



**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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### 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  
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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  
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## V

### Appearances / Comparutions

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

**VI**  
**Table of Content / Table des matières**

	<b>PAGE</b>
<b><u>PRIME MINISTER JUSTIN TRUDEAU, Affirmed</u></b>	2
Examination in-Chief by Ms. Shantona Chaudhury	3
Cross-Examination by Ms. Ewa Krajewska	78
Cross-Examination by Mr. Rob Kittredge	90
Cross-Examination by Mr. Sujit Choudhry	98
Cross-Examination by Ms. Jessica Barrow	109
Cross-Examination by Ms. Stephanie Bowes	120
Cross-Examination by Ms. Eva Chipiuk	128
Cross-Examination by Ms. Alyssa Tomkins	138
Cross-Examination by Ms. Christine Johnson	145
Cross-Examination by Mr. Christopher Diana	149
Cross-Examination by Ms. Rebecca Jones	154
Cross-Examination by Ms. Jennifer King	161
Cross-Examination by Ms. Heather Paterson	166
Cross-Examination by Mr. Mitch McAdam	167
Cross-Examination by Mr. Greg DelBigio	173
Cross-Examination by Mr. Brian Gover	180
Final Submissions by Mr. Robert MacKinnon	193
Final Submissions by Mr. Mitch McAdam	198
Final Submissions by Ms. Mandy England	201
Final Submissions by Ms. Alyssa Tomkins	204
Final Submissions by Ms. Jennifer King	206
Final Submissions by Mr. David Migicovsky	209
Final Submissions by Mr. Thomas McRae	212
Final Submissions by Mr. Christopher Diana	215
Final Submissions by Mr. Tom Curry	218

**VII**  
**Table of Content / Table des matières**

	<b>PAGE</b>
Final Submissions by Ms. Eva Chipiuk	223
Final Submissions by Mr. Paul Champ	228
Final Submissions by Mr. Greg DelBigio	233
Final Submissions by Ms. Cheyenne Arnold-Cunningham	235
Final Submissions by Ms. Nini Jones	238
Final Submissions by Mr. Sujit Choudhry	243
Final Submissions by Ms. Cara Zwibel	246
Final Submissions by Mr. Alan Honner	250

Ottawa, Ontario

--- Upon commencing on Friday, November 25, 2022 at 9:32 a.m.

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

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

So we're at the last day of the public hearings on the facts. There will be, of course, the public hearings on policy matters.

Alors, c'est la dernière journée pour recevoir les faits pertinents et évidemment il y aura la période de politiques la semaine prochaine.

So I think we're ready for the next witness. Commission Counsel?

**MS. SHANTONA CHAUDHURY:** Shantona Chaudhury for the Commission. Our next and final witness is Prime Minister Justin Trudeau.

**COMMISSIONER ROULEAU:** Well... Maybe we'll take a few minutes. I'm not sure where -- what process is. A bit anti-climatic.

(LAUGHTER)

**MS. SHANTONA CHAUDHURY:** Shall we take five minutes.

**COMMISSIONER ROULEAU:** I think we'll take five minutes then and see, and you can come and get me when it is. Thank you.





1 started, there -- as I understand it, as you heard, there will  
2 probably be some testimony in English and some in French, so  
3 please, if you need translation equipment, you should have it at  
4 hand.

5 Okay.

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

7 **MS. SHANTONA CHAUDHURY:** Good morning, Prime  
8 Minister.

9 **PRIME MINISTER JUSTIN TRUDEAU:** Morning.

10 **MS. SHANTONA CHAUDHURY:** Thank you for being  
11 here.

12 So we'll start with the routine housekeeping.  
13 You recall being interviewed by Commission Counsel on September  
14 9<sup>th</sup> of this year?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MS. SHANTONA CHAUDHURY:** Okay. And after that  
17 interview, Commission Counsel prepared a summary of your  
18 interview.

19 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

20 **MS. SHANTONA CHAUDHURY:** For the record, we don't  
21 need to call it up, Mr. Clerk, but it's WTS.0000084.

22 Prime Minister, you reviewed that summary, and  
23 you can confirm that it's accurate, to the best of your  
24 knowledge?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26 **MS. SHANTONA CHAUDHURY:** Okay. And I'll add  
27 there that, of course, it's a summary; it's not an exact  
28 transcript of your words, but it's a prepared summary, and we're

1 all aware of that.

2                   So Prime Minister, as you know, you are the final  
3 witness to testify before the Commission, so at this point the  
4 Commission has heard a lot of evidence about the events of  
5 January and February leading up to your government's decision to  
6 declare a Public Order Emergency on February 14<sup>th</sup>. But what we  
7 haven't heard yet is your perspective, so your own perspective,  
8 your viewpoint, both as the Prime Minister leading the country  
9 through these events, and the decision-maker in the government's  
10 ultimate decision to invoke the *Emergencies Act* for the first  
11 time in that Act's history.

12                   So we have two hours together this morning, and I  
13 anticipate that the examination is going to proceed in two  
14 parts. The first part will consist of fairly specific questions  
15 taking you through the chronology of events, often with  
16 reference to documents that have been adduced before the  
17 Commission, and read-outs of your own calls. And the second  
18 part will consist of some bigger-picture questions. So  
19 addressing some of the key themes that have arisen out of these  
20 events, and the government's response to it.

21                   So let's start with the chronology of events.  
22 And I'll warn you, we're going to fly through this pretty  
23 quickly. Two hours is not a lot of time to fly through  
24 everything that happened between these days, but if ever you  
25 feel like you need to add in some narrative or explanations,  
26 please feel free to do so.

27                   So we'll start with just the prearrival days, so  
28 before the convoy arrived in Ottawa. We know that you learned

1 the convoy was on its way a few days before, maybe around  
2 January 24<sup>th</sup>; you were briefed on it by both officials from PCO  
3 and your own staff from PMO.

4 Can you recall what your expectation was at that  
5 point? So you've been briefed; the convoy is on its way. What  
6 did you anticipate was going to happen?

7 **PREMIER MINISTRE JUSTIN TRUDEAU:** On avait vu euh..  
8 pendant les mois qui ont précédés, un niveau de frustration et  
9 de dissatisfaction avec les politiques gouvernementales par  
10 rapport au mandat, par rapport à la vaccination. Et on avait  
11 entendu de la rhétorique assez corsée de la part de plusieurs  
12 personnes à travers le pays. C'était un reflet aussi de ce qu'on  
13 avait vu pendant la campagne électorale, qui s'était passée six  
14 mois avant; alors, de voir que cette... ces groupes allaient venir  
15 manifester à Ottawa, on s'attendait un petit peu au genre de  
16 rhétorique et à l'intensité qu'on avait vue. Mais on... on a  
17 régulièrement des manifestations à travers le pays, on est  
18 vigilants, on est attentifs.

19 Mais on se prépare, dans la mesure du possible.

20 **Me SHANTONA CHSUDHURY :** Vous avez parlé du... de la  
21 campagne électorale. Vous voudrez dire un peu plus sur ce sujet?

22 **PREMIER MINISTRE JUSTIN TRUDEAU:** Oui. La campagne  
23 électorale avait été un moment où on a pu consulter les  
24 Canadiens directement sur les mesures qu'on voulait amener pour  
25 protéger la santé publique. C'est-à-dire, spécifiquement des  
26 exigences de vaccination pour quiconque voulait embarquer dans  
27 un train ou dans un avion. Ou bien, travailler pour la fonction  
28 publique fédérale. Et c'était des gros enjeux, une grosse

1 décision de limiter l'accès aux transport fédéral, comm ça.

2                   Donc, pour moi, c'était important que les  
3 Canadiens puissent se prononcer sur cet enjeu-là. C'est sûr  
4 qu'on le faisait ancrer dans les recommandations de santé  
5 publique, dans le désir de garder des gens en santé, en  
6 sécurité.

7                   Mais je pense que c'était tout à fait approprié  
8 qu'on ait des débats robustes à travers le pays sur ces enjeux-  
9 là. Et c'est exactement ce qu'on a eu pendant les élections. Il  
10 y avait plusieurs partis qui étaient en faveur de ce que nous on  
11 proposait. Il y en avait d'autres qui étaient farouchement  
12 opposés. Et les Canadiens, pendant cette campagne électorale,  
13 ont pu se prononcer.

14                   Mais ce qu'on a aussi vu, et ce que moi et mon  
15 équipe et mes candidats on vu en particulier, c'est un niveau de  
16 manifestations, de frustrations et de... d'agressions au moins  
17 d'intensité d'émotions, par rapport à cette campagne-là, par  
18 rapport à ce que nous propositions, ce qui était pire que... et plus  
19 intense que tout ce qu'on avait vécu dans d'autres campagnes  
20 électorales ou dans d'autres événements politiques.

21                   Donc, on voyait que, il y avait une intensité  
22 potentielle qui était là pendant la campagne électorale, qu'on a  
23 vue à quelques reprises dans les mois qui ont suivi, et qu'on  
24 soupçonnait, s'en venait peut-être à Ottawa, pour ce convoi.

25                   **MS. SHANTONA CHAUDHURY:** Okay. So just to sum  
26 that up -- I'll switch back to English; I think we'll probably  
27 be switching back and forth a few times -- you saw the protest  
28 coming and you've been briefed on it. And as you said, Ottawa

1 is used to dealing with big protests, but there was maybe a hint  
2 that something could be a little bit different here. So there  
3 was a hint of worry there.

4 And then, of course, we know that the  
5 convoy arrived on -- started arriving on the 28<sup>th</sup> and then went  
6 into full swing on the 29<sup>th</sup>. What was that first weekend like  
7 when the convoy arrived, from your point of view?

8 **PRIME MINISTER JUSTIN TRUDEAU:** Well, first of  
9 all, one of the things that we noted in the runup to the arrival  
10 was a bit of a -- a bit of a disconnect between what the sort of  
11 political arms of my office were seeing and expecting, from what  
12 we'd seen on social media, coloured by our experiences from the  
13 campaign that was only a few months before, contrasted with the  
14 assurances by -- whether it was Ottawa Police Services or even  
15 the Public Service, that this was just a "normal" style of  
16 protest that we see on the Hill fairly regularly. And there was  
17 already a little bit of worry that this might be a different  
18 brand of event than Canadians were used to seeing. And we  
19 certainly saw during the first weekend that the expectations  
20 that the police had said; that they would simply go home, the  
21 ability to keep it under control, was not exactly there.

22 **MS. SHANTONA CHAUDHURY:** Okay. And I think  
23 starting on that Sunday you made a few calls to various MPs in  
24 your Ottawa Caucus sort of checking in and seeing how people  
25 were doing because there was a level of concern there.

26 So on that note, I'll ask Mr. Clerk to please  
27 pull up SSM.CAN.NSC00002813.

28 While that's being pulled up, it's a readout of a

1 call that you had on Sunday, January 30<sup>th</sup> with Yasir Naqvi. Just  
2 for the benefit of everyone in the room, can you tell us who  
3 Yasir Naqvi is?

4 **PRIME MINISTER JUSTIN TRUDEAU:** Yasir is the  
5 Member of Parliament for Ottawa Centre.

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

7 So if we can just scroll down to the text here,  
8 Mr. -- there we go.

9 "Hey Yasir  
10 How are you PM?  
11 How are you doing, more importantly how  
12 are folks in the community?"

13 And Mr. Naqvi says:

14 "Very dire, community really feels under  
15 siege, you can imagine # of trucks,  
16 rigs, honking. For them it's a party,  
17 but they forget it's also a  
18 neighbourhood, especially low income  
19 families. I've been getting alot of  
20 feedback. Also been in touch with Marco  
21 [that's Mr. Mendicino], Bill [I assume  
22 Minister Blair] and local officials, and  
23 finding a way to make sure those folks  
24 are not part of residential streets.  
25 Tonight will be very challenging."

26 And you say:

27 "I feel so gutted for so many people who  
28 are just in such a difficult situation.

1                   It's not just disruption, but a lot of  
2                   hateful rhetoric going on. Are you  
3                   seeing some of that?"

4                   And Mr. Naqvi says:

5                   "It's unbelievable, the images that we  
6                   see are hard to believe. Saw a life  
7                   size poster on a truck of Hitler and  
8                   your name underneath. This is the kind  
9                   of grossness our country is subject to.  
10                  I have constituents being yelled at for  
11                  wearing masks while out doing normal  
12                  chores. There are all kinds of other  
13                  issues people are facing in the  
14                  neighbourhood and they don't know if  
15                  they can sleep tonight."

16                  And you then reply:

17                  "There doesn't seem like there is much  
18                  clarity on how long this will last."

19                  And then you referred to an incident at the  
20                  Shepherd of Good Hope.

21                  And then finally, your last comment here is:

22                  "I'm so sorry, my friend, this is just  
23                  horrible."

24                  The RCMP is concerned, everyone's just on  
25                  eggshells.

26                  "Having this going on in our nation's  
27                  capital is just totally irresponsible."

28                  So to some extent, that's self-explanatory, but



1 I'm wondering if you can help us a little bit in explaining the  
2 context of that call and what Mr. Naqvi was referring to and  
3 what you'd observed yourself.

4 **PRIME MINISTER JUSTIN TRUDEAU:** Well, I dare say  
5 that citizens of Ottawa are used to political activity and  
6 protests on the Hill on a range of things. But this was present  
7 and in their daily lives and disrupting their weekend in a way  
8 that wasn't a usual political protest, from the intimidation and  
9 harassment of people for wearing masks to a very concerning  
10 story about folks disrupting the nearby homeless shelter and  
11 soup kitchen.

12 There are -- there were indications that there  
13 was a level of disregard for others that, unfortunately, we had  
14 seen examples of during the election campaign and it emphasized  
15 for me that this was the same kind of thing that we had seen,  
16 the intensity, the anger, the hateful rhetoric.

17 **MS. SHANTONA CHAUDHURY:** Okay. Moving on, then,  
18 Mr. Clerk, to the next document, SSM.CAN.NSC00002812.

19 So Prime Minister, this is moving on the next  
20 day, so the Monday, the 31st. I think at some point there was  
21 some hope or expectation that the convoy might disperse by  
22 Monday, but it didn't. And at that point, you have a call with  
23 Mayor Jim Watson of Ottawa.

24 We'll just look at a couple of things here. The  
25 initial reference is to a press conference you've done and he  
26 tells you, you hit it out of the park, hit all the right notes.  
27 And then says, "These people had their time and need to move  
28 on." So he's very -- and he's been trying to get this across to

1 the Chief of Police. That would be Chief Sloly.

2 So Mayor Watson was obviously very focused on  
3 putting an end to the protest if he can.

4 Scrolling down, then, last bit, JW, that's Mayor  
5 Watson:

6 "chief of police said it's so volatile,  
7 but kept under control so far. Trucks  
8 are starting to leave, but some diehards  
9 chained themselves to this. Unfortunate  
10 for people living in residential  
11 neighbourhood. They just doing  
12 themselves a disservice. Chief of  
13 police spoke to Chief Lucki, and we need  
14 a few more sources."

15 I think that probably means for resources. And  
16 you say, "That's for sure."

17 And then it goes on, you -- sorry, he says:

18 "we have to do this with a sense of  
19 balance, these guys are just looking for  
20 a fight."

21 And your comment back on that -- just go down a  
22 bit, Mr. Clerk, is:

23 "the remainders will have no choice but  
24 to incite as a counterbalance, so we all  
25 have to be careful."

26 Can you explain those last few comments about the  
27 balance and counterbalance you were referring to there?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah. Can you

1 scroll back up to the -- okay. No, keep both Jim's line and  
2 mine on the screen. There we are.

3           Yeah. These calls were very much about me  
4 understanding what's happening from a local sense and, you know,  
5 there was expression in this that there were some people who  
6 were more intense in the protests than others. Some were just  
7 along to be part of something that they agreed with. Others  
8 were really shaping it and grinding it.

9           And I think -- I believe -- I'm not entirely sure  
10 what I was saying there. I'm not sure the transcript is exactly  
11 right, either, but it's enough. This sense that we didn't want  
12 to further provoke, but we need to be firm in standing up for  
13 people, we need to encourage people to leave, but if they see  
14 their -- that the numbers are starting to dwindle, the ones who  
15 remain will be more intense.

16           So there's a sense already that as we -- as we  
17 manage this, we have to be careful. We want to make sure that  
18 we support and protect people living in the city, that we're  
19 allowing for life to get to normal despite this protest without  
20 inciting -- inciting any reactions that amplify the thing  
21 further.

22           **MS. SHANTONA CHAUDHURY:** Okay. That's helpful.  
23 Thank you.

24           The next one, Mr. Clerk, is SSM.CAN.NSC0002814.

25           So now we're at Wednesday, February 2nd, and this  
26 is a called that you have with Anita Vandenberg.

27           So again, can you tell us, Prime Minister, who  
28 Anita Vandenberg is?

1                   **PRIME MINISTER JUSTIN TRUDEAU:** Anita is Member  
2 for Parliament for Ottawa Nepean East, or -- I believe that's  
3 it. Anyway, she's just to the west of downtown.

4                   She's a long-time MP and a very strong community  
5 Member of Parliament. And she was -- she was expressing here  
6 just how the tone of and the tenor of this -- what was going on  
7 in the neighbourhoods and around people was worse and more  
8 hateful and different from anything she had seen before in a  
9 number of years as an MP, but a long-time involved in political  
10 engagement.

11                   **MS. SHANTONA CHAUDHURY:** So you remember this  
12 call?

13                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I do, very  
14 much.

15                   **MS. SHANTONA CHAUDHURY:** Okay. So we'll just  
16 read through a little bit of what Ms. Vandenbeld said, starting,  
17 you say, "I wanted to check in ... how are you doing?"

18                   She says:

19                                 "I really appreciate it. I'm torn, I'm  
20                                 scared, but I get really mad that I'm  
21                                 scared. Kids with autism, the noise,  
22                                 it's one of those things you feel like  
23                                 ok, well, it's awful. I'm not a  
24                                 stranger to volatile environments, but  
25                                 it's different because I know the  
26                                 sentiment is directed towards us, you  
27                                 particularly. There is this hate for  
28                                 liberals."

1 And then after that:

2 "I do think it may deter some young  
3 women that are looking at politics, ...  
4 I don't want anything to happen to one  
5 of us, god forbid you, before we start  
6 thinking about all of this."

7 And then she speaks about constituents calling  
8 about what the PM is going to do about it. It's hard -- and she  
9 says:

10 "...it's hard because I know it's not  
11 within your purview. People are  
12 frustrated and they just want somebody  
13 to do something to get the city back."

14 And then she speaks about some other hateful  
15 messages that she's observed. And you say "it's about how you  
16 balance it" again, being responsible and reasonable.

17 So the part of this that I'd like you to speak  
18 to, Prime Minister, is where she says, "a lot of constituents  
19 are calling me" about what the PM, what the Prime Minister is  
20 going to do about this. And she then says, "it's hard because I  
21 know it's not within your purview".

22 So what does that refer to?

23 **PRIME MINISTER JUSTIN TRUDEAU:** That is she  
24 refers to one of the challenges and things that we were  
25 struggling with from the early days of the pandemic -- of the  
26 convoy occupation, which is that because they were very visibly  
27 most motivated to protest the federal government and federal  
28 government policies, even though many of the mandates they were

1 actually vocally concerned about were provincial measures, but  
2 it was very clear that they had targeted Ottawa and the seat of  
3 our federal government deliberately, that it was a federal  
4 protest in a city that houses the capital.

5           There is an impression and an expectation that,  
6 therefore, it's Ottawa or -- sorry, it's the federal  
7 government's responsibility to deal with it, to make sure that  
8 it goes away, to stop it.

9           It's -- there is a general expectation even by  
10 people who are longtime residents of Ottawa, that this is  
11 somehow like Washington, D.C. that is a separate enclave where  
12 the RCMP can give out traffic tickets, which they don't. But  
13 there is a blending of orders of government in protection of  
14 Parliament Hill and the Precinct that led a lot of people to  
15 say, "Well, they're here. They're angry at the Prime Minister.  
16 They're disrupting my neighbourhood. You know, Federal  
17 Government should really do something to get rid of these  
18 protestors, or move them along, or have them leave."

19           Where we were continually explaining, and as  
20 Anita said, it's not in our purview, the management of  
21 Wellington Street, of neighbourhoods around was the jurisdiction  
22 of the Ottawa Police Service. And if they needed support, the  
23 OPP and then the RCMP could be providing extra supports, but it  
24 was their jurisdiction.

25           But of course, anyone who is involved in  
26 politics, you can be a Federal MP walking through your riding,  
27 and someone complains about garbage pick up, they don't want to  
28 hear you say, "Oh, no, that's not a federal issue. That's

1 municipal." They say, "Thank you. I'll make sure we pass that  
2 message along. We try to see that that gets fixed."

3           The idea that I was saying, "This is not a  
4 federal policing issue. This is not a federal issue, this  
5 occupation, this is something that Ottawa Police have  
6 jurisdiction, need to take care of," for a lot of people, sort  
7 say, "Well, like see, they're here because of the Federal  
8 Government, and the Federal Government is refusing to do  
9 anything about it," was the kind of blending of narratives that  
10 we had to be really careful about.

11           **MS. SHANTONA CHAUDHURY:** I think we're going to  
12 come back to that when I start asking about Ontario's initial  
13 response to all of this, but we're not quite there yet. So I'll  
14 take you to a few more things and then I'll ask you to pick up  
15 where you left off there.

16           So so far we've been looking at some calls you've  
17 had with your own MPs, MPs from your caucus.

18           The next one, Mr. Clerk, you can pull up, it's  
19 SSM.CAN.00007738.

20           It's a call that you had with, on February 3<sup>rd</sup>,  
21 Candice Bergen, who I believe had just become leader of the  
22 Opposition of the House. I confess I was yesterday years old  
23 when I learned that, but I now know.

24           Okay. So this is a call you then have on  
25 Wednesday, February 3<sup>rd</sup> with Ms. Bergen. And do you recall this?  
26 Do you remember this call, Prime Minister?

27           **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I do.

28           **MS. SHANTONA CHAUDHURY:** And can you tell us what

1 inspired that call or ---

2                   **PRIME MINISTER JUSTIN TRUDEAU:** It was mostly a  
3 congratulatory call. When somebody becomes leader of a  
4 political party that sits opposite in the House, I tend to reach  
5 out and have a bit of a personal conversation. I usually ask  
6 after family, see how they're adjusting to it, maybe give some  
7 recommendations about trying to get enough sleep. But I try to  
8 keep it a human introductory call, even though I had engaged  
9 with her many times in the House over the years as an MP. When  
10 she became leader, I wanted to reach out and establish that  
11 personal contact.

12                   Of course, it was all happening in the context of  
13 this occupation going on. So that was part of the discussion.  
14 But primarily it was a congratulatory call.

15                   **MS. SHANTONA CHAUDHURY:** Okay. Get enough sleep  
16 is always good advice.

17                   Mr. Clerk, can we scroll down a little bit where  
18 we see -- there we go. Okay. So this is the part of the  
19 conversation that you start talking about the security situation  
20 in Ottawa. You say:

21                   "The second set of briefing would be  
22 security situation in Ottawa right now.  
23 Obviously of real concern and we have lots  
24 of disagreement on causes and path  
25 forward. I would certainly like to make  
26 sure you['re] get[ting] briefings on  
27 safety and the situation and have you at  
28 least [...] fully informed. Hopefully were



1 all going to be able to make sure Canada's  
2 democracy continues to run and our  
3 institutions remain strong and quite  
4 frankly the citizens of Ottawa get back to  
5 their regular lives."

6 Scroll down again please to the next page, Mr.  
7 Clerk.

8 So Ms. Bergen says:

9 "Absolutely, I agree. I'm sure you  
10 weren't following question period today  
11 but that's what I'd like to see some  
12 resolution. You're right we disagree on  
13 some things, but I would agree with you  
14 the goal is [to] let's [...] find a way for  
15 people to head back home and clear things  
16 up in Ottawa. We do want the same things.  
17 If you have some ideas or some things you  
18 think could be done, extending an olive  
19 branch is one way of putting it, we'd love  
20 to be able to [...] work together to make  
21 that happen."

22 And you say in reply:

23 "All of us need to focus on getting the  
24 temp down [the temperature down] and  
25 getting people back to normal lives.  
26 Let's ensure there are discussions on that  
27 and there may be opportunities to work  
28 together. Some of them [-- I think you're

1 referring to the protestors there --] have  
2 jammed themselves into a corner and their  
3 asks are non-starters. We have our  
4 democracy and [our] institutions that is  
5 well worth defending. There are ways we  
6 can get beyond this. I'm worried about  
7 setting a precedent where if anyone wants  
8 something they can set up a blockade on  
9 wellington st. People need to be heard  
10 and that's part of our democracy and  
11 getting that balance right."

12 Ms. Bergen says she:

13 "Agree[s] with everything you said. I  
14 think that you do have to be cautious and  
15 as PM you don't want to set a bad  
16 precedent. I'm sure you're talking and  
17 coming up with some ideas."

18 And then she offers to help.

19 So the part of that that I'd like you to  
20 elaborate on is it appears there that you're talking -- and I  
21 take it the olive branch is a suggestion of some engagement with  
22 the protestors, some talking to in whatever capacity that would  
23 end up being.

24 So what comes out of this conversation that you  
25 have with Ms. Bergen and what was in your mind at the time?

26 **PRIME MINISTER JUSTIN TRUDEAU:** I say that we  
27 have -- ensure there are discussions on that -- let's ensure  
28 there are discussions on that was very much let's make sure, as

1 political parties, we keep talking about it, and keeping up  
2 figuring out how we can work together.

3                   And then some of their asks are non-starters,  
4 like overturning the results of the election that we just had.

5                   But in terms of responding to their demands or  
6 legitimizing -- engaging, I'm highlighting that I'm worried  
7 about setting a precedent that a blockade on Wellington Street  
8 can lead to changing public policy. People need to be heard,  
9 but we need to get that balance right.

10                  And then she agreed that I needed to be cautious,  
11 and I don't want to set any bad precedents.

12                  **MS. SHANTONA CHAUDHURY:** Okay. So fairly self-  
13 explanatory. There's a willingness to discuss, but you were  
14 concerned about setting a precedent where a blockade could equal  
15 a change in public policy? Is that fair?

16                  **PRIME MINISTER JUSTIN TRUDEAU:** Yeah. You know,  
17 I think we have a robust functioning democracy and protests,  
18 public protests, are an important part of making sure we're  
19 getting messages out there, and Canadians are getting messages  
20 out there and highlighting how they feel about various issues.

21                  But using protests to demand changes to public  
22 policy is something that I think is worrisome.

23                  **MS. SHANTONA CHAUDHURY:** Okay. So thank you, Mr.  
24 Clerk.

25                  **PRIME MINISTER JUSTIN TRUDEAU:** Although, sorry,  
26 to a certain extent ---

27                  **MS. SHANTONA CHAUDHURY:** No, no, please go on.

28                  **PRIME MINISTER JUSTIN TRUDEAU:** --- protests, if

1 you're out protesting that the government is, you know, shutting  
2 down a safe injection site or something, you are asking for  
3 changes in public policy. But there is a difference between  
4 occupations and, you know, saying, "We're not going until this  
5 is changed," in a way that is massively disruptive and  
6 potentially dangerous, versus just saying, "Yeah, we're  
7 protesting because we want public policy to change and we're  
8 trying to convince people to get enough of them that politicians  
9 will listen to enough people saying, "Okay. I'm going to lose  
10 votes if I don't change this." That's the usual way protests  
11 can be effective in our democracies.

12 **MS. SHANTONA CHAUDHURY:** Okay. That's a fair  
13 point of distinction. Thank you.

14 Mr. Clerk, the next document is  
15 SSM.CAN.NSC00002819.

16 So Prime Minister, we're now heading into the  
17 second weekend of the protest. So Saturday, February 3<sup>rd</sup>. And  
18 our understanding is that the protest intensified again with  
19 more trucks coming into Ottawa.

20 And on that day, on the Saturday, you have a call  
21 with the Governor General Mary Simon. Do you recall -- do you  
22 remember that call?

23 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I do.

24 **MS. SHANTONA CHAUDHURY:** Okay. So here is the  
25 read out of it. And we'll just go through some of -- quite a  
26 bit, actually, of what was said on that call.

27 So again, the introduction, and you say:

28 "It has been stressful. Not so much for

1 me personally.”

2 The Governor General says:

3 “Yes. They seem reluctant to give it up  
4 also. Makes it challenging.”

5 And you say:

6 “Yep. People blame the feds but many of  
7 the mandates are not us. And for the  
8 police, well we don’t direct them. Trying  
9 to get this resolved as peacefully as  
10 possible. Want them to find a way to save  
11 face but they can’t shut down our  
12 democracy. Sorry they are trying to pull  
13 you into this also. They [just] don’t  
14 understand the institutions.”

15 And then the Governor General asks:

16 “To go further on that...”

17 Actually, I’ll stop there. Do you remember what  
18 you’re referring to in that paragraph there?

19 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah, that was  
20 the -- I believe it was a Memorandum of Understanding that some  
21 groups within or some group within the protestors had declared  
22 that what they wanted was to empower the Senate to work with the  
23 Governor General to create a provincial government or -- and/or  
24 appoint a government committee that would change public policy  
25 and displayed a lack of understanding of how our democracy and  
26 our institutions actually work.

27 **MS. SHANTONA CHAUDHURY:** Okay.

28 **PRIME MINISTER JUSTIN TRUDEAU:** But, I mean, it

1 also meant she was getting bombarded. The Rideau Hall, which is  
2 filled with good people giving out medals to worthy Canadians,  
3 were bombarded constantly by demands that she fire the Prime  
4 Minister, and in a very, very aggressive way. And that's what I  
5 was referring to as tough for her and tough for her team.

6 **MS. SHANTONA CHAUDHURY:** Understood. And was  
7 that what prompted this call?

8 **PRIME MINISTER JUSTIN TRUDEAU:** Could have been  
9 part of it, but I also speak regularly with the Governor General  
10 just to check in, and obviously this was something that was  
11 worthwhile checking in on. But yes, that was probably the  
12 reason.

13 **MS. SHANTONA CHAUDHURY:** Fair enough. Okay. So  
14 then she asked if there's any sense on how it will be resolved,  
15 and you say, something. And then:

16 Now they are starting to do that. Bill  
17 Blair has handled a lot in the past."

18 And we know -- we've heard a lot from Bill Blair  
19 at the Commission as well:

20 "This is not a protest more an  
21 occupation. Hard to defuse. I will  
22 take time. Being very careful to not  
23 try to fix something, we don't have the  
24 tools for it."

