to rotate it, but if you can just move it over -- yeah.

So I just want to ask about these creative -- some of these creative alternatives on this side of the screen. One is,

""Le Grand Debat"

Modelling after 2019 Yellowjackets protest in France, the country launched a national listening exercise.

Cross-country meetings (Fr[ench]
President attended some)"

Did that suggestion make it to the IRG or to Cabinet? Was that something that was explored beyond -- I guess beyond this sheet of paper?

MR. BRIAN CLOW: And, sorry, what date was this from?

MS. CARA ZWIBEL: February 3rd, I believe.

MR. BRIAN CLOW: February 3rd. So that was the first meeting of that Cabinet Committee. My assessment of this document is that it's a Public Service document, which is fairly normal for these discussions to fuel a discussion. I would say on that -- I can't speak to what was discussed or whether that was addressed in the meeting, but I would say in February there was a very specific, urgent need, and my view is that that would not have been appropriate to address that urgent national challenge that we were facing right in that moment.

MS. CARA ZWIBEL: Okay. And just if we can scroll down just a little bit, the last item there,

"Communications Shift
Encourage shift in communications ("we hear you, we understand, go home")

[Question] Does this legitimize protest?"

What about that discussion? Was there a discussion about -- and I know we saw text -- a message that was communicated I think through Minister Leblanc from Jason Kenney saying, you know, something about calling them all Nazis didn't help. I think here what someone's getting at is maybe we should
tone down the rhetoric and try to -- even if we're not going to meet with them, try to in a communications way tone it down. Was that something that was discussed or considered?

MR. BRIAN CLOW: There were constantly discussions like that. Is there something we could say, something we could do? Just like there were lots of discussions about the engagement proposals. But the wall we would always hit is the assessment was, given the demands of the convoy, which was to drop all the mandates, we weren't going to get very far with this kind of suggestion.

MS. CARA ZWIBEL: Okay. Last thing I'm going to ask, I know I'm almost out of time, I just want to ask about -- and if we could pull up -- sorry, Mr. Clow's notes one last time. I think the Clerk probably knows the number, yeah. And here it's page 23.

COMMISSIONER ROULEAU: It's not almost, by the way.

MS. CARA ZWIBEL: Okay. May I get one last one in?

COMMISSIONER ROULEAU: Yes.

MS. CARA ZWIBEL: Thank you.

COMMISSIONER ROULEAU: Yes, you may.

MS. CARA ZWIBEL: So we're at February 14th, and maybe we can make it just a little bit -- thank you. So February 14th, 12:30, PM -- I'm going to look on my paper here. "PM taking..." I think that's maybe ---

MR. BRIAN CLOW: Time, taking time now, then it says he'll depart from the Hill to head to West Block.
MS. CARA ZWIBEL: Okay. And then Jagmeet Singh, opposition leader can do it whenever -- the part that I'm interested in is this discussion about Quebec and, you know, I gather the -- I'm not sure this is -- I guess this is after the First Minister's meeting, so we know that Quebec is a bit concerned about the application of the Emergencies Act in the province. And it says,
"without saying we're sending RCMP to [Quebec]
- PM call Legault...no intention to do anything in [Quebec], other than [Ottawa]
- Pablo..."
I assume that's Minister Rodriguez,
"...call to Legault?
- military isn't [a] part of this
- not looking to take over. Won't go to [Quebec] border."
So it seem -- "if you don't need [it], then we're not going there."

MR. BRIAN CLOW: So this was a staff debrief following the FMM on that day, ahead of the Prime Minister's conversations with the opposition leaders. So, at this time, the consideration was considering -- continuing around the Emergencies Act. So this was a quick discussion of staff of things we should be considering or doing coming out of the FMM, given the Premier of Quebec communicated so clearly that he didn't want the Act applied in Quebec. That's what that
discussion reflects. It was a very brief staff discussion.

MS. CARA ZWIBEL: Okay. It wasn't ever communicated to the Premier of Quebec that the Act wouldn't apply there or that the police wouldn't take action there because that's not something that would have been possible ---

MR. BRIAN CLOW: The Act ---

MS. CARA ZWIBEL: --- given what the Order said?

MR. BRIAN CLOW: Right. The Act did apply there.

MS. CARA ZWIBEL: Okay. Thank you. Thank you for answering my questions.

Thank you, Mr. Commissioner.

COMMISSIONER ROULEAU: Okay. Thank you.

The Democracy Fund, JCCF, please.

--- CROSS-EXAMINATION BY MR. ALAN HONNER:

MR. ALAN HONNER: Good evening. My name's Alan Honner. I'm a lawyer from the Democracy Fund. I just have a few questions for you, and they're directed to anyone at the panel.

You were asked about political commentary from the United States. And if I recall correctly, that was something that President Biden and Prime Minister Trudeau spoke about?

MR. BRIAN CLOW: Yes.

MR. ALAN HONNER: Okay. And I just want to ask you about some of the political commentary which happened after the invocation of the Emergencies Act, by which -- and after the meeting with President Biden, which I understand to be February 11th.
MR. BRIAN CLOW: The phone call was February 11th, yes.

MR. ALAN HONNER: Pardon me?

MR. BRIAN CLOW: Phone call was February 11th.

MR. ALAN HONNER: Yes, thank you.

But can we pull up PB.CAN 00000069_REL 0001? And this is a letter from Premier Kenney, Premier Moe and 16 governors from the United States of America. And I believe it's dated February the 16th. And my friends from -- and correct me if I misconstrue this letter, but the signatories here are expressing concern over vaccine requirements and the impacts of requirements on the North American supply chain, the cost of living, and the availability of essential products for people from both countries.

My question for you is, how does a letter like this get before the Prime Minister?

MR. BRIAN CLOW: Could I see the signatories?

MR. ALAN HONNER: Yes, of course.

MR. BRIAN CLOW: So in general, when correspondence comes in, especially at this moment on this issue given the Emergency Act was in place February 16th, letters get to him sometimes through a normal course. That may take some time. Other times, letters are elevated more urgently.

MR. ALAN HONNER: Right. And this letter here, I assume it's important because we got 16 governors from the United States. It's our biggest trading partner, our best ally. Notably, it's signed by the Governor of Montana. Of course, Montana's right across from Coutts, Alberta. Did this letter
get to the Prime Minister; do you know?

MR. BRIAN CLOW: So I can't recall if this got to the Prime Minister, but I would say the views expressed are -- match the views that we heard from a lot of people, but government did not agree with that.

MR. ALAN HONNER: Okay. Thank you.

Could we pull up PB.CAN.00001045_REL.0001? And the document we're going to see here, it's not dated, but the top words are "Congressional Reaction". And it contains a number of tweets, including a tweet from a Matt Rosendale. He's a member of the U.S. House of Representatives from Montana. And this appears to be after the invocation of the Emergencies Act, and he says that he.

"...led 63 [Republican] colleagues in support of the truckers protest[...] [in] COVID-19 mandates, and urging [President] Joe Biden to work with Canada to lift the mandates on essential travel at the border."

Do you know if this was ever brought to the Prime Minister's attention?

MR. BRIAN CLOW: This specifically? I can't speak to that. I don't know if it was brought to his attention.

MR. ALAN HONNER: Okay. One more document.

SSM.NSC.CAN00000172.

And this is -- when it comes up, if I got the number right. Yes, so this is an email from a Deputy Jacques Adam to -- Deputy Minister Jacques Adam to Deputy Minister David
Morrison. I'm not sure if they're both from Global Affairs Canada, but the email sets out U.S. Political Reactions to Canadian Measures. It's dated February the 16th.

And if we can just look at Item Number 2 here.

We see that there are different comments. One of the comments here is:

"'Canadian truckers being fired and now targeted as "terrorists" by your woke government.'"

And it is attributed to a U.S. House of Representatives, a member, and there are other remarks from other politicians, which are somewhat uncomplimentary towards our country.

Do you know if this document was ever brought to the Prime Minister's attention?

MR. BRIAN CLOW: I don't believe this document would. This looks like an internal document at the Department of Trade. But Prime Minister -- we were all well aware that these views were being expressed by a certain segment in U.S. politics.

MR. ALAN HONNER: Okay. Thank you very much, those are my questions.

COMMISSIONER ROULEAU: Okay, thank you.

Next, the Canadian Constitution Foundation, please.

MS. JANANI SHANMUGANATHAN: Yes, thank you.

--- CROSS-EXAMINATION BY MS. JANANI SHANMUGANATHAN:

MS. JANANI SHANMUGANATHAN: My name is Janani
Shanmuganathan, and I am counsel for the Canadian Constitution Foundation. And my questions are for Ms. Telford.

So we know that there were three IRG meetings that took place on February the 10th, the 12th, and the 13th, and while Cabinet ministers were present at this meeting -- at these meetings, it's not a meeting of the entire Cabinet; right?

**MS. KATHERINE TELFORD:** Correct.

**MS. JANANI SHANMUGANATHAN:** And we do know that there was a meeting with the entire Cabinet that took place the evening of February the 13th; right?

**MS. KATHERINE TELFORD:** That's right.

**MS. JANANI SHANMUGANATHAN:** And the following morning, on February the 14th, there was a meeting with the First Ministers, and then later that day, on February the 14th, or at some point that day, there was a decision made to declare the Public Order Emergency.

**MS. KATHERINE TELFORD:** Later that day, that's right.

**MS. JANANI SHANMUGANATHAN:** Thank you. And so I just have a few questions about Cabinet meetings. Does the Prime Minister's Office advise the Prime Minister on the agendas for Cabinet meetings?

**MS. KATHERINE TELFORD:** Usually the Privy Council Office, led by the Clerk, puts forward an agenda for a Cabinet meeting, and actually, usually John's team here will go back and forth with them a bit on it in case there is any insight into, particularly into time management of the meeting. But they will present that to the Prime Minister.
MS. JANANI SHANMUGANATHAN: Okay. So it's fair to say, though, that you have some input, the Prime Minister's Office has some input into the agenda.

MS. KATHERINE TELFORD: Input would be fair, yes.

MS. JANANI SHANMUGANATHAN: All right. And who ultimately decides the agenda at Cabinet meetings? Like who has the final say?

MS. KATHERINE TELFORD: The Prime Minister.

MS. JANANI SHANMUGANATHAN: And does the Prime Minister's Office advise the Prime Minister on which non Cabinet officials attend Cabinet meetings?

MS. KATHERINE TELFORD: No, not really. I mean, the Clerk of the Privy Council would be the person who would advise and -- advise on officials in terms of who should attend, and then there is usually a few from the Prime Minister's Office who attend, and the Prime Minister agrees with who those are.

MS. JANANI SHANMUGANATHAN: Okay. So does the Prime Minister's Office offer any input in terms of suggestions of who could or should attend these meetings that are non Cabinet members?

MS. KATHERINE TELFORD: Only of our own team.

MS. JANANI SHANMUGANATHAN: Okay. And who ultimately decides which non Cabinet officials attend these Cabinet meetings?

MS. KATHERINE TELFORD: I think I just said that, but I'll try again. Is -- so the Clerk, in terms of officials on the public service side, and ultimately, it's the Prime Minister who decides who he welcomes in the Cabinet room. But
the Clerk will advise and sign off on a list from an officials perspective, and then there's usually some representatives from the Prime Minister's Office.

**MS. JANANI SHANMUGANATHAN:** Okay. But the Prime Minister, I take it, has the final say of who attends?

**MS. KATHERINE TELFORD:** Of course.

**MS. JANANI SHANMUGANATHAN:** All right. And does the Prime Minister's Office advise the Prime Minister on what information should be shared at these Cabinet meetings?

**MS. KATHERINE TELFORD:** Again, the Privy Council Office, and so it's the Clerk who will, and her teams, who will put together the information, and we may have some supplemental or additional information from a political perspective that we may provide in a briefing ahead of Cabinet, but the documents come from the public service side.

**MS. JANANI SHANMUGANATHAN:** Okay. So leaving aside the physical documents that are coming in, it's fair to say, though, that the Prime Minister's Office has some input into the kinds of documents that are provided at the Cabinet meetings?

**MS. KATHERINE TELFORD:** Yes. I mean, we'll ---

**MR. JOHN BRODHEAD:** Yeah.

**MS. KATHERINE TELFORD:** --- provide feedback. Sometimes they'll ask us from the public service side what our thoughts are around, especially as it relates to meeting flow and what might be most useful, that kind of thing, for the ministers.

**MS. JANANI SHANMUGANATHAN:** Okay. And I take it
it's fair to say that it's, again, the Prime Minister who's got
the ultimate say of the information that's provided at these
Cabinet meetings?

