



**PUBLIC ORDER  
EMERGENCY  
COMMISSION**

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

**Public Hearing**

**Audience publique**

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

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## II Appearances / Comparutions

Commission Co-lead Counsel	Ms. Shantona Chaudhury Mr. Jeffrey Leon
Commission Senior Counsel	Mr. Frank Au Ms. Erin Dann Mr. Gabriel Poliquin Ms. Natalia Rodriguez Mr. Daniel Sheppard
Commission Regional Counsel	Ms. Mona Duckett Mr. Sacha Paul Ms. Maia Tsurumi
Commission Counsel	Mr. Stephen Armstrong Mr. Misha Boutilier Mr. Eric Brousseau Ms. Sajeda Hedaraly Ms. Alexandra Heine Ms. Nusra Khan Mr. Étienne Lacombe Mr. John Mather Ms. Allison McMahon Mr. Jean-Simon Schoenholz Ms. Dahlia Shuhaibar Mr. Guillaume Sirois-Gingras
Commission Executive Director	Ms. Hélène Laurendeau

### III

## Appearances / Comparutions

Government of Canada

Mr. Robert MacKinnon  
Ms. Donnaree Nygard  
Mr. Brendan van Niejenhuis  
Ms. Andrea Gonsalves  
Mr. Andrew Gibbs  
Ms. Caroline Laverdière  
Mr. Stephen Aylward

Government of Saskatchewan

Mr. P. Mitch McAdam, K.C.  
Mr. Michael J. Morris, K.C.

Government of Manitoba

Mr. Denis Guenette  
Ms. Coral Lang

Government of Alberta

Ms. Mandy England  
Ms. Stephanie Bowes  
Ms. Hana Laura Yamamoto  
Mr. Peter Buijs  
Mr. Shaheer Meenai

City of Ottawa

Ms. Anne Tardif  
Ms. Alyssa Tomkins  
Mr. Daniel Chomski

City of Windsor

Ms. Jennifer L. King  
Mr. Michael Finley  
Mr. Graham Reeder

## IV

### Appearances / Comparutions

Mr. Peter Sloly

Mr. Tom Curry

Ms. Rebecca Jones

Mr. Nikolas De Stefano

Ottawa Police Service

Mr. David Migicovsky

Ms. Jessica Barrow

Ontario Provincial Police

Mr. Christopher Diana

Ms. Jinan Kubursi

Windsor Police Service

Mr. Thomas McRae

Mr. Bryce Chandler

Ms. Heather Paterson

National Police Federation

Ms. Nini Jones

Ms. Lauren Pearce

Ms. Jen Del Riccio

Canadian Association of Chiefs of  
Police

Ms. Aviva Rotenberg

CLA/CCCDL/CAD

Mr. Greg DelBigio

Ms. Colleen McKeown

Union of British Columbia Indian Chiefs

Ms. Cheyenne Arnold-Cunningham

Counsel Meagan Berlin

Ms. Mary Ellen Turpel-Lafond

National Crowdfunding & Fintech  
Association

Mr. Jason Beitchman

## V

### Appearances / Comparutions

Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford
Ottawa Coalition of Residents and Businesses	Mr. Paul Champ Ms. Emilie Taman Ms. Christine Johnson
The Democracy Fund, Citizens for Freedom, JCCF Coalition	Mr. Rob Kittredge Mr. Antoine D'Ailly Mr. Alan Honner Mr. Dan Santoro Mr. Hatim Kheir Mr. James Manson
Canadian Civil Liberties Association	Ms. Cara Zwibel Ms. Ewa Krajewska
The Convoy Organizers	Mr. Brendan Miller Ms. Bath-Sheba Van den Berg
Insurance Bureau of Canada	Mr. Mario Fiorino

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Ottawa, Ontario

1  
2 --- Upon commencing on Thursday, November 24, 2022 at 9:35 a.m.

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

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

7 **COMMISSIONER ROULEAU:** Bonjour. Good morning.  
8 Je m'excuse pour delay mais merci votre patience. Apologize for  
9 the short delay, but I think we're ready to go.

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

14 **DEPUTY PM CHRYSTIA FREELAND:** Good morning, Ms.  
15 Chaudhury.

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

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

20 **DEPUTY PM CHRYSTIA FREELAND:** On a religious  
21 document.

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

24 **DEPUTY PM CHRYSTIA FREELAND:** I have my Bible.

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

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



1 --- DEPUTY PM CHRYSTIA FREELAND, Sworn:

2 THE REGISTRAR: Thank you.

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

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

8 DEPUTY PM CHRYSTIA FREELAND: I do.

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

12 DEPUTY PM CHRYSTIA FREELAND: I do.

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

15 DEPUTY PM CHRYSTIA FREELAND: Yes.

16 MS. SHANTONA CHAUDHURY: Okay. Thank you.

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

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

24 DEPUTY PM CHRYSTIA FREELAND: Okay. So as  
25 Minister of Finance, I'm responsible for Canada's federal  
26 finances. I think that role does also include a broader  
27 responsibility for the economy as a whole. One of the principal  
28 jobs which is relevant to our discussion today, one of the

1 principal jobs obviously of the Department of Finance is  
2 preparing a budget every year. That budget is presented in the  
3 spring.

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

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

20 **MS. SHANTONA CHAUDHURY:** To lean in essentially  
21 to ---

22 **DEPUTY PM CHRYSTIA FREELAND:** Yeah.

23 **MS. SHANTONA CHAUDHURY:** Well, that leads fairly  
24 nicely into my next question actually because that dual role you  
25 had as Minister of Finance and as Deputy Prime Minister puts you  
26 in a unique position to tell us a little bit about the context  
27 in which the events that are before the Commission, the Freedom  
28 Convoy and the protests, occurred. So we spoke about this a bit

1 in your interview and I'm hoping you can put -- situate in  
2 context from your unique perspective what was going on.

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

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

22 That meant that we were particularly focussed in  
23 the economy on two things. One was supply chains. You know, by  
24 now, I think it's sort of become part of the common discourse  
25 that supply chains were strained by COVID. It was maybe less  
26 apparent to regular Canadians in January of this year, but it  
27 was really apparent to us that the peculiar nature of the global  
28 economy during COVID had placed some very significant strains on

1 supply chains. That was jeopardizing Canada's recovery from the  
2 COVID recession in areas like the lack of semiconductors putting  
3 real stress on our car sector, to give just one example of very  
4 specific supply chain problems that we were focussed on and  
5 thinking about.

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

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

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

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

27           And, you know, I realize to an Ottawa kind of  
28 maybe legal community type audience, that might seem a little

1 bit esoteric. But the reality is -- and it might seem a little  
2 bit esoteric and a little bit specific. The EV incentives, as  
3 proposed by the U.S. -- and that legislation made its way  
4 through the House in the fall in the U.S., I believe in  
5 November. That legislation, as proposed, would have been  
6 completely devastating to the future of the Canadian car sector.

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

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

24           And to just give you a final kind of sense of how  
25 significant this was, at the end of 2021, Marry Ng, the Trade  
26 Minister, and I, sent a letter, which we made public, to the  
27 U.S. warning that Canada was prepared to retaliate, at scale,  
28 were this measure to be passed into law.

1           In December, in Finance, we were looking at and  
2 putting the final touches on a retaliation list, because  
3 whenever there is trade retaliation, the first step is you  
4 publish the list of things you might retaliate against. We did  
5 that during the 232 challenge, say we say, the 232 Tariff  
6 challenge.

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

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

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

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

1 say that all the time to the Americans.

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

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

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

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

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

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

28                   And again, it's happened now, so we might not

1 fully remember how astonishing and horrifying that thought was  
2 before it actually happened. It's horrifying now too, of  
3 course.

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

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

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

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

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

27           **MS. SHANTONA CHAUDHURY:** Okay. There's a lot to  
28 unpack there.



1                   **DEPUTY PM CHRYSITIA FREELAND:** There was a lot  
2 going on.

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

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

11                   **DEPUTY PM CHRYSITIA FREELAND:** well, Vladimir  
12 Putin's invasion of Ukraine is the first time that one  
13 internationally recognized state has tried to take -- has tried  
14 to conquer or seize the territory of another since the Iraqi  
15 invasion of Kuwait.

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

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

26                   Number two way that Canada's security was  
27 threatened, is threatened, but I think our -- I think the Allied  
28 response has been strong and has strengthened Canada, is I

1 absolutely believe that one of Vladimir Putin's warnings -- you  
2 know, his principal objective was -- is -- to crush Ukraine to  
3 take it over; to crush Ukrainians as a people and to replace  
4 democratically elected government, to make it a puppet satrapy.

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

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

21 And in the chronology -- you can appreciate this  
22 is the second-last day of the Commission's testimony, so we've  
23 been a lot of chronology of what happened in those early days,  
24 and I want to focus with you this morning on your specific  
25 involvement. And I think you've expressed within the interview,  
26 and you may agree or you may not, but you started to become very  
27 actively engaged in this file, in this matter around February  
28 6<sup>th</sup>, around the second SSE meetings; does that ring a bell?

1                   **DEPUTY PM CHRYSITIA FREELAND:** That's the second  
2 weekend, right?

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

4                   **DEPUTY PM CHRYSITIA FREELAND:** Is that the  
5 Saturday or the Sunday?

6                   **MS. SHANTONA CHAUDHURY:** That would be the  
7 Sunday.

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

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

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

24                   But then the second weekend of the occupation  
25 happened, and I started hearing, particularly from business  
26 leaders, that this was starting to be an area of concern. And  
27 so I did attend that committee meeting. And then, as that week  
28 went on, I became more and more and more involved.

1                   **MS. SHANTONA CHAUDHURY:** Okay. And just to  
2 clarify; you wouldn't normally attend an SSE meeting, is that  
3 right?

4                   **DEPUTY PM CHRYSIA FREELAND:** No, not at all.

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

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

11                   **MS. SHANTONA CHAUDHURY:** So on February 6<sup>th</sup>, you  
12 sort of invited yourself?

13                   **DEPUTY PM CHRYSIA FREELAND:** I think my  
14 colleagues also thought it would be good to have me there.

15                   **MS. SHANTONA CHAUDHURY:** Fair enough. Okay. So  
16 soon after that on February 9<sup>th</sup>, your department produced an  
17 options memo.

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

20                                           (SHORT PAUSE)

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

27                   The first option that's outlined until you get to  
28 -- there we go. So it would be potential amendments to the

1 *PCMLTFA Act*, and then if we scroll down beyond that, you'll see  
2 amendments to the *Bank Act*.

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

6           **DEPUTY PM CHRYSIA FREELAND:** Sure. And I think  
7 -- so this was on the 9<sup>th</sup>, which is the Wednesday.

8           **MS. SHANTONA CHAUDHURY:** I believe that's right.

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

13           **MS. SHANTONA CHAUDHURY:** Yes.

14           **DEPUTY PM CHRYSIA FREELAND:** So from a  
15 finance/economic perspective, that escalated things  
16 exponentially; that's what made it a hugely significant economic  
17 action.

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

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

28           So then step two is; we're the Department of

1 Finance. I think you've probably heard from other ministers,  
2 the instruction was, "Okay, everyone, take a look in your  
3 toolbox and figure out what tools are available to you to act on  
4 this." And so that's what we did. And we found, looking at  
5 what was in the finance toolbox, that there were basically two  
6 areas where there could be authority. One was FINTRAC, which is  
7 the centre that sort of monitors financial transactions, money  
8 laundering, terrorist financial activity, and then the second  
9 was the *Bank Act*, and would there be authorities under the *Bank*  
10 *Act* that could be useful in resolving this situation.

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

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

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

22 **DEPUTY PM CHRYSTIA FREELAND:** We definitely  
23 looked at them. As you know, I would say -- let me say a couple  
24 of things. So on the FINTRAC front, what we concluded was, you  
25 know, to put it in maybe kind of more regular terms, what we  
26 concluded, and this is something that finance officials had been  
27 thinking about for a while, is that basically the FINTRAC  
28 monitoring authorities were appropriate for a 20<sup>th</sup> century

1 economy, but not for a 21<sup>st</sup> century economy. That FINTRAC -- so  
2 FINTRAC, and I know you guys know this because you have been  
3 over this for hours and hours and hours, but maybe for people  
4 who are tuning in for the first time, FINTRAC is not an  
5 enforcement agency. The job of FINTRAC is to monitor what's  
6 going on, to both look into reports that it gets and to just  
7 kind of have situational awareness and let us know what's  
8 happening in terms of illicit financial flows in Canada. I  
9 think that's a summary I would offer you of FINTRAC, of  
10 FINTRAC's job.

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

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

26                   And then second area which is outlined in this  
27 note is could the *Bank Act* be used to allow the banks to  
28 effectively freeze accounts. That's basically what the memo

1 discusses, and it discusses what would be the different  
2 authorities which would allow that. And so those were the  
3 options that were developed there.

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

17           In Parliamentary legislative time, that is a  
18 sprint, and that was good, because we know that Canadians need  
19 inflation relief, but that's really, really fast from September  
20 19<sup>th</sup> to November 5<sup>th</sup>. So -- and that's just one real-life example  
21 where there was urgent action by Parliament and the Senate --  
22 and the House and the Senate. And so while this -- we looked at  
23 what the legislative options could be, we quickly understood  
24 that they would take a long time.

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

28           **DEPUTY PM CHRYSTIA FREELAND:** Not that -- I mean,



1 I think the short answer is yes. You know, basically, the  
2 legislative timelines and the snowballing sort of exponentially  
3 damaging impact on the economy, they were not -- the legislative  
4 timeline was not appropriate to the scale and speed with which  
5 the damage was mounting.

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

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

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

27 And we were -- maybe just as a quick footnote, I  
28 don't want to offend the Treasury, in talking about these EV

1 incentives, we were very much in touch with the Treasury, both  
2 with Secretary Yellen and with David Lipton, who worked in the  
3 Treasury. They were very aware of our proposals too and  
4 supportive of them.

5 **MS. SHANTONA CHAUDHURY:** Is Mr. Deese someone you  
6 talk to often?

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

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

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

1 you can just scroll down to -- so we can see that entire part of  
2 the email?

3 **DEPUTY PM CHRYSTIA FREELAND:** Yeah.

4 **MS. SHANTONA CHAUDHURY:** Okay. So starting  
5 February 10<sup>th</sup>, so this is you, Minister Freeland, writing. You  
6 say,

7 "He called me.

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

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

17 He asked what he could do to help us.

18 I said -

19 - Tow trucks

20 - Make your point about banning travel  
21 to the US for participants public

22 - Arrange a call between the PM and the  
23 President"

24 And then you say:

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

28 He was supportive of the idea of a call

1 and would try to make it happen.”

2 So can you flesh out that summary a little bit,  
3 of what Mr. Deese was conveying to you?

4 **DEPUTY PM CHRYSSTIA FREELAND:** Yeah. I mean, you  
5 know, I think -- can you move up a little bit? Just, you know,  
6 I think the point, the second sentence, he said that this proved  
7 the point about how integrated our economies are and he didn't  
8 seem to see this as a positive, he brought that up.

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

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

1 broadly, covid brought alive to them the vulnerability of their  
2 supply chains.

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

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

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

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

28                   **MS. SHANTONA CHAUDHURY:** And Mr. Clerk, if you

1 just scroll up a bit so we can see the next email there?

2 You say:

3 "One final thing - [...] he would like to  
4 talk to me again tomorrow and every day  
5 until this is sort out."

6 Did that end up happening?

7 **DEPUTY PM CHRYSIA FREELAND:** It didn't, because  
8 we sorted it out. So, you know, that was a conversation on the  
9 Thursday night.

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

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

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

26 Minister Freeland, this is a text exchange you  
27 had on the 11<sup>th</sup> with Brian Clow of the PMO?

28 **DEPUTY PM CHRYSIA FREELAND:** Yeah, okay. And

1 that is ---

2 **MS. SHANTONA CHAUDHURY:** That's the following day  
3 then.

4 **DEPUTY PM CHRYSTIA FREELAND:** That's the Friday.

5 **MS. SHANTONA CHAUDHURY:** Yes, the Friday.

6 And scroll down a little bit, please, Mr. Clerk.

7 Until we see "Windsor was supposed to..." There.

8 So you say:

9 "Windsor was supposed to happen today.

10 This can't go on. We need to show some  
11 federal leadership too." (As read)

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

15 **DEPUTY PM CHRYSTIA FREELAND:** Yes. And also, you  
16 know, that point "Windsor was supposed to be today", I think  
17 it's worth dwelling on for a moment because it speaks, you know,  
18 to our experience in the eye of the storm, which is that we  
19 continued to hear that action was going to be taken and things  
20 were going to come to an end. And it seemed that that wasn't  
21 happening.

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

27 **MS. SHANTONA CHAUDHURY:** Okay. We'll go back to  
28 the stakeholders now, Mr. Clerk. Thank you. Can you take that

1 one down and pull up SSM.CAN.00004138?

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

3 **DEPUTY PM CHRYSIA FREELAND:** Yes.

4 **MS. SHANTONA CHAUDHURY:** Explain who Mr. Volpe  
5 is?

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

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

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

21 **MS. SHANTONA CHAUDHURY:** Okay. So if we just  
22 look at the text exchange, he says to you on the 9<sup>th</sup>:

23 "The Ambassador Bridge debacle is  
24 embarrassing."

25 And then you say:

26 "Let's talk tomorrow. I would love to get  
27 your ideas. I am worried too."

28 So the text then skips to February 14<sup>th</sup>, but we



1 don't necessarily need to go -- well, actually, let's go there.

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

5                   "I know devastating this has been and am  
6                   determined that we need to take strong  
7                   action. We didn't save NAFTA only to have  
8                   it undermined."

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

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

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

1 understood that.

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

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

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

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

25           **DEPUTY PM CHRYSITIA FREELAND:** It certainly would.

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

28           This is a text exchange you had with him on the

1 11th. And what he has to say is a little bit different, I  
2 think, so it's worth going through. So he sends you this, and  
3 he says:

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

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

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

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

20 "...relocate supplies (and our  
21 customers) to the USA. I know it sucks  
22 politically to back down and reverse  
23 course, but does it really pay to carry  
24 on the policy in support of a mandate  
25 for a vaccine that doesn't prevent the  
26 spread of omicron and which seems to be  
27 vanishing naturally anyway? Moreover  
28 this could create a resurgence of the

1 right wing, just like it did in  
2 America. Anyway, I know this is a  
3 massive headache for you, but it could  
4 be solved by retreating and letting it  
5 fade away from everyone's memory. Just  
6 sharing my views...hoping the spreading  
7 disruption gets resolved quickly."

8 Okay. And then the next one, Mr. Clerk, is your  
9 response, which is SSM.CAN00004170.

10 And that response is:

11 "Dear Alan - Thank you for reaching  
12 out. I share your concerns. We are  
13 determined to bring this to an end  
14 quickly, and we will."

15 So what Mr. Kestenbaum is expressing there is the  
16 same concern and a suggestion that the solution to it is to  
17 alter the public health measures. So what was your reaction to  
18 that?

19 **DEPUTY PM CHRYSIA FREELAND:** For me, the salient  
20 point was the first part of his message, and you know, I think  
21 what he says there, and he is -- runs Stelco in Hamilton, he is  
22 American, though, and U.S. based. What he was saying at the  
23 beginning about onshoring and relocating to the U.S. that's what  
24 I was talking about earlier today. And I kind of highlight that  
25 for all of us here, just to kind of make clear to everyone that  
26 for people whose bread and butter, whose livelihoods were in the  
27 U.S. trade exposed industries, their immediate conclusion, you  
28 didn't have to think about it, the immediate conclusion from the

1 blockage of trade was the Americans are going to respond by  
2 cutting us out.

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

9                   **MS. SHANTONA CHAUDHURY:** Okay. We're now going to  
10 skip to one of the very, very crucial days in all of this  
11 chronology, which is the 13th of February. I understand that on  
12 that day you had a call with a number of Canadian bank CEOs, and  
13 I think, correct me if I'm wrong, but the chronology of that day  
14 in your world goes, call with the bank, afternoon around  
15 1:00 p.m.; IRG meeting mid-afternoon; and then Cabinet meeting  
16 at 8:30 at night. Does that sound right?

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

21                   **MS. SHANTONA CHAUDHURY:** Okay, fair enough.

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

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

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

27                   Okay. So we're on the 13th now, and this is an  
28 email from Meredith Tyler?

1                   **DEPUTY PM CHRYSSTIA FREELAND:** Tyler Meredith.

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

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

7                   **MS. SHANTONA CHAUDHURY:** So one of your staff.

8                   **DEPUTY PM CHRYSSTIA FREELAND:** --- policy person.

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

13                                   "Hi Chrystia, everyone is confirmed for  
14 1pm. A list of CEOs...is at the bottom  
15 of this email.

16                                   A couple of points of background for  
17 the call:

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

25                   That probably means "from":

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

1 current regime."

2 Then he says:

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

7 That's anti-money laundering:

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

10 And then the last bullet is:

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

13 So in all of that, it's actually the first bullet  
14 that I want to focus on most, which was this message that what  
15 had been heard from industry prior to this was "we got this",  
16 "it's under control", "we're comfortable with what's happening."  
17 Is that something that you were aware of that you heard before?

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

22 And I can't confirm one way or the other whether  
23 I read the specific note from Tyler. So I can't comment on this  
24 specific email. What I can say is that -- and you've seen sort  
25 of the disclosure of all of the things that -- all of the  
26 messages that I sent and things I wrote down. What I can also  
27 say is that weekend, and I can't tell you the specific times, I  
28 had two one-on-one phone calls with bank CEOs, with the CEO of

1 BMO and the CEO of TD, I believe at their request. That was  
2 unusual. I do, sort of as a matter of course, meet with the  
3 bank CEOs as a group every six months, and obviously, they can  
4 and should have access to me, like, they should be able to meet  
5 with me. But it usually takes a while for people's calendars to  
6 work and for the meeting to be arranged. And it's highly  
7 unusual for them to want to talk to me on a weekend.

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

15           **MS. SHANTONA CHAUDHURY:** Okay. So let's have a  
16 look at that group call now. Mr. Clerk, it's SSM.CAN.00008766.

17           So this is about a three-page document, Minister  
18 Freeland, and I'm just going to take you to certain excerpts of  
19 it that I'd like you to elaborate on. So the first one, Mr.  
20 Clerk, if you just scroll -- there we go.

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

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

27           So that -- these platforms refers to the payment  
28 processors, the crowdfunding platforms?



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

12                   **MS. SHANTONA CHAUDHURY:** Yeah, I think they do.  
13 That's right. So we'll just scroll down a little bit there.  
14 I'm not sure we're going to get to crypto just yet, but we are  
15 going to get to your response here where you say,

16                                   "I am very prepared to come out and  
17                                   speak about this. This is an attack on  
18                                   democracy. We need to educate  
19                                   Canadians about this."

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

22                   **DEPUTY PM CHRYSSTIA FREELAND:** So I was responding  
23 specifically to one of the CEOs whose bank had acted to freeze  
24 an account based on -- this was prior to the invocation of the  
25 *Emergencies Act*. It was based, as that note shows, on what the  
26 banks anti-money laundering systems detected, and based on that,  
27 the bank rightly acted. What was a concern for me, and this was  
28 -- this did shape how we acted, was the banks being blamed for

1 taking this action, the banks being seen as choosing to do it,  
2 as having the agency. And it was particularly a concern, and  
3 you note the mention of Fox News -- the thing you have to  
4 remember about Canadian banks is many of them are significant  
5 banks in the United States as well. They are big players there,  
6 and some of them trade under their Canadian names. And so they  
7 were in jeopardy not only in Canada, but also in the United  
8 States, if they were being seen to taking a politicized  
9 position. I didn't think that was their responsibility. I  
10 thought it was the responsibility of the government to make  
11 judgments about this.

12 **MS. SHANTONA CHAUDHURY:** Okay. The next concern  
13 highlighted there is,

14 "Canada's reputation indeed is at risk.  
15 We need to show the world proactively  
16 that we won't let this happen again  
17 [...] our trade corridors will remain  
18 open. We should think about putting  
19 the military in place to keep the  
20 border crossings moving even after the  
21 protestors are removed. To send a  
22 clear signal."

23 So this is about as strong a suggestion as you  
24 can get, bring in the military. And your response though here  
25 is,

26 "Couldn't agree more with those points.  
27 We must make clear that 1) we will  
28 resolve this [and] 2) we won't let this

1                                   happen again."

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

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

23                                   I'm right now trying to organize a meeting with  
24 them, my kind of every six-month meeting, for December, and it's  
25 the kind of thing that we sort of organize four to six weeks in  
26 advance because these are all busy people. So that's kind of  
27 just worth mentioning. It shows their degree of concern and  
28 anxiety.

1 Value for me of this meeting, why did I want to  
2 have it, what did I want to get out of it? Two things. One, I  
3 wanted to hear from them how worried were they. By that point,  
4 I was really worried, but we were contemplating, as you know,  
5 really serious action. And I needed to hear directly myself  
6 from the leaders of Canada's financial institutions did they  
7 share my level of concern. That was a very important proof  
8 point for me. So that was kind of number one.

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

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

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

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

26 So this is someone saying,  
27 "We need court orders to act. We had  
28 identified an individual who is an

1 organizer who had several hundred  
2 thousand dollars move into their  
3 accounts, we flagged it to  
4 FINTRAC...started work on a court order  
5 and because of the delay of 4 hours,  
6 the money was withdrawn before we could  
7 stop it."

8 And you say there, you ask:

9 "Was the problem there...a gap in the  
10 current system or [that] it moves too  
11 slowly?"

12 And the reply is, "4 hours was too long." And  
13 then I think underneath that, there's, "And let's be clear...";  
14 that's the reference you were talking about:

15 "And let's be clear, they will all  
16 eventually move to crypto."

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

21 "Agree with my colleagues. The  
22 reputation of Canada is at risk. Just  
23 spent a lot of time in the US last week  
24 and we were being called a 'Joke' by  
25 people. I had one investor say 'I  
26 won't invest another red cent in your  
27 banana republic in Canada.' That adds  
28 to an already tough investment

1 perspective on Canada.”

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

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

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

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

23 We've done really well. Like, I don't want to  
24 talk Canada down. Canada's fantastic. Our economy is very  
25 strong; we have a great jobs recovery from the COVID recession.  
26 But one indicator where we're underperforming is business  
27 investment. And, again, that can sound like a dry thing to  
28 focus on, but a lack of business investment ultimately

1 translates into Canadians not having jobs and Canadians not  
2 having jobs that pay well enough to maintain a good standard of  
3 living. That's what a lack of business investment means. And  
4 that quote relayed to me, really made me realize I had a duty of  
5 stewardship; I have a duty. I had, at that moment, a very  
6 profound duty to Canadians to stand up for them. And I'm  
7 surprised that I'm getting emotional, but I really felt it, and  
8 I felt like you know, the Canadian economy, it can feel like  
9 this amorphous thing; investment, it can seem amorphous; EV  
10 incentives, amorphous. But when I heard that, I realized, I'm  
11 the Finance Minister, I'm the Deputy Prime Minister, I have to  
12 protect Canadians; I have to protect their wellbeing, it's being  
13 really, really damaged.

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

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

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

28                   And if you go down a little bit, you'll see --

1 and I didn't remember this until I reread this note; you know, I  
2 tried to kind of rally the troops there in the call. I tried to  
3 say -- I can show you the line.

4 **MS. SHANTONA CHAUDHURY:** Scroll down?

5 **DEPUTY PM CHRYSTIA FREELAND:** Yeah, please.

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

7 **DEPUTY PM CHRYSTIA FREELAND:** So this is it:

8 "If the investor you speak of is  
9 American,..."

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

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

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

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



1 screen. You say:

2 "I am very resolute in ending this  
3 occupation of our democracy. But I  
4 will never support negotiating with  
5 those who [held] our democracy hostage.  
6 No good thing comes of that."

7 Can you explain that comment; you:

8 "...will never [sanction or] never  
9 support negotiating with those who hold  
10 our democracy hostage"?

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

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

21 **DEPUTY PM CHRYSIA FREELAND:** Yeah, I think ---

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

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

28 Having read the note -- having read this note

1 what I think I was referring to is a comment made earlier in the  
2 conversation suggesting that the solution to this was a change  
3 in policy on vaccines. That's what I think I was responding to.

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

9 So last week when your department officials were  
10 here, we went through, in some detail, the initial assessment  
11 they prepared on February 10<sup>th</sup>, and also the eventual February  
12 22<sup>nd</sup> economic analysis. So we're not going to go through that in  
13 detail this morning, but what I would like to take you to is --  
14 actually, this is SSM.CAN0000095.

15 (SHORT PAUSE)

16 **MS. SHANTONA CHAUDHURY:** These are the minutes of  
17 the February 13<sup>th</sup> IRG, so we're still on the same day here,  
18 February 13<sup>th</sup>, and that was -- I believe it was around -- what  
19 was the time of the IRG again?

20 **DEPUTY PM CHRYSTIA FREELAND:** Four o'clock.

21 **MS. SHANTONA CHAUDHURY:** Early evening, around 4  
22 o'clock, okay.

23 **DEPUTY PM CHRYSTIA FREELAND:** It says right there  
24 4 o'clock, yeah.

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

27 So in between, you had the bank call, then you  
28 had the Ukraine call that we learned about, and then 4 o'clock

1 is the IRG.

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

4 So you're reporting to the IRG on the economic  
5 impact, and you say:

6 "The Minister highlighted ongoing economic  
7 losses of 0.1 per cent to 0.2 per cent of  
8 [the GDP] for every week the blockades  
9 continue."

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

14 **DEPUTY PM CHRYSIA FREELAND:** A Bloomberg  
15 economic analysis.

16 **MS. SHANTONA CHAUDHURY:** A Bloomberg ---

17 **DEPUTY PM CHRYSIA FREELAND:** Yes.

18 **MS. SHANTONA CHAUDHURY:** --- economic analysis.

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

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

27 **DEPUTY PM CHRYSIA FREELAND:** On Bay Street and  
28 probably on Wall Street too.

1                   **MS. SHANTONA CHAUDHURY:** Okay. Did you explain  
2 to your colleagues at the IRG the source of this number?

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

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

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

23                   But had it gone on, then you would have seen not  
24 an arithmetic adding up the damage of week, plus week, plus  
25 week. I think what you would have seen, and why this really  
26 rose to the level of a profound threat to Canada's economy, was  
27 the exponential nature of it, that the longer it went on, the  
28 greater threat that the U.S. would lose faith in us and our

1 trading relationship would be irreparably damaged. The longer  
2 it went on, the greater the threat that foreign investors would  
3 write off Canada.

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

7 **DEPUTY PM CHRYSIA FREELAND:** Probably more  
8 clearly to you right now than I did then. but I think I did  
9 communicate to them I was really worried.

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

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

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

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

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

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

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

27 "And do we have any info on foreign  
28 donations?"

1                   And the response that comes back is:

2                   "We do not have any information on foreign  
3                   donations that entered our Canadian  
4                   financial systems. It is possible that  
5                   FINTRAC, CSIS, or the RCMP possess  
6                   information on foreign donations but that  
7                   information is not shared with the  
8                   Department of Finance."

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

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

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

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

1 Finance are -- operate in different silos, and certainly elected  
2 Ministers and law enforcement have a lot of silos between them,  
3 and I think that's a good thing.

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

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

9 **DEPUTY PM CHRYSITIA FREELAND:** Yeah, I would 100  
10 percent say that.

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

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

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

25 And if you don't do that, my experience in  
26 government has been, you know, quite rightly, stuff that you  
27 officially get through official channels as a Minister, I don't  
28 know, it's like flour that has been sifted many, many times.

1 It's like very pure, very verified. It's gone through a lot of  
2 different hands and there have been a lot of different checks on  
3 it. That's a good thing, because it has, you know, Government  
4 of Canada stamp of approval. And I think it's really good for  
5 us to have those systems.

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

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

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

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

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

25 "...there is credible evidence that  
26 significant amounts of funding for the  
27 protests come from sources outside of  
28 Canada, which raises concerns about



1 foreign interference in Canadian  
2 affairs and questions whether they  
3 represent threats to the security of  
4 Canada."

5 And the comment made on that underneath is:

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

12 And it goes on to explain what happened there.

13 But that bullet point paragraph there:

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

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

20 **DEPUTY PM CHRYSITIA FREELAND:** I wasn't part of  
21 that whole process.

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

24 **DEPUTY PM CHRYSITIA FREELAND:** I mean, that -- I  
25 wasn't part of that process and of the drafting of all of that,  
26 and Finance was not -- we weren't the people responsible for  
27 looking at that aspect of what was going on. And you know, as  
28 my previous comments have kind of underscored I think, my

1 primary concern and anxiety around this was about the economic  
2 impact. And we've talked about that at some length, but that's  
3 -- that -- I felt my job was in the Cabinet and as a teammate  
4 with my colleagues, you know, what were they relying on me as  
5 the Minister of Finance to do. They were relying on me to  
6 figure out and communicate to them how big is the economic  
7 problem, and then they were relying on me to figure out and  
8 communicate to them, "Look, Finance guys, are you doing your job  
9 here? Are you awake? Are you using all the possible tools you  
10 have to stop the problem?" That was my job number two. And  
11 then job number three is, "Okay. If you think it's a really big  
12 problem", which we did, "if you think you're using all the tools  
13 which currently exist", which we did, number 3, "do you have any  
14 ideas? Is there anything in the Finance toolbox that could be  
15 devised that would help?" That was how I understood Finance's  
16 job.

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

19 **DEPUTY PM CHRYSITIA FREELAND:** I think so.

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

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

26 So again, we've heard at this point quite a bit  
27 about the orders and about what was done with them, so I want to  
28 take you to a few specific concerns that have been expressed

1 about them, the first one being that the EMO was overbroad in  
2 the sense that it might capture individuals who were not really  
3 directly involved in the protests, but people who donated to the  
4 protests and/or had adverse effects on family members. You  
5 know, if you freeze someone's bank account, it may be a spouse  
6 or a child of someone else who suffers.

7                   So my first question, was that -- is that a  
8 concern that you were aware of? Is that a concern that you had?  
9 And is that a concern that you felt was properly addressed with  
10 some of the -- with the measures that were enacted?

11                   **DEPUTY PM CHRYSITIA FREELAND:** Okay. That's a lot  
12 of questions, but it's -- I mean, that is kind of, I would say,  
13 core -- you're getting at some core things to be grappled with  
14 beforehand during the time the measures were enforce and in our  
15 reflections afterwards.

16                   And I want to start by saying something that I  
17 was really, really worried about and extremely conscious of the  
18 whole time was, you know, I've talked a lot about my profound  
19 conviction that Canada was in economic jeopardy, but then as we  
20 were talking about, okay, what can we do about it, I had  
21 probably an equally profound and even emotional concern of we  
22 don't want anybody to get hurt. And one of my colleagues said  
23 to me in our conversation about all of this, as, you know, we  
24 had -- we were talking constantly, and I was sort of saying we  
25 really have to act, something has to be done, and I remember a  
26 colleague saying to me "my nightmare is blood on the face of a  
27 child." And I remember that very clearly because I was worried  
28 about that.

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

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

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

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

26           And I would say the other thing in my mind there  
27 was we needed to always have in our minds, yes, a concern about  
28 the number of people who would be restricted by these measures,

1 but that always need to be -- needed to be balanced against an  
2 awareness of the number of people who would be protected by this  
3 action.

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

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

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

20           **MS. SHANTONA CHAUDHURY:** Sure. I mean, what I  
21 was going to ask you, and maybe this will lead into it, but  
22 would it be fair to say, then, that -- if it's put to you, you  
23 know, someone -- someone is at the protest in Ottawa and gets a  
24 call, "You've got to come home. They've frozen the account and  
25 I can't pay the grocery bill," in a sense, that is the measure  
26 doing exactly what it was designed to do, which is create an  
27 incentive for that person to have to go home and leave the  
28 protest. That is, in effect, exactly what the measure was

1 trying to do because the purpose of it was to avoid a -- what  
2 you saw as a worse outcome, being an enforcement action that  
3 would have potentially violent aspects to it.

4 **DEPUTY PM CHRYSIA FREELAND:** I wouldn't quite go  
5 that far.

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

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

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

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

28 **MS. SHANTONA CHAUDHURY:** Okay. I do want to talk

1 about the donations issue.

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

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

6 **MS. SHANTONA CHAUDHURY:** Maybe now, might as  
7 well.

8 **COMMISSIONER ROULEAU:** Okay. So we'll take the  
9 morning break for 15 minutes.

10 **THE REGISTRAR:** The Commission is in recess for  
11 15 minutes. La commission est levée pour 15 minutes.

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

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

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

15 **COMMISSIONER ROULEAU:** Okay.

16 **THE REGISTRAR:** The Commission is reconvened. La  
17 commission reprend.

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

21 **COMMISSIONER ROULEAU:** That's great.

22 --- DPM CHRYSTIA FREELAND, Resumed:

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

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

28 And to be clear, the issue that we're getting at

1 here is whether donations are captured, small donors are  
2 captured by the measures that were enacted, and what we've heard  
3 in the evidence was that the position taken essentially by the  
4 RCMP was this is not who they were targeting. They were  
5 targeting influencers. They weren't targeting small donors. So  
6 this is a text exchange between, I believe, two of your  
7 staffers. Can you tell us who Alex Lawrence is there?

8 **DEPUTY PM CHRYSITIA FREELAND:** Yes. He's my  
9 Director of Communications.

10 **MS. SHANTONA CHAUDHURY:** Okay. So the comment  
11 made here, if we can just scroll down a bit, Mr. Clerk, is,  
12 "Freeland highly skeptical of this.  
13 Thinks that the banks will have frozen  
14 some smaller accounts and we just won't  
15 know"

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

20 **DEPUTY PM CHRYSITIA FREELAND:** What I remember  
21 being concerned about, and again, this isn't something that I  
22 wrote. It's something that Alex wrote, so I can't speak to his  
23 specific conveying of what I said to him and what I was  
24 concerned about. But once we put the measures in place, I knew  
25 this was an extraordinary action, the kind of thing that I hope  
26 only happens, you know, once in a generation. And I knew that  
27 Canadians were very focussed on what was happening and concerned  
28 about it. And it was very important for me, having taken this



1 extraordinary step, to be as careful as possible in  
2 communicating what was happening, not to over-egg the pudding,  
3 not to stretch the truth. And I didn't want to make a flat  
4 statement that no small donors have had their accounts frozen,  
5 although I very much hoped that was the case. I didn't want to  
6 make that categorical statement unless I knew for sure that was  
7 the case, because I really did understand that we were, you  
8 know, in terra incognita, and it was really important for us to  
9 do everything we could to maintain public confidence of  
10 Canadians in their government, including the confidence of the  
11 Canadians who disagreed with us, maybe most of all the  
12 confidence of those Canadians.

13           And so my skepticism was sort of about saying to  
14 my team, "If I'm going to be in question period, if I'm going to  
15 be in a press conference, I only want to assert things that are  
16 absolutely true." And the position I didn't want to be in was,  
17 to take this example of donations, I'm really glad that no small  
18 donors had their accounts frozen. That was a good outcome and  
19 the one that I hoped would be the case. But I also knew that  
20 things were happening in real time, and what I didn't want to  
21 have happen was for me to go out to say categorically and  
22 reassuringly, "Don't worry, if you made a small donation, your  
23 account isn't going to be frozen," and then have someone show up  
24 and say, "Well, actually, it was." Because had that been the  
25 case and had I categorically asserted otherwise, then people who  
26 already had real doubts about our government would be feeling,  
27 wow, these guys are even lying to us. So that's where my  
28 skepticism came from.

1                   **MS. SHANTONA CHAUDHURY:** Okay. So would it be  
2 fair to say then that perhaps the intention was not to capture  
3 small donations in the measures, but they weren't crafted in  
4 order to be able to avoid that outcome specifically, and  
5 therefore, you couldn't guarantee that that had happened?

6                   **DEPUTY PM CHRYSTIA FREELAND:** Yes.

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

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

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

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

22                   "The Deputy Prime Minister and Minister of  
23 Finance noted that in conversations with  
24 the banks, she is hearing concerns around  
25 the safety of bank employees, especially  
26 tellers who work at branches who may be  
27 dealing with individuals who have had  
28 their accounts frozen."

1                   So what were you conveying there? What was the  
2 concern? What were you hearing?

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

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

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

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

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

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

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

27                   **DEPUTY PM CHRYSIA FREELAND:** Yeah, I think by  
28 and large it did.

1                   **MS. SHANTONA CHAUDHURY:** Okay. The next topic I  
2 want to ask you about is, as you know, the Commission -- part of  
3 the Commission's mandate is to examine the necessity of the  
4 measures that were taken and whether the measures that were  
5 decided upon and chosen by your government were the correct  
6 measures in the circumstances.

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

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

21                   But the TD had frozen accounts on February 10<sup>th</sup>, I  
22 believe, and the Attorney General of Ontario had obtained a  
23 restraint order and the Mareva injunction process was in play  
24 and was eventually obtained on February 17<sup>th</sup>.

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

28                   And in light of that, and knowledge of what was

1 going on in that area, why did you conclude that it was still  
2 necessary for the government to do what it did with the economic  
3 measures?

4 **DEPUTY PM CHRYSIA FREELAND:** It's a good  
5 question, and something that we thought about a lot, and we were  
6 constantly assessing.

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

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

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

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

26 And that was one reason, from my perspective,  
27 that I convened that call of the banks' CEOs on February 13<sup>th</sup>.

28 And what you'll see in that call that we've gone

1 over already is they were very clear that the measures were not  
2 enough. And there was one CEO there who talked about how very  
3 specifically they had identified an account, they went to get  
4 the court order, but by the time they did, just four hours had  
5 passed, and the money had moved.

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

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

16 And I thought it was really legitimate for them  
17 to say, "It's not our job to make a political judgement here.  
18 You are the elected government. It's your job. And it's your  
19 job to bear that responsibility."

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

22 **DEPUTY PM CHRYSIA FREELAND:** Yeah.

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

28 How would you say, in retrospect, those measures

1 were necessary, given that they weren't even used?

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

5                   **MS. SHANTONA CHAUDHURY:** Please.

6                   **DEPUTY PM CHRYSIA FREELAND:** So on FINTRAC, as  
7 we said we would do on February 14<sup>th</sup>, this was the case of this  
8 crisis causing us, you know, to review out toolbox and kind of  
9 saying, "Okay. We're missing a screwdriver." And it turned out  
10 we couldn't, I don't know, build the screwdriver in time to use  
11 it in this situation, but we were missing a screwdriver, we  
12 identified that, and we said on February 14<sup>th</sup>, you know, "This is  
13 a gap we've identified. We're going to fill the gap." And we  
14 did in fact go ahead and do that. So FINTRAC now has those  
15 authorities, and that's a good thing.

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

27                   And it was also appropriate, as was the case,  
28 that in the Emergency Measures, that specific extra power was

1 limited just to the time of the -- just to the actions and the  
2 measures, it wasn't a universal granting. We went back with  
3 regulatory changes to give that authority to FINTRAC in a  
4 permanent way. And I think Isabelle Jacques has explained that  
5 -- you know, I guess theoretically a person can say, "Well, why  
6 not just take that regulatory action on February the 14<sup>th</sup> or  
7 February the 15<sup>th</sup>, right away rather than put it in the Emergency  
8 Measures?" And regulation just takes longer to fully develop  
9 and to do properly.

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

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

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

24 The insurance measure I saw, and I see, as like a  
25 virtual tow truck. It was specifically designed to create an  
26 incentive for the trucks to move. And I think it did. And  
27 there was news reporting at the time that suggests that some  
28 people moved their trucks because they saw the insurance measure



1 was there; we were very public about it being there, and that  
2 that created an incentive to leave. And that's what we wanted  
3 to have happen. I see the fact that it didn't ever have to be  
4 used as a feature, not a bug.

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

12           **MS. SHANTONA CHAUDHURY:** I think you've coined a  
13 phrase there; we've been at this for seven months, and "Virtual  
14 tow truck" is not an expression we've yet heard.

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

19           **DEPUTY PM CHRYSIA FREELAND:** I don't think I can  
20 answer that question because I don't think I had any precise  
21 expectation. In a situation like that, I think you have to just  
22 hope for the best and plan for the worst, and I think that's  
23 what we tried to do.

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

28           So the first one I want to pull up is

1 SSM.CAN00004352, please.

2 So this is a discussion you had with Perrin  
3 Beatty. And can you just explain for the Commission's benefit,  
4 who Perrin Beatty is?

5 **DEPUTY PM CHRYSIA FREELAND:** Okay. And maybe  
6 for my benefit, you can remind me what the date of this was,  
7 because I don't remember.

8 **MS. SHANTONA CHAUDHURY:** The 22<sup>nd</sup> of February.

9 **DEPUTY PM CHRYSIA FREELAND:** Oka, thanks. Maybe  
10 you already -- maybe you said that and I didn't ---

11 **MS. SHANTONA CHAUDHURY:** No, no.

12 **DEPUTY PM CHRYSIA FREELAND:** Sorry.

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

23 But in his capacity as sort of a former  
24 Conservative Cabinet Minister, I do think that where possible,  
25 it's really good for a Liberal government to try to have good  
26 relationships, good working conversation with former  
27 Conservative Ministers, to understand that point of view; to,  
28 you know, I fully understand that we're talking now about a very

1 strong action we took, which was polarizing for the country, for  
2 -- which spoke to a time of polarization in the country. But  
3 Perrin specifically, for me, is an example of a person with whom  
4 I work hard to maintain a relationship because I think where we  
5 can have consensus in Canada, where we can work cross-partisan  
6 lines -- and we can't always do that, but where we can, I think  
7 that's good for the country.

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

11 "Hi Chrystia. Thanks for your note.  
12 While I'm still working my way through  
13 the implications, the financial aspects  
14 you announced seem to be the most  
15 significant additional measures that  
16 the government took under the Act."

17 Then he goes on and says:

18 "I certainly hope that we'll see an  
19 early, non-violent end to the blockades  
20 although I am worried, as I know you  
21 are.

22 There are also lots of long-term issues  
23 we need to consider once this is over,  
24 including whether we need to take other  
25 measures that could obviate the need to  
26 use the extraordinary powers in the Act  
27 in the future, and how to repair holes  
28 in our political system. [I'm]

1 particularly concerned about the  
2 radicalization of people who would  
3 normally be law-abiding..."

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

7 "[I'm] particularly concerned about the  
8 radicalization of people who would  
9 normally be law-abiding and focused on  
10 going about their daily lives.

11 Glad to talk at any time."

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

16 **DEPUTY PM CHRYSIA FREELAND:** I think they were  
17 significant, for sure, and effective. I'm not sure I would say  
18 they were the most significant, but I think for sure they were  
19 significant.

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

25 **DEPUTY PM CHRYSIA FREELAND:** I think that's a  
26 question for Perrin.

27 **MS. SHANTONA CHAUDHURY:** Okay, fair enough. And  
28 perhaps even a question for the Commission as we head into

1 policy week next week.

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

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

6 **DEPUTY PM CHRYSSTIA FREELAND:** He's very  
7 thoughtful, and -- yeah.

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

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

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

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

19 **DEPUTY PM CHRYSSTIA FREELAND:** Yes.

20 **MS. SHANTONA CHAUDHURY:** --- conversation? Okay.

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

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

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

28 *"Emergencies Act - I brought it into*

1 law, so I am in favour of it. The  
2 thing (protests) are over."

3 And then scrolling down, "I am glad I brought" --

4 -

5 **DEPUTY PM CHRYSIA FREELAND:** "In", that's "in",  
6 yeah.

7 **MS. SHANTONA CHAUDHURY:** "I am glad I brought in  
8 that legislation."

9 So do you have any recollection of this  
10 conversation and why you would have approached Mr. Mulroney  
11 about this?

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

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

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

27 **DEPUTY PM CHRYSIA FREELAND:** Yeah.

28 **MS. SHANTONA CHAUDHURY:** --- would probably go

1 back to your point about there were a lot of things going on at  
2 that time.

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

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

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

28 **DEPUTY PM CHRYSITIA FREELAND:** Yeah, thank you for

1 the question, and I say that really sincerely. I think that is  
2 a really important question, and a serious and challenging one.  
3 You know, people could write books about it, maybe someone can  
4 write a PhD thesis about it one day. But I will try to offer  
5 two links that are central in my own thinking, and were at the  
6 time.

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

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

23           For each of those people, having this all fall  
24 apart and the country's economy become profoundly undermined,  
25 that would undermine their security and it would undermine our  
26 security as a country. And if that seems too abstract, I think  
27 you're seeing it today in the geopolitical space, where we're  
28 actually seeing economic tools being weaponized in actual wars.