25 Then there's some discussion about the funding.  
26 Can you scroll down a bit, Mr. Clerk. Onto the  
27 next page, please.

28 And then she's -- the Governor General says:

1 "Yeah, some of the senior staff getting  
2 a lot of hateful emails. Asking for  
3 the [Governor General] to fire [the  
4 Prime Minister] and to create these  
5 crazy things. [It's] difficult to  
6 receive these things. They made a  
7 website in my name saying stuff. Have  
8 to let it slide off our backs."

9 And then you discuss the security situation.

10 So is that what you were just referring to, Prime  
11 Minister and the ---

12 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

13 **MS. SHANTONA CHAUDHURY:** --- sort of bombardment?  
14 Okay.

15 So just generally speaking before we move on,  
16 what was your sense of where things were at on that second  
17 weekend?

18 **PRIME MINISTER JUSTIN TRUDEAU:** The first  
19 weekend, you know, caught everyone by surprise. Through the  
20 second weekend, I think I mentioned it in referring to Bill  
21 Blair, talking with the local police with his own expertise and  
22 background, talking about things that can be done to try to  
23 de-escalate to starting putting an end to this, understanding  
24 that it can't happen overnight, but that there are things that  
25 should be done.

26 There was an expectation or a hope that on that  
27 second weekend we would see a decrease in activity, and a  
28 dwindling. Instead, we saw a surge on that second weekend. And

1 things that we had heard that, you know, the police were going  
2 to start doing this or doing that and we're going to be able to  
3 respond didn't seem to be materialising. There was a sense that  
4 the occupation was just continuing full swing without any real  
5 control or even plan to end it.

6                   And I know from conversations with MPs and others  
7 that the citizens of Ottawa were quite frantic about having to  
8 go through a second weekend of horns and disruptions and, you  
9 know, being yelled at for wearing masks, and not being able to,  
10 you know, go to their neighbourhood stores, and seeing the  
11 Rideau Centre shut down. And all these different things that  
12 were really problematic, and people were starting to get pretty  
13 upset that this was, you know, two full weekends and that they  
14 were being massively disrupted by.

15                   **MS. SHANTONA CHAUDHURY:** Okay.

16                   Thank you, Mr. Clerk. You can take that one  
17 down.

18                   So speaking of getting a little upset, the next  
19 topic I want to address with you is Ontario's initial response  
20 to the protest in those early weeks.

21                   So one theme that's emerged from the evidence  
22 we've heard, and we've seen several references to it in the  
23 documents, is your Government's frustration and your own  
24 frustration with what might be characterised as a certain  
25 reluctance on the part of Ontario to engage, especially in the  
26 tripartite tables that Minister Blair I think had put together.

27                   So Mr. Clerk, can you pull up

28 SSM.CAN.NSC00002837.



1                   This is the readout from a call that you had,  
2 Prime Minister, with Mayor Jim Watson on February 8th. Okay, so  
3 just keeping scrolling a bit, Mr. Clerk, past the key takeaways  
4 onto page 2.

5                   So just to stop there, give a bit of situation.  
6 So Mr. -- Mayor Watson here brings up the expression "whack-  
7 a-mole", which we've heard several times in the Commission,  
8 "fighting a losing battle", "we don't have enough police", and  
9 you reply that, well:

10                                    "That's entirely right...I know we are  
11                                    looking...carefully at [that]..."

12                                    "We're looking at the resourcing". And then you  
13 say:

14                                    "...on the Ottawa policing side, you  
15                                    have seen, as I have, some concerns on  
16                                    how things were handled from the  
17                                    beginning..."

18                   And then you ask about Mayor Watson's  
19 relationship with the Police Chief and how they're working  
20 together. And you observe that there are moments where  
21 Mayor Watson is saying one thing the Chief is saying another,  
22 and ask if there's anything you can do about that.

23                   So just briefly before we go on, can you comment  
24 on that a little bit and the Ottawa policing situation to the  
25 extent that you were briefed on and aware of it?

26                                    **PRIME MINISTER JUSTIN TRUDEAU:** One of the things  
27 we had said from the very beginning to the RCMP and -- to the  
28 Commissioner of the RCMP and to Government in general that if

1 there was anything we could do to support the Ottawa Police  
2 Services in their -- in what they were doing, if we had  
3 resources or abilities, because there is a federal presence in  
4 this capital city, we should do it. That we were there to be  
5 helpful, and I instructed Brenda to try and do whatever she  
6 could to send support to the City of Ottawa.

7           What we got back or what we had heard, as I  
8 recall, were different numbers from what the Mayor said Ottawa  
9 needed to what the Police Chief was saying they needed, and the  
10 one thing that the Commissioner made clear to me was they needed  
11 to know that if they were deploying resources that they were  
12 going to be appropriately used, that there was a plan for that.

13           And, you know, we see it sometimes in requests  
14 for assistance across the country where someone is saying "We  
15 need 20,000 police officers from" or from -- or "we need the  
16 military to come in with a thousand troops", or "we need this or  
17 that in RFAs", and part of our due diligence is "Okay, what do  
18 you need them for? What are you going to be using them for?"  
19 Because for example, if you're sending in military, as we did in  
20 Hurricane Fiona to help clear power lines, as was necessary in  
21 Atlantic Canada, in no situation do military members engage in  
22 policing activity. And there was a sense that maybe they could  
23 be directing traffic.

24           And we have to make sure, "no, they're not police  
25 -- military isn't there to play police roles." And that's why  
26 we always have questions, "Okay, we're going to send resources,  
27 but we need to know how they're going to be deployed." And  
28 there wasn't always that clarity around what the plan was, how

1 many they actually needed, how they were being used, and how  
2 they were -- you know, where they were going to be best  
3 deployed.

4 **MS. SHANTONA CHAUDHURY:** Okay.

5 Just keep scrolling down, please, Mr. Clerk.  
6 I'll tell you when to stop. Keep going, please. Oh, no, no.  
7 I'm sorry, I missed it. There we go.

8 So Mayor Watson says:

9 "I'm going to ask after this phone call  
10 whether the federal government will  
11 live up to its commitment, we need  
12 boots on the ground very shortly. It's  
13 not dying down...took over Metcalfe  
14 Street...blocked all of it."

15 And you reply:

16 "[L]isten, yes, [yes] you can say the  
17 federal government will be there with  
18 more resource[s], but again, [the]  
19 thing that frustrates me, and everyone  
20 is conflated... but Doug Ford has been  
21 hiding from his responsibility on it  
22 for political reasons as [you've]  
23 highlighted, and important..."

24 I suppose:

25 "...[it's] important that we don't let  
26 them get away from that, and we intend  
27 to support you on that."

28 And Mayor Watson replies:

1 "If they keep dragging their feet, I'm  
2 happy to call them out on it. [It  
3 would] be nice if we got something  
4 firmed up with the federal government  
5 to shame them. Ford didn't even make  
6 an effort to come and see what's going  
7 on."

8 So can I just ask you, Prime Minister, to comment  
9 a bit on the politics that are going on there?

10 **PRIME MINISTER JUSTIN TRUDEAU:** Well, first of  
11 all, when I say everyone is, I believe it was "conflating", it  
12 was conflating the federal -- protest of federal issues with the  
13 federal responsibility to do the policing that would dissipate  
14 that protest. So that was, sorry, a little bit of an interplay  
15 that there was a sense that in the initial phases of the protest  
16 the Ontario Government was happy for the perception to be out  
17 there that this was a City of Ottawa issue and a Federal  
18 Government issue, and that as a province they really didn't have  
19 a responsibility or a jurisdiction to play in there.

20 It was a unpleasant situation. There were bad  
21 headlines. I was getting grumbled at by citizens of Ottawa  
22 every day because we were -- the federal government wasn't  
23 dealing with it. I can understand that provincial politicians  
24 who were being overlooked in the complaints everyone had about  
25 why this wasn't getting resolved would say, "You know what?  
26 Let's not poke our noses into this, and, you know, people will  
27 continue criticizing those people that helped." I'm fairly  
28 certain that behind the scenes the OPP was engaged with Ottawa

1 Police Services and was providing supports as we were as a  
2 federal government, but I think at the political level, there  
3 was probably a decision to continue to step -- to stay back a  
4 little bit and let us wear it a little bit.

5                   What we had seen during the pandemic and during  
6 other crises, is when the three orders of government are able to  
7 work seamlessly together, not only does it deliver better  
8 results and better coordination, but it actually reassures  
9 citizens to see that people who are not always politically  
10 aligned at the highest levels can roll up their sleeves and work  
11 for the benefit of citizens, and that's certainly something that  
12 I've always tried to do and I've been able to do with Premier  
13 Ford on many, many issues, but at this point in the evolution of  
14 the occupation, that wasn't something that we were able to do.  
15 And so, yes, there was a bit of frustration.

16                   **MS. SHANTONA CHAUDHURY:** Okay. Well, and we'll  
17 see that the very next day you had a call with Premier Ford, and  
18 just in the narrative, what was going on at this point, in  
19 addition to Ottawa, and there were a few things, as we know,  
20 going on across the country, but by this time, the 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>,  
21 the Ambassador Bridge blockade had really heated up and was in  
22 full swing. And that seemed to be a turning point, several  
23 ways, but certainly for Ontario's participation in all of this.

24                   So, Mr. Clerk, if you can take that document  
25 down, please, and bring up SSM.CAN.NSC 00002845.

26                   So point for advocacy to make a long story short,  
27 this is a call where it seems that you and Premier Ford are  
28 engaging and deciding to work together to solve this problem at

1 this point.

2                   You can skip over the first -- oh, here we go.  
3 The last part of that first paragraph, so PDF, Premier Doug  
4 Ford, he says,

5                   "What we can recommend and what we can  
6 work together on is [...] I've asked  
7 our AG [our Attorney General] to look  
8 at legal ways to give police more tools  
9 and exhaust legal remedies because the  
10 police are a little shy and I can't  
11 direct them. So that's one area we can  
12 focus on. We can't take their polar  
13 licenses, we checked that. We can shut  
14 down their fuel consumption and cordon  
15 off highways. That's where we're at."

16                   And ---

17                   **PRIME MINISTER JUSTIN TRUDEAU:** Might be operator  
18 licenses, I think.

19                   **MS. SHANTONA CHAUDHURY:** Yeah, probably not  
20 polar, but operator licenses. Let's go with that. So then you  
21 reply,

22                   "First of all, they're not a legal  
23 protest. They're occupying a municipal  
24 street and are not legally parked. You  
25 shouldn't need more tools -- legal  
26 tools -- they are barricading the  
27 [Ontario] economy and doing millions  
28 [of dollars] of damage a day and

1                   harming people's lives. At a time  
2                   we're trying to draw in investments, a  
3                   whole bunch of people are looking at  
4                   this and saying we can't even clear up  
5                   a protest on a bridge?"

6                   So just stopping there, Prime Minister, do you  
7 remember what you were referring to when you start talking about  
8 you shouldn't need more tools?

9                   **PRIME MINISTER JUSTIN TRUDEAU:** Yeah, I mean,  
10 that whole question around legality or illegality of the  
11 protest, they didn't have a permit to protest. They -- not  
12 certainly as long as they had. They were illegally parked.  
13 They were engaged in disruptive activities. There are any  
14 number of municipal and provincial by-law infractions, legal  
15 infractions that they were engaged in by just being there. And  
16 there is a sense that, you know, and this was based on an  
17 earlier conversation I had with Bill Blair about how one  
18 proceeds in this, is, you know, you can enforce small things as  
19 a way of keeping the situation under control and creating  
20 boundaries and balances and moving towards it. It's an  
21 approach.

22                   The issue here was that there were things that  
23 they could do and things that I know were tried, that they  
24 realized were unsafe for them to do. There are stories of  
25 police officers getting swarmed, there -- when they tried to  
26 arrest someone with a jerry can filled with gasoline. There was  
27 a sense that, you know, giving out simple tickets wasn't really  
28 having much of an impact as they did that, and taking stronger

1 measures was going to be resisted and met with significant  
2 resistance. But these are things that if they feel they didn't  
3 have the resources to enforce prohibition on bringing in jerry  
4 cans, or a prohibition of parking on the approach to the  
5 Ambassador Bridge, well, let us give you more resources to do  
6 that. Between the OPP and the RCMP, you know, we should be able  
7 to get the numbers up in a way that could lead for an ability to  
8 use those existing tools on the books. That was very much where  
9 our thinking was at that point. Like, how many more police  
10 officers, how much more resources do you need to get a plan?  
11 And if there was a concern around, well, we can't get those  
12 police allocated to us from other jurisdictions unless there is  
13 a clear plan, well, we'll send you planners. We'll help get  
14 those people there so you can establish a plan that will allow  
15 itself to be deployed. There was really a sense that there was  
16 more things that could be done, and he seemed to be agreeing.

17 **MS. SHANTONA CHAUDHURY:** Okay. And that's  
18 actually -- it's what you end up saying in the part you can't  
19 see right now with that -- the next page, the paragraph there.

20 **PRIME MINISTER JUSTIN TRUDEAU:** I'm at least  
21 consistent.

22 **MS. SHANTONA CHAUDHURY:** So nobody say,  
23 "The bridges and tunnels act means the  
24 federal government has..."  
25 Something. I can't read that anymore, but,  
26 "...federal government has  
27 responsibility over the bridge and  
28 border, so there is a role for us to



1 play and we're happy to play it. But  
2 nobody can get on the bridge because  
3 they're on municipal land being  
4 blocked. So we'll give you whatever  
5 resources you['re] in [you need]. The  
6 police of jurisdiction need[...] to do  
7 their job. If they're saying they  
8 can't do it because they don't have  
9 enough officers or equipment, we need  
10 to remove that excuse as soon as  
11 possible so they can do their work and  
12 we can prevent [Ontario] becoming a  
13 laughing stock"

14 Mr. Clerk, just scroll down to the last page,  
15 please. We'll skip over -- there's some jurisdictional  
16 discussions going on there. And then just at the top of that  
17 page, please, Mr. Clerk. So this is the sort of the conclusion  
18 of the conversation. You say,

19 "...what are the next steps? You've  
20 said the OPP are going in. are they  
21 keeping you apprised and do they  
22 understand the urgency? They can't  
23 talk this out for 3 weeks, they need to  
24 act immediately."

25 And I'm assuming there the concern of acting  
26 immediately is brought about by the situation on Ambassador  
27 Bridge, which we've heard a lot about from the Deputy Prime  
28 Minister yesterday.

1 Premier Ford replies,  
2 "...they'll act, but without directing  
3 them, it's hard to describe their game  
4 plan. They'll have a plan unlike  
5 Ottawa [where] they didn't have a plan.  
6 I'll get briefed tomorrow from the  
7 solicitor general [...] we'll keep you  
8 updated. This is critical, I hear you.  
9 I'll be up their ass with a wire  
10 brush."

11 Then the next, yeah, you say -- yes, that's one  
12 of the quotable quotes of the Commission. There have been a  
13 few. That's one.

14 The next -- your reply there is,  
15 "[Well,] we're there with resources.  
16 Bill Blair will coordinate on our side,  
17 [...] you can reach out to Leblanc  
18 [Minister Leblanc] or me. You and I  
19 need to work together on this. People  
20 will be reassured by the two of us  
21 working together [...] we need to  
22 demonstrate this is not a place of  
23 lawlessness."

24 Okay. We can take that down. Thank you, Mr.  
25 Clerk.

26 **PRIME MINISTER JUSTIN TRUDEAU:** I will say though

27 ---

28 **MS. SHANTONA CHAUDHURY:** Oh, I'm sorry.

1                   **PRIME MINISTER JUSTIN TRUDEAU:** --- that, you  
2 know, they can't talk this out for three weeks. They need to  
3 act immediately. I wasn't just talking about the Ambassador  
4 Bridge. I was talking about Ottawa as well. I was talking  
5 about the fact that this simply can't continue to be stretched  
6 out this way. But when I say they need to act immediately,  
7 obviously, I'm not directing the Premier to direct police. We  
8 know all the limitations that we have, but there was an  
9 expectation that this was situation that was going on for too  
10 long. And as Doug pointed out a couple paragraphs later, you  
11 know, there is a sense that people -- that the police of  
12 jurisdiction had lost control and wasn't able to control the  
13 situation.

14                   **MS. SHANTONA CHAUDHURY:** Okay. That's fair. I  
15 took the document down before got to Ottawa, but that's right.

16                   Thank you, Mr. Clerk. That one can come down  
17 now.

18                   So shifting gears away from Ontario, we  
19 understand that there was a lot of concern coming at the federal  
20 government from the United States as well. And, again, the  
21 Deputy Prime Minister yesterday spoke about the many  
22 conversations she was having with the stakeholders in the U.S.,  
23 plus officials, Brian Deese in particular. And we understand  
24 that on, I believe February 11<sup>th</sup>, you ended up having a phone  
25 call with President Biden.

26                   Mr. Clerk, we'll just pull up the read out of  
27 that call.

28                   It's PB.CAN00000057.

1           Okay, good. Just scroll down to the next page,  
2 please. It's got to be somewhere. Keep scrolling until you see  
3 a readout, but in the -- oh no, there it is, I think.

4           In any event, Prime Minister, can you tell us  
5 just the readout doesn't actually say that much, so can you tell  
6 us about your recollection of that call?

7           **PRIME MINISTER JUSTIN TRUDEAU:** There were sort  
8 of two goals I had in that call. The first one was to reassure  
9 him that despite the disruptions to trade and to -- and real  
10 impacts on both sides of the border, which were economic, yes,  
11 but were also people-to-people. We know -- we knew from the  
12 pandemic that thousands of healthcare workers cross the  
13 Ambassador Bridge every day from Canada to go work in Detroit in  
14 their hospitals.

15           There is -- there are real meaningful connections  
16 across that crossing that were being disrupted in meaningful  
17 ways. I wanted to reassure President Biden that Canada was  
18 going to be able to solve for this, and that we were going to  
19 continue to be a reliable partner for trade, and for people-to-  
20 people ties, and a safe neighbour. That was sort of in response  
21 to his concerns around disruptions to activities on both sides  
22 of the border because of the blockage.

23           But the second thing I wanted to talk about was  
24 just sort of the general context; the fact that the 911 centre  
25 being overwhelmed in Ottawa a couple of days before happened  
26 from American calls; that there was a significant amount of  
27 amplification from certain sectors of the American politico  
28 sphere. And there was also a significant amount of money

1 flowing and support for these occupation activities in Canada  
2 that were coming from people in the United States sympathetic to  
3 that cause and opposed to both he and I in our public health  
4 policies, but also in our general policies.

5 **MS. SHANTONA CHAUDHURY:** Okay. Would you say  
6 that President Biden shared your level of concern about the  
7 situation?

8 **PRIME MINISTER JUSTIN TRUDEAU:** No. I think I  
9 was much more concerned about the blockage to the lives, and the  
10 disruption and the potential security concerns. I think he was  
11 very concerned, but I don't think anyone was more concerned than  
12 me.

13 **MS. SHANTONA CHAUDHURY:** Okay, fair enough; it  
14 was happening on your side of the border, so that makes sense.

15 Thank you, Mr. Clerk, that's it for that one.

16 So that sort of brings us to a pretty critical  
17 time in the narrative of what happened in February. So we're  
18 building to a bit of a crescendo around that time, the 10<sup>th</sup>, the  
19 11<sup>th</sup>, and we've heard from the Clerk of the Privy Council that on  
20 February 9<sup>th</sup>, she advised you to convene the Incident Response  
21 Group. And the first meeting of the Incident Response Group was  
22 then on February 10<sup>th</sup>.

23 So we have heard quite a bit about different  
24 cabinet committees and what the IRG is, but I'm wondering if you  
25 could tell us, from your perspective, sitting as Prime Minister  
26 and Chair of these committees, what it means to convene an IRG  
27 and how it differs and what it gives you; what advantage it has  
28 versus other structures.

1                   **PRIME MINISTER JUSTIN TRUDEAU:** Regular Cabinet  
2 committees are chaired by members of Cabinet, and feature  
3 various Cabinet members sitting around the table, assisted by  
4 their Directors, their Deputy Ministers. But they are  
5 discussions amongst Cabinet Ministers on a particular issue that  
6 will then go to full Cabinet;; that's what most committees are.

7                   The IRG is a special committee, special in that  
8 it is chaired by me; it doesn't have a permanent membership  
9 because we deal with incidents that require or are important for  
10 the federal government to respond to. These could be floods or  
11 hurricanes. The most recent IRGs I've had were -- have been on  
12 the situation in Haiti and how Canada can respond and support.

13                   You know, we've had them around -- you know, we  
14 have them around all sorts of different things, depending. And  
15 depending on what they are needed for, we pick the areas of  
16 expertise we want around the table. But differently from most  
17 committees, these are meetings in which the officials sit around  
18 the table and are not just expected to participate, they  
19 actually lead the discussion; whether it's Deputy Ministers, or  
20 heads of agencies, the Commissioner of the RCMP, the Director of  
21 CSIS, or what have you, they are giving direct reports.  
22 Ministers are usually, if not always, there as well, but if they  
23 speak at all, it's at the very end to add a little bit of colour  
24 or further input.

25                   IRGs are all about making sure that the  
26 government as a whole is hearing directly --that I am hearing  
27 directly -- from all these different agencies and all these  
28 different inputs into whatever incident we're looking at. And

1 then we establish a plan, or we move forward on that. It's  
2 actually a decision-making body, we can make determinations  
3 about what we do next. But that frame is fairly unique amongst  
4 our committee structure.

5 **MS. SHANTONA CHAUDHURY:** So it collapses that  
6 layer between the officials and the Ministers a bit, so it gives  
7 ---

8 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah.

9 **MS. SHANTONA CHAUDHURY:** --- direct access?

10 **PRIME MINISTER JUSTIN TRUDEAU:** We hear directly  
11 from the Ministers, which is sometimes something that Cabinet  
12 Ministers, who are used to getting briefed by their officials  
13 and then briefing their colleagues, takes a little bit of  
14 getting used to. When we have a different IRG on a different  
15 subject with new Ministers who aren't usually at IRGs, it always  
16 is a little adjustment for them that, no, no, no, we're hearing  
17 from their Deputy Minister, not from them.

18 It's about informing us, but it's also about  
19 making sure that every one is on the same page. One of the  
20 challenges in every government is the siloing that happens;  
21 something happens in Public Safety doesn't necessarily get  
22 connected to Transport, doesn't necessarily get connected as  
23 organically as we'd like to Immigration, and various things like  
24 that.

25 So making sure that everyone's around the table,  
26 getting on the same page, in terms of what's happening with this  
27 incident that we're looking at, and what we're going to do about  
28 it, and there's usually a, "Okay, here are the taskings we're

1 going to do and let's check back in in a few days and see how  
2 we've done, see where we are again." IRGs rarely happen on a  
3 sort of a one-off, there's usually a series of them until the  
4 incident is over or has been moved to a different body to weigh  
5 in on.

6 **MS. SHANTONA CHAUDHURY:** Okay, thank you. That's  
7 helpful in understanding.

8 So we know that the IRG that you convened to deal  
9 with this particular problem met, first of all, three times  
10 before invocation, and then I think it met daily after that;  
11 we're going to focus on that first part on the 10<sup>th</sup>, the 12<sup>th</sup>, and  
12 the 13<sup>th</sup>. And I'll just fill in a little bit of the narrative,  
13 so you don't have to here. But we understand that on the 10<sup>th</sup>  
14 what was discussed was two tracks for a potential federal  
15 response.

16 So at this point, I won't say it had been  
17 decided, but it was certainly under serious consideration that  
18 the federal government might have to act in some way, shape, or  
19 form here, and track one was what can the federal government do  
20 under its existing authorities; track two was what could we  
21 potentially do under any new authorities, including the  
22 *Emergencies Act*.

23 And I just want to pause here and ask you one  
24 thing, which is in the documents, that sort of -- maybe not the  
25 first but it's the first sort of confirmation -- official  
26 confirmation that the *Emergencies Act* was under discussion. But  
27 we have seen references to the *Emergencies Act* here and there in  
28 various phone calls or emails or discussions, et cetera, and I'm



1 wondering if you can describe, if someone asked you when did the  
2 *Emergencies Act* come into play as possibility, how would you  
3 answer that?

4 **PRIME MINISTER JUSTIN TRUDEAU:** As an idea, it  
5 would have been from the very beginning in the back of our  
6 minds. As you see a situation that is emergency, is out of  
7 control, is -- has a potential for real impact on citizens,  
8 potential for violence; real concerns about what's going on, not  
9 just in Ottawa but right across the country; the Coutts blockade  
10 that started up on the same first weekend that the Ottawa  
11 occupation did. These are the things that you say, "Okay, as we  
12 look at the whole range of potential outcomes in this, there  
13 might be a moment where we have to invoke the *Emergencies Act*."  
14 It wasn't seriously thought of because I will say certainly in  
15 my thinking right now it was a fairly binary reflection. It was  
16 "Oh, we might have to invoke the *Emergencies Act*." There was no  
17 reflection of what we would have to invoke the *Emergencies Act*  
18 to do, it was just understanding that if this situation  
19 continues and is unable to get under control by anything else,  
20 the Federal Government might have to give the provinces more  
21 powers, give police more powers, do something to put an end to  
22 this.

23 So whenever we said, "Yeah, we're looking at all  
24 options", it would have been in the back of our minds,  
25 particularly because I think we're probably the first government  
26 that had ever actually leaned in carefully to maybe using the  
27 *Emergencies Act*, as we did in the beginning of the pandemic. We  
28 dusted it off, and, you know, had presentations at Cabinet

1 around what the *Emergencies Act* was and how it was an update  
2 from the previous legislation that existed before, and how it  
3 was *Charter* compliant, and, you know, because post 1982 a lot of  
4 things needed to change for the better in our country with the  
5 *Charter of Rights and Freedoms*. So we got a crash course in the  
6 *Emergencies Act*, and the consultations required, and all the  
7 various steps of it two years before around a pandemic.

8           As I had said during the consultations at that  
9 time with the premiers, I didn't think we needed to use it. I  
10 didn't think it was appropriate for us to declare a public  
11 welfare emergency, I believe the section is within the  
12 *Emergencies Act*, that we would have invoked around the pandemic,  
13 but there were a lot of people calling for us to do it because  
14 it was obviously a national emergency, this pandemic,  
15 particularly in the early days of spring 2020. So we were  
16 somewhat versed in this legislation that had never been used.

17           Seeing this particular public order situation, it  
18 was a reflection in the back of our minds, or my mind anyway, I  
19 can't speak for everyone, that maybe it would end up at this,  
20 but for the same reason we were loathe to call an IRG too soon  
21 in the process, we knew that it wasn't ours to solve at this  
22 point. That there were still lots of things that the  
23 jurisdiction -- the police of jurisdiction and various orders  
24 could and should -- orders of government could and should be  
25 doing to put an end to this.

26           So it wasn't until, as you say, the IRG of  
27 February 10th, Thursday, that we said, "Okay. Track 1, you  
28 know, what more can we do to empower police and public safety

1 officials to put an end to these illegal occupations? What more  
2 resources can we spend with existing authorities?" And Track 2  
3 was what could we do that we would have to create new  
4 authorities for? Whether it was through regulation, whether it  
5 was through passing emergency measures through the House, or  
6 whether it was using something like the *Emergency Measures Act*.

7           And the key for me in that conversation was it  
8 was a shift from that sort of binary frame of no *Emergencies Act*  
9 or *Emergencies Act*, because if you think about it, the  
10 *Emergencies Act* itself doesn't do anything except to declare an  
11 emergency. It's that it enables government to bring in special  
12 temporary measures to deal with the situation.

13           So the useful conversations around the  
14 *Emergencies Act* started on February 10th, when I asked the  
15 question "Okay. What are the extra tools that we would need to  
16 bring in, either through legislation or through regulation, or  
17 in various ways, or through the *Emergencies Act* that we don't  
18 actually have now?" Or "what would we do with the *Emergencies*  
19 *Act* if we brought it in that we can't otherwise do?"

20           And that reflection on well, what would be the  
21 tools? actually clarified and got the work going. Perfect  
22 example was we had heard consistently throughout that commercial  
23 tow truck drivers were not willing to come in and remove trucks.  
24 Well, *Emergencies Act* perhaps could compel truck drivers -- tow  
25 truck drivers to come and actually fulfill their contracts that  
26 are signed with cities to keep the streets clear of illegally  
27 parked cars.

28           So that reflection was really the one that

1 started then, and the tasking that I gave on that Thursday that  
2 we would check in again on the Saturday at the next IRG was  
3 "Okay. Come up with those tools that we could get at that would  
4 solve this, and then we'll look at well do we need the  
5 *Emergencies Act* to bring in these tools or can we do it through  
6 another way or convince the Province to do it, or are there  
7 other ways of doing it, but let's figure out what are the things  
8 that would allow us to get this situation which was out of  
9 control back under control."

10 **MS. SHANTONA CHAUDHURY:** Okay. So that was  
11 essentially the discussion around the table on the 12th, I  
12 believe, and then the 13th was -- the 13th was the big day in  
13 terms of deciding as a Government whether you want to take that  
14 first step and seriously consider invoking the *Emergencies Act*.

15 Can you take us through, from your point of view,  
16 the chronology, essentially, of the 13th. We know there was an  
17 IRG meeting in the afternoon, I think it was 4:30, and the  
18 decision coming out of the IRG was to have Cabinet meeting in  
19 the evening to discuss the potential invocation of the Act. So  
20 how did those meetings play out?

21 **PREMIER MINISTRE JUSTIN TRUDEAU:** Pendant le  
22 groupe de réponse d'incidents de ce dimanche, on a regardé  
23 attentivement les mesures proposées, la liste d'outils dont on  
24 pourrait se doter pour aider la police, les provinces, à non  
25 seulement remettre les situations sous contrôle, mais aussi  
26 empêcher des situations de revenir. Parce que vous avez parlé de  
27 cette expression du « *whack a mole* », on a vu que les... les  
28 manifestants étaient très habiles à se déplacer, à faire une

1 présence ici puis ensuite se déplacer pour l'autre, pour réduire  
2 leur présence dans une place, pour donner beaucoup de défis aux  
3 policiers pour pouvoir répondre. Et l'inquiétude, ce n'était pas  
4 qu'en mettant toutes nos ressources dans une place on ne  
5 pourrait pas remettre l'ordre dans une situation, c'est qu'en  
6 faisant ça, on laissait vulnérable une autre place où ils  
7 allaient pouvoir le faire, où une fois qu'on l'a réglé, deux  
8 jours plus tard ils allaient revenir. Donc, il y avait plus une  
9 question de, oui, de mettre fin aux occupations illégales, mais  
10 aussi de comprendre qu'il fallait les garder claires jusqu'à ce  
11 que la situation se calme réellement à travers le pays.