**MS. KATHERINE TELFORD:** Yes.

**MS. JANANI SHANMUGANATHAN:** And in terms of
documents at the Cabinet meetings, I take it you also have --
the Prime Minister's Office also provides some input into the
kinds of documents. I think I've already touched on this, the
documents as well.

**MS. KATHERINE TELFORD:** Yes.

**MS. JANANI SHANMUGANATHAN:** Okay. And so in
terms of the February 13th meeting, the evening meeting with the
full Cabinet, who sort of set the agenda for the Cabinet
meeting?

**MS. KATHERINE TELFORD:** The same process as I
just described.

**MS. JANANI SHANMUGANATHAN:** Okay. And did the
Prime Minister's Office offer any input for the agenda for that
February 13th evening Cabinet meeting?

**MS. KATHERINE TELFORD:** So things were moving
very quickly that day, and we were on the brief ahead of the
Cabinet meeting, and so I imagine we probably added some
thoughts in terms of how the meeting might flow, but that would
have been the extent of it that day.

**MS. JANANI SHANMUGANATHAN:** Okay. And what about
the information that was provided at that February 13th evening
Cabinet meeting, did the Prime Minister's Office offer any input
on the information that would be provided?
MS. KATHERINE TELFORD: I'm not even sure if we would have at that time.

MR. JOHN BRODHEAD: I don't recall doing that, no.

MS. JANANI SHANMUGANATHAN: Okay. What about the documents at that February 13th evening meeting, did the Prime Minister's Office offer any input?

MS. KATHERINE TELFORD: Sorry, I'm not sure I know the difference between the last one and this one. I thought we were just answering about documents. So same answer.

MR. JOHN BRODHEAD: Same.

MS. JANANI SHANMUGANATHAN: So information, that could be things that are said vocally, out loud to the Cabinet members, versus physical documents that are provided to the Cabinet members.

MS. KATHERINE TELFORD: So as I said a couple of times, in the briefing ahead of Cabinet we will provide our insight, our advice, our best advice and feedback in terms of how the flow might work, and just ways of approaching different things, but that's really the extent of our involvement in preparation for the meeting, whether it be documents or information.

MS. JANANI SHANMUGANATHAN: And again, I guess it's fair to say for that February 13th evening meeting, it's the Prime Minister who had the ultimate say over the agenda, the information that was provided, and the documents that were shared. Is that fair?

MS. KATHERINE TELFORD: Yes.
MS. JANANI SHANMUGANATHAN: And just my last few questions I have. We've heard about this assessment from CSIS, an assessment that ultimately concluded that the situation did not amount to threats to the security of Canada as set out in the CSIS Act. Was this threat assessment provided to the Cabinet members at the February 13th evening meeting, with the full Cabinet?

MS. KATHERINE TELFORD: I am not sure whether it was part of the documents.

MR. JOHN BRODHEAD: I think the Deputy Clerk and Clerk, like I think their testimony was ---

MS. KATHERINE TELFORD: On this?

MR. JOHN BRODHEAD: --- on this day they led that process, so I would refer to their testimony.

MS. JANANI SHANMUGANATHAN: Okay. But ---

MR. JOHN BRODHEAD: I don't recall anything more than that.

MS. JANANI SHANMUGANATHAN: But none of you know? Okay. What about an alternative threat assessment, you know, a threat assessment that's different from the CSIS threat assessment, was that provided -- was any such assessment provided to the Cabinet members at that evening February 13th meeting with the entire Cabinet?

MS. KATHERINE TELFORD: So all of these assessments were provided to the Incident -- the IRG earlier that day, and then that was really rolled up and reported out to Cabinet in the evening.

MS. JANANI SHANMUGANATHAN: Okay. So but the
members of the IRG meeting, you know, it’s not the entire Cabinet; right?

**MS. KATHERINE TELFORD:** Correct.

**MS. JANANI SHANMUGANATHAN:** And so I’m just asking about the actual -- was there a document with a threat assessment that’s different from the CSIS threat assessment? Was there a document that was shared at that February 13th evening meeting?

**MS. KATHERINE TELFORD:** I can’t speak to that.

**MS. JANANI SHANMUGANATHAN:** And can either of the other two of you?

**MR. JOHN BRODHEAD:** I’d refer back to the Deputy Clerks at this point.

**MS. JANANI SHANMUGANATHAN:** Okay. And we’ve heard about this legal opinion that was created that talked about how the definition of threats to the security of Canada and the CSIS Act has a different interpretation when applied to the Emergencies Act. I’m not asking about the content of that opinion, I just want to know, do you know if that legal opinion had been provided at that February 13th evening meeting with the entire Cabinet?

**MS. KATHERINE TELFORD:** I’m not sure what we can say.

**MR. JOHN BRODHEAD:** Yeah, I’m not sure what we can say on that. I think there’s some Cabinet confidence issues there.

**MS. JANANI SHANMUGANATHAN:** So I don’t see anyone objecting, and I think someone can correct me if I’m wrong, but
the input that’s provided to Cabinet in terms of what
information was provided is not covered by Cabinet privilege.

I’m not asking about what was discussed or the
deliberations. I just want to know if that legal opinion had
been provided at that February 13th evening meeting with the
entire Cabinet?

MR. BRIAN GOVER: Commissioner, it’s Brian Gover
on behalf of the Government of Canada. The Government of Canada
maintains the objection that you heard yesterday from Government
counsel then about solicitor/client privilege pertaining to the
information provided by Attorney General Minister of Justice
Lametti.

COMMISSIONER ROULEAU: Okay. So I think we’re
stuck on that.

MS. JANANI SHANMUGANATHAN: And just so I’m
clear, that objection means I can’t ask whether that opinion had
been provided during that meeting? Sorry, I can’t see anyone.

COMMISSIONER ROULEAU: Yeah, I’m just waiting for
an answer on that position.

MR. BRIAN GOVER: It’s Brian Gover. You may not,
consistent with maintaining the objection, inquire into the
content of any advice given by the Minister of Justice and
Attorney General.

COMMISSIONER ROULEAU: And the question is, does
that include the fact of the opinion or not?

MR. BRIAN GOVER: My friend may inquire as to
whether an opinion was expressed. The fact of the opinion. Not
the content.
MS. JANANI SHANMUGANATHAN: So to be clear, I was never asking about the content of the opinion. Was the fact of this -- you know, was this legal opinion, the fact that this legal opinion existed and whatever its content may have been, shared at that February 13th evening meeting with the full Cabinet?

MS. KATHERINE TELFORD: I’m not sure, from a document perspective. There were certainly discussions around it.

MS. JANANI SHANMUGANATHAN: Okay. And the final question I have is, there was this Ottawa Police Service POU plan. Was that plan shared to the Cabinet members at that February 13th evening meeting with the entire Cabinet?

MR. BRIAN CLOW: We had heard at various points in the lead up to the invocation that there were plans or actions was about to be taken in various situations, including Ottawa. Absolutely that was part of the discussion and consideration, the fact that action had not been taken up until that point, and the assessment was that was because law enforcement did not have the tools they needed.

MS. JANANI SHANMUGANATHAN: Okay. But was that plan, the document, the plan, you know, there’s a document that’s called the OPS POU. Was that document shared with the February 13th Cabinet members?

MR. BRIAN CLOW: It’s hard to comment because we don’t have the document. We don’t -- I don’t know what you’re referring to.

MS. KATHERINE TELFORD: I’m not sure what
document that is.

**MS. JANANI SHANMUGANATHAN:** Sure. I’m not sure how much time I have left, Commissioner Rouleau. I can just bring up the document just to ask them if this was something that was shared during that meeting.

**COMMISSIONER ROULEAU:** You’re over time, so if you want to put up the document, that will be ---

**MS. JANANI SHANMUGANATHAN:** Yeah, that’s fine. So it’s ---

**COMMISSIONER ROULEAU:** I’m not sure they understand what it is. A POU plan is a Public Order Unit, which is -- are the police officers who go in on a police public order process.

**MR. BRIAN CLOW:** Sorry, I can’t speak to that specific, but Cabinet was definitely aware that on February 13th, when they were discussing, the situation in Ottawa was worse than it had been at any point and the threats of violence, the actual violence, was terrifying. That’s what was discussed at Cabinet.

**MS. JANANI SHANMUGANATHAN:** Okay. But you can’t say whether a document had been shared during that meeting?

**MR. BRIAN CLOW:** So I ---

**MS. ALYSSA TOMKINS:** And I just want to be fair to the witness -- sorry. It’s PB.NSC.CAN.00007734. That’s the document. And I’ll just ask them if this is something they recognize and whether they know if it was shared. Just on that page.

So I take it from shaking your heads, no. We
need an audible answer.

MS. KATHERINE TELFORD: No. Yeah. That’s not familiar to me.

MR. JOHN BRODHEAD: I’ve never seen this.

MS. JANANI SHANMUGANATHAN: Okay. Thank you very much. Those are all my questions.

COMMISSIONER ROULEAU: Okay. Next is the City of Ottawa, please.

--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

MS. ALYSSA TOMKINS: Good evening. My name is Alyssa Tomkins. I’m counsel for the City of Ottawa.

I just want to ask you a couple of questions about some comments in the Witness Summary.

So, Mr. Clerk, if we could bring up the Witness Summary? It’s WTS, however many zeros, 83. And if we could go down to page 4? The bottom of page 4.

So I’ll start by directing my questions to Mr. Clow, because these comments are attributed to him, but obviously the others can add in.

So there’s a comment here, Mr. Clow noted that:

"...the City was clearly struggling to manage the occupation and that this was reflected in most conversations, in media reporting and reaction from residents."

So Mr. Clow, did you understand that the response to the protest was a police-led operation?

MR. BRIAN CLOW: Absolutely I understand that.

MS. ALYSSA TOMKINS: Okay. So you understand
that the City cannot direct law enforcement as to operational
matters?

MR. BRIAN CLOW: When I said “City” there, I believe I would have meant the city wholistically. So all of -- the sum of its parts. Clearly the situation in Ottawa was out of control, and that’s what I was referring to.

MS. ALYSSA TOMKINS: Okay. So in terms though of it -- you understand it was managed by the police though?

MR. BRIAN CLOW: Which reports into the City of Ottawa. I mean, all of this is -- the different levels are relevant here.

MS. ALYSSA TOMKINS: Okay. So the police, you understand there’s a Police Services Board that is independent from the City?

MR. BRIAN CLOW: So I’ve answered the question. My comment was that the City of Ottawa was out of control, especially in the downtown.

MS. ALYSSA TOMKINS: Okay. Okay. I just wanted to be sure that you weren’t suggesting the City, itself, could be doing more?

MR. BRIAN CLOW: I’m not speaking to -- I wasn’t here, or am I now, speaking to specifics of the arrangement within the City of Ottawa.

MS. ALYSSA TOMKINS: Okay. And if we could just go to the next page, please?

And again, it’s you, Mr. Clow, referring to a meeting you had. And I think if we were to actually look at the footnote, I won’t take you to it, but I think it’s February 3rd,
and it’s noted that one issue identified in the notes of this meeting was the fact that the request from Ottawa did not come from Ontario and it was unclear whether provincial resources had first been exhausted. So this is prior to the letter from the Mayor. So we’re in the first week.

And I just -- Commissioner Lucki and Minister Blair have both testified that it’s in fact very common for the City of -- for OPS to reach out to the RCMP directly because of Ottawa’s status as the National Capital, and I just want to make sure, you don’t have any evidence to contradict that this was actually quite a normal process at this point?

MR. BRIAN CLOW:  I don’t have any evidence to that effect, and I stand by what appears here.

MS. ALYSSA TOMKINS: Okay. Thank you. Those are my questions.

COMMISSIONER ROULEAU: Okay. Thank you. Next is the Ottawa Coalition, please.

--- CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:

MS. CHRISTINE JOHNSON: Good evening. My name's Christine Johnson. I'm counsel for the Ottawa Coalition of Residents and Businesses.

I want to ask you a few questions this evening about your experiences in Ottawa and also some of the experiences you were hearing of staff members that you work with in Ottawa.

And I understand, Mr. Brodhead, that you live in Toronto and were not here for the Ottawa protests, so I will direct my questions ---
MR. JOHN BRODHEAD: That’s clear.

MS. CHRISTINE JOHNSON: Okay. So I will direct these questions to Ms. Telford and to Mr. Clow.

So you were both here living in Ottawa during the demonstration?

MR. BRIAN CLOW: Yes.