1 I spoke yesterday with the Prime Minister of  
2 Ukraine because we're issuing sovereignty bonds. It's a good  
3 thing that Canada is doing. I -- it's good. But I spoke with  
4 him yesterday, and he was talking to me in the darkness because  
5 most of Ukraine's power and water had been taken out by Russian  
6 missiles. Now, I'm not saying that we're talking about missiles  
7 with Canada, but I'm saying that a tool being used to undermine  
8 Ukraine is directly going at its economy.

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

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

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

26 And one thing that I was worried about, I've  
27 mentioned that I was worried about in the ending of these  
28 blockades and occupation, I really didn't want anyone who was

1 part of the blockade and occupation to be hurt. Another thing  
2 that was very much in my mind was the possibility of violent  
3 conflict between people doing the blockading and occupying and  
4 other Canadians who were very angry about it. I felt that  
5 Canada was sort of a powder keg and that you could have a  
6 violent physical confrontation at any point.

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

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

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

27 But I do remember one morning -- and I'm sorry, I  
28 didn't write it down in my notebook so I can't tell you the

1 date, but I remember one morning when I was walking from my  
2 hotel to my office, I walked past a parked truck and there was a  
3 young woman walking there too. And the truck honked really  
4 loudly, and she shouted something not very nice and made an  
5 obscene hand gesture, and the truck honked again really loudly.  
6 And I was really glad that I was there, and more importantly,  
7 that the RCMP was there, because I thought this is exactly the  
8 kind of thing -- like, imagine no-one had been there, it was  
9 just this small, young woman, and this big truck, and a person  
10 in it. And she was mad, and I just thought, you know, there are  
11 dozens and dozens of these things happening every day, and you  
12 know, God forbid that one of them should actually flare into  
13 violence and physical harm.

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

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

27           **MS. SHANTONA CHAUDHURY:** Thank you, Commissioner,  
28 those are my questions.

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

2                   So we're now -- we'll move to the cross-  
3 examination portion. First, I'd like to call on the convoy  
4 organizers for -- first to go ahead, please.

5                                           (SHORT PAUSE)

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

7                   **MR. BRENDAN MILLER:** Hello. My name's Brendan  
8 Miller, and I'm counsel to Freedom Corp., which is the  
9 representative of the protesters that were in your city, at  
10 Ottawa, in January and February 2022.

11                   So ma'am, I understand the mandate regarding  
12 truckers that led to the protest that came into effect in  
13 January 15<sup>th</sup>, 2022; is that correct?

14                   **DEPUTY PM CHRYSIA FREELAND:** I don't recall the  
15 exact date, but I'm prepared to believe you are citing ---

16                   **MR. BRENDAN MILLER:** Thank you.

17                   **DEPUTY PM CHRYSIA FREELAND:** --- it correctly.

18                   **MR. BRENDAN MILLER:** And during the pandemic,  
19 from March 20 through January 15<sup>th</sup>, 2022, there was no such  
20 regulation, right?

21                   **DEPUTY PM CHRYSIA FREELAND:** Again, I'm -- don't  
22 recall the exact dates myself, but I do know we didn't have the  
23 mandate and then it came into force.

24                   **MR. BRENDAN MILLER:** Right. And just so the  
25 folks at home understand, a regulation is a different type of  
26 law; it's passed by the Executive Branch alone, not by all  
27 Parliament, right, like the *Emergencies Act*?

28                   **DEPUTY PM CHRYSIA FREELAND:** There is absolutely

1 a distinction between things a government can do by regulation  
2 and things it can only ---

3 **MR. BRENDAN MILLER:** Right.

4 **DEPUTY PM CHRYSSTIA FREELAND:** --- do by  
5 legislation.

6 **MR. BRENDAN MILLER:** Right. And so would you be  
7 -- would you agree with me that, given that the -- during the  
8 throes of the pandemic from March 2020 through to January 15<sup>th</sup>,  
9 2022, and we had no regulation, you didn't need one.

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

13 **MR. BRENDAN MILLER:** Okay. I understand that,  
14 but I'm just going to ---

15 **DEPUTY PM CHRYSSTIA FREELAND:** --- for the health  
16 and safety of Canadians ---

17 **MR. BRENDAN MILLER:** I only have so much time, so  
18 I'm going to cut you off there.

19 And you'd agree with me that, given that there  
20 was no regulation in place from March 2020 through January 15<sup>th</sup>,  
21 2022, during the throes of the pandemic, there was no reason to  
22 pass one in January 15<sup>th</sup>, 2022, was there; there was no health  
23 risk?

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

28 **MR. BRENDAN MILLER:** Okay. But ---

1           **DEPUTY PM CHRYSSTIA FREELAND:** --- to get  
2 vaccinated.

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

6           **DEPUTY PM CHRYSSTIA FREELAND:** That's right.

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

10          **DEPUTY PM CHRYSSTIA FREELAND:** I believe then, and  
11 I believe now, that creating strong incentives for Canadians to  
12 be vaccinated protected the health ---

13          **MR. BRENDAN MILLER:** Okay.

14          **DEPUTY PM CHRYSSTIA FREELAND:** --- of vaccinated  
15 Canadians, and protected ---

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

17          **DEPUTY PM CHRYSSTIA FREELAND:** --- the health of  
18 our country overall.

19          **MR. BRENDAN MILLER:** Okay. So from March 2020 to  
20 January 15<sup>th</sup>, 2022, did you fail to protect Canadians by not  
21 having that regulation?

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

28          **MR. BRENDAN MILLER:** Okay.

1           **DEPUTY PM CHRYSSTIA FREELAND:** --- or were made  
2 available.

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

6           **DEPUTY PM CHRYSSTIA FREELAND:** Yes, I do.

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

10          **DEPUTY PM CHRYSSTIA FREELAND:** I am prepared to  
11 accept that that's the case. I can't recall specifically.

12          **MR. BRENDAN MILLER:** And can you agree with me  
13 that the United States has a federal vaccine compensation fund,  
14 ---

15          **DEPUTY PM CHRYSSTIA FREELAND:** Again, ---

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

17          **DEPUTY PM CHRYSSTIA FREELAND:** --- I'm prepared to  
18 accept that ---

19          **MR. BRENDAN MILLER:** Okay.

20          **DEPUTY PM CHRYSSTIA FREELAND:** --- that's the  
21 case.

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

25          **DEPUTY PM CHRYSSTIA FREELAND:** Again, I'm not an  
26 expert in the history of vaccine compensation funds ---

27          **MR. BRENDAN MILLER:** Right.

28          **DEPUTY PM CHRYSSTIA FREELAND:** --- in Canada.

1                   **MR. BRENDAN MILLER:** But the first -- and you can  
2 agree the first compensation fund in Canada for vaccines came  
3 about only because of the COVID vaccines; correct?

4                   **DEPUTY PM CHRYSITIA FREELAND:** Again, I'm really  
5 not an expert ---

6                   **MR. BRENDAN MILLER:** Yeah.

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

12                   **MR. BRENDAN MILLER:** I understand.

13                   **DEPUTY PM CHRYSITIA FREELAND:** --- but I ---

14                   **MR. BRENDAN MILLER:** I understand.

15                   **DEPUTY PM CHRYSITIA FREELAND:** --- believe very  
16 much in, really, the advice, the effectiveness, the thoroughness  
17 of Health Canada.

18                   **MR. BRENDAN MILLER:** Okay.

19                   **DEPUTY PM CHRYSITIA FREELAND:** They're very good  
20 at judging ---

21                   **MR. BRENDAN MILLER:** I agree.

22                   **DEPUTY PM CHRYSITIA FREELAND:** --- the safety of  
23 vaccines. And I will say I have been vaccinated four times; my  
24 children have been vaccinated.

25                   **MR. BRENDAN MILLER:** I understand. Ma'am, I  
26 don't need to know that, but ---

27                   **DEPUTY PM CHRYSITIA FREELAND:** But it does speak -  
28 - it does speak to my confidence in the vaccines, if ---



1                   **MR. BRENDAN MILLER:** I understand, I don't ---

2                   **DEPUTY PM CHRYSIA FREELAND:** --- I've had my  
3 children vaccinated. It speaks to ---

4                   **MR. BRENDAN MILLER:** Ma'am

5                   **DEPUTY PM CHRYSIA FREELAND:** --- my belief that  
6 they're safe ---

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

9                   So ---

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

13                  **MR. BRENDAN MILLER:** Yeah.

14                  **COMMISSIONER ROULEAU:** --- that's appropriate.

15                  **MR. BRENDAN MILLER:** Okay.

16                  So, ma'am, if that's the case, then, did Health  
17 Canada advise you to enact this regulation?

18                  **DEPUTY PM CHRYSIA FREELAND:** The mandate?

19                  **MR. BRENDAN MILLER:** Yeah.

20                  **DEPUTY PM CHRYSIA FREELAND:** Again, I am not the  
21 Health Minister, and I'm not going to speak to ---

22                  **MR. BRENDAN MILLER:** Yeah.

23                  **DEPUTY PM CHRYSIA FREELAND:** --- specific  
24 moments that we had advice. But ---

25                  **MR. BRENDAN MILLER:** Okay.

26                  **DEPUTY PM CHRYSIA FREELAND:** --- what I will say  
27 is we were very careful and thoughtful throughout COVID in the  
28 public health measures that we ---

1                   **MR. BRENDAN MILLER:** Okay.

2                   **DEPUTY PM CHRYSTIA FREELAND:** --- put in place  
3 and acted based on advice of PHAC.

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

6                   **DEPUTY PM CHRYSTIA FREELAND:** Again, I can't  
7 recall the specific dates, but ---

8                   **MR. BRENDAN MILLER:** Okay.

9                   **DEPUTY PM CHRYSTIA FREELAND:** --- I'm prepared to  
10 accept ---

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

12                   **DEPUTY PM CHRYSTIA FREELAND:** --- what you're  
13 saying.

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

17                   **DEPUTY PM CHRYSTIA FREELAND:** I don't know here  
18 personally, but I have read about her.

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

21                   **DEPUTY PM CHRYSTIA FREELAND:** Again, I don't know  
22 him personally, but I've read about him.

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

25                   **DEPUTY PM CHRYSTIA FREELAND:** Can you say the  
26 third name?

27                   **MR. BRENDAN MILLER:** Tom Marazzo, the gentleman  
28 over there?

1           **DEPUTY PM CHRYSIA FREELAND:** I can't say that I  
2 know as much about him or I've heard as much about him.

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

5           **DEPUTY PM CHRYSIA FREELAND:** What was that final  
6 last name?

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

9           **DEPUTY PM CHRYSIA FREELAND:** I'm afraid I'm not  
10 ---

11           **MR. BRENDAN MILLER:** Okay.

12           **DEPUTY PM CHRYSIA FREELAND:** --- so familiar  
13 with that final name, but ---

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

15           **DEPUTY PM CHRYSIA FREELAND:** --- Tamara Lich and  
16 Chris Barber I've heard of, yes.

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

21           **DEPUTY PM CHRYSIA FREELAND:** I had heard of  
22 their names, yes.

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

26           **DEPUTY PM CHRYSIA FREELAND:** I had read their  
27 names in the media.

28           **MR. BRENDAN MILLER:** Yeah. And you knew about

1 that before you invoked the *Emergencies Act*?

2 **DEPUTY PM CHRYSIA FREELAND:** Again, I can't say  
3 100 percent, not having reviewed what I read, but my  
4 recollection is they were reasonably prominent, and so I think  
5 it's reasonable to think that I would've read their names.

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

8 **DEPUTY PM CHRYSIA FREELAND:** Again, I haven't  
9 familiarised myself with her biography ---

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

11 **DEPUTY PM CHRYSIA FREELAND:** --- before coming  
12 here.

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

15 **DEPUTY PM CHRYSIA FREELAND:** I really haven't  
16 studied about her before coming here.

17 **MR. BRENDAN MILLER:** Okay.

18 **DEPUTY PM CHRYSIA FREELAND:** I want to be  
19 careful ---

20 **MR. BRENDAN MILLER:** Okay.

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

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

26 **DEPUTY PM CHRYSIA FREELAND:** In terms of  
27 designating who is a terrorist and who isn't, that is not my job  
28 as Minister of Finance or Deputy Prime Minister.

1                   **MR. BRENDAN MILLER:** Okay.

2                   **DEPUTY PM CHRYSSTIA FREELAND:** We have authorities  
3 whose job is to do that.

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

8                   **DEPUTY PM CHRYSSTIA FREELAND:** Yes. We have  
9 intelligence services, we have enforcement agencies whose job is  
10 to determine who is a terrorist ---

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

12                   **DEPUTY PM CHRYSSTIA FREELAND:** --- and that's  
13 entirely appropriate. It's ---

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

15                   **DEPUTY PM CHRYSSTIA FREELAND:** Can I say one thing  
16 about that?

17                   **MR. BRENDAN MILLER:** Yeah, just a second.

18                   If I can bring up document

19 SSM.CAN.00008764\_REL.001, Please.

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

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

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

27                   And if you scroll down. Keep going. Okay.

28                   And there, you say that "you need to designate

1 the group as terrorists." So -- but it's not your job, but you  
2 wanted to designate them as terrorists; right?

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

6 **MR. BRENDAN MILLER:** That's ---

7 **DEPUTY PM CHRYSIA FREELAND:** With him, I didn't  
8 have a meeting.

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

11 **DEPUTY PM CHRYSIA FREELAND:** It doesn't say  
12 that. It says it's with a gentleman called Dave.

13 **MR. BRENDAN MILLER:** Which Dave?

14 **DEPUTY PM CHRYSIA FREELAND:** That meeting --  
15 that is not an account of a ---

16 **MR. BRENDAN MILLER:** Which Dave?

17 **DEPUTY PM CHRYSIA FREELAND:** --- meeting with  
18 Dave Vigneault ---

19 **MR. BRENDAN MILLER:** Which ---

20 **DEPUTY PM CHRYSIA FREELAND:** --- because I  
21 didn't have ---

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

23 **DEPUTY PM CHRYSIA FREELAND:** --- a meeting ---

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

26 **DEPUTY PM CHRYSIA FREELAND:** --- with the CSIS  
27 Director.

28 **MR. BRENDAN MILLER:** Which Dave is in those

1 notes? What's Dave's last name?

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

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

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

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

10 **DEPUTY PM CHRYSIA FREELAND:** I can exclude that  
11 100 percent.

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

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

19 **MR. STEPHEN AYLWARD:** Sorry.

20 **MR. BRENDAN MILLER:** Yes?

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

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

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

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

28 **COMMISSIONER ROULEAU:** There -- it does exist.

1 Parliamentary privilege ---

2 **MR. BRENDAN MILLER:** Oh, absolutely it exists.

3 **COMMISSIONER ROULEAU:** --- does exist.

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

10 **COMMISSIONER ROULEAU:** I'm not aware of that.

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

14 **MR. STEPHEN AYLWARD:** Well, I'd ask my friend for  
15 the document that he's referring to so that we know what he's  
16 talking about so we can understand the Parliamentary privilege -  
17 --

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

21 **MR. STEPHEN AYLWARD:** Sorry.

22 **MR. BRENDAN MILLER:** This is what it says:

23 "...used just the bad apples excuse.

24 She has excused the desecration..."

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



1 I think we're going to have to find that. So I'd like you to  
2 hold that ---

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

4 **COMMISSIONER ROULEAU:** --- question.

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

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

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

12 **DEPUTY PM CHRYSIA FREELAND:** I'm not an expert  
13 in this.

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

18 **DEPUTY PM CHRYSIA FREELAND:** I do -- yes, I do  
19 remember the Terry Fox statue. I remember discussing it with my  
20 children ---

21 **MR. BRENDAN MILLER:** Yeah, and ---

22 **DEPUTY PM CHRYSIA FREELAND:** --- who were very  
23 upset.

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

28 **DEPUTY PM CHRYSIA FREELAND:** I don't remember

1 specifically ---

2 **MR. BRENDAN MILLER:** Okay.

3 **DEPUTY PM CHRYSITIA FREELAND:** --- what -- how the  
4 Terry Fox statue was ---

5 **MR. BRENDAN MILLER:** Yeah.

6 **DEPUTY PM CHRYSITIA FREELAND:** --- implicated in  
7 this, but I do remember ---

8 **MR. BRENDAN MILLER:** Okay.

9 **DEPUTY PM CHRYSITIA FREELAND:** --- reading about  
10 it, and I remember -- I remember it specifically because my  
11 children were aware of it ---

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

13 **DEPUTY PM CHRYSITIA FREELAND:** --- and were upset.

14 **MR. BRENDAN MILLER:** Right. And so I went online  
15 and I just looked at how many times someone's done that to that  
16 statute, and there seems to be hundreds, so I'm just going to  
17 put this one to you. If someone puts an LGBTQ flag on the Terry  
18 Fox statute and flowers on the statute is that a desecration?

19 **DEPUTY PM CHRYSITIA FREELAND:** I am not going to  
20 go into -- I really don't think it's my job or helpful for  
21 Canadians for me to go into a discussion of what is okay and not  
22 okay to do with the Terry Fox statue.

23 **MR. BRENDAN MILLER:** But you said it was a  
24 desecration -- when you call it a desecration in public that was  
25 what you were referring to, based on what was put on the statue.  
26 So is it fair to say that it's only a desecration to you if you  
27 don't agree with the message?

28 **DEPUTY PM CHRYSITIA FREELAND:** Again, you've made

1 a couple of leaps beyond anything that I've said.

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

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

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

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

13 **DEPUTY PM CHRYSIA FREELAND:** I -- can I finish  
14 the answer because ---

15 **MR. BRENDAN MILLER:** Yeah.

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

21 **MR. BRENDAN MILLER:** Okay.

22 **DEPUTY PM CHRYSIA FREELAND:** --- which we heard  
23 about at the IRG ---

24 **MR. BRENDAN MILLER:** Right.

25 **DEPUTY PM CHRYSIA FREELAND:** --- on the  
26 Saturday.

27 **MR. BRENDAN MILLER:** Okay. So -- but with  
28 respect to the interaction with protesters, I don't know if you

1 heard the testimony of the Mayor there, but he said that  
2 75 percent of his small town supported the blockades and that  
3 many of the properties have "F Trudeau" flags all over them.

4 So did -- you wouldn't have concern with that  
5 specific protest; would you?

6 **DEPUTY PM CHRYSIA FREELAND:** My reference to  
7 Coutts just now was very specific. At the IRG on Saturday, the  
8 12<sup>th</sup> of February, the RCMP Commissioner raised with us the  
9 possibility that there were weapons there, and that was a source  
10 of great concern.

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

14 **DEPUTY PM CHRYSIA FREELAND:** Again, I'm not a  
15 police expert, but that seems like a reasonable common-sense  
16 observation.

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

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

24 **MR. BRENDAN MILLER:** Right. And you testified  
25 earlier about what you viewed as, you know, ensuring that we, as  
26 Canadians have a good international reputation so that people  
27 come to our country and want to do business with us. Is that  
28 fair?

1           **DEPUTY PM CHRYSSTIA FREELAND:** Yes, that's  
2 something I was very concerned about.

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

7           **DEPUTY PM CHRYSSTIA FREELAND:** I am familiar with  
8 the Transparency International Index, but I haven't looked at it  
9 recently.

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

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

15          **DEPUTY PM CHRYSSTIA FREELAND:** I have to say that  
16 I disagree with the premise of the question. I think Canada is  
17 a very transparent democracy. And in fact, the Commission that  
18 we're part of right now is a part of Canadian transparency.

19          **MR. BRENDAN MILLER:** Right. And ---

20          **DEPUTY PM CHRYSSTIA FREELAND:** That's why it's  
21 important.

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

27          **DEPUTY PM CHRYSSTIA FREELAND:** Again, and with  
28 apologies, I can't agree with the premise of the question. I

1 think that -- but what I can say is I think that the fact that  
2 this Commission exists, that these hearings are being held, that  
3 they're public, is really important for Canada and is a measure  
4 of Canadian transparency.

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

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

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

19 **DEPUTY PM CHRYSITIA FREELAND:** I think that the  
20 Canadian Government should always seek not to mislead Canadians  
21 ---

22 **MR. BRENDAN MILLER:** Right.

23 **DEPUTY PM CHRYSITIA FREELAND:** --- first and  
24 foremost, because that's wrong, and that is not the way we  
25 should treat Canadians.

26 **MR. BRENDAN MILLER:** And in the many statements  
27 that have been said by all the politicians in this matter, one  
28 of the main things they talked about, and Justin Trudeau did

1 particularly, on the -- following the first weekend of the  
2 invocation of the *Emergencies Act* was these horrible, horrible,  
3 the Nazi flag and all those things that people saw in Ottawa?  
4 You heard him say that?

5 **DEPUTY PM CHRYSIA FREELAND:** Again, I have to  
6 say prior to coming here, I have not specifically reviewed  
7 specific statements of the Prime Minister. If you want to point  
8 to a specific one, ---

9 **MR. BRENDAN MILLER:** Yeah.

10 **DEPUTY PM CHRYSIA FREELAND:** --- maybe we could  
11 discuss it.

12 **MR. BRENDAN MILLER:** You'd agree if it turned out  
13 those flags were linked to your government, that would look  
14 really bad for our international reputation; wouldn't it?

15 **DEPUTY PM CHRYSIA FREELAND:** Based on some ---

16 **COMMISSIONER ROULEAU:** Okay. Next. If I could  
17 call on the CCLA, please?

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

19 **MS. EWA KRAJEWSKA:** Good afternoon, Minister  
20 Freeland. My name is Ewa Krajewska. I'm counsel for the  
21 Canadian Civil Liberties Association.

22 Minister Freeland, I'd like to start off with  
23 going back to your testimony in-chief with respect to the  
24 Ambassador Bridge.

25 If I understand your testimony correctly, you  
26 stated that the blockage of the Ambassador Bridge escalated  
27 matters, in your mind, significantly. That's fair?

28 **DEPUTY PM CHRYSIA FREELAND:** So first of all,

1 good afternoon, Ms. Krajewska. Nice -- well, maybe I shouldn't  
2 say nice.

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

5 **DEPUTY PM CHRYSITIA FREELAND:** Yeah, but I -- good  
6 afternoon. And I will try to answer your questions.

7 And I think when you say testimony, you're  
8 referring to the ---

9 **MS. EWA KRAJEWSKA:** Your exchange with Ms.  
10 Chaudhury.

11 **DEPUTY PM CHRYSITIA FREELAND:** --- two hours this  
12 morning.

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

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

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

28 **MS. EWA KRAJEWSKA:** And you said because it had



1 phonetically exponential harm to the Canadian economy?

2 **DEPUTY PM CHRYSITIA FREELAND:** Yes, that -- by --  
3 I mean, I wasn't taking notes of what I said, but I believe  
4 that.

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

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

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

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

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

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

28 **DEPUTY PM CHRYSITIA FREELAND:** Okay.

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

5           **DEPUTY PM CHRYSIA FREELAND:** Again, can I say  
6 yes and offer an explanation?

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

9           **DEPUTY PM CHRYSIA FREELAND:** No, just ---

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

12          **DEPUTY PM CHRYSIA FREELAND:** Okay. Well, I  
13 would just say you are a lawyer, so a person ---

14          **MS. EWA KRAJEWSKA:** Yeah.

15          **DEPUTY PM CHRYSIA FREELAND:** --- does have to be  
16 careful.

17          **MS. EWA KRAJEWSKA:** Yeah.

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

1 more damage is done to us an investment destination. Witness  
2 the Banana Republic conflict.

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

8 **DEPUTY PM CHRYSITIA FREELAND:** I mean, Banana  
9 Republic wasn't my term ---

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

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

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

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

24 **MS. EWA KRAJEWSKA:** Right. And you -- and then  
25 so I think you would also agree that the *Emergencies Act* should  
26 not be used because demonstrators are disagreeing with  
27 government policy. I think that's a very low threshold view  
28 that I'm putting to you.

1           **DEPUTY PM CHRYSIA FREELAND:** Yes.

2           **MS. EWA KRAJEWSKA:** Okay.

3           **DEPUTY PM CHRYSIA FREELAND:** I absolutely agree  
4 with that.

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

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

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

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

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

26           **DEPUTY PM CHRYSIA FREELAND:** They do.

27           **MS. EWA KRAJEWSKA:** And sometimes occupations  
28 like Occupy Wall Street or Occupy Toronto may cause economic

1 harm?

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

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

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

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

22 **DEPUTY PM CHRYSSTIA FREELAND:** Yeah, I am aware of  
23 that, and I don't think you'll be surprised to think that I  
24 thought about that at the time. And more recently and more  
25 specifically, I thought about the Maiden in Ukraine. And --  
26 when we took this action. And let me talk about a few  
27 differences, and the main one is this. Solidarność, as you know  
28 very well, was a protest against a government that was

1 illegitimate. That was where -- from whence it drew its power  
2 and legitimacy. This was people rising up against an  
3 authoritarian, and I would even say in the case of Poland,  
4 colonial regime.

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

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

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

15 **DEPUTY PM CHRYSIA FREELAND:** And that was not  
16 appropriate.

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

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

1 revolution against an authoritarian regime and protest in a  
2 democracy.

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

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

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

20 **DEPUTY PM CHRYSTIA FREELAND:** So ---

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

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

27 My concern, when it came to the economic security  
28 of Canada, was about our ability not to not have political

1 debate; political debate is a sign of healthy society. You  
2 know, the fact we're having this Commission, that's a healthy  
3 democracy. The fact that in Question Period we yell at each  
4 other; I really don't like it but it's a sign of a healthy  
5 democracy.

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

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

18                   **DEPUTY PM CHRYSIA FREELAND:** I did not say War  
19 Museum, and I didn't ---

20                   **MS. EWA KRAJEWSKA:** Sorry.

21                   **DEPUTY PM CHRYSIA FREELAND:** --- say placard, --  
22 -

23                   **MS. EWA KRAJEWSKA:** Sorry.

24                   **DEPUTY PM CHRYSIA FREELAND:** --- but the basic  
25 idea, I think we're in ---

26                   **MS. EWA KRAJEWSKA:** I'm sorry; I'm thinking --  
27 I'm thinking of a different Ottawa monument. But you agree that  
28 public assembly and the right to protest goes beyond simply me



1 standing on a green lawn in front of a government building; that  
2 it does encompass more than that, and that Canada should protect  
3 that to be a vibrant democracy?

4 **DEPUTY PM CHRYSIA FREELAND:** I, you know, am not  
5 going to, right now, try to define with you specifically, you  
6 know, what is -- you know, give examples of protests. But I  
7 will say, and I really agree with, and I think one of the lines  
8 that very much in my mind in this decision is, I do agree with  
9 you that in a democracy the right to protest is important and  
10 has to be protected. And, yeah, obvious -- I mean, that's such  
11 an obvious statement, and I agree with that, and I agree --  
12 yeah, since it's obvious I'll say it and I won't gild the lily.

13 **MS. EWA KRAJEWSKA:** Thank you.

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

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

19 **MS. JANANI SHANMUGANATHAN:** Good morning -- or  
20 good afternoon.

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

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

25 **MS. JANANI SHANMUGANATHAN:** Okay, great. Thank  
26 you.

27 **COMMISSIONER ROULEAU:** We'll come back, then, at  
28 2 o'clock.

1                   **THE REGISTRAR:** The Commission is in recess until  
2 2 o'clock. La Commission est levée jusqu'à 2 heures.

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

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

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

6                   The Commission is reconvened. La Commission  
7 reprend.

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

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

13                   **MS. JANANI SHANMUGANATHAN:** Great, thank you very  
14 much.

15 --- DEPUTY PM CHRYSTIA FREELAND, Resumed:

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

17                   **MS. JANANI SHANMUGANATHAN:** So good afternoon,  
18 Minister.

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

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

28                   **MS. JANANI SHANMUGANATHAN:** All right. And your

1 answer to that was you believe our security as a country is  
2 built on economic security, and if our economic security is  
3 threatened, all of our security is threatened. And now I'm not  
4 asking you to elaborate on this. I just want you to confirm  
5 that this was your evidence.

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

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

14 **DEPUTY PM CHRYSIA FREELAND:** Yes, I am.

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

18 **DEPUTY PM CHRYSIA FREELAND:** Yes, I am.

19 **MS. JANANI SHANMUGANATHAN:** All right. So I just  
20 want to take you to section 2 of the *CSIS Act*, and this is COM  
21 either 5 0s or 6 0s 935. It should be 5 0s. If I can take to  
22 page 8, please? Perfect. If you can just pause there.

23 So the *CSIS Act* defines threats to the security  
24 of Canada, and we've heard evidence in this Commission that, for  
25 the purposes of invoking the *Emergencies Act* here, the focus was  
26 on (c). That's where they were focussed on in terms of the  
27 threats to the security of Canada. So what (c) says is,

28 "activities within or relating to

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

8 So you see that?

9 **DEPUTY PM CHRYSITIA FREELAND:** I do.

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

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

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

1 to,

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

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

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

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

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

25 **MS. JANANI SHANMUGANATHAN:** Sure.

26 **DEPUTY PM CHRYSITIA FREELAND:** So that was my  
27 first stage. Second stage is in terms of, you know, one of the  
28 things that this Commission is I think quite rightly

1 investigating, you know, was the government acting within its  
2 authorities. For me, as Finance Minister, an important factor  
3 in the judgment I came to, which is that we were, was the expert  
4 advice that we received. I'm not a lawyer. I rely on the  
5 judgment of officials who advised us and on expert legal advice.  
6 And I say that even as I am very confident that it was the right  
7 decision and confident in taking personal political  
8 responsibility.

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

27 **MS. JANANI SHANMUGANATHAN:** Okay.

28 **DEPUTY PM CHRYSIA FREELAND:** --- also influenced

1 -- can I say one more thing?

2 **MS. JANANI SHANMUGANATHAN:** Sure.

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

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

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

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

26 **DEPUTY PM CHRYSITIA FREELAND:** I -- I mean my  
27 counsel may have something to say but I don't think that's a  
28 fair characterization of what I said just now or of what I said

1 this morning. What I think is fair is, first of all, that I  
2 relied on expert legal judgment to make a very important and  
3 weighty legal decision. What I also said is, as a person who  
4 was here in Ottawa, I did see a real danger of violence. And  
5 then finally, what I described in my testimony this morning was  
6 the way in which the economic security of our country, I really  
7 believe, is a part of our national security, but that was a much  
8 broader conversation we were having about a broad set of issues,  
9 which I certainly think are important for us to think about and  
10 consider.

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

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

23 **MS. JANANI SHANMUGANATHAN:** So it ---

24 **DEPUTY PM CHRYSIA FREELAND:** But I'm also  
25 conscious -- if I may continue?

26 **MS. JANANI SHANMUGANATHAN:** Of course.

27 **DEPUTY PM CHRYSIA FREELAND:** I'm also conscious  
28 that I am not a lawyer and I'm not a person who can give expert



1 opinion on the precise parsing of these authorities. It was  
2 important for me to be assured that we did have the authority to  
3 act, and I received, as a Cabinet Member, assurances that we had  
4 those authorities from people who I believed were qualified to  
5 offer those assurances.

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

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

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

21 **MR. STEPHEN AYLWARD:** I'd renew my objection and  
22 would ask for a ruling on it.

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

26 **MS. JANANI SHANMUGANATHAN:** That's fine. Thank  
27 you very much. I don't know how much time I have left but I do  
28 have just one other point I'd like -- or one other issue to

1 address, if I may. So when we were talking about FINTRAC this  
2 morning and you explored it as one option to pursue but decided  
3 that, you know, making a change to it, you know, the legislative  
4 amendment would take too much time -- do you recall your  
5 evidence earlier today about that?

6 **DEPUTY PM CHRYSIA FREELAND:** Yes, I do.

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

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

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

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

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

24 **DEPUTY PM CHRYSIA FREELAND:** A hundred percent.

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

27 **DEPUTY PM CHRYSIA FREELAND:** Absolutely.

28 **MS. JANANI SHANMUGANATHAN:** Okay. Those are all

1 my questions. Thank you very much.

2 **COMMISSIONER ROULEAU:** Okay, thank you. Next is  
3 the Democracy Fund, JCCF.

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

5 **MR. ALAN HONNER:** Good after, Minister.

6 **DEPUTY PM CHRYSIA FREELAND:** Good afternoon.

7 **MR. ALAN HONNER:** My name's Alan Honner. I'm a  
8 lawyer at the Democracy Fund and we share status with the JC  
9 Citizens for Freedom. Ms. Freeland, in your witness statement,  
10 you mentioned challenges to supply chains as being a major focus  
11 for you in January of 2022, but you didn't mention the  
12 government vaccine mandate for truckers, and I'd just like to  
13 ask you a little bit about that. Can we please pull up  
14 OTT00027621.0001?

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

21 **DEPUTY PM CHRYSIA FREELAND:** I can't say I'm  
22 familiar with them right now. Maybe I've heard of them, but ---

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

28 "The Canadian Trucker Alliance is

1                   disappointed to learn that our current  
2                   exemption from the national vaccination  
3                   mandate is being removed considering  
4                   the immense impact this decision will  
5                   have on already beleaguered supply  
6                   chains."

7                   Do you see that?

8                   **DEPUTY PM CHRYSITIA FREELAND:** I do.

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

12                   "CTA estimates that, combined, the  
13                   proposed vaccine mandate for cross-  
14                   border truck drivers and the federal  
15                   sector mandate announced by the  
16                   Minister of Labour would remove between  
17                   15,000 and 30,000 Canadian drivers from  
18                   the interprovincial and international  
19                   supply chains. The expected loss of  
20                   transportation service capacity will  
21                   trigger significant ripple effects  
22                   throughout the entire economy."

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

27                   **DEPUTY PM CHRYSITIA FREELAND:** I knew that some  
28 people asserted that it might.

1           **MR. ALAN HONNER:** Okay, thank you. And I'm going  
2 to suggest this is not the first this group wrote to you. If we  
3 can scroll down to page 5, please, we have another letter --  
4 just to the top of page 5 -- sorry, it might be page 4, just go  
5 up, please. Okay, so here we have a letter. It is -- a little  
6 bit down, please. I'm sorry, can we just scroll to the top --  
7 so December 8<sup>th</sup>, 2021, and if we can scroll down to the second  
8 paragraph, it says here:

9                                   "When the mandate was originally  
10                                   announced, CTA expected that upwards of  
11                                   20 percent of the 120,000 Canadian  
12                                   truck drivers crossing the US-Canada  
13                                   border would have likely remained  
14                                   unvaccinated by January 2022. Of the  
15                                   40,000 US-based truck drivers crossing  
16                                   the border, CTA estimated that upwards  
17                                   of 40 percent of these drivers would  
18                                   not be prepared to meet the vaccine  
19                                   mandate requirement."

20                                   Do you see that?

21           **DEPUTY PM CHRYSITIA FREELAND:** I do.

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

26           **DEPUTY PM CHRYSITIA FREELAND:** I don't agree with  
27 the estimates that are provided there, and I don't agree with  
28 the assertion that the vaccine mandates themselves caused

1 problems for our supply chain.

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

4 **DEPUTY PM CHRYSSTIA FREELAND:** No, I don't agree  
5 with that.

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

7 ---

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

11 **MR. ALAN HONNER:** Okay. Well, let's go to page  
12 6, please. And the first paragraph that we see there, the CTA  
13 is giving the stats that truckers -- you have of 70 percent of  
14 the \$648 billion Canada/U.S. trade. Does that sound about right  
15 to you?

16 **DEPUTY PM CHRYSSTIA FREELAND:** Again, I can't ---

17 **MR. ALAN HONNER:** You have ---

18 **DEPUTY PM CHRYSSTIA FREELAND:** --- say whether  
19 that's ---

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

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

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

28 And let's just consider that if what the Canadian

1 -- if what the CTA is saying is correct and the drivers are  
2 reduced by 20 percent, that's a reduction of 24,000 trucks in  
3 the supply chain.

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

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

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

15 **DEPUTY PM CHRYSIA FREELAND:** Yes, that would be  
16 fair.

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

20 **DEPUTY PM CHRYSIA FREELAND:** Yes.

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

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

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

28 **DEPUTY PM CHRYSIA FREELAND:** Yes.

1           **MR. ALAN HONNER:** And there was the looking  
2 threat of inflation?

3           **DEPUTY PM CHRYSTIA FREELAND:** Yes.

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

7           **DEPUTY PM CHRYSTIA FREELAND:** The Russian  
8 invasion.

9           **MR. ALAN HONNER:** The Russian invasion.

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

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

15          **DEPUTY PM CHRYSTIA FREELAND:** Yes, it was.

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

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

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

26                 But what is important, I would put to you, is  
27 that the U.S. was unhappy with the situation in Canada and they  
28 were seeing their own vulnerability in our supply chains. That



1 was your evidence, was it not?

2 **DEPUTY PM CHRYSIA FREELAND:** Certainly. The ---

3 **MR. ALAN HONNER:** And they didn't like that?

4 **DEPUTY PM CHRYSIA FREELAND:** The -- in  
5 particular, blockade of the Ambassador Bridge exposed the  
6 vulnerability of the U.S. economy, particularly the car sector  
7 to the Canadian car sector.

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

14 **DEPUTY PM CHRYSIA FREELAND:** I absolutely  
15 disagree with that.

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

22 **DEPUTY PM CHRYSIA FREELAND:** That's correct.

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

26 **DEPUTY PM CHRYSIA FREELAND:** I had spoken to  
27 Brian Dietz before and since, but the speed and urgency with  
28 which he got in touch with me was definitely significant and

1 relevant.

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

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

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

12 **DEPUTY PM CHRYSIA FREELAND:** Yes, both of those  
13 things are true.

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

17 **DEPUTY PM CHRYSIA FREELAND:** That's true.

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

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

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

1 footprint of the protest in that city.

2                   **DEPUTY PM CHRYSSTIA FREELAND:** Again, I would  
3 disagree with that.

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

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

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

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

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

24                   Thank you, Mr. Commissioner.

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

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

28 --- CROSS-EXAMINATION BY MS. MANDY ENGLAND:

1                   **MS. MANDY ENGLAND:** Thank you very much, and good  
2 afternoon.

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

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

8                   As has been discussed today, you had  
9 consultations with the CEOs of several banks on February the  
10 13th about potential economic measures, and you said in your  
11 testimony today how important it was for you to hear from the  
12 leaders of the financial institutions, what their views were on  
13 the situation with the blockades.

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

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

23                  As deputy prime minister, don't you think that  
24 the input of the first ministers of the provinces and  
25 territories on the potential invocation of the *Emergencies Act*  
26 and the proposed measures would have been relevant information  
27 to have before you at the IRG meetings and the Cabinet meetings  
28 where the invocation of the *Emergencies Act* was discussed and

1 debated?

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

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

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

22                   **DEPUTY PM CHRYSTIA FREELAND:** In my view,  
23 Minister LeBlanc very effectively, from what I could see, very  
24 effectively communicated with the provinces and territories, and  
25 communicated with us his -- what he learned from those  
26 conversations. That discussion that happened on the Monday was  
27 important. I wasn't part of that discussion, but it happened  
28 and it was important that it happened.

1                   **MS. MANDY ENGLAND:** And so the evidence that has  
2 been given before this Inquiry is that the *Emergencies Act* had  
3 not been raised with any of the First Ministers of the provinces  
4 or territories or any of the Cabinet members of the provinces or  
5 territories. So wouldn't you agree with me that whatever  
6 information it was that Minister LeBlanc was bringing to the  
7 table, it did not involve discussions about the Federal  
8 *Emergencies Act*?

9                   **DEPUTY PM CHRYSITIA FREELAND:** Again, there, I  
10 would say this was an area of responsibility for  
11 Minister LeBlanc, who I do absolutely believe does that very  
12 difficult job very well, and I had confidence in how he did that  
13 job.

14                   **MS. MANDY ENGLAND:** I'll move on to my second  
15 question.

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

20                   It's SSM.CAN00001828.

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

25                   **DEPUTY PM CHRYSITIA FREELAND:** I think so.

26                   **MS. MANDY ENGLAND:** Okay, thank you. And then  
27 the -- there's a paragraph that begins "First", and then the  
28 next little paragraph says:

1 "The RCMP has told [us] they have heard  
2 from protesters as they were leaving  
3 the blockades that they did so because  
4 their families said their accounts were  
5 frozen, so get the hell out of there.  
6 This is a much better and peaceful way  
7 to end things."

8 Now, freezing someone's bank account without due  
9 process engages their personal rights, and it also engages the  
10 personal rights of the families that shared many of those bank  
11 accounts, individuals who weren't even at the protest. You  
12 stated here in this document that your view was that this is  
13 better and more peaceful, presumably than using the existing  
14 legal authorities, which multiple branches of law enforcement  
15 have testified at this Inquiry were adequate to bring a peaceful  
16 end to the protests, and indeed they did so using those  
17 authorities.

18 So do you still hold that view today, that  
19 freezing the accounts was a better solution than law enforcement  
20 carrying out its legal authorities in the responsible manner  
21 that they do?

22 **DEPUTY PM CHRYSITIA FREELAND:** The view that I do  
23 hold, as we discussed earlier today, is one of my very grave  
24 concerns about bringing these illegal blockades and this illegal  
25 occupation to an end was the danger that there would be  
26 violence, and that there would be violence directed towards the  
27 protesters. I was particularly concerned because of reports  
28 that children were present.

1                   And that was one of the reasons that I felt the  
2 financial tools that were put in place by the *Emergencies Act*  
3 were a better option. From my perspective, the job of these  
4 tools was to create a peaceful, non-violent incentive for people  
5 who were doing something illegal to leave. And I think those  
6 tools did work.

7                   **MS. MANDY ENGLAND:** And so I would just remind  
8 you in that regard that the call that we're looking at, this  
9 readout from in front of us, was held on February the 21st. And  
10 so at that time, the Coutts blockade...

11                   We can scroll up to the top of the document.

12                   We have Monday, February the 21st, and you say,  
13 it's:

14                                   "Hard to believe that it was only a  
15                                   week ago that we were on a call...last  
16                                   Sunday..."

17                   Which was February the 13th, "talking about  
18 this."

19                   So this is a call that was held on February the  
20 21st after the enforcement actions had been taken out at Coutts,  
21 which were done before the *Emergencies Act* was invoked, after  
22 the Ambassador Bridge was cleared, which was before the  
23 *Emergencies Act* was invoked, and while the enforcement efforts  
24 in Ottawa were well underway, and you would have had the  
25 knowledge at that time that there was peaceful resolution by law  
26 enforcement at both of those border blockades, and that there  
27 was no violence against children and it was a peaceful  
28 resolution by law enforcement in Ottawa.



1                   And so with respect to those comments about the  
2 fear of the prospect of violence, I don't know that on the  
3 timeline of February 21st are you saying you still had them then  
4 and you would still have those today?

5                   **DEPUTY PM CHRYSIA FREELAND:** No, not at all. On  
6 ---

7                   **MS. MANDY ENGLAND:** And so you expressed this  
8 view ---

9                   **DEPUTY PM CHRYSIA FREELAND:** --- February ---

10                  **MS. MANDY ENGLAND:** --- after you were of the  
11 knowledge that there was ---

12                  **DEPUTY PM CHRYSIA FREELAND:** May I? May I  
13 explain?

14                  **MS. MANDY ENGLAND:** Absolutely. I didn't realise  
15 you were talking. I apologise.

16                  **DEPUTY PM CHRYSIA FREELAND:** No problem. It can  
17 be hard on the video calls.

18                         So on February 21st, when I made those comments,  
19 it was looking back on the events of the week that had passed,  
20 and I certainly believed then and I believe today that the  
21 financial tools we put in place aided in peaceful resolution of  
22 all of those occupations and blockades. The reports that we  
23 heard, the reports that were in the media, the reports from law  
24 enforcement were that many people did leave as a result of the  
25 incentives created by those tools.

26                         And then the final thing that I think is  
27 important to emphasise is we said on February 14th "we are  
28 putting these tools in place so please leave now so that these

1 tools never need to be used." So any person who had their  
2 account frozen had due warning that they were engaged in illegal  
3 activity and that they should stop doing that activity.

4 And the other thing that I would point to that I  
5 think did work well is the accounts were very quickly unfrozen  
6 after the illegal activity ceased.

7 **MS. MANDY ENGLAND:** And with respect to the due  
8 warning, there were, as you acknowledge in your earlier  
9 testimony, accounts of families, individuals who weren't present  
10 at the protests, that were also frozen. Would your view be the  
11 same with respect to those individuals?

12 **DEPUTY PM CHRYSITIA FREELAND:** Again, there, that  
13 was never the intent, that -- to in any way affect family  
14 members. Certainly the consequence, the reality of people  
15 having joint bank accounts made that impossible to entirely  
16 avoid. But I would say that the family members whose presence  
17 at the protest, at the illegal occupation and blockades, caused  
18 the accounts to be frozen, had a very easy readily available  
19 remedy with a lot of notice. They could have left before the  
20 freezing began, and as soon as people did leave the accounts  
21 were unfrozen.

22 **MS. MANDY ENGLAND:** Thank you, Minister, those  
23 are my questions today.

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

25 Next, I'd like to call on the City of Ottawa,  
26 please.

27 **MS. ALYSSA TOMPKINS:** The City has ceded its time  
28 to the Government of Canada. Alyssa Tompkins for the record.

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

2                   Counsel for former Chief Sloly, please.

3                   **MS. REBECCA JONES:** Rebecca Jones for  
4 Chief Sloly, and we also have no questions for the Deputy Prime  
5 Minister, and have ceded our time to the Government of Canada.  
6 Thank you.

7                   **COMMISSIONER ROULEAU:** Okay.

8                   Next is City of Windsor?

9                   **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

10                   **MS. JENNIFER KING:** Good afternoon, Deputy Prime  
11 Minister. My name is Jennifer King, and I am legal counsel to  
12 the City of Windsor.

13                   I only have a few moments with you this  
14 afternoon. You have testified about the macroeconomic impacts  
15 of the border blockades and the Ambassador Bridge blockade  
16 specifically. In my few moments with you, I want to shift  
17 tracks a bit and ask you to scope down and talk to us about the  
18 impacts of the blockades on the community and individual level.  
19 As you may be aware, I hope you're aware, Windsor is not just a  
20 road to the Ambassador Bridge. It's a community. It's a place  
21 where people live, work and study. Are you aware that the  
22 bridge lands in the community?

23                   **DEPUTY PM CHRYSTIA FREELAND:** Yes, I am.

24                   **MS. JENNIFER KING:** Are you aware that for  
25 Windsor and Windsorites the blockade of the bridge was felt  
26 directly and immediately?

27                   **DEPUTY PM CHRYSTIA FREELAND:** Yes, I am.

28                   **MS. JENNIFER KING:** I understand from Deputy

1 Minister Sabia that Transport Canada has not completed an  
2 analysis of the blockade and the impacts on the local economy  
3 and local Windsor businesses; is that right?

4 **DEPUTY PM CHRYSIA FREELAND:** That's right.

5 **MS. JENNIFER KING:** Okay. But you are well aware  
6 of the importance of the automotive sector as an employer in the  
7 region; right?

8 **DEPUTY PM CHRYSIA FREELAND:** I'm very aware of  
9 that and was motivated by my awareness of that in some of the  
10 actions we've been discussing today.

11 **MS. JENNIFER KING:** Okay. And you're aware that,  
12 given the nature of the automotive sector, the blockade had a  
13 significant impact and resulted almost immediately in shutdowns  
14 and partial layoffs?

15 **DEPUTY PM CHRYSIA FREELAND:** Yes.

16 **MS. JENNIFER KING:** Can you tell us generally how  
17 impacts on the Canadian economy at this kind of macro-level that  
18 you've been talking about trickles down and impacts local  
19 communities and residents, particularly communities like Windsor  
20 that are reliant on these types of automotive industries?

21 **DEPUTY PM CHRYSIA FREELAND:** I think you've been  
22 doing a very good job of telling us that, and certainly, I'm,  
23 you know, very prepared to agree with you, that Windsor was very  
24 specifically and meaningfully affected.

25 **MS. JENNIFER KING:** Okay. You also gave  
26 testimony this morning about U.S. EV incentives. Mayor Dilkens  
27 gave evidence to this Commission about the \$5 billion investment  
28 announced in March through a joint venture between Stellantis

1 and LG Energy Solutions to establish a battery manufacturing  
2 plant in the region. You're aware of that investment?

3 **DEPUTY PM CHRYSIA FREELAND:** Extremely.

4 **MS. JENNIFER KING:** So this will be the first  
5 Canadian electric vehicle battery manufacturing facility?

6 **DEPUTY PM CHRYSIA FREELAND:** Well, let's get it  
7 off the ground, but I'm very optimistic about it.

8 **MS. JENNIFER KING:** And Mayor Dilkens testified  
9 that these discussions and preplanning about this investment was  
10 underway at the time of the blockade?

11 **DEPUTY PM CHRYSIA FREELAND:** Yes, I believe  
12 that's the case.

13 **MS. JENNIFER KING:** Is this the kind of  
14 investment that you were concerned about, that you were talking  
15 about earlier today?

16 **DEPUTY PM CHRYSIA FREELAND:** A hundred percent.