12 Et donc, pendant cette rencontre du dimanche, on  
13 a regardé les différentes propositions. Que ce soit les  
14 propositions par rapport aux conducteurs de remorques, que ce  
15 soit les dispositions pour des zones d'interdictions où tu  
16 n'avais pas le droit d'y aller, tu n'avais pas le droit d'y  
17 aller pour des besoins de manifester, tu n'avais pas le droit  
18 d'emmener des enfants, tu n'avais pas le droit de traverser la  
19 frontière canado-américaine avec un but de te joindre. Il y  
20 avait des mesures, que les banques allaient pouvoir geler les  
21 comptes de banque des manifestants pendant qu'ils étaient sur le  
22 terrain en train de barricader, pour les inciter de rentrer chez  
23 eux. On a discuté de toutes ces mesures-là, on a regardé qu'ici...  
24 c'est quoi nos options pour emmener ces outils-là à être une  
25 réalité, est-ce qu'on peut passer de la législation à la Chambre  
26 des Communes, est-ce qu'on peut l'accélérer et demander le  
27 consentement unanime ou accélérer le débat pour emmener ça  
28 rapidement, est-ce qu'on pourrait le faire en encourageant les

1 provinces, d'utiliser plus d'outils ? Et à ce moment-là, ça  
2 commençait à être pas mal clair que la situation allait... était  
3 si urgente, avait une préoccupation que ça pourrait s'empirer et  
4 dégringoler encore plus ailleurs. Qu'il y avait une urgence  
5 d'agir et que l'outil qu'on avait pour ramener rapidement ces  
6 outils spécifiques, c'était la *Loi sur les mesures d'urgence*.

7 **Me SHANTONA CHAUDHURY** : OK. Et l'autre partie de  
8 la décision était certainement the threshold, because as you  
9 well know, you can't just invoke the *Emergencies Act*, you have  
10 to meet a threshold in order to invoke the *Emergencies Act*.

11 And that brings us to one of the key questions,  
12 and I'll you about this several times, but what I'm asking you  
13 right now is essentially what you can tell us about how that  
14 discussion played out in the IRG and the Cabinet meeting. And  
15 I'll give you a little framing of it, which is of course we know  
16 that the declaration of a public order emergency is premised on  
17 the existence of a threat to the security of Canada, as defined  
18 in the *CSIS Act*. And we know that CSIS, in the process of  
19 assessing the protests, assessed that there was no -- the  
20 protest did not meet that threshold. They did not constitute a  
21 threat to the security of Canada, as defined in the *CSIS Act*.  
22 So this is one of ---

23 **PRIME MINISTER JUSTIN TRUDEAU**: As defined for  
24 the *CSIS Act*.

25 **MS. SHANTONA CHAUDHURY**: Okay. Please, over to  
26 you.

27 **PRIME MINISTER JUSTIN TRUDEAU**: The legislation,  
28 in the 80's it was built, brought in a definition of a national

1 -- sorry, a threat to national security, imported the words of  
2 the CSIS definition. That was a handy definition that was  
3 already existing. And there, that's how we can define what a  
4 national threat to the security of Canadians would be.

5           Those words in the *CSIS Act* are used for the  
6 purpose of CSIS determining that they have authority to act  
7 against an individual, a group, or a specific plot with, for  
8 example, a wire tap, that in order for them to take action in a  
9 particular situation, that threshold needs to be met of threats  
10 to national security.

11           And actually, it'd be useful if we could pull up  
12 Part C of ---

13           **MS. SHANTONA CHAUDHURY:** Sure. Sure. You know  
14 what? We have that. one second. I will get you a document  
15 number. Oh, okay.

16           **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, go ahead.

17           **MS. SHANTONA CHAUDHURY:** Do you want it or do you  
18 not?

19           **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I do.  
20 Sorry.

21           **MS. SHANTONA CHAUDHURY:** Okay. COM.00000954,  
22 please. So here, I think this pastes together the three things.  
23 So national emergency, public order emergency. Scrolling down,  
24 you'll see the reference to the *CSIS Act*. And there -- keep  
25 scrolling, Mr. Clerk.

26           **PRIME MINISTER JUSTIN TRUDEAU:** Just -- no,  
27 sorry, keep it going.

28           **MS. SHANTONA CHAUDHURY:** No. No. Keep going.

1                   **PRIME MINISTER JUSTIN TRUDEAU:** Yeah.

2                   **MS. SHANTONA CHAUDHURY:** There we go.

3                   **PRIME MINISTER JUSTIN TRUDEAU:** There we go.

4 Good.

5                   So in order for CSIS to be able to do a  
6 particular operation, it has to meet this matter of threats to  
7 the security of Canada, and then they can go and do that wire  
8 tap.

9                   This definition within a declaration of public  
10 order emergency under the *Emergencies Act* is about the Governor  
11 in Council finding reasonable grounds that there are threats to  
12 the security of Canada sufficient to invoke the *Emergency*  
13 *Measures Act*.

14                   So both the context and the purpose is very  
15 different. The people doing the deciding in the case of the  
16 *CSIS Act*, if this is met as a definition, it's CSIS itself that  
17 decides that this is met. There's checks and balances  
18 afterwards. But for the purpose of declaration of a public  
19 order emergency, it's the Governor in Council, Cabinet, and the  
20 Prime Minister making that determination.

21                   So the context within which we look at this  
22 definition is very different from the deliberately narrow frame  
23 that CSIS is allowed to look at, what inputs it can take in,  
24 what proofs it needs to establish this, or very well prescribed  
25 so that CSIS can be -- so that CSIS is responsible in what it  
26 does, whereas the declaration of public order emergency is open  
27 to inputs, sure, from CSIS, but also from the RCMP, also from  
28 Transport, from Immigration, from the whole of government, from



1 the Clerk, from the National Security Intelligence Advisor.

2                   So within threats to the security of Canada, what  
3 we had to determine was is -- does the situation going on across  
4 the country constitute a threat to the security of Canada? Yes  
5 or no?

6                   And then we looked at, particularly, C. Are  
7 there activities within Canada directed towards or in support of  
8 the threat or use of acts of serious violence against persons or  
9 property for the purpose of achieving a political or ideological  
10 objective? That was what we were looking at. Is that threshold  
11 met? Are there activities supporting the threats or acts of  
12 series, a threat of serious violence for political or  
13 ideological goal?

14                   If that threshold was met in our reasoned  
15 opinion, then that part of invoking a public order emergency was  
16 met.

17                   The other part of it is, does it constitute a  
18 national emergency? And there's elements on that that I won't  
19 get into, unless you ask me about them.

20                   But I was very much focused on "Was this bar hit?  
21 Yes or no?" for the purposes of invoking the *Emergencies Act*.

22                   There's been a bit of back and forth at this  
23 Commission on whether these words are different or can be read  
24 differently, or broader when they're used in a public order  
25 emergency than they're used for the *CSIS*. It's not the words  
26 that are different. The words are exactly the same in both  
27 cases. The question is, who is doing the interpretation, what  
28 inputs come in, and what is the purpose of it?

1                   And the purpose of it for this point was to be  
2 able to give us special temporary measures as defined in the  
3 *Public Order Emergency Act* that would put an end to this  
4 national emergency.

5                   **MS. SHANTONA CHAUDHURY:** Okay. So essentially  
6 you're saying that around the table that day, ---

7                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

8                   **MS. SHANTONA CHAUDHURY:** --- you were looking at  
9 the inputs that were given to you by officials and by the  
10 Ministers and concluded that there was activities within Canada  
11 ---

12                   **PRIME MINISTER JUSTIN TRUDEAU:** Threats of  
13 serious violence ---

14                   **MS. SHANTONA CHAUDHURY:** Serious violence. Okay.

15                   **PRIME MINISTER JUSTIN TRUDEAU:** --- was the key  
16 ones.

17                   **MS. SHANTONA CHAUDHURY:** And can you elaborate on  
18 what those threats were? What led to that conclusion?

19                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

20                   **MS. SHANTONA CHAUDHURY:** And again, we went  
21 around the table with officials from all different agencies and  
22 heads of departments to talk about this. There was the  
23 militarization of vehicles, for example. We'd seen -- sorry,  
24 weaponization of vehicles. We'd seen, you know, cars ramming  
25 into police officers or other cars at Coutts. We saw an  
26 incident like that in Surrey, I believe. We saw trucks used as  
27 potential weapons, certainly in Ottawa, with their presence and  
28 unknown interiors.

1                   There was a use of children as human shields  
2 deliberately, which was a real concern, both at the Ambassador  
3 Bridge, and the fact that there were kids on Wellington Street  
4 that people didn't know what was in the trucks, whether it was  
5 kids, whether it was weapons, whether it was both. Police had  
6 no way of knowing those.

7                   There was presence of weapons at Coutts, as we  
8 saw. There was a concern around weapons being stolen in  
9 Peterborough, that we didn't know, about 2,000 guns that we  
10 didn't know where they had gone at that point. We later found  
11 out they didn't go there, but there was -- that was a real  
12 concern that we had about what was happening to them.

13                   There were a number of others as well. There was  
14 the fact that police trying to enforce laws were met with active  
15 resistance. A group of 30 police officers trying to interdict  
16 someone or arrest someone who was carrying a jerry can into the  
17 site in Ottawa got swarmed by 100 people and they had to leave  
18 because there were threats to their safety and they weren't able  
19 to arrest that individual.

20                   There were layers of danger that CSIS kept  
21 bringing up to us that the presence of people promoting  
22 ideologically motivated violent extremism in the convoys had a  
23 danger of triggering not necessarily them to act, but lone wolf  
24 actors or people who could be radicalized to take actions that  
25 were violent.

26                   We saw increasingly counter protests of people  
27 who were trying to take back their city, who were, for example,  
28 we all saw images of grandmothers standing in residential

1 streets against, you know, massive trucks heading their way to  
2 try and, you know, prevent them from coming to join the convoy.

3                   There were all these things that positioned -- or  
4 presented real threats of serious violence. And every input we  
5 were getting on that weekend at the IRG was that things were not  
6 getting better. Things were getting worse. Even as it looked  
7 like there was a plan for the Ambassador Bridge to move forward,  
8 it looked like there was going to be a plan for Coutts moving  
9 forward, it wasn't a sense -- there wasn't a sense that things  
10 were dissipating. On the contrary, we were hearing about Fort  
11 Erie, we were hearing about the Bluewater Bridge in Sarnia, we  
12 were hearing about potential blockades in New Brunswick. We  
13 were hearing about potentials at Lacolle. We were hearing more  
14 convoys and more supporters heading to different places to take  
15 action. There were things going on in B.C. and Surrey. Like,  
16 there was a sense that this was a broadly spread thing. And the  
17 fact that there was not yet any serious violence that had been  
18 noted was obviously a good thing, but we could not say that  
19 there was no potential for serious violence, for serious  
20 violence to happen over the coming days. We were seeing things  
21 escalate, not things get under control.

22                   **MS. SHANTONA CHAUDHURY:** Okay. You mentioned  
23 there that the Ambassador Bridge was on its way to resolution in  
24 a sense and Coutts was on its way to resolution. One of the  
25 things that's come up in the evidence is that at this juncture,  
26 Ottawa could also, perhaps, have been said to be on its way,  
27 perhaps an earlier stage, to resolution, in the sense that a  
28 plan -- an integrated plan for policing was coming together at

1 that point. And that may not have been something that was  
2 clearly expressed on the 13<sup>th</sup> to the IRG and/or Cabinet.

3 So first I wanted to ask you what your  
4 understanding of that situation was at the time?

5 **PRIME MINISTER JUSTIN TRUDEAU:** First of all,  
6 from the beginning, from the approach of the very first weekend,  
7 we heard from various authorities and police of jurisdiction,  
8 "Don't worry, we've got this. There's a plan. There's a plan."  
9 And for the second weekend there was a plan. "We have a plan  
10 for this and it's not going happen. We've got this. We're  
11 getting more resources. No, there's a plan." We kept hearing  
12 there was a plan.

13 And even, I mean, we heard in testimony here that  
14 there was a plan on the 13<sup>th</sup> that the Ottawa Police Services  
15 pulled together. I would recommend people take a look at that  
16 actual plan, which wasn't a plan at all. It was a talk about  
17 using liaison officers to try and shrink the perimeter a little  
18 bit. But as you look at the annex for, you know, how the troops  
19 are -- how the police officers are deployed, what resources are  
20 going to be needed, every annex is "To be determined later", "To  
21 be determined later". It was not even, in the most generous of  
22 characterizations, a plan for how they were going to end the  
23 occupation in Ottawa.

24 When the plan did come together, and if someone  
25 was to compare the supposed plan on the 13<sup>th</sup> with the actual plan  
26 on the 17<sup>th</sup> that Ottawa Police Services pulled together, you see  
27 the crisp difference between, "These are the types of units we  
28 need. These are the resources we need. This is how we're going

1 to do it. This is all the stages of it." On the 17<sup>th</sup>. It was  
2 not there on the 13<sup>th</sup>.

3 But even beyond that, because I'm not fully aware  
4 how much of this is hindsight and how much of this was that  
5 general sense we got that people continued to say, "Oh, no,  
6 we're going to be able to get this under control." I think  
7 we're jumping ahead, but you know, Jason Kenney was saying on  
8 the Monday morning, in our First Ministers Meeting, "Yeah,  
9 Coutts is well on its way to being under control."

10 We had heard that before. And there were  
11 fluctuations going on in the various sites across the country.

12 It was not enough just to have a plan to clear a  
13 couple of lanes. It was getting the situation under control so  
14 as to prevent a recurrence or a restaging of a protest  
15 elsewhere. And that's what was very clear from all the  
16 perspectives around the table, that there was not confidence  
17 that we were on a track to getting the national emergency under  
18 control in the coming days, that it was continuing to be a  
19 situation that was not being controlled by police -- by  
20 officials.

21 **MS. SHANTONA CHAUDHURY:** Okay. So we will get to  
22 the First Ministers Meeting, but let's just finish off on this  
23 point with the 13<sup>th</sup>.

24 In a lot of the evidence that has come out before  
25 the Commission, we see hesitancy and reluctance to invoke the  
26 *Emergencies Act* so officials advising that this may make things  
27 worse, this may inflame tension, this may embolden protestors,  
28 et cetera. And we also obviously heard from Mr. Vigneault

1 saying and the CSIS assessment that there was no threat to the  
2 security of Canada under the *CSIS Act*.

3 And then we heard Mr. Vigneault say, "But I still  
4 thought that the Act was necessary and I conveyed that to the  
5 Prime Minister."

6 So can you tell us, was there consensus on the  
7 use of the Act? What did you hear about whether or not people  
8 agreed with this interpretation of whether you should invoke the  
9 Act?

10 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, there was  
11 consensus around the IRG table on Sunday the 13<sup>th</sup>. There was no  
12 question about it. And Director Vigneault's answer on that is  
13 absolutely consistent.

14 CSIS, for example, wouldn't feel that they had  
15 the capacity to bring in a wire tap against one of the convoy  
16 organizers under the *CSIS Act* because that -- the tools that  
17 they have and the threshold they have to meet for what is a  
18 threat to the security of Canada, according to CSIS' evaluation,  
19 was not met. And that was something we heard from the very  
20 beginning. CSIS continued to say from the beginning of the  
21 protest, we haven't yet, under the *CSIS Act*, reached the level  
22 of threats to Canada.

23 But the Director of CSIS is also one of the  
24 National Security Advisors to me and in looking at the frame and  
25 scope of the situation we were in, was very comfortable in  
26 saying, "Yeah, for the purposes of the *CSIS Act*, this is not  
27 met. But for the purposes of the *Public Order Emergencies Act*  
28 that the Governor in Council has to make a reasonable decision

1 about, we feel that it is met. And that was the consensus from  
2 officials around the table.

3           And again, it was about not even just sort of  
4 that binary, okay, do we declare the emergency or not? It's do  
5 we declare a public order emergency so that we can bring in  
6 these specific measures? And as we went around the table on  
7 that, and my expectation is, and that was a virtual table, I  
8 believe, but my expectation is always if you have significant  
9 disagreements, this is the time to speak up. There was no voice  
10 saying, "Hold it. We don't think you should do this," or, "I  
11 don't think you should do this," which does happen from time to  
12 time in Cabinet meetings and in IRGs. And if someone had come  
13 up and said, "Okay. We don't think -- us at Transport Canada,  
14 we don't think that we should invoke a public order emergency,"  
15 I would have said, "Thank you," I would have taken that into  
16 account, but I didn't need unanimity or full consensus in order  
17 to make the determination in Governor in Council according to  
18 that that we were moving forward. Obviously it helped.

19           And in this case, there was consensus around that  
20 table that invoking the *Emergencies Act* was what we needed to  
21 do.

22           **MS. SHANTONA CHAUDHURY:** And when you say that,  
23 are you speaking of the IRG in the afternoon or the eventual  
24 Cabinet meeting in the evening?

25           **PRIME MINISTER JUSTIN TRUDEAU:** I'm speaking  
26 about the IRG right now with where we went around the table with  
27 officials.

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



1                   **PRIME MINISTER JUSTIN TRUDEAU:** But we did a  
2 similar thing that afternoon -- sorry, that evening with the  
3 Cabinet meeting. I can talk about that if you want.

4                   **MS. SHANTONA CHAUDHURY:** Yeah, that's the segue.  
5 So please do. Tell us about the Cabinet meeting.

6                   **PREMIER MINISTRE JUSTIN TRUDEAU:** Alors, à la  
7 rencontre du Cabinet de ce soir-là, on a présenté les conditions  
8 qu'il fallait rencontrer pour l'invocation de la *Loi sur les*  
9 *mesures d'urgence* et on a parlé longuement des outils que ça  
10 nous permettrait d'amener, des -- six, je crois -- provisions qui  
11 allaient pouvoir, on l'espérait, mettre fin à cette situation,  
12 six éléments qu'on n'allait pas pouvoir amener ou invoquer par  
13 d'autres processus que l'appel à la *Loi sur les mesures*  
14 *d'urgence*. Il y a eu une bonne discussion autour de la table,  
15 tous ministres qui voulaient parler ont pu parler, et sans  
16 partager les délibérations, je peux dire qu'on est sortis avec  
17 un consensus clair que je devais procéder aux prochaines étapes  
18 de consultation avec les premiers ministres avec la possibilité  
19 d'invoquer la *Loi sur les mesures d'urgence*.

20                   Ça n'a pas été un moment où on a décidé  
21 d'invoquer la *Loi sur les mesures d'urgence*, mais j'ai pu  
22 entendre, comme j'avais entendu lors du groupe de réponse  
23 d'incidents plus tôt cette journée-là, qu'il y avait un niveau  
24 de confort et de consensus au lieu du fait que, oui, on va  
25 procéder avec les prochaines étapes vers l'invocation possible  
26 le lendemain.

27                   **MS. SHANTONA CHAUDHURY:** And was that question of  
28 the -- whether the threshold was met, was that part of the

1 discussion at the Cabinet table as well?

2 **PREMIER MINISTRE JUSTIN TRUDEAU:** Oui.

3 **MS. SHANTONA CHAUDHURY:** Okay. Et après... et  
4 enfin, vous avez eu la même sorte de consensus à la fin.

5 **PREMIER MINISTRE JUSTIN TRUDEAU:** Oui.

6 **MS. SHANTONA CHAUDHURY:** Okay. So that brings us  
7 to what we can loosely call decision day, February 14<sup>th</sup>. And I'm  
8 just going to kind of lay out the chronology of that day and  
9 then ask you, first of all, whether that is the correct  
10 chronology of the day and then ask you to speak to various parts  
11 of it.

12 So the First Minister's -- the decision coming  
13 out of Cabinet the evening before was to convene a First  
14 Minister's Meeting to have the obligatory consultation under  
15 section 25 of the *Emergencies Act* before it could be invoked.  
16 And we know that late that night, an invitation was sent out to  
17 the Premiers to that meeting. That invitation did not include  
18 the subject of the meeting, and we've heard some of your  
19 Ministers and officials speak to why, but in any event, so the  
20 First Minister's Meeting was held I believe at 10:15 the  
21 following morning on the 14<sup>th</sup>. Following that meeting, you had a  
22 call with opposition leaders, I believe, and a call with your  
23 own caucus?

24 **PRIME MINISTER JUSTIN TRUDEAU:** No.

25 **MS. SHANTONA CHAUDHURY:** No. Okay.

26 **PRIME MINISTER JUSTIN TRUDEAU:** The caucus call  
27 was before the First Minister's Meeting.

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

1           **PRIME MINISTER JUSTIN TRUDEAU:** I wanted to make  
2 sure that we shared with our members of caucus who were going to  
3 be involved in, well, very much a part of a government that has  
4 -- or would invoke the *Emergency Measures Act*, I wanted to let  
5 them know before Premiers were consulted. I wanted to let them  
6 know that I was about to consult the Premiers, but the sense was  
7 that caucus would -- should hear it before the Premiers heard  
8 about that.

9           **MS. SHANTONA CHAUDHURY:** That makes sense. Okay.  
10 So caucus call first, then First Minister's Meeting, then you  
11 spoke to opposition leaders. Then around 3:41 p.m. -- I said  
12 around, but we actually know the minute -- 3:41 p.m., you  
13 receive advice from the Clerk, and that advice, as we know, is  
14 that they recommended -- the Clerk recommends that you invoke  
15 the *Emergencies Act*. And shortly thereafter, there's a public  
16 announcement of it.

17           So just unpacking that, starting with the caucus  
18 call briefly, but the focus of this will obviously be the First  
19 Minister's meeting, take us through that day.

20           **PRIME MINISTER JUSTIN TRUDEAU:** The caucus call  
21 was informing them that I was about to go into a First  
22 Minister's Meeting in which I was going to present them with the  
23 fact that we were thinking about invoking the *Emergencies Act*.  
24 And I shared with them that these were the kinds of things that  
25 we would be giving police and various new -- various officials  
26 of authorities tools -- which tools would be able to move  
27 forward with that. So I presented it. It wasn't a big  
28 discussion. I wasn't looking for consensus. There wasn't a lot

1 of feedback. It was just informing them that we were taking  
2 this seriously and moving forward. And I dare say the response  
3 was very positive from our caucus.

4           Then the First Minister's Meeting. As I'd  
5 mentioned earlier, this was not the first time I talked about  
6 the *Emergencies Act* with Premiers. And I guess Ms. Telford had  
7 talked about it yesterday, I have had many, many, many First  
8 Minister's Meetings over the course of the past two years to  
9 deal with the pandemic emergency. And we have always worked  
10 very constructively together. And for me, being able to sit  
11 down with them and highlight that we were seriously considering  
12 invoking the *Emergencies Act* in order to do the following  
13 things, and I wanted to hear from them. And then I went around  
14 the table, across the country, to hear from each of them on  
15 their reflections, their inputs, their concerns, their support,  
16 their disagreements in some cases, but really wanted to hear  
17 what it was that they were going to be -- what their thinking  
18 was on this situation that would by definition affect all of  
19 them, on a situation that was, to a certain extent, affecting  
20 all of them.

21           The end of that meeting, I reached out to the  
22 opposition leaders, had conversations with them about what I was  
23 reflecting on doing, and asked for their support. And then  
24 started preparing for a potential announcement that afternoon as  
25 the note from the Clerk came in, making the official  
26 recommendation to the government that we invoke the *Emergencies*  
27 *Act*.

28           **MS. SHANTONA CHAUDHURY:** Okay. So let me start

1 with an initial question, taking you back to first thing in the  
2 morning. Had you made up your mind already?

3 **PRIME MINISTER JUSTIN TRUDEAU:** No. I certainly  
4 -- I was a long way down the road of realizing that it was  
5 probably the path we needed to take, but I did not make up my  
6 mind until the note from the Clerk was in front of me and it was  
7 in black and white that the public service made a formal  
8 recommendation that I invoke the *Emergencies Act*. If I'd gotten  
9 to that point and they had said, no, we still don't think the  
10 threshold is met, it is possible that we wouldn't be here today  
11 and I would not have invoked it, but I don't know. But the fact  
12 that when that note came in, I made that final decision with all  
13 the conversations, all the inputs and all the feedback that I'd  
14 gotten from caucus from -- or, sorry, Cabinet and from First  
15 Ministers and opposition leaders and all the officials I'd  
16 talked to, that was when I made the decision.

17 **MS. SHANTONA CHAUDHURY:** So going back to the  
18 First Minister's Meeting then, we understand it lasted about an  
19 hour and all of the Premiers had a chance to voice their  
20 opinions and their concerns, but is there anything they could  
21 have said or done at that point to change your mind?

22 **PRIME MINISTER JUSTIN TRUDEAU:** Absolutely. If  
23 someone had said, "Listen, I hear those six things you're  
24 planning on doing, you don't need them because these are the  
25 tools we're going to use instead. We have the power. We're  
26 going to be able to, in Ontario, do this and we're confident  
27 that that will end the situation in Ottawa and end the situation  
28 at potential blockades further on and keep us safe. This --

1 these -- you don't need to bring in compelling of tow truck  
2 drivers because we've figured out how to do it for good. We  
3 have a plan to put an end to this in a concrete and  
4 compelling..." Because I'd heard a lot of plans up until that  
5 point. But if I had been convinced that the -- that other  
6 orders of government or any other law in Canada was sufficient  
7 to deal with this emergency, then we wouldn't have met the  
8 threshold because part of the threshold for the *Emergencies Act*  
9 is -- and is unable to be dealt with under any other measures or  
10 laws in Canada. And if they had said convincingly, or enough of  
11 them had said, "No, no, you don't need it because we have it  
12 under control," which is, to a certain extent, what they all  
13 said to me when I had this conversation with them around the  
14 pandemic. I said, "Listen, there's a lot of pressure for us to  
15 look at the *Emergencies Act*. Do we need to bring in the  
16 *Emergencies Act*?" And they all said, "No, don't bring in the  
17 *Emergencies Act*. We've got it under control. We're able to do  
18 this in our own jurisdictions, in our healthcare systems. We  
19 don't need to do it." But the quarter emergency's different  
20 than public welfare emergency, but that principle was there, and  
21 we didn't invoke the Act back in the spring of 2020.

22 So, yes, they could have said things that  
23 prevented me, that I would have said, "Okay, let's give it a few  
24 more days, or let's not do this at all." They said lots of  
25 things, but that threshold that I had personally wasn't met.

26 **MS. SHANTONA CHAUDHURY:** And you mentioned -- I  
27 mean, some of them did express opinions around the lines of,  
28 well, we kind of got -- we got it under control here. This

1 problem isn't really cropping up here or it's cropping up here  
2 in a way that our law enforcement can deal with.

3           So are you drawing a distinction there between,  
4 okay, the Premiers may say it's under control here, but that  
5 doesn't mean it's under control everywhere, so they would have  
6 had to come to you with something that would have solved the big  
7 problem as you saw it? Is that ---

8           **PRIME MINISTER JUSTIN TRUDEAU:** I think there  
9 just would have been a sense that the measures I was proposing  
10 weren't going to be useful or effective, and what I heard on the  
11 contrary was concerns that we'd shared that this might inflame  
12 the protestors to declare a public order emergency and bring in  
13 martial law, which was one of the concerns, or that they would  
14 interpret it as that.

15           Of course, it wasn't martial law and it did not  
16 suspend people's fundamental rights and freedoms. But it -- at  
17 the same time, they expressed these concerns which we had  
18 shared, but I was balancing off against, okay, there is a danger  
19 of further inflaming the situation, but the situation was  
20 already pretty inflamed and my concern was if we continued to  
21 not do anything, are enough citizens going to start counter-  
22 protesting and taking things into their own hands at various  
23 places across the country that we do get into dangerous, violent  
24 situations.

25           Even Premier Moe, I believe -- we could pull it  
26 up, but I think people have seen it a few times -- highlighted  
27 that he didn't have any real -- that the six elements we had  
28 seemed reasonable enough, but he was in disagreement with the

1 invocation of the *Emergencies Act*, that those six elements we  
2 should maybe move forward with in some way, but without doing  
3 the *Emergencies Act*.

4           That was something that we'd looked at trying to  
5 do as well, but it was clear that in order to do those -- bring  
6 in those tools, the *Emergencies Act* was the vehicle that was  
7 created for that purpose so that we could respond to a national  
8 emergency.

9           Jason Kenney, I believe, said, "I'm not going to  
10 quibble with the use of the Act, but we don't need it here in  
11 Alberta".

12           And that was something that came out a number of  
13 times even by those who were supporting it, said, "Yeah, you do  
14 what you need to do. Don't think we need it here, but I know  
15 this is a situation where you should probably do it" or "Can you  
16 not do it in my jurisdiction and just do it for Ontario?".

17           And that was certainly something that I had  
18 reflected on and certainly reflected on further through that  
19 conversation, but the reality is there were pop-ups and  
20 troubling reports right across the country that we were getting  
21 from all of our various inputs.

22           There was a financing of these convoys that was  
23 coming from every corner of the country and internationally.  
24 These were things that were generalized across the country, and  
25 therefore, required a use of the *Emergencies Act*.

26           Par exemple, le premier ministre Legault a  
27 exprimé une préoccupation qu'il ne voulait pas que tout à coup  
28 la GRC vienne prendre contrôle de toutes les actions policières



1 au Québec, ou qui n'en avait pas besoin. Et puis j'ai pu le  
2 rassurer, et c'est d'ailleurs quelque chose que j'ai intégré  
3 dans mes... mon discours et mes communications par la suite, que  
4 c'était là pour être utilisé si nécessaire, mais si par exemple  
5 il y avait un blocage à Lacolle et la SQ était tout à fait  
6 capable de « dealer » avec, de le régler, comme ils ont pu très  
7 bien répondre lors de la deuxième fin de semaine à un attentat  
8 de convoi à Québec, la GRC n'allait rien faire, n'était que là  
9 que pour appuyer si nécessaire, et que c'était ça l'encadrement  
10 qu'on allait faire à ce niveau-là.

11                               Alors ça a été une conversation très utile, et  
12 j'ai entendu bien des perspectives là-dessus, et ça a été... ça a  
13 été bien pour moi de pouvoir les entendre, même avec les  
14 différences d'opinions, pour être rassuré dans ce que je  
15 faisais.

16                               **COMMISSIONER ROULEAU:** Is this a good time for  
17 the break?

18                               **MS. SHANTONA CHAUDHURY:** One very quick question.  
19 Then I'm done this entire part.

20                               **COMMISSIONER ROULEAU:** Okay.

21                               **MS. SHANTONA CHAUDHURY:** It's the last question I  
22 want to ask you about that day, Prime Minister.