MS. KATHERINE TELFORD: Yes.

MS. CHRISTINE JOHNSON: And in the witness statement -- and to save time, I don't think we need to pull it up unless I hear otherwise from you -- but your colleague, Mr. Broadhurst, noted that at least some protesters engaged immediately in illegal activity by blocking and occupying city streets, defacing public property, harassing residents.

Was this also your observation that this kind of illegal activity was occurring as early as the first weekend in Ottawa?

MR. BRIAN CLOW: Yes.

MS. CHRISTINE JOHNSON: And Mr. Clerk, I will ask for you to pull up a document, SSM.CAN.00007737.

And as this is coming up, I can advise that this is a set of text messages that we see at the top it says "Katie and JT."

I presume this is texts between you, Ms. Telford, and our prime minister.

And I believe -- it doesn’t show at the top of this document, but the way this document's labelled in our disclosure, our discovery database, it also says it involved Phil Proulx, who I believe is the executive assistant or was the
executive assistant to the prime minister.

**MS. KATHERINE TELFORD:** That’s correct.

**MS. CHRISTINE JOHNSON:** And you’ve testified here tonight that Mr. Proulx lives in Centretown?

**MS. KATHERINE TELFORD:** Yes.

**MS. CHRISTINE JOHNSON:** Yes. And we see here -- you can see faintly at the top these are texts shared on February 2nd. And it looks like, Ms. Telford, you share a Tweet from City Councillor Catherine McKenney describing the situation in Centretown. And then we see this blue box below, and I'm not sure, do you recall if this was from Mr. Proulx or was this from our prime minister?

**MS. KATHERINE TELFORD:** That would be Phil Proulx.

**MS. CHRISTINE JOHNSON:** Okay. And he says:

"Yep. The honking, wheels spinning went on late again last night. It was all day yesterday again. I put earplugs in at times during the day yesterday to make it less aggressive. It has already started again this morning. They have some periods of calm now, but then start nonstop for a period of time. It is enough to absolutely drive you absolutely nuts. The truck horns especially; they sound like they are right in the middle of your home."
So would you agree that this statement seems to convey that for residents living in the heart of Centretown, the honking could be heard very loudly inside homes and not just on the street?

**MS. KATHERINE TELFORD:** That’s certainly what he was conveying.

**MS. CHRISTINE JOHNSON:** And did you hear about this experience from other residents as well through your conversations with city councillors, citizens groups?

**MS. KATHERINE TELFORD:** Yes. We were hearing it from local members of Parliament and they were hearing it from many of their constituents. We were hearing it from staff, we were hearing it from members of Parliament who were in town. It was -- and everyone was -- from a staff perspective, was having to work from home during this period or almost everyone was. There were a few essential staff able to go in but that was because we couldn't access our offices because of the occupation, as well as Omicron, we were working virtually during this whole period.

**MS. CHRISTINE JOHNSON:** Right. And on that point, I think I saw in the witness statement that there was actually a direction at some point that staff should work from home for their safety, and it was mentioned that this was never done before, it was never communicated that staff should work from home for their safety before. That was unusual and significant.

**MR. BRIAN CLOW:** That’s right, for a demonstration, staff had been advised to work from home during
COVID pandemic at different periods, but for a demonstration, as far as we can recall, we've never had to send a notice like that saying, "Stay away".

**MS. CHRISTINE JOHNSON:** And in terms of safety concerns regarding staff, we saw in your witness statement there was mention of a particular incident where a convoy participant threw coffee at a pregnant staff member. Do you recall that incident?

**MS. KATHERINE TELFORD:** That's right.

**MS. CHRISTINE JOHNSON:** And do you know if this incident was reported to police at all?

**MS. KATHERINE TELFORD:** I'm not sure.

**MS. CHRISTINE JOHNSON:** Are you aware that there were incidents of threatening and assaulting -- assaultive nature going on that were not, in fact, always reported to police at this time in where they were? Residents were not always receiving feedback that these complaints are being followed up on?

**MS. KATHERINE TELFORD:** Yes.

**MS. CHRISTINE JOHNSON:** Okay. Those are all my questions for you this evening. Thank you very much.

**COMMISSIONER ROULEAU:** Thank you.

Next is the Ontario Provincial Police.

**MR. CHRISTOPHER DIANA:** Good evening. It's Chris Diana, counsel to the OPP.

And Commissioner, if I can advise that I've been gifted five additional minutes from the Windsor Police Service, for which I'm very grateful. I may not need that time, but I

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appreciate the gift and if I need it, I will use it.

COMMISSIONER ROULEAU: Yeah, and if you don’t use it, they don’t get it back.

MR. CHRISTOPHER DIANA: It won't be my concern at that point.

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

MR. CHRISTOPHER DIANA: I wanted to ask about Ipperwash. You mention Ipperwash in your witness summary, and as far as who answers this, it doesn’t really matter, whoever has knowledge.

I was going to bring up your witness summary, but I don't think that’s necessary.

You referenced that there was a verbal briefing. You said that in your evidence in-chief, and I wanted to ask you about that verbal briefing.

What did that come out of?

MS. KATHERINE TELFORD: Why was there a verbal?

What do you mean?

MR. CHRISTOPHER DIANA: Yes.

MS. KATHERINE TELFORD: So as I think I mentioned earlier today, I -- it was actually something that I raised very early on in all of this, perhaps because I worked at Queen's Park once upon a time, but it was something I was just very conscious of and wanted to make sure we knew where all the lines exactly were.

And the deputy clerk, who's the former deputy minister of justice, made sure to get us information on that.

MR. CHRISTOPHER DIANA: Right. And the reason I
wanted to ask was because, I mean, that’s very pre-emptive of
you, but were there any concerns that you had about comments
that had been made by anybody at that time?

MS. KATHERINE TELFORD: That was literally Day 1
that I asked these questions.

MR. CHRISTOPHER DIANA: And when you say Day 1,
like, the first day? The day of the arrival of the protesters,
approximately?

MS. KATHERINE TELFORD: It might have even been
just before. It was the very first meeting I was in talking
about these kinds of things and hearing about potential -- how
the police were going to handling things.

MR. CHRISTOPHER DIANA: Were any members of
Cabinet asking you, "How far can we go as far as police" because
understandably, there were some frustration that we've heard
about police enforcement?

MS. KATHERINE TELFORD: No. If anything, it was
everyone was extraordinarily cautious on that front.

MR. CHRISTOPHER DIANA: All right.

Mr. Clerk, if you can bring up PB.CAN.1870?

And Mr. Clow, these are some text messages, I
believe, that you were involved with so I'd like to ask you,
because I think you may have some specific knowledge.

All right. And it's not entirely clear from the
texts themselves although the description of the texts in the
day to day suggest that this may have been a text exchange with
Chief of Staff Mike Jones, who I believe was the chief of staff
for Minister Mendicino?
MR. BRIAN CLOW: Yes. That’s from Mike Jones to me.

MR. CHRISTOPHER DIANA: Okay. And so I wanted to ask, and that’s what I thought, based on the content.

So this is an email exchange you had -- sorry, a text exchange with Mike Jones on February 6th, 2:40.

Do you remember this exchange?

MR. BRIAN CLOW: I do, yes.

MR. CHRISTOPHER DIANA: All right. And so Mike Jones writes -- he expresses some concern about OPS enforcement and concern for the safety of the PM. I assume he’s referencing the prime minister there?

MR. BRIAN CLOW: Yes.

MR. CHRISTOPHER DIANA: And he says:

"He wants to go out and say that OPS needs to get control over the situation, and if they need more from OPP, they should make that clear, but they should get working on removals within the next 24 hours."

Now, I take it that when he says "he wants to go out", he's referring to Minister Mendicino; is that correct?

MR. BRIAN CLOW: I would assume so.

MR. CHRISTOPHER DIANA: Do you know if Minister Mendicino or anybody else actually went to OPS with that kind of direction to try to remove people within the next 24 hours?

MR. BRIAN CLOW: So first thing I'll say is these updates came. There was a lot happening. There were a lot of
conversations going on, so I -- you'll note I didn’t even have a
chance to reply to this or I didn’t reply to it, but I would
have received the update.

My recollection is that did not happen, what is
proposed here, and I don’t want to read too much into the
specifics of what is written here.

But absolutely, as Katie said, we were always
incredibly careful and aware that politicians don’t direct the
police.

MR. CHRISTOPHER DIANA: Right. And when you say
"we were aware", are you talking about the prime minister's
office or are you talking about all of Cabinet?

MR. BRIAN CLOW: Both. This was discussed and
mentioned on various occasions throughout the convoy protest.

MR. CHRISTOPHER DIANA: And is it because people
were expressing concerns about police enforcement?

MR. BRIAN CLOW: It was because this -- clearly,
policing was a central part of this, and a lot of us are aware
of issues from the past. Everyone here is aware of Ipperwash,
for example. So we were highly sensitive right out of the gate
that politicians do not instruct the police.

MR. CHRISTOPHER DIANA: Yes, and I would have
asked -- to be clear, I would have asked Minister Mendicino, but
we didn't get this in time for me to do that, which is why I'm
trying to understand from you whether or not Minister Mendicino
or anybody else actually contacted anyone from Ottawa Police
Service, or even the RCMP to say, "We want people gone, we want
them gone quickly."
MR. BRIAN CLOW: I have no knowledge of that.

MR. CHRISTOPHER DIANA: Okay. But you would agree ---

MR. BRIAN CLOW: But I don't believe that happened, no.

MR. CHRISTOPHER DIANA: Certainly. And it sounds like the Prime Minister's Office was very aware of Ipperwash, which is great, and I'm sure you would agree that if that had been communicated to the Police Service, that would have been inappropriate; correct?

MR. BRIAN CLOW: If what is written here is a faithful and accurate description of what it appears earlier, I do agree direction should not be given to the police by politicians.

MR. CHRISTOPHER DIANA: Right. And you would have no reason to doubt that -- you know, what his Chief of Staff was saying, you wouldn't have a reason to believe that wasn't what he was hearing from his own Minister; correct?

MR. BRIAN CLOW: I have no reason to believe that, but I can't and shouldn't speak to that. And I do actually believe this text message was put to Minister Mendicino this week, but that really would be a question for him.

MR. CHRISTOPHER DIANA: Do you know -- when you talked about the briefing that was done on Ipperwash, were the Ministers involved in that briefing? I mean, it sounds like there were a number of discussions, but, Ms. Telford, you mention there was one briefing in particular at the beginning. Was that a Cabinet briefing?
MS. KATHERINE TELFORD: No, that was something we received on our request, but it was something reinforced on numerous occasions throughout the process.

MR. CHRISTOPHER DIANA: And again, when you say we, I just want to make sure I drill down on who are we, are they the politicians, their staff members? Kind of who is we?

MS. KATHERINE TELFORD: So we, within Prime Minister's Officer, who are here, we were briefed early on, on our request, but then the principals were repeated on numerous occasions, certainly through IRGs and through other discussions throughout. I don't think there was anyone that I worked with who was not conscious of the need to be cautious.

MR. CHRISTOPHER DIANA: Right. Thank you.

COMMISSIONER ROULEAU: And just to confirm, for the record, it was put to Minister Mendicino.

MR. CHRISTOPHER DIANA: I apologize ---

COMMISSIONER ROULEAU: Okay. We all make mistakes.

And so Counsel for former Chief Sloly, please.

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

MR. TOM CURRY: Thank you, Commissioner. Panel, Tom Curry for the former Chief of the Ottawa Police Service, Chief Sloly. Just a few questions, if I can, please.

These events have been described by probably everyone who has appeared here as unprecedented, and certainly in your collective tenure in the Prime Minister's Office, that would be true?

MS. KATHERINE TELFORD: Yes.
MR. TOM CURRY: And the circumstances were also -
Chief Sloly described the volatile nature of the events here in Ottawa, and you share that view?

MS. KATHERINE TELFORD: Yes.

MR. TOM CURRY: I think he may have described, or others have described a tinderbox, risk of violence present always it seemed and growing?

MS. KATHERINE TELFORD: Yes, and we saw it ourselves, as well as had it reported to us, the threat of violence both to people and property. It was significant throughout and escalating.

MR. TOM CURRY: And although it may not have been clear at the outset of the demonstration and the protest that -- but as it evolved, did you come to understand that there were significant limitations on the ability of the Ottawa Police Service to manage it with its own resources?

MS. KATHERINE TELFORD: It certainly seemed that way.

MR. TOM CURRY: And were the briefings that you received always through RCMP officials? Briefings on police operations or updates, did they come from Commissioner Lucki?