17 **MS. JENNIFER KING:** The Commission has heard  
18 evidence about the response in Windsor, Windsor Police and its  
19 policing partners to peacefully clear the blockade of the  
20 bridge. Were you aware at the time that the necessary policing  
21 efforts to maintain access to the bridge after the blockades  
22 impacted Windsorites?

23 **DEPUTY PM CHRYSIA FREELAND:** Yes.

24 **MS. JENNIFER KING:** Deputy Minister Sabia agreed  
25 that the reopening of the bridge was key to avoiding greater  
26 damage to Canada's reputation as a good place to invest,  
27 Canada's reputation as a reliable trading partner. Do you  
28 agree?

1                   **DEPUTY PM CHRYSIA FREELAND:** Yes, I do.

2                   **MS. JENNIFER KING:** For Windsorites, this isn't,  
3 of course, not about just what happened in February. Windsor  
4 has been host to this critical piece of infrastructure for  
5 almost a century, and Windsor keeps traffic flowing to this  
6 bridge every day, and that benefits the entire country; doesn't  
7 it?

8                   **DEPUTY PM CHRYSIA FREELAND:** One hundred  
9 percent. It helped us get the 3M masks, in fact.

10                  **MS. JENNIFER KING:** Right. So we've heard a  
11 number of witnesses recommend that the frameworks and laws to  
12 protect critical infrastructure should be studied and  
13 strengthened; do you agree?

14                  **DEPUTY PM CHRYSIA FREELAND:** I do.

15                  **MS. JENNIFER KING:** Would you also agree that  
16 Windsor is not only a stakeholder in debriefing the lessons  
17 learned and in developing these frameworks, but also an  
18 important partner?

19                  **DEPUTY PM CHRYSIA FREELAND:** Yes, Windsor is  
20 definitely an important partner.

21                  **MS. JENNIFER KING:** Okay. Thank you. Those are  
22 all my questions.

23                  **DEPUTY PM CHRYSIA FREELAND:** Okay. Thank you.

24                  **COMMISSIONER ROULEAU:** Thank you. Next is the  
25 Windsor Police Service.

26                  **MS. HEATHER PATERSON:** Hi, there, Heather  
27 Paterson for the Windsor Police Service. We have no questions  
28 for Minister Freeland and have ceded our time to the Government

1 of Saskatchewan.

2 **COMMISSIONER ROULEAU:** I guess then we go to  
3 Government of Saskatchewan.

4 **--- CROSS-EXAMINATION BY MR. MIKE MORRIS:**

5 **MR. MIKE MORRIS:** Good afternoon. My name is  
6 Mike Morris and I'm Counsel for the Government of Saskatchewan.

7 Minister, spoiler alert, I hope to get you to  
8 agree with me as much as my colleague did just a couple minutes  
9 ago. I guess we'll see where we get to.

10 But, Minister, I think I can start out with some  
11 easy ones. You're familiar with Farm Credit Canada, which is a  
12 federal Crown corporation; is that fair?

13 **DEPUTY PM CHRYSIA FREELAND:** Not intimately, but  
14 I know it exists.

15 **MR. MIKE MORRIS:** You grew up on the Prairies.  
16 It used to be called Farm Credit Corporation. If I call it FCC,  
17 you'll understand what I mean; is that fair?

18 **DEPUTY PM CHRYSIA FREELAND:** Yes.

19 **MR. MIKE MORRIS:** Okay. And are you aware that  
20 FCC is headquartered in Regina?

21 **DEPUTY PM CHRYSIA FREELAND:** Yes.

22 **MR. MIKE MORRIS:** Okay. And that it provides  
23 loans to farmers; correct?

24 **DEPUTY PM CHRYSIA FREELAND:** Yes.

25 **MR. MIKE MORRIS:** And Farm Credit Canada would  
26 have been a financial institution subject to the Emergency  
27 Economic Measures Order; correct?

28 **DEPUTY PM CHRYSIA FREELAND:** I believe so.

1           **MR. MIKE MORRIS:** And if I just call that "the  
2 Order", you'll understand what I mean; is that fair?

3           **DEPUTY PM CHRYSITIA FREELAND:** Yes.

4           **MR. MIKE MORRIS:** Okay. I want to refer you to  
5 an article from Farmer's Forum, which is self described as the  
6 largest circulation farm newspaper in Ontario. So I'm going to  
7 ask the Clerk to pull a document. It's POESAS0000003. And just  
8 while we're pulling this up, it's the May 3<sup>rd</sup>, 2022 article from  
9 Farmer's Forum entitled "Read the Documents: Farm Credit  
10 compiled list of 9 names for possible blacklisting." So we can  
11 see that on the screen there now.

12                   And I'm just going to read from the first three  
13 paragraphs of the article. So we'll just have to go down.  
14 There. Perfect.

15                           "Farm Credit Canada compiled a list of  
16 nine people to be potentially  
17 blacklisted because of possible  
18 participation in the Freedom Convoy  
19 protest in February, according to  
20 internal FCC emails acquired by Farmer  
21 Forum through an access to information  
22 request.

23                           The access to information documents  
24 revealed that FCC employees were  
25 instructed to report the names of  
26 customers who were involved in the  
27 Freedom Convoy in Ottawa after the  
28 Emergencies Act was enacted on Feb. 14.



1                   The federal lending agency compiled a  
2                   list of nine people by viewing Twitter  
3                   accounts and online media posts, as  
4                   well as drawing from conversations with  
5                   customers."

6                   Now I expect we can agree that it's not  
7                   surprising that FCC instructed its employees to report in this  
8                   manner because FCC was required to do so under the terms of the  
9                   Order; is that fair?

10                  **DEPUTY PM CHRYSIA FREELAND:** Well, maybe not  
11                  entirely. And I will say I am reading this news report for the  
12                  first time as I see it on my screen. So my response is a little  
13                  bit limited. But even in the paragraphs that you've displayed  
14                  for us, the -- there is a misunderstanding if this email is  
15                  genuine, and I'm just saying because ---

16                  **MR. MIKE MORRIS:** Sure.

17                  **DEPUTY PM CHRYSIA FREELAND:** --- I haven't seen  
18                  it; right? And ---

19                  **MR. MIKE MORRIS:** We can look at the emails ---

20                  **DEPUTY PM CHRYSIA FREELAND:** --- reporting is --  
21                  no, no, no, reporting is a hard thing to do. I used to be a  
22                  reporter. But the email that is reported on here saying if the  
23                  federal government directs us to, that is a misunderstanding of  
24                  how the Order worked. We were always very conscious that it  
25                  wasn't the job of the federal government or the Ministry of  
26                  Finance to name specific names or to even know which names were  
27                  involved.

28                  **MR. MIKE MORRIS:** Understood. It was the ---

1                   **DEPUTY PM CHRYSSTIA FREELAND:** The way the Order  
2 worked was that that was to be a communication between law  
3 enforcement and the financial institutions. And I know it's not  
4 my job to ask you to agree with me, but I hope you will agree  
5 with me that that was appropriate, that elected Ministers  
6 shouldn't be involved in naming specific names. So that was a  
7 misunderstanding.

8                   **MR. MIKE MORRIS:** I think we should look at the  
9 documents referred to from that Access to Information Request,  
10 so I'm going to ask the Clerk to bring up POESAS0000004. And  
11 these are the documents which were obtained by Farmer's Forum  
12 and that are referred to in this article.

13                   And I'm just going to ask that we go to the third  
14 page of this PDF, please?

15                   There. Perfect.

16                   So we can see this is an email with the subject  
17 line, "How the Emergencies Act Affects FCC," and it's to  
18 Operations Field Staff, dated February 23<sup>rd</sup>, 2022.

19                   So I'd just like us to scroll down to the third  
20 paragraph, please? Stop there.

21                   The third paragraph begins:

22                   "If you become aware of potential  
23 customer involvement in blockades,  
24 occupations and other support of  
25 activity related to the 'Freedom  
26 Convoy,' you must submit a tip to the  
27 Customer Diligence Centre (CDC)...."

28                   So this is the morning of February 23<sup>rd</sup>, and we

1 know that the Order was no longer in place later that day  
2 because, of course, the Emergency Declaration was revoked on  
3 February 23<sup>rd</sup>, later that day. Is that fair, Minister?

4 **DEPUTY PM CHRYSIA FREELAND:** That -- yes, yes  
5 exactly.

6 **MR. MICHAEL MORRIS:** Okay.

7 I'd just like us to scroll down to page 5 of the  
8 PDF now, please? And this should be an email dated February  
9 25<sup>th</sup>? Yes, there it is.

10 So we see this is an email dated February 25<sup>th</sup>,  
11 with the subject, "*Emergencies Act - Customers Identified*" and  
12 the content of the email indicates that the Centre is telling  
13 the recipient that they'd like to follow-up regarding customers  
14 that have been, "identified as possibly participating in the  
15 2022 Freedom Convoy."

16 So we've agreed, I think, or we can agree, that  
17 as of February 25<sup>th</sup> there was no requirement under the Order to  
18 conduct this follow-up; is that fair?

19 **DEPUTY PM CHRYSIA FREELAND:** So let me say a  
20 couple of things. First of all, I'm seeing this email now for  
21 the first time, and as far as I know, it had nothing to do with  
22 me.

23 **MR. MICHAEL MORRIS:** Understood.

24 **DEPUTY PM CHRYSIA FREELAND:** Second of all, it's  
25 certainly the case, that the Order was -- ceased to apply after  
26 February 23<sup>rd</sup>. And maybe the third thing, for people who are  
27 listening, that it's worth pointing out, is all the accounts  
28 were unfrozen around that time.

1                   **MR. MICHAEL MORRIS:** Okay. I just want to  
2 continue on to the next page of the PDF, which is page 6.

3                   I appreciate you're seeing this for the first  
4 time, Minister, and I understand that's difficult. But this  
5 appears to be a spreadsheet entitled, "2022 Freedom Convoy -  
6 Tips"; has a column for Tip; for Date; for Customer Name, and  
7 Preliminary Findings. And I would just like us to slowly scroll  
8 to the very end of all of these PDFs, looking at the dates as we  
9 can -- as it goes by.

10                   Yeah, you can keep scrolling; that's a good pace.

11                   So we've seen February 23<sup>rd</sup>, keep scrolling. Now  
12 we see February 24<sup>th</sup>, and keep scrolling. I think there's one  
13 more page and we'll get to the end here. Oh, another page, more  
14 February 24<sup>th</sup>. Keep going, yeah. So last one is number 9.  
15 Okay, go up a little bit.

16                   And this would appear to indicate that the last  
17 tip in the spreadsheet was received February 25<sup>th</sup>, there's a  
18 description, I gather, of the preliminary investigation at this  
19 point. So you know, it appears -- and I appreciate you're  
20 viewing this for the first time -- that FCC was still  
21 investigating tips relating to the Freedom Convoy 2022 as of  
22 February 25<sup>th</sup>. And I don't know when it stopped investigating  
23 tips, and I expect you may not know either. Is that fair,  
24 Minister?

25                   **DEPUTY PM CHRYSIA FREELAND:** With real respect,  
26 I have to say I think these are questions for FCC and not for  
27 me.

28                   **MR. MICHAEL MORRIS:** Okay. I expected you might

1 answer that, and that's a fair answer.

2                   Aside from FCC, can you identify any other  
3 federal financial institutions which were subject to the Order  
4 for us?

5                   **DEPUTY PM CHRYSITIA FREELAND:** The Order applied  
6 to all financial institutions across the country.

7                   **MR. MICHAEL MORRIS:** Okay. No, that's fair.  
8 It was a privilege to speak with you, Minister.  
9 Thank you very much for answering my questions.

10                   **COMMISSIONER ROULEAU:** Okay. Thank you.  
11 So we now turn to the Government of Canada,  
12 please.

13 **--- CROSS-EXAMINATION BY MR. STEPHEN AYLWARD:**

14                   **MR. STEPHEN AYLWARD:** Good afternoon, Deputy  
15 Prime Minister. As you know, my name is Stephen Aylward; I'm  
16 one of the lawyers for the Government of Canada.

17                   My friend for the Government of Saskatchewan just  
18 now took you to a news article that referred to the blacklisting  
19 of account holders, or the -- of borrowers under a federal  
20 program. Is there anything in the Emergency Economic Measures  
21 Order that authorized or required financial institutions to  
22 blacklist an individual?

23                   **DEPUTY PM CHRYSITIA FREELAND:** No, there was not.

24                   **MR. STEPHEN AYLWARD:** Was there anything that  
25 prescribed any lasting impacts, beyond the expiry of the  
26 designation of a person as a designated -- determination that a  
27 person was a designated person, or the expiry of the *Emergencies*  
28 Act?

1                   **DEPUTY PM CHRYSSTIA FREELAND:** There absolutely  
2 was not.

3                   **MR. STEPHEN AYLWARD:** Earlier my friend for  
4 Commission Counsel put it to you that -- on the issue of foreign  
5 funding, that there was no information that the government had  
6 in relation to foreign funding at the time the declaration of  
7 the emergency. In your response, you mentioned open-source  
8 information. I take it that would've included news articles?

9                   **DEPUTY PM CHRYSSTIA FREELAND:** Yes, it would.

10                  **MR. STEPHEN AYLWARD:** Okay. And I won't take you  
11 to them, but I'm just going to read into the record the names of  
12 two such articles; PB.CAN.00001755 and PB.CAN.00001756.

13                  My friend for the Democracy Fund mentioned to you  
14 certain letters from the Canadian Truckers Association in which  
15 they expressed concern in December of 2021 over the removal of  
16 the exemption for cross-border trucker -- trucking; do you  
17 recall that?

18                  **DEPUTY PM CHRYSSTIA FREELAND:** I do.

19                  **MR. STEPHEN AYLWARD:** And if we could pull up,  
20 Mr. Clerk, SSM.CAN.00000335?

21                  And this document that's pulling up is a  
22 statement from the same organization that was made in January of  
23 2022. And if you see there, the statement says:

24                                 "The...(CTA) does not support and  
25                                 strongly disapproves of any protests on  
26                                 public roadways, highways and bridges.  
27                                 CTA believes such actions - especially  
28                                 those that interfere with public safety

1 - are not how disagreement[s] with  
2 government...should be expressed."

3 Were you aware of that being the position of the  
4 Canadian Truckers Association at the time?

5 **DEPUTY PM CHRYSITIA FREELAND:** Yes, I was.

6 **MR. STEPHEN AYLWARD:** And, indeed, if we could go  
7 to SSM.CAN.00000987, this is a letter dated February 10<sup>th</sup>, 2022,  
8 again from the Canadian Truckers Association. And in this  
9 letter, the Canadian Truckers Association is asking the federal  
10 government to take action to address the issue with the border  
11 blockades.

12 Are you -- were you aware -- it's a letter  
13 addressed to the Prime Minister and Minister Alghabra, but I'll  
14 just ask; were you aware of the Canadian Truckers Association  
15 making such a request at the time?

16 **DEPUTY PM CHRYSITIA FREELAND:** I can't pretend to  
17 have memorized the exact date and content of the letter, but I  
18 was aware that Minister Alghabra was in touch with the Truckers  
19 Association, and that they were very concerned.

20 **MR. STEPHEN AYLWARD:** Okay. So if we talk about  
21 economic impacts for a moment, you had discussed with Commission  
22 Counsel earlier the -- a Bloomberg briefing and, as well, a  
23 Bloomberg article.

24 If we could just pull up the news article at  
25 COM00000839, please? And if we could go to the third page of  
26 that document, when it's ready.

27 This is the news article. And apart from the  
28 reference to the .1 percent that you were discussing earlier,

1 there's some -- there's some reporting in here about other  
2 individuals that were commenting on the situation of the border  
3 blockades at the time.

4                   And if you look under the heading there, "'We  
5 Don't Need This'". There's a quote attributed to the Governor  
6 of the Bank of Canada, Tiff Macklem, that was made on the  
7 Wednesday, so that would have been the day before this article,  
8 so on Wednesday, February 9<sup>th</sup>, in which the Governor of the Bank  
9 of Canada noted that we were having --

10                                 "We've already got a strained global  
11                                 supply chain. We don't need this." (As  
12                                 read)

13                   In reference to the border blockade. Do you  
14 remember being aware of the comments of the Governor of the Bank  
15 of Canada at the time?

16                   **DEPUTY PM CHRYSIA FREELAND:** I absolutely do,  
17 and that's in my timeline, I think it's in my notebook, that  
18 when we spoke earlier today about concerns around achieving a  
19 soft landing for the Canadian economy, concerns about rising  
20 inflation, concerns about the rise in interest rates, which the  
21 Bank of Canada -- with which the Bank of Canada would respond to  
22 rising inflation, that was very much on my mind, and I mentioned  
23 that we had already had a January inflation number which was  
24 elevated. We expected inflation. We expected an elevated  
25 number -- the number that we had in January was for December.  
26 We expected in February to learn of an elevated number for  
27 January. We were aware that the bank was concerned, and that  
28 made us concerned. Definitely.



1                   **MR. STEPHEN AYLWARD:** Okay. So you spoke earlier  
2 about some of your concerns around comments by public officials  
3 in the United States. I'd just like to go through the timeline  
4 of some of those statements, because I think we've heard a bit  
5 about them, but I think it's helpful to look at ---

6                   **DEPUTY PM CHRYSIA FREELAND:** Sure. And if could  
7 just say one more thing on the Bank of Canada, that wasn't in an  
8 interview with Bloomberg, Government Macklem spoke at a press  
9 conference about it. so that was widely reported.

10                  **MR. STEPHEN AYLWARD:** No, indeed. That was just  
11 one instance of a document that's in the record that ---

12                  **DEPUTY PM CHRYSIA FREELAND:** Yeah.

13                  **MR. STEPHEN AYLWARD:** --- recorded that  
14 statement.

15                         So February 7<sup>th</sup> we know is the day that the  
16 blockade begins at the Ambassador Bridge. And so on February  
17 9<sup>th</sup>, this is day three, that's the date of those comments by the  
18 Governor of the Bank of Canada, it's also the date of several  
19 statements by U.S. public officials.

20                         If we could pull up PB.CAN.00000023? and go to  
21 page three?

22                         This is a Tweet by Representative Elisa Slotkin.  
23 And I believe you may have indirectly made reference to this  
24 earlier this morning. But I'd just like to put the Tweet up.  
25 And ---

26                  **DEPUTY PM CHRYSIA FREELAND:** Yeah.

27                  **MR. STEPHEN AYLWARD:** If you can see there, we  
28 have Representative Slotkin saying:

1 "If we needed another example of why  
2 supply chains matter, look no further  
3 [than the Ambassador Bridge --] the  
4 blockade of the Ambassador Bridge..."

5 Then it continues. And if you look at the second  
6 installation of the thread, or the second part of the thread, it  
7 says:

8 "It doesn't matter if it's an adversary or  
9 an ally -- we can't be this reliant on  
10 parts coming from foreign countries."

11 Was that the comment that you were referencing  
12 earlier in your testimony?

13 **DEPUTY PM CHRYSIA FREELAND:** Yes, it was. And I  
14 remember when that came out very, very clearly. And what was  
15 being publicly said by U.S. officials, all of it worried me.  
16 But I think if I had to identify for people here one particular  
17 line that worried me the most, it's those two sentences. And in  
18 particular:

19 "It doesn't matter if it's an adversary or  
20 an ally -- we can't be this reliant on  
21 parts coming from foreign countries."

22 That is a huge threat to Canada's entire auto  
23 sector. And the point especially there that she's underscoring,  
24 "adversary or ally", because a point that we had been making,  
25 and actually, we had made successfully, for example, with the  
26 232 steel and aluminum tariffs, was those were inappropriately  
27 levied against Canada by the U.S. because we were an ally. And  
28 so you could rely on us.

1                   And that point there is saying, "You know what?  
2 You shouldn't differentiate between, for example, Canada and  
3 China. The United States is equally at risk if it has an  
4 economic dependency."

5                   And having U.S. elected representatives assert  
6 that publicly and connect it to this blockade and say, "Look, by  
7 relying on Canada, you're going to lose your job," that was  
8 very, very dangerous for us.

9                   And I will also point out this was a democratic  
10 member of the Michigan delegation. And I think later on in the  
11 Tweet, Representative Slotkin talks about being in touch with  
12 the White House.

13                   These were the people that the White House was  
14 talking to about this situation, but also about the EV  
15 incentives. And their views mattered very, very much.

16                   **MR. STEPHEN AYLWARD:** And on the White House  
17 point, if we look just further down this page, the last line on  
18 this page of the document, it's a headline from an article from  
19 the Detroit News: "White House worried about Ambassador Bridge  
20 blockade..."

21                   And that article, we don't need to go through the  
22 text, but it references a statement by then Press Secretary Jen  
23 Psaki commenting on White House concern.

24                   And I take it you were aware of those comments at  
25 the time as well?

26                   **DEPUTY PM CHRYSTIA FREELAND:** Yes, I was.

27                   **MR. STEPHEN AYLWARD:** And so then if we go to  
28 February 10<sup>th</sup>, that's day four of the blockades, Commission

1 Counsel mentioned earlier that the Department of Finance  
2 prepared an economic analysis on February 10<sup>th</sup>, that day. We  
3 looked at it the other day with the Department of Finance  
4 officials. That background noted that by the -- at that time,  
5 as of the fourth day, there were auto plant shut downs at Ford,  
6 Stellantis, and Toyota plants that were caused by the Ambassador  
7 Bridge blockade.

8                   Were you aware of that? Were you surprised at  
9 how quickly those shut downs occurred?

10                   **DEPUTY PM CHRYSITIA FREELAND:** I was aware of  
11 that. And we spoke earlier this morning about my conversation  
12 that day, the 10<sup>th</sup> of February, with Brian Deese, where he said,  
13 and I can't recall exactly, but something like another 12 hours  
14 and all the northeast will shut down.

15                   So I was aware of the impact. And at some level,  
16 I wasn't surprised, because I did know -- I knew two things,  
17 that the auto sector is so hugely integrated and, you know, the  
18 U.S. plants are dependent on us, but we're also dependent on the  
19 U.S. plants. Those parts go across six times; right? So I knew  
20 that.

21                   And the other thing, which I think Rhys Mendes  
22 spoke to you guys about, but is very true, is the auto sector  
23 operates on a just in time production process. They don't like  
24 to hold big stores of parts because that's expensive. And so  
25 the industry requires very reliable and very speedy supply  
26 chains, and if there's a break in them, yes, it stops  
27 production.

28                   So I knew that intellectually. I would say

1    though, at a kind of emotional level, it still, you know, was  
2    breathtaking how quickly it had happened, how quickly the effect  
3    mounted, how swift the political impact was, and I think that  
4    was the case also for the White House.  And that was reflected  
5    in my Brian Deese conversation, where he sort of said, "Yeah,  
6    you've been telling us about the integration, but now I really  
7    see it."

8                   **MR. STEPHEN AYLWARD:**  And so you mentioned you  
9    spoke to Brian Deese and part of that was setting up a call with  
10   the President -- between the President and the Prime Minister,  
11   which then took place the following day.

12                   What was your reaction when you heard that the  
13   call -- that that call had taken place the next day after you'd  
14   begun the process to set it up?

15                   **DEPUTY PM CHRYSIA FREELAND:**  So I was glad that  
16   the conversation happened because I knew it was important and  
17   valuable for the Prime Minister to have a chance to explain the  
18   situation, to discuss the situation directly with the President,  
19   so that was good, but -- and I had asked Brian for that call to  
20   happen, but at another level, I was quite concerned by how  
21   quickly the call was set up because the speed of response spoke  
22   to me about the degree of concern.

23                   **MR. STEPHEN AYLWARD:**  We've heard earlier in this  
24   proceeding about a statement that was released by  
25   Governor Whitmer on February 10th, but there was a second  
26   statement that Governor Whitmer released on February 11th.

27                   And if we could just pull that one up.  It's  
28   PB.CAN.00001840.

1                   And as part of that statement, Governor Whitmer  
2 said:

3                                 "We cannot let another minute to go by  
4                                 unnecessarily..."

5                   Calling on the Canadian Government to act.

6                   Was it unusual for Governor Whitmer to be issuing  
7 two statements on the same topic one day after the next?

8                   **DEPUTY PM CHRYSITIA FREELAND:** Very unusual, and  
9 her -- the content of her statement was also very striking. So  
10 she makes the point, first of all, that she is talking to the  
11 White House, she's talking to the congressional delegation, the  
12 people who we have been speaking about. There is a real  
13 concerted push. And then I can't quite see it here, yeah, this:

14                                 "We [can't] let another minute to go by  
15                                 unnecessarily..."

16                   That was also striking to me and speaks to how I  
17 perceived, and I believe rightly, the economic situation. That  
18 every minute, every hour counted, that the situation was  
19 deteriorating really hour by hour and Canada was being very  
20 harmed. And so that speaks to why I believed, and I think it  
21 was the right judgement, we needed to act really swiftly.

22                   **MR. STEPHEN AYLWARD:** And if we fast-forward,  
23 then, to after the events of January and February, have you  
24 heard anything from business leaders since that time about the  
25 impacts of the blockades?

26                   **DEPUTY PM CHRYSITIA FREELAND:** I have. The -- and  
27 I'll give you a couple of examples. PDAC is a big annual  
28 Toronto mining conference. If you're in the mining industry you

1 will have heard of it, it's famous among miners, and Canada is  
2 rightly proud to host it every year and to be the mining capital  
3 of the world.

4 PDAC this year, because of COVID restrictions,  
5 it's normally held in the winter but it was held in June, and at  
6 PDAC in Toronto in June, Jonathan Wilkinson, the Minister of  
7 Natural Resources, and I convened a table to talk about critical  
8 minerals and metals, and electric vehicles. And one thing that  
9 really struck me was -- and we had sort of miners there,  
10 processors, and also car companies and car parts people, sort of  
11 the full circle of that sector.

12 One of the people there, the Canadian CEO of a  
13 Japanese car company, proactively, so went around the table,  
14 everyone raised their points about critical minerals and metals  
15 and EVs and opportunities in Canada. And this CEO, who, you  
16 know, is a guy whose job is to get his Japanese headquarters to  
17 invest in Canada, and he raised in his remarks, I think it was  
18 the first thing he said, "I'm still getting questions around the  
19 blockades and the occupation. And I need to be able to say to  
20 my headquarters in Japan that this is not going to happen again  
21 in Canada. That they can be confident that that access to the  
22 U.S. market is not going to be impeded."

23 So that was very striking to me, that still in  
24 June, even after our action, which worked, there were still  
25 those lingering concerns, and it made me glad that we had acted  
26 when we did and not later.

27 And then in -- just in October, I was in Winsor,  
28 which we've heard so much about earlier today, speaking about

1 the economy, actually at a big car parts event, and one of the  
2 car industry journalists asked me a question, and I'm -- you  
3 know, it's on the public record exactly what he said, but I'm  
4 just recalling broadly. His question was basically, "Can you  
5 offer assurances that something like the convoy and the blockade  
6 won't happen again? It continues to be a major concern in the  
7 car industry here."

8                   And again, I was surprised that someone in  
9 October was still asking the question, and it was further  
10 evidence to me of how serious the threat had been. And you  
11 know, while taking very seriously the magnitude of our action  
12 and the reluctance that any government should have on ultimately  
13 acting as we did, that question was a confirmation for me that  
14 there was very great harm that was in the process of being done,  
15 and I was glad that we acted to stop the harm.

16                   **MR. STEPHEN AYLWARD:** Thank you. Shifting gears,  
17 if we talk about the economic measures or...

18                   My friend from the Government of Alberta put it  
19 to you that the -- there was no need to adopt the economic  
20 measures, that police had adequate tools to clear the blockades  
21 without them. I take it that you did not direct the  
22 Commissioner of the RCMP to use any of the tools made available  
23 in the Emergency Economic Measures Order?

24                   **DEPUTY PM CHRYSITIA FREELAND:** I absolutely did  
25 not.

26                   **MR. STEPHEN AYLWARD:** And -- so to the extent  
27 that police made use of those tools that was because they  
28 believed in their judgement that it would be a useful thing to



1 do in carrying out their duties?

2 **DEPUTY PM CHRYSIA FREELAND:** Yes, that would be  
3 correct.

4 **MR. STEPHEN AYLWARD:** And have you heard anything  
5 from police officers about whether they in fact found those  
6 tools to be effective in dealing with the situation?

7 **DEPUTY PM CHRYSIA FREELAND:** I'm not the main  
8 person who speaks to or hears from police officers, but it is my  
9 understanding that the tools were used and that they were  
10 effective.

11 **MR. STEPHEN AYLWARD:** I'd like to ask you a  
12 couple more questions about the readout of the February 13 banks  
13 call that we -- that Commission Counsel went through with you  
14 earlier this morning. First, Commission Counsel took you to the  
15 email setting up that call from Tyler Meredith, in which he  
16 alluded to previous communications with the Canadian Bankers  
17 Association, in which he relayed that the message from the  
18 industry, mainly speaking for their legal counsels, is that "we  
19 have this under control and we're generally feeling comfortable  
20 with the existing -- with the current regime."

21 Do you remember that exchange?

22 **DEPUTY PM CHRYSIA FREELAND:** I remember that  
23 exchange from this morning. I didn't remember that email from  
24 the time, but I remember our conversation this morning.

25 **MR. STEPHEN AYLWARD:** So my question is just in  
26 light of your call on February 13th with the bank CEOs, you  
27 believed that statement, as expressed in the email, that the  
28 banks believe they have the situation under control and were

1 comfortable with the current regime, you believed that was an  
2 accurate statement based on the reaction of the bank CEOs on  
3 that call?

4 **DEPUTY PM CHRYSIA FREELAND:** I didn't write it,  
5 and I can't remember whether I read it at the time or not, but  
6 what I can say 100 percent, based on the conversation that I  
7 had, which I both recorded and remember, certainly parts of it  
8 with striking, kind of branded on my brain clarity, is when I  
9 spoke to the bank CEOs on the Sunday they were very, very  
10 concerned. They did not feel the situation was under control.  
11 We did not discuss with them specific measures. I was sort of  
12 in listening mode, apart from kind of saying to them, you know,  
13 "Buck up, gentlemen, and do tell your investors that Canada is  
14 great," and sort of wanting to give them confidence in our  
15 leadership.

16 But, as you have seen from the transcript, they  
17 volunteered a number of them -- two things: one, grave concern  
18 about the economic situation, and two, absolute concern, and I  
19 would even say frustration, that the tools available to them  
20 were both inadequate. You remember from that transcript, there  
21 was the point made of, "We tried to get a court order but it  
22 took four, and by the time we tracked it down, the money had  
23 moved to another account." And then also the concern, which I  
24 take seriously, about the banks being concerned that acting  
25 absent some form of government instruction would put them in  
26 jeopardy, the Fox News point that was there.

27 **MR. STEPHEN AYLWARD:** And so the banks were  
28 effectively asking for more government regulation?

1                   **DEPUTY PM CHRYSSTIA FREELAND:** I suppose you could  
2 put it that way. And I think what they -- I think what the  
3 banks were saying -- and not "I think", I mean people can read  
4 through the transcript -- is they were saying, "This is a real  
5 threat to our economy and you, the government, need to act."  
6 And I think they were right. And the other thing that I will  
7 say there is it's not in the ordinary way of things for leaders  
8 of big Canadian businesses to want the government to do more in  
9 the economy. I would say, quite the contrary.

10                   And at this particular moment, the banks had  
11 reason to not be so happy about things the government was doing.  
12 This followed our election, during which we had campaigned on  
13 the 15-percent Covid-recovery dividend which would be levied on  
14 banks and financial institutions, and we had campaigned on a  
15 permanent tax on the banks. So I would guess -- and you could  
16 speak to them, but I would guess that if you had spoken to the  
17 bank's CEOs at the beginning of January and said, "Would you  
18 like the Liberal Government to take a more active position when  
19 it comes to economic management of Canada," they would say, "No,  
20 we wouldn't like that, and we would certainly like them not to  
21 impose these taxes."

22                   So I just say that because the fact that they  
23 were saying the tools were not adequate and, "You need to do  
24 more," was particularly compelling to me because they were not a  
25 constituency that was inclined to seek strong government action  
26 in the economy.

27                   **MR. STEPHEN AYLWARD:** Just on the Fox News point  
28 that you just mentioned, in the Commission's overview report on

1 fundraising, they traced the flow of funds through the  
2 crowdfunding platforms and showed that there was a million  
3 dollars raised through the GoFundMe campaign that was paid into  
4 a TD bank account and that TD froze that account on Thursday,  
5 February 10<sup>th</sup>, so before the phone call, and we -- there's -- so  
6 the Fox News coverage, when it says on the readout of there  
7 having been Fox News coverage that Friday of an incident, you're  
8 aware that was in reference to TD freezing that -- the million  
9 dollars from the GoFundMe campaign?

10 **DEPUTY PM CHRYSIA FREELAND:** Yeah, that makes  
11 sense. That makes sense, but it was Bharat Masrani speaking

12 **MR. STEPHEN AYLWARD:** And Bharat Masrani, that  
13 would be the CEO of TD Bank?

14 **DEPUTY PM CHRYSIA FREELAND:** Yes.

15 **MR. STEPHEN AYLWARD:** And so the concern was  
16 putting on any individual bank the potential for backlash of  
17 public opinion of taking that step?

18 **DEPUTY PM CHRYSIA FREELAND:** Yes, that was the  
19 concern, as we have also discussed already today, a concern  
20 about tellers being in jeopardy. And the Fox News reference  
21 there is especially significant because many Canadian Banks have  
22 significant operations in the United States. And so having Fox  
23 News attack you isn't a problem only because Canadians might be  
24 watching, but if you have a big US operation, it's a problem  
25 because your American customers will be watching. And I do  
26 think that was a problem that was legitimate to raise, and I was  
27 concerned about it.

28 **MR. STEPHEN AYLWARD:** And so just briefly, to

1 conclude, earlier, you mentioned that you had relied on certain  
2 legal advice related to matters connected with this inquiry. I  
3 just want to confirm you, as Deputy Prime Minister, you don't  
4 have the authority to waive solicitor-client privilege on behalf  
5 of the Government of Canada and you weren't intending to do so?

6 **DEPUTY PM CHRYSIA FREELAND:** I was not intending  
7 to do so. And to be clear, I was speaking about the advice we  
8 received, which I think the Commission -- some of which I think  
9 the Commission has heard about earlier from officials.

10 **MR. STEPHEN AYLWARD:** Thank you. Those are my  
11 questions. Thank you, Commissioner.

12 **COMMISSIONER ROULEAU:** Okay, thank you. Any re-  
13 examination?

14 **MS. SHANTONA CHAUDHURY:** No re-examination,  
15 Commissioner.

16 **COMMISSIONER ROULEAU:** Okay, well, thank you very  
17 much for attending and for your testimony. We know you probably  
18 have other things to do but I appreciate your coming here and  
19 taking the Commission's work seriously.

20 **DEPUTY PM CHRYSIA FREELAND:** I guess I should  
21 say thank you very much. And I will say to you, Commissioner,  
22 and all the lawyers doing this work, I do think it's really  
23 important work, and it's important for Canadians to be able to  
24 see and hear you asking the government and other people  
25 questions about this very important and serious decision.

26 **COMMISSIONER ROULEAU:** Okay, thank you. We'll  
27 take a short break to prepare for our next panel, and it should  
28 only be five minutes or so, but I'll -- if it takes longer,

1 they'll let me know. Thank you.

2 **THE REGISTRAR:** The Commission is in recess for  
3 five minutes. La Commission est levée pour cinq minutes.

4 --- Upon recessing at 3:33 p.m.

5 --- Upon resuming at 3:44 p.m.

6 **THE REGISTRAR:** Order. A l'ordre. The  
7 Commission has reconvened. La Commission reprend.

8 **COMMISSIONER ROULEAU:** Okay.

9 **MS. SHANTONA CHAUDHURY:** Good afternoon, Mr.  
10 Commissioner. Shantona Chaudhury, for the record.

11 Our next witnesses are from the prime minister's  
12 office, Mr. John Brodhead, Ms. Katherine Telford, Mr. Brian  
13 Clow.

14 **THE REGISTRAR:** Mr. Clow, will you swear on a  
15 religious document or do you wish to affirm?

16 **MR. BRIAN CLOW:** I will affirm.

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

19 **MR. BRIAN CLOW:** First name, Brian B-r-i-a-n,  
20 last name Clow, C-l-o-w.

21 **--- MR. BRIAN CLOW, Affirmed:**

22 **THE REGISTRAR:** Thank you.

23 Ms. Telford, will you swear on a religious  
24 document or do you wish to affirm?

25 **MS. KATHERINE TELFORD:** A religious document.

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

28 **MS. KATHERINE TELFORD:** Bible.

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

3           **MS. KATHERINE TELFORD:** Katherine Telford, K-a-t-  
4 h-e-r-i-n-e, Telford, T-e-l-f-o-r-d.

5 --- MS. KATHERINE TELFORD, Sworn:

6           **THE REGISTRAR:** Thank you.

7           Mr. Brodhead, will you swear on a religious  
8 document or do you wish to affirm?

9           **MR. JOHN BRODHEAD:** Affirm, please.

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

12          **MR. JOHN BRODHEAD:** John Brodhead, J-o-h-n B-r-o-  
13 d-h-e-a-d.

14 --- MR. JOHN BRODHEAD, Affirmed:

15          **THE REGISTRAR:** Thank you.

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

17          **MS. SHANTONA CHAUDHURY:** Good afternoon. Thank  
18 you for being here.

19                 We're just going to start with a couple of  
20 routine housekeeping items, the first of which is introducing  
21 your interview summary.

22                 So you'll recall having sat for an interview with  
23 Commission counsel on October 11th of this year, and following  
24 that interview, Commission counsel prepared a summary of the  
25 interview. Have you all three reviewed that summary?

26          **MR. BRIAN CLOW:** Yes.

27          **MR. JOHN BRODHEAD:** Yes.

28          **MS. SHANTONA CHAUDHURY:** Sorry, just for the

1 record, I know it's a bit difficult with the three of you, but  
2 someone answer yes, please.

3 **MR. BRIAN CLOW:** Yes.

4 **MS. SHANTONA CHAUDHURY:** Okay. And also present  
5 at that interview was your colleague, Mr. Jeremy Broadhurst?

6 **MR. BRIAN CLOW:** Yes.

7 **MS. SHANTONA CHAUDHURY:** Can you confirm that Mr.  
8 Broadhurst as well has reviewed that -- the summary of the  
9 interview?

10 **MR. BRIAN CLOW:** Yes.

11 **MS. SHANTONA CHAUDHURY:** And that it is accurate  
12 according to all four of you?

13 **MR. BRIAN CLOW:** Yes.

14 **MS. SHANTONA CHAUDHURY:** Perfect.

15 So Mr. Clerk, for the record, that's WTS00000083.  
16 No need to call it up.

17 And then the second small order of business is  
18 the PMO Institutional Report, so the prime minister's office  
19 prepared that institutional report for these proceedings. That  
20 doc ID number of that is DOJ.IR.00000014, and I'd just like you  
21 to confirm again that that report was prepared by PCO and that  
22 you have reviewed it and that it is accurate, to the best of  
23 your knowledge and belief.

24 **MS. KATHERINE TELFORD:** Yes.

25 **MS. SHANTONA CHAUDHURY:** Thank you.

26 Okay. So the first thing I'll say is this is one  
27 of the examinations that we're doing of a panel. There are  
28 three of you. And some of my questions will be directed at one



1 of you specifically because it's something that's within your  
2 personal knowledge, or a document or a communication that you  
3 were involved in, and some of them I will throw out more  
4 generally, and the person best placed can answer. And you can  
5 also feel free if it's appropriate and you have knowledge to add  
6 to someone else's answer, you're free to do that.

7           So the first question I think I'll address to  
8 Ms. Telford, which is just can you explain the mandate and the  
9 structure at a very sort of general level of the Prime  
10 Minister's Office? What does the Prime Minister's Office do?

11           **MS. KATHERINE TELFORD:** The Prime Minister's  
12 Office, we serve at the pleasure of the Prime Minister, which is  
13 different than our public service colleagues in the sense that  
14 job security is a little different. We work between elections  
15 as well, and many of us, though not all of us, do take leaves  
16 during election campaigns to work on election campaigns.

17           But in-between elections and working in  
18 government, our role is to facilitate information to the Prime  
19 Minister, to facilitate his ability to make the best decisions  
20 he can to advance the agenda that he was elected on by  
21 Canadians. So that includes everything from very operational  
22 work. So we have teams of tour advance people, as we call them.  
23 We have regional desks who coordinate with stakeholders,  
24 including different levels of government in different parts of  
25 the country.

26           I'm sure my colleagues can speak to -- John is  
27 our Director of Policy and can speak to the Policy Team. Brian  
28 Clow is one of two Deputy Chiefs of Staff in the Prime

1 Minister's Office, the other Deputy Chief of Staff is Marjorie  
2 Michel. And the other Chief of Staff, since she is not here, is  
3 primarily responsible for a lot of the operational elements of  
4 the office ranging from human resources because we are an office  
5 of roughly a hundred, and -- so the human resources side. The  
6 public appointments as well, there's hundreds and thousands of  
7 public appointments that go through government, and so we act as  
8 a coordinating body in many ways on the political side between  
9 ministers' offices as well.

10                   And -- but our primary job is getting the Prime  
11 Minister the information that he needs, getting him the best  
12 advice from all parts of government, but also from outside of  
13 government that he needs to be able to accomplish what he  
14 committed to Canadians he would do if he were elected.

15                   **MS. SHANTONA CHAUDHURY:** And just building on  
16 that, I'll ask you to explain, Ms. Telford, your specific role  
17 as Chief of Staff, and then I'll ask each of your colleagues to  
18 do the same.

19                   **MS. KATHERINE TELFORD:** So I view my role in two  
20 ways: There's the day-to-day management role. So I manage the  
21 Prime Minister's Office, and I have an extraordinary group of  
22 people who work day and night, particularly during this time  
23 period they did. And -- so it's all the sort of operational  
24 scheduling and day-to-day management you can imagine of running  
25 an office of that size, as well as coordinating between other  
26 ministers' offices as well. So we have a weekly Chief of Staff  
27 meeting that involves the Chiefs of Staff from all of the  
28 ministers' offices across government as a way of touching base

1 and sharing information, sometimes best practices.

2                   And then the other hat I wear at the same time is  
3 being a senior advisor to the Prime Minister, and in terms of  
4 bringing him the best advice I can from everywhere I can, but  
5 also facilitating people being able to get in front of him and  
6 provide him with all the advice and the inputs that he needs to  
7 make the best decisions he can for Canadians.

8                   **MS. SHANTONA CHAUDHURY:** Thank you.

9                   And Mr. Brodhead, can you explain your role,  
10 please?

11                   **MR. JOHN BRODHEAD:** Sure. So as Director of  
12 Policy, one of the key pieces of my role is to kind of work with  
13 the Privy Council Office very closely to coordinate the Cabinet  
14 agenda. So as you've heard through these proceedings, there's -  
15 - we have many Cabinet committees, and -- so we work with PCO to  
16 make sure items are ready to go forward on those agendas, any  
17 kind of remaining issues to be sorted out between ministers or  
18 departments, so that's one.

19                   We have a team of 14 policy advisors. So they  
20 cover the -- all the departments. So they each have policy  
21 files, so they become, you know, the links to the ministers'  
22 offices as well as to the content experts at PCO and other  
23 departments. And I think in that role, we provide advice to the  
24 Prime Minister on policy items, so whether it's items going to  
25 Cabinet, other items such as the budget, our team will often  
26 prepare memos along those lines and advise the Prime Minister on  
27 the policy side of these things.

28                   **MS. SHANTONA CHAUDHURY:** Okay. And we're going

1 to come back in a minute to -- you mentioned PCO. And we've  
2 heard from a few witnesses last week from PCO, so we're going to  
3 come back to the interplay a little bit between your office and  
4 PCO.

5 But first, I'll just ask Mr. Clow to introduce  
6 himself and describe his role.

7 **MR. BRIAN CLOW:** So I am one of two Deputy Chiefs  
8 of Staff, as Katie laid out, and I oversee five teams in the  
9 office. One is the Policy Team, which John described; second is  
10 the Communications Team, it's the largest of the five. They do  
11 exactly what their name says, press releases, all government  
12 communications and media relations for sure. Quite a range of  
13 activities in that department.

14 There is -- third, is the Issues Management and  
15 Parliamentary Affairs Team. That's one unit. So everything  
16 that goes through Parliament, whether it's legislation, votes in  
17 the House, debates in the House, the PMO Parliamentary Affairs  
18 Team engages in that space. But they also focus on Issues  
19 Management, which I like to think of it as the government has  
20 its proactive agenda, which is largely driven out of the Policy  
21 Team, and then the Issues Management Team deals with day-to-day  
22 developments, whatever comes at us. So certainly the Issues  
23 Management Team was involved in what's being studied here quite  
24 early on.

25 And then there are two more units that I oversee,  
26 they're smaller units. One is the Global Affairs Team. They  
27 focus on all -- any number of international files. And finally,  
28 there's a unit that was created a couple of years ago to deal

1 with the response to the COVID-19 pandemic.

2 **MS. SHANTONA CHAUDHURY:** Thank you. And I should  
3 mention that the reason you've all been selected to be here  
4 today is you were all involved in some way in assisting the  
5 Prime Minister in responding to the events of late January and  
6 February that are before the Commission. Certainly not just  
7 you, but certainly all of you.

8 So just going back to that question of the  
9 interplay between PCO and PMO, I'm not sure who's best placed to  
10 speak to that between the three of you, but Mr. Brodhead, you  
11 brought it up, so maybe we'll start with you.

12 **MR. JOHN BRODHEAD:** So what specifically -- what  
13 -- is of interest? Just the general relationship?

14 **MS. SHANTONA CHAUDHURY:** Yeah. So the lines of  
15 communication and the interaction between the public service and  
16 the political side in advising the Prime Minister.

17 **MR. JOHN BRODHEAD:** Sure. So I'll speak to my  
18 experience because I obviously cover one part of that dynamic.  
19 And I interact with primarily two parts of the Privy Council  
20 Office. One is the kind of Priorities and Planning Group, which  
21 is Michael Vandergrift's group, and then the other one is the  
22 Operations Team, which is now run by Kaili Levesque. Plans and  
23 Priorities is really the Cabinet side, and Operations is more of  
24 the execution and -- of that.

25 So there is, I would say, a constant flow of  
26 information back and forth. They provide us advice, they  
27 convene meetings of departments across the government, they  
28 really kind of hold the institutional knowledge on many of these

1 files, and so we kind of work very closely together to ensure  
2 we're aligned on the policy agenda, that things are rolling out.  
3 They also have great experience in terms of execution of policy,  
4 so it's are things getting done, are things happening that we  
5 brought into play, are they still going, is it still moving? So  
6 it's a very constant and a very important relationship for us.

7 **MS. SHANTONA CHAUDHURY:** Ms. Telford, do you have  
8 anything to add to that in terms of the lines of communication  
9 and providing advice to the Prime Minister?

10 **MS. KATHERINE TELFORD:** I would just add that,  
11 and I'm sure you heard this from the Clerk, who is -- who I have  
12 primarily the most contact with is with the Clerk and the  
13 National Security and Intelligence Advisor, and to only a  
14 slightly lesser degree, the Deputy Clerk. And they're also the  
15 ones who have the most contact with the Prime Minister.

16 And so the Clerk meets with the Prime Minister on  
17 a very regular basis, often meets with the Prime Minister and  
18 Deputy Prime Minister together, and I will attend the majority  
19 of those meetings as well. And there is -- and then she and I  
20 will talk regularly in between those meetings as well in terms  
21 of planning out, you know, what needs to get covered and what's  
22 going on, and prioritising who else we might need in those  
23 meetings. And so as John said, it's a very regular flow of  
24 information back and forth.

25 But -- and that's true for the entire Prime  
26 Minister's Office. Everybody has counterparts of one kind or  
27 another on the public service side, and the flow of information  
28 is significant, though we do have clearly different roles in

1 terms of what our responsibilities are to the Prime Minister,  
2 and of course, as I said earlier, how we're employed.

3 **MS. SHANTONA CHAUDHURY:** Thank you. Okay, with  
4 that introduction out of the way, we'll turn to the matters  
5 before the Commission.

6 And starting with the very early days of the  
7 convoy, can you describe to us when PMO first became aware that  
8 the convoy was a thing that was possibly rolling into Ottawa,  
9 what your initial impressions of it were, what your sources of  
10 information were and the sort of prearrival early days.

11 **MR. BRIAN CLOW:** So the week of January 17<sup>th</sup>,  
12 there were a few interactions. On Monday, January 17<sup>th</sup>, there  
13 was a report sent from PCO to PMO. I think one or two people in  
14 the Prime Minister's Office -- it might have actually come from  
15 a Minister's office as a flag that there were some slow roll  
16 activity in Emerson, Manitoba. At that point though, that  
17 information was not shared beyond that. It was just one of any  
18 number of issues.