23                               So at 3:41 you received the decision note from  
24 the clerk, the recall of the invocation memo. Technically it's  
25 a decision note.

26                               Presumably you read it.

27                               **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

28                               **MS. SHANTONA CHAUDHURY:** Okay. And was there

1 anything in it that surprised you? Was that the advice you were  
2 expecting to get from the clerk or was it ---

3 **PRIME MINISTER JUSTIN TRUDEAU:** It was the advice  
4 that was consistent with the consensus around the table the day  
5 before at the IRG. You know, the clerk and the National  
6 Security and Intelligence Advisor and the deputy clerk and all  
7 the heads of departments and agencies had had a chance to weigh  
8 in on the various measures and on the invocation, and there was  
9 a clear consensus coming out there that this was what we should  
10 do.

11 But it was a big thing, not a small thing, to  
12 have the head of the public service formally recommend the  
13 invocation of the *Emergencies Act* and the declaration of a  
14 public order emergency.

15 It's not something that had ever been done in  
16 Canada before. It was certainly not something that we undertook  
17 to do lightly. And as the Prime Minister, I get to sign off and  
18 agree with these notes or in some cases disagree with them, and  
19 that was a moment that I took with the weight of the decision I  
20 was about to take and I reflected briefly on, first of all, the  
21 reassurance that it gave me that the entire system, all the  
22 inputs in the system had come up to the Clerk of the Privy  
23 Council, the top public servant in Canada, impartial,  
24 professional public service making the recommendation to move  
25 forward on this. It was essential to me.

26 But I also reflected on, okay, what if I don't  
27 sign it? What if I say, okay, we now have advice from the  
28 professional public service to invoke a public order emergency

1 and I decide, you know what, let's give it a few days? Where  
2 the professional public had made a determination that the  
3 thresholds were met, that the use of it was appropriate and, you  
4 know, responsible and the measures were the right ones that we  
5 were going to put in it and I said, no, you know what; let's  
6 wait and see another few days, another week to see if we really  
7 need to do it.

8                   First of all, what if the worst had happened in  
9 those following days? What if someone had gotten hurt? What if  
10 a police officer had been put in the hospital? What if when I  
11 had an opportunity to do something I had waited and we had the  
12 unthinkable happen over the coming days even though there was  
13 all this warning that it was possibly coming?

14                   I would have worn that in a way that we would  
15 certainly be talking about it in a forum such as this. But more  
16 than that, the responsibility of a Prime Minister is to make the  
17 tough calls and keep people safe. And this was a moment where  
18 the collective advice of Cabinet, of the public service and my  
19 own inclination was that this was a moment to do something that  
20 we needed to do to keep Canadians safe and knowing full well  
21 that this was an inevitable consequence of me signing I agree on  
22 this note, I was very comfortable that we were at a moment where  
23 this was the right thing to do, and we did it.

24                   And it is a certain amount of comfort that, first  
25 of all, the system is working as it should, that people who are  
26 defending civil liberties are able to say, "You really should be  
27 careful about doing this. Maybe you shouldn't have done it",  
28 that we have a system back on this because it's a big thing, not

1 a small thing to do this.

2 But that also we were able to solve the situation  
3 with it. There was no loss of life. There was no, you know,  
4 serious violence. That we were able to get neighbourhoods back  
5 under control, border services opened, and there haven't been a  
6 recurrence of these kinds of illegal occupations since then.

7 I'm not going to pretend that it's the only thing  
8 that could have done it, but it did to it. And that colours the  
9 conversations we're having now with the fact that these could be  
10 very different conversations, and I am absolutely, absolutely  
11 serene and confident that I made the right choice in agreeing  
12 with the invocation.

13 **MS. SHANTONA CHAUDHURY:** Mr. Commissioner,  
14 definitely a good time for a break.

15 **COMMISSIONER ROULEAU:** Okay. So we'll take the  
16 morning break. We'll take 15 minutes, please.

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

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

20 --- Upon resuming at 11:41 a.m.

21 **THE REGISTRAR:** Order. À l'ordre. The  
22 Commission has reconvened. La Commission reprend.

23 **COMMISSIONER ROULEAU:** Bon, alors on reprend.  
24 Allez-y.

25 **MS. SHANTONA CHAUDHURY:** Merci, Monsieur.

26 **--- PRIME MINISTER JUSTIN TRUDEAU, Resumed:**

27 **--- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY (Cont'd):**

28 **MS. SHANTONA CHAUDHURY:** Prime Minister, you

1 mentioned before the break that you thought it was a good thing  
2 that Commissions like this one are here to challenge your  
3 decision to invoke the *Emergencies Act*. I'm about to put that  
4 to the test, because as you can imagine that decision has come  
5 under a lot of criticism, and we've heard a lot of that  
6 criticism over the last six weeks of these hearings. So I'm  
7 going to put to you some of the criticisms that we've heard, and  
8 I'd like to hear your answers on them.

9                   The first one is, well actually, the first one  
10 was that the threshold wasn't met, but I think we have covered  
11 that, we don't need to go over that one again.

12                   The second one is that invoking the *Emergencies*  
13 *Act* was executive overreach. It's an anti-democratic act.

14                   **PRIME MINISTER JUSTIN TRUDEAU:** It exists because  
15 it was debated and voted on in Parliament many years ago, but  
16 duly written into the books and the laws of Canada as a tool  
17 available for a situation around emergencies like this. It  
18 requires -- they're written for situations where the emergency  
19 or the urgency requires a government to have tools to put into  
20 place in unforeseen circumstances that can't be anticipated  
21 years or decades in advance, but that's why it was an important  
22 debate when it was brought in, and that's why there are  
23 mechanisms afterwards to ensure that it was not used erroneously  
24 or lightly.

25                   First mechanisms, votes, a vote in the House.  
26 Next one, a Parliamentary committee, designed to look into it.  
27 The third one, and most importantly, this process itself, which  
28 is a really important one that knew from the moment I invoked

1 that we were going to end up in a room such as this doing this  
2 work and I would have to explain and we as a Government would  
3 have to explain and justify this decision to Canadians because  
4 the use of special temporary emergency powers is something that  
5 Canadians need to be reassured is within the rules and the  
6 principles of our democracy, and that's exactly what this is.

7 **MS. SHANTONA CHAUDHURY:** Do you think the  
8 accountability mechanisms work? Is this a proper check on that  
9 power in your view, sitting in your chair right now?

10 **PRIME MINISTER JUSTIN TRUDEAU:** Sitting in this  
11 chair, and having watched the questions posed of officials and  
12 ministers and now me, I can say that it's not something that any  
13 government would undertake lightly. This is a serious process  
14 where there is a serious challenge function being exercised, as  
15 it should be.

16 As to whether it's the best way of doing things,  
17 this law was brought in almost 30 years ago. There's always  
18 ways of reflecting on doing it differently or better, but  
19 that'll be the will of the House and that'll be based on perhaps  
20 recommendations by the Commission. But I think this process  
21 works.

22 **MS. SHANTONA CHAUDHURY:** Okay. The second, or  
23 another criticism that's been levelled or challenge that's been  
24 made is that it wasn't really necessary, the situation would  
25 have resolved itself. And in the end, the way things played  
26 out, the Declaration was made the 14<sup>th</sup>. The Orders came in the  
27 15<sup>th</sup>. And then by the 23<sup>rd</sup>, it was revoked, and everything was  
28 solved, and many of the measures put in were never even used.

1 So how do you respond to that, you didn't actually have to do  
2 it, it wasn't a necessary measure at the time?

3 **PRIME MINISTER JUSTIN TRUDEAU:** It's hard to  
4 prove a hypothetical, that if we hadn't done it, things could  
5 have been resolved. Perhaps. Perhaps they would have gotten  
6 much worse. My role was to make what was the responsible call  
7 in keeping Canadians safe. The Act was used in many different  
8 ways. And far from being, as you perhaps suggest, a proof point  
9 that it wasn't needed, that it was only in place for such a  
10 short period of time, I think that goes to the fact that it was  
11 needed and it was effective in actually doing, with as light a  
12 touch as we thought we could have, a resolution to this ongoing  
13 situation and emergency.

14 **MS. SHANTONA CHAUDHURY:** Okay. There's also an  
15 argument made that this invocation -- you were dealing with an  
16 Act that has never been invoked before and now it has been. And  
17 there's a possibility that this invocation of the Act will then  
18 open the floodgates, in a sense, to the Act being used again and  
19 again and again, particular because -- and we have your point on  
20 this, but you invoked it in the circumstance where the threat to  
21 the security of Canada had not been found by CSIS. So does this  
22 in effect open the floodgates to the *Emergencies Act* being used  
23 by a decision -- by the executive in all kinds of circumstances?

24 **PRIME MINISTER JUSTIN TRUDEAU:** But CSIS isn't  
25 the decision maker in a matter of public order emergencies. The  
26 use of the definition in the *CSIS Act*, as I said before, has two  
27 very different contexts from the use of it by CSIS and the use  
28 of it in invocation of a public order emergency. The context is

1 different, the purpose is different, the decision maker is  
2 different. The requirements around it, the inputs are  
3 different. And the fact that the Director of CSIS, while  
4 consistently saying it doesn't yet meet the CSIS threshold for  
5 CSIS to act in wiretapping people or whatever it is, it is still  
6 something that is necessary for a public order emergency.

7 **MS. SHANTONA CHAUDHURY:** But do you worry about  
8 the floodgates' aspect of this, that having done this, you've  
9 now maybe unleashed the kraken?

10 **PRIME MINISTER JUSTIN TRUDEAU:** I think, first of  
11 all, the excellent work of this Commission and all the cross-  
12 examiners have been doing over the past number of weeks  
13 highlights that it's not something to be undertaken lightly.  
14 And I didn't need to have seen this Commission to consider this  
15 very much to be a measure of last resort. This wasn't something  
16 we were eager to do. And I dare say that future governments are  
17 likely to look at this experience and say, "Yeah, no, it's not -  
18 - really not something we want to go through lightly." But the  
19 law is on the books to assist in dealing with national  
20 emergencies, and the determination was made by the Governor in  
21 Council, by the professional Public Service, that the thresholds  
22 were met and that this was necessary. And regardless of any  
23 setting of precedence, I think it would be worse thing for me to  
24 say even though the thresholds have been met, even though it is  
25 needed and necessary, we're not going to do it because someone  
26 might abuse it or overuse it in the years to come. When there's  
27 a national emergency and serious threats of violence to  
28 Canadians and you have a tool that you should use, how would I



1 explain it to the family of a police officer who was killed, or  
2 a grandmother who got run over stopping -- trying to stop a  
3 truck, or a protester who was killed if I hadn't used the tools,  
4 if one of the protesters, one of the occupiers had been killed  
5 in a violent clash with someone else? Getting this situation  
6 under control and protecting the safety of all Canadians is a  
7 priority.

8 **MS. SHANTONA CHAUDHURY:** On the same theme but  
9 slightly different, the Act was invoked here in response to a  
10 protest, and protest is a very important part of a functioning  
11 democracy, and you touched in this on -- in one of your answers  
12 before the break, but does this open the door then to the  
13 *Emergencies Act* being regularly used as a tool to quell protest?  
14 Because protest is not necessarily clean. It's -- protest can  
15 be messy and can be problematic and it can interfere at times  
16 with critical infrastructure. You think of Indigenous protest,  
17 environmental protest, so what stops this from being used  
18 against that?

19 **PRIME MINISTER JUSTIN TRUDEAU:** Again, the checks  
20 and balances we have and the need to demonstrate and meet the  
21 high threshold, but also from experience over the past even  
22 years, we've seen many protests and disruptions across this  
23 country, including protests of, as you say, critical  
24 infrastructure and economic -- of economic importance, and it  
25 never occurred to me or to the government to invoke the  
26 *Emergencies Act* around any of those. Now, to your point around  
27 maybe future governments will run to it as a tool now that the  
28 seal has been broken, but I have greater faith in Canadians and

1 in our institutions than the fact that we might sort of shrug as  
2 our fundamental rights are casually brushed aside in the name of  
3 political expediency or a national emergency that actually  
4 wouldn't be one.

5 **MS. SHANTONA CHAUDHURY:** Another criticism that  
6 has levelled is that while the protests may have gotten you may  
7 say out of hand, or snowballed, and been extremely disruptive,  
8 they weren't the actions of a small minority, but a real  
9 expression of frustration, of legitimate frustration on behalf  
10 of a significant number of Canadians who had been through --  
11 either suffered from or felt aggrieved by years of Public Health  
12 measures. And in response to that, they wanted to engage, and  
13 they wanted you to speak to them, and they wanted to hear  
14 directly from their federal government and that did not happen.  
15 So do you have an answer to that?

16 **PRIME MINISTER JUSTIN TRUDEAU:** I think, first of  
17 all, we heard them. We knew exactly what they were asking for.  
18 They were very, very clear that they wanted an end to mandates.  
19 The convoy protesters were expressing their disagreement with  
20 very specific public policies that they were very vocal, both in  
21 mainstream communications and through social media on what they  
22 wanted, and they were very much heard. They had political  
23 parties in the previous election very much carrying those  
24 messages, and, you know, presenting them to Canadians as part of  
25 the options that Canadians had to chose in that previous  
26 election. So people were well aware of the opinions and  
27 concerns and perspective of those individuals. But it was clear  
28 that it wasn't that they just wanted to be heard. They wanted

1 to be obeyed. They wanted us to change public policy, Public  
2 Health policy designed to help Canadians and were going to  
3 occupy locations across this country and interfere with the  
4 lives of Canadians until such a decision was taken. And I can't  
5 help but have noticed that when Premier Kenney in Alberta did  
6 during the course of these convoy occupations, remove a number  
7 of mandates instead of decreasing the amount of concern, the  
8 convoy at Coutts, the occupation at Coutts seemed to be  
9 emboldened, say, "Look, it's starting to work. Let's keep  
10 going," instead of actually de-escalating.

11 So I was -- I am very aware that expressing  
12 concern and disagreement around positions of public policy is  
13 the right and is to be encouraged by any Canadian who wants to,  
14 but the occupation and destabilization of -- and disruption of  
15 the lives of so many Canadians, and refusal to maintain a lawful  
16 protest, is not all right.

17 **MS. SHANTONA CHAUDHURY:** One thing we haven't  
18 talked about yet is -- I assume you're familiar with the section  
19 58 report to Parliament explaining that the reasons for invoking  
20 the *Emergencies Act*. If we look at that report, much of it  
21 focuses on the economic consequences of the protest and the  
22 economic disruptions and the economic -- the threats to economic  
23 security. And we've -- you've spoken this morning about how the  
24 threshold for invoking the *Emergencies Act* was met because there  
25 were threats of serious violence. But we haven't really  
26 addressed where economic security fits into this picture, so I'd  
27 like to hear you on that.

28 **PRIME MINISTER JUSTIN TRUDEAU:** I think it's a

1 piece of it, obviously. If people are facing losses of income,  
2 if we're seeing massive disruption in a country's economy that  
3 will have, and that could have, real impacts on the stability  
4 and security of individuals within that country. But it was an  
5 additional concern on the situation, it wasn't the primary or  
6 the foundational one. Our job in here was to make sure we're  
7 keeping Canadians safe and countering the threats of serious  
8 violence that the occupations represented, and that's what we  
9 focused on.

10 **MS. SHANTONA CHAUDHURY:** Okay. The last question  
11 I want to ask you, Prime Minister, is on the question of trust  
12 in public institutions.

13 We know you've said that part of -- part of your  
14 rationale for invoking the *Emergencies Act* and for reacting to  
15 what you were seeing around you was you were seeing a loss of  
16 confidence and a loss of faith in Canada's public institutions,  
17 and that factored into your thinking.

18 Against that is put that this action has  
19 destroyed a lot of people's faith in their public institutions,  
20 because it was seen as executive overreach. So what is your  
21 response to that; how do you see this having affected one way or  
22 the other?

23 **PRIME MINISTER JUSTIN TRUDEAU:** I think we saw  
24 during the past couple of years, and beyond that, in the times  
25 we're living in, that people's faith in their institutions and  
26 in their democracy is really, really important.

27 In -- during the pandemic, one of the things we  
28 knew that was really important was if we wanted people to follow

1 Public Health advice, if we wanted them to stay safe during the  
2 pandemic and stay home during those first weeks of pan-Canadian  
3 lockdown, we needed to be delivering income supports; support  
4 for small businesses, support so people could hang on and know  
5 that as they did the things that kept themselves and their  
6 families safe, their institutions were there to support them.  
7 And building up that confidence in institutions is really  
8 important. And when people across this country were noting that  
9 our police can't even maintain order in our capital city; that  
10 we cannot maintain the flow of essential goods and services over  
11 our most important border crossing; that armed protesters at  
12 Coutts in Alberta were able to defy the police for so long,  
13 people's faith in our country's institutions able to do the  
14 basic things around keeping them safe, gets eroded. And that is  
15 something that one has to take very -- that I took very, very  
16 seriously.

17 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Minister  
18 those are my questions.

19 **COMMISSIONER ROULEAU:** Okay. Thank you very  
20 much.

21 We're going to now move into the cross-  
22 examinations. So I'd like to call on, first, the CCLA, please.

23 (SHORT PAUSE)

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

25 **MS. EWA KRAJEWSKA:** Good afternoon, Prime  
26 Minister. My name is Ewa Krajewska, and I'm counsel for the  
27 Canadian Civil Liberties Association.

28 Prime Minister, let's just -- I did want to start

1 off with a quick -- the quick chronology leading up to the  
2 invocation of the *Emergencies Act*. On February 13<sup>th</sup>, you meet  
3 with the IRG around 4:00 p.m.; correct?

4 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

5 **MS. EWA KRAJEWSKA:** And then you meet with  
6 Cabinet the evening of the 13<sup>th</sup>; correct?

7 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

8 **MS. EWA KRAJEWSKA:** And at that time, Cabinet  
9 delegates to you the ultimate decision to invoke the *Emergencies*  
10 *Act*, and Clerk Charette characterized this as, "Left it at  
11 referendum to the Prime Minister"; correct?

12 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

13 **MS. EWA KRAJEWSKA:** And you consult with your  
14 Caucus the morning of the 14<sup>th</sup>; correct?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MS. EWA KRAJEWSKA:** And then with the First  
17 Ministers, the morning of ---

18 **PRIME MINISTER JUSTIN TRUDEAU:** Sorry; it was  
19 more of a informing Caucus than consulting with them, but yes.

20 **MS. EWA KRAJEWSKA:** Okay, that's fine. And then  
21 you consult with the First Ministers, also the morning of the  
22 14<sup>th</sup>?

23 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

24 **MS. EWA KRAJEWSKA:** You speak to Mr. Jagmeet  
25 Singh and the leader of the Opposition, Ms. Bergen, that same  
26 day, and you announce the invocation of the EA at a 4:30 press  
27 conference that afternoon; correct?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

1                   **MS. EWA KRAJEWSKA:** Correct. And so the  
2 *Emergencies Act* is invoked on February 14<sup>th</sup>, and then the  
3 measures that are put in place under the *Emergencies Act* are  
4 enacted on February 15<sup>th</sup>; correct?

5                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

6                   **MS. EWA KRAJEWSKA:** And those -- if I can put  
7 them as two buckets, the two buckets of measures that are  
8 invoked on the 15<sup>th</sup>, the first are -- there will -- there's now a  
9 prohibition on public assembly that may lead to a breach of the  
10 peace; correct?

11                   **PRIME MINISTER JUSTIN TRUDEAU:** M'hm.

12                   **MS. EWA KRAJEWSKA:** And the second are various  
13 economish [*sic*] measures that include the freezing of accounts  
14 of anyone who is involved in that public assembly that may lead  
15 to a breach of the peace; correct?

16                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

17                   **MS. EWA KRAJEWSKA:** Right. And now going --  
18 going back a little bit, we talk -- you spoke briefly about  
19 Windsor. The blockade at the Ambassador Bridge, that was a  
20 significant event that was one of the events that lead to the  
21 invocation to the *Emergencies Act*; correct?

22                   **PRIME MINISTER JUSTIN TRUDEAU:** It was one of  
23 many, but yes.

24                   **MS. EWA KRAJEWSKA:** It was one of many. And you  
25 understand that the police, both the Windsor Police Service and  
26 the OPP, started to clear that block starting on February 12<sup>th</sup>?

27                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

28                   **MS. EWA KRAJEWSKA:** And that continued on

1 February 13<sup>th</sup>?

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

3 **MS. EWA KRAJEWSKA:** And I believe WPS, Windsor  
4 Police Service, tweeted that the Windsor Ambassador Bridge was  
5 cleared at 01200 on February 14<sup>th</sup>?

6 **PRIME MINISTER JUSTIN TRUDEAU:** That sounds  
7 right.

8 **MS. EWA KRAJEWSKA:** Now, with respect to Coutts,  
9 that was another blockade of a border that was causing you and  
10 the government a significant concern; correct?

11 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

12 **MS. EWA KRAJEWSKA:** And you were informed by  
13 Premier Kenney on February 14<sup>th</sup> in the morning that the RCMP had  
14 started to make arrests the night before; correct?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MS. EWA KRAJEWSKA:** And that, in his words, the  
17 situation has been secured, and they will now proceed with  
18 broader arrests and secure the border; do you remember that?

19 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

20 **MS. EWA KRAJEWSKA:** Okay. And in Alberta --  
21 Alberta is one of the provinces that had in place, or has in  
22 place, a critical infrastructure legislation that protects  
23 critical infrastructure from blockades, including highways;  
24 correct?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26 **MS. EWA KRAJEWSKA:** Now Ottawa. Ottawa -- the  
27 Ottawa demonstrations and the blockades, they don't get removed  
28 until later in the week of February 15<sup>th</sup>; correct?



1                   **PRIME MINISTER JUSTIN TRUDEAU:** Correct.

2                   **MS. EWA KRAJEWSKA:** And for the purpose of that  
3 operation, the RCMP, the OPP, and the OPS, they form a joint  
4 command.

5                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

6                   **MS. EWA KRAJEWSKA:** And, Prime Minister, you  
7 agree that the *Emergencies Act* and the Orders enacted under the  
8 *Emergencies Act* -- there was nothing in those Order that created  
9 the joint command?

10                  **PRIME MINISTER JUSTIN TRUDEAU:** No.

11                  **MS. EWA KRAJEWSKA:** Right, that ---

12                  **PRIME MINISTER JUSTIN TRUDEAU:** Sorry. Yes, I  
13 agree that the *Emergencies Act* did not address creation of joint  
14 commands, although it did allow for the easy deputization of  
15 RCMP officers to enforce municipal bylaws and municipal rules  
16 without having to go through the usual processes that are  
17 required, if they want to do that, ---

18                  **MS. EWA KRAJEWSKA:** It ---

19                  **PRIME MINISTER JUSTIN TRUDEAU:** --- which allowed  
20 for a greater integration.

21                  **MS. EWA KRAJEWSKA:** Correct. And it didn't -- it  
22 skipped -- it did away with the administrative process that was  
23 taking sometime of having the RCMP enforce ---

24                  **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

25                  **MS. EWA KRAJEWSKA:** --- local bylaws?

26                  **PRIME MINISTER JUSTIN TRUDEAU:** So it did  
27 facilitate the coming together of those three forces.

28                  **MS. EWA KRAJEWSKA:** But the Joint Command, in and

1 of itself, that was something that the police could have created  
2 and could have done without the invocation of the *Emergencies*  
3 *Act*.

4 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

5 **MS. EWA KRAJEWSKA:** Right. And we heard evidence  
6 from Commissioner Lucki of the RCMP that she had signed off on a  
7 plan to enforce and remove the protesters in Ottawa on  
8 February 13th, that she had confidence in it. She and the OPP  
9 and the OPS had confidence in. Did you hear that testimony?

10 **PRIME MINISTER JUSTIN TRUDEAU:** No, I disagree  
11 with that.

12 **MS. EWA KRAJEWSKA:** Okay, you disagree with that.

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. I do not  
14 believe that the plan that was either signed off on, supposedly  
15 by the RCMP, or presented by the Ottawa Police Services on the  
16 13th, was in any real regards an actual plan for clearing the  
17 protests.

18 **MS. EWA KRAJEWSKA:** And is this a plan that you  
19 saw or that you were just spoken to about?

20 **PRIME MINISTER JUSTIN TRUDEAU:** I was spoken to  
21 about it. I did not see it myself.

22 **MS. EWA KRAJEWSKA:** Okay. And were you spoken to  
23 about it by Commissioner Lucki or by Minister Mendicino?

24 **PRIME MINISTER JUSTIN TRUDEAU:** I don't remember.

25 **MS. EWA KRAJEWSKA:** You don't remember. But as  
26 of February 13th, your impression was that the plan that was in  
27 place at that time was not one that you or the RCMP had  
28 confidence in?

1                   **PRIME MINISTER JUSTIN TRUDEAU:** It was not one  
2 that we had confidence in, no.

3                   **MS. EWA KRAJEWSKA:** Okay. All right. I will  
4 leave it there because I think there are other parties here that  
5 understand that better than I do.

6                   Okay. So in terms of the legal tools that were  
7 available in Ottawa, we heard evidence from  
8 Superintendent Bernier, who was the Event Commander for the  
9 Ottawa Police Services. You're familiar with that?

10                  **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

11                  **MS. EWA KRAJEWSKA:** Okay. He testified that he  
12 did not communicate to anyone that he needed or the OPS needed  
13 additional tools in order to implement their plan. Did you hear  
14 that evidence?

15                  **PRIME MINISTER JUSTIN TRUDEAU:** In hindsight,  
16 yes, during this process.

17                  **MS. EWA KRAJEWSKA:** During this process. But at  
18 the time, you did not hear from OPS or Superintendent Bernier  
19 that the OPS required additional legal tools or legal resources?

20                  **PRIME MINISTER JUSTIN TRUDEAU:** What we saw  
21 consistently was the occupation was continuing and the ability  
22 of the police to resolve it was not there.

23                  **MS. EWA KRAJEWSKA:** Right. And you spoke to that  
24 earlier with Ms. Chaudhury, that both you, the Government, and I  
25 think both Clerk Surette and Deputy Clerk Drouin all expressed  
26 the view that -- view or even frustration that the police had  
27 not been using the legal tools available to them to remove the  
28 demonstrators?

1                   **PRIME MINISTER JUSTIN TRUDEAU:** Or had not been  
2 able to use ---

3                   **MS. EWA KRAJEWSKA:** Or had not been able to use  
4 those tools?

5                   **PRIME MINISTER JUSTIN TRUDEAU:** --- these legal  
6 tools. Yes.

7                   **MS. EWA KRAJEWSKA:** Okay. And Prime Minister,  
8 Brenda Lucki, the Commissioner of the RCMP, also, on the 13th,  
9 she was of the view that existing legal tools had not been  
10 exhausted and she communicated this to the Chief of Staff of --  
11 to Minister Mendicino. Were you aware of that?

12                   **PRIME MINISTER JUSTIN TRUDEAU:** I was not aware  
13 of that at the time. As we went around the virtual table at the  
14 IRG that day, the consensus from everyone, including the  
15 Commissioner of the RCMP, was clear that we were advancing on  
16 these extra tools. And I -- as I said, I don't disagree with  
17 that assessment that not all tools had been used, that was part  
18 of the problem, that not all tools were being used to end this  
19 occupation.

20                   **MS. EWA KRAJEWSKA:** Right. And Prime Minister,  
21 we talked the threshold for invoking a national emergency. You  
22 spoke about that briefly in your examination in-Chief. And you  
23 understand that the -- other than the threshold in the *CSIS Act*  
24 part of the test is whether the matter exceeds both the capacity  
25 and the authority of a province to deal with the matter. You  
26 understand that.

27                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

28                   **MS. EWA KRAJEWSKA:** And Deputy Clerk Drouin said

1 that authority refers to legal authority, and capacity refers to  
2 operational capacity. And you would agree with that.

3 **PRIME MINISTER JUSTIN TRUDEAU:** Okay, yes.

4 **MS. EWA KRAJEWSKA:** And when you -- I'm taking  
5 you back now to your press conference at 4:30 on the 14th. At  
6 that press conference, you specifically referred to the fact  
7 that there were serious challenges to law enforcement's ability  
8 to effectively enforce the law. You remember that?

9 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

10 **MS. EWA KRAJEWSKA:** And that the *Emergencies Act*  
11 will be used to strengthen and support law enforcement agencies  
12 at all levels of the country. Do you remember saying that?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

14 **MS. EWA KRAJEWSKA:** And that the police will be  
15 given more tools to restore order in places where public  
16 assemblies can constitute illegal and dangerous activities.

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

18 **MS. EWA KRAJEWSKA:** And so at that time, that was  
19 one or one of the main justifications that you stated publicly  
20 for the invocation of the *Emergencies Act*?

21 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

22 **MS. EWA KRAJEWSKA:** And that was, again, because  
23 many of your ministers and many of the people in the public  
24 service had expressed frustration with the police inability to  
25 exercise those legal tools?

26 **PRIME MINISTER JUSTIN TRUDEAU:** No. It wasn't  
27 just because people had expressed frustration, it was real  
28 concern. As you mentioned that a number of places were moving

1 in the right direction in terms of resolving the situation at  
2 Coutts, resolving the situation at the Ambassador Bridge, there  
3 was a very real and present concern that it is one thing to  
4 clear a lane or two it is another thing to keep a border  
5 location, or otherwise, open. And what we had seen was  
6 intentions for the convoy to pop up again at the Blue Water  
7 Bridge in Sarnia, at Fort Erie there was discussion of a call,  
8 there were more activities starting in Surrey in B.C. at other  
9 border crossings.

10                   There was a ongoing concern that it wasn't just  
11 about ending the places that were there, it was ensuring that  
12 they simply didn't shift to another locale. Because many of  
13 these convoy participants had come a long way across the  
14 country, and were mobile enough to go to another nearby  
15 location.

16                   **MS. EWA KRAJEWSKA:** And so you were, in a sense,  
17 making sure -- it was almost preventative. Preventative in  
18 terms of "we remove them and we want to prevent them from  
19 relocating and restaging at another location." Would that be  
20 fair?

21                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes, that was a  
22 concern, but at the same time there was very much a concern that  
23 it be temporary, that we'd rather that we not keep the  
24 *Emergencies Act* in place for a minute longer than necessary.  
25 And when the RCMP suggested that they wanted it in place for  
26 three weeks or they would need it in place for up to three  
27 weeks, you know, we took that very seriously as a request, but  
28 we ended up saying "no, we're going to end it as quickly as we

1 can", and we did.