MS. KATHERINE TELFORD: Yes, though also the Deputy Minister of Public Safety, the NSIA would have different parts to the briefs as well.

MR. TOM CURRY: Understood. So just a couple of things if I can get -- and I think they're Mr. Clow's notes, so could we please just get your help with a couple of things?

This is for our Registrar, SSM.NSC.CAN 2941,
please. If that -- yeah, thank you. Just on the -- just a
little larger. Thank you.

So this is -- just to situate you, do you see
February 3rd 11:15?

MR. BRIAN CLOW: Yes.

MR. TOM CURRY: And you've looked at some of
these notes previously. It says ---

MR. BRIAN CLOW: Yes.

MR. TOM CURRY: --- "...looks like OPS won't
move. Weeks not days. Weekend
reinforcements problem.
- Behind [the] scenes, too
differential: Need..."

I think you -- I want to just confirm this as,

"Need bad cop: you've got to use [the]
tools you have
- whether to change public [message] is
different"

Those are references -- do you know what those
are references to? Is that in reference to the idea that, at
that time at least, someone was expressing the view that police
were taking a standoff-ish position with the demonstrators?

MR. BRIAN CLOW: I think that's a fair assessment
of that comment.

MR. TOM CURRY: And then just in the second one,
it looks -- the second set of comments, I just -- just as to
this, RCMP -- does it say through OPS under bus at caucus?

MS. KATHERINE TELFORD: Yes.
MR. BRIAN CLOW: Yes, it does.

MR. TOM CURRY: "How do we get right people on
[the] path to driving somewhere
- any way to get..."

Well, and you talked about that earlier. Is that
-- to the extent that you can recall this, does -- is that an
indication that the RCMP was pointing to OPS as the police of
jurisdiction responsible for doing this and that they weren't
taking sufficient action at that time, or can you help us?

MS. KATHERINE TELFORD: It was -- that's me
recounting from a national caucus meeting that -- I believe that
morning, where there was a presentation given to caucus members.
The large part of the discussion was actually around personal
security and security of the building. There were significant
concerns for members of Parliament being able to get from the
airport to downtown let alone from downtown up on the Hill and
actually getting off the Hill was a bigger problem than even
going on it.

But also, as part of that, it was discussed, or
it was -- caucus were told that if it had been up to anyone
other than the OPS, they would not have allowed the trucks onto
Wellington, and that they had given that advice and it wasn't
taken.

MR. TOM CURRY: Right. Did you learn at that
time from anyone in that briefing from RCMP, that some RCMP
officials had seen and reviewed and approved the OPS plan in
advance of the protest?

MS. KATHERINE TELFORD: They did not get into
that level of detail with caucus.

MR. TOM CURRY: Okay. Could I ask you just to look, please, at page 7 of this record, Mr. Registrar, just for a couple of other things. Now of course I've got to pick it out where it was. About the middle of the page, do you see there's a reference to -- this is obviously a Cabinet -- it looks like it might be a Cabinet Committee briefing, but it says -- about the middle, "250 RCMP assisting. Some holding back for surge." And there's reference to the Ambassador Bridge up above. Did you come to realize as this evolved that there was some misunderstanding about how many RCMP officers were made available to OPS at any given time, a matter of shift counting and the like, did you learn that?

MR. BRIAN CLOW: There definitely appeared to be some confusion over several days about the numbers.

MR. TOM CURRY: Right. I think the Mayor of the City of Ottawa had said that what was represented as the number that had been deployed to Ottawa was smaller than the number that had been represented to the public and so on; you believe that?

MR. BRIAN CLOW: I believe he said that, yes.

MR. TOM CURRY: And then just a couple of other lines, if I may, "OPS trying to reduce violence, are taking some steps." And then there's a likening to Ottawa's strategy to D-Day. Is that a reference to the idea that there was a plan in place to try to dismantle the occupation but that it was going to require significant additional resources?

MR. BRIAN CLOW: It could be, but I don't know
that. This was an update from the NSIA to the Prime Minister that Sunday evening on February 6th.

**MR. TOM CURRY:** Right. And then, Mr. Commissioner, your indulgence for one more question with Mr. Clow's benefit, page 12, if you don't mind. And, of course you were following this as it -- as this page is coming up, you were following this across the country, these -- as you've described, Ambassador Bridge and the like. If you look at -- if you scroll down a little bit, Mr. Registrar -- there we go.

I just want your help with this. Brenda, of course, you've described as Commissioner Lucki; certain references to RCMP; Ottawa team headed to Windsor, York, Waterloo, OPP, plan is to remove by morning because autoworkers ---

**MR. BRIAN CLOW:** Counterprotest.

**MR. TOM CURRY:** --- counterprotest. And we've heard some evidence about that.

"Mayor wanted to remove chief, so then chief sent letters." (As read).

Is that a reference to letters that were received by, I think, either the Prime Minister or Minister Blair requesting resources from RCMP; do you recall that?

**MR. BRIAN CLOW:** I'm not sure what that final line refers to ---

**MR. TOM CURRY:** Okay.

**MR. BRIAN CLOW:** --- but this looks like a discussion of an update we received. This was February 10th at the IRG that Windsor action was anticipated the very next day.

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MR. TOM CURRY: Thank you. And then the last, very last thing, on February 5th, Chief Sloly noted a Police Services Board meeting that:

"Something has changed in our democratic fabric and we do not have the legislation or the resources to manage such situations. We do not have the justice system framework or the needed coordination between all levels of government to predictably manage these demonstrations going forward."

(As read).

And he described a threat to national security. Do you share those views?

MS. KATHERINE TELFORD: Yes. Largely, yes.

MR. TOM CURRY: Thank you. No other questions for you, thank you.

COMMISSIONER ROULEAU: Okay, next is the City of Windsor.

MR. GRAHAM READER: Good evening. Graham Reader for the City of Windsor. We have no questions. We’ve ceded our time to the Government of Canada.

COMMISSIONER ROULEAU: Okay. Government of Saskatchewan, please.

--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:

MR. MICHAEL MORRIS: Good evening, Panel. My name is Mike Morris and I’m counsel for the Government of Saskatchewan. Mr. Brodhead, just at the outset, I want to make
something clear. At the First Ministers’ Meeting, Premier Moe expressed the view that the Emergencies Act was not wanted and not needed in Saskatchewan; correct?

MR. JOHN BRODHEAD: I believe he also said these -- the six items sounded reasonable.

MR. MICHAEL MORRIS: Maybe sounded reasonable but wouldn’t be perceived that way; is that fair?

MR. JOHN BRODHEAD: I think that’s fair, yes.

MR. MICHAEL MORRIS: And certainly did not want the Act to apply to Saskatchewan; correct?

MR. JOHN BRODHEAD: I think that was clear from the premier, yes.

MR. MICHAEL MORRIS: Okay, thank you. I’d like us to take a look at a document, so I’m going to ask the Clerk to pull up SSM.CAN00006920. And while we’re waiting, I’ll let you know that this an email from Ms. Charette, Clerk of the Privy Council, to actually everyone on this panel at 8:24 a.m. on February 14th.

So we can see there, 8:24 a.m. from Ms. Charette:

"Good morning, all."

There’s something that’s privileged, but then she’s detailing work that seems to be going on:

"Other products in train: FMM script with Qs and As; comms news release and BG..."

-- which I expect means background --

"...decision note for PM."

Then, at the end, she says:
"Others still in the machine."

Mr. Brodhead, when she says, "Others still in the machine," can we take that as they were being worked on at that time?

MR. JOHN BRODHEAD: I don’t actually -- it’s not a very common phrase -- like, I don’t totally know what she was referring to here.

MR. MICHAEL MORRIS: Well, she says:

"Only one I have seen is FMM script."

And then she says:

"Others still in the machine."

So I take it that means those are in progress; would that be fair?

MR. JOHN BRODHEAD: I don’t really want to speculate on what the Clerk of the Privy Council was thinking with that.

MR. MICHAEL MORRIS: Okay, if we could go onto a different document, then. Well, before we do, does anyone else have a view on that that they’re able to express.

MR. BRIAN CLOW: Are you specifically asking “others still in the machine”?

MR. MICHAEL MORRIS: Yes, absolutely.

MS. KATHERINE TELFORD: It could mean a number of things. I don’t think we can speculate.

MR. MICHAEL MORRIS: Okay. I’m going to ask the clerk to pull up the email that was referred by counsel for Alberta before. It’s SSM.CAN00002665, and this is the email thread that was entitled “Presser Tomorrow”. And I’d like us to

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go down to the bottom of the second page of the PDF. Right there is good. We can seen an email from a person named Vanessa at the PMO to a number of other people, including others at the PMO, indicating:

"Presser tracking for 4:00 p.m. This is not to be shared publicly until FMM over and PM updated itinerary is out, please."

And her email there, of course, is at 11:05, I believe, if we just go up -- 11:05 a.m. So my understanding is the First Ministers’ Meeting would have been going on at that point. Ms. Telford, was the purpose in delaying the announcement of the press conference so that the premiers would not be offended?

**MS. KATHERINE TELFORD:** No, the -- there was a lot of work happening concurrently at the time. And to be ready for whatever scenarios and whatever decision, ultimately, the Prime Minister came to. And so Vanessa, who you named there, who’s are excellent deputy director of communications, was making sure that all those tracks were heading in the right direction. At any point, things could have been stopped, and things could have changed, just as they were.

**MR. MICHAEL MORRIS:** Okay. I’d like us to go to the middle of the first page of this PDF, and it will be in the email at 1:43 p.m. There it is, from Vanessa again, to David Taylor and others, stating:

"We just finished speech prep with PM. Alex is editing his remarks and will be
able to share with this group as soon
as he is done."

So I gather, at this point in time, 1:43 p.m. on the 14th, the
Prime Minister has already rehearsed his speech that he’s going
to be giving at 4:30 p.m.; is that fair?

MS. KATHERINE TELFORD: Speech prep -- speech
prep is our shorthand for going through his remarks, which we
would have definitely returned to again that afternoon. And so
that means they would have done a once-through with him on what
things could look like.

MR. MICHAEL MORRIS: Okay. He wasn’t rehearsing
two versions of a speech was he, one where he was announcing the
invocation of the Emergencies Act and another where he wasn’t;
was he?

MS. KATHERINE TELFORD: To be clear, I wouldn’t
call it rehearsing. The words “speech prep” literally mean
preparing a speech. And so they would have been discussing what
would have been going into the content and whether he was
comfortable with where the drafts were at at this point.

MR. MICHAEL MORRIS: Okay. We heard evidence
from the Clerk of the Privy Council some time ago and her
evidence was that the decision note was sent from the PCO to the
PMO at 3:41 p.m. on February 14th. We can pull up a document if
you need me to, or I can just ask you to take my word for it.
And if that’s the case, are you familiar with the decision note?
I gather you’ve likely seen it before; is that fair?

MS. KATHERINE TELFORD: We’re familiar with the
decision note.
MR. MICHAEL MORRIS: Okay. A fairly lengthy document with a number of appendices; correct?

MS. KATHERINE TELFORD: Yes.

MR. MICHAEL MORRIS: And if it was received at 3:41 p.m., do we know at what time it would have been returned with the Prime Minister’s initials to the PCO?

MR. BRIAN CLOW: I think it was at some point between receipt ---

MS. KATHERINE TELFORD: Yeah.

MR. BRIAN CLOW: --- and when the Prime Minister made the announcement.

MR. MICHAEL MORRIS: Okay, so obviously some time before 4:30 in the afternoon, then; correct?

MR. BRIAN CLOW: M’hm.

MR. MICHAEL MORRIS: That would not have given the Prime Minister much, if any time, to have read all of that material; would you agree with me?

MR. BRIAN CLOW: Well, a couple of comments. One, he did read the note. Two, the start time of the press conference, it may be a bit absurd to dig in on the minutes, but the minutes are important here. I don’t know that it started precisely at 4:30. I think there might have been some delay there, but after it was received, the Prime Minister did review the note, signed the note, made the announcement. And that signing of the note was -- came after the FFM, came after the opposition-leader consultation, and that was the Prime Minister making the decision there before he announced it.

MR. MICHAEL MORRIS: Okay, I’m going to ask each
of you a very similar question.

Ms. Telford, what I’d like to know is when you found out that the prime minister would be announcing the invocation of the Emergencies Act at the 4:30 p.m. press conference.

MS. KATHERINE TELFORD: He and I would have been discussing the possibility throughout the day. Until he signed the decision note there was nothing confirmed.