19 As the week went on though, we started to hear  
20 more and see more reports of the convoy protest. On Thursday,  
21 January 20<sup>th</sup>, there was an email that came from PCO to a number  
22 of people in PMO that laid out -- it was an update on the convoy  
23 protest. I think it was focussed on -- it named three places  
24 specifically: Coutts, North Portal, Saskatchewan, and Ottawa.  
25 And the update also included a press release from the Canadian  
26 Trucking Alliance, which condemned the convoy activity,  
27 specifically proposed unlawful activity, which even at that  
28 point, there -- what was coming out of a number of the speakers

1 was proposed unlawful activity and road blockages specifically.  
2 So it was that week January 17<sup>th</sup> when we started to hear about  
3 this.

4 That weekend, I'd say 22<sup>nd</sup>, 23<sup>rd</sup>, by then, it was  
5 on everybody's radar. The week of the 24<sup>th</sup> is when the Prime  
6 Minister started to get updated daily on it.

7 **MS. SHANTONA CHAUDHURY:** Okay. And that takes us  
8 -- Mr. Clerk, can you please bring up SSM.CAN.NSC 00002578?

9 So, Mr. Clow, if I take this correctly, you were  
10 speaking at that point of PMO's sort of monitoring of what was  
11 going on, and I believe the 25<sup>th</sup> was the first time you got a  
12 briefing from the PCO?

13 **MR. BRIAN CLOW:** So the -- in addition to -- I'll  
14 look at this email. So there was email traffic and there would  
15 have been phone calls the week of the 17<sup>th</sup> between PCO and PMO.  
16 But Tuesday the 25<sup>th</sup>, I do believe was the first meeting  
17 scheduled with PCO and PMO staff to go through all of the  
18 elements as were known at that point.

19 **MS. SHANTONA CHAUDHURY:** Okay. So we're just  
20 going to look at what the content of that meeting was. Mr.  
21 Clerk, if you can scroll down -- keep scrolling. Okay. There  
22 we go. So this is Mike MacDonald, and we know he -- actually,  
23 just refresh our memories as to who Mike MacDonald is?

24 **MR. BRIAN CLOW:** So he works in PCO and he's part  
25 of the National Security team.

26 **MS. SHANTONA CHAUDHURY:** That's right.  
27 Intelligence Secretariate. Okay. So Mike MacDonald is  
28 explaining and briefing, essentially, on what the state of



1 knowledge there is at the time. So he says,

2 "Latest lay of the land -- security,  
3 coordination, [National Security]  
4 apparatus -- what do we know?  
5 Law enforcement across the country is  
6 learning more about the convoy and its  
7 organizers as they interact with them."

8 And then there's some description of where it's  
9 coming from. The next bullet down says,

10 "Actively monitoring -- one thing  
11 they're picking up on is chatter on  
12 social media. So far, RCMP telling us  
13 that the convoy itself is peaceful, not  
14 causing problems along the way. Their  
15 goal is to get to Ottawa, not have  
16 infractions along the way."

17 And then,

18 "Very small online chatter. That's  
19 where people are using disturbing  
20 language."

21 Mr. Clerk, if you can just keep scrolling to the  
22 next page, please? There we go.

23 "Following Jan[uary] 6[th] events last  
24 year..."

25 Which is a reference to January 6<sup>th</sup> in Capitol  
26 Hill in the United States,

27 "...NSIA worked with PPS, RCMP and  
28 sergeant at arms for a scenario

1 planning for regular protests, pushed  
2 boundaries and plan out for things like  
3 an insurrection. This has been done."

4 Then,

5 "Ottawa Police and PPS have an MOU,  
6 have done exercises for these types of  
7 protests [...]

8 On the federal side, we have governance  
9 in place that is up [and] running. ADM  
10 national security operations centre.  
11 Meeting every day to ensure [...] parts  
12 of [the] federal family are coordinated  
13 in efforts, and can feed information  
14 through."

15 So does that represent essentially, first of all,  
16 the content of that briefing as you were aware of it that day?

17 **MR. BRIAN CLOW:** So I wasn't a part of this  
18 specific brief, but received this email. And so I have no  
19 reason to believe it doesn't represent what was discussed there.  
20 But I would say it's only a piece of the picture of what we were  
21 watching at that time. There's a reference in there to social  
22 media chatter and disturbing comments. And by this point, it  
23 was a very significant issue and getting a lot of coverage in  
24 media, some of those comments. This email was sent on January  
25 25<sup>th</sup>, which is the same day it was reported in media that some  
26 individuals who were planning to participate in the  
27 demonstration were saying they wanted this to be their January  
28 6<sup>th</sup>. That's why you see -- I suspect you see this in this email

1 summary because there were individuals explicitly referencing  
2 January 6<sup>th</sup>. And at this point as well, it was known in public  
3 that some people planning to participate in the demonstration  
4 had a proposal to replace the government by going to the  
5 Governor General and the Senate. It's otherwise known as the  
6 MOU.

7 **MS. SHANTONA CHAUDHURY:** Okay. So just scrolling  
8 down a bit again, Mr. Clerk, there's a comment at the end there.  
9 So you'll see at the end it says, "Questions? Z..." And I  
10 believe that's a reference to Zita Astravas, Bill Blair's Chief  
11 of Staff?

12 **MR. BRIAN CLOW:** Yes.

13 **MS. SHANTONA CHAUDHURY:** Mr. Blair's Chief of  
14 Staff. So she says,  
15 "...curious to know how feed into  
16 political level. From our perspective,  
17 feel assured having worked in the space  
18 of all the work being done, but  
19 ministers feeling uneasy and keen on  
20 details."

21 I'm wondering if you can help us understand what  
22 is meant there by sense of unease at the political level.

23 **MR. BRIAN CLOW:** I think they're -- at that  
24 point, there was a lot of conversation going on about what we  
25 were seeing and what we thought this was going to be, and there  
26 were a number of updates coming through, like the one you see  
27 here, but we were also seeing a lot in open source and through  
28 the media, which was very concerning. I already mentioned the

1 reference to January 6<sup>th</sup>. So that's what I think this speaks to.

2 **MS. SHANTONA CHAUDHURY:** Okay. So is it fair to  
3 say then, that in Mike MacDonald's email that we just read  
4 through, the message coming through is essentially, well, we've  
5 planned for this. We did some planning after January 6<sup>th</sup> and  
6 things are sort of under control and the machine is operating as  
7 it should. But then Ms. Astravas raises a concern saying the  
8 Ministers are actually pretty worried about this. So is it fair  
9 to say that there was some unease at the Ministerial or at the  
10 political level, but it isn't reflected in the briefing?

11 **MR. BRIAN CLOW:** Yes.

12 **MS. SHANTONA CHAUDHURY:** Okay. So then just move  
13 -- thank you, Mr. Clerk. You can take that document down.

14 So that's the sort of prearrival state. Is there  
15 -- unless there's anything else you'd like to add about what was  
16 going on prearrival, but then chronologically, the next thing  
17 that happens is the convoy arrives and doesn't leave when  
18 everyone expected it to do, and then we head into the first week  
19 of the protest, if we can call it that.

20 So I'd like you to pull up now, Mr. Clerk,  
21 SSM.NSC.CAN00002941. And as that's being done, maybe I can ask  
22 you to just describe to us from your point of view what that  
23 first week was like and what was going on from your perspective  
24 in attempting to respond. And the notes I'm pulling up here are  
25 Mr. Clow's notes from a February 3<sup>rd</sup> meeting, which I think can  
26 fairly be described as a brainstorming ideas kind of meeting.  
27 But before we get into the specifics of the notes, can you fill  
28 in a bit of the narrative of what was happening in your thinking

1 in your office at the time?

2                   **MR. BRIAN CLOW:** So we watched the convoy arrive,  
3 not only in Ottawa, but there was activity in Coutts, very  
4 serious activity that first weekend. Emerson we're starting to  
5 see some blockages there. It's down to one lane and would open  
6 up again, some trucks would move, but there was activity in  
7 Emerson. So this was already a national issue in the first  
8 week. And we were -- we continued to see very concerning  
9 statements from some demonstrators, including from demonstrators  
10 and organizers that they were not going to leave until the  
11 government changed its policy. But in that first weekend, law  
12 enforcement was responsible -- local law enforcement I should  
13 say, and by the end of the weekend, it was clear they weren't  
14 leaving, so I would say concern had increased at the end of the  
15 weekend.

16                   So we in the Prime Minister's Office, with PCO,  
17 with Minister's offices, with caucus, with others, we were  
18 hearing a lot of concern and we were discussing internally and  
19 getting updates and sharing information with each other as best  
20 we could. Before this meeting on the 3<sup>rd</sup>, which was well into  
21 the second week, there had been a briefing of the Prime Minister  
22 by the National Security Advisor and the Clerk, so there were  
23 discussions happening. What happened on February 3<sup>rd</sup> and what  
24 these notes reflect is this was a Thursday. The second weekend  
25 was approaching, and law enforcement had not been able to  
26 contain the various protest. And, in fact, in my view, they  
27 were getting worse. So we assembled and basically covered the  
28 waterfront, what's going on, who's talking to who, what can we

1 be doing more of, what are different provinces and  
2 municipalities asking, are different provinces and  
3 municipalities asking questions? And if they aren't asking for  
4 support -- if they aren't, can we have a conversation with them  
5 to see if they should be asking for support? So in these notes,  
6 you'll see us cover quite a few different ideas.

7 **MS. SHANTONA CHAUDHURY:** Thank you. And you'll  
8 appreciate, we have an hour and a half so I'm skipping -- I know  
9 I'm skipping though weeks in chronology very quickly but it's  
10 necessary, and thank you for filling that in. So here we go.  
11 February 3<sup>rd</sup>, there's just a few points that I want to pick out  
12 here. So the first notation says "JB". That's John Brodhead,  
13 Mr. Brodhead?

14 **MR. BRIAN CLOW:** That's Jeremy Braodhurst.

15 **MS. SHANTONA CHAUDHURY:** Oh, that's Jeremy  
16 Broadhurst, okay. This may get confusing. Jeremy Broadhurst:  
17 "Looks like OPS won't move. Weeks not  
18 days. Weird reinforcements problem."  
19 As read.

20 Or something "reinforcements problem".

21 **MR. BRIAN CLOW:** "Weekend reinforcements  
22 problem".

23 **MS. SHANTONA CHAUDHURY:** Ah, that makes more  
24 sense.

25 "Behind scenes, too deferential: need  
26 bad cop: you've got to use tools you  
27 have. Whether to change public message  
28 is different."

1 And then "KT". That's Ms. Telford?

2 **MS. KATHERINE TELFORD:** Yes.

3 **MS. SHANTONA CHAUDHURY:** Okay, I can't read the  
4 first part. The second part says:

5 "What if anything can we do? What are  
6 options?"

7 So that's introducing this as a sort of a  
8 brainstorming of ideas. And then we'll see a variety of ideas  
9 expressed here. Mr. Clerk, can you just scroll down. We see --  
10 sorry, just above there:

11 "Any way we can get Bergen's help."

12 That's a reference to Candice Bergen.

13 **MS. KATHERINE TELFORD:** I believe she had just  
14 become leader that day.

15 **MS. SHANTONA CHAUDHURY:** Okay. And then we have  
16 Ms. Astravas saying:

17 "Blair doesn't want to call Sloly [but  
18 he's] open to calling Watson." As  
19 read.

20 And then RFA is a reference to a request for  
21 assistance. And we're going to come back to these in a moment  
22 but:

23 "Ontario could only ask if they have  
24 exhausted resources."

25 Scrolling down again, please, Mr. Clerk, until  
26 you get to the bottom of the page. So here we have an  
27 intervention. Many of the ideas that are expressed here we've  
28 already heard about so I'm skipping through them quickly but, at

1 the bottom of the page here, this is Yasir, I believe?

2 **MR. BRIAN CLOW:** So that was separate from the  
3 meeting we just covered. That was a phone call from Ottawa  
4 Centre MP, Yasir Naqvi. He called me and I wrote down what he  
5 told me.

6 **MS. SHANTONA CHAUDHURY:** Okay, that same day, on  
7 February 3<sup>rd</sup>?

8 **MR. BRIAN CLOW:** The same day.

9 **MS. SHANTONA CHAUDHURY:** Okay, so -- and what he  
10 told you was:

11 "Clearly, Ottawa Police and City are  
12 unable to deal with this.  
13 Reinforcements coming this weekend.  
14 It's going to really embolden these  
15 folks. My constituents near breaking  
16 point, worried people will take things  
17 into their own hands."

18 So does that reflect, Mr. Clow, what Mr. Naqvi  
19 was expressing to you?

20 **MR. BRIAN CLOW:** Absolutely. And this was on  
21 February 3<sup>rd</sup> so, by this point, the Ottawa convoy had been here  
22 for a full week, a full seven days, and Ottawa residents had  
23 experienced a lot, and I think you see that reflected in Mr.  
24 Naqvi's comments.

25 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can we  
26 scroll down to the top of the next page? Yeah, there we go. So  
27 I think this is a continuation of the phone call with Mr. Naqvi:

28 "What I heard from Sloly: plea for



1 help. It's a plea for something,  
2 something political."

3 Do you recall that reference, Mr. Clow?

4 **MR. BRIAN CLOW:** I believe that was a reference  
5 to either the day before or earlier that week, Chief Sloly said  
6 there was no policing solution.

7 **MS. SHANTONA CHAUDHURY:** That's correct. It was  
8 the day before. And what I'm wondering is, can you -- what was  
9 the reaction within PMO to that statement? He we have Mr.  
10 Naqvi's, I think, interpretation of it, which is it's a "plea  
11 for something", and then he says it's a "plea for something  
12 political". Does that reflect -- or was there any thinking  
13 among the three of you or among your office -- within your  
14 office about what Chief Sloly may have been expressing there?

15 **MR. BRIAN CLOW:** It definitely added to the  
16 concern of what we were seeing. And to hear Ottawa Police say  
17 that this was not a policing solution was very concerning and it  
18 told us that this was not going to end anytime soon.

19 **MS. SHANTONA CHAUDHURY:** I think we can leave  
20 those notes for now. Thank you, Mr. clerk. The next ones we'll  
21 pull up -- well, it's actually notes. Sorry, Mr. Clerk. Keep  
22 scrolling down until you see February 6<sup>th</sup>. Yes, there we go. So  
23 it says, "PM, February 6<sup>th</sup>, 6:00 to 8:00 p.m." So I assume this  
24 was a meeting that was with the Prime Minister attended by, as  
25 it says here, the Clerk, the NSIA, and then John, Janice, Jody,  
26 Sam. That would be John Brodhead, Mr. Brodhead; Janice, the  
27 Clerk, Janice Charette; Jody Thomas, the NSIA; Sam -- who's Sam?

28 **MR. BRIAN CLOW:** Sam Khalil is the Director of

1 Issues Management.

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

3 **MR. BRIAN CLOW:** And there were probably a few  
4 other people on that call, not many more. I'm confident Katie  
5 was on that call.

6 **MS. SHANTONA CHAUDHURY:** Okay. So if we just  
7 scroll down, then, until we see:

8 "OPS trying to reduce violence, are  
9 taking some steps."

10 And then below that:

11 "Coutts persists but traffic is moving.  
12 AB asked for RFA. We don't see CAF  
13 being able to help with that."

14 Do you remember who was making that statement  
15 there? Is this the NSIA's update there, Mr. Clow?

16 **MR. BRIAN CLOW:** So, one, to situate this  
17 conversation, this was Sunday, February 6<sup>th</sup> in the evening, so  
18 the end of the second weekend. The Prime Minister was updated,  
19 just as he was updated the previous Sunday, because a second  
20 weekend had passed and Ottawa had worsened and other situations  
21 were becoming more difficult as well. And I note, the NSIA  
22 reported that:

23 "Eleven (11) BC communities have  
24 protests, 35 across the country."

25 So I can't tell from the notes if that comment  
26 was Jody Thomas' comment, the one you asked about, but it looks  
27 like it was part of a list of updates from Jody Thomas.

28 **MS. SHANTONA CHAUDHURY:** Were these briefings

1 happening daily?

2 **MR. BRIAN CLOW:** There were multiple  
3 conversations happening daily at this point, and there were  
4 interactions with the Prime Minister every day at this point, in  
5 some way or another, but this specific construct of a meeting  
6 with the Clerk, National Security Intelligence Advisor, and  
7 staff didn't happen every day but it happened with increasing  
8 frequency.

9 **MS. SHANTONA CHAUDHURY:** Okay. So the next point  
10 that I want to look at here is right at the bottom of the page  
11 here: "ON" -- that's a reference to Ontario -- "pushed back".  
12 And then the notation is:

13 "PM: establish list of mandates."  
14 I can't read the next word, something "vaccines".

15 **MR. BRIAN CLOW:** "Gyms, vaccines, all  
16 provincial".

17 **MS. SHANTONA CHAUDHURY:** Okay. And then under  
18 that, it says:

19 "DM for SolGen..."  
20 So that would be the Deputy Minister -- Deputy  
21 Solicitor General:

22 "...pushed back."

23 And that takes us to an issue that we've  
24 canvassed a bit here in the Commission so far and I'd like to  
25 get your perspective on this afternoon, which is, what was going  
26 on in those early days of the protest, the first week and the  
27 first week and a half in terms of interaction between the  
28 various levels of government, and the federal and provincial

1 aspects, and especially Ontario's response, or perhaps lack of  
2 response, if we can characterize it that way. Mr. Brodhead, I  
3 believe this is probably best put to you within your purview.

4           **MR. JOHN BRODHEAD:** Sure, I can start and then  
5 folks can add it. So I would say there was lots of  
6 conversations happening at this point with various governments,  
7 at the officials' level, at the political level, across the  
8 country, as we tried to make sure we were hearing from them on  
9 what was happening on the ground and making sure we had those --  
10 that intelligence. I think -- with respect to Ontario,  
11 specifically, I think there was, at the outset, a different  
12 approach to this -- to the strategy, and I think, as we get to -  
13 - we were quite keen on this idea of a tripartite table that  
14 Minister Blair had been working on and we thought that was a  
15 good way of getting everybody at the table and making sure  
16 resources were aligned, making sure everyone, you know, looked  
17 each other in the eyes and worked together.

18           And at that time, Ontario was not as keen on that  
19 approach. I don't really want to, you know, speculate for why  
20 the Solicitor General or Deputy Minister Solicitor General at  
21 this point wasn't, but from my conversations with them, they did  
22 want to have Ottawa -- the City of Ottawa and the Ottawa Police  
23 Service kind of play the lead role and were not as interested at  
24 that time in the collaborative tripartite approach that were  
25 interested in.

26           **MS. SHANTONA CHAUDHURY:** Okay, I'll -- Mr. Clerk,  
27 can you take those notes down for a second and pull up  
28 SSM.NSC.CAN00003015, please? Mr. Brodhead, I think this is a

1 text that goes to the point you were just elucidating. So we  
2 don't have a confirmed date for this one but it must be ---

3 **MR. JOHN BRODHEAD:** It's February 8<sup>th</sup>.

4 **MS. SHANTONA CHAUDHURY:** Thank you. And this is  
5 a text between you and Ms. Astravas, a text exchange, and she  
6 says to you -- I believe she's in the blue here:

7 "Marco..."

8 That's a reference to Minister Mendicino.

9 "...hasn't heard back from Sylvia Jones."

10 That's a reference to solicitor general of  
11 Ontario on the meeting with the three orders of government,  
12 reference to the tripartite.

13 And you say, "Yeah, because we don't want to be a  
14 part of it."

15 And she says, "Oh, I know."

16 And you say, "So anything I should do? We should  
17 just go ahead without them."

18 And then it goes on.

19 So can you contextualize that for us a little  
20 bit?

21 **MR. JOHN BRODHEAD:** Yes. As they were getting  
22 kind of push back and -- or just not support from their  
23 counterparts, the solicitor general in particular, they had  
24 asked me to connect with my contact in the premier's office and  
25 to just check and see if -- was this something that the Ontario  
26 government or this minister or just to kind of ascertain some of  
27 those kind of contextual details. So I did. I chatted with  
28 Jamie Wallace, and it was clear that they were kind of -- they

1 had a different approach and strategy and the tripartite table  
2 was not a priority for them at that time.

3 **MS. SHANTONA CHAUDHURY:** Sorry, who is Jamie  
4 Wallace, exactly?

5 **MR. JOHN BRODHEAD:** Sorry. Jamie Wallace is the  
6 chief of staff to Premier Ford.

7 **MS. SHANTONA CHAUDHURY:** Okay. So you had a  
8 conversation with Mr. Wallace ---

9 **MR. JOHN BRODHEAD:** Yeah.

10 **MS. SHANTONA CHAUDHURY:** --- chief of staff to  
11 Premier Ford, and the message coming back to you was?

12 **MR. JOHN BRODHEAD:** Was that this was not a  
13 strategy they wanted to pursue at this time.

14 **MS. SHANTONA CHAUDHURY:** Was there any reason  
15 given for that?

16 **MR. JOHN BRODHEAD:** It was -- you know, I think -  
17 - you know, my recollection of that conversation was it was  
18 really they wanted Ottawa to be the main driver of this and did  
19 not want a kind of multi-governmental approach to this at that  
20 time. That was the impression I got from that phone call.

21 **MS. SHANTONA CHAUDHURY:** Okay. Were you having  
22 interactions during this time with counterparts in other  
23 provinces as well?

24 **MR. JOHN BRODHEAD:** Yeah. So previous to being  
25 Director of Policy, which I started in January, I was Senior  
26 Advisor with a focus on intergovernmental affairs. And so  
27 through that, I got to work closely with a number of the  
28 provinces.

1           The three I was having most contact with, one was  
2 British Columbia because they were chair of the Council of  
3 Federation at the time, so that was an ongoing active discussion  
4 generally, and I want to be clear, not just about this. For  
5 example, Mr. Wallace and I were working on child care very  
6 actively at this time as well, and other issues were very --  
7 would come up.

8           So -- and then other provinces as well, but the  
9 other part of our PMO which is important in this is the regional  
10 desks who don't report to me, they're part of the operations  
11 team. They have geographical areas of responsibility, so they  
12 are often in touch with provinces and cities and we have kind of  
13 a information sharing between us, so I'm in touch with them a  
14 lot. They let me know when things are happening. I do as well,  
15 so I know that from -- in those times, there was a lot of  
16 informal contact as well as obviously from ministers and  
17 officials.

18           **MS. SHANTONA CHAUDHURY:** We may come back to some  
19 of those interactions, but we'll stick to Ontario for now.

20           Mr. Clerk, can you pull up SSM.NSC.CAN00002935?

21           So Ms. Telford, this is a text exchange between  
22 you and Minister Dominic LeBlanc, who we know is the Minister of  
23 Intergovernmental Affairs.

24           And he writes to you and says, "Just got this  
25 from Vandergrift."

26           So that's a reference to his deputy minister,  
27 Michael Vandergrift.

28           "Minister, want to let you know that

1 the Ontario solicitor general has again  
2 declined the invitation to attend the  
3 tripartite meeting today on the Ottawa  
4 occupation."

5 And you say, "I think we need to let -- shine a  
6 light on that."

7 He says, "We'll say it."

8 Can you explain to us what was going on in this  
9 text message and what you meant by "I think we need to shine a  
10 light on that"?

11 **MS. KATHERINE TELFORD:** So I think this was a  
12 continuation of what John was just talking about. This was  
13 obviously a further attempt at a meeting with the three levels  
14 of government, and Ontario was continuing to decline.

15 I don't recall when he says, "We'll say it,"  
16 where that meant, but in putting myself back in that time, I  
17 think when I'm saying we should shine a light on it, it's  
18 bringing some attention to the fact that Ontario wasn't at the  
19 table and we really did believe it would be a more efficient and  
20 effective way to work.

21 **MS. SHANTONA CHAUDHURY:** Would it be fair to say  
22 that there was some frustration with Ontario's response at this  
23 point?

24 **MS. KATHERINE TELFORD:** There was definitely some  
25 frustration because we believed it could be easier than it was,  
26 all things being very relative at that time. But there was  
27 ongoing communication with Ontario bilaterally throughout. It  
28 just meant that the conversations were happening between Ottawa



1 and the federal government, the federal government and Ontario,  
2 Ontario and -- so there were just numerous bilateral  
3 conversations that we just thought could have been better  
4 handled and more efficient if we could have all just come  
5 together, because as I know has come up throughout the Inquiry,  
6 there was a fair bit of confusion around numbers and requests  
7 and the RFAs, the way they worked, the requests for assistance.  
8 They do need to go through the provincial level of government  
9 and so not having them as part of the conversation made things  
10 that bit more complicated.

11 **MS. SHANTONA CHAUDHURY:** That's fair.

12 Mr. Clerk, can you please pull up ONT.00000159?

13 So I'm going to ask you here about a meeting that  
14 was held on February 6th that was a sort of tripartite but not  
15 quite, between the City of Ottawa, federal government, and  
16 provincial government.

17 And the exchange I'm going to take you to --  
18 we've seen this document several times in the Commission, so I'm  
19 not going to go through the whole thing, but at the end of the  
20 document, there's an exchange between the national security  
21 advisor and the deputy solicitor general of Ontario that I'd  
22 like to get your take on.

23 So it's February 6th, an 11 o'clock meeting  
24 attended by officials from three levels of government.

25 So Mr. Clerk, if you can scroll down to the very  
26 bottom of the document you'll see it says there:

27 "Jody Thomas, National Security

28 Advisor, noted that it was a positive

1 meeting and regrets to end on this  
2 following point. Would the province be  
3 looking to the federal government if  
4 this protest was happening outside the  
5 City of Ottawa, e.g., happening in  
6 other places like Kingston?"

7 And the response from Mr. Di Tommaso was:

8 "This is a protest and encampment  
9 moving against the federal mandate on  
10 trucks. They came across -- they came  
11 to Ottawa from across the country for  
12 that purpose."

13 Mr. Di Tommaso testified at the Commission  
14 approximately two weeks ago and he expressed that in his view,  
15 Ms. Thomas' -- he interpreted Ms. Thomas' comment as -- I'll  
16 quote the words here, "The federal government wanting to wash  
17 its hands of the entire matter."

18 And so I'd just like to get your reaction in  
19 terms of whether you think that was a fair assessment of what  
20 was going on, what do you think that that was, what was being  
21 expressed there, and what Ms. Thomas was trying to express when  
22 she said, "Would this be -- would the province be looking to the  
23 federal government if this was somewhere other than Ottawa?"

24 **MR. JOHN BRODHEAD:** I might start. I don't --  
25 I'm not putting too much weight into this as I read it, and I  
26 wasn't there, but this strikes me as frustration and a bit of a  
27 back and forth and that frustration happening and both sides  
28 kind of articulating some of that frustration. I think we were

1 trying to look for ways to work together. There were three  
2 levels of government and it was a challenge to get these  
3 machines working in the right direction. And I think this is a  
4 -- this back and forth is a -- would be my guess, would be this  
5 is an outcrop of just a frustration around those levels of  
6 government and the two different approaches that I've outlined  
7 before.

8 **MS. SHANTONA CHAUDHURY:** Fair enough. And you  
9 can appreciate that one of the issues the Commission is looking  
10 into is the interaction between governments and -- which is not  
11 always an easy thing, but how it all played out here.

12 Okay. So eventually, around this time, around  
13 the time of February 7th, 8th, 9th, Ontario became more engaged  
14 when the Ambassador Bridge blockade became entrenched and so we  
15 know that that has happened.

16 And I'll take you with that point to the witness  
17 summary. I'm sorry, Mr. Clerk, it's WTS00000014, page 11.

18 Oh, I'm sorry, 83. I'm sorry, I got the wrong  
19 number, 83. Fourteen (14) is the IR.

20 (SHORT PAUSE)

21 **MS. SHANTONA CHAUDHURY:** So if we scroll down to  
22 page 11, please, Mr. Clerk? Keep scrolling. Keep scrolling.  
23 Okay, scroll up a bit, please.

24 What I'm looking for is the panel was asked what,  
25 in their view -- it could be that I have the wrong page number.

26 (SHORT PAUSE)

27 **MS. SHANTONA CHAUDHURY:** While they're looking  
28 for the reference, Mr. Brodhead, what I want to ask you about is

1 what in your view -- you were asked this during the interview,  
2 and I'd like you to elaborate on it; what inspired the shift  
3 from Ontario? Why did it happen then, and how did that occur?

4 **MR. JOHN BRODHEAD:** And I'll preface my answer by  
5 saying this is me not in the Government of Ontario, which I did  
6 spend a long time in the Government of Ontario, but I was not  
7 there at this point.

8 I think in a sense it started to become  
9 absolutely clear that we had to work together. So it was almost  
10 the increase of things happening to add the Ambassador Bridge to  
11 the Ottawa situation, other things starting to happen around the  
12 province; Windsor, Sarnia, Cornwall, and all -- I think it  
13 became clear -- and I'm hypothesizing here -- that -- but we did  
14 see an evolution of their strategy at that time.

15 In terms of at the political level collaboration,  
16 I think there's lots going on in other places that I don't want  
17 to comment to, but just that's what I would -- I can  
18 specifically comment to.

19 **MS. SHANTONA CHAUDHURY:** Okay. And we know that  
20 there was several important phone calls that happened around  
21 time, certainly between the Prime Minister and Premier Ford,  
22 which we'll talk about tomorrow when the Prime Minister is here;  
23 between Minister Leblanc, we talked about when Minister Leblanc  
24 was here.

25 Leaving Ontario for a moment and talking about  
26 engagement with other provinces, I do want to ask you some  
27 questions about another topic that's come up several times here,  
28 which is Alberta's request for assistance.

1           So I'm going to put to you a few facts that we  
2 know and that have come out already at the Commission, and that  
3 are also brought out in the PMO Institutional Report.

4           So there's a notation in your IR that PMO staff  
5 engaged with Pam Livingston. So Mr. Brodhead, maybe you can  
6 tell us who Pam Livingston is?

7           **MR. JOHN BRODHEAD:** Pam Livingston at the time  
8 was Chief of Staff to the Premier -- to Premier Kenney.

9           **MS. SHANTONA CHAUDHURY:** Okay. And there were  
10 two interactions, apparently, between PMO and Ms. Livingston  
11 about the Alberta request for assistance. And that request for  
12 assistance we've seen several times before, so no need to pull  
13 it up, but was for, essentially, assistance in tow trucks, in  
14 removing vehicles from the Coutts blockade.

15           There's also a notation that the Prime Minister  
16 had a formal call on February 6<sup>th</sup> with Minister Blair to discuss  
17 Alberta's request for assistance and the ongoing situation. And  
18 then I'm going to pull up -- or ask the Clerk to pull up Mr.  
19 Clow's notes again, SSM.NSC.CAN00002941.

20           So this is the notation I said we'd come back to.  
21 This is the meeting that you're having with the Prime Minister  
22 on February 6<sup>th</sup>, and the notation -- there it is, thank you:

23                       "Coutts persists, but traffic is  
24                       moving. [Alberta] asked for RFA. We  
25                       don't see CAF being able to help to  
26                       [with] that."

27           So at that point, it's apparently been concluded,  
28 or decided in some form, that the Canadian Armed Forces is

1 unable to assist; is that correct, Mr. Clow?

2 **MR. BRIAN CLOW:** So the RAF came in the day  
3 before that, and it immediately spurred a number of  
4 conversations with different offices; Ministers were consulted,  
5 and the Prime Minister was consulted on a few different  
6 occasions about this. And, yes, there was a general sense that  
7 CAF should be last resort. But also in this specific case, I  
8 think you've heard from other witnesses as well, but at the  
9 time, the discussion was that this was not -- this was not an  
10 appropriate, or even useful, response to what the problem was.

11 And what I mean by that was, were these trucks  
12 actually going to be able to do the job? That was all part of  
13 that discussion that ensued after the request came in on the 5<sup>th</sup>.

14 **MS. SHANTONA CHAUDHURY:** What I'm really  
15 wondering about all of these exchanges -- and there was a  
16 further meeting, apparently, on the 9<sup>th</sup>, where, again, this time  
17 it was Ms. Telford and Ms. Charette, the Prime Minister, and  
18 Ministers Leblanc, Mendicino, and Blair, all discussing the RFA  
19 during one of the -- the meetings that was held. Why was this  
20 RFA treated quite differently than most are? This was elevated  
21 to the level of the PMO and the Prime Minister, which most  
22 requests for assistance are not. Can you explain or elaborate  
23 on that?

24 **MS. KATHERINE TELFORD:** Just -- and you may want  
25 to add to this, but we are usually made aware of requests for  
26 assistance, wherever they're going in government. And in this  
27 case, we were obviously following everything to do with the  
28 blockades and the occupation very, very closely.

1           And in this case, because the feedback from  
2 departments was coming that there wasn't a way to help, and our  
3 -- what we were trying to do was support anybody who needed  
4 assistance on the ground. And so if Alberta was asking for  
5 help, we wanted to be able to support them.

6           So it just led to a lot of conversations. It  
7 kind of comes to the role that our office often plays, of  
8 coordination and facilitation, because we then started reaching  
9 out and asking questions of other departments, saying, "Does  
10 anyone else have the equipment that they might be looking for?  
11 It may not be appropriate for CAF, and they may not have the  
12 equipment but is there that equipment somewhere else that could  
13 be found?"

14           So I think as it says in the interview summary,  
15 you know, we even went so far as to say, "Does Parks Canada have  
16 this kind of thing?" Because the goal was to be able to assist  
17 if we could.

18           **MR. JOHN BRODHEAD:** Maybe if I can just add, I  
19 think, you know, we also looked at can we reimburse? If they  
20 find them privately, can/should we reimburse that? So it was --  
21 and I kind of push back a little bit on that this rarely  
22 happens. Like, in a case where the process comes through and it  
23 goes to the Minister and it's a -- I've known of other cases  
24 where it was like, "No, we can't assist." The Minister's office  
25 will often flag it to us, and we'll ask questions about while we  
26 explored this.

27           And I can remember other instances where that was  
28 the case, where we just pushed more to find other solutions that

1 in the kind of narrow band of the RFA process, they may not  
2 bother.

3 **MS. SHANTONA CHAUDHURY:** Okay, that's fair. It's  
4 the request for assistance that we're dealing with in the  
5 Commission, it's the only one that we've seen this pattern in.  
6 But that's a fair explanation.

7 Okay. I now want to shift gears now and talk  
8 about what you were hearing during this process with various  
9 stakeholders and interlocuters, both nationally and  
10 internationally.

11 So Mr. Clow, I'll start with you. We know you  
12 had a few conversations with a man named Juan Gonzales, he's the  
13 special advisor to President Biden. Can you tell us about those  
14 conversations, and what you were hearing from him?

15 **MR. BRIAN CLOW:** Yes. So I heard from Juan  
16 Gonzales. He is part of the national security team in the White  
17 House, and we'd interacted on a few files before the convoy  
18 protests. And he reached out, I believe on Wednesday, February  
19 9<sup>th</sup>. At that point it was a request to connect National Security  
20 Intelligence Advisor Jody Thomas with the White House Homeland  
21 Security Advisor, to urgently discuss the Windsor blockade, but  
22 also other border blockades that were in effect at that time.

23 So Juan and I had a bit of back and forth about  
24 that. That, then, led to a number of conversations, some of  
25 which you heard about this morning from the Deputy Prime  
26 Minister. But there were various interactions between the Prime  
27 Minister's Office, PCO, several Ministers' offices, and their  
28 counterparts in the United States, in the White House and



1 different departments in the United States because they became  
2 seized with the border blockades that were impacting them quite  
3 significantly.

4 **MS. SHANTONA CHAUDHURY:** So you mentioned that we  
5 heard this morning from the Deputy Prime Minister that she was  
6 hearing a lot of concern from officials in the United States  
7 about what was going on, and some encouragement, if we could put  
8 it that way, to bring a swift end, given the impact this was  
9 going to have on Canada-US relations and trade.

10 Were you hearing similar concerns from the people  
11 you were talking to in the United States and/or in other  
12 countries?

13 **MR. BRIAN CLOW:** Absolutely. And the concern was  
14 not only about trade, economics, dollars and cents; it was for  
15 sure but there was also a discussion in many of these  
16 conversations, including between the Prime Minister and the  
17 President, that both countries were facing similar forces in  
18 certain ways. For example, the United States also saw some  
19 convoy activity, I think it was dealt with quite quickly by the  
20 Americans but they saw a trucker protest heading to the  
21 Superbowl. There was one that was trying to be assembled to  
22 head to Washington, C.C. So these were a part of the  
23 conversations as well. It was viewed as a shared problem. But  
24 for sure, the immediate issue was the blockades at various  
25 border crossings, especially Windsor, and how do we sort these  
26 out quickly.

27 **MS. SHANTONA CHAUDHURY:** And we understand you  
28 also had some conversations with Ambassador Hillman, Ambassador

1 to the United States. Can you tell us about those  
2 conversations?

3 **MR. BRIAN CLOW:** Well, she was one of the key  
4 principals having interactions with the White House and various  
5 departments in the United States. And the substance -- you  
6 know, one example of substance within those conversations was  
7 how can we introduce measures to end the blockades, or at least  
8 dissuade them from growing and from new ones from popping up.  
9 For example, there was discussion of potential immigration  
10 measures or penalties placed on people who conducted unlawful  
11 activity at these border blockades. There was definitely  
12 discussion of whether the United States could provide tow trucks  
13 to help, given it was virtually impossible to get tow trucks on  
14 the Canadian side of the border. So that's the kind of thing  
15 that was discussed.

16 **MS. SHANTONA CHAUDHURY:** Did that ever end up  
17 happening?

18 **MR. BRIAN CLOW:** I don't know -- so the  
19 immigration measures, I don't believe the United States  
20 implemented any measures. We did in the *Emergencies Act*. In  
21 terms of tow trucks being provided by the United States, there  
22 might have been some in Detroit-Windsor, provided by Detroit or  
23 the government of Michigan. I'm not sure about that.

24 **MS. SHANTONA CHAUDHURY:** Mr. Brodhead, Ms.  
25 Telford, were either of you having conversations with  
26 international counterparts? No?

27 **MS. KATHERINE TELFORD:** Not during the occupation  
28 or when the blockades were on. For months afterwards I can say,

1 including up until recent summits though, this is a topic that  
2 continues to come up with counterparts from various countries.  
3 And the Prime Minister also had calls during the occupation with  
4 other world leaders where this was a topic that was coming up  
5 because they were watching what was happening in Canada and  
6 concerned that they were starting to see the same thing in some  
7 of their countries and they were concerned about copycat  
8 situations. So this has been an ongoing conversation with  
9 international leaders.

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

11 **MR. BRIAN CLOW:** I would just add as well,  
12 another feature of all of the conversations between the  
13 Americans and us, including the call between the Prime Minister  
14 and the President, was the fact that a lot of the support for  
15 the unlawful activity here in Canada was coming from the United  
16 States in terms of money, in terms of people, and in terms of  
17 political support, from some of the most prominent U.S.  
18 political figures. Millions of dollars came in from the United  
19 States, according to published reports. Chief Sloyly announced  
20 that there were American citizens who had travelled to join the  
21 occupation in Ottawa. So that was also a feature of the  
22 discussions here. The flooding of 9-1-1 phone lines here in  
23 Ottawa came largely from Americans, as announced by Chief Sloyly,  
24 and the Ottawa Police. So this was very much a shared problem  
25 and we were talking about it in that sense.

26 **MS. SHANTONA CHAUDHURY:** Okay. We've heard about  
27 some of that already at the Commission. You speak of the  
28 foreign funding and we explored that a bit this morning with the

1 Deputy Prime Minister and it was found in the end that there  
2 were millions of dollars coming from the United States, from  
3 private donors. So there was no foreign state funding coming  
4 in; would you agree with that?

5 **MR. BRIAN CLOW:** Yes.

6 **MS. SHANTONA CHAUDHURY:** Okay. And we've also  
7 established that there was little information available to the  
8 government at the time of the convoy of how much money was  
9 coming in from the United States. That wasn't really  
10 information that was available to the government at the time.  
11 Would you agree with that?

12 **MR. BRIAN CLOW:** It definitely became more  
13 apparent as time passed, and I totally agree with you, it is  
14 cloudy and unclear and it's concerning that it happened. But  
15 one example I would give, I mean, we felt quite strongly at the  
16 time that it was happening, and proof of that I would say is  
17 when GoFundMe paused the account, you saw some of the most  
18 prominent American political figures attack GoFundMe. And they  
19 didn't do that out -- for no reason. They did it because it was  
20 clear to them, and it was clear to us, that a lot of the funding  
21 was coming from Americans.

22 **MS. SHANTONA CHAUDHURY:** Okay. So you've taken  
23 me to what I actually wanted to ask you about, which is one  
24 thing we haven't heard much about so far is political commentary  
25 coming from the United States. So you'd mentioned prominent  
26 political figures weighing in on all of this. Can you tell us  
27 about some of that, some of what you were hearing or observing  
28 on that front?

1           **MR. BRIAN CLOW:** The issue there, there were a  
2 number of examples from senators, from governors, from the  
3 former President, and the issue there is not that individuals  
4 and politicians aren't allowed to comment on politics and  
5 policies in other countries. It happens all the time. But the  
6 concern for us was it was direct encouragement for unlawful  
7 activity that was hugely damaging to the country, including the  
8 border blockades. So that's why I raise it here and that's why  
9 the President and the Prime Minister spoke about it. It was the  
10 support for unlawful activity.

11           **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can  
12 you please pull up Mr. Clow's notes again? So that's  
13 SSM.NSC.CAN00002941. Remarkably effective note taker.

14           Now it's going to be a little challenging to find  
15 the page here because we don't have a date for it, so just keep  
16 scrolling down until you see "talked about the *Emergencies Act*."  
17 So scroll down again please. Scroll down. Keep scrolling.  
18 Keep scrolling. Keep going. I think it's just after this.  
19 Keep going, please. There's a lot of blackout in this, so it's  
20 a little challenging. Oh, we're at the FMM already, so it must  
21 be before that.

22           **MR. BRIAN CLOW:** I think I saw it ---

23           **MS. SHANTONA CHAUDHURY:** Did you?

24           **MR. BRIAN CLOW:** --- a few pages up. Yeah.

25           **MS. SHANTONA CHAUDHURY:** Can you zoom out a  
26 little bit, please, Mr. Clerk, so we can see? Thanks. Keep  
27 going up a little bit.

28           **MR. BRIAN CLOW:** Just a little bit further up. A

1 little bit further. So I think you see ---

2 **MS. SHANTONA CHAUDHURY:** Yeah, there we go.

3 Okay. So first question, we don't have a date on this because  
4 it's sort of -- there's some blackout before that, but do you  
5 remember the date of this, Mr. Clow?

6 **MR. BRIAN CLOW:** I believe it was February 9<sup>th</sup>.

7 **MS. SHANTONA CHAUDHURY:** Okay. So at the meeting  
8 on February 9<sup>th</sup> and ---

9 **MR. BRIAN CLOW:** This is various things happening  
10 over the course of the day.

11 **MS. SHANTONA CHAUDHURY:** Why don't you tell us  
12 what ---

13 **MR. BRIAN CLOW:** I wouldn't call this one  
14 meeting.

15 **MS. SHANTONA CHAUDHURY:** Why don't you tell us  
16 what was happening?

17 **MR. BRIAN CLOW:** So February 9<sup>th</sup> was -- there were  
18 a few conversations going on. I don't specifically remember  
19 what meetings at what times. But I did write down and it was  
20 reported to us that Minister Blair had spoken to the Clerk about  
21 the *Emergencies Act*, and that was in the leadup I think just one  
22 day before the Incident Response Group meeting where the  
23 *Emergencies Act* was discussed in some detail, in addition to  
24 other things. So this was just a report to us that that  
25 conversation had happened between the Minister and the Clerk.

26 **MS. SHANTONA CHAUDHURY:** Okay. So around  
27 February 9<sup>th</sup> we're getting to the point of we know where the  
28 federal government felt a need to perhaps intervene in the

1 situation and bring this to a close in some way. So as you say,  
2 "Blair spoke to [the] Clerk and talked  
3 about the Emergencies Act  
4 On the options..."

5 Can you just read your handwriting there?

6 "Didn't commit on the options --  
7 Emergenc[y] could be piece [if] that  
8 Sounds like we have authority"

9 And then a reference to Nathalie Drouin, the  
10 Deputy Clerk ---

11 **MR. BRIAN CLOW:** So I see this as discussions are  
12 happening about how we can help, what more we can be doing. And  
13 the *Emergencies Act* could be a piece of that.

14 **MS. SHANTONA CHAUDHURY:** Okay. And we know that  
15 the following day, the Prime Minister convened the first  
16 Incident Response Group meeting.

17 **MR. BRIAN CLOW:** Yes.

18 **MS. SHANTONA CHAUDHURY:** So I'd like you to tell  
19 us a bit about that meeting, the decision to convene the IRG and  
20 what that meant in the Prime Minister's eyes, in your eyes, and  
21 what an IRG really is.

22 **MS. KATHERINE TELFORD:** I think as the Clerk may  
23 have spoken to already, and I think as these notes show too, the  
24 meetings were becoming increasingly frequent with added  
25 Ministers and different departments getting involved because of  
26 the request for assistance amongst a growing number of blockades  
27 now, as well as protests in different parts of the country and  
28 the occupation of course is now heavily entrenched in Ottawa.

1 And so as we were having these meetings, the Clerk, I believe,  
2 advised the Prime Minister, though it made good sense to the  
3 group of us at the time as well that it was time to formalize  
4 our structure, moving forward and that we were at a point of  
5 national crisis and that's what the Incident Response Group was  
6 put together for. It was a group that was -- it was a Cabinet  
7 committee that was created, I believe, in the first mandate of  
8 the government midway through, and it is chaired by the prime  
9 minister.

10 It does not have a set permanent membership. It  
11 is convened with the ministers appropriate to whatever the  
12 incident is that is being discussed.

13 And the thing that makes it very different from  
14 other Cabinet committees is where in another Cabinet committee  
15 it tends to be policy focused and over a longer term, this is  
16 obviously dealing with something in real time and something  
17 that's crisis-like in nature.

18 But the structural difference too is that  
19 officials lead in many ways the conversations within the IRG  
20 meetings space, and they are right at the table. So whereas at  
21 a Cabinet committee the ministers would be sitting around the  
22 Cabinet table and the officials might be sitting to the side,  
23 they may very well be making presentations and then the ministers  
24 would be discussing those presentations or they might speak to  
25 make clarification when their ministers call on them for that  
26 clarification.

27 At an IRG meeting, the principal presenters are  
28 officials and so whether it's the NSIA, whether it's the



1 commissioner of the RCMP, whether it was the head of CSIS,  
2 depending on the incident, in past, it might be the CAF and the  
3 chief of defence staff.

4                   And then the ministers are called on by the prime  
5 minister to add anything that they might see as not having been  
6 covered, to any thoughts they have on the basis of the  
7 information that's been presented, but they are all sitting  
8 around the same table which makes it quite a different meeting  
9 than really any other.

10                   **MS. SHANTONA CHAUDHURY:** And what is the purpose  
11 of that? Why is an IRG structured like that with direct input  
12 from officials?

13                   **MS. KATHERINE TELFORD:** I think for a number of  
14 reasons. It's their expertise and getting it in real time to  
15 the prime minister and to the ministers. And things are moving  
16 very quickly. And it's -- so it's an efficiency and an  
17 effective kind of tool to bring everybody to that same table and  
18 convene the leadership of the different security agencies for  
19 whatever the security incident is and to hear from people  
20 directly.

21                   **MS. SHANTONA CHAUDHURY:** Okay. So essentially,  
22 you remove sort of the layering up and instead, the prime  
23 minister has direct access to all of the input that he may want  
24 or need?

25                   **MS. KATHERINE TELFORD:** As do all of the other  
26 ministers because they then get to hear from -- directly from  
27 the heads of the different agencies or law enforcement heads.

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

1                   So we've been through the content of many of the  
2 IRGs. One theme I want to pick up with you is something that  
3 was eventually brought to the IRG on February 12th, but has been  
4 a discussion at the Commission throughout, which was the idea of  
5 whether the prime minister or anyone from the federal government  
6 should engage with the protesters and attempt to bring this to a  
7 close through either some sort of negotiation, some engagement,  
8 some speaking.

9                   So the first thing I'll bring up on that point  
10 is, Mr. Clerk, it's PB.CAN.00001184 -- or it might be 1844,  
11 sorry.

12                   Ms. Telford, this is a text exchange on February  
13 6th between you and Minister Mendicino, so it's early days. As  
14 I said, the theme of interaction, negotiation is something that  
15 came up.

16                   Can we scroll down, please, Mr. Clerk? Keep  
17 going, keep going, going, page 8, please. Okay. Here we go.