2 **MS. EWA KRAJEWSKA:** And Prime Minister, you spoke  
3 about how you were advised that it would be impermissible for  
4 the Government to direct the police, and that was a line that  
5 you and your staff and your ministers understood very clearly.  
6 Correct?

7 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, we were very  
8 careful about that ---

9 **MS. EWA KRAJEWSKA:** You were very careful ---

10 **PRIME MINISTER JUSTIN TRUDEAU:** --- and aware of  
11 that.

12 **MS. EWA KRAJEWSKA:** --- about that.

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

14 **MS. EWA KRAJEWSKA:** But you'd agree that when you  
15 invoked the *Emergencies Act* and you very publicly stated to  
16 police "these are tools that you now have" that you are publicly  
17 signalling "this is the road we want you to walk down now, and  
18 use these tools in order to deal with these demonstrators." Do  
19 you agree with that?

20 **PRIME MINISTER JUSTIN TRUDEAU:** We were very  
21 clearly saying that we need to restore enforcement of the law  
22 and we need to restore public order. But as I said clearly a  
23 little earlier, in the situation of a theoretical blockade at  
24 Lacolle, I was very clear with the Premier of Quebec, and indeed  
25 in communications, that if the Public Order Emergency tools  
26 weren't necessary they didn't need to use them.

27 **MS. EWA KRAJEWSKA:** And Quebec did not invoke  
28 their own *Emergencies Act*; correct? They did not.

1                   **PRIME MINISTER JUSTIN TRUDEAU:** I'm not sure, but  
2 I'll take your word for it.

3                   **MS. EWA KRAJEWSKA:** Well, I don't think Quebec  
4 invoked their *Emergencies Act* for the purposes of the thing --  
5 or for the convoy.

6                   Now, my last area of question, Prime Minister, is  
7 with respect to the *CSIS Act* and its integration into the  
8 *Emergencies Act*. I -- so you've stated under the *CSIS Act* when  
9 *CSIS* determines that they are going to use surveillance on a  
10 person they need to meet the threshold at section 2; correct?

11                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

12                   **MS. EWA KRAJEWSKA:** And that's because the  
13 surveillance of one person without other legal authority is  
14 something that is very serious and that requires a high legal  
15 threshold; correct?

16                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

17                   **MS. EWA KRAJEWSKA:** Now, I understand your  
18 evidence that for the purpose of the *Emergencies Act* we are  
19 dealing with a different context; yes?

20                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

21                   **MS. EWA KRAJEWSKA:** A different purpose?

22                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

23                   **MS. EWA KRAJEWSKA:** And we're dealing with a  
24 different decision-maker; correct?

25                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26                   **MS. EWA KRAJEWSKA:** But I would put to you that  
27 when invoking the *Emergencies Act* that threshold, the level of  
28 threshold of the security threat that must be met, cannot be any



1 lower than it is when CSIS is proposing to surveil one person,  
2 that the threshold is no different. Do you agree with that?

3 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I do.

4 **MS. EWA KRAJEWSKA:** Thank you, Prime Minister.  
5 Those are my questions.

6 **COMMISSIONER ROULEAU:** Okay. Next is the  
7 Canadian Constitution Foundation.

8 **MR. SUJIT CHOUDHRY:** Commissioner, we -- my  
9 friend has asked to switch spots.

10 **COMMISSIONER ROULEAU:** I see that.

11 **MR. SUJIT CHOUDHRY:** We've advised the parties.  
12 Yes, I'm not Mr. Kittredge. So and the parties -- no parties  
13 have objected.

14 **COMMISSIONER ROULEAU:** Okay. Well in the spirit  
15 of cooperation, that's fine with me.

16 **MR. SUJIT CHOUDHRY:** Thank you, sir.

17 **COMMISSIONER ROULEAU:** And have you given up your  
18 time on the Canadian Constitution ---

19 **MR. SUJIT CHOUDHRY:** Oh, no. Not at all.

20 **COMMISSIONER ROULEAU:** Just -- thanks. Just want  
21 to be clear.

22 **MR. SUJIT CHOUDHRY:** Hope spring eternal, but  
23 afraid not.

24 **COMMISSIONER ROULEAU:** Okay.

25 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

26 **MR. ROB KITTREDGE:** All right. Well good  
27 morning, Mr. Prime Minister. I'd like to quickly circle back --

28 -

1                   **COMMISSIONER ROULEAU:** Could you introduce  
2 yourself?

3                   **MR. ROB KITTREDGE:** Oh, I'm sorry. Good morning,  
4 Mr. ---

5                   **COMMISSIONER ROULEAU:** Particularly given my  
6 mistake.

7                   **MR. ROB KITTREDGE:** I'm Rob Kittredge for the  
8 Justice Centre for Constitutional Freedoms and we share standing  
9 at these hearings with the Democracy Fund and Citizens for  
10 Freedom.

11                   I'd like to circle back to a bit of a  
12 constitutional conversation I had the other day.

13                   Cabinet confidentiality, the principle that  
14 Members of Cabinet are free to express their opinions on issues  
15 before Cabinet fully in private meetings and discussions with  
16 you and their Cabinet colleagues, are you familiar with that  
17 principle?

18                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I am.

19                   **MR. ROB KITTREDGE:** And the principle of Cabinet  
20 solidarity, where once decisions are presented to the public or  
21 to Parliament, they are collective decisions of Cabinet and  
22 can't be repudiated or criticized by your Ministers, and if they  
23 were to do that, they would have to resign their post?

24                   **PRIME MINISTER JUSTIN TRUDEAU:** That is a  
25 principle. Yes.

26                   **MR. ROB KITTREDGE:** All right. Tow trucks have  
27 come up a lot at this Commission, and my friends and the  
28 Commissioner know me by now as a bit of a towing aficionado.

1 It's been a while since I brought up the subject, but I thought  
2 maybe you and I could have a little talk about.

3 As you know, in order to legitimately and legally  
4 declare a public order emergency pursuant to the *Emergencies*  
5 *Act*, the purported emergency cannot be effectively dealt with  
6 under any other law of Canada.

7 You're taking the position that the emergency  
8 declaration was justified in part because towing services were  
9 required and could not be procured? Is that accurate?

10 **PRIME MINISTER JUSTIN TRUDEAU:** That's a bit of a  
11 leap. We say that the *Emergencies Act* was required because the  
12 situation as a whole could not be resolved under existing  
13 authorities and was not being resolved under existing  
14 authorities.

15 **MR. ROB KITTREDGE:** Right. But towing service  
16 procurement was part of that total picture that you're talking  
17 about; wasn't it?

18 **PRIME MINISTER JUSTIN TRUDEAU:** One of the  
19 barriers that we heard regularly from police of jurisdiction to  
20 removing the trucks occupying various locations was the  
21 difficulty in securing towing services. Yes, that was one of  
22 the barriers they were facing in being able to restore public  
23 order.

24 **MR. ROB KITTREDGE:** Right. So one of the  
25 measures that you put in place through the emergencies measures  
26 regulations was an ability to compel tow truck drivers to  
27 provide towing services; wasn't it?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, it was.

1                   **MR. ROB KITTREDGE:** So I would say that would be  
2 a fairly significant part of the reason why you would have had  
3 to invoke the *Emergencies Act*. Wouldn't you agree with that?

4                   **PRIME MINISTER JUSTIN TRUDEAU:** It was an element  
5 of the solutions to the situation that we were dealing with.

6                   **MR. ROB KITTREDGE:** It was one of a handful of  
7 powers that you created using the emergency measures  
8 regulations. Is that right?

9                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

10                  **MR. ROB KITTREDGE:** So I would say it's  
11 relatively important. Would you agree with that?

12                  **PRIME MINISTER JUSTIN TRUDEAU:** It was important  
13 in, yes, solving the emergency situation, yes.

14                  **MR. ROB KITTREDGE:** Certainly relevant to the  
15 invocation of the *Emergencies Act*?

16                  **PRIME MINISTER JUSTIN TRUDEAU:** The invocation of  
17 the *Emergencies Act* wasn't because people couldn't find tow  
18 trucks. The invocation was because there was a public order  
19 emergency that posed serious threats to Canadians and the  
20 inability to solve this public order emergency that posed a  
21 serious threat to the safety of Canadians was compounded by the  
22 inability to actually move those trucks, for example.

23                  **MR. ROB KITTREDGE:** And that would be one the  
24 ways that the emergency couldn't have been effectively dealt  
25 with under any other law of Canada; wouldn't you say?

26                  **PRIME MINISTER JUSTIN TRUDEAU:** Municipalities  
27 and provinces have contracts with tow truck companies to keep  
28 the highways clear, to keep the roads clear, and tow parked cars

1 that are illegally parked all the time. So they had,  
2 theoretically, the authority to compel people under breach of  
3 contract to actually tow vehicles that they -- that were  
4 illegally parked. For various reasons, they were unable or  
5 unwilling to use the civil powers they have under contract, or  
6 perhaps it would just take too long for them to be able to do  
7 it. But in feedback with everyone from Alberta to Ontario, to  
8 elsewhere, was that they needed to be able to compel those tow  
9 trucks to actually do the job of clearing the streets.

10 **MR. ROB KITTREDGE:** And you in fact put that  
11 power into the emergency measures regulations?

12 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, we did.

13 **MR. ROB KITTREDGE:** And so a discussion of tow  
14 trucks is relevant to this discussion we're having right now?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MR. ROB KITTREDGE:** And we talked about Cabinet  
17 solidarity earlier. There's been a waiver of Cabinet  
18 confidence, the related -- partial waiver, I should say, of  
19 Cabinet confidence and the related principle that would have  
20 allowed you to withhold documents from this Commission. You've  
21 disclosed quite a few. And would you say you've been pretty  
22 transparent with the Commission?

23 **PRIME MINISTER JUSTIN TRUDEAU:** There have been  
24 hundreds of public inquiries over the course of our country's  
25 history, and only four times were there waivers of Cabinet  
26 confidence. For this situation, it was extremely important to  
27 me that all the inputs, or as many inputs as possible, that  
28 Cabinet received in making the determinations that we did, were

1 -- are visible to Canadians.

2           So yes, we waived Cabinet confidence in terms of  
3 the inputs that Cabinet heard to make the decision. But the  
4 actual deliberations, as you point out, remain secret.

5           **MR. ROB KITTREDGE:** Great. So you wanted to make  
6 sure that the relevant matters were visible to Canadians.

7           Can I pull up POE.JCF.2, please?

8           So this is a document, as it's coming up, we've  
9 been having a bit of argument over the last little while about  
10 some redactions that were made in the documents disclosed by my  
11 friends for Canada. And there was some disputes about  
12 Parliamentary privilege and irrelevance.

13           But in this particular document, I'd like you to  
14 take a look at -- this first document was what was originally  
15 disclosed, and this document, the second one, had some  
16 redactions removed that -- and those documents were ordered  
17 disclosed last night and were -- Canada took the position last  
18 night that there were -- there was reason to insist on this --  
19 that this redaction -- or that this document be produced -- not  
20 be produced unredacted.

21           But I wonder if maybe you could -- and at the end  
22 of the day, this was produced at 10:26 a.m. this morning, so I'm  
23 a little more unprepared for this cross than I normally am.

24           But I wonder if you could look at that first  
25 redaction on the original disclosure and see if you could see  
26 the reason for the redaction that's highlighted in the black box  
27 there?

28           **PRIME MINISTER JUSTIN TRUDEAU:** It appears to say

1 irrelevant and Parliamentary privilege.

2 **MR. ROB KITTREDGE:** Right. So I'm looking at the  
3 irrelevant one. Could you identify on the other side what  
4 information was blacked out as irrelevant by your government?

5 **PRIME MINISTER JUSTIN TRUDEAU:**

6 "Americans offering tow trucks."

7 **MR. ROB KITTREDGE:** Yeah. And wouldn't you say  
8 that discussion of tow trucks was relevant to the discussion  
9 we're having here today?

10 **PRIME MINISTER JUSTIN TRUDEAU:** I'm not the one  
11 who made these redactions. It's the Professional Public Service  
12 that made those redactions. So you'd have to ask them.

13 **MR. ROB KITTREDGE:** Right. Well I think we will  
14 be.

15 But in any event, I would put it to you that tow  
16 trucks weren't in fact required, that the power to compel tow  
17 trucks was not used for anything other than convenience, and  
18 that tow trucks had been secured at all important locations  
19 prior to the invocation of the *Emergencies Act*. And I've got to  
20 say, it's interesting to close on this tow truck point. I  
21 hadn't expected that to happen. But would you agree with me  
22 that tow trucks weren't in fact needed at the time of the  
23 invocation of the Act?

24 **PRIME MINISTER JUSTIN TRUDEAU:** No. No, I do ---

25 **MR. BRIAN GOVER:** Mr. Commissioner, Brian Gover  
26 for the Government of Canada. And if my friend is going to put  
27 that to the witness, he ought to put the proposition correctly.

28 I remind my friend that the evidence of

1 Commissioner Carrique of the Ontario Provincial Police was that  
2 the powers under the emergency measures regulation in relation  
3 to tow trucks were used. I refer specifically to his February  
4 22<sup>nd</sup>, 2022 report to Deputy Solicitor General Di Tommaso, which  
5 shows that clearly those powers were used.

6 Thank you.

7 **MR. ROB KITTREDGE:** Well I would respond by  
8 saying that the evidence so far has shown that while the --  
9 while, strictly speaking, there was an invocation or there was a  
10 use of that power under the Act by the OPP. It was basically  
11 used as a method to ensure that ---

12 **COMMISSIONER ROULEAU:** Okay.

13 **MR. ROB KITTREDGE:** --- the payment was made ---

14 **COMMISSIONER ROULEAU:** It's supposed ---

15 **MR. ROB KITTREDGE:** In any event ---

16 **COMMISSIONER ROULEAU:** --- to come to me and I  
17 think those happen to be areas that I'm going to have to deal  
18 with ---

19 **MR. ROB KITTREDGE:** Fair enough.

20 **COMMISSIONER ROULEAU:** --- what is, in fact, the  
21 case, but you can pose your question in a different way, if you  
22 wish, but I think whether or not they were used, whether or not  
23 it was required is something I will rule on.

24 **MR. ROB KITTREDGE:** I think we're burying the  
25 lead a little bit here, and I'll ask you again. You would agree  
26 that a discussion of tow trucks and information about tow trucks  
27 is relevant to the work of the Commission and the discussion  
28 we're having here today; wouldn't you?



1           **PRIME MINISTER JUSTIN TRUDEAU:** I know there was  
2 a lot of time spent on tow trucks during the past six week.

3           **MR. ROB KITTREDGE:** Right. Well, thank you very  
4 much.

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

6           Next is now the Canadian Constitution Foundation  
7 or have I -- it is? Okay. Thank you. I don't want to get it  
8 wrong again.

9           **MR. SUJIT CHOUDHRY:** It's been a long six weeks,  
10 Commissioner.

11 --- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:

12           **MR. SUJIT CHOUDHRY:** Good morning, Prime  
13 Minister. My name is Sujit Choudhry. I'm Counsel for the CCF.

14           Prime Minister, I'd like to shift gears a bit and  
15 ask you some questions about your role as Chair of the Cabinet.  
16 And so it is -- it's true, would you agree, that one of your  
17 chief responsibilities as Prime Minister is to Chair the  
18 Cabinet?

19           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

20           **MR. SUJIT CHOUDHRY:** And it's a serious  
21 responsibility?

22           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

23           **MR. SUJIT CHOUDHRY:** And so yesterday there was a  
24 panel testifying for the Prime Minister's Office, and I'm sure  
25 you're aware, and your Chief of Staff, Katie Telford, answered  
26 questions about your role as Chair of the Cabinet. Are you  
27 aware of her testimony?

28           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

1                   **MR. SUJIT CHOUDHRY:** Okay. And so she -- under  
2 cross-examination, she testified that you are the ultimate  
3 decision maker for determining the information and documentation  
4 shared at Cabinet meetings. Is there -- do you have any reason  
5 to disagree with what she said?

6                   **PRIME MINISTER JUSTIN TRUDEAU:** Yeah, that was in  
7 a series of questions, you know, linked to, you know, who  
8 ultimately decides who's in the room or not. The reality is the  
9 authority rests with me. If I in seeing what the Public Service  
10 has prepared for me as a list of subjects at Cabinet, or  
11 attendees at Cabinet, or documents to be provided at Cabinet, if  
12 I have significant issue with any one of them, and I can say,  
13 no, we're not going to present that to Cabinet and it won't go  
14 to Cabinet. But as par for the course, I do not spend time  
15 going over in advance every possible document going to Cabinet  
16 to say, "Yes, this can go. This can go. This shouldn't go.  
17 This can't go." It's in exceptional circumstance ---

18                   **MR. SUJIT CHOUDHRY:** So there's advice provided  
19 to you by the Privy Council Office, is that what you're saying,  
20 on what documentation and information goes to Cabinet? It's  
21 presented to you for review and then you sign off on it; yes, or  
22 no?

23                   **PRIME MINISTER JUSTIN TRUDEAU:** No, for example,  
24 if we're dealing in Cabinet with a particular MC from -- or  
25 particular proposal from a given department, they will put  
26 forward that document, that proposal. I will, as par for the  
27 course as all Cabinet members do, read through that  
28 documentation as part of our deliberations that we're about to

1 have. But for me, I have the power to say, "No, you know what,  
2 we're not going to discuss this today, or this document's not  
3 going to go in", which I do from time to time if we decide no,  
4 it's not ready to go forward, we're not going to do that. But I  
5 guess I'm not entirely sure what power you're trying to get me  
6 to admit to having or not.

7 **MR. SUJIT CHOUDHRY:** Sure. So, well, why we talk  
8 about the February 13<sup>th</sup> Cabinet meeting, so the questions are  
9 about that. And so you'd agree, sir, that that was an  
10 extraordinarily important Cabinet meeting?

11 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

12 **MR. SUJIT CHOUDHRY:** A historic meeting even?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

14 **MR. SUJIT CHOUDHRY:** And even though it was  
15 happening at a time of great pressure, of great urgency, you  
16 would have taken care to determine in your capacity as Chair of  
17 Cabinet that Cabinet had all the relevant information and  
18 documentation before it?

19 **PRIME MINISTER JUSTIN TRUDEAU:** The way Cabinet  
20 works is we do an awful lot of work in Cabinet Committees. We  
21 do not, as a par for a course, dig into every item that comes  
22 forward in a fulsome way because we have subgroups of Cabinet  
23 that dig into that. So there will have been, before any Cabinet  
24 meeting including that one, subgroupings meeting to debate, to  
25 discuss things that then get reported back to Cabinet.

26 **MR. SUJIT CHOUDHRY:** So but you would agree that  
27 under the *Emergencies Act*, as you stated this morning in  
28 testimony, the power to declare a Public Order Emergency rests

1 with what you called the Cabinet and Prime Minister, which is  
2 the Governor in Council.

3 **PRIME MINISTER JUSTIN TRUDEAU:** Governor in  
4 Council.

5 **MR. SUJIT CHOUDHRY:** Right, which is the full  
6 Cabinet, not a Cabinet subcommittee.

7 **PRIME MINISTER JUSTIN TRUDEAU:** No, that's right.

8 **MR. SUJIT CHOUDHRY:** Okay. So ---

9 **PRIME MINISTER JUSTIN TRUDEAU:** Cabinet  
10 subcommittees deliberate, but as a matter of generality, they  
11 don't make final determinations.

12 **MR. SUJIT CHOUDHRY:** Yeah, and you agree, there's  
13 no way you could have gone to the -- you could have declared a  
14 Public Order Emergency without having a full Cabinet meeting?

15 **PRIME MINISTER JUSTIN TRUDEAU:** In this case, it  
16 was something very important to me. I could imagine  
17 catastrophic scenarios in which a government might have to  
18 declare a Public Order Emergency without a meeting of full  
19 Cabinet, either because of urgency or because of circumstance  
20 that prevents Cabinet from gathering.

21 **MR. SUJIT CHOUDHRY:** So but in this case, there  
22 was such a meeting?

23 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

24 **MR. SUJIT CHOUDHRY:** And so ---

25 **PRIME MINISTER JUSTIN TRUDEAU:** In this case, I  
26 chose to have a meeting.

27 **MR. SUJIT CHOUDHRY:** So I'd like to ask you some  
28 questions of what you've termed as the inputs to that meeting,

1 and just to be abundantly clear to my friends from the Attorney  
2 General of Canada, I'm not going to ask you about the content of  
3 any of those inputs that might be protected by confidence. I  
4 just simply want to ask you if certain documents were inputs or  
5 not to the Cabinet meeting, if I may.

6                   So the first is that we've heard in testimony  
7 that there was a legal opinion that explained the difference in  
8 the definition of threats to the security of Canada in the *CSIS*  
9 *Act* and the *Emergencies Act*, and you've testified to that this  
10 morning. Do you know, sir, if that a legal opinion was provided  
11 to the full Cabinet at its meeting on February 13<sup>th</sup>?

12                   **PRIME MINISTER JUSTIN TRUDEAU:** In matters of  
13 legal opinion in many situations, most situations, we hear from  
14 the Attorney General and Justice Minister who reports to Cabinet  
15 on this or that legal opinion.

16                   **MR. SUJIT CHOUDHRY:** So was that written opinion  
17 provided to the Cabinet, sir?

18                   **PRIME MINISTER JUSTIN TRUDEAU:** I believe it was  
19 a report from -- a verbal report from the Minister of Justice.

20                   **MR. SUJIT CHOUDHRY:** I'd like to ask you about  
21 another document, which is that we've heard about a threat  
22 assessment prepared by CSIS, and you are familiar with that as  
23 well. And Director Vigneault testified that he had concluded or  
24 CSIS had concluded that there wasn't a threat to national  
25 security under 2(c) of the *CSIS Act*. He also testified that  
26 that threat assessment was provided to the IRG on February 13<sup>th</sup>.  
27 So my question is, was this threat assessment provided to the  
28 full Cabinet on the evening of February 13<sup>th</sup>?

1                   **PRIME MINISTER JUSTIN TRUDEAU:** In our reporting  
2 to Cabinet, there was a reporting on the consensus reached by  
3 the IRG including the Director of CSIS who recommended and  
4 agreed with the invocation of a Public Order Emergency. We were  
5 not at Cabinet dealing with whether or not CSIS had the  
6 authority to move forward with a wiretap on one person or  
7 another. It was a discussion on the invocation of a Public  
8 Order Emergency, which requires reasonable grounds for the  
9 Governor in Council to make a determination.

10                   **MR. SUJIT CHOUDHRY:** So, sir, you'd agree that  
11 that document was not provided to the full Cabinet on February  
12 13<sup>th</sup>? You said a report ---

13                   **PRIME MINISTER JUSTIN TRUDEAU:** Which document is  
14 that?

15                   **MR. SUJIT CHOUDHRY:** The CSIS threat assessment.  
16 And if I could rephrase what you said, you just said the IRG  
17 considered that report ---

18                   **PRIME MINISTER JUSTIN TRUDEAU:** No.

19                   **MR. SUJIT CHOUDHRY:** --- it discussed it ---

20                   **PRIME MINISTER JUSTIN TRUDEAU:** No, no.  
21 Throughout the IRGs, CSIS, as a par for a course, would mention  
22 that the threshold had not been met for CSIS operations within  
23 this of a particular type, according to their context and their  
24 mandate. But we were not looking as an IRG or a Cabinet as to  
25 whether or not CSIS would be allowed to do this or that thing.  
26 We were looking at, certainly by this end, whether or not we had  
27 a threshold met for the invocation of a Public Order Emergency.

28                   **MR. SUJIT CHOUDHRY:** So, Prime Minister, Director

1 Vigneault testified that a written threat assessment was  
2 prepared by CSIS, and he testified that he provided that to the  
3 IRG.

4 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

5 **MR. SUJIT CHOUDHRY:** Are you saying that that  
6 document was not provided to the IRG?

7 **PRIME MINISTER JUSTIN TRUDEAU:** No, that would  
8 have been provided to the IRG.

9 **MR. SUJIT CHOUDHRY:** Okay. But are -- would you  
10 agree that it wasn't provided to the full Cabinet?

11 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I agree that  
12 it was -- that the report was given that -- and I'm -- that the  
13 narrow CSIS threshold was not met for a CSIS operation, but  
14 because that was not the issue at play in this Cabinet  
15 discussion, the issue was, was the threat of serious violence  
16 threshold met in the context of a Public Order Emergency was the  
17 discussion at play.

18 **MR. SUJIT CHOUDHRY:** And, Prime Minister, this  
19 morning in your testimony, you addressed the policing plan that  
20 was prepared by the OPS, and I believe you stated, "We should  
21 read it, we should look at it, because it wasn't much of a  
22 plan." Is that fair?

23 **PRIME MINISTER JUSTIN TRUDEAU:** That is my  
24 understanding of it, yeah.

25 **MR. SUJIT CHOUDHRY:** So, sir, I'd like to pull  
26 the plan up on the screen, please.

27 It's -- and, Mr. Registrar, it's PB.NSC.CAN  
28 00007734. Thank you, Mr. Registrar.

1 Prime Minister, is this the document, or is this  
2 the plan you were referring to?

3 **PRIME MINISTER JUSTIN TRUDEAU:** I have not -- I  
4 have heard about this. I haven't ever actually seen it so.

5 **MR. SUJIT CHOUDHRY:** So, sir, what I'd like to do  
6 -- so you have not read this?

7 **PRIME MINISTER JUSTIN TRUDEAU:** No, I have not.

8 **MR. SUJIT CHOUDHRY:** Okay. So I'd like ---

9 **PRIME MINISTER JUSTIN TRUDEAU:** I certainly had  
10 not read it on the 13<sup>th</sup>.

11 **MR. SUJIT CHOUDHRY:** Okay. And so I'd like to  
12 just -- Mr. Registrar, I'd just like to walk the Prime Minister  
13 through the pages, not so he could read it because we don't have  
14 time, but just to point that this is a heavily redacted  
15 document. So page 1 is the cover page. Page 2 is a -- is this  
16 signature page. If we could go down? Page 3 is a description  
17 of the situation and the mission.

18 **PRIME MINISTER JUSTIN TRUDEAU:** M'hm.

19 **MR. SUJIT CHOUDHRY:** And then, Mr. Registrar, if  
20 you could please scroll down, the rest of this document has been  
21 redacted. So that's page 4, page 5, page 6, page 7, page 8.  
22 So, Prime Minister, you said we should read this plan. We  
23 can't. It's your -- it's within your legal authority to  
24 instruct your Counsel to remove these redactions. For the sake  
25 of the transparency of this Commission, sir, would you consider  
26 that request?

27 **MR. BRIAN GOVER:** I object to that. On behalf of  
28 the Government of Canada, it's Brian Gover once again. This is



1 putting the Prime Minister in an odious position. We had no  
2 notice that they would attempt this in cross-examination. These  
3 things require careful consideration, do not lend themselves to  
4 decisions in the moment, and we maintain our objection.

5 **MR. SUJIT CHOUDHRY:** Commissioner -- sorry, sir.

6 **COMMISSIONER ROULEAU:** Go ahead.

7 **MR. SUJIT CHOUDHRY:** This was in our document  
8 list that we circulated within time to Counsel for the Attorney  
9 General. They had notice that we would be putting this  
10 document. And the question is a fair one in response to the  
11 Prime Minister's testimony this morning, that he said you should  
12 read it.

13 **COMMISSIONER ROULEAU:** I think it is fair in a  
14 sense, but I think what's being raised is it's a little more  
15 complicated than the federal government or the Prime Minister  
16 releasing these. This is a police operational plan of the OPS  
17 involving officers from the OPS and from OPP involving strategy,  
18 et cetera, and I would be very surprised if the federal  
19 government would order its release without consulting with the  
20 various Police Services. And I think that's the unfairness  
21 that's being referred to, and, quite frankly, I agree. Now it's  
22 -- having said that, he made reference to the plan, and there is  
23 an issue about reading it, for sure, but I think the context is  
24 important here.

25 **MR. SUJIT CHOUDHRY:** So, Commissioner, with that,  
26 with your ruling there, and I thank Mr. Gover for his point,  
27 Prime Minister, can I put it to you this way. You said we  
28 should read the plan, but I think you would agree we can't?

1                   **PRIME MINISTER JUSTIN TRUDEAU:** Indeed. I -- as  
2 I said, I haven't read the plan, but we were in a situation  
3 where, as can be imagined, I have access to unredacted  
4 information, and what I know and my understanding of this plan  
5 was, and I'm happy to testify to that, that it was not a  
6 complete plan of engagement.

7                   **MR. SUJIT CHOUDHRY:** And, Prime Minister, and  
8 again, I think I would like to raise this again. I'm looking to  
9 Mr. Gover in anticipation of his reaction. As you know, there's  
10 a legal opinion that over which solicitor/client privilege has  
11 been asserted. We asked Minister Lametti to release that  
12 opinion. And in a public statement this week, he said he  
13 couldn't because he lacked the authority to. That would be up  
14 to his client. And he then clarified that his client is the  
15 Governor in Council.

16                   So again for the record, sir, and this has been  
17 an issue for all week, not just this morning, would you advise  
18 that that opinion be released in the interest of transparency?

19                   **MR. BRIAN GOVER:** Mr. Commissioner, it's Brian  
20 Gover once again for the Government of Canada. Solicitor/client  
21 privilege of course is a very substantial right in our legal  
22 system. It's one that the Supreme Court of Canada has  
23 recognized as a constitutional dimension. I remind my friends  
24 that in this case, as the Prime Minister has said, Cabinet  
25 confidence has been waived for the fourth time in 155 years to  
26 provide evidence of inputs. We know that the decision note that  
27 was referred to in testimony by the Clerk of the Privy Council,  
28 referred to the advice of the Public Service that it was

1 appropriate to invoke the *Emergencies Act*. In my submission, we  
2 need not go further with the inquiry and pierce the veil of  
3 solicitor/client privilege, setting what, in my submission,  
4 could be a dangerous precedent going forward and one -- this is  
5 certainly an issue that requires careful consideration and not  
6 one to require a Prime Minister to respond to in the spur of the  
7 moment. Thank you.

8 **COMMISSIONER ROULEAU:** Okay. Well, I think you  
9 have a refusal essentially by Counsel, so I think you're going  
10 to have to move on.

11 **MR. SUJIT CHOUDHRY:** Okay. Thank you,  
12 Commissioner.

13 And so I have one final question, sir. So there  
14 has been a lot of discussion this week about legal thresholds  
15 and how they differ under the *Emergencies Act* on your  
16 government's submissions than they do under the *CSIS Act*, and  
17 you testified about this this morning. I just want to ask you  
18 one question. The emergency was revoked on February 23<sup>rd</sup>;  
19 correct?