MR. MICHAEL MORRIS: Okay. Do we know when the announcement went out to the press gallery that the conference was going to be held at 4:30 p.m.?

MS. KATHERINE TELFORD: I don’t know what time that went out.

MR. MICHAEL MORRIS: Mr. Clow?

MR. BRIAN CLOW: I believe it went out earlier that afternoon around or shortly after one o’clock. And the decision at that point to issue the itinerary was to notify media that the prime minister would have something to say. And it is absolutely possible that the prime minister could have decided not to proceed down this path before he addressed the media that afternoon.

And it happens not infrequently on an issue that scenarios are planned, a track -- we may be on a certain track but a decision -- a different decision is taken at a certain point even at the last minute.

So no, the decision was not taken until shortly before it was announced to media.

MR. MICHAEL MORRIS: Okay. I’ll explore that
just briefly if I can.

Let’s call the Emergencies Act Track 1; and let’s call whatever the other decision could have been Track 2. Was there material prepared for a Track 2 presentation at 4:30 p.m.?

MR. BRIAN CLOW: If a decision was taken not to invoke the Emergency Act on that day, the remarks and announcement would have been changed.

MR. MICHAEL MORRIS: They would have been.

COMMISSIONER ROULEAU: You're over your time. You're well over your time. So you're going to have to wrap up.

MR. MICHAEL MORRIS: Last question -- but was there any draft material prepared in the event that the decision was to not invoke the Emergencies Act?

MR. BRIAN CLOW: I’m not sure if there was.

MR. MICHAEL MORRIS: You would be familiar if there was though, wouldn’t you, given your position?

MR. BRIAN CLOW: Well, my point is, even if there wasn’t a draft, this can be done quite quickly in order to redraft materials. And it has happened before in different issues.

MS. KATHERINE TELFORD: We got very nimble during the pandemic where we were putting out advisories for things where we weren’t sure what the content was going to be a couple of hours later. And that’s what you need to do in times of crisis.

MR. MICHAEL MORRIS: Okay. I appreciate the entire panel answering my questions. Thank you very much.

COMMISSIONER ROULEAU: Okay. Now we go to the
Government of Canada, please.

--- CROSS-EXAMINATION BY BRIAN GOVER:

MR. BRIAN GOVER: Thank you, Commissioner. And my name is Brian Gover. I’m one of the lawyers for the Government of Canada. And good evening Ms. Telford, Mr. Clow, and Mr. Brodhead.

By my count, Commissioner, I believe I have 20 minutes with the kind donation from the City of Windsor. I hope to be substantially less than that.

COMMISSIONER ROULEAU: That will probably be a happy event for a lot of people. But don’t feel, on my account.

MR. BRIAN GOVER: Let’s see how we do.

First of all, the Order in Council sets out terms of reference directing the Commissioner to examine the — to the extent relevant, the impact, role, and sources of misinformation and disinformation including the use of social media. And by misinformation we understand that to mean unknowingly or unintentionally spreading false inaccurate or misleading information. And we understand disinformation to be deliberately and intentionally spreading false, inaccurate or misleading information.

Ms. Telford, at any point during the convoy occupations and blockades did you become aware of any misinformation or disinformation that was affecting the situation?

MS. KATHERINE TELFORD: There was — I became aware of a lot of both misinformation and disinformation over the course of the occupation and the blockades. To name just a
few examples, even leading into the first weekend, one was that this was even solely a trucker protest. And let alone the fact that it was solely about federal vaccine mandates. It was quite clear from very early on and even leading into the first weekend, we knew from the Canadian Truckers Alliance as was mentioned earlier and also from data that we had that over 90 percent of truckers were vaccinated.

We also knew that a lot of the mandates that were being talked about were ones that were actually responsibilities and put in place or imposed by provincial level governments or even other levels of governments or jurisdictions whether they be school boards or cities.

And then of course there’s a lot of misinformation and disinformation around vaccines themselves.

And then personally, in terms of our office, we dealt with a number of different instances. Our official photographer was drawn into a conspiracy theory, unfortunately, where he was being alleged to be out taking a picture of some hateful flags. And he at the time was actually in isolation with COVID himself. There was no chance he was doing that.

We began trying to correct that. He began receiving death threats during that period.

There was also a fake letter distributed amongst people within the occupation that was signed allegedly. It was not signed by us but it was signed using my name and the prime minister’s name and suggesting ways in which we might agree to some kind of -- I don’t even know what. But this fake letter was corrected and actually made international news. It was
corrected on CNN at the time.

And then I personally was actually asked to stay away for quite some time from the downtown core because there was a -- it started on Telegram and then moved onto other social media channels -- a story that was created that I was going to create a false flag operation and have a horse killed and then blame it on the occupiers. So there were concerns for my security during that period as well.

MR. BRIAN GOVER: And I understand, Commissioner, that the fake letter that has been alluded to by Ms. Telford can be found at PB.CAN.00001821. And the false flag regarding Ms. Telford and the horse is in evidence as PB.CAN.0001822.

Ms. Telford, how was misinformation and disinformation conveyed or distributed in the course of the weeks that we’re concerned with here?

MS. KATHERINE TELFORD: We saw it being conveyed and distributed in multiple different ways. The letter, for example, was you know -- both screen shots of it floating around on social media but it was actually being distributed in hard copy. And the other things, as I mentioned, were moving from different social media platforms from one to the other.

But it was also -- we were seeing people doing podcasts and YouTube videos and different things where they were disseminating this information as well.

MR. BRIAN GOVER: Moving to my second area, Mr. Clow, you’ve testified in response to a question from Commission counsel about communications with Juan Gonzalez whom you described as a member of President Biden’s national security
team on February 9th.

And Commissioner, we have in evidence -- and I won’t take the witness to it -- the text message at SSM.CAN.00007744.

And Mr. Clow, in addition to the text exchange, did you have a telephone call with Mr. Gonzalez that you recall?

MR. BRIAN CLOW: I believe we did speak at one point.

MR. BRIAN GOVER: And when was that in relation to February 9th?

MR. BRIAN CLOW: I can’t remember the precise date. But the first exchange -- there was an email exchange and a text exchange with him on the 9th and the interactions continued until about the 15th and 16th.

MR. BRIAN GOVER: Thank you.

The third area relates to federal provincial territorial consultations and the First Ministers meeting. And we have the read-out at SSM.NSC.CAN00000625. And perhaps I’ll ask our registrar to display that, please.

And perhaps I’ll ask if we could go to the second page. And you’ll recall that my friend for the Province of Alberta said that Premier Kenney was clear that the Emergencies Act was not required in Alberta, and referred to the situation in Coutts having been addressed.

Can anyone on the panel assist me with this question; do you know where the additional RCMP resources came from to address the situation in Coutts, which we’ve heard was the subject of a police operation in the early morning hours of
February 14th.

Mr. Brodhead?

**MR. JOHN BRODHEAD:** My understanding is that there was a contingent sent from British Columbia to assist at Coutts.

**MR. BRIAN GOVER:** And in fact, at the second page we have Premier Horgan from British Columbia indicating that his:

"...only concern is that [the] measures would be implemented by RCMP in BC which are already fully taxed. Not sure where [you’re] going to find the people. We’ve already sent an RCMP contingent East."

Is that what you’re referring to in that respect, sir?

**MR. JOHN BRODHEAD:** Yeah.

**MR. BRIAN CLOW:** I would just add what this illustrates is an example of something we heard from officials in the lead-up to February 14th and the invocation, which was yes, there was some progress in certain places and certain blockades, but the progress was done with the help of additional resources in certain cases.

So in BC, for example, it was definitely concerning that Alberta was clear but BC -- not concerning; it’s good that Alberta progress was made with additional resources, but BC was facing its own problems: There were arrests at the Pacific Highway, there was a military-style vehicle there when
the convoy activity happened in BC.

So part of the concern across the country was, was there enough resources across the board to handle all of the pop-ups that were happening, and we were seeing in increasing numbers that weekend.

MR. BRIAN GOVER: And, Mr. Clow, in the course of your evidence already you’ve referred to this phenomenon of stretching police resources; is that correct?

MR. BRIAN CLOW: Yes.

MR. BRIAN GOVER: And this was in the context, this conversation, of declaring a Public Order Emergency, which itself involves a national emergency, is that right?

MR. BRIAN CLOW: Yes.

MR. BRIAN GOVER: Now, you were taken, by the way, to page 3 and what Premier Kenney said. And if my friend from Alberta said this, I didn’t hear it, but she referred to, if we look down page 3:

“Would be problematic to declare emergency today...”

And referred to what we see following the next point, starting with:

“Invoking what they will see as martial law....”

What we didn’t hear was what’s in between two sentences:

“Folks at the core of this movement are not rational. They are prone to conspiracy theories.”
Have I read that correctly?

MR. BRIAN CLOW: Yes.

MR. BRIAN GOVER: And was that, to the best of your recollection, a feature of what Premier Kenney said during the First Ministers’ Meeting?

MR. BRIAN CLOW: Yes.

MR. JOHN BRODHEAD: Can I add to that? Just the other one that I think struck me in his comments was this line at the bottom of the page:

“[I] Don't quibble using the Emergencies Act...”

Which is particularly interesting considering his previous roles with the federal government in that kind of national -- and I think, you know, I certainly interpreted that as an important distinction between what he felt was needed in Alberta versus what we knew we were looking at from a national perspective and having to take into consideration stretched resources, the movement, the differing situations across the country.

MR. BRIAN GOVER: And Mr. Brodhead, to elaborate, if you would, when you refer to Premier Kenney’s previous roles with the federal government, to what are you referring?

MR. JOHN BRODHEAD: I believe he was Minister of National Defence, in particular, so that was the one I was thinking of.

MR. BRIAN GOVER: Right. And we’re moving right along to the fourth area.

Could we take that down, Mr. Registrar, and could
we go to, and display, SSM.CAN.00007721?

And I come to this panel because I believe this was alluded to by my friend Mr. Miller on behalf of the convoy organizers, and I really seek your assistance in interpreting what I understand to be a note written by Alex Jeglic.

First of all, I probably mispronounced his name, but did you know who that is?

MR. BRIAN CLOW: Yes, he’s part of a Issues Management Parliamentary Affairs Team, with a focus on Parliament.

MR. BRIAN GOVER: So a member of the PMO?

MR. BRIAN CLOW: Yes.

MR. BRIAN GOVER: And if we look at this, maybe we could scroll down just a couple of lines? Perfect, thank you.

And we see something attributed to someone named Rheal; do you see that, Mr. Clow?

MR. BRIAN CLOW: Yes, that’s Rheal Lewis. He’s the Chief of Staff to the Government House Leader.

MR. BRIAN GOVER: And this says:

“Confident we’ll win those votes. Need to do more in Senate to win that vote.”

Have I read that correctly?

MR. BRIAN CLOW: That looks correct.

MR. BRIAN GOVER: And how does that accord with your recollection of the discussion surrounding the pending Senate vote around the time when revocation of the declaration

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MR. BRENDAN MILLER: Sir, I’m going to object. He’s misrepresenting the document. That document is, in fact, prior to the invocation, though it doesn’t have a date on it. It talks about the announcement on the Monday, and it’s quite clear that that record is, in fact, from prior to invocation, and it actually says in it that there’s no violence under the CSIS Act.

COMMISSIONER ROULEAU: I’m not sure what the date is. Is there a date on the document?

MR. BRENDAN MILLER: No. The DOJ never provided a date, unfortunately.

COMMISSIONER ROULEAU: I’m not -- yeah. Well, I’m just looking at it. So it’s unclear what the date is, I guess, is what you’re saying.

MR. BRENDAN MILLER: It does say that it’s before a Monday where there’s an announcement, and of course, the announcement of the Emergencies Act was on Monday the 14th, on Valentine’s Day.

MR. BRIAN GOVER: If I may continue, Commissioner?

COMMISSIONER ROULEAU: Yeah.

MR. BRIAN GOVER: What I’m endeavouring to do is to ask for the panel’s interpretation of this so that we clarify these areas.

COMMISSIONER ROULEAU: Okay.

MR. BRIAN GOVER: Thank you.

COMMISSIONER ROULEAU: Go ahead.

MR. BRIAN GOVER: Thank you very much.
And this continues, and this is the part that I believe Mr. Miller had referred to in his cross-examination earlier, or his commentary earlier:

“NES spoke with NSIA + Jody Thomas”

And then there’s an arrow:

“S.2 of CSIS Act: Violence not met”

New arrow:

“Wonder if need full 30 days if Ottawa cleared [then] speech Monday morning.”