18                   So if we can blow that up, it's really hard to  
19 read, but you'll see a notation here:

20                   "Lawyer, arbitrator, mediator offer  
21 suggested by Anne McLellan of a  
22 possible interlocutor. Again, I think  
23 it's a long shot for the reasons we  
24 discussed. Also, I noticed after we  
25 hung up that we didn't even spend a  
26 moment on politics and readiness."

27                   Okay. So that part that may not be all that  
28 relevant.

1                   But can you -- do you remember this text  
2 exchange, Ms. Telford?

3                   **MS. KATHERINE TELFORD:** Now that I see it.

4                   **MS. SHANTONA CHAUDHURY:** Okay. And do you  
5 remember the idea of discussing and a possible interlocutor at  
6 that point and what was going on? Can you fill that in for us,  
7 please?

8                   **MS. KATHERINE TELFORD:** Look, I think over the  
9 course of like, from the beginning of the occupation, when it  
10 became an occupation, there were numerous people who were trying  
11 to suggest anything they could to try to find a way to assist,  
12 and I think that's what Anne was doing here.

13                   And I've received -- and I believe it's part of  
14 the documents as well that you've received -- I received  
15 suggestions from numerous other people as well. MPs were  
16 raising names with us. There were suggested names of MPs from  
17 other parties who were coming forward wondering if they could  
18 help. There was a lot of people that were trying to find a way  
19 to figure out if an engagement could work, and no one was able  
20 to take it past that first thought.

21                   And so no one could figure out who they should  
22 talk to. There was no clear leadership on the other side.  
23 There was no clear understanding of what they would even be  
24 talking about.

25                   The police were already, as we were being  
26 informed through the Incident Response Groups, they were already  
27 engaging at a certain level and so it wasn't clear what this  
28 engagement strategy would be, let alone if it could have any

1 effect.

2           And you know, I think there's a difference too  
3 between engagement and negotiation. And the prime minister and  
4 the Cabinet, the government, wasn't prepared to negotiate public  
5 health measures that were rooted in science.

6           I'm not -- I also am not sure, and I think a lot  
7 of people weren't sure at the time that really, that that's what  
8 this was all about. And so figuring out what the topic of the  
9 conversation could be let alone who it could be with that could  
10 have any effect on changing the circumstances, when no one could  
11 answer that question, really, these conversations couldn't --  
12 didn't move past the initial suggestion of "I wonder if."

13           **MS. SHANTONA CHAUDHURY:** Okay. So at this point,  
14 this is part of the conversation. We're still in sort of early  
15 days of the protest, and I think what you're taking us to now is  
16 what's come to be known as the engagement proposal. And we've  
17 heard some evidence on that.

18           And Mr. Clerk, you can take that one down please  
19 and pull up SSM.NSC.CAN00002958.

20           So Ms. Telford, I think what you've just been  
21 referencing has been canvassed before the Commission a bit, and  
22 it's Mr. -- Deputy Minister Stewart's engagement proposal that  
23 he prepared with the assistance of Marcel Beaudin from the OPP  
24 PLT.

25           And this is now we're the evening of February  
26 11th. It's a text that Minister Mendicino sent to you saying:

27                           "Hey there. We got some very last-  
28                           minute and thin paper tonight on an

1 engagement strategy from my deputy  
2 minister, apparently socialized it with  
3 several people including the Ontario  
4 government, not me."

5 I'll just scroll down and see the rest of the  
6 text, please.

7 It says it's unclear whether PCO, RCMP, or  
8 Ontario supports this, but he's flagging this as a concern about  
9 information flow.

10 And then he says at the bottom, "Sorry, but had  
11 to let you know. Marco."

12 So can you tell us a bit from your perspective?  
13 We've heard Minister Mendicino's perspective on it, but what was  
14 your perspective receiving this text, and do you know why  
15 Minister Mendicino was essentially apologizing, saying, "Sorry,  
16 I'm just letting you know about this"?

17 **MS. KATHERINE TELFORD:** When the IRGs began  
18 convening, just the day before, I believe, one of the things  
19 that was stressed at the first IRG or in and around the IRG  
20 really was just the need for appropriate information flow and  
21 for regular and constant information flow. And so I believe  
22 that's what he's -- he's saying sorry for there is -- he's  
23 letting me know that there's this information that is now  
24 floating around that has already gone to some people and it had  
25 not kind of followed the usual channels, and I think he was  
26 sorry that it was the hour that it was, that we were all trying  
27 to grapple with what to do here.

28 But I had also just received the paper previously

1 from the clerk, I think, about an hour before, by the looks of  
2 this, and so I wouldn't read too much into the story, and we  
3 were much more focused on the draft. And, ultimately, what was  
4 decided later that night after I talked with the Clerk and I  
5 then called the Prime Minister and the Prime Minister agreed to  
6 put it on -- with the suggestion that was coming from the Clerk,  
7 he agreed to put it on the agenda for the IRG the next day for  
8 discussion.

9 **MS. SHANTONA CHAUDHURY:** And we've seen that it  
10 ended up on the agenda, and I think you just started to tell us  
11 a little bit, but maybe you can finish that answer, why  
12 ultimately it was decided not to pursue that engagement  
13 strategy.

14 **MS. KATHERINE TELFORD:** In some ways, it's what I  
15 already touched on, which is, this was one more proposal that  
16 was not yet at the place that one could act on. There were too  
17 many unanswered questions. There was no clarity in terms of who  
18 the discussion would be with on either side of the discussion,  
19 and what the discussion would be about, and what it might  
20 result. And so, you know, while everyone, including the Prime  
21 Minister, was encouraging everyone to put every option the  
22 table, and its why this was put on the agenda, ultimately, there  
23 wasn't anything further to pursue on this at that time.

24 **MS. SHANTONA CHAUDHURY:** Okay. Thank you, Mr.  
25 Clerk, you can take that one down. So we're going to skip a  
26 little ahead in the chronology again. The following day,  
27 February 13<sup>th</sup>, is obviously key. There's the Incident Response  
28 Group meeting in the afternoon followed by the Cabinet meeting

1 in the evening. The decision coming out of the IRG is to have  
2 the Cabinet meeting, and then the decision coming out of the  
3 Cabinet meeting is to have a First Ministers' Meeting to consult  
4 on whether or not to invoke the *Emergencies Act*. Mr. Clerk, can  
5 you pull up SSM.NSC.CAN00002941? It's Mr. Clow's notes again.  
6 This time at page 22.

7                   So when Minister LeBlanc testified a few days  
8 ago, we went through some of the comments, the record of the  
9 readout of the First Ministers' Meeting, and some of what was  
10 expressed by the provinces there. And these, I believe, are Mr.  
11 Clow's notes of that same meeting, and I'm wondering whether we  
12 can through a bit of these. And Mr. Brodhead, maybe this is  
13 best directed at you, but -- or that you can fill in a bit of  
14 the context about what was being expressed during the First  
15 Ministers' Meeting by these various premiers and whether or not,  
16 in your view, in coincided with what you'd been hearing up to  
17 then about solving the problem of the convoy.

18                   **MR. JOHN BRODHEAD:** Sure, I'll start and then my  
19 colleagues can add. I -- you know, I think it was quite  
20 consistent with what we had heard before, but I think it was a  
21 very robust conversation. You know, we had the ministers,  
22 Minister Lametti and, I believe, Minister Mendicino or LeBlanc,  
23 and the Prime Minister speak. Then, the Prime Minister went  
24 across the country in terms of making sure he heard from each of  
25 the provinces and territorial premiers. I think -- you know, we  
26 had known on where -- not specifically on the *Emergencies Act*,  
27 but we had known from conversations with Ontario what they were  
28 kind of feeling generally. We had heard from a lot of the

1 provinces. So I think it was -- it was quite an interesting  
2 conversation. I think we did learn a lot.

3                   And just to use, you know, a couple of quick  
4 examples, you know, some of the issues around supply chain that  
5 Newfoundland and Nunavut brought up, and concern from the  
6 Premier in the Northwest Territories about a blockade, concerns  
7 from Premier Horgan about RCMP being stretched too thin as they  
8 were -- a contingent to support another part of the country.  
9 And it really kind of showed the national nature of it and the  
10 kind of variety of issues folks were facing.

11                   And even the folks who were, I would say, more  
12 concerned, such as the Premier of Alberta or the Premier of  
13 Saskatchewan, you know, even they had said things like, "Well, I  
14 won't quibble with the use of the *Emergencies Act* but I'm  
15 worried about enflaming folks," which was something we were  
16 concerned about, had talked about at IRGs, was a real cause of  
17 discussion. And same with Premier Mo who said, you know, "The  
18 six you've mentioned sounds reasonable, but I'm worried about  
19 enflaming."

20                   So, you know -- and even, you know, Premier  
21 Legault talking about, your know, the Sûreté du Québec and --  
22 you know, and the dynamic between the Sûreté and the RCMP and us  
23 having to kind of, you know, discuss where those boundaries were  
24 them in calls, Mr. Leblanc mentioned, after with Minister  
25 Labelle, I believe it was, really showed -- like it was a very  
26 meaty conversation, I found, and -- but not a -- not a -- not  
27 one where I think we were shocked by what we were hearing  
28 because of the outreach that happened in advance.



1                   **MS. SHANTONA CHAUDHURY:** Ms. Telford?

2                   **MS. KATHERINE TELFORD:** I would just add that  
3 this was some -- I'm not sure there's a Prime Minister in  
4 Canadian that has had as many First Ministers' Meetings as this  
5 Prime Minister has because of the pandemic, and so they were  
6 such a regular occurrence and this group of premiers know each  
7 other quite well because of that. And while, you know, there  
8 are perhaps sometimes more pointed and more partisan statements  
9 made in public-facing environments, in these meetings that they  
10 have -- and I think you can see that it in the notes and in the  
11 descriptions of it -- they really -- they are thoughtful  
12 conversations.

13                   And they do come at things differently; there's  
14 no doubt. They have different, you know, regional needs and  
15 were facing different things in different parts of the country.  
16 But, as Premier King, I can still remember saying -- you know,  
17 toward the end, he was one of the later speakers, as per the  
18 notes, and him saying to the Prime Minister, "I know you don't  
19 take this lightly," and this was a thoughtful conversation.

20                   And because they really were grappling with --  
21 you know, even those who were concerned about the potential  
22 inflammation if the *Emergencies Act* were invoked, even those who  
23 were concerned about their specific regions, understood there  
24 was a broader national -- potential national need here, and that  
25 the Prime Minister had the authority, ultimately, and  
26 potentially -- and the need to do this.

27                   And so even those who were showing some  
28 reluctance from their kind of premier perspective of their

1 particular province were showing an openness or a recognition,  
2 as Premier Kenney did in sort of saying, "I won't quibble with  
3 you on whatever you have to do with the *Emergencies Act*,  
4 ultimately." And I think that speaks to -- they'd had an FMM  
5 just a couple of weeks prior to this that was solely focused --  
6 before all of this had started, as part of -- par for the course  
7 now during the pandemic, because we need to remember the time we  
8 were in, which was the height of Omicron. And so they'd  
9 actually had an FFM just -- I think it was January 10<sup>th</sup> where  
10 they were talking about the new mandates that the provinces were  
11 having to put into place, and we were looking to support them on  
12 that front. So this is a group that has navigated crisis for a  
13 couple of years together in many, if not most, of their cases.

14 **MS. SHANTONA CHAUDHURY:** That's helpful context  
15 in understanding comments like you just brought up, "I don't" --  
16 Premier Kenney saying, "I don't quibble with the use of the  
17 Act." Mr. Clow, do you have anything to add on that -- on this  
18 front?

19 **MR. BRIAN CLOW:** I think it's been well covered.  
20 I would just emphasize -- I know it's been addressed here and  
21 elsewhere in the past couple of weeks, but Premier Kenney's  
22 comment on this phone call that there was a potentially violent,  
23 hard-core group of individuals at the centre of the Coutts  
24 blockade who were ready to die for a cause, we had heard through  
25 other reports and from our own officials, but it was a  
26 recognition that's just one example of the very serious  
27 potential for violence that was posed by many of these  
28 demonstrations.

1                   **MS. SHANTONA CHAUDHURY:** Thank you, Mr. Clerk.  
2 You can take that one down. So we know that what happened after  
3 the First Ministers' Meeting, which lasted about an hour. There  
4 was then, I believe, a call with opposition leaders, and then at  
5 some point that afternoon, the Prime Minister received a  
6 Decision Note from the Clerk, and fairly shortly thereafter took  
7 the decision to invoke the *Emergencies Act*. One thing I wanted  
8 to ask, from your perspective, was any consideration given in  
9 any of this to holding a debate before parliament, not to  
10 decide, of course, but to engage in a debate over whether the  
11 *Emergencies Act* should be invoked?

12                   **MR. BRIAN CLOW:** So there was an emergency debate  
13 about the convoy and the demonstrations about a week -- about a  
14 -- I think exactly a week before the invocation of the  
15 *Emergencies Act*. The *Emergencies Act* itself contains  
16 parliamentary process and provisions of that debate, and the  
17 vote in the House did happen. But the decision to invoke on  
18 February 14<sup>th</sup> was made after a series of discussions and inputs,  
19 the FMM that morning being a critical one -- the opposition  
20 leader called "the critical one". The view was time was up and  
21 it needed to be enacted right away. And recognizing that the  
22 parliamentary process is built into the Act and was to come in  
23 the days ahead, we thought that that was robust.

24                   **MS. SHANTONA CHAUDHURY:** So, essentially, that  
25 conversation didn't happen because it didn't have to; there was  
26 already a parliamentary process built in?

27                   **MR. BRIAN CLOW:** Yes.

28                   **MS. SHANTONA CHAUDHURY:** Is that fair? Okay.

1 And I just want to turn briefly now to the topic of revocation  
2 of the Act, which I know is skipping ahead again.

3 Mr. Clerk, if you can pull up Mr. Clow's notes  
4 again. I don't know what we'd do without Mr. Clow's notes here.  
5 SSM.NSC.CAN00002941, page 28.

6 The only thing missing from the notes is clear  
7 page numbers. Always number the pages. So this is  
8 February 19th, it's a staff call, and right at the bottom there,  
9 you say:

10 "Parliament's job is to confirm or  
11 revoke, doesn't impact changes."

12 I believe:

13 "After revocation what happens to  
14 frozen accounts?"

15 So that's a topic we've explored a bit with  
16 Finance:

17 "At what point do we withdraw based on  
18 what inputs?"

19 So is it fair to say at this point this is a  
20 discussion of almost first principles. "We don't really know  
21 what the criteria are to revoke, we need to figure out what  
22 those criteria are." Was that an accurate reflection?

23 **MR. BRIAN CLOW:** It's hard to say for sure what  
24 that specific note refers to, but there was progress by that  
25 point, the February 19th. We were far from out of it. There  
26 were still a lot of situations, there were still many threads.  
27 And if I remember correctly, Ottawa was -- there may have been  
28 the beginning of action, but it wasn't done. So definitely at

1 the IRGs and on staff calls and in other conversations we were  
2 beginning to ask ourselves, "Okay, what -- how long is this  
3 needed?" And it was always understood, and it was made clear by  
4 the Prime Minister this should only be in place as long as it's  
5 needed. So we were constantly asking ourselves that very  
6 question, "What are -- what do we need to assess and what will  
7 feed into the decision to revoke?"

8 **MS. SHANTONA CHAUDHURY:** Okay. And there was no -  
9 - I think what I was saying was there was no playbook for it, so  
10 it was essentially a discussion for first principles of trying  
11 to figure out what these criteria should be.

12 Would you scroll down a bit, please, Mr. Clerk,  
13 to the following day. You'll see IRG. Not that one,  
14 February 20th. Keep going.

15 So the first notation there says:

16 "IRG February 20th. RCMP/Officials  
17 public brief on how long emergency act  
18 is needed."

19 Now, we're going to take this down, and bring up  
20 a different document, Mr. Clerk, which is SSM.CAN.NSC00002910.

21 This isn't something that's recorded in your  
22 notes, Mr. Clow. What I'm going to bring up is  
23 Commissioner Lucki's key messages from that date. So it's an  
24 RCMP document, and I'm going to take you through it and ask you  
25 whether your recollection is that that was expressed during the  
26 IRG.

27 So there we go. So the key messages are:

28 "As I said yesterday, the situation

1 across the country remains concerning,  
2 volatile and unpredictable. We are  
3 continuing to see a range of protest  
4 events and solidarity actions across  
5 the country, with ports of entry and  
6 legislatures the key targets.

7 I want to underscore two key bottom  
8 lines off the top.

9 First - as it relates to Ottawa and  
10 Ontario, there is an operational need  
11 to maintain access to these powers to  
12 ensure that we can finish what we  
13 started and prevent any retrenchment.  
14 Even for the next 2 [to] 3 weeks."

15 And then after that:

16 "It is important that we retain the  
17 ability to maintain the perimeter,  
18 restrict travel and ensure we can  
19 continue to choke off financial support  
20 and other assistance to the protesters  
21 in Ottawa."

22 And then it goes on.

23 Do you recall this having been expressed, at the  
24 IRG, that the *Emergencies Act* should stay in place, by the RCMP,  
25 by Commissioner Lucki for another two or three weeks?

26 **MR. BRIAN CLOW:** My colleagues may have stuff to  
27 add, but I don't know if it was conveyed on the 20th, but that  
28 was definitely a message right up to the revocation, that the

1 RCMP believed that the powers were critical, and they argued  
2 that they should stay in place for a period longer in order to  
3 prevent additional blockade from starting or from people from  
4 returning to the ones that existed.

5 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Telford,  
6 Mr. Brodhead, do you have anything to add to that?

7 **MS. KATHERINE TELFORD:** No, that's ---

8 **MR. JOHN BRODHEAD:** Agree.

9 **MS. KATHERINE TELFORD:** Yeah.

10 **MS. SHANTONA CHAUDHURY:** Okay. And as we know  
11 that that's not what happened in the end. The *Act* was revoked  
12 three days later. So is it fair to say that that input was  
13 received but not followed by, in the end, the Government?

14 **MR. BRIAN CLOW:** Important to point out is that  
15 both for the invocation and the revocation the RCMP was one of  
16 many inputs. So for sure this view would have been considered  
17 and was considered, but ultimately the Prime Minister and the  
18 IRG decided to revoke when they decided to revoke based on what  
19 -- many different inputs.

20 **MS. SHANTONA CHAUDHURY:** Okay. One thing I wanted  
21 to ask you as well about the revocation decision is there have  
22 been some suggestions that the motion to confirm the declaration  
23 of emergency had been passed through the House of Commons but  
24 was up for a vote in the Senate, and that part of the timing of  
25 revocation may have been due to -- some perhaps lack of  
26 confidence around whether the Senate would confirm the  
27 declaration. Can you speak to that?

28 **MR. BRIAN CLOW:** So quite the opposite, actually.

1 And yes, I am aware of that suggestion, that perhaps there was  
2 an attempt to revoke before the Senate got to its vote.

3 We actually wanted the Senate to move as quickly  
4 as possible, and I think it did too, but as it was reported to  
5 us, the Senate was delayed in convening partly because of the  
6 Ottawa, very significant continuing Ottawa demonstrations that  
7 were happening right on the Senate's doorstep. They did begin  
8 their debate at a certain point, but that was not considered  
9 when it came to revocation. Decisions around revocation was  
10 "What's the situation? Is this *Act* still needed? Are these  
11 powers still needed?"

12 We would have liked the Senate to have its vote,  
13 but I will also say I have no reason to believe that the  
14 Senate would not have endorsed it, and I do believe that -- I'm  
15 not sure about this, but I do believe that this Commission has  
16 seen evidence that the Chief of Staff to Senator Gold, the  
17 Government leader in the Senate, was doing vote-counting and  
18 they were quite comfortable that they were in a good place.

19 **MR. STEPHEN AYLWARD:** Anything to add on that  
20 point, Ms. Telford or Mr. Brodhead?

21 **MS. KATHERINE TELFORD:** No, I completely agree  
22 with what Brian was just saying, and I would just add that it  
23 was extraordinarily important to the Prime Minister that it be -  
24 - that he be true to what he set out in the beginning when he  
25 invoked the *Act*, and that it wasn't going to last one minute  
26 longer than absolutely necessary. And so that was the entire  
27 motivation behind when the revocation happened. The same way,  
28 you know, safety and security was at the core of every meeting



1 he was having throughout, the politics and parliamentary issues  
2 were on a completely separate track from that decision-making.

3 **MS. SHANTONA CHAUDHURY:** Okay. Those are actually  
4 all the questions I have for you, since -- given that the Prime  
5 Minister will be here tomorrow, your boss will be speaking for  
6 himself. Those are the questions that I have for you this  
7 afternoon, but before I sit down, is there anything that we  
8 haven't covered here today that you would like to say now that  
9 you have the opportunity?

10 **MR. BRIAN CLOW:** I think we're good.

11 **MS. SHANTONA CHAUDHURY:** No, pretty quiet. Okay.  
12 Thank you.

13 Commissioner, those are my questions.

14 **COMMISSIONER ROULEAU:** Okay, thank you very much.

15 I think probably this is a good time to take a  
16 15-minute break and let everyone get up and stretch. And so  
17 we'll come back in 15 minutes. Thank you.

18 **THE REGISTRAR:** The Commission is in recess for  
19 15 minutes. La Commission est levée pour 15 minutes.

20 --- Upon recessing at 5:16 p.m.

21 --- Upon resuming at 5:36 p.m.

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

23 The Commission is reconvened. La Commission  
24 Reprend.

25 **--- MS. KATHERINE TELFORD, Resumed:**

26 **--- MR. BRIAN CLOW, Resumed:**

27 **--- MR. JOHN BRODHEAD, Resumed:**

28 **MEMBER ROULEAU:** Okay. Now the next stage.

1 First I'd like to call on the Government of  
2 Alberta, please.

3 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

4 **MS. STEPHANIE BOWES:** Good evening to this panel.  
5 My name is Stephanie Bowes. I am counsel for the Province of  
6 Alberta.

7 I just want to start with the statement in the  
8 PMO Institutional Report, which indicates that PMO staff engaged  
9 with Premier Kenney's Chief of Staff, Ms. Livingstone, on  
10 February 5<sup>th</sup> and 12<sup>th</sup>. I just want to confirm that during that  
11 time, the PMO did not discuss the possible use of the  
12 *Emergencies Act* during those engagements. Is that correct?

13 **MR. JOHN BRODHEAD:** It was not me having those  
14 conversations, but that is my understanding, yes.

15 **MS. STEPHANIE BOWES:** Okay. Thank you. And with  
16 respect to the First Minister's meeting, Mr. Brodhead, you were  
17 asked about your understanding of the various positions of  
18 Premiers at that meeting.

19 I'd like the clerk to pull up  
20 SSM.NSC.CAN00000625. And these are some expanded notes prepared  
21 and produced by the Government of Canada describing that  
22 meeting.

23 Once we have them up, I'll ask the Clerk to  
24 please scroll down to page 3.

25 Okay. So we can see here that there's some  
26 further notes about the comments of Premier Kenney at this  
27 meeting. And I'll just walk through some of these right now.

28 He starts by describing the situation at Coutts

1 and how it went from 1,000 trucks on a rolling protest to 900  
2 going home, with 100 staying behind. And then down to a group  
3 of 40, which he described as a core group.

4 Then you'll see him describe the arrests at the  
5 border and indicate:

6 "We believe the situation has been  
7 secured." (As read)

8 And further down there:

9 "Have procured on market for equipment and  
10 have drivers in place. Unless an  
11 unexpected surprise, should open Coutts  
12 border crossing today."

13 And a little further down again:

14 "Would be problematic to declare emergency  
15 today to take momentum of arrests last  
16 night. Declaration risks further  
17 radicalizing thousands of sympathizers in  
18 Alberta. Know you have a lot of serious  
19 issues to balance off, including in  
20 Ottawa, but I am suggesting this could  
21 create a net negative for Alberta. If we  
22 need to seize or compel people, we are  
23 prepared to use our own *Emergencies Act*."

24 (As read)

25 So you would agree that it's fair to say that the  
26 Premier's position at this First Ministers Meeting was that  
27 invoking the federal *Emergencies Act* was neither wanted, not  
28 needed in Alberta; correct?

1                   **MR. JOHN BRODHEAD:** I would say he was definitely  
2 clear that he did not believe it was needed in Alberta at that  
3 time.

4                   **MS. STEPHANIE BOWES:** Okay. Thank you.

5                   And I'd like to switch tracks with you and ask  
6 about what was done to prepare the Prime Minister for the  
7 February 13<sup>th</sup> Cabinet meeting, and specifically, where his inputs  
8 of information came from. So I'm going to ask you -- you can  
9 answer yes or no -- whether the PMO was responsible for  
10 providing the Prime Minister with the following information, and  
11 that's about the status of the RCMP operation in Coutts. Was it  
12 the PMO that was responsible for providing that information to  
13 the Prime Minister?

14                   **MS. KATHERINE TELFORD:** No.

15                   **MS. STEPHANIE BOWES:** And how about the status of  
16 Alberta's acquisition of tow trucks from the private market?

17                   **MS. KATHERINE TELFORD:** The Privy Council leads  
18 these briefings that you're referring to.

19                   **MS. STEPHANIE BOWES:** Okay. So I'll just name  
20 off a few more, and maybe then you can tell me if there was  
21 anything in my list that the PMO was responsible for providing  
22 the information to the Prime Minister. And those are the status  
23 of the protests in Windsor at the Ambassador Bridge, the status  
24 of opening of the Ambassador Bridge, the status of the OPS  
25 operational plan with respect to the protests in Ottawa, or that  
26 the Commissioner -- Commissioner Lucki was of the view that not  
27 all tools available through existing legislation had yet been  
28 exhausted.

1                   **MS. KATHERINE TELFORD:** We may have added  
2 information if we'd heard it through Minister's offices or  
3 through open source information. But the briefing on all the  
4 matters you're -- would have been led by the Clerk of the Privy  
5 Council, the Deputy Clerk of the NSIA.

6                   **MS. STEPHANIE BOWES:** Okay. Thank you.

7                   **MR. BRIAN CLOW:** I would just add that we heard  
8 various points in the weeks leading up to invocation of the Act  
9 that action was about to be taken in some of the places that  
10 you've mentioned. And on the point about RCMP stating that not  
11 all tools had been exhausted, that was obvious to everyone. In  
12 various locations, law enforcement had tools that they weren't  
13 able to enforce because there were other more serious issues  
14 preventing that, and that's partly why decision was made to  
15 invoke the Act the next day.

16                   **MS. STEPHANIE BOWES:** Okay. And so you would  
17 agree that the Prime Minister had that information as well, that  
18 there were tools available but that they weren't being used?

19                   **MR. BRIAN CLOW:** As I said, that was obvious to  
20 everyone who was watching what was going on, on the ground.

21                   **MS. STEPHANIE BOWES:** Okay. Thank you. I would  
22 like the Clerk to please pull up SSM.NSC.CAN 00002941. And this  
23 is a record that Commission Counsel has taken you through in  
24 some detail already. There's just a few places where I was  
25 hoping you could help me read some of the writing.

26                   So, Mr. Clerk, if you could please scroll down to  
27 page 12 -- actually, this is not something that I need  
28 clarification on the writing on but something I do have a

1 question on. Let me just make sure I'm in the right place here.

2 So if you see on the right-hand side, there's a  
3 note beside Brenda. And I'm assuming this is Commissioner  
4 Lucki; is that correct?

5 **MR. BRIAN CLOW:** Yes.

6 **MS. STEPHANIE BOWES:** Okay. And she indicates  
7 with respect to Coutts,

8 "They were almost gone, but a pastor  
9 incited them to stay. Was 250  
10 vehicles, now down to 40 [and] Weapons  
11 are in the protest. Need to go slow  
12 [here]."

13 Was the Prime Minister part of this conversation?

14 **MR. BRIAN CLOW:** Yes, he was. This was the  
15 February 10<sup>th</sup> Incident Response Group meeting.

16 **MS. STEPHANIE BOWES:** Okay. Good, thank you.

17 And then if we go to page 23, here's where I'll  
18 need your help interpreting the writing. Thank you.

19 So we can see about a quarter a way down the page  
20 there's an arrow and it says "specific" and what's the next word  
21 after that?

22 **MR. BRIAN CLOW:** To be honest, I can't read it  
23 either. The quality of the photocopy is not strong.

24 **MS. STEPHANIE BOWES:** Okay. So specific  
25 something, "...draft list. Using the money as a..." And then  
26 what's that next word there?

27 **MR. BRIAN CLOW:** "...as a hook for the national  
28 stuff." So this was a reference to there -- we knew and we

1 heard on the FMM call that some Premiers and some people felt  
2 that the Act should not be provided -- applied nationally. And  
3 this comment referred to needing to underscore in the  
4 communications that part of the reason the Act needed to apply  
5 nationally was so that it would apply to financial transactions  
6 across the country, given many of the demonstrators were from  
7 across the country.

8 **MS. STEPHANIE BOWES:** And do you -- yeah, I think  
9 you just said that this was about needing to refer in the  
10 communications. What communications are you talking about?

11 **MR. BRIAN CLOW:** So this was February 14<sup>th</sup>, 12:30  
12 p.m., after the FMM as preparations were underway for a  
13 potential Prime Ministerial announcement later that afternoon.  
14 Prime Minister took the decision to invoke the Act later that  
15 afternoon and he went out and announced it.

16 **MS. STEPHANIE BOWES:** Okay. Now I'd like to talk  
17 a little bit about that announcement. If we can go to SSM.CAN  
18 00002665?

19 And if we go to the very last email in this  
20 record, there's a discussion of a press conference that was, at  
21 that time, scheduled for noon on February 14<sup>th</sup>. And we'll see  
22 the time of this email is listed as February 13<sup>th</sup> 8 p.m. Now I'm  
23 not sure if this is one of the emails that caught with the time  
24 difference related to Greenwich Mean Time, but it's either 3  
25 p.m. or 8 p.m. on the 13<sup>th</sup>. In either event, that's before the  
26 Cabinet meeting; correct?

27 **MR. BRIAN CLOW:** I can't confirm the timing of  
28 the ---

1           **MS. STEPHANIE BOWES:** Okay.

2           **MR. BRIAN CLOW:** --- email, but it could be.

3           **MS. STEPHANIE BOWES:** Okay. And it indicates  
4 that there was going to be a press conference the next day with  
5 the Prime Minister, the Deputy Prime Minister, Minister Blair,  
6 Minister Mendicino and Minister Lametti. There's a bit more  
7 discussion in other emails including that Minister Lametti is  
8 there just to answer questions and that only the Prime Minister  
9 and the Deputy Prime Minister will provide comments. Is this  
10 because that was the press conference that was intended to  
11 announce the invocation of the *Emergencies Act*?

12           **MR. BRIAN CLOW:** So what I would say is, at this  
13 point, there were numerous statements being made by the Prime  
14 Minister and other Ministers to media, sometimes in the form of  
15 a press conference. My recollection was this was planning for a  
16 statement of some sort, and, yes, given the *Emergencies Act* was  
17 under consideration, it was a scenario at that time that they  
18 could be making announcements about the *Emergencies Act* the next  
19 day, but the decision had not been taken at that point.

20           **MS. STEPHANIE BOWES:** So you'll see that it says,  
21                                    "As you know, [the] presser is to  
22                                    provide an update on the federal  
23                                    government response to the Blockades as  
24                                    well as [the] Ukraine..."

25                                    And I'll take it from your answer that there was  
26 some anticipation that maybe it might be about the *Emergencies*  
27 *Act*, but what other announcement was going to be made about the  
28 blockades the next day?



1                   **MR. BRIAN CLOW:** There could have been any number  
2 of measures taken and that's -- that was the examination going  
3 on exactly at that time, what tools could exist, is it going to  
4 be enough. Decision was *Emergencies Act* had the tools required,  
5 and that's why that decision was taken the next day.

6                   **MS. STEPHANIE BOWES:** And I understand that part  
7 of the DMO's role is to prepare speeches for the Prime Minister;  
8 is that correct?

9                   **MR. BRIAN CLOW:** The DPMO? No. The Prime  
10 Minister's Office and PCO prepared speeches for the Prime  
11 Minister.

12                   **MS. STEPHANIE BOWES:** Sorry, I thought in the  
13 institutional report that there was mention of drafting speeches  
14 by the Prime Minister's -- oh, did I -- I'm sorry, by the Prime  
15 Minister's Office, yes.

16                   **MR. BRIAN CLOW:** Yes, absolutely.

17                   **MS. STEPHANIE BOWES:** Okay. I'm sorry. I  
18 misspoke there.

19                   Did the Prime Minister's ---

20                   **COMMISSIONER ROULEAU:** You're -- just to let you  
21 know, I think you're over your time, so you're going to have to  
22 wrap up pretty soon.

23                   **MS. STEPHANIE BOWES:** Okay. I'll just finish  
24 this area.

25                   Did the Deputy Prime Minister's Office draft a  
26 speech for the Prime Minister for the press conference on  
27 February 14<sup>th</sup>?

28                   **MR. BRIAN CLOW:** I'm not aware.

1                   **MS. STEPHANIE BOWES:** You're not aware. Okay.  
2                   Thank you. Those are all my questions tonight.

3                   **COMMISSIONER ROULEAU:** Thank you.

4                   Next call on the Convoy Organizers, please.

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

6                   **MR. BRENDAN MILLER:** Sir, before I begin, I have  
7 an issue that I need to address. As you know, and I've made  
8 application several times, the disclosure in the record is  
9 entirely deficient. We've been trying to deal with these  
10 redactions. There is still redactions for parliamentary  
11 privilege with the Government has not removed. There's no legal  
12 basis for, as you've already ruled, to redact any document on  
13 the basis of parliamentary privilege. There is also the issue,  
14 as I've re-raised by email as well, the issue with the notes of  
15 this witness, the process that was used in dealing with that  
16 needs to be reassessed. These are important witnesses. I need  
17 rulings, and so does everyone here. The rulings on the  
18 redactions are so important.

19                   And for example, Ms. Jody Thomas testified and  
20 said that she supported the invocation of the *Emergencies Act*,  
21 but there is a note that we got after we fought for the one  
22 redaction we got that said Jody Thomas did not. And it was put  
23 up on the screen. There was notes taken. It had one section 39  
24 redaction on it, so if that's a Cabinet document we can assume  
25 Cabinet knew about it, and it states that section 2, no  
26 violence, and they were trying to come up with a way how to make  
27 this work anyway.

28                   That would have been very helpful to have when

1 she was on the stand under oath. This is happening constantly.  
2 There is thousands of documents ---

3 **COMMISSIONER ROULEAU:** I'm not -- if you can, I'm  
4 not looking for a speech. I understand there has been -- have  
5 been issues about redactions. I believe that one is one I  
6 ordered disclosed, and I believe you questioned somebody about  
7 it as recently as yesterday or the day before.

8 I am not sure about the redactions. Certainly,  
9 for -- just to qualify, the redactions with respect to  
10 parliamentary privilege, I didn't say it doesn't exist, I said -  
11 --

12 **MR. BRENDAN MILLER:** Sir -- sir ---

13 **COMMISSIONER ROULEAU:** I said it was novel and  
14 that the arguments presented were insufficient and I ordered the  
15 three redactions disclosed.

16 We received something, I think it's yesterday or  
17 maybe it was even today, and I apologise, I haven't yet ruled on  
18 it, that's true, but I do my very best to make decisions, I try  
19 my very best to make them intelligent and thoughtful and that  
20 sometimes is not done immediately.

21 So that's sort of how I can respond to those  
22 points.

23 **MR. BRENDAN MILLER:** So sir, I can make it very  
24 easy. We've written your counsel for a set of them. So the law  
25 is such that where a redaction is sought on the basis of  
26 irrelevance it is not the onus of the person seeking to have it  
27 redacted on the basis for the relevance, it's the onus on the  
28 person who's seeking for it to be redacted. And the purpose for

1 that is that all of the documents given to us are subject to the  
2 implied undertaking. So there -- they don't become public until  
3 a ruling on their relevance is made.

4 **COMMISSIONER ROULEAU:** Okay. Well, I'm not in a  
5 position to rule on that. I suspect that's the mode -- the  
6 request you made either yesterday or today, I don't know which,  
7 and I'm sorry, I'm not in a position to rule on it right now.

8 **MR. BRENDAN MILLER:** Sir, but ---

9 **COMMISSIONER ROULEAU:** So what I'd like you ---

10 **MR. BRENDAN MILLER:** Sir ---

11 **COMMISSIONER ROULEAU:** --- is if you could  
12 proceed with your examination or that would be ---

13 **MR. BRENDAN MILLER:** Yeah.

14 **COMMISSIONER ROULEAU:** --- I think ideal at this  
15 stage, and I'll do my best to deal with the motion of the  
16 redaction issues as soon as possible.

17 **MR. BRENDAN MILLER:** Okay. But I just want to  
18 put on the record that throughout this entire proceeding all  
19 counsel here, and we're on national television, this is supposed  
20 to be completely transparent. This is the purpose of this.

21 **COMMISSIONER ROULEAU:** I'm doing my very best.

22 **MR. BRENDAN MILLER:** It's not your fault.

23 **COMMISSIONER ROULEAU:** Well ---

24 **MR. BRENDAN MILLER:** It's just the fault that  
25 nobody's order DOJ to actually produce what they're obliged to  
26 do.

27 **COMMISSIONER ROULEAU:** Well, that's something you  
28 can deal with in another forum. I'm doing the best I can here.

1 I think we've gotten very -- a lot of disclosure. There are  
2 issues, and we're dealing with those issues that are raised as  
3 they are raised. We dealt with the ones you raised I believe at  
4 the end of last week, made some orders, confirmed some of the  
5 redactions and we'll deal with your most current application.

6 **MR. BRENDAN MILLER:** But could you just not order  
7 that the redactions for parliamentary privilege? Because I can  
8 -- sir, I can tell you, I've studied that area in and out, and  
9 the reason no one could provide you an authority for the purpose  
10 of a redaction on the basis of parliamentary privilege is it  
11 doesn't exist. And parliamentary privilege is, of course, an  
12 ancient doctrine.

13 And if you would just order the production of the  
14 records without those redactions it would remove a whole bunch.  
15 Then if you would order the production of all relevant records  
16 with respect to where irrelevant is claimed, those records are  
17 then subject to the implied undertaking. And there's no  
18 national security issue with those. If they were, section 38  
19 would be claimed. There is no Cabinet confidence because  
20 section 39 is not claimed. And that's -- that has been the law  
21 since time immemorial. How can you contest if something's  
22 relevant if you don't know what it says?

23 And my problem is is that this witness is now on  
24 the stand. One of the documents is key, in my submission, it is  
25 the notes of Ms. Jackson, which is the office assistant to this  
26 witness. There are redactions therein on the basis of  
27 irrelevance, and there are redactions therein also I believe on  
28 one of the other grounds.

1                   And I've sent a written motion, if you will,  
2 email to your counsel. We've been asking for these things, and  
3 asking for proper production throughout this proceeding. All  
4 counsel are in agreement that we don't have proper production,  
5 sir.

6                   **COMMISSIONER ROULEAU:** Well, I'm not sure you can  
7 speak for all counsel, and I'm sure they can speak for  
8 themselves. As to whether or not you've been asking this for a  
9 long time, I'm not aware that you asked about those redactions -  
10 --

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

12                   **COMMISSIONER ROULEAU:** --- but maybe I don't have  
13 the records. But ---

14                   **MR. BRENDAN MILLER:** So sir ---

15                   **COMMISSIONER ROULEAU:** --- we're going to have to  
16 stop this, and despite your belief that the law is always very  
17 clear, my experience of 20 years is there's -- that's why judges  
18 are around.

19                   And so if you could proceed ---

20                   **MR. BRENDAN MILLER:** Yes.

21                   **COMMISSIONER ROULEAU:** --- otherwise, you know,  
22 we're not going to get anywhere.

23                   **MR. BRENDAN MILLER:** So if I could bring up the  
24 notes of Ms. Jackson, which are at -- oh, just a second.  
25 SSM.CAN.7719.

26                   Okay. So Ms. Telford, Sarah Jackson, she is your  
27 office manager; is this correct?

28                   **MS. KATHERINE TELFORD:** Yes.

1                   **MR. BRENDAN MILLER:** All right. And so obviously  
2 she's a scribe and does scribing for you when you're in  
3 meetings?

4                   **MS. KATHERINE TELFORD:** No.

5                   **MR. BRENDAN MILLER:** All right. So the notes  
6 that she takes she has...

7                   If we can scroll down, and down. Right.  
8                   So that says "KT Call", and I take it that's you?

9                   **MS. KATHERINE TELFORD:** KT usually does refer to  
10 me.

11                   **MR. BRENDAN MILLER:** Right. So she's taking  
12 notes in a phone call she has with you?

13                   **MS. KATHERINE TELFORD:** I don't know.

14                   **MR. BRENDAN MILLER:** You don't know. So that's  
15 on February 4th. Do you remember February 4th?

16                   **MS. KATHERINE TELFORD:** Yes.

17                   **MR. BRENDAN MILLER:** Okay. So what happened on  
18 February 4th?

19                   **MS. KATHERINE TELFORD:** Well, no, I don't  
20 remember in that level of detail.

21                   **MR. BRENDAN MILLER:** Okay.

22                   **MS. KATHERINE TELFORD:** Is there something you're  
23 looking for in particular?

24                   **MR. BRENDAN MILLER:** Well, I'm trying to find  
25 out, because I have to build a record for this, do you have any  
26 idea why anything in your conversation on February 4th in that  
27 note would be irrelevant?

28                   **MS. KATHERINE TELFORD:** I don't know.

1                   **MR. BRENDAN MILLER:** And I take it when you spoke  
2 to Ms. Telford, or sorry, to this individual at the time there  
3 was no lawyer present, was there?

4                   **MS. KATHERINE TELFORD:** I don't know what this  
5 call is.

6                   **MR. BRENDAN MILLER:** Okay.

7                   So can we scroll down then.

8                   So you see there, the Government has claimed  
9 solicitor/client privilege, okay. And you don't remember  
10 speaking with a lawyer on February 4th, do you?

11                   **MS. KATHERINE TELFORD:** As I said, I don't know  
12 what this call is.

13                   **MR. BRENDAN MILLER:** Right. So how would the  
14 Government know, if you don't know, that this is  
15 solicitor/client privilege? They couldn't, could they?

16                   So it's redacted, and this is the problem, sir.  
17 You irrelevant ---

18                   **COMMISSIONER ROULEAU:** Is there a question?

19                   **MR. BRENDAN MILLER:** Yes.

20                   And so if we can scroll down. Okay.

21                   And in that note, on February 4th, I know you  
22 don't have a good memory, but in your conversation ---

23                   **COMMISSIONER ROULEAU:** Well, that's ---

24                   **MR. BRENDAN MILLER:** No, I know, good memory on  
25 February 4th, I know she doesn't have a good memory of it, but -  
26 - it wasn't an insult. "Blair's current strategy - *Emergencies*  
27 *Act.*" Right?

28                   **MS. KATHERINE TELFORD:** (Inaudible response)



1                   **MR. BRENDAN MILLER:** So I take it your  
2 understanding, she's writing down what you were saying, and you  
3 told her that "Blair's current strategy is the *Emergencies Act*."  
4 So it was Minister Blair's strategy to invoke the *Emergencies*  
5 *Act* on February 4th. That's your understanding; isn't it?

6                   **MS. KATHERINE TELFORD:** No, that's not my  
7 understanding.

8                   **MR. BRENDAN MILLER:** So what was "Blair's current  
9 strategy - *Emergencies Act*" on February 4th, 2022?

10                   **MS. KATHERINE TELFORD:** I can't speak to what's  
11 written here.

12                   **MR. BRENDAN MILLER:** You don't remember?

13                   **MS. KATHERINE TELFORD:** No, if you wanted to pull  
14 up notes of mine from February 4<sup>th</sup>, that might be helpful.

15                   **MR. BRENDAN MILLER:** Okay.

16                   **MS. KATHERINE TELFORD:** But I can't speak to  
17 these.

18                   **MR. BRENDAN MILLER:** Do you have notes from  
19 February 4<sup>th</sup>?

20                   **MS. KATHERINE TELFORD:** I have notes from a lot  
21 of days that have been provided.

22                   **MR. BRENDAN MILLER:** You've been provided? Okay.  
23 Have you provided all of them to the Department of Justice?

24                   **MS. KATHERINE TELFORD:** M'hm.

25                   **MR. BRENDAN MILLER:** Okay. And would you say  
26 that you provided notes from each and every single day?

27                   **MS. KATHERINE TELFORD:** From any day I have notes  
28 on.

1                   **MR. BRENDAN MILLER:** Okay. And with respect to  
2 this meeting, do you remember what you and Ms. Jackson were  
3 talking about?

4                   **MS. KATHERINE TELFORD:** I unfortunately don't  
5 know what meeting she's taking notes from here without more  
6 context.

7                   **MR. BRENDAN MILLER:** Okay.

8                   **MS. KATHERINE TELFORD:** It may or may not even be  
9 a meeting I was in.

10                  **MR. BRENDAN MILLER:** But obviously you were  
11 discussing the *Emergencies Act*?

12                  **MS. KATHERINE TELFORD:** The *Emergencies Act* came  
13 up at numerous occasions, as we've said earlier in ---

14                  **MR. BRENDAN MILLER:** Okay.

15                  **MS. KATHERINE TELFORD:** Earlier too.

16                  **MR. BRENDAN MILLER:** Do you think it would assist  
17 the Tribunal and this Inquiry if Ms. Jackson testifies?

18                  **MS. KATHERINE TELFORD:** No, I think I can answer  
19 any questions you might have around that.

20                  **MR. BRENDAN MILLER:** But you can't answer what  
21 that note says.

22                  **MS. KATHERINE TELFORD:** Is there something you're  
23 curious about that note in particular?

24                  **MR. BRENDAN MILLER:** Well on February 4<sup>th</sup> of 2022,  
25 Ms. Jackson, in a conversation with you, writes down "Blair's  
26 current strategy - *Emergencies Act*". Right? And you hadn't  
27 even had an IRG at that point.

28                  **MS. KATHERINE TELFORD:** I believe you've had an

1 opportunity to speak with Minister Blair.

2 **MR. BRENDAN MILLER:** Yeah, and I put this to him  
3 and he said that it wasn't true. So wouldn't it be helpful, if  
4 you can't remember ---

5 **COMMISSIONER ROULEAU:** I'm not sure that was  
6 correct, that he ---

7 **MR. BRENDAN MILLER:** He said that he never had --  
8 I put the note to him, and he said that that's not -- wasn't his  
9 strategy, that that's incorrect. That was his evidence.

10 **COMMISSIONER ROULEAU:** That doesn't mean it isn't  
11 true. I mean, all this note says is "Blair's current strategy"  
12 and "*Emergency Act*" underneath it. So.

13 **MR. BRENDAN MILLER:** On February 4<sup>th</sup>.

14 When was the first time that the Government came  
15 out and spoke that they were considering invoking the  
16 *Emergencies Act*? Do you remember?

17 **MS. KATHERINE TELFORD:** Publicly?

18 **MR. BRENDAN MILLER:** Yeah.

19 **MS. KATHERINE TELFORD:** I mean, there were  
20 questions from the media where Ministers were speaking about the  
21 *Emergencies Act* long before it was invoked.

22 **MR. BRENDAN MILLER:** Yeah. And Minister Blair, I  
23 discussed this with him, on February 13<sup>th</sup>, for the first time he  
24 went on a show and he talked about that it was under  
25 consideration from the outset. But then when he testified here,  
26 he said it wasn't.

27 So was the invocation of the *Emergencies Act*  
28 under consideration from the beginning of the protest in Ottawa?

1           **MS. KATHERINE TELFORD:** The *Emergencies Act* was  
2 something that was discussed at the beginning of the pandemic  
3 and it was a public conversation at that time, as well as a  
4 private conversation. There were calls for the Prime Minister -  
5 --

6           **MR. BRENDAN MILLER:** If we could put the document  
7 back up, please?

8           **MR. BRIAN GOVER:** Perhaps -- it's Brian Gover for  
9 the Government of Canada. Perhaps the witness could complete  
10 her answer to the question without interruption?

11           **MR. BRENDAN MILLER:** Oh, no, I was just -- the  
12 document went down. I'm not done. I apologize. Thank you.

13                         So and I understand that there was a  
14 consideration of a public welfare emergency; right? That's very  
15 different than a public order emergency. You know that. There  
16 doesn't have to be a section 2 security threat; right?

17           **MS. KATHERINE TELFORD:** Are you talking about --  
18 I'm not sure when you're talking about or what about.

19           **MR. BRENDAN MILLER:** We're talking about from  
20 covid, because you said it was under consideration then.

21           **MS. KATHERINE TELFORD:** They did look at the  
22 *Emergencies Act* at that time and there was some public call at  
23 that time, and it was determined, because the Prime Minister was  
24 very reluctant, as he was during the occupation this past  
25 February, to invoke it. And so there's been conversations on  
26 various occasions about the *Emergencies Act* over time.