20 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

21 **MR. SUJIT CHOUDHRY:** We can take my word for it.  
22 And prior to that revocation, there was a great deal of public  
23 debate and public discussion about the case for the emergency  
24 made by the government; is that right?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26 **MR. SUJIT CHOUDHRY:** And, sir, I'd put it to you  
27 that not until this Commission has a government of Canada ever  
28 publicly communicated that the threshold for declaring --

1 determining a threat to national security is different under the  
2 *Emergencies Act* than under the *CSIS Act*, not once. Why is that,  
3 sir?

4 **PRIME MINISTER JUSTIN TRUDEAU:** It's in the first  
5 line of the Public Order Emergency section of the *Emergencies*  
6 *Act* that the Governor in Council can, on reasonable grounds,  
7 declare a Public Order Emergency if in their reasonable opinion  
8 -- I'm paraphrasing obviously -- the -- there are threats to the  
9 security of Canada, and it is a national emergency. That  
10 doesn't mention a CSIS threshold anywhere.

11 **MR. SUJIT CHOUDHRY:** Commissioner, I think those  
12 complete my questions. Thank you.

13 **COMMISSIONER ROULEAU:** Okay. Thank you. Just  
14 before I go to the next cross-examiner, there seems to be some  
15 reactions in the crowd that, in my view, are inappropriate.  
16 This is a -- I think a very important process and very serious.  
17 There are a lot of people outside, as I understand it, who would  
18 like to come in. I would ask you to please refrain from  
19 comments, or laughing, or whatever, and try and keep it serious.  
20 That would be appreciated, and not only appreciated, if  
21 necessary, it will be enforced. So could I ask that it -- you  
22 continue to be attentive and pay the attention that is required  
23 for what's going on?

24 So with that brief comment, call on the Ottawa  
25 Police Service, please.

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

27 **MS. JESSICA BARROW:** Good afternoon, Prime  
28 Minister. My name is Jessica Barrow, and I am Counsel for the

1 Ottawa Police Service.

2 Prime Minister, we've heard evidence from you  
3 about your understanding of intelligence information as well as  
4 operational planning at various points throughout the events in  
5 Ottawa, and I just want to clarify your role as it relates to  
6 that information. And I take it it's not your role as Prime  
7 Minister to collect intelligence information; is that correct?

8 **PRIME MINISTER JUSTIN TRUDEAU:** No, it's not.

9 **MS. JESSICA BARROW:** Similarly, it's not your  
10 role to review the details of an operational plan?

11 **PRIME MINISTER JUSTIN TRUDEAU:** No, certainly  
12 not.

13 **MS. JESSICA BARROW:** And that's because you rely  
14 on highly trained police officers to perform the work that  
15 they're best at, which is performing those functions and then it  
16 gets briefed up to you; is that fair?

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

18 **MS. JESSICA BARROW:** And I assume that you  
19 regularly rely in particular on the intelligence and operational  
20 planning expertise of the RCMP as they are the National Police  
21 Service; correct?

22 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

23 **MS. JESSICA BARROW:** And of course, you trust  
24 them to perform those functions effectively?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26 **MS. JESSICA BARROW:** Okay. So we've heard  
27 considerable evidence to date from the Commission that an  
28 Integrated Planning Cell arrived in Ottawa on February 8th.

1 Were you aware of that?

2 **PRIME MINISTER JUSTIN TRUDEAU:** That sounds  
3 right.

4 **MS. JESSICA BARROW:** And we also heard that  
5 Superintendent Bernier from Ottawa Police Service took over as  
6 Event Commander on February 10th and established what he  
7 referred to as an Integrated Command Structure, which we heard  
8 described from him as including experts from subject matter  
9 areas, such as negotiations, public order, intelligence, et  
10 cetera. Were you aware of that?

11 **PRIME MINISTER JUSTIN TRUDEAU:** That sounds  
12 reasonable, yes.

13 **MS. JESSICA BARROW:** Okay. And the experts  
14 involved in both the Integrated Planning Cell and the ultimate  
15 Integrated Command Structure included senior and specially  
16 trained officers from OPS, RCMP, OPP and other municipal police  
17 services. Would you agree with that?

18 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I was aware  
19 of that.

20 **MS. JESSICA BARROW:** And as you indicated, you  
21 would, of course, leave it up to those experts to draft, review,  
22 and approve Operational Plans. Is that fair?

23 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

24 **MS. JESSICA BARROW:** Okay. And you certainly  
25 wouldn't have had the capacity in your role to engage in any  
26 kind of line-by-line review or assessment of the viability of  
27 those Operational Plans?

28 **PRIME MINISTER JUSTIN TRUDEAU:** No.

1           **MS. JESSICA BARROW:** Okay. And so I want to  
2 focus because we've heard a fair bit of evidence about this this  
3 morning, in relation to the timeframe of February 12th onwards,  
4 and the Operational Plans that existed at that time.

5           You participated in an IRG meeting on  
6 February 12th; is that correct?

7           **PRIME MINISTER JUSTIN TRUDEAU:** Yes, or -- yes.

8           **MS. JESSICA BARROW:** And so I'd like to pull up  
9 the minutes from that meeting, if we can, it's SSM.NSC.CAN214,  
10 please. And in particular, I'm looking for page 6, Mr. Clerk.

11           And so we see in the second paragraph that this  
12 is a update from the Minister of Public Safety, and we see at  
13 the last sentence of that:

14                           "During the discussion, confirmation  
15                           was obtained that the OPS Chief of  
16                           police accepted the plan and the  
17                           Commissioner of the RCMP agreed to be  
18                           able to provide additional details of  
19                           that plan at the next call."

20           Do you recall that?

21           **PRIME MINISTER JUSTIN TRUDEAU:** Looking at the  
22 sentence before where it says:

23                           "There appears to be a lack of a plan  
24                           in Ottawa, with the Chief of Ottawa  
25                           Police Service...having yet to approve  
26                           the plan developed with the RCMP and  
27                           OPP."

28           **MS. JESSICA BARROW:** Right, and then subsequent

1 to that we see that in the middle of the meeting there is  
2 confirmation that the OPS Chief has agreed to the plan and that  
3 Commissioner Lucki agrees to provide additional details to this  
4 group subsequently in relation to the details. Is that fair?

5 **PRIME MINISTER JUSTIN TRUDEAU:** Fair.

6 **MS. JESSICA BARROW:** Okay. And so this was put  
7 to Commissioner Lucki in her testimony, and my understanding of  
8 her evidence is that she never did subsequently provide the  
9 details of that plan to this group on the 13th or otherwise.  
10 Would you disagree with that evidence?

11 **PRIME MINISTER JUSTIN TRUDEAU:** No, I agree,  
12 because what we heard was the plans were not adequate, they were  
13 not operational plans at that point.

14 **MS. JESSICA BARROW:** Okay But you didn't ever  
15 hear the details of the plan, and she certainly doesn't say in  
16 this meeting that from her perspective it was not an adequate  
17 plan, she's just saying "I'll provide you an update later."

18 **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
19 what she was knowing or not, but I can say that when we were  
20 briefed on the 13th as to the Operational Plan or readiness of  
21 enforcement in Ottawa, we were understanding that there was not  
22 a full Operational Plan at that point.

23 **MS. JESSICA BARROW:** Okay. So your understanding  
24 of what occurred on the 13th was that you were provided some  
25 level of information that led you to believe that there was no  
26 complete Operational Plan. Is that fair?

27 **PRIME MINISTER JUSTIN TRUDEAU:** That was  
28 consistent with everything we heard throughout the course of the



1 three weeks, that there were not yet concrete plans to be able  
2 to actually do the work that Canadians were hoping to see.

3 **MS. JESSICA BARROW:** Right. So -- and I  
4 understand that there are various planning timeframes, but I'm  
5 specifically talking about the 13th and whether you were  
6 provided details of a complete Operational Plan to end the  
7 protests in Ottawa?

8 **PRIME MINISTER JUSTIN TRUDEAU:** My understanding  
9 was there was not a complete Operational Plan to end the  
10 protests in Ottawa as of the 13th.

11 **MS. JESSICA BARROW:** Okay.

12 I'd like to bring up OPP1851, please.

13 Okay. So let's just start with the title page.  
14 This is called Integrated Mobilization Operational Plan.

15 And if we could scroll down to page 2.

16 You can see at the top that the plan was written  
17 by the Integrated Planning Cell that has multiple services  
18 listed there, it's dated the 13th. And we see that there is  
19 sign-off here from Superintendent Phil Lue of the RCMP, Chief  
20 Superintendent Carson Pardy of the OPP, and Acting  
21 Superintendent Rob Bernier of the Ottawa Police Service. You  
22 see that?

23 **PRIME MINISTER JUSTIN TRUDEAU:** (Inaudible  
24 response)

25 **MS. JESSICA BARROW:** Okay. And so I just want to  
26 -- if you look at the bottom of the screenshot here, you can see  
27 that this is a 73-page document. You see that?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Okay.

1           **MS. JESSICA BARROW:** Okay. And so obviously, we  
2 don't have time, unfortunately, to fully digest this entire  
3 document, but is it fair to say that prior to the police  
4 operation on February 18th to 20th, as well as prior to the  
5 invocation of the *Emergencies Act*, you had never seen this  
6 document?

7           **PRIME MINISTER JUSTIN TRUDEAU:** No.

8           **MS. JESSICA BARROW:** Okay.

9           **PRIME MINISTER JUSTIN TRUDEAU:** Sorry. No, it is  
10 -- yes, it is fair to say that no, I have ---

11           **MS. JESSICA BARROW:** Okay.

12           **PRIME MINISTER JUSTIN TRUDEAU:** --- never seen it  
13 before.

14           **MS. JESSICA BARROW:** Thank you for that  
15 clarification. And so you suggested multiple times in your  
16 evidence this morning that to your knowledge the Operational  
17 Plan that existed at the time of February 13th was by no means  
18 an actual plan to actually end the protests in Ottawa. Is that  
19 a fair representation of your evidence?

20           **PRIME MINISTER JUSTIN TRUDEAU:** That was my  
21 understanding, yes.

22           **MS. JESSICA BARROW:** Okay. And you also  
23 testified that it was not a plan that you or the RCMP had  
24 confidence in. Is that correct? At least that was your  
25 understanding.

26           **PRIME MINISTER JUSTIN TRUDEAU:** If there wasn't a  
27 plan then ---

28           **MS. JESSICA BARROW:** Okay.

1           **PRIME MINISTER JUSTIN TRUDEAU:** --- we probably  
2 didn't have confidence in it.

3           **MS. JESSICA BARROW:** Fair enough. But as you can  
4 see here, there is a 73-page document, dated February 13th, that  
5 a senior member of the RCMP has signed off on.

6           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

7           **MS. JESSICA BARROW:** Okay.

8                         So if we just scroll down.

9                         As I said, we don't have time to review the  
10 entire document, but we do have the table of contents here. And  
11 so I just want to go through a few components of the parts -- or  
12 component parts of the overall plan so that you understand kind  
13 of the general scope of it.

14                        And so if we scroll down a little bit we see  
15 there's a Deployment Plan, right, a reference to the Deployment  
16 Plan?

17           **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, the entire  
18 Deployment Plan is on page 13.

19           **MS. JESSICA BARROW:** Yes. So I'm just trying to  
20 understand the scope of the plan. Since I only have 10 minutes  
21 we can't actually digest the entirety of the plan. So you can  
22 see that there is some content in relation to Deployment Plan?

23           **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, is this a  
24 table of contents?

25           **MS. JESSICA BARROW:** Yes.

26           **PRIME MINISTER JUSTIN TRUDEAU:** So the entire  
27 Deployment Plan fits onto one page?

28           **MS. JESSICA BARROW:** Well, a description of the

1 Deployment Plan is on it.

2 **PRIME MINISTER JUSTIN TRUDEAU:** Okay.

3 **MS. JESSICA BARROW:** Okay. And then we see a  
4 reference to Investigative Plan; correct?

5 **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
6 whether this is a good plan or a complete plan or not, I haven't  
7 read this obviously.

8 **MS. JESSICA BARROW:** Right. And so you hadn't  
9 read it, obviously, then ---

10 **PRIME MINISTER JUSTIN TRUDEAU:** No. I rely on  
11 the inputs of the experts around me to reassure me or not that  
12 there is a capacity to move forward.

13 **MS. JESSICA BARROW:** Okay. So let's turn to  
14 page 8, and we see the Objectives listed.

15 If you could scroll down.

16 And it says:

17 "To facilitate a resolution through  
18 de-escalation, graduated measurable and  
19 multi-phased response while ensuring  
20 the safety of participants, citizen and  
21 members of participating agencies and  
22 return the City of Ottawa to a state of  
23 normality."

24 And so you referenced earlier in relation to the  
25 plan that from your understanding all it was was to continue the  
26 negotiations essentially that were already taking place;  
27 correct?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Listen, I am

1 hesitant to speak to fragments, but I don't know that that  
2 Objective 1 looks like the enforcement action that actually  
3 happened later that week.

4 **MS. JESSICA BARROW:** Okay. Well, I can tell you  
5 ---

6 **PRIME MINISTER JUSTIN TRUDEAU:** If they talk  
7 about a de-escalation, graduated measurable and multi-phased  
8 response, sounds like something that would take longer than the  
9 24 to 48 hours that the enforcement action actually took on  
10 Friday and Saturday. But I'm no expert on this, and my lawyers  
11 ---

12 **MS. JESSICA BARROW:** Fair enough.

13 **PRIME MINISTER JUSTIN TRUDEAU:** --- are probably  
14 glaring at me for opining on this too much.

15 **MS. JESSICA BARROW:** Fair enough. Well, I can  
16 tell you that the experts on the plan have testified, and they  
17 have testified that this was the plan that they were acting on  
18 on the weekend of February 18th when they completed the POU  
19 operation. Would you have any reason to disagree with that?

20 **PRIME MINISTER JUSTIN TRUDEAU:** I think  
21 evaluating various testimonies is the job of the Commissioner.

22 **MS. JESSICA BARROW:** Fair enough. Okay. And I  
23 just want to pull ---

24 **COMMISSIONER ROULEAU:** You're pretty close --  
25 well not pretty close. You're over the end. So if you can try  
26 and wrap it up, please?

27 **MS. JESSICA BARROW:** Thank you. And so to circle  
28 back to the comments you provided in relation to the readiness

1 of police plans as of the 13<sup>th</sup>, I take it you would agree with me  
2 that perhaps there was a little bit more substance to the plans  
3 than you were aware of on the 13<sup>th</sup>?

4 **PRIME MINISTER JUSTIN TRUDEAU:** I'm unable to  
5 speak to that.

6 **MS. JESSICA BARROW:** Okay. And we've heard  
7 evidence that the Ottawa Police were required to acquire  
8 approximately 2,200 additional police officers from across the  
9 country to support this plan and to successfully complete the  
10 POU operation that occurred on the weekend of February 18<sup>th</sup>.  
11 Would you have any reason to disagree with that?

12 **PRIME MINISTER JUSTIN TRUDEAU:** I wasn't aware --  
13 I wasn't following that presentation of evidence, so I can't  
14 comment on it.

15 **MS. JESSICA BARROW:** Fair enough. And you may  
16 have heard, or not, this was the largest POU operation in  
17 Canadian history? Were you aware?

18 **PRIME MINISTER JUSTIN TRUDEAU:** That I was aware  
19 of.

20 **MS. JESSICA BARROW:** Okay. Thank you very much  
21 for your time. Those are my questions.

22 **COMMISSIONER ROULEAU:** Okay. Well thank you.  
23 This is a little early, two minutes early. We don't normally  
24 give an hour and two minutes for lunch, but I think today we  
25 will as a special occasion.

26 **PRIME MINISTER JUSTIN TRUDEAU:** Thank you for  
27 your generosity.

28 **COMMISSIONER ROULEAU:** So we'll come back at 2:00

1 o'clock.

2                   **THE REGISTRAR:** The Commission is in recess until  
3 2:00 o'clock. La Commission est levée jusqu'à 14h.

4 --- Upon recessing at 12:57 p.m.

5 --- Upon resuming at 2:01 p.m.

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

7                   The Commission is reconvened. La Commission  
8 reprend.

9 --- PRIME MINISTER JUSTIN TRUDEAU, Resumed:

10                   **COMMISSIONER ROULEAU:** On est prêt? Parfait.

11                   Le prochain groupe... the next is the Government of  
12 Alberta, please.

13 --- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:

14                   **MS. STEPHANIE BOWES:** Good afternoon, Prime  
15 Minister. My name is Stephanie Bowes. I'm counsel for the  
16 Province of Alberta.

17                   You were asked this morning if any of the First  
18 Ministers could have said or done anything to change your mind  
19 about the *Emergencies Act*. And I understood your evidence to be  
20 yes, if one of them had said they had alternate tools and they  
21 thought it would end the situation, if they had figured out how  
22 to obtain towing services, and if they had convinced you that  
23 the laws in Canada were sufficient to deal with the protests.  
24 Is that a correct understanding?

25                   **PRIME MINISTER JUSTIN TRUDEAU:** It would have to  
26 have been more than one of them, but yes, this was a national  
27 emergency we were facing. But if there was compelling reasons  
28 why the *Emergencies Act* wasn't necessary, it certainly would

1 have given me pause.

2 **MS. STEPHANIE BOWES:** Thank you. You would agree  
3 that this is the very reason why proper and adequate  
4 consultation is so important, and in fact, required under the  
5 *Emergencies Act*?

6 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, that makes  
7 sense.

8 **MS. STEPHANIE BOWES:** Don't you agree then that  
9 giving the First Ministers advance notice and time to prepare  
10 would have allowed the First Ministers to share with you the  
11 details and the input that you indicated to the Commission would  
12 be important to your decision making?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Throughout the  
14 two weeks, three weekends leading up to those conversations, we  
15 had many engagements with the provinces, the officials,  
16 Ministers, and indeed there was a letter from the Province of  
17 Alberta asking for exactly that, help with tow truck resources.  
18 So they felt very strongly that the Federal Government needed to  
19 step up with extra tools and extra support so that they could  
20 get those vehicles towed from Coutts.

21 So there was engagement with the provinces  
22 throughout and they were -- we were certainly all talking about  
23 what would be needed to put an end to these occupations and  
24 blockades.

25 **MS. STEPHANIE BOWES:** And certainly there's been  
26 a lot of evidence before this Commission about how Alberta  
27 solved the tow truck problem, so I won't get into that, but you  
28 would agree that none of the engagement you had with the



1 provinces discussed, at all, the use of the *Emergencies Act* and  
2 whether it was necessary in the provinces?

3 **PRIME MINISTER JUSTIN TRUDEAU:** The consultation  
4 on the use of the *Emergencies Act* needed to center around what  
5 we'd actually do with the Act. If I had consulted with the  
6 Premiers early on without saying, "These are the six things we  
7 would do with the *Emergencies Act*, their first question would  
8 be, "Okay. You might want to do this *Emergencies Act*, but what  
9 are you going to do with it? What powers will you be giving  
10 yourself or the Federal government, or our officials and police  
11 services?"

12 So there was ongoing conversations about tools  
13 and the consultation on the *Emergencies Act* was done when we had  
14 a very clear list of the things we would actually be bringing in  
15 with the *Emergencies Act*.

16 **MS. STEPHANIE BOWES:** I'll put to you that the  
17 way the First Ministers Meeting was arranged, which was a short  
18 notice invitation with no indication of the topic of discussion  
19 meant that the discussions you did have with the First Ministers  
20 could not possibly provide you with the details that you needed  
21 to consider.

22 **PRIME MINISTER JUSTIN TRUDEAU:** I disagree.

23 **MS. STEPHANIE BOWES:** In your evidence today you  
24 said that at the First Minister's Meeting, you heard Premier  
25 Kenney say there was a plan for Coutts but that you had heard  
26 that before and you were not convinced that morning that it  
27 would be put to use; is that correct?

28 **PRIME MINISTER JUSTIN TRUDEAU:** No, I had no

1 reason to doubt Premier Kenney's good will and hopes that Coutts  
2 would be resolved soon, but I also knew that Coutts had been in  
3 place for, at that point, three weeks. There had been an ebb  
4 and a flow. There were moments where traffic was let through,  
5 moments where people showed up more intensely. And it goes to  
6 the preoccupation we had that even if, as he indicated, there  
7 were good chances that it would be cleared in the coming  
8 moments, there was going to be a continued challenge to hold  
9 open that area given the current context.

10 **MS. STEPHANIE BOWES:** Minister Mendicino said at  
11 the IRG the afternoon previous, which you were present at, that  
12 there was going to be enforcement action at Coutts; correct?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, it was  
14 something that we had been monitoring for a while. It would  
15 turn out that the RCMP, who had intended to do enforcement  
16 action as the provincial police force, many days if not a week  
17 before had to suspend it because of genuine concerns around  
18 officer safety and the presence of significant numbers of  
19 weapons and problematic individuals in that. So it was  
20 something we were anticipating and hoping was going to happen,  
21 certainly hoping was going to happen peacefully, but it was  
22 something that we had been hoping would happen for a while.

23 **MS. STEPHANIE BOWES:** Yes, certainly, because  
24 what we saw was that the actions at Coutts changed from Public  
25 Order policing activity into a criminal investigation. And  
26 around 8 p.m. on the night of the 13<sup>th</sup>, Commissioner Lucki  
27 emailed Minister Mendicino and Jody Thomas and advised them that  
28 the RCMP had an enforcement plan ready for execution and that

1 they were indeed on the cusp of enforcement in Coutts, and that  
2 proved to be true; correct?

3 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, it did. It  
4 was -- that was good news that it was true, yes.

5 **MS. STEPHANIE BOWES:** So then why were you  
6 doubtful when Premier Kenney told you that he believed the  
7 situation had been secured and the RCMP would now proceed with  
8 broader arrests and secure the border, when exactly what you had  
9 been told the night before about RCMP enforcement did in fact  
10 happen?

11 **PRIME MINISTER JUSTIN TRUDEAU:** We had been told  
12 throughout the process, throughout these weeks that things were  
13 about to happen. Sometimes they happened, sometimes they  
14 didn't, and not just at Coutts, but elsewhere. So there was an  
15 understanding that, inevitably, things were more difficult than  
16 -- well, reality is always more difficult than plans. It was  
17 good news that the province was able to clear. But I will also  
18 say -- or that the situation was able to be cleared in the  
19 province at that point.

20 I will also say that it was done in part with  
21 resources drawn from British Columbia. And one of the things  
22 that Premier Horgan attested to or said in that meeting was he  
23 understands it's a national emergency. He understands and  
24 agreed with our use of things, but he was very concerned that  
25 even as he was worried about what was happening at the Surrey  
26 border crossings, as he was worried about convoy activity in the  
27 interior and other parts of B.C., he had had to give up a number  
28 of police officers to help with enforcement in Alberta. And

1 while, yes, it was good news that Alberta looked like it was  
2 going to be resolved, there was a constant challenge that -- the  
3 whack-a-mole challenge that was brought up in other contexts,  
4 that things kept coming back, and we had a level of concern that  
5 even if one place was resolved, the threat environment, the  
6 concerns we had were going to replicate themselves elsewhere.

7 **MS. STEPHANIE BOWES:** And you understood that the  
8 police -- the extra RCMP officers that were brought into Alberta  
9 were of course brought in under the Provincial Police Service  
10 Agreement, not under any ---

11 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

12 **MS. STEPHANIE BOWES:** --- powers created under  
13 the *Emergencies Act*?

14 **PRIME MINISTER JUSTIN TRUDEAU:** No, because they  
15 were brought in well before the *Emergencies Act*. But it did go  
16 to the challenge facing being a national emergency when we see  
17 police -- well, when we saw the police action in Ottawa at the  
18 end of that week, it drew on police members from forces spread  
19 across Ontario and beyond.

20 **MS. STEPHANIE BOWES:** The *Emergencies Act* didn't  
21 change that though. It didn't create police ---

22 **PRIME MINISTER JUSTIN TRUDEAU:** It facilitated  
23 that.

24 **MS. STEPHANIE BOWES:** But it didn't create police  
25 ---

26 **PRIME MINISTER JUSTIN TRUDEAU:** It facilitated.

27 **MS. STEPHANIE BOWES:** --- it didn't create police  
28 officers; correct?

1           **PRIME MINISTER JUSTIN TRUDEAU:** No, but it  
2 highlighted that you couldn't just look at one place and say,  
3 oh, we have enough resources to fix in this one place. It was a  
4 broad challenge across the country at the same time. So Alberta  
5 being on a hopeful track at that moment was obviously good news,  
6 but it wasn't sufficient to say, oh, great, there's no more  
7 national emergency.

8           **MS. STEPHANIE BOWES:** All right. I'm going to  
9 put to you the fact that you did have evidence that the laws in  
10 the provinces were sufficient to handle the blockades, and I'll  
11 give you two examples. One is that the Windsor Police along  
12 with the OPP cleared the blockade and the Ambassador Bridge was  
13 reopened before you made your decision; correct?

14           **PRIME MINISTER JUSTIN TRUDEAU:** Yes, with the  
15 caveat that they -- a lot of the people who were leaving the  
16 Ambassador Bridge were purportedly headed towards the Sarnia  
17 crossing or the Fort Erie crossing, meaning that there were  
18 still real concerns that even as we settled things in one place,  
19 the rhetoric across the country and the online activity  
20 indicated that people were not going home, but they were looking  
21 for the next thing they could engage with.

22           **MS. STEPHANIE BOWES:** Right. So the police  
23 powers were able to deal with the problem; correct? They were  
24 able to clear the blockade ---

25           **PRIME MINISTER JUSTIN TRUDEAU:** In -- at that  
26 moment.

27           **MS. STEPHANIE BOWES:** Yes.

28           **PRIME MINISTER JUSTIN TRUDEAU:** They were able to

1 clear the -- clear lanes at that moment, yes, in that spot.

2 **MS. STEPHANIE BOWES:** Okay. And of course ---

3 **PRIME MINISTER JUSTIN TRUDEAU:** But there was a  
4 real concern there would be more.

5 **MS. STEPHANIE BOWES:** Right. The other example -  
6 --

7 **PRIME MINISTER JUSTIN TRUDEAU:** Or they would  
8 return.

9 **MS. STEPHANIE BOWES:** --- the other example is  
10 Coutts where the RCMP were able to safely conduct a criminal  
11 investigation, execute search warrants and make arrests;  
12 correct?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

14 **MS. STEPHANIE BOWES:** And that protesters in  
15 Coutts indicated to RCMP that they wanted to leave the protest  
16 because they didn't want to be associated with the criminal  
17 elements uncovered; correct?

18 **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
19 what their intent was.

20 **MS. STEPHANIE BOWES:** Okay. We've heard evidence  
21 in this Commission, so the Commission knows what one of the  
22 protesters did indicate intent was.

23 Now these are, in fact, the type of decreases in  
24 troublesome protest activity that you had been hoping to see in  
25 the weeks prior; weren't they?

26 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

27 **MS. STEPHANIE BOWES:** And definitely examples of  
28 how existing legal tools and police powers were effective at

1 dealing with the legal portions of protests; correct?

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

3 **MS. STEPHANIE BOWES:** All right.

4 **COMMISSIONER ROULEAU:** You're out of your time so

5 ---

6 **MS. STEPHANIE BOWES:** And that's okay. I think I  
7 will end there. Thank you very much, Prime Minister, for  
8 answering my questions today.

9 **PRIME MINISTER JUSTIN TRUDEAU:** Thank you.

10 **COMMISSIONER ROULEAU:** Thank you. Next is the  
11 Convoy Organizers, please.

12 **--- CROSS-EXAMINATION BY MS. EVA CHIPIUK:**

13 **MS. EVA CHIPIUK:** Bonjour, Mr. Prime Minister.  
14 My name is Eva Chipiuk. I'm one of the lawyers representing  
15 Freedom Corp. and the protesters who were here in Ottawa in  
16 January and February of 2022.

17 I want to first talk to you about the events that  
18 led up to the invocation of the *Emergencies Act*. You would  
19 agree with me that the *Emergencies Act* was invoked on  
20 Valentine's Day, Monday, February 14<sup>th</sup>; correct?

21 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

22 **MS. EVA CHIPIUK:** And you are aware that this  
23 Commission has received evidence from the police and other  
24 witnesses that on Monday, February 14<sup>th</sup>, the Ambassador Bridge  
25 was reopened as was Coutts, all the borders were reopened;  
26 correct?

27 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, and there  
28 was concern that more locations were going to be closed. Coutts

1 didn't open until Tuesday.

2 **MS. EVA CHIPIUK:** Okay. Well, we'll review the  
3 record for that.

4 On the Sunday night, February 13<sup>th</sup>, there was an  
5 IRG meeting, and you were there, and in fact, you were the Chair  
6 of that meeting; is that correct?

7 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

8 **MS. EVA CHIPIUK:** And at the IRG meeting, you  
9 were advised that there were breakthrough -- there was a  
10 breakthrough agreement between the Mayor of Ottawa and the  
11 convoy organizers to move trucks out of the downtown residential  
12 areas; isn't that correct?

13 **PRIME MINISTER JUSTIN TRUDEAU:** That is not how I  
14 remember it, no.

15 **MS. EVA CHIPIUK:** Okay. Well, I can advise you  
16 that at the inquiry it was confirmed by the documents your  
17 officials filed here, and by witnesses; namely Jody Thomas, she  
18 confirmed that at that IRG meeting you were briefed that there  
19 was an agreement with the Mayor. Does that ---

20 **PRIME MINISTER JUSTIN TRUDEAU:** An agreement ---

21 **MS. EVA CHIPIUK:** --- do you recall that?

22 **PRIME MINISTER JUSTIN TRUDEAU:** --- with whom?

23 **MS. EVA CHIPIUK:** And ---

24 **PRIME MINISTER JUSTIN TRUDEAU:** With the Mayor  
25 and whom?

26 **MS. EVA CHIPIUK:** Some of the convoy organizers.

27 **PRIME MINISTER JUSTIN TRUDEAU:** Which ones?

28 **MS. EVA CHIPIUK:** Well, Tamara Lich, who's



1 present here in this room, signed a letter. It was made  
2 publicly available on the news on Sunday, February 13<sup>th</sup>, and you  
3 were advised of that agreement at the IRG meeting.

4 **PRIME MINISTER JUSTIN TRUDEAU:** And we were also  
5 advised that that agreement wasn't holding and that many of the  
6 convoy had decried it as fake news and not actually an agreement  
7 that they would abide by.

8 **MS. EVA CHIPIUK:** And you learned that on  
9 Twitter; is that correct?

10 **PRIME MINISTER JUSTIN TRUDEAU:** No, we learnt  
11 that at the IRG meeting.