Are you able to help us, Mr. Clow, understand the context of this? First of all, what does NES stand for?

MR. BRIAN CLOW: So this whole page, reviewing it, this does look like it’s well after, it could be a full week after invocation of the Act. Clearly they’re talking about the Parliamentary process so the first part, “Rheal Lewis is saying he’s:

“confident will win the votes. Need to do more in [the] Senate...”

So I addressed that in an earlier question, that I know of no reason to believe the Senate was not going to endorse that. And as I said earlier, the Chief of Staff to the Government Leader in the Senate was doing vote counting, and I believe that evidence was presented here, and they were quite confident they would win that vote.

The rest of the page looks like more Parliamentary process and an individual Caucus member.

MR. BRIAN GOVER: Who is that individual Caucus member?
MR. BRIAN CLOW: Nate Erskine-Smith.

MR. BRIAN GOVER: And whose view did you understand to be that section 2 of the CSIS Act had not been met?

MR. BRIAN CLOW: It’s hard to say. I don’t know what this refers to but there was a public discussion going on about this very fact, as there is in this commission, but I don’t know specifically what this refers to in this note.

MR. BRIAN GOVER: All right. Well, we’ve done our best to interpret that, and thank you for that.

MR. BRENDAN MILLER: Sir, sorry, can I ---

COMMISSIONER ROULEAU: Can you just please ---

MR. BRENDAN MILLER: Well, I understand, but we don’t have a date for that document, and we need to clarify it.

COMMISSIONER ROULEAU: Yeah, and he gave his best evidence and there’s not much we can do. So, please, let the -- let counsel proceed.

MR. BRIAN GOVER: Thank you.

The second-to-last area has to do with the process that the three of you observed surrounding the decision to invoke the Emergencies Act. And how would you describe the process surrounding the invocation of the Emergencies Act; the evolution of the thinking of the Government of Canada on that issue.

Perhaps I’ll ask you first, Ms. Telford.

MS. KATHERINE TELFORD: I think the process was -- we tried to be methodical about it; it was very step by step, and it was seeking advice every step of the way from multiple...
parts of government. It was taking in a lot of different inputs, and it was doing a lot of consultation throughout. And so actually even in processes that often go on much longer than this one could afford to and say this is actually one of the more robust processes I’ve seen.

MR. BRIAN GOVER: Thank you.

Mr. Clow, same question for you; your description of the process.

MR. BRIAN CLOW: I would absolutely agree with that. I don’t know that I have much to add, other than as has been covered at some length here today and at this Commission, especially in those days leading up to the invocation from the IRG, and even before that, the steps that were taken were careful, considered, and there were a number of conversations involving a number of senior officials and Ministers ultimately leading to the Cabinet meeting on the Sunday night. So to me, it was very methodical.

MR. BRIAN GOVER: Thank you. And Mr. Brodhead?

MR. JOHN BRODHEAD: The only thing I would add to what I obviously agree with from my two colleagues, I think watching the Incident Response Group, and I say this as a policy wonk and somebody who spends a lot of time at Cabinet committees and these processes, it really helped facilitate the type of discussion, having the experts, the civil servants, the key folks at the table, all the Ministers there, that type of open discussion. It just meant we could move at a speed that the other institutions, the other parts of our apparatus don’t allow. And so I think the combination of that and all the
external advice we were getting, I think it was -- agree that it
was a very kind of methodical process, and I think the Prime
Minister was very clear about how methodical it needed to be,
both in the -- both before and after. So I’ll leave it there.

MR. BRIAN GOVER: And finally, our last question,
and it’s to you, Ms. Telford, if anyone were to suggest that the
decision to invoke the Emergencies Act was politically
motivated, what would you say to that?

MS. KATHERINE TELFORD: It was absolutely not.
It was driven at its core in ever meeting the Prime Minister
began and ended and it was discussed throughout, how do we
ensure the safety and security of Canadians? And there wasn’t
time, space, or desire to talk about anything else.

MR. BRIAN GOVER: Thank you very much. Those are
my questions.

COMMISSIONER ROULEAU: Okay. Thank you. Any re-
examination?

MS. SHANTONA CHAUDHURY: No re-examination,
Commissioner.

COMMISSIONER ROULEAU: Okay. Well thank you very
much for sharing -- or not sharing your thoughts, responding to
questions, and coming to testify. Much appreciated. And it’s
appreciated that you accommodated the late hour. I’m sure it’s
not your first late nights, but it is appreciated.

So I think we’ll take a short break to move to
the next witness. And we’ll take to reorganize and so on. So
we’ll take five or 10 minutes for a break.

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

--- Upon recessing at 7:52 p.m.
--- Upon resuming at 8:10 p.m.

THE REGISTRAR: Order. À l'ordre. The Commission has reconvened. La Commission reprend.

COMMISSIONER ROULEAU: Okay, we have another witness. Who is Commission Counsel on this?

MR. JEAN JEAN-SIMON SCHOENHOLZ: Commissioner, Jean Jean-Simon Schoenholz for the Commission. The witness is Kenneth Weatherill. He's on Zoom.

COMMISSIONER ROULEAU: Okay.

MR. JEAN JEAN-SIMON SCHOENHOLZ: And this is just for a cross-examination by some of the parties on his witness statement, so Commission Counsel don't have questions in-Chief.

COMMISSIONER ROULEAU: Okay.

Mr. Weatherill, can you hear me?

MR. KENNETH WEATHERILL: Yes, sir, I can. Thank you.

COMMISSIONER ROULEAU: Okay. So we'll now swear you if that's agreeable.

MR. KENNETH WEATHERILL: Yes, it is, and I have a Bible in my right hand.

COMMISSIONER ROULEAU: Okay.

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

--- MR. KENNETH WEATHERILL, Sworn:

COMMISSIONER ROULEAU: Okay. So I don't have a list this time, but I understand counsel for former Chief Sloly has a -- some questions.

MS. ALYSSA TOMKINS: Counsel had discussed that I would actually start on behalf of the City, Mr. Commissioner, if that's acceptable.

COMMISSIONER ROULEAU: Normally it's the opposite, but go ahead.

--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

MS. ALYSSA TOMKINS: Good evening, Mr. Weatherill, thank you for making yourself available for us on seemingly quite short notice.

My name's Alyssa Tomkins. I am counsel for the City of Ottawa in this case. So I just have a couple of issues that I want to discuss with you flowing from your witness summary.

So one of the issues you raise in there is the training that's available to members of the Police Services Board.

So I just wanted to bring up the Police Services Act. If we can go to document COM, I think it's five zeros, 819.

COMMISSIONER ROULEAU: What would you like to do?

MS. ALYSSA TOMKINS: Oh, sorry.

Page 28 of that. So if we can just scroll down, Mr. Clerk. When we get to -- I just wanted the witness -- keep scrolling please.
So this starts with section 31, which is titled Responsibilities of the Boards.

And if we can keep scrolling down, we get to subsection (5), please. Oh, there we go.

So the training of board members, and the Act provides that:

"The board shall ensure that its members undergo any training that the Solicitor General may provide or require."

Now, my understanding from your witness summary is that in fact the Solicitor General does not provide formal training, or has chosen not to. Is that correct?

**MR. KENNETH WEATHERILL:** Well, my evidence is that the police service advisors deliver orientation training. There is also a package that is provided to every board member who becomes a member of the Board. But when I think of training I think of lesson plans, I think of course training standards, and I think of that. That is not the formal training that is under -- that is delivered currently to the Police Services Act. There is ongoing training on a number of different areas that may come up that the advisors are able to help support the Board or help support the Board to receive training in a number of different areas such as an example of a Board asking for training in harassment and discrimination, and biases. And could they get support in identifying those kinds of training plans.

**MS. ALYSSA TOMKINS:** Okay. So maybe it will be
easier if we just go to your witness summary. If we can go to WTS0000080, however many zeroes, sorry. I’m always unsure.

If we can just go to page 2 and scroll down, please. Sorry, scroll up.

So the paragraph that starts with:

“The work of the Liaison Unit includes providing orientation materials for new police services board members. That said, SOLGEN does not provide formal training.”

So that’s what you were referring to?

`MR. KENNETH WEATHERILL: Yes, ma’am. It is."

MS. ALYSSA TOMKINS: Okay. And so then I want to scroll down to the top of page 3. In this case -- so as I understand your evidence that in fact in this case the Board did request training from the advisor, Ms. Grey, on their responsibilities during this type of incident. And because it was during an event, you took the position that advisors were not provide this training in the middle of an incident? Do I understand correctly?

`MR. KENNETH WEATHERILL: Yes. So the context of this is we were a number of days into an ongoing incident in Ottawa and the Board approached the advisor and asked for training related to Board governance. The Ottawa Police Services Board is a very experienced Board. They’ve had significant orientation. They have significant experience and a large number of assets available to them.

So the position that I took and the direction was
in the middle of an incident is not the time to remove a Board from their role and their function of governance and set them down and to provide additional training on top of what they’ve received, and the policies that they’re governing themselves by.

What I did ask was that the advisor asked for particular questions from the Board and specifically the executive director and then we would help facilitate those questions with the appropriate answers and assist them in the interpretation of the legislation, their roles and their functions and their responsibilities.

**MS. ALYSSA TOMKINS:** Okay. And I’m not going to go to that document because I took the Deputy Solicitor General to it, and we’ll -- the Commission already has the evidence as to what information was provided to the Board in terms of what authorities were available to them under the Act, and more importantly what was not provided.

I note here that it says part of the rationale for not agreeing to provide training during the incident is that the OPSB had its own resources, significant experience through former Board members on City Council.

Now, I just want to be clear on that. Surely you agree that the Board and the municipal council are separate and distinct entities?

**MR. KENNETH WEATHERILL:** Yes, that’s correct.

**MS. ALYSSA TOMKINS:** Okay. And they’re legally separate as a matter of law?

**MR. KENNETH WEATHERILL:** They are legally separate as a matter of law. What I meant by that and what I
continue to stand by is the Board has a responsibility and the
ability to tap into resources of experience that can help them
guide through particular scenarios and situations without
disclosing the intimate details of those situations and
scenarios. That forms part of responsible governance.

MS. ALYSSA TOMKINS: Now, you'll agree though
that of these other resources available, other than the advisors
of the Solicitor General, only one of those being the advisors
of the Solicitor General has a statutory duty to ensure that the
Board is providing adequate and effective policing in the
municipality.

MR. KENNETH WEATHERILL: So if I understand your
question correctly, you're asking me if there is only one person
that's listed in that entire group that has a statutory
responsibility to provide adequate and effective policing?

MS. ALYSSA TOMKINS: Yes.

MR. KENNETH WEATHERILL: I’m just reading what’s
there, just you can see what I’m doing.

So the Board members themselves had a
responsibility so that’s one entity.

Legal counsel to the Board has a responsibility
to help guide the Board. And the Police Service advisors have a
responsibility to ensure adequate and effective delivery of
policing is provided through part -- section 3(2) of the Police
Services Act.

But that doesn't preclude the Board from having
their own responsibilities under section 4 and heir duties under
section 31.
MS. ALYSSA TOMKINS: And nobody is disputing that. What I'm referring to is when the Board could go outside itself and seek assistance as they were doing in this case. They were seeking assistance from another body that has that duty and in fact the duty includes the duty to ensure that the Board is doing its job.

MR. KENNETH WEATHERILL: Can you rephrase that question, please? I'm not quite sure I'm understanding exactly what the question is.

MS. ALYSSA TOMKINS: And maybe it's just a matter of argument. That when they have these other resources that they can go to, and that's fine and good. But it's in the statute -- there's one entity that's supervising the Board. And I put to Mr. Di Tommaso and I'll put it in argument that the Supreme Court of Canada has said that the Solicitor General has a duty to ensure that the Board provides adequate and effective police services in the municipality.

So the other entities, former members -- they're resources but they're not resources that have themselves a statutory duty.

MR. KENNETH WEATHERILL: So I'm not familiar with any case that the Supreme Court of Canada has ruled on. With respect to responsibilities of the delivery of adequate and effective policing, in the Act there's actually three areas that I'm familiar with.

The first one is the Board, and they're responsible to provide adequate and effective policing.

The role of the minister as set out in section
3(2) and the municipal council to provide the necessary funding in order to deliver upon the services which can arguably be connected back into adequate and effective policing.

MS. ALYSSA TOMKINS: And obviously the municipality’s other role is in appointing or removing as the case may be members of the Board.