27           **MR. BRENDAN MILLER:** So when that note is taken  
28 on February 4<sup>th</sup>, 2022, are you saying that you're talking about

1 it in relation to covid?

2 **MS. KATHERINE TELFORD:** I genuinely don't know  
3 what this note is, as I've already said to you a few times.

4 **MR. BRENDAN MILLER:** Okay. So if I can scroll up  
5 -- or down -- or up, please -- or down. We'll go down. Down's  
6 fine.

7 Okay. So that says: "Flag to KT" "Feb[ruary]  
8 10<sup>th</sup>". And it's written in there that this is irrelevant. What  
9 does that mean? Why is it irrelevant? Do you know?

10 **MS. KATHERINE TELFORD:** So I don't know  
11 specifically, but I ---

12 **MR. BRENDAN MILLER:** You don't know either?

13 **MS. KATHERINE TELFORD:** But I could surmise that  
14 "Flag to KT" means it's probably a bit of a to-do list of things  
15 she wanted to flag to me.

16 **MR. BRENDAN MILLER:** Okay.

17 **MS. KATHERINE TELFORD:** They were obviously  
18 deemed irrelevant to what we are talking about today.

19 **MR. BRENDAN MILLER:** Okay. And could we scroll  
20 down again?

21 And this one, where it says "Staff blockade", and  
22 then it has section 39 invoked, do you know what that means?

23 **MS. KATHERINE TELFORD:** I don't know why they  
24 invoked it there.

25 **MR. BRENDAN MILLER:** Right. And so I take it  
26 when you were having this phone call, there was no one else  
27 present on the phone other than you and Ms. Jackson; was there?

28 **MS. KATHERINE TELFORD:** I don't believe that this

1 is a phone call any longer.

2                   **MR. BRENDAN MILLER:** Well if we scroll back up,  
3 this is the second page. The way it's worded ---

4                   **MS. KATHERINE TELFORD:** Yes, it said "Flag ---

5                   **MR. BRENDAN MILLER:** Oh.

6                   **MS. KATHERINE TELFORD:** --- to KT" at the top.

7                   **MR. BRENDAN MILLER:** "Flag to KT". Okay. And so  
8 on February 10<sup>th</sup>, do you remember if Ms. Jackson was in a meeting  
9 with Cabinet?

10                   **MS. KATHERINE TELFORD:** She is not normally in  
11 meetings with Cabinet.

12                   **MR. BRENDAN MILLER:** So how could -- section 39  
13 is a Cabinet confidence. So how can -- so this is the problem.  
14 Those are my questions.

15                   **COMMISSIONER ROULEAU:** Thank you.

16                   If we could now call on the Ottawa Police  
17 Service, please?

18 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

19                   **MR. DAVID MIGICOVSKY:** Good evening. My name is  
20 David Migicovsky. I'm a lawyer for Ottawa Police Service.

21                   Ms. Telford, my questions, at least initially,  
22 will be directed to you.

23                   I understand that the PMO relies on the RCMP?

24                   **MS. KATHERINE TELFORD:** Generally. What do you  
25 mean?

26                   **MR. DAVID MIGICOVSKY:** I guess the PMO relies on  
27 the RCMP to protect the Prime Minister and others?

28                   **MS. KATHERINE TELFORD:** Yes.

1                   **MR. DAVID MIGICOVSKY:** And you trust the RCMP?

2                   **MS. KATHERINE TELFORD:** I do.

3                   **MR. DAVID MIGICOVSKY:** The RCMP has kept the  
4 Prime Minister and his family safe?

5                   **MS. KATHERINE TELFORD:** They have.

6                   **MR. DAVID MIGICOVSKY:** And the RCMP takes  
7 security very seriously?

8                   **MS. KATHERINE TELFORD:** They do.

9                   **MR. DAVID MIGICOVSKY:** And one of the documents,  
10 I won't take you to it, but I believe the Commission took you to  
11 it, one of the documents that you were taken to referenced the  
12 INTERSECT group. You're familiar with the INTERSECT group?

13                   **MS. KATHERINE TELFORD:** Can you remind me?

14                   **MR. DAVID MIGICOVSKY:** Sure. It was described in  
15 that document as a group that gets stood up and is composed of  
16 the OPS, the RCMP, PPS, OPP. You're familiar with that?

17                   **MS. KATHERINE TELFORD:** Yes.

18                   **MR. DAVID MIGICOVSKY:** And all of them are  
19 involved in decisions and discussions about these types of  
20 protest events and security concerns; correct?

21                   **MS. KATHERINE TELFORD:** That sounds right.

22                   **MR. DAVID MIGICOVSKY:** And in fact, in that chain  
23 of emails that you were taken to, there's reference, and it was  
24 on January 25<sup>th</sup>, Ms. Powers indicates that:

25                                   "The key will be tomorrow's INTERSECT  
26                                   meeting and how law enforcement will pre-  
27                                   mobilize." (As read)

28                   So you're obviously aware that the RCMP, whom you

1 have a lot of confidence in, is monitoring the protest as it's  
2 approaching Ottawa; correct?

3 **MS. KATHERINE TELFORD:** Yes.

4 **MR. DAVID MIGICOVSKY:** And on January 27<sup>th</sup>, and I  
5 won't pull it up, but I'll give the reference for the record,  
6 it's PB.CAN.00001844. There's a series of text messages, I  
7 believe, between Minister Mendicino and yourself, and you  
8 indicate that the RMCP -- or he indicates to you that the RCMP,  
9 on January 27<sup>th</sup>, says that the current estimate is about 2,700  
10 trucks, but the numbers could fluctuate. Do you recall that?

11 **MS. KATHERINE TELFORD:** That sounds right.

12 **MR. DAVID MIGICOVSKY:** And there's another  
13 document from the PMO, I believe it's from Ms. Power? She's the  
14 Issues Advisor?

15 **MR. BRIAN CLOW:** She's one of several Issues  
16 Advisors, but she holds the file for Public Safety.

17 **MR. DAVID MIGICOVSKY:** And so there's an email  
18 from her on January 28, again the reference number is  
19 SSM.CAN.NSC.00002795. And she gives some more data as to what  
20 the status is.

21 One of the things that she references in that  
22 report on the latest numbers is Project Hendon. And we've heard  
23 a lot about Project Hendon. Was that something that you were  
24 familiar with as well?

25 **MS. KATHERINE TELFORD:** Not at the time.

26 **MR. DAVID MIGICOVSKY:** I'm sorry?

27 **MS. KATHERINE TELFORD:** Not at the time.

28 **MR. DAVID MIGICOVSKY:** Okay. Subsequently you



1 did hear about Project Hendon? Is that right?

2 **MS. KATHERINE TELFORD:** During the Inquiry I've  
3 heard a fair bit about it.

4 **MR. DAVID MIGICOVSKY:** Right. And so she's  
5 referring to -- so obviously the RCMP, I'm assuming, has access  
6 to the same Hendon data as the other security services? Fair  
7 assumption?

8 **MS. KATHERINE TELFORD:** I couldn't speak to what  
9 information they had access to.

10 **MR. DAVID MIGICOVSKY:** Okay. And so what we see  
11 when we look at all of these documents that I'm referring to is  
12 the numbers of vehicles of trucks in the convoy in the last  
13 couple of days before it arrives is a constantly fluctuating  
14 number nobody seems to be able to get a full grasp on; is that  
15 fair?

16 **MS. KATHERINE TELFORD:** It certainly felt that  
17 way.

18 **MR. DAVID MIGICOVSKY:** And certainly, nobody,  
19 even the RCMP, up until that day, the Friday, were saying that  
20 this protest was going to become an occupation, correct?

21 **MR. BRIAN CLOW:** I will say, in those updates  
22 that were coming from Mary-Liz Power, and they were more than  
23 once daily, by the end of the week. There were some references  
24 that I do believe this Commission has seen in those emails, and  
25 I think it was attributed to OP-INTERSECT that this could be a  
26 prolonged demonstration.

27 But you are right, there was a lot of uncertainty  
28 about what was coming.

1                   **MR. DAVID MIGICOVSKY:** And so you understood that  
2 even the law enforcement community couldn't predict exactly what  
3 occurred and what did in fact occur, fair?

4                   **MR. BRIAN CLOW:** I agree. This was a challenging  
5 situation for everyone.

6                   **MR. DAVID MIGICOVSKY:** And you wouldn't fault the  
7 RCMP for that, would you?

8                   **MR. BRIAN CLOW:** No.

9                   **MR. DAVID MIGICOVSKY:** You've talked about what  
10 you saw on social media in the days leading up to it, and CSIS  
11 has told us that analyzing social media is rather complex and  
12 requires more than simply scrolling through social media. You  
13 wouldn't have any reason to disagree with that, would you?

14                   **MR. BRIAN CLOW:** I think it's a fair statement,  
15 but there are some things said on social media that represent  
16 clearly the views of the person expressing it. And in this  
17 case, in this demonstration, there were statements made on  
18 social media about threats of violence, threats to individuals,  
19 and themes and motives that they had ---

20                   **MR. DAVID MIGICOVSKY:** I'm sorry, I don't mean to  
21 cut you off, but I have a very limited amount of time.

22                   My question was more related to the numbers of  
23 people that are coming on social media, because what Mr.  
24 Vigneault said is it is difficult to tell. It's a challenge, I  
25 think he said, to know when someone moves from the online space  
26 to physical space and the social media is full of  
27 misinformation.

28                   Ms. Telford, you wouldn't disagree with that,

1 would you?

2 **MS. KATHERINE TELFORD:** I think it was  
3 challenging for everyone, and that's why it was important to  
4 bring everyone together at various points. But I do think there  
5 was -- you know, I think the number of people, including Mr.  
6 Vigneault, have spoken about how figuring out the social media  
7 space is something that needs to be done coming out of this.

8 **MR. DAVID MIGICOVSKY:** Right. And you recognize  
9 -- just moving on to another area -- you recognize that police -  
10 - and we've heard from a number of ministers -- that police need  
11 to have operational independence from government?

12 **MS. KATHERINE TELFORD:** Absolutely.

13 **MR. DAVID MIGICOVSKY:** And that police have to  
14 make operational decisions in real time for reasons that may not  
15 be evident to the government or to the public, fair?

16 **MS. KATHERINE TELFORD:** Of course, and that's  
17 something we took very very seriously.

18 **MR. DAVID MIGICOVSKY:** And again, you respected  
19 that operational independence. You wouldn't want the police,  
20 whether it's the Ottawa or OPP or the RCMP to take action  
21 without considering what impact that action would have on  
22 officer safety or crowd safety or children in the crowd?

23 **MS. KATHERINE TELFORD:** Of course.

24 **MR. DAVID MIGICOVSKY:** And in fact, one of the  
25 lessons of Ipperwash that we've heard is that governments should  
26 not be allowed to influence specific law enforcement operational  
27 decisions. You'd agree with that, fair?

28 **MS. KATHERINE TELFORD:** Ipperwash was actually

1 something I asked after, and we got a verbal brief on very early  
2 on. I think it was actually even before it all got -- before it  
3 became even an occupation because it was something we were very  
4 preoccupied about respecting.

5 **MR. DAVID MIGICOVSKY:** And that -- and it's  
6 because decisions, those type of operational decisions belong to  
7 the police based on their expertise and their discretion,  
8 correct?

9 **MS. KATHERINE TELFORD:** Yes.

10 **MR. DAVID MIGICOVSKY:** And there's nothing to  
11 suggest that the Ottawa Police Service did not exercise their  
12 discretion legitimately and in good faith in this case; is that  
13 fair?

14 **MS. KATHERINE TELFORD:** Fair.

15 **MR. DAVID MIGICOVSKY:** The situation we've heard  
16 in Ottawa was -- I'm going to use a word that we've all heard a  
17 lot in this -- was a volatile one. You wouldn't disagree with  
18 that?

19 **MS. KATHERINE TELFORD:** It was extremely  
20 volatile.

21 **MR. DAVID MIGICOVSKY:** And ultimately, that  
22 situation was defused, but you'd agree with me that defusing a  
23 situation like this one is something that takes time? In fact,  
24 the prime minister, in a conversation with the governor general  
25 on February 5th, specifically made that point when he said,  
26 "It's going to take time to defuse this."

27 You wouldn't disagree with that, would you?

28 **MS. KATHERINE TELFORD:** I believe that

1 conversation was a ways into the occupation already, so I don't  
2 think I can agree or disagree with whether or not these things  
3 always take time.

4 **MR. DAVID MIGICOVSKY:** And ultimately, in  
5 addition to time, it took a massive amount of additional  
6 resources as well, correct?

7 **MS. KATHERINE TELFORD:** It certainly did in this  
8 instance.

9 **MR. DAVID MIGICOVSKY:** And those -- let me just  
10 finish off my remaining minute or two.

11 Negotiations, you understand that before police  
12 execute a tactical operation, they will try and defuse a  
13 situation and try to negotiate, right?

14 **MS. KATHERINE TELFORD:** These were things we were  
15 briefed on, yes.

16 **MR. DAVID MIGICOVSKY:** And in fact, you recall  
17 that the prime minister and Minister Blair met with opposition  
18 leaders and provided a briefing on February 10th, and at that  
19 briefing, the national security and intelligence advisor  
20 specifically said, "Law enforcement activities are in line with  
21 negotiations with organizers to ensure there's no violence."

22 That makes sense to you, doesn't it?

23 **MS. KATHERINE TELFORD:** Yes.

24 **MR. DAVID MIGICOVSKY:** And she also indicated  
25 that Minister Blair talked about the importance of negotiation  
26 by the police, and you wouldn't disagree with what Minister  
27 Blair said?

28 **MS. KATHERINE TELFORD:** No, I believe -- and I

1 believe this was the first call of the opposition leaders that  
2 was earlier on in the occupation; is that right?

3 **MR. DAVID MIGICOVSKY:** I'm not sure if it was the  
4 first or the second.

5 **MS. KATHERINE TELFORD:** I'm pretty sure it was  
6 the first.

7 **MR. DAVID MIGICOVSKY:** Now, we talked about the  
8 engagement proposal that was prepared as a framework for  
9 negotiation. And I understand that Deputy Minister Stewart, on  
10 February 11th, advised that that engagement proposal had been  
11 prepared and validated with the OPP expert, Marcel Beaudin. Do  
12 you recall that?

13 **MS. KATHERINE TELFORD:** I know he worked with  
14 somebody in the OPP.

15 **MR. DAVID MIGICOVSKY:** And in fact, Chief Sloly  
16 had earlier on also requested an interlocutor be used as a  
17 method of achieving a breakthrough. You're aware of that?

18 **MS. KATHERINE TELFORD:** I'm not sure.

19 **MR. DAVID MIGICOVSKY:** And one of the rationales  
20 -- and I'll just finish off this point if I may, Commissioner --  
21 one of the rationales that you mentioned in your witness  
22 statement for why the engagement proposal went nowhere was the -  
23 - what happened in Windsor. And when I looked at the record,  
24 there's an indication in a document that we'd seen previously --  
25 it's PB.NSC.CAN.00002963, Deputy Minister Stewart said that the  
26 reason the letter from Ontario Minister Jones didn't have much  
27 effect was owing to the late hour of the day in which it was  
28 given out and the enforcement starting the next morning.

1                   You wouldn't have any reason to disagree with  
2 that, would you?

3                   **MS. KATHERINE TELFORD:** I do believe that's what  
4 the deputy minister said.

5                   **MR. DAVID MIGICOVSKY:** Right. And after the  
6 engagement proposal was discarded as an idea, nobody went back  
7 to the police and -- or Marcel Beaudin and said, "Hey, what else  
8 should we do?" Is that fair?

9                   **MS. KATHERINE TELFORD:** It wasn't discarded as an  
10 idea. There was nothing to act on. I do think those are  
11 different things.

12                   **MR. DAVID MIGICOVSKY:** Okay. Thank you very  
13 much. Those are my questions.

14                   **COMMISSIONER ROULEAU:** Thank you. If I could now  
15 ask of the CCLA, please?

16                   **MS. CARA ZWIBEL:** Good afternoon. My name's Cara  
17 Zwibel. I'm counsel for the Canadian Civil Liberties  
18 Association.

19                   Mr. Commissioner, my friend, Mr. Honner from the  
20 Democracy Fund has given me five of his minutes, so he's going  
21 to limit his questioning to five minutes so I have 15 now, by my  
22 count.

23                   **COMMISSIONER ROULEAU:** Okay.

24 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

25                   **MS. CARA ZWIBEL:** So I want to ask you about a  
26 theme that my friend, Mr. Migicovsky was just asking you about  
27 around sort of this question about the proper relationship  
28 between police and government. And I would imagine that as

1 both, you know, employees in the prime minister's office and  
2 obviously residents of Ottawa, it might be difficult to sort of  
3 separate the fact that you're looking at what's going on both  
4 from a policy perspective but also living through it on --  
5 right, you live here.

6 **MR. JOHN BRODHEAD:** I don't.

7 **MS. CARA ZWIBEL:** Oh, you don't live here.

8 **MR. JOHN BRODHEAD:** I live in Toronto.

9 **MS. CARA ZWIBEL:** Oh, okay. So some of you live  
10 here. Now, I know you have access to briefings from the RCMP.  
11 I'm not sure if you get briefings or sit in on briefings from  
12 any of the intelligence bodies, but I think we've seen some  
13 documents that also sort of show you doing a bit -- a bit of  
14 your own -- you know, getting information as we all do from  
15 media sources, from social media. So, for example, can we pull  
16 up SSM.NSC.CAN00002940? And I think, Ms. Telford, this is a  
17 text message between and the Prime Minister. I think it's a  
18 tweet from a reporter, "An admission police" -- this is February  
19 2<sup>nd</sup>:

20 "An admission police cannot control the  
21 situation. This is a complete mess and  
22 textbook mismanagement. They allowed  
23 the truckers to set up shop next to the  
24 PMO and West Block and where tens of  
25 thousands of people live and now  
26 realize the problem they helped create.  
27 Unbelievable."

28 And I think this is the Prime Minister writing to



1 you:

2 "The PPS..."

3 I think that's the Parliamentary Protective  
4 Service:

5 "...RCMP guy in caucus said as much. He  
6 said he didn't want to let them onto  
7 Wellington, but it wasn't his call."

8 So are you sharing this with the Prime Minister  
9 and just sort of, "Here's what's happening on the ground.  
10 Here's what people are talking about. Here's what's in the  
11 zeitgeist"?

12 **MS. KATHERINE TELFORD:** In a manner of speaking.  
13 You'll find throughout a lot of the texts that I submitted, a  
14 lot of different tweets as well as information from the Prime  
15 Minister's executive assistant who lived right in Centertown and  
16 was keeping him posted on what it was like on the ground.

17 **MS. CARA ZWIBEL:** Okay. And then can we also  
18 pull up SSM.CAN00007729? I forget that they're also here but I  
19 can't really see them, so. So over here -- again, I think --  
20 can we just scroll down just a little bit. So this is Evan  
21 Solomon:

22 "Just walked through the protest on  
23 Parliament Hill tonight and I spoke to  
24 two guys carrying fuel containers past  
25 police. Police chief said protesters  
26 would not be allowed to bring fuel to  
27 trucks but these two said police are  
28 bothering them at all. No

1 enforcement."

2 And I think this is you. Sorry, can we scroll  
3 up? Was this one of your texts, Ms. Telford?

4 **MS. KATHERINE TELFORD:** No, it's not, actually.  
5 So what you can't see there is that also in this chat is -- was  
6 the Prime Minister's Executive Assistant -- or was executive  
7 assistant at that time.

8 **MS. CARA ZWIBEL:** Okay.

9 **MS. KATHERINE TELFORD:** And so that's an example  
10 of what I was just describing.

11 **MS. CARA ZWIBEL:** Okay. And can we scroll down.  
12 So:

13 "Saw this type of things happen when I  
14 left Hill. Gas coming in and cops were  
15 just standing looking at them walk by."

16 We've heard evidence in the Commission that, at  
17 some point, protesters started filled jerrycans with water as a  
18 bit of a tactic so that it looked like the police weren't doing  
19 anything about gas being brought in but, in fact, it was water.  
20 Is that something that you were aware of, or have you heard  
21 about that during the course of the Commission?

22 **MS. KATHERINE TELFORD:** I've heard a number of  
23 things to do with the jerrycans over the course of the  
24 Commission.

25 **MS. CARA ZWIBEL:** Okay. Is it fair to say that  
26 what you were seeing, both on social media, and in the media,  
27 and on the ground here in Ottawa, as residents -- or part-time  
28 residents, maybe -- weren't sort of matching what you were

1 hearing from the police, from briefings from the RCMP?

2 **MS. KATHERINE TELFORD:** I think especially, in  
3 the early days, there were a lot of different numbers coming  
4 from what we were seeing on social media, what we were seeing  
5 reported from mainstream media who were, you know, walking  
6 around and doing their own counts, as well as what was coming in  
7 from different law enforcement agencies.

8 **MS. CARA ZWIBEL:** Okay. Can we go to Mr. Clow's  
9 notes, SSM.NSC.CAN00002941? It's page 11 of the PDF. And if  
10 you can make it just a bit bigger. So I think -- I don't think  
11 we have a date on this, although I think, based on where it's  
12 placed in the document, we're maybe -- I think it's -- it's  
13 after the note that you identified, Mr. Clow, as being on  
14 February 9<sup>th</sup>.

15 **MR. BRIAN CLOW:** Yes, it's February 10<sup>th</sup>.

16 **MS. CARA ZWIBEL:** Okay, so February 10<sup>th</sup>. So this  
17 is, I think, the -- is this the three of you, or is this the  
18 other JB?

19 **MR. JOHN BRODHEAD:** It's the other JB.

20 **MS. CARA ZWIBEL:** Okay, the other JB and the  
21 Prime Minister:

22 "KT will call Clerk next. You're not  
23 being briefed by intel officials.  
24 Someone on US side who can give best  
25 advice. Surely, someone is system;  
26 someone played out plan."

27 And I'm not sure what:

28 "RCMP intel, Lucki - anyone else to

1 report on this."

2 So what is this -- can you tell me what this note  
3 means, "Not being briefed by intel officials"?

4 **MR. BRIAN CLOW:** Yes. So that morning -- so this  
5 is February 10<sup>th</sup>. There were a series of meetings that led up to  
6 the Incident Response Group that happened later that day. So  
7 right before this note, a meeting -- a discussion happened  
8 between the Prime Minister and several ministers, including  
9 Minister Mendicino, Minister Blair, where he was updated and it  
10 went around the table, full discussion of the current situation.

11 This discussion was a debrief of the Prime  
12 Minister and a few of us staff members coming out of that  
13 meeting, so you see some next steps. And I believe the comment  
14 about intel was a reflection that we were absolutely getting a  
15 lot of information, particularly from the National Security  
16 Intelligence Advisor, but there was an interest in more of it.  
17 And there was still an incomplete picture when you looked at the  
18 various blockades and demonstrations across the country and what  
19 was behind it, and what was going into it, and where was it  
20 going.

21 **MS. CARA ZWIBEL:** Okay, so not a lack of  
22 intelligence, but not as much as you'd wanted?

23 **MR. BRIAN CLOW:** Right.

24 **MS. CARA ZWIBEL:** Is that fair?

25 **MR. BRIAN CLOW:** Right.

26 **MS. CARA ZWIBEL:** Okay. In your witness summary  
27 -- and I can bring it up if you'd like, but there's the lessons  
28 learned sort of section, or a place where you're pointing out

1 some, you know, areas that you hoped the Commission could  
2 comment on. And on of the things you say there:

3 "The panel suggested that the  
4 Commission provide further guidance on  
5 the independence of police operations.  
6 Mr. Broadhurst..."

7 So that's the other -- the other one who's not  
8 here, sorry:

9 "...underscored that the government  
10 understands the importance of not  
11 dictating police operations, and at  
12 times it was difficult to know whether  
13 the police and the government shared  
14 the same ultimate goal. The government  
15 should be able to discuss a desired  
16 outcome, for example, to clear the  
17 occupation and blockades, and share  
18 concerns about the consequences that  
19 the country would face if that does not  
20 happen." (As read).

21 Did you -- during the time that the blockades and  
22 occupation were happening, did you have doubts about whether the  
23 police planned to clear them?

24 **MS. KATHERINE TELFORD:** I don't think it's a  
25 question of whether they planned to clear them but that there  
26 were, on multiple occasions, where we were being briefed that  
27 things were going to happen that then didn't happen. So we  
28 found ourselves three weeks in with things continuing to

1 escalate.

2           **MS. CARA ZWIBEL:** Okay. But you would say that  
3 you did believe that you -- that police and government had the  
4 same ultimate goal? There were frustrations and maybe  
5 mismatches in terms of timing, but was there a doubt in your  
6 mind that -- like, I know it sounds silly but did you think that  
7 the police's plan was to just allow this to continue?

8           **MR. BRIAN CLOW:** No, the concern was, do they  
9 have the tools or is there more that could be done by the  
10 federal government, provinces, municipalities? Could we support  
11 them more? That was the discussion and concern.

12           **MS. CARA ZWIBEL:** Okay. And once the Emergencies  
13 Act was invoked -- I've talked to this with some other witnesses  
14 and I think they've agreed that, although government can't  
15 direct police, one of the things that a public order emergency  
16 does is communicate very clearly to police that there are  
17 certain things that the government wants to happen and they're  
18 giving them the tools to make those things happen; do you agree  
19 with that? So, in this case, the government wants the flow of  
20 funds to stop going to people that are funding the blockades ---

21           **MS. KATHERINE TELFORD:** Right.

22           **MS. CARA ZWIBEL:** --- and it's giving the RCMP  
23 and financial institutions the tools to make that happen.

24           **MR. BRIAN CLOW:** The government, the Cabinet, the  
25 Prime Minister wanted the unlawful activity and the threats to  
26 stop, and the *Emergencies Act* and the measures in it was the  
27 best assessment of what could be provided as additional tools to  
28 help the unlawful activity stop.

1           **MS. CARA ZWIBEL:** Okay. And once the *Emergencies*  
2 Act was in place and the Orders were in place, I know the IRG  
3 continued to meet. And there was some tracking of the measures,  
4 of how the measures were working; right? There was an attempt  
5 to collect that information so that you could see what impact  
6 the Orders were having; is that fair?

7           **MR. BRIAN CLOW:** Yes.

8           **MS. CARA ZWIBEL:** Okay. Thank you. One other  
9 area I want to talk about, I understood your evidence on the  
10 engagement proposal and why that didn't go further because there  
11 wasn't sort of a tangible plan there. I just wanted to ask you  
12 about a different aspect of this. And if we can pull up --  
13 sorry, it's -- I hope I have it here. Yeah,  
14 SSM.NSC.CAN.00000292. This is one of the -- I think it's an SSE  
15 meeting notes -- sorry, let's just take a look. Yes, SSE, and  
16 it's from February 3<sup>rd</sup>. And if we can scroll, it would be  
17 probably -- I think it's page 8.

18           And, Mr. Clerk, you might need to -- oh, you  
19 don't have to rotate it, but if you can just move it over --  
20 yeah.

21           So I just want to ask about these creative --  
22 some of these creative alternatives on this side of the screen.  
23 One is,

24                            "*Le Grand Debat*"  
25                            Modelling after 2019 Yellowjackets  
26                            protest in France, the country launched  
27                            a national listening exercise.  
28                            Cross-country meetings (Fr[ench])

1 President attended some)"

2 Did that suggestion make it to the IRG or to  
3 Cabinet? Was that something that was explored beyond -- I guess  
4 beyond this sheet of paper?

5 **MR. BRIAN CLOW:** And, sorry, what date was this  
6 from?

7 **MS. CARA ZWIBEL:** February 3<sup>rd</sup>, I believe.

8 **MR. BRIAN CLOW:** February 3<sup>rd</sup>. So that was the  
9 first meeting of that Cabinet Committee. My assessment of this  
10 document is that it's a Public Service document, which is fairly  
11 normal for these discussions to fuel a discussion. I would say  
12 on that -- I can't speak to what was discussed or whether that  
13 was addressed in the meeting, but I would say in February there  
14 was a very specific, urgent need, and my view is that that would  
15 not have been appropriate to address that urgent national  
16 challenge that we were facing right in that moment.

17 **MS. CARA ZWIBEL:** Okay. And just if we can  
18 scroll down just a little bit, the last item there,

19 "Communications Shift

20 Encourage shift in communications ("we  
21 hear you, we understand, go home")

22 [Question] Does this legitimize  
23 protest?"

24 What about that discussion? Was there a  
25 discussion about -- and I know we saw text -- a message that was  
26 communicated I think through Minister Leblanc from Jason Kenney  
27 saying, you know, something about calling them all Nazis didn't  
28 help. I think here what someone's getting at is maybe we should



1 tone down the rhetoric and try to -- even if we're not going to  
2 meet with them, try to in a communications way tone it down.  
3 Was that something that was discussed or considered?

4 **MR. BRIAN CLOW:** There were constantly  
5 discussions like that. Is there something we could say,  
6 something we could do? Just like there were lots of discussions  
7 about the engagement proposals. But the wall we would always  
8 hit is the assessment was, given the demands of the convoy,  
9 which was to drop all the mandates, we weren't going to get very  
10 far with this kind of suggestion.

11 **MS. CARA ZWIBEL:** Okay. Last thing I'm going to  
12 ask, I know I'm almost out of time, I just want to ask about --  
13 and if we could pull up -- sorry, Mr. Clow's notes one last  
14 time. I think the Clerk probably knows the number, yeah. And  
15 here it's page 23.

16 **COMMISSIONER ROULEAU:** It's not almost, by the  
17 way.

18 **MS. CARA ZWIBEL:** Okay. May I get one last one  
19 in?

20 **COMMISSIONER ROULEAU:** Yes.

21 **MS. CARA ZWIBEL:** Thank you.

22 **COMMISSIONER ROULEAU:** Yes, you may.

23 **MS. CARA ZWIBEL:** So we're at February 14<sup>th</sup>, and  
24 maybe we can make it just a little bit -- thank you. So  
25 February 14<sup>th</sup>, 12:30, PM -- I'm going to look on my paper here.  
26 "PM taking..." I think that's maybe ---

27 **MR. BRIAN CLOW:** Time, taking time now, then it  
28 says he'll depart from the Hill to head to West Block.

1           **MS. CARA ZWIBEL:** Okay. And then Jagmeet Singh,  
2 opposition leader can do it whenever -- the part that I'm  
3 interested in is this discussion about Quebec and, you know, I  
4 gather the -- I'm not sure this is -- I guess this is after the  
5 First Minister's meeting, so we know that Quebec is a bit  
6 concerned about the application of the *Emergencies Act* in the  
7 province. And it says,

8                                 "without saying we're sending RCMP to  
9                                 [Quebec]  
10                                - PM call Legault...no intention to do  
11                                anything in [Quebec], other than  
12                                [Ottawa]  
13                                - Pablo..."

14                 I assume that's Minister Rodriguez,  
15                                 "...call to Legault?  
16                                - military isn't [a] part of this  
17                                - not looking to take over. Won't go  
18                                to [Quebec] border."

19                 So it seem -- "if you don't need [it], then we're  
20 not going there."

21           **MR. BRIAN CLOW:** So this was a staff debrief  
22 following the FMM on that day, ahead of the Prime Minister's  
23 conversations with the opposition leaders. So, at this time,  
24 the consideration was considering -- continuing around the  
25 *Emergencies Act*. So this was a quick discussion of staff of  
26 things we should be considering or doing coming out of the FMM,  
27 given the Premier of Quebec communicated so clearly that he  
28 didn't want the Act applied in Quebec. That's what that

1 discussion reflects. It was a very brief staff discussion.

2 **MS. CARA ZWIBEL:** Okay. It wasn't ever  
3 communicated to the Premier of Quebec that the Act wouldn't  
4 apply there or that the police wouldn't take action there  
5 because that's not something that would have been possible ---

6 **MR. BRIAN CLOW:** The Act ---

7 **MS. CARA ZWIBEL:** --- given what the Order said?

8 **MR. BRIAN CLOW:** Right. The Act did apply there.

9 **MS. CARA ZWIBEL:** Okay. Thank you. Thank you  
10 for answering my questions.

11 Thank you, Mr. Commissioner.

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

13 The Democracy Fund, JCCF, please.

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

15 **MR. ALAN HONNER:** Good evening. My name's Alan  
16 Honner. I'm a lawyer from the Democracy Fund. I just have a  
17 few questions for you, and they're directed to anyone at the  
18 panel.

19 You were asked about political commentary from  
20 the United States. And if I recall correctly, that was  
21 something that President Biden and Prime Minister Trudeau spoke  
22 about?

23 **MR. BRIAN CLOW:** Yes.

24 **MR. ALAN HONNER:** Okay. And I just want to ask  
25 you about some of the political commentary which happened after  
26 the invocation of the *Emergencies Act*, by which -- and after the  
27 meeting with President Biden, which I understand to be February  
28 11<sup>th</sup>.

1                   **MR. BRIAN CLOW:** The phone call was February 11<sup>th</sup>,  
2 yes.

3                   **MR. ALAN HONNER:** Pardon me?

4                   **MR. BRIAN CLOW:** Phone call was February 11<sup>th</sup>.

5                   **MR. ALAN HONNER:** Yes, thank you.

6                   But can we pull up PB.CAN 00000069\_REL 0001?

7                   And this is a letter from Premier Kenney, Premier  
8 Moe and 16 governors from the United States of America. And I  
9 believe it's dated February the 16<sup>th</sup>. And my friends from -- and  
10 correct me if I misconstrue this letter, but the signatories  
11 here are expressing concern over vaccine requirements and the  
12 impacts of requirements on the North American supply chain, the  
13 cost of living, and the availability of essential products for  
14 people from both countries.

15                   My question for you is, how does a letter like  
16 this get before the Prime Minister?

17                   **MR. BRIAN CLOW:** Could I see the signatories?

18                   **MR. ALAN HONNER:** Yes, of course.

19                   **MR. BRIAN CLOW:** So in general, when  
20 correspondence comes in, especially at this moment on this issue  
21 given the *Emergency Act* was in place February 16<sup>th</sup>, letters get  
22 to him sometimes through a normal course. That may take some  
23 time. Other times, letters are elevated more urgently.

24                   **MR. ALAN HONNER:** Right. And this letter here, I  
25 assume it's important because we got 16 governors from the  
26 United States. It's our biggest trading partner, our best ally.  
27 Notably, it's signed by the Governor of Montana. Of course,  
28 Montana's right across from Coutts, Alberta. Did this letter

1 get to the Prime Minister; do you know?

2 **MR. BRIAN CLOW:** So I can't recall if this got to  
3 the Prime Minister, but I would say the views expressed are --  
4 match the views that we heard from a lot of people, but  
5 government did not agree with that.

6 **MR. ALAN HONNER:** Okay. Thank you.

7 Could we pull up PB.CAN.00001045\_REL.0001? And  
8 the document we're going to see here, it's not dated, but the  
9 top words are "Congressional Reaction". And it contains a  
10 number of tweets, including a tweet from a Matt Rosendale. He's  
11 a member of the U.S. House of Representatives from Montana. And  
12 this appears to be after the invocation of the *Emergencies Act*,  
13 and he says that he.

14 "...led 63 [Republican] colleagues in  
15 support of the truckers protest[...]  
16 [in] COVID-19 mandates, and urging  
17 [President] Joe Biden to work with  
18 Canada to lift the mandates on  
19 essential travel at the border."

20 Do you know if this was ever brought to the Prime  
21 Minister's attention?

22 **MR. BRIAN CLOW:** This specifically? I can't  
23 speak to that. I don't know if it was brought to his attention.

24 **MR. ALAN HONNER:** Okay. One more document.  
25 SSM.NSC.CAN00000172.

26 And this is -- when it comes up, if I got the  
27 number right. Yes, so this is an email from a Deputy Jacques  
28 Adam to -- Deputy Minister Jacques Adam to Deputy Minister David

1 Morrison. I'm not sure if they're both from Global Affairs  
2 Canada, but the email sets out U.S. Political Reactions to  
3 Canadian Measures. It's dated February the 16th.

4 And if we can just look at Item Number 2 here.

5 We see that there are different comments. One of  
6 the comments here is:

7 "Canadian truckers being fired and now  
8 targeted as "terrorists" by your woke  
9 government."

10 And it is attributed to a U.S. House of  
11 Representatives, a member, and there are other remarks from  
12 other politicians, which are somewhat uncomplimentary towards  
13 our country.

14 Do you know if this document was ever brought to  
15 the Prime Minister's attention?

16 **MR. BRIAN CLOW:** I don't believe this document  
17 would. This looks like an internal document at the Department  
18 of Trade. But Prime Minister -- we were all well aware that  
19 these views were being expressed by a certain segment in U.S.  
20 politics.

21 **MR. ALAN HONNER:** Okay. Thank you very much,  
22 those are my questions.

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

24 Next, the Canadian Constitution Foundation,  
25 please.

26 **MS. JANANI SHANMUGANATHAN:** Yes, thank you.

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

28 **MS. JANANI SHANMUGANATHAN:** My name is Janani

1 Shanmuganathan, and I am counsel for the Canadian Constitution  
2 Foundation. And my questions are for Ms. Telford.

3 So we know that there were three IRG meetings  
4 that took place on February the 10th, the 12th, and the 13th,  
5 and while Cabinet ministers were present at this meeting -- at  
6 these meetings, it's not a meeting of the entire Cabinet; right?

7 **MS. KATHERINE TELFORD:** Correct.

8 **MS. JANANI SHANMUGANATHAN:** And we do know that  
9 there was a meeting with the entire Cabinet that took place the  
10 evening of February the 13th; right?

11 **MS. KATHERINE TELFORD:** That's right.

12 **MS. JANANI SHANMUGANATHAN:** And the following  
13 morning, on February the 14th, there was a meeting with the  
14 First Ministers, and then later that day, on February the 14th,  
15 or at some point that day, there was a decision made to declare  
16 the Public Order Emergency.

17 **MS. KATHERINE TELFORD:** Later that day, that's  
18 right.

19 **MS. JANANI SHANMUGANATHAN:** Thank you. And so I  
20 just have a few questions about Cabinet meetings. Does the  
21 Prime Minister's Office advise the Prime Minister on the agendas  
22 for Cabinet meetings?

23 **MS. KATHERINE TELFORD:** Usually the Privy Council  
24 Office, led by the Clerk, puts forward an agenda for a Cabinet  
25 meeting, and actually, usually John's team here will go back and  
26 forth with them a bit on it in case there is any insight into,  
27 particularly into time management of the meeting. But they will  
28 present that to the Prime Minister.

1           **MS. JANANI SHANMUGANATHAN:** Okay. So it's fair  
2 to say, though, that you have some input, the Prime Minister's  
3 Office has some input into the agenda.

4           **MS. KATHERINE TELFORD:** Input would be fair, yes.

5           **MS. JANANI SHANMUGANATHAN:** All right. And who  
6 ultimately decides the agenda at Cabinet meetings? Like who has  
7 the final say?

8           **MS. KATHERINE TELFORD:** The Prime Minister.

9           **MS. JANANI SHANMUGANATHAN:** And does the Prime  
10 Minister's Office advise the Prime Minister on which non Cabinet  
11 officials attend Cabinet meetings?

12           **MS. KATHERINE TELFORD:** No, not really. I mean,  
13 the Clerk of the Privy Council would be the person who would  
14 advise and -- advise on officials in terms of who should attend,  
15 and then there is usually a few from the Prime Minister's Office  
16 who attend, and the Prime Minister agrees with who those are.

17           **MS. JANANI SHANMUGANATHAN:** Okay. So does the  
18 Prime Minister's Office offer any input in terms of suggestions  
19 of who could or should attend these meetings that are non  
20 Cabinet members?

21           **MS. KATHERINE TELFORD:** Only of our own team.

22           **MS. JANANI SHANMUGANATHAN:** Okay. And who  
23 ultimately decides which non Cabinet officials attend these  
24 Cabinet meetings?

25           **MS. KATHERINE TELFORD:** I think I just said that,  
26 but I'll try again. Is -- so the Clerk, in terms of officials  
27 on the public service side, and ultimately, it's the Prime  
28 Minister who decides who he welcomes in the Cabinet room. But



1 the Clerk will advise and sign off on a list from an officials  
2 perspective, and then there's usually some representatives from  
3 the Prime Minister's Office.

4 **MS. JANANI SHANMUGANATHAN:** Okay. But the Prime  
5 Minister, I take it, has the final say of who attends?

6 **MS. KATHERINE TELFORD:** Of course.

7 **MS. JANANI SHANMUGANATHAN:** All right. And does  
8 the Prime Minister's Office advise the Prime Minister on what  
9 information should be shared at these Cabinet meetings?

10 **MS. KATHERINE TELFORD:** Again, the Privy Council  
11 Office, and so it's the Clerk who will, and her teams, who will  
12 put together the information, and we may have some supplemental  
13 or additional information from a political perspective that we  
14 may provide in a briefing ahead of Cabinet, but the documents  
15 come from the public service side.

16 **MS. JANANI SHANMUGANATHAN:** Okay. So leaving  
17 aside the physical documents that are coming in, it's fair to  
18 say, though, that the Prime Minister's Office has some input  
19 into the kinds of documents that are provided at the Cabinet  
20 meetings?

21 **MS. KATHERINE TELFORD:** Yes. I mean, we'll ---

22 **MR. JOHN BRODHEAD:** Yeah.

23 **MS. KATHERINE TELFORD:** --- provide feedback.  
24 Sometimes they'll ask us from the public service side what our  
25 thoughts are around, especially as it relates to meeting flow  
26 and what might be most useful, that kind of thing, for the  
27 ministers.

28 **MS. JANANI SHANMUGANATHAN:** Okay. And I take it

1 it's fair to say that it's, again, the Prime Minister who's got  
2 the ultimate say of the information that's provided at these  
3 Cabinet meetings?

4 **MS. KATHERINE TELFORD:** Yes.

5 **MS. JANANI SHANMUGANATHAN:** And in terms of  
6 documents at the Cabinet meetings, I take it you also have --  
7 the Prime Minister's Office also provides some input into the  
8 kinds of documents. I think I've already touched on this, the  
9 documents as well.

10 **MS. KATHERINE TELFORD:** Yes.

11 **MS. JANANI SHANMUGANATHAN:** Okay. And so in  
12 terms of the February 13th meeting, the evening meeting with the  
13 full Cabinet, who sort of set the agenda for the Cabinet  
14 meeting?

15 **MS. KATHERINE TELFORD:** The same process as I  
16 just described.

17 **MS. JANANI SHANMUGANATHAN:** Okay. And did the  
18 Prime Minister's Office offer any input for the agenda for that  
19 February 13th evening Cabinet meeting?

20 **MS. KATHERINE TELFORD:** So things were moving  
21 very quickly that day, and we were on the brief ahead of the  
22 Cabinet meeting, and so I imagine we probably added some  
23 thoughts in terms of how the meeting might flow, but that would  
24 have been the extent of it that day.

25 **MS. JANANI SHANMUGANATHAN:** Okay. And what about  
26 the information that was provided at that February 13th evening  
27 Cabinet meeting, did the Prime Minister's Office offer any input  
28 on the information that would be provided?

1                   **MS. KATHERINE TELFORD:** I'm not even sure if we  
2 would have at that time.

3                   **MR. JOHN BRODHEAD:** I don't recall doing that,  
4 no.

5                   **MS. JANANI SHANMUGANATHAN:** Okay. What about the  
6 documents at that February 13th evening meeting, did the Prime  
7 Minister's Office offer any input?

8                   **MS. KATHERINE TELFORD:** Sorry, I'm not sure I  
9 know the difference between the last one and this one. I  
10 thought we were just answering about documents. So same answer.

11                   **MR. JOHN BRODHEAD:** Same.

12                   **MS. JANANI SHANMUGANATHAN:** So information, that  
13 could be things that are said vocally, out loud to the Cabinet  
14 members, versus physical documents that are provided to the  
15 Cabinet members.

16                   **MS. KATHERINE TELFORD:** So as I said a couple of  
17 times, in the briefing ahead of Cabinet we will provide our  
18 insight, our advice, our best advice and feedback in terms of  
19 how the flow might work, and just ways of approaching different  
20 things, but that's really the extent of our involvement in  
21 preparation for the meeting, whether it be documents or  
22 information.

23                   **MS. JANANI SHANMUGANATHAN:** And again, I guess  
24 it's fair to say for that February 13th evening meeting, it's  
25 the Prime Minister who had the ultimate say over the agenda, the  
26 information that was provided, and the documents that were  
27 shared. Is that fair?

28                   **MS. KATHERINE TELFORD:** Yes.

1                   **MS. JANANI SHANMUGANATHAN:** And just my last few  
2 questions I have. We've heard about this assessment from CSIS,  
3 an assessment that ultimately concluded that the situation did  
4 not amount to threats to the security of Canada as set out in  
5 the *CSIS Act*. Was this threat assessment provided to the  
6 Cabinet members at the February 13th evening meeting, with the  
7 full Cabinet?

8                   **MS. KATHERINE TELFORD:** I am not sure whether  
9 whether it was part of the documents.

10                   **MR. JOHN BRODHEAD:** I think the Deputy Clerk and  
11 Clerk, like I think their testimony was ---

12                   **MS. KATHERINE TELFORD:** On this?

13                   **MR. JOHN BRODHEAD:** --- on this day they led that  
14 process, so I would refer to their testimony.

15                   **MS. JANANI SHANMUGANATHAN:** Okay. But ---

16                   **MR. JOHN BRODHEAD:** I don't recall anything more  
17 than that.

18                   **MS. JANANI SHANMUGANATHAN:** But none of you know?  
19 Okay. What about an alternative threat assessment, you know, a  
20 threat assessment that's different from the CSIS threat  
21 assessment, was that provided -- was any such assessment  
22 provided to the Cabinet members at that evening February 13th  
23 meeting with the entire Cabinet?

24                   **MS. KATHERINE TELFORD:** So all of these  
25 assessments were provided to the Incident -- the IRG earlier  
26 that day, and then that was really rolled up and reported out to  
27 Cabinet in the evening.

28                   **MS. JANANI SHANMUGANATHAN:** Okay. So but the

1 members of the IRG meeting, you know, it's not the entire  
2 Cabinet; right?

3 **MS. KATHERINE TELFORD:** Correct.

4 **MS. JANANI SHANMUGANATHAN:** And so I'm just  
5 asking about the actual -- was there a document with a threat  
6 assessment that's different from the CSIS threat assessment?  
7 Was there a document that was shared at that February 13<sup>th</sup>  
8 evening meeting?

9 **MS. KATHERINE TELFORD:** I can't speak to that.

10 **MS. JANANI SHANMUGANATHAN:** And can either of the  
11 other two of you?

12 **MR. JOHN BRODHEAD:** I'd refer back to the Deputy  
13 Clerks at this point.

14 **MS. JANANI SHANMUGANATHAN:** Okay. And we've  
15 heard about this legal opinion that was created that talked  
16 about how the definition of threats to the security of Canada  
17 and the *CSIS Act* has a different interpretation when applied to  
18 the *Emergencies Act*. I'm not asking about the content of that  
19 opinion, I just want to know, do you know if that legal opinion  
20 had been provided at that February 13<sup>th</sup> evening meeting with the  
21 entire Cabinet?

22 **MS. KATHERINE TELFORD:** I'm not sure what we can  
23 say.

24 **MR. JOHN BRODHEAD:** Yeah, I'm not sure what we  
25 can say on that. I think there's some Cabinet confidence issues  
26 there.

27 **MS. JANANI SHANMUGANATHAN:** So I don't see anyone  
28 objecting, and I think someone can correct me if I'm wrong, but

1 the input that's provided to Cabinet in terms of what  
2 information was provided is not covered by Cabinet privilege.

3 I'm not asking about what was discussed or the  
4 deliberations. I just want to know if that legal opinion had  
5 been provided at that February 13<sup>th</sup> evening meeting with the  
6 entire Cabinet?

7 **MR. BRIAN GOVER:** Commissioner, it's Brian Gover  
8 on behalf of the Government of Canada. The Government of Canada  
9 maintains the objection that you heard yesterday from Government  
10 counsel then about solicitor/client privilege pertaining to the  
11 information provided by Attorney General Minister of Justice  
12 Lametti.

13 **COMMISSIONER ROULEAU:** Okay. So I think we're  
14 stuck on that.

15 **MS. JANANI SHANMUGANATHAN:** And just so I'm  
16 clear, that objection means I can't ask whether that opinion had  
17 been provided during that meeting? Sorry, I can't see anyone.

18 **COMMISSIONER ROULEAU:** Yeah, I'm just waiting for  
19 an answer on that position.

20 **MR. BRIAN GOVER:** It's Brian Gover. You may not,  
21 consistent with maintaining the objection, inquire into the  
22 content of any advice given by the Minister of Justice and  
23 Attorney General.

24 **COMMISSIONER ROULEAU:** And the question is, does  
25 that include the fact of the opinion or not?