12 **MS. EVA CHIPIUK:** By whom?

13 **PRIME MINISTER JUSTIN TRUDEAU:** By our collected  
14 officials.

15 **MS. EVA CHIPIUK:** Thanks.

16 And now you should be aware that this Commission  
17 has also received evidence from City officials and others, that  
18 the next day on Monday the 14<sup>th</sup>, over 100 protest vehicles had  
19 moved out of the downtown residential areas under the Mayor's  
20 agreement, prior to your 4:30 p.m. announcement invoking the  
21 *Emergencies Act*, is that right?

22 **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
23 that, but I'm sure others have, or will.

24 **MS. EVA CHIPIUK:** They have. And you are aware  
25 of the evidence before this Commission from police officials and  
26 others who testified, that the efforts by the truckers to  
27 further vacate the downtown residential areas under the Mayor's  
28 deal were blocked by the police on both Tuesday and Wednesday,

1 February 15<sup>th</sup> and 16<sup>th</sup>; are you aware of that?

2 **PRIME MINISTER JUSTIN TRUDEAU:** No, I am not. My  
3 understanding was the police were allowing anyone who wanted to  
4 leave, to leave.

5 **MS. EVA CHIPIUK:** Okay. Would you agree with me  
6 that it would have been a far better outcome if you and your  
7 colleagues would've allowed the de-escalation agreement with the  
8 Mayor to be completed, and there would have been no need to  
9 invoke the extraordinary powers of the *Emergencies Act*,  
10 including the significant and violent police actions, and  
11 freezing Canadians' bank accounts?

12 **MR. BRIAN GOVER:** If I could interrupt,  
13 Commissioner? It's Brian Gover on behalf of the Government of  
14 Canada.

15 The agreement was to move the protesters to  
16 Wellington. My friend is misstating the evidence, in my  
17 submission.

18 **MS. EVA CHIPIUK:** I could provide some clarity.

19 **COMMISSIONER ROULEAU:** Okay, go ahead.

20 **MS. EVA CHIPIUK:** It's very well known in the  
21 agreement with the Mayor, that it was to remove vehicles from  
22 the downtown residential areas, and yes, Mr. Gover, thank you,  
23 to move to Wellington. But out of residential areas, apart from  
24 Wellington, so thank you.

25 Can you now -- are you able to answer the  
26 question?

27 **PRIME MINISTER JUSTIN TRUDEAU:** I believe the  
28 answer was no, but you can repeat the question if you like.

1           **MS. EVA CHIPIUK:** Sure. If you had allowed the  
2 de-escalation agreement; in other words, moving trucks outside,  
3 and other protest vehicles outside of the downtown area, there  
4 would be no need to invoke the *Emergency Act*.

5           **MR. BRIAN GOVER:** Mr. Commissioner, I object  
6 again, because characterizing this as a de-escalation agreement,  
7 in my submission, is a misnomer. This was a -- an agreement  
8 that didn't hold, but it was to move vehicles from residential  
9 areas to Wellington Street.

10           **COMMISSIONER ROULEAU:** Well, I'll let the  
11 question stand. I think it's a question of interpretation.  
12 Go ahead.

13           **PRIME MINISTER JUSTIN TRUDEAU:** So no, I don't  
14 agree.

15           **MS. EVA CHIPIUK:** Thank you.  
16 Your officials have testified that they are --  
17 that they were following the convoy as it began moving from  
18 regions of Canada towards Ottawa. And you are aware that  
19 thousands of Canadians lined the highways and overpasses to  
20 cheer the truckers. Is that right?

21           **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
22 the number, but yes ---

23           **MS. EVA CHIPIUK:** Thank you.

24           **PRIME MINISTER JUSTIN TRUDEAU:** --- there was --  
25 there were many supporters, yes.

26           **MS. EVA CHIPIUK:** Mr. Prime Minister, I would  
27 like to read to you an excerpt from three of the many statements  
28 that Canadians prepared for this Commission, Canadians who

1 supported the convoy and explained why.

2                   And I would like -- I would ask the Registrar to  
3 bring up document ID HRF00001660. If you could turn to page  
4 274, please?

5                   And while that comes up I'll just start reading  
6 the statement; 274.

7                   Elizabeth Clappik (phonetic) provided a statement  
8 about how the government's COVID mandates and lockdowns disrupt  
9 -- disrupted her life. Starting at paragraph 3, she said:

10                           "The truckers and the Canadians who  
11 lined the roads, overpasses, and  
12 highways restored the hope that I had  
13 almost lost. These patriotic Canadians  
14 told me that I am not alone; that I  
15 matter. I will never forget the hope  
16 and pride I felt watching these amazing  
17 truckers driving along Canadian  
18 highways, crowded with patriotic flag  
19 -- of Canadians flying patriotic --  
20 Canadians flying their flags and  
21 holding their signs of support. I will  
22 never forget the tears I shed as I  
23 regained that almost lost hope; that  
24 love for my home and native land, that  
25 love for my fellow Canadians." (As  
26 read)

27                   At page 235, Ottawa resident Karen Hannah  
28 (phonetic), who obtained a Sociology degree from Ottawa

1 University, starting at paragraphs 5, stated:

2 "For months the leader of our country  
3 publicly shamed people like me and my  
4 husband. Our own family members turned  
5 on us, blamed us, and it -- some even  
6 told us we don't deserve healthcare."

7 (As read)

8 Paragraph 17:

9 "One of my most emotional moments was  
10 dancing on Rideau Street beside a local  
11 man. He had tears streaming down his  
12 face. All he wanted was a hug. It was  
13 very overpowering for him. I met a  
14 girl, 22 years old, who just hopped in  
15 her car from Winnipeg and just kept  
16 driving; she stayed the entire time. I  
17 met people who were like family to me,  
18 people who gave up everything to come  
19 to Ottawa for justice and an  
20 explanation." (As read)

21 At page 116. Here's one of many, many concerned  
22 parents and spouses. Sam Crozier (phonetic) at paragraph 8  
23 says:

24 "I am not asking for help; I am begging  
25 you to please listen. Hear my heart,  
26 feel my pain, and help work towards the  
27 true North strong and free that we were  
28 promised. My husband, an army veteran

1 who now has PTSD, and not from anything  
2 he has seen or done in the Forces but  
3 from what our own government has done.  
4 Our government has destroyed my life.  
5 I, a once optimistic, full-of-life  
6 person, find myself struggling to stay  
7 above water now. I struggle to find  
8 joy in anything, and daily fear a new  
9 announcement being made that will  
10 further punish us.

11 I have written the same email to every  
12 Member of Parliament daily, and been  
13 ignored by a large collection of the  
14 people meant to be our leaders, meant  
15 to be listening to us." (As read)

16 Mr. Prime Minister, you have now heard the  
17 statements from some of the many concerned Canadians who felt  
18 compelled to support the protesters. Do you now understand the  
19 reason so many Canadians came to Ottawa with such resolve in the  
20 midst of a harsh, cold Canadian winter because of the harms  
21 caused by your government COVID mandates and they wanted to be  
22 heard?

23 **PRIME MINISTER JUSTIN TRUDEAU:** I am moved, and I  
24 was moved as I heard these testimonies, as I saw the depth of  
25 hurt and anxiety with the present and the future expressed by so  
26 many people.

27 The COVID pandemic was unbelievably difficult on  
28 all Canadians. And my job throughout this pandemic, was to keep

1 Canadians safe. And the way that I chose to do that was to lean  
2 on Public Health officials, lean on experts and science on the  
3 best way to keep Canadians safe. And because Canadians got  
4 vaccinated to over 80 percent, we had fewer deaths in Canada  
5 than places that didn't reach that.

6 And every heartbreaking story I hear of a family  
7 who sat beside the bed of a loved one dying because they had  
8 believed that the vaccines were more dangerous than the disease,  
9 I take personally, because I wish I could have done more ---

10 **MS. EVA CHIPIUK:** And I don't mean ---

11 **PRIME MINISTER JUSTIN TRUDEAU:** --- to convince  
12 people ---

13 **MS. EVA CHIPIUK:** --- to cut you off.

14 **PRIME MINISTER JUSTIN TRUDEAU:** --- to get  
15 vaccinated.

16 **MS. EVA CHIPIUK:** --- but I only have 10 minutes.  
17 So thank you, that was helpful.

18 Mr. ---

19 **COMMISSIONER ROULEAU:** Just to interrupt you,  
20 you're going to have to shorten it because you're already over  
21 your time.

22 **MS. EVA CHIPIUK:** Okay, thank you.

23 A number of people have testified in this Inquiry  
24 referencing your widely-published comments and calling the  
25 unvaccinated racists and misogynists. And we have heard  
26 testimony in this Inquiry about how some of your officials  
27 wanted to label protesters as terrorists.

28 Would you agree with me that one of the most

1 important roles of a Prime Minister is to unite Canadians and  
2 not divide them by engaging in name-calling?

3 **PRIME MINISTER JUSTIN TRUDEAU:** I did not call  
4 people who were unvaccinated names. I highlighted, there is a  
5 difference between people who are hesitant to get vaccinated for  
6 any range of reasons, and people who deliberately spread  
7 mis-information that puts at risk the life and health of their  
8 fellow Canadians.

9 **MS. EVA CHIPIUK:** Okay. Well ---

10 **PRIME MINISTER JUSTIN TRUDEAU:** And my focus  
11 every step of the way, and the primary responsibility of a Prime  
12 Minister is to keep Canadians safe and alive.

13 **MS. EVA CHIPIUK:** Right. So in terms of safety,  
14 when you met with -- I'll reframe. Minister Blair; Public  
15 Safety Minister, Minister Mendicino; National Security  
16 Intelligence Advisor Jody Thomas; and RCMP Commissioner Brenda  
17 Lucki; and today, you, testified that the Federal Government was  
18 committed to exhausting all alternatives to a resolution prior  
19 to making a decision to invoke the extraordinary powers of the  
20 *Emergencies Act*.

21 Do you agree that that accurately describes your  
22 Government's position?

23 **PRIME MINISTER JUSTIN TRUDEAU:** The invocation of  
24 the *Emergencies Act* was a measure of last resort, was not  
25 something to be taken lightly ---

26 **MS. EVA CHIPIUK:** Thank you.

27 **PRIME MINISTER JUSTIN TRUDEAU:** --- it's  
28 something to do when other options were not effective.



1           **MS. EVA CHIPIUK:** And you are aware that the OPP,  
2 along with others, developed an engagement proposal, and you  
3 were advised of that proposal at the IRG meeting on  
4 February 12th; correct?

5           **PRIME MINISTER JUSTIN TRUDEAU:** It was a  
6 proposal, but we had -- and it was presented to us. We had more  
7 questions about how it would actually work. There -- it was not  
8 a complete proposal.

9           **MS. EVA CHIPIUK:** My last question, Mr. Prime  
10 Minister. When did you and your Government start to become so  
11 afraid of your own citizens?

12           **MR. BRIAN GOVER:** That's a very unfair ---

13           **PRIME MINISTER JUSTIN TRUDEAU:** I am not, and we  
14 are not.

15           **MS. EVA CHIPIUK:** Those are my questions.

16           **COMMISSIONER ROULEAU:** Thank you.

17           If there's any more trouble that side of the room  
18 is going to be expelled. Is that clear enough?

19           Next, I'll call on the City of Ottawa, please.

20 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

21           **MS. ALYSSA TOMKINS:** Good afternoon, Prime  
22 Minister. My name's Alyssa Tomkins. I am counsel for the City  
23 of Ottawa.

24           I just wanted to take you to a couple of  
25 statements on your witness summary to start.

26           So if we could bring that up. It's WTS00000084,  
27 please, Mr. Clerk, and we'll be going to page 4. And just if we  
28 can scroll down to where we're talking about Challenges in

1 Ottawa.

2 So the first point you make is that:

3 "...the lesson learned was not to let  
4 the trucks park because that makes it  
5 more difficult to remove them."

6 And you:

7 "...noted that decision-makers in  
8 Toronto and Quebec City heeded this  
9 lesson."

10 Prime Minister, are you aware that since that  
11 time, the City of Ottawa, in preparation for two events, has  
12 indeed closed roads? So the City has learned that lesson as  
13 well. You'll agree?

14 **PRIME MINISTER JUSTIN TRUDEAU:** Excellent.

15 **MS. ALYSSA TOMKINS:** Okay. The second, about  
16 their resources, you state:

17 "...that there appeared to be a  
18 breakdown of communication between OPS  
19 and the City..."

20 And you stated:

21 "It was unclear, for instance, whether  
22 the Mayor's request for additional  
23 police officers was made with the  
24 support of the OPS or the Ottawa Police  
25 Services Board."

26 Now, are you talking about the letter that you  
27 received from Mayor Watson?

28 **PRIME MINISTER JUSTIN TRUDEAU:** I'm talking about

1 the fact that we were regularly briefed throughout that there  
2 were different requests coming from the police, then from the  
3 Mayor, then from other elements within Ottawa's orbit.

4 **MS. ALYSSA TOMKINS:** Okay. Well, I'm a bit short  
5 on time, but I'll put to you that the letter you received from  
6 the Mayor was co-singed by the Chair of the Ottawa Police  
7 Services Board. So by the time the letter came, it was clear it  
8 was from the OPSB as well; correct?

9 **PRIME MINISTER JUSTIN TRUDEAU:** Perhaps.

10 **MS. ALYSSA TOMKINS:** Well, I can bring it up.

11 **PRIME MINISTER JUSTIN TRUDEAU:** Okay.

12 **MS. ALYSSA TOMKINS:** I don't know that it serves  
13 us. I'll put to the record, and given my short time we'll deal  
14 with it after.

15 And in terms of OPS, also, by that point -- well,  
16 why don't we go to the readout of the call. So the letter came,  
17 just to situate you, the letter came February 7th and the next  
18 day, on February 8th, you had a call with Mayor Watson. Do you  
19 remember that?

20 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I do.

21 **MS. ALYSSA TOMKINS:** But we'll bring up the  
22 readout.

23 So it's SSM.CAN.NSC.00002837.

24 Okay. And -- so there's nothing in here...

25 Let's scroll down to page 2.

26 ...that if we go through it, there's no concern  
27 expressed by you during this call that there's any uncertainty  
28 about whether OPS or the OPSB are aware of the resource request.

1 So by this point, is that clear in your mind?

2 **PRIME MINISTER JUSTIN TRUDEAU:** I'm sorry, the --  
3 it is clear that Mayor Watson is asking for 1,800 officers?

4 **MS. ALYSSA TOMKINS:** Yes.

5 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, Mayor Watson  
6 was regularly clear in wanting many more officers. It wasn't  
7 always clear what the plan for those officers would be. Those  
8 we turn to the OPS for that, and the OPS tended to give us  
9 different numbers than the City of Ottawa was giving us. That  
10 was how I was briefed throughout.

11 **MS. ALYSSA TOMKINS:** Okay. No, I'm -- we'll -- I  
12 -- there is other evidence on that, I'm not going to take you to  
13 it, but I think you're saying that you were briefed on that but  
14 we couldn't rely on the evidence of those individuals here?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Okay. But in a  
16 contemporary way, as I was watching things unfolded, the  
17 briefings I received, and what was consistent was there was  
18 confusion or misalignment between different sectors of the City  
19 of Ottawa and the Ottawa Police forces in terms of what they  
20 needed, how they needed, how they were being delivered, and that  
21 was one of the realities we were dealing with.

22 **MS. ALYSSA TOMKINS:** Okay. But that concern was  
23 not expressed in this call to Mayor Watson, you'll agree?

24 **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, scroll  
25 down a bit further?

26 "There are moments where you are saying  
27 one thing and he is saying another, is  
28 there anywhere we can help around



1           Then we get to a discussion about Mr. Ford. And  
2 that's actually where I wanted to get to.

3           **COMMISSIONER ROULEAU:** So you took a lot of time.  
4 You're out of time, so please get to the point quickly.

5           **MS. ALYSSA TOMKINS:** Yeah.

6           So if we keep going, and -- oh, there we are.

7           So you express that:

8                         "...the federal government will be  
9                         there with the resources."

10           And there's something about conflating. And I  
11 think you testified earlier about the source of the mandates,  
12 but you say:

13                         "...Doug Ford has been hiding from his  
14                         responsibilities on it for political  
15                         highlights as you highlighted, and  
16                         important that we don't let them get  
17                         away from that, and we intend to  
18                         support on that."

19           And the Mayor says:

20                         "If they keep dragging their feet, I'm  
21                         happy to call them out. It'd be nice if  
22                         we have something firmed up from the  
23                         federal government to shame them. Ford  
24                         didn't even make an effort to come and  
25                         see what's going on."

26           So part of the reason that -- you'll agree that  
27 part of the reason the Mayor was reaching out to the federal  
28 government directly was to give him additional ammunition to put

1 pressure on the province; correct?

2 **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
3 the Mayor's intentions in reaching out to me. I know that I  
4 reached out to the Mayor to talk about the situation in Ottawa  
5 and to express that I had expressed to the Commissioner of the  
6 RCMP and others that we should be providing whatever resources  
7 can help the City of Ottawa.

8 **MS. ALYSSA TOMKINS:** And all I'm saying is that  
9 when the Mayor went to both the province and the feds, he's  
10 explaining to you here that one of the reasons he's doing that  
11 because he's also reached out to Ford, is that he's hoping  
12 you'll give him something so that he can also push on Ford. So  
13 he knows he has to go to the province, too.

14 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah, but we  
15 don't -- we don't provide police officers in order to shame or  
16 make political points. We're providing police officers to be  
17 useful on the ground and to be able to deliver things. So maybe  
18 there are political points to be scored or made, but our focus  
19 every step was what could we do to help deliver the resources  
20 that Ottawa obviously needed in order to move forward on dealing  
21 with this occupation.

22 **MS. ALYSSA TOMKINS:** But you'll agree that the  
23 Mayor was frustrated, as were you, that the province was not  
24 providing the resources they needed on an expedited basis.

25 **PRIME MINISTER JUSTIN TRUDEAU:** As I believe I  
26 testified, my understanding was that the OPP was engaged but it  
27 was at the political level that there wasn't as much engagement  
28 at that particular point. As we know, as time went by, the

1 province got very much activated and engaged and, indeed, I had  
2 call with Premier Ford the very next day in which he showed his  
3 engagement.

4 **MS. ALYSSA TOMKINS:** All right. Thank you very  
5 much, Prime Minister. I appreciate you answering my questions.

6 **COMMISSIONER ROULEAU:** Okay. Next is the Ottawa  
7 Coalition, please.

8 **--- CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:**

9 **MS. CHRISTINE JOHNSON:** Good afternoon, Mr. Prime  
10 Minister. My name's Christine Johnson. I'm counsel for the  
11 Ottawa Coalition of Residents and Businesses.

12 I want to use my time with you today, Prime  
13 Minister, to unpack the evidence that you've provided that, in  
14 your mind, this demonstration in Ottawa was not a peaceful  
15 protest.

16 So you've already told us, I believe in response  
17 to some questions from my friend with the Commission and my  
18 friend with the CTLA, that you obviously believe that protest is  
19 a very important part of a functioning democracy. You also  
20 acknowledged, and I think most people in Ottawa would agree,  
21 that peaceful protests may sometimes cause inconvenience for  
22 people and may also sometimes cause temporary interference with  
23 critical infrastructure, even.

24 But during the convoy demonstrations in Ottawa,  
25 you'd agree that we weren't seeing mere acts of civil  
26 disobedience or temporary interference with critical  
27 infrastructure. We were seeing unlawful conduct that  
28 significantly interfered with the community's ability to live



1 and exist.

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

3 **MS. CHRISTINE JOHNSON:** Thank you.

4 And it's your view that as early as the first  
5 weekend of the demonstration in Ottawa some convoy participants  
6 were engaged in serious illegal activity by blocking and  
7 occupying city streets, defacing public property and harassing  
8 residents.

9 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, was  
10 evidenced by my call with Yasir Naqvi, who highlighted a number  
11 of those things and a few more.

12 **MS. CHRISTINE JOHNSON:** And from that first  
13 weekend onwards, this became even worse and more concerning to  
14 you.

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, reports of  
16 people being harassed for wearing masks, the constant noise, the  
17 people not feeling safe in their own streets. There were many  
18 examples of that.

19 **MS. CHRISTINE JOHNSON:** And you mentioned to us  
20 this morning that you grew concerned in particular over counter-  
21 protests rising up.

22 Were you aware in particular of the counter-  
23 protest that has now been coined as the battle of Billings  
24 Bridge on February 13th?

25 **PRIME MINISTER JUSTIN TRUDEAU:** That was, I  
26 believe -- remind me. I believe that was where a number of  
27 residents prevented trucks from getting to the downtown core.

28 **MS. CHRISTINE JOHNSON:** That's correct.

1           And is it fair to say that this counter-protest  
2 was actually quite successful in getting some trucks to leave  
3 very peacefully?

4           **PRIME MINISTER JUSTIN TRUDEAU:** It's possible  
5 that it achieved those, but having civilians having to do things  
6 that would be more appropriate for trained police officers to be  
7 doing, I think we can both agree is not an ideal situation.

8           **MS. CHRISTINE JOHNSON:** Right. And so was the  
9 government worried that, given the success, even, of this  
10 counter-protest they might become more frequent if there was no  
11 government action and you were worried that that was what might  
12 ultimately lead to a violent conflict?

13          **PRIME MINISTER JUSTIN TRUDEAU:** Yes. When I  
14 talked about threats of serious violence, the increase of  
15 counter-protests and citizens taking issues into their own hands  
16 increases the possibility of conflict and violence.

17          **MS. CHRISTINE JOHNSON:** Right. And we've seen  
18 one document that I want to ask you about. I won't pull it up.  
19 But a CSIS report that we've been taken to a number of times in  
20 this inquiry that described the situation in downtown Ottawa.  
21 And CSIS communicated downtown Ottawa, "Mood was actually quite  
22 festive, not threatening to passers-by".

23                 I take it this was not your assessment based on  
24 what you were seeing and hearing for yourself.

25          **PRIME MINISTER JUSTIN TRUDEAU:** I think there  
26 were moments of festiveness and collegiality amongst people who  
27 were there. At the same time, CSIS also reported to me and to  
28 Cabinet that there were IMVE purveyors of extremist ideology

1 within the protest. And one of the concerns was people could be  
2 inspired or convinced or amplified in their behaviours to  
3 actually lash out and take actions in ways that were threats to  
4 public safety.

5 **MS. CHRISTINE JOHNSON:** And in addition to that,  
6 you were hearing, in fact, that many Ottawa residents, business  
7 owners and workers didn't find -- did, in fact, find the convoy  
8 quite threatening. So to those passers-by, at least, there was  
9 threatening behaviour.

10 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

11 **MS. CHRISTINE JOHNSON:** And you -- in your  
12 witness statement, you also suggest that, in your mind, this is  
13 not a peaceful protest because of the threat of violence that  
14 existed towards law enforcement when they were trying to manage  
15 the demonstration.

16 **PRIME MINISTER JUSTIN TRUDEAU:** I think a protest  
17 in which law enforcement are prevented from being able to do  
18 their jobs because of threats of violence to themselves cease to  
19 be a -- ceases to be a legal or peaceful protest.

20 **MS. CHRISTINE JOHNSON:** And my last question for  
21 you following from that, is that when the government was  
22 ultimately considering the evocation of the *Emergencies Act*,  
23 CSIS advised Cabinet that invoking the Act could further inflame  
24 extreme anti-government rhetoric and even incite violence.

25 To your mind, hearing that assessment, does that  
26 not, in and of itself, confirm to you the threat of serious  
27 violence that was ever-present amongst these demonstrations?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah. If

1 someone's telling me, "Oh, you know, you should be careful about  
2 actually enforcing the law because that might make people more  
3 violent", that's not necessarily a good argument as to why we  
4 should sort of let it slide or not intervene when people are  
5 emboldened or digging in to their illegal behaviours and that  
6 enforcement of public order is actually a threat.

7                   And this is actually something that Jason Kenney  
8 brought up at the FMM, highlighting that these are not rational  
9 actors. There were conspiracy theories and he was concerned, as  
10 we were, that the invocation of the *Emergencies Act* could have  
11 people who are irrational over-react, but at the same time, we  
12 had to balance that risk against the risk that people who were  
13 already starting to get fed up and engage in counter-protests  
14 would start taking more and more into their own hands, which was  
15 a greater risk, I think.

16                   **MS. CHRISTINE JOHNSON:** Thank you very much,  
17 Prime Minister. Those are all my questions for you.

18                   **PRIME MINISTER JUSTIN TRUDEAU:** Thank you.

19                   **COMMISSIONER ROULEAU:** Next I'd like to call on  
20 the Ontario Provincial Police, please.

21 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

22                   **MR. CHRISTOPHER DIANA:** Good afternoon, Mr. Prime  
23 Minister. Chris Diana, counsel for the OPP. Just bear with me  
24 for a moment while I set my timer.

25                   All right. Perhaps, Mr. Clerk, if we can start  
26 by bringing up document SSM.NS.CAN00000625.

27                   And while this document is coming up, Prime  
28 Minister, it's the transcript of your call with the Premiers to

1 situate you in time and place, which I believe was February 14th  
2 in the morning. Is that correct?

3 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

4 **MR. CHRISTOPHER DIANA:** All right. If we could  
5 turn to page 6, please? Scroll down a little bit. Where it  
6 says "PM" on the second line down.

7 I'm just going to read it out. It says:

8 "On a personal note, everything I've heard  
9 [about] RCMP and OPP have been excellent.  
10 OPP commissioner regarded very highly by  
11 federal officials. Windsor operation was  
12 outstanding. Will continue to  
13 collaborate."

14 So I take it that that's what you were hearing  
15 from your senior officials? That the OPP had been very  
16 effective to date?

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. And I would  
18 have mentioned -- you're always looking for positive things to  
19 say in these FMMS, where sometimes there are contentious issues.  
20 But that would have been the understanding I had of the past  
21 previous days. It may not have held from the very beginning of  
22 the protest, I won't speak to that, but at that moment, yes,  
23 that's what I was hearing from officials.

24 **MR. CHRISTOPHER DIANA:** And that would have been  
25 in accordance with your own personal views over what you had  
26 seen in recent days happening in Ontario in any event; right?

27 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, that there  
28 were -- that there was progress, yes.

1           **MR. CHRISTOPHER DIANA:** And I take it that your  
2 government had full confidence in the OPP to discharge its  
3 policing responsibilities within the Province of Ontario?

4           **PRIME MINISTER JUSTIN TRUDEAU:** It is not up to  
5 the Federal Government to determine who is policing. So it's  
6 not up to us to have confidence in the OPP to execute provincial  
7 responsibilities.

8           **MR. CHRISTOPHER DIANA:** No, but my point is, you  
9 -- and this is not a call where the media was on, this was you  
10 were talking to the Premiers, and you, without prompting,  
11 brought up the OPP and the OPP Commissioner. So I take it that  
12 your government was satisfied with what it had seen at the time  
13 of that call with the OPP?

14           **PRIME MINISTER JUSTIN TRUDEAU:** I was prompted,  
15 because the Premier was talking of the OPP before. So it wasn't  
16 entirely unprompted. But I was happy to say yes. I'm not  
17 trying to argue about it. Yes. Things seemed to be working  
18 well at that point.

19           **MR. CHRISTOPHER DIANA:** Right. And because by  
20 that point, and we've established earlier in your evidence that  
21 the Ambassador Bridge had been fully opened to traffic; correct?

22           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

23           **MR. CHRISTOPHER DIANA:** And that was an OPP-led  
24 enforcement?

25           **PRIME MINISTER JUSTIN TRUDEAU:** If you say so.

26           **MR. CHRISTOPHER DIANA:** We also know at that  
27 point, I think you testified that you were aware that the OPP  
28 had sent subject matter experts to lead the integrated planning

1 team in Ottawa?

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, I knew that  
3 they had sent experts to support in Ottawa.

4 **MR. CHRISTOPHER DIANA:** Right. And they were  
5 working with other police services, but you may have heard some  
6 of the evidence of Carson Pardy who was leading the exercise  
7 from the OPP; correct?

8 **PRIME MINISTER JUSTIN TRUDEAU:** I hadn't, but I'm  
9 sure that's true.

10 **MR. CHRISTOPHER DIANA:** And you also mentioned  
11 some other areas of difficulty in Ontario. You mentioned the  
12 Bluewater Bridge, you mentioned Fort Erie. Those were the other  
13 areas the OPP was actively engaged in; correct?

14 **PRIME MINISTER JUSTIN TRUDEAU:** I assume, yes.

15 **MR. CHRISTOPHER DIANA:** And to your knowledge,  
16 there were never -- there was never an occupation or a blocking  
17 of either of those crossings?

18 **PRIME MINISTER JUSTIN TRUDEAU:** I believe there  
19 were slow rolls headed towards one or both of them at one point.  
20 There was chatter about people moving from the Ambassador Bridge  
21 to one or to the others, but I don't believe those -- I'm quite  
22 sure that those blockades never actually fully materialized.

23 **MR. CHRISTOPHER DIANA:** Right. And the OPP were  
24 actively engaged in those movements; correct?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, both before  
26 and after the invocation of the *Emergencies Act*.

27 **MR. CHRISTOPHER DIANA:** Right. Now in that  
28 context, where the OPP is active across the Province of Ontario,

1 you would agree that OPP Commissioner Carrique could have  
2 provided valuable input on what tools might be useful under the  
3 *Emergencies Act*?

4 **PRIME MINISTER JUSTIN TRUDEAU:** I'm fairly  
5 certain that the OPP did provide inputs. We, as a Federal  
6 Cabinet, got our inputs through the RCMP, but part of the RCMP's  
7 role was to inform us on suggestions and requirements by all  
8 other police organizations as well.

9 **MR. CHRISTOPHER DIANA:** No, and fair enough. And  
10 you may not have heard the evidence. Both Deputy Minister  
11 Stewart and Commissioner Lucki thought that the OPP had been  
12 consulted, but in fact, they had not been. And I guess what I'm  
13 putting to you is the notion that if we're dealing with a  
14 question of either necessary or useful tools, if a protest is  
15 happening in Ontario, it would be a good idea to seek some input  
16 from the OPP; correct?

17 **PRIME MINISTER JUSTIN TRUDEAU:** It would not be  
18 up to me to call the OPP. It would not be up to necessarily  
19 even a Federal Minister to do it. Our expectation, my  
20 expectation certainly would have been that it would be for the  
21 RCMP to work with their fellow police organizations on  
22 coordination, and I would have assumed that that was done.