MR. KENNETH WEATHERILL: The municipal members of the Board, not the provincial members of the Board.

MS. ALYSSA TOMKINS: Right. Thank you. I have no further questions. And thank you for your time this evening.

MR. KENNETH WEATHERILL: Thank you.

COMMISSIONER ROULEAU: Okay. So the next is Former Chief Soly’s counsel.

MR. TOM CURRY: Thank you, Commissioner.

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

MR. TOM CURRY: Mr. Weatherill, Tom Curry for Chief Soly.

I understand you were interviewed by Commission counsel on November 17th.

MR. KENNETH WEATHERILL: Yes, that’s correct.

MR. TOM CURRY: And can you just tell the Commissioner, how long were you with the Commission counsel for that interview?

MR. KENNETH WEATHERILL: Ninety-four (94) minutes in total.

MR. TOM CURRY: And did you have access to the information -- to any information during the interview or was it -- well, I’ll just stop there. Did you have access to

INTERNATIONAL REPORTING INC.
MR. KENNETH WEATHERILL: I did, sir.

MR. TOM CURRY: Including the films or recordings at least of the Police Services Board and council meetings concerning the Ottawa Police Services Board?

MR. KENNETH WEATHERILL: No, sir. I did not have access to any video films.

MR. TOM CURRY: Okay. Now, just in terms of the chain of command at the Solicitor General’s ministry, I understand that you are the -- of course you're the Inspector General of Policing and you have a direct report to the Deputy Solicitor General. Is that true?

MR. KENNETH WEATHERILL: Yes sir, that’s correct.

MR. TOM CURRY: And then reporting to you is the manager of police services liaison, or the Police Services Liaison Unit, correct?

MR. KENNETH WEATHERILL: That’s correct.

MR. TOM CURRY: And then below that office are the Police Services advisors of whom you have spoken to my friend; is that right?

MR. KENNETH WEATHERILL: Yes, sir.

MR. TOM CURRY: And the idea is that the Police Services advisors attend some or all Police Services Board meetings?

MR. KENNETH WEATHERILL: That's correct.

MR. TOM CURRY: In this case the Ottawa Police Services Board is in -- was in the hands of Ms. Gray, Lindsay Gray for the time up until February 14th; have I got that?
MR. KENNETH WEATHERILL: I don't accept the statement that they were in the hands of. Ms. Gray ---

MR. TOM CURRY: Well ---

MR. KENNETH WEATHERILL: --- was providing professional guidance fulfilling her duty as a Police Service Advisor for the Ministry of the Solicitor General.

MR. TOM CURRY: I shouldn't -- I meant that only in the sense that she was the advisor for the Ottawa Police Services Board. And when did you first learn that the Ottawa Police Services Board was dealing with the convoy protest?

MR. KENNETH WEATHERILL: It would have been late January into early, early February. There were board meetings taking place in January when the intelligence started to surface, to indicate that there was going to be large-scale demonstrations across the country, and in particular, in Ontario, and that there was believed to be a large group of individuals that may be moving towards Ottawa. And I was aware of that information in late January.

MR. TOM CURRY: Right. Now you yourself though did not -- if I understand it, you did not observe a Police Services Board meeting of the Ottawa Police Services Board in real time, at that initial phase at least; is that true?

MR. KENNETH WEATHERILL: There were meetings. In January, no, but there were meetings in February where the link was provided for the general public to watch the open session and I observed portions of that.

MR. TOM CURRY: Okay. And at no time during any of the meetings that you observed or that Ms. Gray observed did
any -- was any comment made either to the Police Services Board
or to the Chief; is that correct?

MR. KENNETH WEATHERILL: Comment made by who, sir?

MR. TOM CURRY: Well, sorry, by you or Ms. Gray I should have said.

MR. KENNETH WEATHERILL: No, I had no direct contact with any members of the Board nor the Chief during that entire time.

MR. TOM CURRY: They wouldn't have even known you were on the line; is that true?

MR. KENNETH WEATHERILL: Yes, I believe that to be true.

MR. TOM CURRY: And the -- Ms. Gray who they would have been aware was present, also, to your observation and from reports that she gave you, did not speak up at any of the meetings to either the Board or any of the Police Services members who were making presentations?

MR. KENNETH WEATHERILL: I believe that to be factual during the meetings. I know there were conversations outside of the meetings, but during the meetings I believe that to be accurate.

MR. TOM CURRY: Right. And even -- whether inside or outside of the meeting, to the extent that there was some question about what information was being provided to the Board by members of the Police Service, or alternatively, what questions were being asked by the Board, neither Ms. Gray nor you made any -- provided any guidance to the Board or the
Service; is that true?

MR. KENNETH WEATHERILL: No, that's not true, sir.

MR. TOM CURRY: Okay.

MR. KENNETH WEATHERILL: Ms. Gray provided a document that addressed questions, provided answers for the Board, and was having conversations with the Executive Director in relation to those questions and answers.

MR. TOM CURRY: All right. Fair enough. And that -- and do I understand it that Ms. Gray and you in your role were content with the guidance that she provided at that time?

MR. KENNETH WEATHERILL: Yes, sir, I was.

MR. TOM CURRY: And that -- can I just have you confirm just, please, Mr. Registrar, ONT1115. Just confirm for the Commissioner if you would, Mr. Weatherill, now I hope you can see this, if I -- are you able to see a document if it's projected on your screen?

MR. KENNETH WEATHERILL: I should be able to, sir. I'll let you know the minute it's up.

MR. TOM CURRY: Okay. Thank you. Do you recognize ---

MR. KENNETH WEATHERILL: It's up now, sir.

MR. TOM CURRY: Thank you very much. Do you recognize that as a briefing note provided by Ms. Gray that summarizes the information that she recorded as having occurred during the February 5th meeting?

MR. KENNETH WEATHERILL: Yes, sir, I do.
MR. TOM CURRY: And can I just ask you to just scroll down, Mr. Registrar -- there, thank you. Just stop there. Second bullet point, do you see,

"Chair Deans stated [...] the meeting was called to ask the chief one question – in accordance with the mandate for the delivery of adequate and effective policing, she asked the chief if he believes he is still able to provide, given the fluid nature of the occupation, adequate and effective policing to the city..."

And then asked,

"If not, [...] what resources from the board or [...] assistance [...] can [be] provide[d]..."

Do you recall that that was the single stated purpose of that meeting?

MR. KENNETH WEATHERILL: That's what -- I don't know if that if that is the single stated purpose, but that is certainly the way Chair Deans reflected that on bullet number two.

MR. TOM CURRY: And during that -- now I'm not going to have the time to -- that was a very lengthy meeting; do you recall?

MR. KENNETH WEATHERILL: Yes, sir, I do.

MR. TOM CURRY: And do you recall that during that meeting, Chief Sloly and I believe his senior command staff
gave extensive information to the Board about the status of the
protest in the City of Ottawa and described plans and
enforcement activities; do you recall that?

**MR. KENNETH WEATHERILL:** What I will say is that
on bullet four, the Chief committed to lay out where the Service
is at and what their plan is. And then if we scroll down on
that same document, the Chief and the Deputy discuss how many
arrests they've made, how they deployed some of their officers
in and around the city. What's missing there is I think the

**MR. TOM CURRY:** Well, it -- I mean, you can keep
going. It's a five-page document. I don't have the time,
unfortunately, but there is a great deal of discussion between
this Chief and his senior command and the Board about the fact
that there are inadequate resources within the Ottawa Police
Service to dismantle the protest; isn't that true?

**MR. KENNETH WEATHERILL:** At that time, what I can
say is the Chief makes mention of the number of officers that
have been seconded and supporting from the RCMP, from the OPP,
and I believe he mentions seven other municipal services. So
this is on the 5th of December -- or of February rather. And I
believe the initial demonstration began the weekend prior to
that.

**MR. TOM CURRY:** Yes. But am I correct that --
certainly you as a member of the -- especially with your experience in Police Services, this is not a mystery. On February 5th, you knew, and everyone knew that the Ottawa Police Service was overwhelmed by the protesters and had no adequate resources themselves to dismantle the protest; isn't that true?

MR. KENNETH WEATHERILL: I'm aware that there are resources on the ground supporting the Ottawa Police Service. I have never been provided operational plans. I have never seen operational plans. And I have never seen what the true state of affairs were other than what was truly reported through the media and what I have received through the briefings.

MR. TOM CURRY: Did you ask for them?

MR. KENNETH WEATHERILL: It's not my place to ask for operational plans, sir. We ---

MR. TOM CURRY: Okay.

MR. KENNETH WEATHERILL: --- we don't oversee operations.

MR. TOM CURRY: So -- okay. Well, so what I just need to understand then, Mr. Weatherill, is this, you didn't ask for them but you've never seen them. You're not criticizing anybody for failing to provide them then. You're just telling the Commissioner you didn't see them.

MR. KENNETH WEATHERILL: I don't think I was ever asked that question and that's not what my summary of my evidence was. My evidence was around the issue -- I think if we go to page 4 of my summary, the third paragraph down, that I found it concerning that when there were questions being asked around the removal of the demonstrators in front of Capitol
Hill, that there was no operational plan that was being able to be discussed. And in this document you have up here displayed on the in-camera portion, it speaks to that there will be future tense work to put together an operational plan. That was the substance of the conversations that I shared with counsel that becomes part of my summary.

MR. TOM CURRY: Right. And maybe we're saying the same thing, but you understood at that time and Board understood at that time that the Ottawa Police Service had a maintenance plan and various details about operations, but the dismantling would require the influx of significant resources. Didn’t you know that, and the Board ---

MR. KENNETH WEATHERILL: I don't know what the Board was thinking, sir.

MR. TOM CURRY: Okay.

MR. KENNETH WEATHERILL: I can't answer that.

MR. TOM CURRY: Okay. Did you attend the in-camera portion?

MR. KENNETH WEATHERILL: No, sir, I did not.

MR. TOM CURRY: Okay. So then I'll leave that for a moment.

A couple of quick things. Just confirm for the Commissioner please that this chief and this command team briefed the Board January 26th in advance of the protest, and you watched that briefing after the fact; is that true?

MR. KENNETH WEATHERILL: I don’t -- if you could produce that briefing document, I'd be able to confirm whether I saw it or not.
MR. TOM CURRY: I can't in the time I have.
So to your recollection, did you not ever see the
briefing that was given to the Board on the 26th of January in
advance of the convoy protest?

MR. KENNETH WEATHERILL: I'm sorry, I don't know
that. I can't answer that question.

MR. TOM CURRY: Did you -- thank you, did you see
the briefings of February 1st in addition to February -- you've
told us about the 5th -- did you watch the February 1st, 7th,
11th, and 15th briefings?

MR. KENNETH WEATHERILL: I don't have the dates
of those briefings. I know that I was in contact with the
police service advisor during and after those briefings.

MR. TOM CURRY: All right. Fair enough. So you
don't know whether you attended those other ones; is that fair?

MR. KENNETH WEATHERILL: I can say that it would
be unlikely that I would have attended the entire briefing or
meetings because they were happening at a number of last-minute
meetings that were being called and were happening, really quick
turnarounds at irregular hours.

MR. TOM CURRY: Sure. And understanding -- you
told the Commissioner this -- this was a critical incident and
briefings during critical incidents are the exception to a
Board, correct?

MR. KENNETH WEATHERILL: That's not my
experience, sir, no.

MR. TOM CURRY: Well, you -- just real quick on
the Morden Report, the Ministry of the Solicitor General has
never endorsed the Morden Report; is that correct?

MR. KENNETH WEATHERILL: There's been no formal endorsement of the Morden Report, but there was an all-chief's memo that was distributed to all chiefs of police and deputy -- and service Boards. And the direction within that Morden Report was that Board policies were to be reviewed and updated to align with the recommendations of the Morden Report.

MR. TOM CURRY: Well, yes, fair. But it hasn’t -- the ministry hasn’t endorsed nor the precise language that you've used is "or taken a position" on the Morden Report.

MR. KENNETH WEATHERILL: That’s correct.

MR. TOM CURRY: Okay. Last thing, please, last area. Confidentiality is a significant value in police services boards, correct?

MR. KENNETH WEATHERILL: Yes, sir.

MR. TOM CURRY: A chief would not be wrong to keep in mind in briefing a board issues about leaks of information and be guided by not sharing every detail of operational plans if the board is a leaky institution? Is that fair?

MR. KENNETH WEATHERILL: So I would expect that if a chief suspected that there was a leaky board or challenges with leaking information, then the necessary steps would have been taken by the chief, with the chair, and/or with OCPC to address that situation.