26 **MR. BRIAN GOVER:** My friend may inquire as to  
27 whether an opinion was expressed. The fact of the opinion. Not  
28 the content.

1           **MS. JANANI SHANMUGANATHAN:** So to be clear, I was  
2 never asking about the content of the opinion. Was the fact of  
3 this -- you know, was this legal opinion, the fact that this  
4 legal opinion existed and whatever its content may have been,  
5 shared at that February 13<sup>th</sup> evening meeting with the full  
6 Cabinet?

7           **MS. KATHERINE TELFORD:** I'm not sure, from a  
8 document perspective. There were certainly discussions around  
9 it.

10           **MS. JANANI SHANMUGANATHAN:** Okay. And the final  
11 question I have is, there was this Ottawa Police Service POU  
12 plan. Was that plan shared to the Cabinet members at that  
13 February 13<sup>th</sup> evening meeting with the entire Cabinet?

14           **MR. BRIAN CLOW:** We had heard at various points  
15 in the lead up to the invocation that there were plans or  
16 actions was about to be taken in various situations, including  
17 Ottawa. Absolutely that was part of the discussion and  
18 consideration, the fact that action had not been taken up until  
19 that point, and the assessment was that was because law  
20 enforcement did not have the tools they needed.

21           **MS. JANANI SHANMUGANATHAN:** Okay. But was that  
22 plan, the document, the plan, you know, there's a document  
23 that's called the OPS POU. Was that document shared with the  
24 February 13<sup>th</sup> Cabinet members?

25           **MR. BRIAN CLOW:** It's hard to comment because we  
26 don't have the document. We don't -- I don't know what you're  
27 referring to.

28           **MS. KATHERINE TELFORD:** I'm not sure what

1 document that is.

2 **MS. JANANI SHANMUGANATHAN:** Sure. I'm not sure  
3 how much time I have left, Commissioner Rouleau. I can just  
4 bring up the document just to ask them if this was something  
5 that was shared during that meeting.

6 **COMMISSIONER ROULEAU:** You're over time, so if  
7 you want to put up the document, that will be ---

8 **MS. JANANI SHANMUGANATHAN:** Yeah, that's fine.  
9 So it's ---

10 **COMMISSIONER ROULEAU:** I'm not sure they  
11 understand what it is. A POU plan is a Public Order Unit, which  
12 is -- are the police officers who go in on a police public order  
13 process.

14 **MR. BRIAN CLOW:** Sorry, I can't speak to that  
15 specific, but Cabinet was definitely aware that on February 13<sup>th</sup>,  
16 when they were discussing, the situation in Ottawa was worse  
17 than it had been at any point and the threats of violence, the  
18 actual violence, was terrifying. That's what was discussed at  
19 Cabinet.

20 **MS. JANANI SHANMUGANATHAN:** Okay. But you can't  
21 say whether a document had been shared during that meeting?

22 **MR. BRIAN CLOW:** So I ---

23 **MS. ALYSSA TOMKINS:** And I just want to be fair  
24 to the witness -- sorry. It's PB.NSC.CAN.00007734. That's the  
25 document. And I'll just ask them if this is something they  
26 recognize and whether they know if it was shared.

27 Just on that page.

28 So I take it from shaking your heads, no. We



1 need an audible answer.

2 **MS. KATHERINE TELFORD:** No. Yeah. That's not  
3 familiar to me.

4 **MR. JOHN BRODHEAD:** I've never seen this.

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

7 **COMMISSIONER ROULEAU:** Okay. Next is the City of  
8 Ottawa, please.

9 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

10 **MS. ALYSSA TOMKINS:** Good evening. My name is  
11 Alyssa Tomkins. I'm counsel for the City of Ottawa.

12 I just want to ask you a couple of questions  
13 about some comments in the Witness Summary.

14 So, Mr. Clerk, if we could bring up the Witness  
15 Summary? It's WTS, however many zeros, 83. And if we could go  
16 down to page 4? The bottom of page 4.

17 So I'll start by directing my questions to Mr.  
18 Clow, because these comments are attributed to him, but  
19 obviously the others can add in.

20 So there's a comment here, Mr. Clow noted that:

21 "...the City was clearly struggling to  
22 manage the occupation and that this was  
23 reflected in most conversations, in media  
24 reporting and reaction from residents."

25 So Mr. Clow, did you understand that the response  
26 to the protest was a police-led operation?

27 **MR. BRIAN CLOW:** Absolutely I understand that.

28 **MS. ALYSSA TOMKINS:** Okay. So you understand

1 that the City cannot direct law enforcement as to operational  
2 matters?

3 **MR. BRIAN CLOW:** When I said "City" there, I  
4 believe I would have meant the city wholistically. So all of --  
5 the sum of its parts. Clearly the situation in Ottawa was out  
6 of control, and that's what I was referring to.

7 **MS. ALYSSA TOMKINS:** Okay. So in terms though of  
8 it -- you understand it was managed by the police though?

9 **MR. BRIAN CLOW:** Which reports into the City of  
10 Ottawa. I mean, all of this is -- the different levels are  
11 relevant here.

12 **MS. ALYSSA TOMKINS:** Okay. So the police, you  
13 understand there's a Police Services Board that is independent  
14 from the City?

15 **MR. BRIAN CLOW:** So I've answered the question.  
16 My comment was that the City of Ottawa was out of control,  
17 especially in the downtown.

18 **MS. ALYSSA TOMKINS:** Okay. Okay. I just wanted  
19 to be sure that you weren't suggesting the City, itself, could  
20 be doing more?

21 **MR. BRIAN CLOW:** I'm not speaking to -- I wasn't  
22 here, or am I now, speaking to specifics of the arrangement  
23 within the City of Ottawa.

24 **MS. ALYSSA TOMKINS:** Okay. And if we could just  
25 go to the next page, please?

26 And again, it's you, Mr. Clow, referring to a  
27 meeting you had. And I think if we were to actually look at the  
28 footnote, I won't take you to it, but I think it's February 3<sup>rd</sup>,

1 and it's noted that one issue identified in the notes of this  
2 meeting was the fact that the request from Ottawa did not come  
3 from Ontario and it was unclear whether provincial resources had  
4 first been exhausted. So this is prior to the letter from the  
5 Mayor. So we're in the first week.

6 And I just -- Commissioner Lucki and Minister  
7 Blair have both testified that it's in fact very common for the  
8 City of -- for OPS to reach out to the RCMP directly because of  
9 Ottawa's status as the National Capital, and I just want to make  
10 sure, you don't have any evidence to contradict that this was  
11 actually quite a normal process at this point?

12 **MR. BRIAN CLOW:** I don't have any evidence to  
13 that effect, and I stand by what appears here.

14 **MS. ALYSSA TOMKINS:** Okay. Thank you. Those are  
15 my questions.

16 **COMMISSIONER ROULEAU:** Okay. Thank you. Next is  
17 the Ottawa Coalition, please.

18 **--- CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:**

19 **MS. CHRISTINE JOHNSON:** Good evening. My name's  
20 Christine Johnson. I'm counsel for the Ottawa Coalition of  
21 Residents and Businesses.

22 I want to ask you a few questions this evening  
23 about your experiences in Ottawa and also some of the  
24 experiences you were hearing of staff members that you work with  
25 in Ottawa.

26 And I understand, Mr. Brodhead, that you live in  
27 Toronto and were not here for the Ottawa protests, so I will  
28 direct my questions ---

1                   **MR. JOHN BRODHEAD:** That's clear.

2                   **MS. CHRISTINE JOHNSON:** Okay. So I will direct  
3 these questions to Ms. Telford and to Mr. Clow.

4                   So you were both here living in Ottawa during the  
5 demonstration?

6                   **MR. BRIAN CLOW:** Yes.

7                   **MS. KATHERINE TELFORD:** Yes.

8                   **MS. CHRISTINE JOHNSON:** And in the witness  
9 statement -- and to save time, I don't think we need to pull it  
10 up unless I hear otherwise from you -- but your colleague, Mr.  
11 Broadhurst, noted that at least some protesters engaged  
12 immediately in illegal activity by blocking and occupying city  
13 streets, defacing public property, harassing residents.

14                   Was this also your observation that this kind of  
15 illegal activity was occurring as early as the first weekend in  
16 Ottawa?

17                   **MR. BRIAN CLOW:** Yes.

18                   **MS. CHRISTINE JOHNSON:** And Mr. Clerk, I will ask  
19 for you to pull up a document, SSM.CAN.00007737.

20                   And as this is coming up, I can advise that this  
21 is a set of text messages that we see at the top it says "Katie  
22 and JT."

23                   I presume this is texts between you, Ms. Telford,  
24 and our prime minister.

25                   And I believe -- it doesn't show at the top of  
26 this document, but the way this document's labelled in our  
27 disclosure, our discovery database, it also says it involved  
28 Phil Proulx, who I believe is the executive assistant or was the

1 executive assistant to the prime minister.

2 **MS. KATHERINE TELFORD:** That's correct.

3 **MS. CHRISTINE JOHNSON:** And you've testified here  
4 tonight that Mr. Proulx lives in Centretown?

5 **MS. KATHERINE TELFORD:** Yes.

6 **MS. CHRISTINE JOHNSON:** Yes. And we see here --  
7 you can see faintly at the top these are texts shared on  
8 February 2nd. And it looks like, Ms. Telford, you share a Tweet  
9 from City Councillor Catherine McKenney describing the situation  
10 in Centretown. And then we see this blue box below, and I'm not  
11 sure, do you recall if this was from Mr. Proulx or was this from  
12 our prime minister?

13 **MS. KATHERINE TELFORD:** That would be Phil  
14 Proulx.

15 **MS. CHRISTINE JOHNSON:** Okay. And he says:  
16 "Yep. The honking, wheels spinning  
17 went on late again last night. It was  
18 all day yesterday again. I put  
19 earplugs in at times during the day  
20 yesterday to make it less aggressive.  
21 It has already started again this  
22 morning. They have some periods of  
23 calm now, but then start nonstop for a  
24 period of time. It is enough to  
25 absolutely drive you absolutely nuts.  
26 The truck horns especially; they sound  
27 like they are right in the middle of  
28 your home."

1           So would you agree that this statement seems to  
2 convey that for residents living in the heart of Centretown, the  
3 honking could be heard very loudly inside homes and not just on  
4 the street?

5           **MS. KATHERINE TELFORD:** That's certainly what he  
6 was conveying.

7           **MS. CHRISTINE JOHNSON:** And did you hear about  
8 this experience from other residents as well through your  
9 conversations with city councillors, citizens groups?

10          **MS. KATHERINE TELFORD:** Yes. We were hearing it  
11 from local members of Parliament and they were hearing it from  
12 many of their constituents. We were hearing it from staff, we  
13 were hearing it from members of Parliament who were in town. It  
14 was -- and everyone was -- from a staff perspective, was having  
15 to work from home during this period or almost everyone was.  
16 There were a few essential staff able to go in but that was  
17 because we couldn't access our offices because of the  
18 occupation, as well as Omicron, we were working virtually during  
19 this whole period.

20          **MS. CHRISTINE JOHNSON:** Right. And on that  
21 point, I think I saw in the witness statement that there was  
22 actually a direction at some point that staff should work from  
23 home for their safety, and it was mentioned that this was never  
24 done before, it was never communicated that staff should work  
25 from home for their safety before. That was unusual and  
26 significant.

27          **MR. BRIAN CLOW:** That's right, for a  
28 demonstration, staff had been advised to work from home during

1 COVID pandemic at different periods, but for a demonstration, as  
2 far as we can recall, we've never had to send a notice like that  
3 saying, "Stay away".

4 **MS. CHRISTINE JOHNSON:** And in terms of safety  
5 concerns regarding staff, we saw in your witness statement there  
6 was mention of a particular incident where a convoy participant  
7 threw coffee at a pregnant staff member. Do you recall that  
8 incident?

9 **MS. KATHERINE TELFORD:** That's right.

10 **MS. CHRISTINE JOHNSON:** And do you know if this  
11 incident was reported to police at all?

12 **MS. KATHERINE TELFORD:** I'm not sure.

13 **MS. CHRISTINE JOHNSON:** Are you aware that there  
14 were incidents of threatening and assaulting -- assaultive  
15 nature going on that were not, in fact, always reported to  
16 police at this time in where they were? Residents were not  
17 always receiving feedback that these complaints are being  
18 followed up on?

19 **MS. KATHERINE TELFORD:** Yes.

20 **MS. CHRISTINE JOHNSON:** Okay. Those are all my  
21 questions for you this evening. Thank you very much.

22 **COMMISSIONER ROULEAU:** Thank you.

23 Next is the Ontario Provincial Police.

24 **MR. CHRISTOPHER DIANA:** Good evening. It's Chris  
25 Diana, counsel to the OPP.

26 And Commissioner, if I can advise that I've been  
27 gifted five additional minutes from the Windsor Police Service,  
28 for which I'm very grateful. I may not need that time, but I

1 appreciate the gift and if I need it, I will use it.

2                   **COMMISSIONER ROULEAU:** Yeah, and if you don't use  
3 it, they don't get it back.

4                   **MR. CHRISTOPHER DIANA:** It won't be my concern at  
5 that point.

6 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

7                   **MR. CHRISTOPHER DIANA:** I wanted to ask about  
8 Ipperwash. You mention Ipperwash in your witness summary, and  
9 as far as who answers this, it doesn't really matter, whoever  
10 has knowledge.

11                   I was going to bring up your witness summary, but  
12 I don't think that's necessary.

13                   You referenced that there was a verbal briefing.  
14 You said that in your evidence in-chief, and I wanted to ask you  
15 about that verbal briefing.

16                   What did that come out of?

17                   **MS. KATHERINE TELFORD:** Why was there a verbal?  
18 What do you mean?

19                   **MR. CHRISTOPHER DIANA:** Yes.

20                   **MS. KATHERINE TELFORD:** So as I think I mentioned  
21 earlier today, I -- it was actually something that I raised very  
22 early on in all of this, perhaps because I worked at Queen's  
23 Park once upon a time, but it was something I was just very  
24 conscious of and wanted to make sure we knew where all the lines  
25 exactly were.

26                   And the deputy clerk, who's the former deputy  
27 minister of justice, made sure to get us information on that.

28                   **MR. CHRISTOPHER DIANA:** Right. And the reason I



1 wanted to ask was because, I mean, that's very pre-emptive of  
2 you, but were there any concerns that you had about comments  
3 that had been made by anybody at that time?

4 **MS. KATHERINE TELFORD:** That was literally Day 1  
5 that I asked these questions.

6 **MR. CHRISTOPHER DIANA:** And when you say Day 1,  
7 like, the first day? The day of the arrival of the protesters,  
8 approximately?

9 **MS. KATHERINE TELFORD:** It might have even been  
10 just before. It was the very first meeting I was in talking  
11 about these kinds of things and hearing about potential -- how  
12 the police were going to handling things.

13 **MR. CHRISTOPHER DIANA:** Were any members of  
14 Cabinet asking you, "How far can we go as far as police" because  
15 understandably, there were some frustration that we've heard  
16 about police enforcement?

17 **MS. KATHERINE TELFORD:** No. If anything, it was  
18 everyone was extraordinarily cautious on that front.

19 **MR. CHRISTOPHER DIANA:** All right.

20 Mr. Clerk, if you can bring up PB.CAN.1870?

21 And Mr. Clow, these are some text messages, I  
22 believe, that you were involved with so I'd like to ask you,  
23 because I think you may have some specific knowledge.

24 All right. And it's not entirely clear from the  
25 texts themselves although the description of the texts in the  
26 day to day suggest that this may have been a text exchange with  
27 Chief of Staff Mike Jones, who I believe was the chief of staff  
28 for Minister Mendicino?

1                   **MR. BRIAN CLOW:** Yes. That's from Mike Jones to  
2 me.

3                   **MR. CHRISTOPHER DIANA:** Okay. And so I wanted to  
4 ask, and that's what I thought, based on the content.

5                   So this is an email exchange you had -- sorry, a  
6 text exchange with Mike Jones on February 6th, 2:40.

7                   Do you remember this exchange?

8                   **MR. BRIAN CLOW:** I do, yes.

9                   **MR. CHRISTOPHER DIANA:** All right. And so Mike  
10 Jones writes -- he expresses some concern about OPS enforcement  
11 and concern for the safety of the PM. I assume he's referencing  
12 the prime minister there?

13                   **MR. BRIAN CLOW:** Yes.

14                   **MR. CHRISTOPHER DIANA:** And he says:

15                   "He wants to go out and say that OPS  
16 needs to get control over the  
17 situation, and if they need more from  
18 OPP, they should make that clear, but  
19 they should get working on removals  
20 within the next 24 hours."

21                   Now, I take it that when he says "he wants to go  
22 out", he's referring to Minister Mendicino; is that correct?

23                   **MR. BRIAN CLOW:** I would assume so.

24                   **MR. CHRISTOPHER DIANA:** Do you know if Minister  
25 Mendicino or anybody else actually went to OPS with that kind of  
26 direction to try to remove people within the next 24 hours?

27                   **MR. BRIAN CLOW:** So first thing I'll say is these  
28 updates came. There was a lot happening. There were a lot of

1 conversations going on, so I -- you'll note I didn't even have a  
2 chance to reply to this or I didn't reply to it, but I would  
3 have received the update.

4 My recollection is that did not happen, what is  
5 proposed here, and I don't want to read too much into the  
6 specifics of what is written here.

7 But absolutely, as Katie said, we were always  
8 incredibly careful and aware that politicians don't direct the  
9 police.

10 **MR. CHRISTOPHER DIANA:** Right. And when you say  
11 "we were aware", are you talking about the prime minister's  
12 office or are you talking about all of Cabinet?

13 **MR. BRIAN CLOW:** Both. This was discussed and  
14 mentioned on various occasions throughout the convoy protest.

15 **MR. CHRISTOPHER DIANA:** And is it because people  
16 were expressing concerns about police enforcement?

17 **MR. BRIAN CLOW:** It was because this -- clearly,  
18 policing was a central part of this, and a lot of us are aware  
19 of issues from the past. Everyone here is aware of Ipperwash,  
20 for example. So we were highly sensitive right out of the gate  
21 that politicians do not instruct the police.

22 **MR. CHRISTOPHER DIANA:** Yes, and I would have  
23 asked -- to be clear, I would have asked Minister Mendicino, but  
24 we didn't get this in time for me to do that, which is why I'm  
25 trying to understand from you whether or not Minister Mendicino  
26 or anybody else actually contacted anyone from Ottawa Police  
27 Service, or even the RCMP to say, "We want people gone, we want  
28 them gone quickly."

1                   **MR. BRIAN CLOW:** I have no knowledge of that.

2                   **MR. CHRISTOPHER DIANA:** Okay. But you would  
3 agree ---

4                   **MR. BRIAN CLOW:** But I don't believe that  
5 happened, no.

6                   **MR. CHRISTOPHER DIANA:** Certainly. And it sounds  
7 like the Prime Minister's Office was very aware of Ipperwash,  
8 which is great, and I'm sure you would agree that if that had  
9 been communicated to the Police Service, that would have been  
10 inappropriate; correct?

11                   **MR. BRIAN CLOW:** If what is written here is a  
12 faithful and accurate description of what it appears earlier, I  
13 do agree direction should not be given to the police by  
14 politicians.

15                   **MR. CHRISTOPHER DIANA:** Right. And you would  
16 have no reason to doubt that -- you know, what his Chief of  
17 Staff was saying, you wouldn't have a reason to believe that  
18 wasn't what he was hearing from his own Minister; correct?

19                   **MR. BRIAN CLOW:** I have no reason to believe  
20 that, but I can't and shouldn't speak to that. And I do  
21 actually believe this text message was put to Minister Mendicino  
22 this week, but that really would be a question for him.

23                   **MR. CHRISTOPHER DIANA:** Do you know -- when you  
24 talked about the briefing that was done on Ipperwash, were the  
25 Ministers involved in that briefing? I mean, it sounds like  
26 there were a number of discussions, but, Ms. Telford, you  
27 mention there was one briefing in particular at the beginning.  
28 Was that a Cabinet briefing?

1           **MS. KATHERINE TELFORD:** No, that was something we  
2 received on our request, but it was something reinforced on  
3 numerous occasions throughout the process.

4           **MR. CHRISTOPHER DIANA:** And again, when you say  
5 we, I just want to make sure I drill down on who are we, are  
6 they the politicians, their staff members? Kind of who is we?

7           **MS. KATHERINE TELFORD:** So we, within Prime  
8 Minister's Officer, who are here, we were briefed early on, on  
9 our request, but then the principals were repeated on numerous  
10 occasions, certainly through IRGs and through other discussions  
11 throughout. I don't think there was anyone that I worked with  
12 who was not conscious of the need to be cautious.

13           **MR. CHRISTOPHER DIANA:** Right. Thank you.

14           **COMMISSIONER ROULEAU:** And just to confirm, for  
15 the record, it was put to Minister Mendicino.

16           **MR. CHRISTOPHER DIANA:** I apologize ---

17           **COMMISSIONER ROULEAU:** Okay. We all make  
18 mistakes.

19           And so Counsel for former Chief Sloly, please.

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

21           **MR. TOM CURRY:** Thank you, Commissioner. Panel,  
22 Tom Curry for the former Chief of the Ottawa Police Service,  
23 Chief Sloly. Just a few questions, if I can, please.

24           These events have been described by probably  
25 everyone who has appeared here as unprecedented, and certainly  
26 in your collective tenure in the Prime Minister's Office, that  
27 would be true?

28           **MS. KATHERINE TELFORD:** Yes.

1                   **MR. TOM CURRY:** And the circumstances were also -  
2 - Chief Sloly described the volatile nature of the events here  
3 in Ottawa, and you share that view?

4                   **MS. KATHERINE TELFORD:** Yes.

5                   **MR. TOM CURRY:** I think he may have described, or  
6 others have described a tinderbox, risk of violence present  
7 always it seemed and growing?

8                   **MS. KATHERINE TELFORD:** Yes, and we saw it  
9 ourselves, as well as had it reported to us, the threat of  
10 violence both to people and property. It was significant  
11 throughout and escalating.

12                   **MR. TOM CURRY:** And although it may not have been  
13 clear at the outset of the demonstration and the protest that --  
14 but as it evolved, did you come to understand that there were  
15 significant limitations on the ability of the Ottawa Police  
16 Service to manage it with its own resources?

17                   **MS. KATHERINE TELFORD:** It certainly seemed that  
18 way.

19                   **MR. TOM CURRY:** And were the briefings that you  
20 received always through RCMP officials? Briefings on police  
21 operations or updates, did they come from Commissioner Lucki?

22                   **MS. KATHERINE TELFORD:** Yes, though also the  
23 Deputy Minister of Public Safety, the NSIA would have different  
24 parts to the briefs as well.

25                   **MR. TOM CURRY:** Understood. So just a couple of  
26 things if I can get -- and I think they're Mr. Clow's notes, so  
27 could we please just get your help with a couple of things?

28                   This is for our Registrar, SSM.NSC.CAN 2941,

1 please. If that -- yeah, thank you. Just on the -- just a  
2 little larger. Thank you.

3 So this is -- just to situate you, do you see  
4 February 3<sup>rd</sup> 11:15?

5 **MR. BRIAN CLOW:** Yes.

6 **MR. TOM CURRY:** And you've looked at some of  
7 these notes previously. It says ---

8 **MR. BRIAN CLOW:** Yes.

9 **MR. TOM CURRY:** --- "...looks like OPS won't  
10 move. Weeks not days. Weekend  
11 reinforcements problem.  
12 - Behind [the] scenes, too  
13 differential: Need..."

14 I think you -- I want to just confirm this as,  
15 "Need bad cop: you've got to use [the]  
16 tools you have  
17 - whether to change public [message] is  
18 different"

19 Those are references -- do you know what those  
20 are references to? Is that in reference to the idea that, at  
21 that time at least, someone was expressing the view that police  
22 were taking a standoff-ish position with the demonstrators?

23 **MR. BRIAN CLOW:** I think that's a fair assessment  
24 of that comment.

25 **MR. TOM CURRY:** And then just in the second one,  
26 it looks -- the second set of comments, I just -- just as to  
27 this, RCMP -- does it say through OPS under bus at caucus?

28 **MS. KATHERINE TELFORD:** Yes.

1           **MR. BRIAN CLOW:** Yes, it does.

2           **MR. TOM CURRY:** "How do we get right people on  
3                                   [the] path to driving somewhere  
4                                   - any way to get..."

5                           Well, and you talked about that earlier. Is that  
6 -- to the extent that you can recall this, does -- is that an  
7 indication that the RCMP was pointing to OPS as the police of  
8 jurisdiction responsible for doing this and that they weren't  
9 taking sufficient action at that time, or can you help us?

10           **MS. KATHERINE TELFORD:** It was -- that's me  
11 recounting from a national caucus meeting that -- I believe that  
12 morning, where there was a presentation given to caucus members.  
13 The large part of the discussion was actually around personal  
14 security and security of the building. There were significant  
15 concerns for members of Parliament being able to get from the  
16 airport to downtown let alone from downtown up on the Hill and  
17 actually getting off the Hill was a bigger problem than even  
18 getting on it.

19                           But also, as part of that, it was discussed, or  
20 it was -- caucus were told that if it had been up to anyone  
21 other than the OPS, they would not have allowed the trucks onto  
22 Wellington, and that they had given that advice and it wasn't  
23 taken.

24           **MR. TOM CURRY:** Right. Did you learn at that  
25 time from anyone in that briefing from RCMP, that some RCMP  
26 officials had seen and reviewed and approved the OPS plan in  
27 advance of the protest?

28           **MS. KATHERINE TELFORD:** They did not get into



1 that level of detail with caucus.

2           **MR. TOM CURRY:** Okay. Could I ask you just to  
3 look, please, at page 7 of this record, Mr. Registrar, just for  
4 a couple of other things. Now of course I've got to pick it out  
5 where it was. About the middle of the page, do you see there's  
6 a reference to -- this is obviously a Cabinet -- it looks like  
7 it might be a Cabinet Committee briefing, but it says -- about  
8 the middle, "250 RCMP assisting. Some holding back for surge."  
9 And there's reference to the Ambassador Bridge up above. Did  
10 you come to realize as this evolved that there was some  
11 misunderstanding about how many RCMP officers were made  
12 available to OPS at any given time, a matter of shift counting  
13 and the like, did you learn that?

14           **MR. BRIAN CLOW:** There definitely appeared to be  
15 some confusion over several days about the numbers.

16           **MR. TOM CURRY:** Right. I think the Mayor of the  
17 City of Ottawa had said that what was represented as the number  
18 that had been deployed to Ottawa was smaller than the number  
19 that had been represented to the public and so on; you believe  
20 that?

21           **MR. BRIAN CLOW:** I believe he said that, yes.

22           **MR. TOM CURRY:** And then just a couple of other  
23 lines, if I may, "OPS trying to reduce violence, are taking some  
24 steps." And then there's a likening to Ottawa's strategy to D-  
25 Day. Is that a reference to the idea that there was a plan in  
26 place to try to dismantle the occupation but that it was going  
27 to require significant additional resources?

28           **MR. BRIAN CLOW:** It could be, but I don't know

1 that. This was an update from the NSIA to the Prime Minister  
2 that Sunday evening on February 6<sup>th</sup>.

3 **MR. TOM CURRY:** Right. And then, Mr.  
4 Commissioner, your indulgence for one more question with Mr.  
5 Clow's benefit, page 12, if you don't mind. And, of course you  
6 were following this as it -- as this page is coming up, you were  
7 following this across the country, these -- as you've described,  
8 Ambassador Bridge and the like. If you look at -- if you scroll  
9 down a little bit, Mr. Registrar -- there we go.

10 I just want your help with this. Brenda, of  
11 course, you've described as Commissioner Lucki; certain  
12 references to RCMP; Ottawa team headed to Windsor, York,  
13 Waterloo, OPP, plan is to remove by morning because autoworkers  
14 ---

15 **MR. BRIAN CLOW:** Counterprotest.

16 **MR. TOM CURRY:** --- counterprotest. And we've  
17 heard some evidence about that.

18 "Mayor wanted to remove chief, so then  
19 chief sent letters." (As read).

20 Is that a reference to letters that were received  
21 by, I think, either the Prime Minister or Minister Blair  
22 requesting resources from RCMP; do you recall that?

23 **MR. BRIAN CLOW:** I'm not sure what that final  
24 line refers to ---

25 **MR. TOM CURRY:** Okay.

26 **MR. BRIAN CLOW:** --- but this looks like a  
27 discussion of an update we received. This was February 10<sup>th</sup> at  
28 the IRG that Windsor action was anticipated the very next day.

1           **MR. TOM CURRY:** Thank you. And then the last,  
2 very last thing, on February 5<sup>th</sup>, Chief Sloly noted a Police  
3 Services Board meeting that:

4                           "Something has changed in our  
5                           democratic fabric and we do not have  
6                           the legislation or the resources to  
7                           manage such situations. We do not have  
8                           the justice system framework or the  
9                           needed coordination between all levels  
10                          of government to predictably manage  
11                          these demonstrations going forward."  
12                          (As read).

13                        And he described a threat to national security.  
14 Do you share those views?

15                       **MS. KATHERINE TELFORD:** Yes. Largely, yes.

16                       **MR. TOM CURRY:** Thank you. No other questions  
17 for you, thank you.

18                       **COMMISSIONER ROULEAU:** Okay, next is the City of  
19 Windsor.

20                       **MR. GRAHAM READER:** Good evening. Graham Reader  
21 for the City of Windsor. We have no questions. We've ceded our  
22 time to the Government of Canada.

23                       **COMMISSIONER ROULEAU:** Okay. Government of  
24 Saskatchewan, please.

25 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

26                       **MR. MICHAEL MORRIS:** Good evening, Panel. My  
27 name is Mike Morris and I'm counsel for the Government of  
28 Saskatchewan. Mr. Brodhead, just at the outset, I want to make

1 something clear. At the First Ministers' Meeting, Premier Moe  
2 expressed the view that the *Emergencies Act* was not wanted and  
3 not needed in Saskatchewan; correct?

4 **MR. JOHN BRODHEAD:** I believe he also said these  
5 -- the six items sounded reasonable.

6 **MR. MICHAEL MORRIS:** Maybe sounded reasonable but  
7 wouldn't be perceived that way; is that fair?

8 **MR. JOHN BRODHEAD:** I think that's fair, yes.

9 **MR. MICHAEL MORRIS:** And certainly did not want  
10 the Act to apply to Saskatchewan; correct?

11 **MR. JOHN BRODHEAD:** I think that was clear from  
12 the premier, yes.

13 **MR. MICHAEL MORRIS:** Okay, thank you. I'd like  
14 us to take a look at a document, so I'm going to ask the Clerk  
15 to pull up SSM.CAN00006920. And while we're waiting, I'll let  
16 you know that this an email from Ms. Charette, Clerk of the  
17 Privy Council, to actually everyone on this panel at 8:24 a.m.  
18 on February 14<sup>th</sup>.

19 So we can see there, 8:24 a.m. from Ms. Charette:

20 "Good morning, all."

21 There's something that's privileged, but then  
22 she's detailing work that seems to be going on:

23 "Other products in train: FMM script  
24 with Qs and As; comms news release and  
25 BG..."

26 -- which I expect means background --

27 "...decision note for PM."

28 Then, at the end, she says:

1 "Others still in the machine."

2 Mr. Brodhead, when she says, "Others still in the  
3 machine," can we take that as they were being worked on at that  
4 time?

5 **MR. JOHN BRODHEAD:** I don't actually -- it's not  
6 a very common phrase -- like, I don't totally know what she was  
7 referring to here.

8 **MR. MICHAEL MORRIS:** Well, she says:

9 "Only one I have seen is FMM script."

10 And then she says:

11 "Others still in the machine."

12 So I take it that means those are in progress;  
13 would that be fair?

14 **MR. JOHN BRODHEAD:** I don't really want to  
15 speculate on what the Clerk of the Privy Council was thinking  
16 with that.

17 **MR. MICHAEL MORRIS:** Okay, if we could go onto a  
18 different document, then. Well, before we do, does anyone else  
19 have a view on that that they're able to express.

20 **MR. BRIAN CLOW:** Are you specifically asking  
21 "others still in the machine"?

22 **MR. MICHAEL MORRIS:** Yes, absolutely.

23 **MS. KATHERINE TELFORD:** It could mean a number of  
24 things. I don't think we can speculate.

25 **MR. MICHAEL MORRIS:** Okay. I'm going to ask the  
26 clerk to pull up the email that was referred by counsel for  
27 Alberta before. It's SSM.CAN00002665, and this is the email  
28 thread that was entitled "Presser Tomorrow". And I'd like us to

1 go down to the bottom of the second page of the PDF. Right  
2 there is good. We can see an email from a person named Vanessa  
3 at the PMO to a number of other people, including others at the  
4 PMO, indicating:

5 "Presser tracking for 4:00 p.m. This  
6 is not to be shared publicly until FMM  
7 over and PM updated itinerary is out,  
8 please."

9 And her email there, of course, is at 11:05, I  
10 believe, if we just go up -- 11:05 a.m. So my understanding is  
11 the First Ministers' Meeting would have been going on at that  
12 point. Ms. Telford, was the purpose in delaying the  
13 announcement of the press conference so that the premiers would  
14 not be offended?

15 **MS. KATHERINE TELFORD:** No, the -- there was a  
16 lot of work happening concurrently at the time. And to be ready  
17 for whatever scenarios and whatever decision, ultimately, the  
18 Prime Minister came to. And so Vanessa, who you named there,  
19 who's an excellent deputy director of communications, was  
20 making sure that all those tracks were heading in the right  
21 direction. At any point, things could have been stopped, and  
22 things could have changed, just as they were.

23 **MR. MICHAEL MORRIS:** Okay. I'd like us to go to  
24 the middle of the first page of this PDF, and it will be in the  
25 email at 1:43 p.m. There it is, from Vanessa again, to David  
26 Taylor and others, stating:

27 "We just finished speech prep with PM.  
28 Alex is editing his remarks and will be

1                   able to share with this group as soon  
2                   as he is done."

3   So I gather, at this point in time, 1:43 p.m. on the 14<sup>th</sup>, the  
4   Prime Minister has already rehearsed his speech that he's going  
5   to be giving at 4:30 p.m.; is that fair?

6                   **MS. KATHERINE TELFORD:** Speech prep -- speech  
7   prep is our shorthand for going through his remarks, which we  
8   would have definitely returned to again that afternoon. And so  
9   that means they would have done a once-through with him on what  
10  things could look like.

11                  **MR. MICHAEL MORRIS:** Okay. He wasn't rehearsing  
12  two versions of a speech was he, one where he was announcing the  
13  invocation of the *Emergencies Act* and another where he wasn't;  
14  was he?

15                  **MS. KATHERINE TELFORD:** To be clear, I wouldn't  
16  call it rehearsing. The words "speech prep" literally mean  
17  preparing a speech. And so they would have been discussing what  
18  would have been going into the content and whether he was  
19  comfortable with where the drafts were at at this point.

20                  **MR. MICHAEL MORRIS:** Okay. We heard evidence  
21  from the Clerk of the Privy Council some time ago and her  
22  evidence was that the decision note was sent from the PCO to the  
23  PMO at 3:41 p.m. on February 14<sup>th</sup>. We can pull up a document if  
24  you need me to, or I can just ask you to take my word for it.  
25  And if that's the case, are you familiar with the decision note?  
26  I gather you've likely seen it before; is that fair?

27                  **MS. KATHERINE TELFORD:** We're familiar with the  
28  decision note.

1                   **MR. MICHAEL MORRIS:** Okay. A fairly lengthy  
2 document with a number of appendices; correct?

3                   **MS. KATHERINE TELFORD:** Yes.

4                   **MR. MICHAEL MORRIS:** And if it was received at  
5 3:41 p.m., do we know at what time it would have been returned  
6 with the Prime Minister's initials to the PCO?

7                   **MR. BRIAN CLOW:** I think it was at some point  
8 between receipt ---

9                   **MS. KATHERINE TELFORD:** Yeah.

10                  **MR. BRIAN CLOW:** --- and when the Prime Minister  
11 made the announcement.

12                  **MR. MICHAEL MORRIS:** Okay, so obviously some time  
13 before 4:30 in the afternoon, then; correct?

14                  **MR. BRIAN CLOW:** M'hm.

15                  **MR. MICHAEL MORRIS:** That would not have given  
16 the Prime Minister much, if any time, to have read all of that  
17 material; would you agree with me?

18                  **MR. BRIAN CLOW:** Well, a couple of comments.  
19 One, he did read the note. Two, the start time of the press  
20 conference, it may be a bit absurd to dig in on the minutes, but  
21 the minutes are important here. I don't know that it started  
22 precisely at 4:30. I think there might have been some delay  
23 there, but after it was received, the Prime Minister did review  
24 the note, signed the note, made the announcement. And that  
25 signing of the note was -- came after the FFM, came after the  
26 opposition-leader consultation, and that was the Prime Minister  
27 making the decision there before he announced it.

28                  **MR. MICHAEL MORRIS:** Okay, I'm going to ask each



1 of you a very similar question.

2 Ms. Telford, what I'd like to know is when you  
3 found out that the prime minister would be announcing the  
4 invocation of the *Emergencies Act* at the 4:30 p.m. press  
5 conference.

6 **MS. KATHERINE TELFORD:** He and I would have been  
7 discussing the possibility throughout the day. Until he signed  
8 the decision note there was nothing confirmed.

9 **MR. MICHAEL MORRIS:** Okay. Do we know when the  
10 announcement went out to the press gallery that the conference  
11 was going to be held at 4:30 p.m.?

12 **MS. KATHERINE TELFORD:** I don't know what time  
13 that went out.

14 **MR. MICHAEL MORRIS:** Mr. Clow?

15 **MR. BRIAN CLOW:** I believe it went out earlier  
16 that afternoon around or shortly after one o'clock. And the  
17 decision at that point to issue the itinerary was to notify  
18 media that the prime minister would have something to say. And  
19 it is absolutely possible that the prime minister could have  
20 decided not to proceed down this path before he addressed the  
21 media that afternoon.

22 And it happens not infrequently on an issue that  
23 scenarios are planned, a track -- we may be on a certain track  
24 but a decision -- a different decision is taken at a certain  
25 point even at the last minute.

26 So no, the decision was not taken until shortly  
27 before it was announced to media.

28 **MR. MICHAEL MORRIS:** Okay. I'll explore that

1 just briefly if I can.

2 Let's call the *Emergencies Act* Track 1; and let's  
3 call whatever the other decision could have been Track 2. Was  
4 there material prepared for a Track 2 presentation at 4:30 p.m.?

5 **MR. BRIAN CLOW:** If a decision was taken not to  
6 invoke the Emergency Act on that day, the remarks and  
7 announcement would have been changed.

8 **MR. MICHAEL MORRIS:** They would have been.

9 **COMMISSIONER ROULEAU:** You're over your time.  
10 You're well over your time. So you're going to have to wrap up.

11 **MR. MICHAEL MORRIS:** Last question -- but was  
12 there any draft material prepared in the event that the decision  
13 was to not invoke the *Emergencies Act*?

14 **MR. BRIAN CLOW:** I'm not sure if there was.

15 **MR. MICHAEL MORRIS:** You would be familiar if  
16 there was though, wouldn't you, given your position?

17 **MR. BRIAN CLOW:** Well, my point is, even if there  
18 wasn't a draft, this can be done quite quickly in order to  
19 redraft materials. And it has happened before in different  
20 issues.

21 **MS. KATHERINE TELFORD:** We got very nimble during  
22 the pandemic where we were putting out advisories for things  
23 where we weren't sure what the content was going to be a couple  
24 of hours later. And that's what you need to do in times of  
25 crisis.

26 **MR. MICHAEL MORRIS:** Okay. I appreciate the  
27 entire panel answering my questions. Thank you very much.

28 **COMMISSIONER ROULEAU:** Okay. Now we go to the

1 Government of Canada, please.

2 **--- CROSS-EXAMINATION BY BRIAN GOVER:**

3 **MR. BRIAN GOVER:** Thank you, Commissioner. And  
4 my name is Brian Gover. I'm one of the lawyers for the  
5 Government of Canada. And good evening Ms. Telford, Mr. Clow,  
6 and Mr. Brodhead.

7 By my count, Commissioner, I believe I have 20  
8 minutes with the kind donation from the City of Windsor. I hope  
9 to be substantially less than that.

10 **COMMISSIONER ROULEAU:** That will probably be a  
11 happy event for a lot of people. But don't feel, on my account.

12 **MR. BRIAN GOVER:** Let's see how we do.

13 First of all, the Order in Council sets out terms  
14 of reference directing the Commissioner to examine the -- to the  
15 extent relevant, the impact, role, and sources of misinformation  
16 and disinformation including the use of social media. And by  
17 misinformation we understand that to mean unknowingly or  
18 unintentionally spreading false inaccurate or misleading  
19 information. And we understand disinformation to be  
20 deliberately and intentionally spreading false, inaccurate or  
21 misleading information.

22 Ms. Telford, at any point during the convoy  
23 occupations and blockades did you become aware of any  
24 misinformation or disinformation that was affecting the  
25 situation?

26 **MS. KATHERINE TELFORD:** There was -- I became  
27 aware of a lot of both misinformation and disinformation over  
28 the course of the occupation and the blockades. To name just a

1 few examples, even leading into the first weekend, one was that  
2 this was even solely a trucker protest. And let alone the fact  
3 that it was solely about federal vaccine mandates. It was quite  
4 clear from very early on and even leading into the first  
5 weekend, we knew from the Canadian Truckers Alliance as was  
6 mentioned earlier and also from data that we had that over 90  
7 percent of truckers were vaccinated.

8           We also knew that a lot of the mandates that were  
9 being talked about were ones that were actually responsibilities  
10 and put in place or imposed by provincial level governments or  
11 even other levels of governments or jurisdictions whether they  
12 be school boards or cities.

13           And then of course there's a lot of  
14 misinformation and disinformation around vaccines themselves.

15           And then personally, in terms of our office, we  
16 dealt with a number of different instances. Our official  
17 photographer was drawn into a conspiracy theory, unfortunately,  
18 where he was being alleged to be out taking a picture of some  
19 hateful flags. And he at the time was actually in isolation  
20 with COVID himself. There was no chance he was doing that.

21           We began trying to correct that. He began  
22 receiving death threats during that period.

23           There was also a fake letter distributed amongst  
24 people within the occupation that was signed allegedly. It was  
25 not signed by us but it was signed using my name and the prime  
26 minister's name and suggesting ways in which we might agree to  
27 some kind of -- I don't even know what. But this fake letter  
28 was corrected and actually made international news. It was

1 corrected on CNN at the time.

2                   And then I personally was actually asked to stay  
3 away for quite some time from the downtown core because there  
4 was a -- it started on Telegram and then moved onto other social  
5 media channels -- a story that was created that I was going to  
6 create a false flag operation and have a horse killed and then  
7 blame it on the occupiers. So there were concerns for my  
8 security during that period as well.

9                   **MR. BRIAN GOVER:** And I understand, Commissioner,  
10 that the fake letter that has been alluded to by Ms. Telford can  
11 be found at PB.CAN.00001821. And the false flag regarding Ms.  
12 Telford and the horse is in evidence as PB.CAN.0001822.

13                   Ms. Telford, how was misinformation and  
14 disinformation conveyed or distributed in the course of the  
15 weeks that we're concerned with here?

16                   **MS. KATHERINE TELFORD:** We saw it being conveyed  
17 and distributed in multiple different ways. The letter, for  
18 example, was you know -- both screen shots of it floating around  
19 on social media but it was actually being distributed in hard  
20 copy. And the other things, as I mentioned, were moving from  
21 different social media platforms from one to the other.

22                   But it was also -- we were seeing people doing  
23 podcasts and YouTube videos and different things where they were  
24 disseminating this information as well.

25                   **MR. BRIAN GOVER:** Moving to my second area, Mr.  
26 Clow, you've testified in response to a question from Commission  
27 counsel about communications with Juan Gonzalez whom you  
28 described as a member of President Biden's national security

1 team on February 9<sup>th</sup>.

2 And Commissioner, we have in evidence -- and I  
3 won't take the witness to it -- the text message at  
4 SSM.CAN.00007744.

5 And Mr. Clow, in addition to the text exchange,  
6 did you have a telephone call with Mr. Gonzalez that you recall?

7 **MR. BRIAN CLOW:** I believe we did speak at one  
8 point.

9 **MR. BRIAN GOVER:** And when was that in relation  
10 to February 9<sup>th</sup>?

11 **MR. BRIAN CLOW:** I can't remember the precise  
12 date. But the first exchange -- there was an email exchange and  
13 a text exchange with him on the 9<sup>th</sup> and the interactions  
14 continued until about the 15<sup>th</sup> and 16<sup>th</sup>.

15 **MR. BRIAN GOVER:** Thank you.

16 The third area relates to federal provincial  
17 territorial consultations and the First Ministers meeting. And  
18 we have the read-out at SSM.NSC.CAN00000625. And perhaps I'll  
19 ask our registrar to display that, please.

20 And perhaps I'll ask if we could go to the second  
21 page. And you'll recall that my friend for the Province of  
22 Alberta said that Premier Kenney was clear that the *Emergencies*  
23 Act was not required in Alberta, and referred to the situation  
24 in Coutts having been addressed.

25 Can anyone on the panel assist me with this  
26 question; do you know where the additional RCMP resources came  
27 from to address the situation in Coutts, which we've heard was  
28 the subject of a police operation in the early morning hours of

1 February 14<sup>th</sup>.

2 Mr. Brodhead?

3 **MR. JOHN BRODHEAD:** My understanding is that  
4 there was a contingent sent from British Columbia to assist at  
5 Coutts.

6 **MR. BRIAN GOVER:** And in fact, at the second page  
7 we have Premier Horgan from British Columbia indicating that  
8 his:

9 "...only concern is that [the] measures  
10 would be implemented by RCMP in BC  
11 which are already fully taxed. Not  
12 sure where [you're] going to find the  
13 people. We've already sent an RCMP  
14 contingent East."

15 Is that what you're referring to in that respect,  
16 sir?

17 **MR. JOHN BRODHEAD:** Yeah.

18 **MR. BRIAN CLOW:** I would just add what this  
19 illustrates is an example of something we heard from officials  
20 in the lead-up to February 14<sup>th</sup> and the invocation, which was  
21 yes, there was some progress in certain places and certain  
22 blockades, but the progress was done with the help of additional  
23 resources in certain cases.

24 So in BC, for example, it was definitely  
25 concerning that Alberta was clear but BC -- not concerning; it's  
26 good that Alberta progress was made with additional resources,  
27 but BC was facing its own problems: There were arrests at the  
28 Pacific Highway, there was a military-style vehicle there when

1 the convoy activity happened in BC.

2 So part of the concern across the country was,  
3 was there enough resources across the board to handle all of the  
4 pop-ups that were happening, and we were seeing in increasing  
5 numbers that weekend.

6 **MR. BRIAN GOVER:** And, Mr. Clow, in the course of  
7 your evidence already you've referred to this phenomenon of  
8 stretching police resources; is that correct?

9 **MR. BRIAN CLOW:** Yes.

10 **MR. BRIAN GOVER:** And this was in the context,  
11 this conversation, of declaring a Public Order Emergency, which  
12 itself involves a national emergency, is that right?

13 **MR. BRIAN CLOW:** Yes.

14 **MR. BRIAN GOVER:** Now, you were taken, by the  
15 way, to page 3 and what Premier Kenney said. And if my friend  
16 from Alberta said this, I didn't hear it, but she referred to,  
17 if we look down page 3:

18 "Would be problematic to declare  
19 emergency today..."

20 And referred to what we see following the next  
21 point, starting with:

22 "Invoking what they will see as martial  
23 law...."

24 What we didn't hear was what's in between two  
25 sentences:

26 "Folks at the core of this movement are  
27 not rational. They are prone to  
28 conspiracy theories."



1 Have I read that correctly?

2 **MR. BRIAN CLOW:** Yes.

3 **MR. BRIAN GOVER:** And was that, to the best of  
4 your recollection, a feature of what Premier Kenney said during  
5 the First Ministers' Meeting?

6 **MR. BRIAN CLOW:** Yes.

7 **MR. JOHN BRODHEAD:** Can I add to that? Just the  
8 other one that I think struck me in his comments was this line  
9 at the bottom of the page:

10 [I] Don't quibble using the  
11 Emergencies Act..."

12 Which is particularly interesting considering his  
13 previous roles with the federal government in that kind of  
14 national -- and I think, you know, I certainly interpreted that  
15 as an important distinction between what he felt was needed in  
16 Alberta versus what we knew we were looking at from a national  
17 perspective and having to take into consideration stretched  
18 resources, the movement, the differing situations across the  
19 country.