MR. TOM CURRY: Did you know that one member of the board had attended this convoy protest and had made donations?
MR. KENNETH WEATHERILL: I'm not familiar that a member attended or provided donations. I recall hearing at the board meetings that a number of board members had observed the demonstration.

MR. TOM CURRY: All right. So you were unaware that there was one board member thought to be supportive of the convoy protest?

MR. KENNETH WEATHERILL: That’s right. No information there to confirm or deny that.

MR. TOM CURRY: Thank you. You agree that if that were true, a board chair and a chief would be well advised to be careful about information they share about operations; is that fair?

MR. KENNETH WEATHERILL: Yes, sir. A chief always needs to consider the integrity of the investigation, the safety of the officers, the safety of the -- in this case, the demonstrators, and the broader community. And if that were to be compromised, then yes, that would be the responsible thing for a chief to do.

MR. TOM CURRY: Thank you, Mr. Weatherall, I don’t have any other questions for you this evening.

MR. KENNETH WEATHERILL: Thank you, sir.

COMMISSIONER ROULEAU: Okay. I believe there's the Coalition wants to -- you're okay, yes, Coalition. With the mask, I didn’t recognize you.

--- CROSS-EXAMINATION BY MS. EMILIE TAMAN:

MS. EMILIE TAMAN: Good evening. My name is Emilie Taman. I'm one of the lawyers acting for the Ottawa
Coalition of Residents and Businesses, and I just have a very short time with you this evening, so just a couple of quick questions, and thank you for being here this evening.

I want to just pick up where my friend, counsel for former Chief Sloly left off, and that is in relation to your understanding of what happened at the February 5th Police Services Board meeting.

And as I understand it, and I think you've accepted that a key issue at that meeting was whether or not OPS was still providing adequate and effective policing, right?

MR. KENNETH WEATHERILL: Yes, ma'am.

MS. EMILIE TAMAN: And that's a pretty big question for a police services board to be asking in a crisis, isn't it?

MR. KENNETH WEATHERILL: Yes, it is.

MS. EMILIE TAMAN: Because it implies that they may be asking themselves whether they need to consider their options, maybe under section 9 of the Police Services Act, right?

MR. KENNETH WEATHERILL: That and the fact that they -- I think it's a responsible thing to do for a board to regularly ask the chief and ask themselves, are we, in fact, delivering adequate and effective policing? Are we satisfying our legislative responsibility in the Police Services Act?

MS. EMILIE TAMAN: Right. I mean, that's something that should be done regularly, but certainly, if that question is being asked in a crisis, it's not a routine question? It's being asked because there are concerns as to
whether adequate and effective police services are being
delivered at that time; wouldn't you agree with that?

MR. KENNETH WEATHERILL: Yes, I would agree that
throughout the -- a major event, that it would be appropriate
for a board to ask those questions of itself and of their chief.

MS. EMILIE TAMAN: And you said that the chief
didn’t give a direct answer on that question, right?

MR. KENNETH WEATHERILL: That’s correct.

MS. EMILIE TAMAN: But you've also said that the
chief acknowledged his inability to address the demonstration in
Ottawa while maintaining his ability to manage public safety in
the city more broadly -- his inability to do that, right?

MR. KENNETH WEATHERILL: The chief set out that
he did have the ability to provide, from my interpretation of
what I heard in the board meeting and in review of the board
summary from the advisor, that the chief did demonstrate
verbally to the board how adequate and effective policing was
being delivered throughout the city. He was asking for
additional support with respect to the demonstration --
demonstrators in the demonstration area.

MS. EMILIE TAMAN: Okay. So I just want to be
clear though because in the summary of your evidence -- and it
may well be that it's an error, so this is an opportunity to
correct that -- but on the third page in the last paragraph,
just after the footnote 4, it says:

"His understanding was that Chief Sloly
had acknowledged his inability to
address the demonstration in Ottawa
while maintaining his ability to manage
a public safety in the city more
broadly."

Is that your understanding, or is that a mistake?

MR. KENNETH WEATHERILL: That’s right. He's
saying he needs help with the demonstration but he is able to
maintain public safety in the rest of the city.

MS. EMILIE TAMAN: Right, so -- but he can't do
both? He can't deal with the demonstration and maintain public
safety?

MR. KENNETH WEATHERILL: That’s what he's
informing the Board.

MS. EMILIE TAMAN: But he's maintaining public
safety? Sorry.

MR. KENNETH WEATHERILL: Yes. That’s what he's
informing the Board of, that he needs support with the
demonstration.

MS. EMILIE TAMAN: So I guess what I'd like to
understand is why it is that you didn’t feel that this was
information that the deputy solicitor general should be briefed
on, that you have a crisis in Ottawa, you have a board asking
questions about the efficacy and adequacy of policing on
February 5th. You either don’t have a direct question or you
have an indication from the chief that there's a real problem in
Ottawa. You didn’t think that was something that the deputy
solicitor general should be briefed on?

MR. KENNETH WEATHERILL: So if we turn to section
9, and you mentioned it a just a little bit earlier -- if we
turn to section 9(6), the municipal chief of police who is in
the opinion of an emergency existing in the municipality may
request that the commissioner have the Ontario Provincial Police
give assistance. That had taken place. So there was a direct
line between the Ottawa Police Service and the Chief to the
Commissioner, and I was very much aware that there was support
on the ground by the Ontario Provincial Police to support the
demonstration and the dismantling of that demonstration at that
time.

**MS. EMILIE TAMAN:** But there hadn't been a
request for the OPP to come in and assume control of policing in
Ottawa; right?

**MR. KENNETH WEATHERILL:** That's correct.

**MS. EMILIE TAMAN:** Right. And if the Board was
asking those questions, would you agree that the reason in the
context of a crisis to be asking that question is because
they're asking themselves whether they might have a duty under
the legislation to themselves go to the OPP and request that the
service take over in Ottawa?

**MR. KENNETH WEATHERILL:** So there would be a
number of necessary steps that would need to take place if the
Board had lost confidence in their Chief, and if the Board were
to reach out to the Commissioner and ask for policing services,
then the Chief would need to be removed. And that did not
happen. The Chief had made the request, the Board appeared to
be satisfied with that request, and was aware that the OPP were
there and supporting the Ottawa Police Service in formulating
plans, along with seven other municipal services, and on the 5th
of December, up to 257 RCMP officers.

MS. EMILIE TAMAN: December?

MR. KENNETH WEATHERILL: I'm sorry, February. I apologise.

MS. EMILIE TAMAN: Okay. No, no, that's okay.
And just finally, I just want to understand the timing of the request by the Board for training. How did that coincide with what you heard on February 5th? In other words, were they trying to figure out what it was that they were expected to do if they had concerns about adequate and effective policing? They're asking for training, they're asking for advice, and they're not getting that. Is that right?

MR. KENNETH WEATHERILL: No, I disagree with that. They were asking for governance training. That Board is quite experienced in governance. They wanted governance training in the middle of an incident, and that would have been irresponsible for my advisor to be there pulling a board away from their responsible duties of governance and oversight in managing the scenario from their perspective in their function and roles.

MS. EMILIE TAMAN: Okay. Thank you, sir, those are my questions.

Thank you, Commissioner.

MR. KENNETH WEATHERILL: Thank you.

COMMISSIONER ROULEAU: Thank you.

Any re-examination?

MR. JEAN-SIMON SCHOENHOLZ: I just had one point of clarification first, just for the record. My friend for
Chief Sloy mentioned the dates of some of the Board meetings.

The dates -- so the dates of Board meetings were the 26th, the 5th, the 11th, the 15th, and the 17th. I don't know that that's material, but just wanted to the record to accurately reflect that.

MR. TOM CURRY: I think the difference Commissioner, between -- Tom Curry speaking. The difference between us is that I believe there's a briefing on February 1st, but we can perhaps sort that out later. I think that's the date I gave, and I believe I'm correct.

MR. JEAN-SIMON SCHOENHOLZ: I think it might have, yeah, it might have been an informal briefing, not an official board meeting. I just wanted to clarify it for the record.

--- RE-EXAMINATION BY MR. JEAN-SIMON SCHOENHOLZ:

MR. JEAN-SIMON SCHOENHOLZ: In terms of questions on confidentiality, you -- would you agree that if information is not provided because there is a belief that a board is a leaky board that that would be an impediment to proper oversight function by the board?

MR. KENNETH WEATHERILL: Yes, I would. And that there should be policies within the Board to deal with that, and the Board should be very much aware of what the necessary steps would be to advance that complaint and that issue to the Ontario Civilian Police Commission.

MR. JEAN-SIMON SCHOENHOLZ: And what would you suggest that the proper steps would be to follow if there was such concerns? You mentioned it, but you didn't really go into
detail of what those would be.

MR. KENNETH WEATHERILL: So with the Chief, there's a couple of different pathways that can be followed there, sir, with the Chief being aware of it or the Board itself being aware of it.

MR. JEAN-SIMON SCHOENHOLZ: And can you maybe just describe those for each?

MR. KENNETH WEATHERILL: Of course. So generally, if it was the Chief who was made aware of it, and if the Chief was confident that it was not the Board Chair, then they would have that conversation with the Board Chair and give the Chair an opportunity to share the appropriate policies with the broader Board and address the individual that may be that leak.

If that does not resolve it, or if it's of such significant, serious significance, then the Board Chair can go directly to the Ontario Civilian Police Commission and ask them to conduct a review and a subsequent investigation into it -- the matter.

If the Board Chair themselves are aware of it, then it's incumbent upon the Board to address their own policies, and if that does not correct the matter, then the Board, or if it's of significant severity that it would be inappropriate to do so, then the Board Chair would again then go directly to the Ontario Civilian Police Commission and request that they undertake a review and launch an investigation into misconduct of a, potential misconduct of a Board member.

MR. JEAN-SIMON SCHOENHOLZ: Okay. And so you
would agree with me that a leaky Board issue has to be addressed in some fashion?

MR. KENNETH WEATHERILL: I would agree that if it exists today, then it needs to be addressed, and that it's unfortunate if they were aware of it back in February or January, whenever that was -- others were first made aware of it that it wasn't addressed then.

MR. JEAN-SIMON SCHOENHOLZ: Because if it's not addressed it leads to a breakdown in the relationship, in the oversight function.

MR. KENNETH WEATHERILL: The relationship between the Board, the trust in confidence of the Board, the trust in confidence of the broader community in the Board, of counsel of the Board, and then the entire relationship that's necessary for proper good governance of a police service.

MR. JEAN-SIMON SCHOENHOLZ: Thank you. Thank you so much for your time this evening.

Thank you, Commissioner.

MR. TOM CURRY: Commissioner, may I just raise one very brief comment? My friend's ---

COMMISSIONER ROULEAU: At this hour, why not?

MR. TOM CURRY: I'm sorry for this, but it -- I think you are going to agree it's important.

The Ministry of the Solicitor General knew about the leaking information from the Board, it's in a statement that is from Mr. Weatherill's subordinate. I just don't want you to be left without the other -- the third leg of that stool because the Ministry knew it as well.
I don't know if my friend wants to develop that.
I don't know why if we're going it we don't develop it.

MR. JEAN-SIMON SCHOENHOLZ: Thank you, and I am aware that that is in, you know, certainly in the other witness statement that was entered.

Do you maybe want to address that question then raised by my friend, what, if anything should the Solicitor General's office be doing if they're aware of a leaky Board?

MR. KENNETH WEATHERILL: So I'll start by saying I was not aware that the advisor had that information. If the advisor did have that information, then the advisor, number one, would have -- should have reported that through the chain of command up to myself, and that would have been something I would have shared with the deputy. And then the advisor would speak with the Chair, speak with the Chief if necessary, and would follow the similar path of notifying the -- reviewing the policies and then reviewing the -- if necessary, moving it to the Ontario Civilian Police Commission for a review and subsequent necessary investigation.

MR. JEAN-SIMON SCHOENHOLZ: Thank you very much.

COMMISSIONER ROULEAU: Okay. Thank you.

So those are -- well, firstly, thank you for making yourself available, Mr. Weatherill. Unusual as the hour is it's very appreciated by the Commission. So thank you, that terminates your evidence or ends your testimony.

And we will adjourn, I think, until tomorrow morning at 9:30.

THE REGISTRAR: The Commission is adjourned. La
Commission est ajournée.

--- Upon adjourning at 8:54 p.m.

CERTIFICATION

I, Wendy Clements, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Wendy Clements, une sténographe officielle, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

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Wendy Clements