20 **MR. BRIAN GOVER:** And Mr. Brodhead, to elaborate,  
21 if you would, when you refer to Premier Kenney's previous roles  
22 with the federal government, to what are you referring?

23 **MR. JOHN BRODHEAD:** I believe he was Minister of  
24 National Defence, in particular, so that was the one I was  
25 thinking of.

26 **MR. BRIAN GOVER:** Right. And we're moving right  
27 along to the fourth area.

28 Could we take that down, Mr. Registrar, and could

1 we go to, and display, SSM.CAN.00007721?

2                   And I come to this panel because I believe this  
3 was alluded to by my friend Mr. Miller on behalf of the convoy  
4 organizers, and I really seek your assistance in interpreting  
5 what I understand to be a note written by Alex Jeglic.

6                   First of all, I probably mispronounced his name,  
7 but did you know who that is?

8                   **MR. BRIAN CLOW:** Yes, he's part of a Issues  
9 Management Parliamentary Affairs Team, with a focus on  
10 Parliament.

11                   **MR. BRIAN GOVER:** So a member of the PMO?

12                   **MR. BRIAN CLOW:** Yes.

13                   **MR. BRIAN GOVER:** And if we look at this, maybe  
14 we could scroll down just a couple of lines? Perfect, thank  
15 you.

16                   And we see something attributed to someone named  
17 Rheal; do you see that, Mr. Clow?

18                   **MR. BRIAN CLOW:** Yes, that's Rheal Lewis. He's  
19 the Chief of Staff to the Government House Leader.

20                   **MR. BRIAN GOVER:** And this says:

21                                   "Confident we'll win those votes. Need  
22                                   to do more in Senate to win that vote."

23                   Have I read that correctly?

24                   **MR. BRIAN CLOW:** That looks correct.

25                   **MR. BRIAN GOVER:** And how does that accord with  
26 your recollection of the discussion surrounding the pending  
27 Senate vote around the time when revocation of the declaration

28 ---

1           **MR. BRENDAN MILLER:** Sir, I'm going to object.  
2 He's misrepresenting the document. That document is, in fact,  
3 prior to the invocation, though it doesn't have a date on it.  
4 It talks about the announcement on the Monday, and it's quite  
5 clear that that record is, in fact, from prior to invocation,  
6 and it actually says in it that there's no violence under the  
7 *CSIS Act*.

8           **COMMISSIONER ROULEAU:** I'm not sure what the date  
9 is. Is there a date on the document?

10          **MR. BRENDAN MILLER:** No. The DOJ never provided  
11 a date, unfortunately.

12          **COMMISSIONER ROULEAU:** I'm not -- yeah. Well,  
13 I'm just looking at it. So it's unclear what the date is, I  
14 guess, is what you're saying.

15          **MR. BRENDAN MILLER:** It does say that it's before  
16 a Monday where there's an announcement, and of course, the  
17 announcement of the *Emergencies Act* was on Monday the 14<sup>th</sup>, on  
18 Valentine's Day.

19          **MR. BRIAN GOVER:** If I may continue,  
20 Commissioner?

21          **COMMISSIONER ROULEAU:** Yeah.

22          **MR. BRIAN GOVER:** What I'm endeavouring to do is  
23 to ask for the panel's interpretation of this so that we clarify  
24 these areas.

25          **COMMISSIONER ROULEAU:** Okay.

26          **MR. BRIAN GOVER:** Thank you.

27          **COMMISSIONER ROULEAU:** Go ahead.

28          **MR. BRIAN GOVER:** Thank you very much.

1                   And this continues, and this is the part that I  
2 believe Mr. Miller had referred to in his cross-examination  
3 earlier, or his commentary earlier:

4                   “NES spoke with NSIA + Jody Thomas”

5                   And then there’s an arrow:

6                   “S.2 of CSIS Act: Violence not met”

7                   New arrow:

8                   “Wonder if need full 30 days if Ottawa  
9 cleared [then] speech Monday morning.”

10                  Are you able to help us, Mr. Clow, understand the  
11 context of this? First of all, what does NES stand for?

12                  **MR. BRIAN CLOW:** So this whole page, reviewing  
13 it, this does look like it’s well after, it could be a full week  
14 after invocation of the Act. Clearly they’re talking about the  
15 Parliamentary process so the first part, “Rheal Lewis is saying  
16 he’s:

17                  “confident will win the votes. Need to  
18 do more in [the] Senate...”

19                  So I addressed that in an earlier question, that  
20 I know of no reason to believe the Senate was not going to  
21 endorse that. And as I said earlier, the Chief of Staff to the  
22 Government Leader in the Senate was doing vote counting, and I  
23 believe that evidence was presented here, and they were quite  
24 confident they would win that vote.

25                  The rest of the page looks like more  
26 Parliamentary process and an individual Caucus member.

27                  **MR. BRIAN GOVER:** Who is that individual Caucus  
28 member?

1                   **MR. BRIAN CLOW:** Nate Erskine-Smith.

2                   **MR. BRIAN GOVER:** And whose view did you  
3 understand to be that section 2 of the *CSIS Act* had not been  
4 met?

5                   **MR. BRIAN CLOW:** It's hard to say. I don't know  
6 what this refers to but there was a public discussion going on  
7 about this very fact, as there is in this commission, but I  
8 don't know specifically what this refers to in this note.

9                   **MR. BRIAN GOVER:** All right. Well, we've done  
10 our best to interpret that, and thank you for that.

11                   **MR. BRENDAN MILLER:** Sir, sorry, can I ---

12                   **COMMISSIONER ROULEAU:** Can you just please ---

13                   **MR. BRENDAN MILLER:** Well, I understand, but we  
14 don't have a date for that document, and we need to clarify it.

15                   **COMMISSIONER ROULEAU:** Yeah, and he gave his best  
16 evidence and there's not much we can do. So, please, let the --  
17 let counsel proceed.

18                   **MR. BRIAN GOVER:** Thank you.

19                   The second-to-last area has to do with the  
20 process that the three of you observed surrounding the decision  
21 to invoke the *Emergencies Act*. And how would you describe the  
22 process surrounding the invocation of the *Emergencies Act*; the  
23 evolution of the thinking of the Government of Canada on that  
24 issue.

25                   Perhaps I'll ask you first, Ms. Telford.

26                   **MS. KATHERINE TELFORD:** I think the process was  
27 -- we tried to be methodical about it; it was very step by step,  
28 and it was seeking advice every step of the way from multiple

1 parts of government. It was taking in a lot of different  
2 inputs, and it was doing a lot of consultation throughout. And  
3 so actually even in processes that often go on much longer than  
4 this one could afford to and say this is actually one of the  
5 more robust processes I've seen.

6 **MR. BRIAN GOVER:** Thank you.

7 Mr. Clow, same question for you; your description  
8 of the process.

9 **MR. BRIAN CLOW:** I would absolutely agree with  
10 that. I don't know that I have much to add, other than as has  
11 been covered at some length here today and at this Commission,  
12 especially in those days leading up to the invocation from the  
13 IRG, and even before that, the steps that were taken were  
14 careful, considered, and there were a number of conversations  
15 involving a number of senior officials and Ministers ultimately  
16 leading to the Cabinet meeting on the Sunday night. So to me,  
17 it was very methodical.

18 **MR. BRIAN GOVER:** Thank you. And Mr. Brodhead?

19 **MR. JOHN BRODHEAD:** The only thing I would add to  
20 what I obviously agree with from my two colleagues, I think  
21 watching the Incident Response Group, and I say this as a policy  
22 wonk and somebody who spends a lot of time at Cabinet committees  
23 and these processes, it really helped facilitate the type of  
24 discussion, having the experts, the civil servants, the key  
25 folks at the table, all the Ministers there, that type of open  
26 discussion. It just meant we could move at a speed that the  
27 other institutions, the other parts of our apparatus don't  
28 allow. And so I think the combination of that and all the

1 external advice we were getting, I think it was -- agree that it  
2 was a very kind of methodical process, and I think the Prime  
3 Minister was very clear about how methodical it needed to be,  
4 both in the -- both before and after. So I'll leave it there.

5 **MR. BRIAN GOVER:** And finally, our last question,  
6 and it's to you, Ms. Telford, if anyone were to suggest that the  
7 decision to invoke the *Emergencies Act* was politically  
8 motivated, what would you say to that?

9 **MS. KATHERINE TELFORD:** It was absolutely not.  
10 It was driven at its core in ever meeting the Prime Minister  
11 began and ended and it was discussed throughout, how do we  
12 ensure the safety and security of Canadians? And there wasn't  
13 time, space, or desire to talk about anything else.

14 **MR. BRIAN GOVER:** Thank you very much. Those are  
15 my questions.

16 **COMMISSIONER ROULEAU:** Okay. Thank you. Any re-  
17 examination?

18 **MS. SHANTONA CHAUDHURY:** No re-examination,  
19 Commissioner.

20 **COMMISSIONER ROULEAU:** Okay. Well thank you very  
21 much for sharing -- or not sharing your thoughts, responding to  
22 questions, and coming to testify. Much appreciated. And it's  
23 appreciated that you accommodated the late hour. I'm sure it's  
24 not your first late nights, but it is appreciated.

25 So I think we'll take a short break to move to  
26 the next witness. And we'll take to reorganize and so on. So  
27 we'll take five or 10 minutes for a break.

28 **THE REGISTRAR:** The Commission is in recess. La

1 Commission est levée.

2 --- Upon recessing at 7:52 p.m.

3 --- Upon resuming at 8:10 p.m.

4 **THE REGISTRAR:** Order. À l'ordre. The  
5 Commission has reconvened. La Commission reprend.

6 **COMMISSIONER ROULEAU:** Okay, we have another  
7 witness. Who is Commission Counsel on this?

8 **MR. JEAN JEAN-SIMON SCHOENHOLZ:** Commissioner,  
9 Jean Jean-Simon Schoenholz for the Commission. The witness is  
10 Kenneth Weatherill. He's on Zoom.

11 **COMMISSIONER ROULEAU:** Okay.

12 **MR. JEAN JEAN-SIMON SCHOENHOLZ:** And this is just  
13 for a cross-examination by some of the parties on his witness  
14 statement, so Commission Counsel don't have questions in-Chief.

15 **COMMISSIONER ROULEAU:** Okay.

16 Mr. Weatherill, can you hear me?

17 **MR. KENNETH WEATHERILL:** Yes, sir, I can. Thank  
18 you.

19 **COMMISSIONER ROULEAU:** Okay. So we'll now swear  
20 you if that's agreeable.

21 **MR. KENNETH WEATHERILL:** Yes, it is, and I have a  
22 Bible in my right hand.

23 **COMMISSIONER ROULEAU:** Okay.

24 **THE REGISTRAR:** Mr. Weatherill, for the record,  
25 please state your full name and spell it out.

26 **MR. KENNETH WEATHERILL:** My name is Kenneth  
27 Alexander Weatherill, K-E-N-N-E-T-H Alexander, A-L-E-X-A-N-D-E-R  
28 Weatherill, W-E-A-T-H-E-R-I-L-L.



1 --- MR. KENNETH WEATHERILL, Sworn:

2                   **COMMISSIONER ROULEAU:** Okay. So I don't have a  
3 list this time, but I understand counsel for former Chief Sloly  
4 has a -- some questions.

5                   **MS. ALYSSA TOMKINS:** Counsel had discussed that I  
6 would actually start on behalf of the City, Mr. Commissioner, if  
7 that's acceptable.

8                   **COMMISSIONER ROULEAU:** Normally it's the  
9 opposite, but go ahead.

10 --- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

11                   **MS. ALYSSA TOMKINS:** Good evening,  
12 Mr. Weatherill, thank you for making yourself available for us  
13 on seemingly quite short notice.

14                   My name's Alyssa Tomkins. I am counsel for the  
15 City of Ottawa in this case. So I just have a couple of issues  
16 that I want to discuss with you flowing from your witness  
17 summary.

18                   So one of the issues you raise in there is the  
19 training that's available to members of the Police Services  
20 Board.

21                   So I just wanted to bring up the *Police Services*  
22 *Act*. If we can go to document COM, I think it's five zeros,  
23 819.

24                   **COMMISSIONER ROULEAU:** What would you like to do?

25                   **MS. ALYSSA TOMKINS:** Oh, sorry.

26                   Page 28 of that. So if we can just scroll down,  
27 Mr. Clerk. When we get to -- I just wanted the witness -- keep  
28 scrolling please.

1                   So this starts with section 31, which is titled  
2 Responsibilities of the Boards.

3                   And if we can keep scrolling down, we get to  
4 subsection (5), please. Oh, there we go.

5                   So the training of board members, and the Act  
6 provides that:

7                                   "The board shall ensure that its  
8                                   members undergo any training that the  
9                                   Solicitor General may provide or  
10                                  require."

11                   Now, my understanding from your witness summary  
12 is that in fact the Solicitor General does not provide formal  
13 training, or has chosen not to. Is that correct?

14                   **MR. KENNETH WEATHERILL:** Well, my evidence is  
15 that the police service advisors deliver orientation training.  
16 There is also a package that is provided to every board member  
17 who becomes a member of the Board. But when I think of training  
18 I think of lesson plans, I think of course training standards,  
19 and I think of that. That is not the formal training that is  
20 under -- that is delivered currently to the *Police Services Act*.  
21 There is ongoing training on a number of different areas that  
22 may come up that the advisors are able to help support the Board  
23 or help support the Board to receive training in a number of  
24 different areas such as an example of a Board asking for  
25 training in harassment and discrimination, and biases. And  
26 could they get support in identifying those kinds of training  
27 plans.

28                   **MS. ALYSSA TOMKINS:** Okay. So maybe it will be

1 easier if we just go to your witness summary. If we can go to  
2 WTS0000080, however many zeroes, sorry. I'm always unsure.

3 If we can just go to page 2 and scroll down,  
4 please. Sorry, scroll up.

5 So the paragraph that starts with:

6 "The work of the Liaison Unit includes  
7 providing orientation materials for new  
8 police services board members. That  
9 said, SOLGEN does not provide formal  
10 training."

11 So that's what you were referring to?

12 **MR. KENNETH WEATHERILL:** Yes, ma'am. It is.

13 **MS. ALYSSA TOMKINS:** Okay. And so then I want to  
14 scroll down to the top of page 3. In this case -- so as I  
15 understand your evidence that in fact in this case the Board did  
16 request training from the advisor, Ms. Grey, on their  
17 responsibilities during this type of incident. And because it  
18 was during an event, you took the position that advisors were  
19 not provide this training in the middle of an incident? Do I  
20 understand correctly?

21 **MR. KENNETH WEATHERILL:** Yes. So the context of  
22 this is we were a number of days into an ongoing incident in  
23 Ottawa and the Board approached the advisor and asked for  
24 training related to Board governance. The Ottawa Police  
25 Services Board is a very experienced Board. They've had  
26 significant orientation. They have significant experience and a  
27 large number of assets available to them.

28 So the position that I took and the direction was

1 in the middle of an incident is not the time to remove a Board  
2 from their role and their function of governance and set them  
3 down and to provide additional training on top of what they've  
4 received, and the policies that they're governing themselves by.

5           What I did ask was that the advisor asked for  
6 particular questions from the Board and specifically the  
7 executive director and then we would help facilitate those  
8 questions with the appropriate answers and assist them in the  
9 interpretation of the legislation, their roles and their  
10 functions and their responsibilities.

11           **MS. ALYSSA TOMKINS:** Okay. And I'm not going to  
12 go to that document because I took the Deputy Solicitor General  
13 to it, and we'll -- the Commission already has the evidence as  
14 to what information was provided to the Board in terms of what  
15 authorities were available to them under the Act, and more  
16 importantly what was not provided.

17           I note here that it says part of the rationale  
18 for not agreeing to provide training during the incident is that  
19 the OPSB had its own resources, significant experience through  
20 former Board members on City Council.

21           Now, I just want to be clear on that. Surely you  
22 agree that the Board and the municipal council are separate and  
23 distinct entities?

24           **MR. KENNETH WEATHERILL:** Yes, that's correct.

25           **MS. ALYSSA TOMKINS:** Okay. And they're legally  
26 separate as a matter of law?

27           **MR. KENNETH WEATHERILL:** They are legally  
28 separate as a matter of law. What I meant by that and what I

1 continue to stand by is the Board has a responsibility and the  
2 ability to tap into resources of experience that can help them  
3 guide through particular scenarios and situations without  
4 disclosing the intimate details of those situations and  
5 scenarios. That forms part of responsible governance.

6 **MS. ALYSSA TOMKINS:** Now, you'll agree though  
7 that of these other resources available, other than the advisors  
8 of the Solicitor General, only one of those being the advisors  
9 of the Solicitor General has a statutory duty to ensure that the  
10 Board is providing adequate and effective policing in the  
11 municipality.

12 **MR. KENNETH WEATHERILL:** So if I understand your  
13 question correctly, you're asking me if there is only one person  
14 that's listed in that entire group that has a statutory  
15 responsibility to provide adequate and effective policing?

16 **MS. ALYSSA TOMKINS:** Yes.

17 **MR. KENNETH WEATHERILL:** I'm just reading what's  
18 there, just you can see what I'm doing.

19 So the Board members themselves had a  
20 responsibility so that's one entity.

21 Legal counsel to the Board has a responsibility  
22 to help guide the Board. And the Police Service advisors have a  
23 responsibility to ensure adequate and effective delivery of  
24 policing is provided through part -- section 3(2) of the *Police*  
25 *Services Act*.

26 But that doesn't preclude the Board from having  
27 their own responsibilities under section 4 and heir duties under  
28 section 31.

1                   **MS. ALYSSA TOMKINS:** And nobody is disputing  
2 that. What I'm referring to is when the Board could go outside  
3 itself and seek assistance as they were doing in this case.  
4 They were seeking assistance from another body that has that  
5 duty and in fact the duty includes the duty to ensure that the  
6 Board is doing its job.

7                   **MR. KENNETH WEATHERILL:** Can you rephrase that  
8 question, please? I'm not quite sure I'm understanding exactly  
9 what the question is.

10                   **MS. ALYSSA TOMKINS:** And maybe it's just a matter  
11 of argument. That when they have these other resources that  
12 they can go to, and that's fine and good. But it's in the  
13 statute -- there's one entity that's supervising the Board. And  
14 I put to Mr. Di Tommaso and I'll put it in argument that the  
15 Supreme Court of Canada has said that the Solicitor General has  
16 a duty to ensure that the Board provides adequate and effective  
17 police services in the municipality.

18                   So the other entities, former members -- they're  
19 resources but they're not resources that have themselves a  
20 statutory duty.

21                   **MR. KENNETH WEATHERILL:** So I'm not familiar with  
22 any case that the Supreme Court of Canada has ruled on. With  
23 respect to responsibilities of the delivery of adequate and  
24 effective policing, in the Act there's actually three areas that  
25 I'm familiar with.

26                   The first one is the Board, and they're  
27 responsible to provide adequate and effective policing.

28                   The role of the minister as set out in section

1 3(2) and the municipal council to provide the necessary funding  
2 in order to deliver upon the services which can arguably be  
3 connected back into adequate and effective policing.

4 **MS. ALYSSA TOMKINS:** And obviously the  
5 municipality's other role is in appointing or removing as the  
6 case may be members of the Board.

7 **MR. KENNETH WEATHERILL:** The municipal members of  
8 the Board, not the provincial members of the Board.

9 **MS. ALYSSA TOMKINS:** Right. Thank you. I have  
10 no further questions. And thank you for your time this evening.

11 **MR. KENNETH WEATHERILL:** Thank you.

12 **COMMISSIONER ROULEAU:** Okay. So the next is  
13 Former Chief Sloly's counsel.

14 **MR. TOM CURRY:** Thank you, Commissioner.

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

16 **MR. TOM CURRY:** Mr. Weatherill, Tom Curry for  
17 Chief Sloly.

18 I understand you were interviewed by Commission  
19 counsel on November 17<sup>th</sup>.

20 **MR. KENNETH WEATHERILL:** Yes, that's correct.

21 **MR. TOM CURRY:** And can you just tell the  
22 Commissioner, how long were you with the Commission counsel for  
23 that interview?

24 **MR. KENNETH WEATHERILL:** Ninety-four (94) minutes  
25 in total.

26 **MR. TOM CURRY:** And did you have access to the  
27 information -- to any information during the interview or was it  
28 -- well, I'll just stop there. Did you have access to

1 information during the interview?

2 ` **MR. KENNETH WEATHERILL:** I did, sir.

3 **MR. TOM CURRY:** Including the films or recordings  
4 at least of the Police Services Board and council meetings  
5 concerning the Ottawa Police Services Board?

6 ` **MR. KENNETH WEATHERILL:** No, sir. I did not have  
7 access to any video films.

8 **MR. TOM CURRY:** Okay. Now, just in terms of the  
9 chain of command at the Solicitor General's ministry, I  
10 understand that you are the -- of course you're the Inspector  
11 General of Policing and you have a direct report to the Deputy  
12 Solicitor General. Is that true?

13 ` **MR. KENNETH WEATHERILL:** Yes sir, that's correct.

14 **MR. TOM CURRY:** And then reporting to you is the  
15 manager of police services liaison, or the Police Services  
16 Liaison Unit, correct?

17 ` **MR. KENNETH WEATHERILL:** That's correct.

18 **MR. TOM CURRY:** And then below that office are  
19 the Police Services advisors of whom you have spoken to my  
20 friend; is that right?

21 **MR. KENNETH WEATHERILL:** Yes, sir.

22 **MR. TOM CURRY:** And the idea is that the Police  
23 Services advisors attend some or all Police Services Board  
24 meetings?

25 **MR. KENNETH WEATHERILL:** That's correct.

26 **MR. TOM CURRY:** In this case the Ottawa Police  
27 Services Board is in -- was in the hands of Ms. Gray, Lindsay  
28 Gray for the time up until February 14<sup>th</sup>; have I got that?



1                   **MR. KENNETH WEATHERILL:** I don't accept the  
2 statement that they were in the hands of. Ms. Gray ---

3                   **MR. TOM CURRY:** Well ---

4                   **MR. KENNETH WEATHERILL:** --- was providing  
5 professional guidance fulfilling her duty as a Police Service  
6 Advisor for the Ministry of the Solicitor General.

7                   **MR. TOM CURRY:** I shouldn't -- I meant that only  
8 in the sense that she was the advisor for the Ottawa Police  
9 Services Board. And when did you first learn that the Ottawa  
10 Police Services Board was dealing with the convoy protest?

11                   **MR. KENNETH WEATHERILL:** It would have been late  
12 January into early, early February. There were board meetings  
13 taking place in January when the intelligence started to  
14 surface, to indicate that there was going to be large-scale  
15 demonstrations across the country, and in particular, in  
16 Ontario, and that there was believed to be a large group of  
17 individuals that may be moving towards Ottawa. And I was aware  
18 of that information in late January.

19                   **MR. TOM CURRY:** Right. Now you yourself though  
20 did not -- if I understand it, you did not observe a Police  
21 Services Board meeting of the Ottawa Police Services Board in  
22 real time, at that initial phase at least; is that true?

23                   **MR. KENNETH WEATHERILL:** There were meetings. In  
24 January, no, but there were meetings in February where the link  
25 was provided for the general public to watch the open session  
26 and I observed portions of that.

27                   **MR. TOM CURRY:** Okay. And at no time during any  
28 of the meetings that you observed or that Ms. Gray observed did

1 any -- was any comment made either to the Police Services Board  
2 or to the Chief; is that correct?

3 **MR. KENNETH WEATHERILL:** Comment made by who,  
4 sir?

5 **MR. TOM CURRY:** Well, sorry, by you or Ms. Gray I  
6 should have said.

7 **MR. KENNETH WEATHERILL:** No, I had no direct  
8 contact with any members of the Board nor the Chief during that  
9 entire time.

10 **MR. TOM CURRY:** They wouldn't have even known you  
11 were on the line; is that true?

12 **MR. KENNETH WEATHERILL:** Yes, I believe that to  
13 be true.

14 **MR. TOM CURRY:** And the -- Ms. Gray who they  
15 would have been aware was present, also, to your observation and  
16 from reports that she gave you, did not speak up at any of the  
17 meetings to either the Board or any of the Police Services  
18 members who were making presentations?

19 **MR. KENNETH WEATHERILL:** I believe that to be  
20 factual during the meetings. I know there were conversations  
21 outside of the meetings, but during the meetings I believe that  
22 to be accurate.

23 **MR. TOM CURRY:** Right. And even -- whether  
24 inside or outside of the meeting, to the extent that there was  
25 some question about what information was being provided to the  
26 Board by members of the Police Service, or alternatively, what  
27 questions were being asked by the Board, neither Ms. Gray nor  
28 you made any -- provided any guidance to the Board or the

1 Service; is that true?

2 **MR. KENNETH WEATHERILL:** No, that's not true,  
3 sir.

4 **MR. TOM CURRY:** Okay.

5 **MR. KENNETH WEATHERILL:** Ms. Gray provided a  
6 document that addressed questions, provided answers for the  
7 Board, and was having conversations with the Executive Director  
8 in relation to those questions and answers.

9 **MR. TOM CURRY:** All right. Fair enough. And  
10 that -- and do I understand it that Ms. Gray and you in your  
11 role were content with the guidance that she provided at that  
12 time?

13 **MR. KENNETH WEATHERILL:** Yes, sir, I was.

14 **MR. TOM CURRY:** And that -- can I just have you  
15 confirm just, please, Mr. Registrar, ONT1115. Just confirm for  
16 the Commissioner if you would, Mr. Weatherill, now I hope you  
17 can see this, if I -- are you able to see a document if it's  
18 projected on your screen?

19 **MR. KENNETH WEATHERILL:** I should be able to,  
20 sir. I'll let you know the minute it's up.

21 **MR. TOM CURRY:** Okay. Thank you. Do you  
22 recognize ---

23 **MR. KENNETH WEATHERILL:** It's up now, sir.

24 **MR. TOM CURRY:** Thank you very much. Do you  
25 recognize that as a briefing note provided by Ms. Gray that  
26 summarizes the information that she recorded as having occurred  
27 during the February 5<sup>th</sup> meeting?

28 **MR. KENNETH WEATHERILL:** Yes, sir, I do.

1           **MR. TOM CURRY:** And can I just ask you to just  
2 scroll down, Mr. Registrar -- there, thank you. Just stop  
3 there. Second bullet point, do you see,

4                           "Chair Deans stated [...] the meeting  
5                           was called to ask the chief one  
6                           question - in accordance with the  
7                           mandate for the delivery of adequate  
8                           and effective policing, she asked the  
9                           chief if he believes he is still able  
10                          to provide, given the fluid nature of  
11                          the occupation, adequate and effective  
12                          policing to the city..."

13                       And then asked,

14                           "If not, [...] what resources from the  
15                           board or [...] assistance [...] can  
16                           [be] provide[d]..."

17                       Do you recall that that was the single stated  
18 purpose of that meeting?

19           **MR. KENNETH WEATHERILL:** That's what -- I don't  
20 know if that if that is the single stated purpose, but that is  
21 certainly the way Chair Deans reflected that on bullet number  
22 two.

23           **MR. TOM CURRY:** And during that -- now I'm not  
24 going to have the time to -- that was a very lengthy meeting; do  
25 you recall?

26           **MR. KENNETH WEATHERILL:** Yes, sir, I do.

27           **MR. TOM CURRY:** And do you recall that during  
28 that meeting, Chief Sloly and I believe his senior command staff

1 gave extensive information to the Board about the status of the  
2 protest in the City of Ottawa and described plans and  
3 enforcement activities; do you recall that?

4 **MR. KENNETH WEATHERILL:** What I will say is that  
5 on bullet four, the Chief committed to lay out where the Service  
6 is at and what their plan is. And then if we scroll down on  
7 that same document, the Chief and the Deputy discuss how many  
8 arrests they've made, how they deployed some of their officers  
9 in and around the city. What's missing there is I think the  
10 crux to what the question from the Chair was, is my recollection  
11 of that meeting, was around what is happening with the  
12 demonstrators, what is happening from the dismantling -- where  
13 is the dismantling plan, and how are we going to return that  
14 piece of the city back to the residents.

15 **MR. TOM CURRY:** Well, it -- I mean, you can keep  
16 going. It's a five-page document. I don't have the time,  
17 unfortunately, but there is a great deal of discussion between  
18 this Chief and his senior command and the Board about the fact  
19 that there are inadequate resources within the Ottawa Police  
20 Service to dismantle the protest; isn't that true?

21 **MR. KENNETH WEATHERILL:** At that time, what I can  
22 say is the Chief makes mention of the number of officers that  
23 have been seconded and supporting from the RCMP, from the OPP,  
24 and I believe he mentions seven other municipal services. So  
25 this is on the 5<sup>th</sup> of December -- or of February rather. And I  
26 believe the initial demonstration began the weekend prior to  
27 that.

28 **MR. TOM CURRY:** Yes. But am I correct that --

1 certainly you as a member of the -- especially with your  
2 experience in Police Services, this is not a mystery. On  
3 February 5<sup>th</sup>, you knew, and everyone knew that the Ottawa Police  
4 Service was overwhelmed by the protesters and had no adequate  
5 resources themselves to dismantle the protest; isn't that true?

6 **MR. KENNETH WEATHERILL:** I'm aware that there are  
7 resources on the ground supporting the Ottawa Police Service. I  
8 have never been provided operational plans. I have never seen  
9 operational plans. And I have never seen what the true state of  
10 affairs were other than what was truly reported through the  
11 media and what I have received through the briefings.

12 **MR. TOM CURRY:** Did you ask for them?

13 **MR. KENNETH WEATHERILL:** It's not my place to ask  
14 for operational plans, sir. We ---

15 **MR. TOM CURRY:** Okay.

16 **MR. KENNETH WEATHERILL:** --- we don't oversee  
17 operations.

18 **MR. TOM CURRY:** So -- okay. Well, so what I just  
19 need to understand then, Mr. Weatherill, is this, you didn't ask  
20 for them but you've never seen them. You're not criticizing  
21 anybody for failing to provide them then. You're just telling  
22 the Commissioner you didn't see them.

23 **MR. KENNETH WEATHERILL:** I don't think I was ever  
24 asked that question and that's not what my summary of my  
25 evidence was. My evidence was around the issue -- I think if we  
26 go to page 4 of my summary, the third paragraph down, that I  
27 found it concerning that when there were questions being asked  
28 around the removal of the demonstrators in front of Capitol

1 Hill, that there was no operational plan that was being able to  
2 be discussed. And in this document you have up here displayed  
3 on the in-camera portion, it speaks to that there will be future  
4 tense work to put together an operational plan. That was the  
5 substance of the conversations that I shared with counsel that  
6 becomes part of my summary.

7 **MR. TOM CURRY:** Right. And maybe we're saying  
8 the same thing, but you understood at that time and Board  
9 understood at that time that the Ottawa Police Service had a  
10 maintenance plan and various details about operations, but the  
11 dismantling would require the influx of significant resources.  
12 Didn't you know that, and the Board ---

13 **MR. KENNETH WEATHERILL:** I don't know what the  
14 Board was thinking, sir.

15 **MR. TOM CURRY:** Okay.

16 **MR. KENNETH WEATHERILL:** I can't answer that.

17 **MR. TOM CURRY:** Okay. Did you attend the in-  
18 camera portion?

19 **MR. KENNETH WEATHERILL:** No, sir, I did not.

20 **MR. TOM CURRY:** Okay. So then I'll leave that  
21 for a moment.

22 A couple of quick things. Just confirm for the  
23 Commissioner please that this chief and this command team  
24 briefed the Board January 26th in advance of the protest, and  
25 you watched that briefing after the fact; is that true?

26 **MR. KENNETH WEATHERILL:** I don't -- if you could  
27 produce that briefing document, I'd be able to confirm whether I  
28 saw it or not.

1           **MR. TOM CURRY:** I can't in the time I have.

2           So to your recollection, did you not ever see the  
3 briefing that was given to the Board on the 26th of January in  
4 advance of the convoy protest?

5           **MR. KENNETH WEATHERILL:** I'm sorry, I don't know  
6 that. I can't answer that question.

7           **MR. TOM CURRY:** Did you -- thank you, did you see  
8 the briefings of February 1st in addition to February -- you've  
9 told us about the 5th -- did you watch the February 1st, 7th,  
10 11th, and 15th briefings?

11           **MR. KENNETH WEATHERILL:** I don't have the dates  
12 of those briefings. I know that I was in contact with the  
13 police service advisor during and after those briefings.

14           **MR. TOM CURRY:** All right. Fair enough. So you  
15 don't know whether you attended those other ones; is that fair?

16           **MR. KENNETH WEATHERILL:** I can say that it would  
17 be unlikely that I would have attended the entire briefing or  
18 meetings because they were happening at a number of last-minute  
19 meetings that were being called and were happening, really quick  
20 turnarounds at irregular hours.

21           **MR. TOM CURRY:** Sure. And understanding -- you  
22 told the Commissioner this -- this was a critical incident and  
23 briefings during critical incidents are the exception to a  
24 Board, correct?

25           **MR. KENNETH WEATHERILL:** That's not my  
26 experience, sir, no.

27           **MR. TOM CURRY:** Well, you -- just real quick on  
28 the Morden Report, the Ministry of the Solicitor General has



1 never endorsed the Morden Report; is that correct?

2 **MR. KENNETH WEATHERILL:** There's been no formal  
3 endorsement of the Morden Report, but there was an all-chief's  
4 memo that was distributed to all chiefs of police and deputy --  
5 and service Boards. And the direction within that Morden Report  
6 was that Board policies were to be reviewed and updated to align  
7 with the recommendations of the Morden Report.

8 **MR. TOM CURRY:** Well, yes, fair. But it hasn't -  
9 - the ministry hasn't endorsed nor the precise language that  
10 you've used is "or taken a position" on the Morden Report.

11 **MR. KENNETH WEATHERILL:** That's correct.

12 **MR. TOM CURRY:** Okay. Last thing, please, last  
13 area. Confidentiality is a significant value in police services  
14 boards, correct?

15 **MR. KENNETH WEATHERILL:** Yes, sir.

16 **MR. TOM CURRY:** A chief would not be wrong to  
17 keep in mind in briefing a board issues about leaks of  
18 information and be guided by not sharing every detail of  
19 operational plans if the board is a leaky institution? Is that  
20 fair?

21 **MR. KENNETH WEATHERILL:** So I would expect that  
22 if a chief suspected that there was a leaky board or challenges  
23 with leaking information, then the necessary steps would have  
24 been taken by the chief, with the chair, and/or with OCPC to  
25 address that situation.

26 **MR. TOM CURRY:** Did you know that one member of  
27 the board had attended this convoy protest and had made  
28 donations?

1           **MR. KENNETH WEATHERILL:** I'm not familiar that a  
2 member attended or provided donations. I recall hearing at the  
3 board meetings that a number of board members had observed the  
4 demonstration.

5           **MR. TOM CURRY:** All right. So you were unaware  
6 that there was one board member thought to be supportive of the  
7 convoy protest?

8           **MR. KENNETH WEATHERILL:** That's right. No  
9 information there to confirm or deny that.

10          **MR. TOM CURRY:** Thank you. You agree that if  
11 that were true, a board chair and a chief would be well advised  
12 to be careful about information they share about operations; is  
13 that fair?

14          **MR. KENNETH WEATHERILL:** Yes, sir. A chief  
15 always needs to consider the integrity of the investigation, the  
16 safety of the officers, the safety of the -- in this case, the  
17 demonstrators, and the broader community. And if that were to  
18 be compromised, then yes, that would be the responsible thing  
19 for a chief to do.

20          **MR. TOM CURRY:** Thank you, Mr. Weatherall, I  
21 don't have any other questions for you this evening.

22          **MR. KENNETH WEATHERILL:** Thank you, sir.

23          **COMMISSIONER ROULEAU:** Okay. I believe there's  
24 the Coalition wants to -- you're okay, yes, Coalition. With the  
25 mask, I didn't recognize you.

26 --- CROSS-EXAMINATION BY MS. EMILIE TAMAN:

27          **MS. EMILIE TAMAN:** Good evening. MY name is  
28 Emilie Taman. I'm one of the lawyers acting for the Ottawa

1 Coalition of Residents and Businesses, and I just have a very  
2 short time with you this evening, so just a couple of quick  
3 questions, and thank you for being here this evening.

4 I want to just pick up where my friend, counsel  
5 for former Chief Sloly left off, and that is in relation to your  
6 understanding of what happened at the February 5th Police  
7 Services Board meeting.

8 And as I understand it, and I think you've  
9 accepted that a key issue at that meeting was whether or not OPS  
10 was still providing adequate and effective policing, right?

11 **MR. KENNETH WEATHERILL:** Yes, ma'am.

12 **MS. EMILIE TAMAN:** And that's a pretty big  
13 question for a police services board to be asking in a crisis,  
14 isn't it?

15 **MR. KENNETH WEATHERILL:** Yes, it is.

16 **MS. EMILIE TAMAN:** Because it implies that they  
17 may be asking themselves whether they need to consider their  
18 options, maybe under section 9 of the *Police Services Act*,  
19 right?

20 **MR. KENNETH WEATHERILL:** That and the fact that  
21 they -- I think it's a responsible thing to do for a board to  
22 regularly ask the chief and ask themselves, are we, in fact,  
23 delivering adequate and effective policing? Are we satisfying  
24 our legislative responsibility in the *Police Services Act*?

25 **MS. EMILIE TAMAN:** Right. I mean, that's  
26 something that should be done regularly, but certainly, if that  
27 question is being asked in a crisis, it's not a routine  
28 question? It's being asked because there are concerns as to

1 whether adequate and effective police services are being  
2 delivered at that time; wouldn't you agree with that?

3 **MR. KENNETH WEATHERILL:** Yes, I would agree that  
4 throughout the -- a major event, that it would be appropriate  
5 for a board to ask those questions of itself and of their chief.

6 **MS. EMILIE TAMAN:** And you said that the chief  
7 didn't give a direct answer on that question, right?

8 **MR. KENNETH WEATHERILL:** That's correct.

9 **MS. EMILIE TAMAN:** But you've also said that the  
10 chief acknowledged his inability to address the demonstration in  
11 Ottawa while maintaining his ability to manage public safety in  
12 the city more broadly -- his inability to do that, right?

13 **MR. KENNETH WEATHERILL:** The chief set out that  
14 he did have the ability to provide, from my interpretation of  
15 what I heard in the board meeting and in review of the board  
16 summary from the advisor, that the chief did demonstrate  
17 verbally to the board how adequate and effective policing was  
18 being delivered throughout the city. He was asking for  
19 additional support with respect to the demonstration --  
20 demonstrators in the demonstration area.

21 **MS. EMILIE TAMAN:** Okay. So I just want to be  
22 clear though because in the summary of your evidence -- and it  
23 may well be that it's an error, so this is an opportunity to  
24 correct that -- but on the third page in the last paragraph,  
25 just after the footnote 4, it says:

26 "His understanding was that Chief Sloly  
27 had acknowledged his inability to  
28 address the demonstration in Ottawa

1 while maintaining his ability to manage  
2 a public safety in the city more  
3 broadly."

4 Is that your understanding, or is that a mistake?

5 **MR. KENNETH WEATHERILL:** That's right. He's  
6 saying he needs help with the demonstration but he is able to  
7 maintain public safety in the rest of the city.

8 **MS. EMILIE TAMAN:** Right, so -- but he can't do  
9 both? He can't deal with the demonstration and maintain public  
10 safety?

11 **MR. KENNETH WEATHERILL:** That's what he's  
12 informing the Board.

13 **MS. EMILIE TAMAN:** But he's maintaining public  
14 safety? Sorry.

15 **MR. KENNETH WEATHERILL:** Yes. That's what he's  
16 informing the Board of, that he needs support with the  
17 demonstration.

18 **MS. EMILIE TAMAN:** So I guess what I'd like to  
19 understand is why it is that you didn't feel that this was  
20 information that the deputy solicitor general should be briefed  
21 on, that you have a crisis in Ottawa, you have a board asking  
22 questions about the efficacy and adequacy of policing on  
23 February 5th. You either don't have a direct question or you  
24 have an indication from the chief that there's a real problem in  
25 Ottawa. You didn't think that was something that the deputy  
26 solicitor general should be briefed on?

27 **MR. KENNETH WEATHERILL:** So if we turn to section  
28 9, and you mentioned it a just a little bit earlier -- if we

1 turn to section 9(6), the municipal chief of police who is in  
2 the opinion of an emergency existing in the municipality may  
3 request that the commissioner have the Ontario Provincial Police  
4 give assistance. That had taken place. So there was a direct  
5 line between the Ottawa Police Service and the Chief to the  
6 Commissioner, and I was very much aware that there was support  
7 on the ground by the Ontario Provincial Police to support the  
8 demonstration and the dismantling of that demonstration at that  
9 time.

10 **MS. EMILIE TAMAN:** But there hadn't been a  
11 request for the OPP to come in and assume control of policing in  
12 Ottawa; right?

13 **MR. KENNETH WEATHERILL:** That's correct.

14 **MS. EMILIE TAMAN:** Right. And if the Board was  
15 asking those questions, would you agree that the reason in the  
16 context of a crisis to be asking that question is because  
17 they're asking themselves whether they might have a duty under  
18 the legislation to themselves go to the OPP and request that the  
19 service take over in Ottawa?

20 **MR. KENNETH WEATHERILL:** So there would be a  
21 number of necessary steps that would need to take place if the  
22 Board had lost confidence in their Chief, and if the Board were  
23 to reach out to the Commissioner and ask for policing services,  
24 then the Chief would need to be removed. And that did not  
25 happen. The Chief had made the request, the Board appeared to  
26 be satisfied with that request, and was aware that the OPP were  
27 there and supporting the Ottawa Police Service in formulating  
28 plans, along with seven other municipal services, and on the 5th

1 of December, up to 257 RCMP officers.

2 **MS. EMILIE TAMAN:** December?

3 **MR. KENNETH WEATHERILL:** I'm sorry, February. I  
4 apologise.

5 **MS. EMILIE TAMAN:** Okay. No, no, that's okay.  
6 And just finally, I just want to understand the timing of the  
7 request by the Board for training. How did that coincide with  
8 what you heard on February 5th? In other words, were they  
9 trying to figure out what it was that they were expected to do  
10 if they had concerns about adequate and effective policing?  
11 They're asking for training, they're asking for advice, and  
12 they're not getting that. Is that right?

13 **MR. KENNETH WEATHERILL:** No, I disagree with  
14 that. They were asking for governance training. That Board is  
15 quite experienced in governance. They wanted governance  
16 training in the middle of an incident, and that would have been  
17 irresponsible for my advisor to be there pulling a board away  
18 from their responsible duties of governance and oversight in  
19 managing the scenario from their perspective in their function  
20 and roles.

21 **MS. EMILIE TAMAN:** Okay. Thank you, sir, those  
22 are my questions.

23 Thank you, Commissioner.

24 **MR. KENNETH WEATHERILL:** Thank you.

25 **COMMISSIONER ROULEAU:** Thank you.

26 Any re-examination?

27 **MR. JEAN-SIMON SCHOENHOLZ:** I just had one point  
28 of clarification first, just for the record. My friend for

1 Chief Sloly mentioned the dates of some of the Board meetings.  
2 The dates -- so the dates of Board meetings were the 26th, the  
3 5th, the 11th, the 15th, and the 17th. I don't know that that's  
4 material, but just wanted to the record to accurately reflect  
5 that.

6 **MR. TOM CURRY:** I think the difference  
7 Commissioner, between -- Tom Curry speaking. The difference  
8 between us is that I believe there's a briefing on February 1st,  
9 but we can perhaps sort that out later. I think that's the date  
10 I gave, and I believe I'm correct.

11 **MR. JEAN-SIMON SCHOENHOLZ:** I think it might  
12 have, yeah, it might have been an informal briefing, not an  
13 official board meeting. I just wanted to clarify it for the  
14 record.

15 **--- RE-EXAMINATION BY MR. JEAN-SIMON SCHOENHOLZ:**

16 **MR. JEAN-SIMON SCHOENHOLZ:** In terms of questions  
17 on confidentiality, you -- would you agree that if information  
18 is not provided because there is a belief that a board is a  
19 leaky board that that would be an impediment to proper oversight  
20 function by the board?

21 **MR. KENNETH WEATHERILL:** Yes, I would. And that  
22 there should be policies within the Board to deal with that, and  
23 the Board should be very much aware of what the necessary steps  
24 would be to advance that complaint and that issue to the Ontario  
25 Civilian Police Commission.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And what would you  
27 suggest that the proper steps would be to follow if there was  
28 such concerns? You mentioned it, but you didn't really go into



1 detail of what those would be.

2 **MR. KENNETH WEATHERILL:** So with the Chief,  
3 there's a couple of different pathways that can be followed  
4 there, sir, with the Chief being aware of it or the Board itself  
5 being aware of it.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And can you maybe  
7 just describe those for each?

8 **MR. KENNETH WEATHERILL:** Of course. So  
9 generally, if it was the Chief who was made aware of it, and if  
10 the Chief was confident that it was not the Board Chair, then  
11 they would have that conversation with the Board Chair and give  
12 the Chair an opportunity to share the appropriate policies with  
13 the broader Board and address the individual that may be that  
14 leak.

15 If that does not resolve it, or if it's of such  
16 significant, serious significance, then the Board Chair can go  
17 directly to the Ontario Civilian Police Commission and ask them  
18 to conduct a review and a subsequent investigation into it --  
19 the matter.

20 If the Board Chair themselves are aware of it,  
21 then it's incumbent upon the Board to address their own  
22 policies, and if that does not correct the matter, then the  
23 Board, or if it's of significant severity that it would be  
24 inappropriate to do so, then the Board Chair would again then go  
25 directly to the Ontario Civilian Police Commission and request  
26 that they undertake a review and launch an investigation into  
27 misconduct of a, potential misconduct of a Board member.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so you

1 would agree with me that a leaky Board issue has to be addressed  
2 in some fashion?

3 **MR. KENNETH WEATHERILL:** I would agree that if it  
4 exists today, then it needs to be addressed, and that it's  
5 unfortunate if they were aware of it back in February or  
6 January, whenever that was -- others were first made aware of it  
7 that it wasn't addressed then.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Because if it's not  
9 addressed it leads to a breakdown in the relationship, in the  
10 oversight function.

11 **MR. KENNETH WEATHERILL:** The relationship between  
12 the Board, the trust in confidence of the Board, the trust in  
13 confidence of the broader community in the Board, of counsel of  
14 the Board, and then the entire relationship that's necessary for  
15 proper good governance of a police service.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Thank you  
17 so much for your time this evening.

18 Thank you, Commissioner.

19 **MR. TOM CURRY:** Commissioner, may I just raise  
20 one very brief comment? My friend's ---

21 **COMMISSIONER ROULEAU:** At this hour, why not?

22 **MR. TOM CURRY:** I'm sorry for this, but it -- I  
23 think you are going to agree it's important.

24 The Ministry of the Solicitor General knew about  
25 the leaking information from the Board, it's in a statement that  
26 is from Mr. Weatherill's subordinate. I just don't want you to  
27 be left without the other -- the third leg of that stool because  
28 the Ministry knew it as well.

1 I don't know if my friend wants to develop that.  
2 I don't know why if we're going it we don't develop it.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, and I am  
4 aware that that is in, you know, certainly in the other witness  
5 statement that was entered.

6 Do you maybe want to address that question then  
7 raised by my friend, what, if anything should the Solicitor  
8 General's office be doing if they're aware of a leaky Board?

9 **MR. KENNETH WEATHERILL:** So I'll start by saying  
10 I was not aware that the advisor had that information. If the  
11 advisor did have that information, then the advisor, number one,  
12 would have -- should have reported that through the chain of  
13 command up to myself, and that would have been something I would  
14 have shared with the deputy. And then the advisor would speak  
15 with the Chair, speak with the Chief if necessary, and would  
16 follow the similar path of notifying the -- reviewing the  
17 policies and then reviewing the -- if necessary, moving it to  
18 the Ontario Civilian Police Commission for a review and  
19 subsequent necessary investigation.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you very much.

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

22 So those are -- well, firstly, thank you for  
23 making yourself available, Mr. Weatherill. Unusual as the hour  
24 is it's very appreciated by the Commission. So thank you, that  
25 terminates your evidence or ends your testimony.

26 And we will adjourn, I think, until tomorrow  
27 morning at 9:30.

28 **THE REGISTRAR:** The Commission is adjourned. La

1 Commission est ajournée.  
2 --- Upon adjourning at 8:54 p.m.

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C E R T I F I C A T I O N

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6 I, Wendy Clements, a certified court reporter, hereby certify  
7 the foregoing pages to be an accurate transcription of my  
8 notes/records to the best of my skill and ability, and I so  
9 swear.

10

11 Je, Wendy Clements, une sténographe officielle, certifie que les  
12 pages ci-hautes sont une transcription conforme de mes  
13 notes/enregistrements au meilleur de mes capacités, et je le  
14 jure.

15

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Wendy Clements

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