23 **MR. CHRISTOPHER DIANA:** And that can be done  
24 quickly from Commissioner to Commissioner; correct?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26 **MR. CHRISTOPHER DIANA:** And for purposes of  
27 transparency -- and Commissioner, I understand I've hit my five-  
28 minute mark, this is my last question.



1           For purposes of transparency, we know that there  
2 is a consultation record, as we've seen here, when you talk with  
3 the Premiers, that there should also be a written record of  
4 consultation with law enforcement so that for accountability  
5 purposes, when we go back and take a look at the circumstances  
6 in terms of the tools, that there's no ambiguity about what was  
7 needed or what tools might be useful. Would you agree with that  
8 suggestion?

9           **PRIME MINISTER JUSTIN TRUDEAU:** I know the  
10 Commission will be reflecting on suggestions on how to move  
11 forward in future emergencies.

12           **MR. CHRISTOPHER DIANA:** So you would agree with  
13 my suggestion then; correct?

14           **PRIME MINISTER JUSTIN TRUDEAU:** It's not up to me  
15 to agree with what needs to happen in the future.

16           **MR. CHRISTOPHER DIANA:** You wouldn't disagree  
17 then?

18           **PRIME MINISTER JUSTIN TRUDEAU:** I think more  
19 consultation is good, but understanding that in an emergency,  
20 one needs to move quickly.

21           **MR. CHRISTOPHER DIANA:** Thank you, Mr. Prime  
22 Minister.

23           **COMMISSIONER ROULEAU:** Okay. Thank you. The  
24 next is former Chief Sloly's counsel, please.

25 **--- CROSS-EXAMINATION BY MS. REBECCA JONES:**

26           **MS. REBECCA JONES:** Mr. Prime Minister, I'm  
27 Rebecca Jones. Counsel for former Chief Sloly.

28           And you've testified today about the situation

1 facing the country and the City of Ottawa in particular when the  
2 *Emergencies Act* was invoked; right? And this included threats  
3 of violence, trucks with weapons in Coutts, trucks with unknown  
4 contents in Ottawa, and children in Ottawa at the site of the  
5 occupation; right?

6 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

7 **MS. REBECCA JONES:** And Chief Sloyly described the  
8 situation in Ottawa as a tinder box. And I take it you'd agree  
9 with that?

10 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. That was  
11 one of our concerns, that it could get worse very quickly.

12 **MS. REBECCA JONES:** Right. There was always a  
13 risk of escalation?

14 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

15 **MS. REBECCA JONES:** And you testified that it is  
16 the responsibility of the Prime Minister to make tough calls and  
17 keep people safe; right?

18 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. And others  
19 as well. But yes, that is one of the roles of the Prime  
20 Minister.

21 **MS. REBECCA JONES:** It's not your only  
22 responsibility. I take it that is the role of a police chief?

23 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

24 **MS. REBECCA JONES:** And the Prime Minister and  
25 the Police Chief don't take steps just because people are  
26 demanding them; right?

27 **PRIME MINISTER JUSTIN TRUDEAU:** We certainly need  
28 to take into account the perspective and concerns and

1 expectations of citizens. That's an important input into  
2 leadership. But ultimately we have to -- getting the decision  
3 right is more important than making the popular decision.

4 **MS. REBECCA JONES:** Right. And you testified  
5 that as of the date of the *Emergencies Act*, the fact that there  
6 had not yet been any serious violence was obviously a good  
7 thing, but that you couldn't say there was no threat of that;  
8 right?

9 **PRIME MINISTER JUSTIN TRUDEAU:** Indeed.

10 **MS. REBECCA JONES:** And I'm going to suggest that  
11 the fact that there had been no serious violence was not only a  
12 good thing, but it was a credit to municipal police forces, all  
13 police forces, Chief Sloy, and all of his policing partners?

14 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. And a  
15 credit to residents, and a credit to people who were there on  
16 the ground. There was no violence. It would have taken one  
17 person on any side to create situations of violence. So we are  
18 -- it is fortunate that there was no violence, no significant  
19 violence at that point, ---

20 **MS. REBECCA JONES:** Right.

21 **PRIME MINISTER JUSTIN TRUDEAU:** --- or at any  
22 point.

23 **MS. REBECCA JONES:** And it is to the credit of  
24 the police, among others, that there was no serious violence;  
25 right?

26 **PRIME MINISTER JUSTIN TRUDEAU:** I'm not  
27 positioned to evaluate how much what the police did or didn't do  
28 in Ottawa was directly responsible for the lack of violence.

1                   **MS. REBECCA JONES:** Okay. Now, in 2021, then  
2 Chief Sloly was invited to the Prime Minister's listening circle  
3 to speak about policing reforms. You remember that?

4                   **PRIME MINISTER JUSTIN TRUDEAU:** I do.

5                   **MS. REBECCA JONES:** And, Mr. Prime Minister, you  
6 thanked him for his presentation and you thanked him for his  
7 leadership in leading police reform in Canada; right?

8                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

9                   **MS. REBECCA JONES:** And I take it you agree that  
10 it's important to have voices like Peter Sloly's at the table in  
11 Canadian policing?

12                   **PRIME MINISTER JUSTIN TRUDEAU:** You mean diverse  
13 Canadians in positions of power?

14                   **MS. REBECCA JONES:** Yes.

15                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16                   **MS. REBECCA JONES:** Okay. And the convoy related  
17 events across Canada in late January and February of this year,  
18 I'll take it you'll agree with me, they were a trauma for the  
19 nation?

20                   **PRIME MINISTER JUSTIN TRUDEAU:** They were  
21 certainly a very challenging time and many Canadians experienced  
22 them as trauma. Yes.

23                   **MS. REBECCA JONES:** Right. And this trauma  
24 landed more heavily on the shoulders of certain individuals,  
25 like Chief Sloly and his family, than on others? Is that fair?

26                   **PRIME MINISTER JUSTIN TRUDEAU:** I think there was  
27 a lot of trauma to go around on all sides.

28                   **MS. REBECCA JONES:** Okay. Now I want to return

1 in the time I have left to the issue of the readiness of the  
2 operational plan as of February 13<sup>th</sup>, and you've been candid in  
3 acknowledging that you didn't read the operational plan on  
4 February 13<sup>th</sup>, which of course makes sense.

5 **PRIME MINISTER JUSTIN TRUDEAU:** That I wasn't  
6 given the operational plan.

7 **MS. REBECCA JONES:** And nor would you expect to  
8 be.

9 **PRIME MINISTER JUSTIN TRUDEAU:** That's right.

10 **MS. REBECCA JONES:** Okay. And you can't comment  
11 on whether or not it was a good or complete plan you testified?

12 **PRIME MINISTER JUSTIN TRUDEAU:** I can't comment  
13 from personal knowledge, but my understanding, both at the time  
14 and subsequently from people who are aware of the plan, was that  
15 it was not a complete plan.

16 **MS. REBECCA JONES:** Okay. So we're going to have  
17 to put aside subsequently. It was the plan that cleared the  
18 occupation in Ottawa is the evidence here, but at the time ---

19 **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, that was  
20 the plan of the 17<sup>th</sup> that cleared there the occupation, not the  
21 plan of the 13<sup>th</sup>.

22 **MS. REBECCA JONES:** Well, we'll put that aside.  
23 We will disagree on that issue, Mr. Prime Minister, but what I  
24 believe you're saying is that, at the time, on February 13<sup>th</sup> or  
25 as of February 13<sup>th</sup>, that was your view, based on what you were  
26 being told, I take it, by the Commissioner of the RCMP?

27 **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, what was  
28 my view, that the plan was ---

1 MS. REBECCA JONES: The plan wasn't ready.

2 PRIME MINISTER JUSTIN TRUDEAU: Yes.

3 MS. REBECCA JONES: Okay.

4 PRIME MINISTER JUSTIN TRUDEAU: That was my view.

5 MS. REBECCA JONES: And I just want to take you,  
6 please, to TRN23, page 69, please.

7 And, Mr. Prime Minister, this is the testimony of  
8 Commissioner Lucki before this inquiry. I believe it may be  
9 page 69 in the PDF. There we are.

10 And so if you start scrolling down, you'll see  
11 that Commission Counsel is asking about the status of the plan -  
12 - and please, of course, take your time to read it -- as of  
13 February 13<sup>th</sup>.

14 And you will see that Commissioner Lucki  
15 confirms, "Yes, that was when it was completed." And that would  
16 be on February 13<sup>th</sup>. And then Commission Counsel says,

17 "And we've heard some evidence about  
18 this from other police agencies, but  
19 essentially, that it was a team effort.

20 The RCMP was there, the OPP and the  
21 OPS." (As read)

22 Correct? And Commissioner Lucki says yes. And  
23 Commission Counsel says,

24 "And I understand it. You in  
25 particular, Commissioner Lucki, and  
26 perhaps the rest of your team who  
27 looked at it were generally satisfied  
28 with the plan as an operational plan to

1 deal with the situation in Ottawa."

2 (As read)

3 And Commissioner Lucki says,

4 "Yes, both myself and Commissioner  
5 Carrique were briefed on the plan the  
6 Friday before that. Like, I think it  
7 was around February 11<sup>th</sup> we got the  
8 actual briefing from the planners on  
9 the plan and, yeah, yes, we were  
10 satisfied with the plan." (As read)

11 Okay. So I put that to you, Mr. Prime Minister,  
12 to suggest that what happened here was that you were not briefed  
13 by Commissioner Lucki on the 13<sup>th</sup> as to her satisfaction and the  
14 RCMP's satisfaction on the integrated plan to clear Ottawa?

15 **PRIME MINISTER JUSTIN TRUDEAU:** I can only speak  
16 to what I both knew then and what I know now. What I knew then  
17 was what I was -- what my understanding was then was that there  
18 was not a complete plan or a workable or operational plan to  
19 clear Ottawa at that point ---

20 **MS. REBECCA JONES:** Okay.

21 **PRIME MINISTER JUSTIN TRUDEAU:** --- and I now  
22 know that indeed there was not a plan on that weekend ---

23 **MS. REBECCA JONES:** Mr. Prime Minister, it's ---

24 **PRIME MINISTER JUSTIN TRUDEAU:** --- and I can't  
25 speak to what people said.

26 **MS. REBECCA JONES:** --- it's important that we  
27 stick with what you understood on February 13<sup>th</sup> ---

28 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

1                   **MS. REBECCA JONES:** --- okay? So I'm ---

2                   **PRIME MINISTER JUSTIN TRUDEAU:** So what I  
3 understood then was that there was not an ---

4                   **MS. REBECCA JONES:** And I hear you on that. What  
5 I'm suggesting to you based on what you've seen was Commissioner  
6 Lucki's evidence, that there's a disconnect here. And perhaps  
7 what happened, and I'm going to suggest what happened, is that  
8 Commissioner Lucki didn't brief you and your Cabinet on the fact  
9 that there was a complete plan on the 13<sup>th</sup>?

10                   **PRIME MINISTER JUSTIN TRUDEAU:** I can't comment  
11 on that.

12                   **MS. REBECCA JONES:** Thank you.

13                   **COMMISSIONER ROULEAU:** Thank you. Next call on  
14 the City of Windsor, please.

15 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

16                   **MS. JENNIFER KING:** Good afternoon, Prime  
17 Minister. My name is Jennifer King, and I am legal Counsel to  
18 the City of Windsor.

19                   Mr. Prime Minister, I would like to start by  
20 taking you to one document, SSM.CAN.NSC 00002698. This is a  
21 read out of a call that you had with Mayor Dilkens of Windsor on  
22 February the 10<sup>th</sup>. Do you recall that conversation?

23                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

24                   **MS. JENNIFER KING:** On the first page there's  
25 some takeaways. I just wanted to read out the first one,

26                                   "The Mayor appeared confident that a  
27                                   plan and resources are in place. He  
28                                   only need [-- only needed --] the



1                   injunction to operationalize the plan  
2                   by Saturday. PM provided reassurance  
3                   that the federal government is there."

4                   If you could scroll to page 2 towards the bottom  
5 of the page, Mr. Clerk?

6                   And you'll see here, Mr. Prime Minister, that it  
7 indicates that you said,

8                   "As I was speaking with police officers  
9                   and various folks, no question on the  
10                  ground operationally who has  
11                  jurisdictions. I can assure you that  
12                  the RCMP is working closely with the  
13                  OPP[...]. Because this is our problem  
14                  and [I] want you to be reassured that  
15                  we are out there and operationally  
16                  totally linked."

17                  So I just wanted to stop there. What did you  
18 mean, Mr. Prime Minister, when you said this is our problem?

19                  **PRIME MINISTER JUSTIN TRUDEAU:** It is our problem  
20 together. It is our, as in different orders of government  
21 together is I assume what I meant on this one because the rest  
22 of the sentence is really showing that I knew and had been  
23 apprised that in the -- in regards to what was happening in  
24 Windsor, the OPP and the RCMP were working well together.

25                  **MS. JENNIFER KING:** Okay. And hopefully -- it  
26 continues on,

27                  "And hopefully, the politics will  
28                  recede a little because some of the

1 stuff coming out of QP is a little  
2 inconsistent."

3 What does QP mean here?

4 **PRIME MINISTER JUSTIN TRUDEAU:** Probably question  
5 period on the federal side because I think we were -- he was  
6 talking about the challenging that he was -- challenges he was  
7 facing in council chambers as well, and some of the debates that  
8 were happening at the municipal level.

9 **MS. JENNIFER KING:** Right. Okay. You can take  
10 that down, Mr. Clerk. Thank you.

11 You testified this morning, Mr. Prime Minister,  
12 about jurisdictional issues that arose related to the  
13 governmental response to the blockades and occupations in  
14 January and February. In Windsor, there's a provincial highway  
15 connected to an international border crossing by a municipal  
16 road through a community; right?

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah.

18 **MS. JENNIFER KING:** Would you agree that the  
19 response to the blockade required communication and  
20 collaboration between all three levels of government?

21 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

22 **MS. JENNIFER KING:** Certainly this morning you  
23 testified that when three orders of government are able to work  
24 seamlessly together, you get better results; right?

25 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

26 **MS. JENNIFER KING:** You would agree with me that  
27 there was not a pre-existing plan or framework establishing the  
28 jurisdictional responsibilities of each of the three levels of

1 government when responding to the unprecedented circumstances of  
2 these blockades of critical infrastructure?

3 **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
4 the existence or not of that, but it is clear that if there was,  
5 it wasn't as effective as it could have been, and if there  
6 wasn't, perhaps there should have been.

7 **MS. JENNIFER KING:** Okay. And you testified this  
8 morning about the two tracks of work coming out of the IRG  
9 meeting on February 10<sup>th</sup>. The Clerk of the Privy Council told  
10 this Commission that track one was to determine everything that  
11 could be done within the existing set of powers, duties and  
12 functions under the law; right?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

14 **MS. JENNIFER KING:** So there was no pre-existing  
15 plan or framework setting out the various authorities available  
16 to all three levels of government to respond to these blockades?

17 **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, I don't  
18 understand what you're asking.

19 **MS. JENNIFER KING:** So it wasn't predetermined,  
20 it wasn't pre-collected the different authorities that were  
21 available to the different levels of government.

22 **PRIME MINISTER JUSTIN TRUDEAU:** But that sounds  
23 like operational police coordination and that's not something  
24 that as Prime Minister I would be particularly closely involved  
25 in.

26 **MS. JENNIFER KING:** Well, certainly the three  
27 levels of government were considering and the IRG was  
28 considering the different authorities and powers available to

1 them to assist?

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, the IRG and  
3 the federal government was looking to offer resources to police  
4 of jurisdiction in helping out, yes.

5 **MS. JENNIFER KING:** Okay. So the Commission has  
6 heard during this hearing, several times, that Windsor started  
7 reaching out to the province and to the federal government  
8 shortly after the blockade was cleared, asking for the three  
9 levels of government to sit down, debrief, and work together to  
10 develop a plan to protect these international border crossing.  
11 Minister Blair, just to give you a heads up, testified that he  
12 did not recall this request but said it struck him as a  
13 reasonable request. Do you agree?

14 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

15 **MS. JENNIFER KING:** And Minister Mendicino  
16 testified that a planning process to protect border crossings  
17 must include every level of government, of course, the City of  
18 Windsor and other border communities as well; do you agree?

19 **PRIME MINISTER JUSTIN TRUDEAU:** That makes sense,  
20 yes.

21 **MS. JENNIFER KING:** And so you'll agree that all  
22 three levels of government must collaboratively develop a  
23 framework to protect the critical infrastructure in Canada?

24 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

25 **MS. JENNIFER KING:** Mr. Prime Minister, you said  
26 in your remarks on the revocation of the *Emergencies Act* on  
27 February 23<sup>rd</sup> that even as this emergency is over, we need to  
28 make sure institutions are prepared and ready for the future.

1 This issue just won't go away.

2 And, in fact, Mr. Prime Minister, the next threat  
3 may be different from the blockades that we experienced earlier  
4 this year. What are you doing, Mr. Prime Minister, to ensure  
5 that such a plan is developed on an urgent basis?

6 **PRIME MINISTER JUSTIN TRUDEAU:** I have made it  
7 clear to the appropriate Ministers that working -- particularly  
8 Minister Blair, the Minister of Emergency Preparedness, that  
9 preparing for emergencies of all types must be a priority for  
10 this government, and must involve working with partners at all  
11 layers of government.

12 **MS. JENNIFER KING:** Thank you.

13 **COMMISSIONER ROULEAU:** Okay. Next I'd like to  
14 call on the Windsor Police Service, please.

15 **--- CROSS-EXAMINATION BY MS. HEATHER PATERSON:**

16 **MS. HEATHER PATERSON:** Good afternoon, Mr. Prime  
17 Minister. My name is Heather Paterson; I'm counsel to the  
18 Windsor Police Service.

19 Minister Blair testified earlier this week, and  
20 he agreed that the Windsor enforcement operation on February 12<sup>th</sup>  
21 and 13<sup>th</sup> was a success with no loss of life or serious injury to  
22 public, protesters, or police. Would you agree with Minister  
23 Blair's assessment?

24 **PRIME MINISTER JUSTIN TRUDEAU:** I have no reason  
25 to disagree, yeah. No.

26 **MS. HEATHER PATERSON:** Okay. And you're aware  
27 the Ambassador Bridge was reopened by police in the early hours  
28 of morning -- sorry; early hours of the morning of February 14<sup>th</sup>;

1 correct?

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

3 **MS. HEATHER PATERSON:** Okay. My friend for the  
4 OPP took you to the First Ministers' conference call on February  
5 14<sup>th</sup>, 2022 at SSMNSCCAN625, please?

6 And I'll just put your comments back up; it's the  
7 same paragraph we're going look at again, on page 6.

8 (SHORT PAUSE)

9 **MS. HEATHER PATERSON:** My focus, obviously, will  
10 be a little bit different than the OPP's.

11 And in that paragraph for the comments attributed  
12 to you, you say the, "Windsor operation was outstanding." And  
13 would that accurately reflect your comments that you gave to the  
14 First Ministers that day?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes, those seem  
16 to be my comments.

17 **MS. HEATHER PATERSON:** Okay, great, thank you.  
18 Those are my questions.

19 **COMMISSIONER ROULEAU:** Okay. With that pat on  
20 the back, we'll go the Government of Saskatchewan, please.

21 **--- CROSS-EXAMINATION BY MR. MITCH McADAM:**

22 **MR. MITCH McADAM:** Good afternoon, sir. I'm  
23 Mitch McAdam, one of the lawyers for the Government of  
24 Saskatchewan, and I want to ask you a few questions about COVID-  
25 19 and the *Emergencies Act*.

26 I would ask the Clerk to please bring up  
27 POE.SAS.00000001.

28 Sir, this is a letter that you sent to Premier

1 Moe of Saskatchewan on April 8<sup>th</sup>, 2022 -- 2020, pardon me, about  
2 COVID-19 and the *Emergencies Act*. And I think you talked this  
3 morning a little bit about considering invoking the *Emergencies*  
4 *Act* to deal with the pandemic back in March and April of 2020,  
5 didn't you?

6 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

7 **MR. MITCH McADAM:** And I take it that similar  
8 letters would have been sent to all the Premiers?

9 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

10 **MR. MITCH McADAM:** And if we can go to the top of  
11 page 2 of this letter, at the end of the first paragraph it  
12 refers to the fact that you are formally initiating a  
13 consultation process under the *Emergencies Act*; that's correct,  
14 isn't it?

15 **PRIME MINISTER JUSTIN TRUDEAU:** It is.

16 **MR. MITCH McADAM:** It was a formal process.

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

18 **MR. MITCH McADAM:** And, Clerk, if we could go  
19 back to the first page, and the bottom of the letter?

20 It indicates that you had already discussed the  
21 *Emergencies Act* with the Premiers during at least two telephone  
22 conferences, one on March 23<sup>rd</sup> and one on April 2<sup>nd</sup>; that's  
23 correct, isn't it?

24 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

25 **MR. MITCH McADAM:** And also, in that same  
26 paragraph it refers to the fact that Ministers from at least  
27 four different departments have spoken to their provincial  
28 counterparts about whether measures under the *Emergencies Act*

1 could assist in the collective efforts to deal with the  
2 pandemic; that's correct too, isn't it?

3 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

4 **MR. MITCH McADAM:** And if we can go back to page  
5 2, please?

6 In the fourth paragraph on that page, it refers  
7 to you asking the Minister of Public Safety and the Deputy Prime  
8 Minister to also reach out to their provincial counterparts to  
9 discuss this. That's correct as well?

10 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

11 **MR. MITCH McADAM:** So I take it that back in  
12 2020, there was an effort involving a number of different  
13 federal departments to reach out to their provincial  
14 counterparts to discuss the *Emergencies Act* in this context?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MR. MITCH McADAM:** And if we look at the end of  
17 that paragraph, I take it that there was a plan that you were  
18 going to convene another telephone conference with the Premiers  
19 to discuss this topic further; correct?

20 **PRIME MINISTER JUSTIN TRUDEAU:** I had a lot of  
21 telephone conferences with the Premiers around then, yes.

22 **MR. MITCH McADAM:** Okay, thank you.

23 Clerk, if I could next ask you to pull up another  
24 document; it's SAS.00000002, please.

25 I'll just wait for a moment while the letter gets  
26 pulled up.

27 Prime Minister, you'll see that this is a letter  
28 from Scott Moe, sent as Chair of the Council of the Federation



1 to you about COVID-19 and the *Emergencies Act* on April 14<sup>th</sup>. Do  
2 you recall this letter?

3 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

4 **MR. MITCH McADAM:** And if we look at the end of  
5 the first paragraph in this letter, it refers to another  
6 conference call with the Premiers about this matter on April 9<sup>th</sup>.  
7 That's true, right?

8 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

9 **MR. MITCH McADAM:** And in Premier Moe's letter,  
10 he shared with you the opinion of the Premiers that it was  
11 neither necessary, nor advisable to invoke the *Emergencies Act*  
12 at this time; that's correct, isn't it?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yeah.

14 **MR. MITCH McADAM:** And that's what you heard at  
15 the conference call on April 9<sup>th</sup>; correct?

16 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

17 **MR. MITCH McADAM:** And as a result, the  
18 *Emergencies Act* was not ever invoked by your government to deal  
19 with the COVID-19 pandemic, was it?

20 **PRIME MINISTER JUSTIN TRUDEAU:** That is correct.

21 **MR. MITCH McADAM:** And that was because ---

22 **PRIME MINISTER JUSTIN TRUDEAU:** Except insomuch  
23 as the most recent use of the *Emergencies Act* was linked to the  
24 COVID pandemic, at least indirectly.

25 **MR. MITCH McADAM:** Okay, understood.

26 And, sir, would you agree with me that the  
27 provinces had the capacity and the authority or the tools to  
28 deal with the pandemic back in 2020?

1           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

2           **MR. MITCH McADAM:** Twenty-twenty -- okay. And  
3 the provinces ---

4           **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

5           **MR. MITCH McADAM:** And the provinces were dealing  
6 with it. I think your words this morning were, "They had it  
7 under control."

8           **PRIME MINISTER JUSTIN TRUDEAU:** They certainly  
9 had more appropriate tools and experience to deal with the  
10 public health emergency than the federal government did to do  
11 that, to take over the public health side of the public health  
12 emergency, yes ---

13          **MR. MITCH McADAM:** Okay. And where ---

14          **PRIME MINISTER JUSTIN TRUDEAU:** --- delivery is  
15 the provinces in this country, so that's the point.

16          **MR. MITCH McADAM:** Understood. And where federal  
17 assistance was required, it could be provided without invoking  
18 the *Emergencies Act*; correct?

19          **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

20          **MR. MITCH McADAM:** Now, Prime Minister, we've  
21 already heard today a lot about the consultation with the  
22 provinces in February of this year; in particular, on the  
23 morning of February 14<sup>th</sup>, so I won't go through that with you  
24 again. But I just ask you if you will agree with me that the  
25 consultation process that was followed in February of this year  
26 was very different from the process that was followed back in  
27 the spring of 2020.

28          **PRIME MINISTER JUSTIN TRUDEAU:** Yes, it was.

1                   **MR. MITCH McADAM:** Thank you, sir. Those are all  
2 of my questions.

3                   **PRIME MINISTER JUSTIN TRUDEAU:** Actually, if I  
4 can be allowed to elaborate as to why they were different?

5                   **MR. MITCH McADAM:** Absolutely, Prime Minister.

6                   **PRIME MINISTER JUSTIN TRUDEAU:** The *Emergencies*  
7 *Act* isn't a monolithic Act. It actually has many different  
8 categories and types of emergencies within it. In the spring of  
9 2020, what we were talking about was a public welfare or public  
10 health emergency; I don't have the exact categorization, but one  
11 can imagine that a public health emergency like the pandemic  
12 would require a different set of tools than or a different  
13 perspective, and certainly a longer-term opportunity with more  
14 opportunities to write letters back and forth and consult with  
15 the whole Council of Federation and draw paperwork in response  
16 to the consultation.

17                   And we certainly took advantage of that because  
18 in the section of Public Order -- sorry; of the *Emergencies Act*,  
19 it refers to public health emergency and invocation of the  
20 *Emergencies Act*, it says clearly you have to have that  
21 consultation done before.

22                   In the section on Public Order Emergency, the  
23 requirement for consultation is, I believe, laid out that if  
24 there is no time for consultation, that consultation can  
25 actually happen afterwards, after the invocation it certainly  
26 highlights that it wouldn't be ideal, but it recognises that a  
27 Public Order Emergency might require a much more rapid reaction  
28 time than a public health emergency. And the fact that we were

1 looking at two different parts of the same *Emergencies Act* I  
2 think goes a long way towards explaining why we were able to do  
3 an extensive consultation, even though, as I had said from the  
4 outcome -- outset, it wasn't -- I wasn't leaning towards, it  
5 wasn't our intention to invoke a *Emergencies Act* around public  
6 health, but we wanted to do the consultation because people were  
7 concerned that we look at all tools to deal with this pandemic,  
8 and we did.

9                   But when it came to the exigency and the urgency  
10 of the public health, sorry, the Public Order Emergency, we went  
11 from a Sunday, establishing the six or so different tools that  
12 we would bring in, to consulting the very next morning with the  
13 premiers, with this freshly-established list of tools, and then  
14 invoking just hours later. And those compressed timelines made  
15 it a very different context from one type of invocation of the  
16 *Emergencies Act* to another.

17                   **MR. MITCH McADAM:** Prime Minister, you'll  
18 understand that we as lawyers are always looking for precedents,  
19 and this is the only other precedent where your Government has  
20 considered invoking the *Emergencies Act*. Isn't that true?

21                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

22                   **MR. MITCH McADAM:** Thank you. Those are all of  
23 my questions.

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

25                   Next, I'd like to call on the Criminal Lawyers  
26 Association, please.

27 **--- CROSS-EXAMINATION BY MR. GREG DelBIGIO:**

28                   **MR. GREG DelBIGIO:** Prime Minister, my name is

1 Greg DelBigio. I'm one of the lawyers representing two  
2 organisations, the Criminal Lawyers Association and the Canadian  
3 Counsel of Criminal Defence Lawyers.

4 By way of overview, I'm going to ask you about  
5 the summary of the inputs and considerations that were available  
6 to you, a summary of police powers, and then I'm going to ask  
7 you -- I'll throw my final pitch.

8 With respect to the factors that were taken into  
9 account, and this might not be a complete list, but will you  
10 agree that it was a situation that was dynamic?

11 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

12 **MR. GREG DelBIGIO:** It was a protest or  
13 occupation that was happening at one -- more than one location  
14 and in different provinces?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MR. GREG DelBIGIO:** You had to take into account  
17 the scope of police powers as exist within the *Criminal Code*?

18 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

19 **MR. GREG DelBIGIO:** You had to take into account  
20 the adequacy of those police powers having regard to the  
21 circumstances that presented themselves?

22 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

23 **MR. GREG DelBIGIO:** You had to take into account  
24 resource issues, how many police officers are available, when,  
25 where, that kind of thing?

26 **PRIME MINISTER JUSTIN TRUDEAU:** Definitely, yes.

27 **MR. GREG DelBIGIO:** You had to take into account  
28 jurisdiction issues, and in particular, municipal, provincial,

1 and federal?

2 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

3 **MR. GREG DelBIGIO:** With respect to inputs, you  
4 had input -- and when I say inputs, and that's information  
5 available to you or inputs as to whether or not to invoke the  
6 Act, you took into account information from Cabinet and  
7 colleagues?

8 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

9 **MR. GREG DelBIGIO:** From Opposition members?

10 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

11 **MR. GREG DelBIGIO:** From unelected officials and  
12 staff?

13 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

14 **MR. GREG DelBIGIO:** From premiers?

15 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

16 **MR. GREG DelBIGIO:** From citizens?

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

18 **MR. GREG DelBIGIO:** From police from different  
19 agencies?

20 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. Not me,  
21 directly, but yes, as a Cabinet, yes, we did. Yes.

22 **MR. GREG DelBIGIO:** You spoke to at least one  
23 U.S. official, President Biden, with respect to these issues?

24 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

25 **MR. GREG DelBIGIO:** And you took into account  
26 information from your legal advisors?

27 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

28 **MR. GREG DelBIGIO:** If you were to estimate, from

1 the time that you first heard about the convoy and the  
2 occupation until the time that you invoked the emergency powers,  
3 how much time would you estimate that you spent on this issue?

4 **PRIME MINISTER JUSTIN TRUDEAU:** Most days, in the  
5 thick of it, about an hour a day minimum, some days most of the  
6 day. Certainly towards the end, my days were filled with that,  
7 and with, yes, other things that was the business of Government,  
8 but it was quite a bit.

9 **MR. GREG DelBIGIO:** You understood and understand  
10 today that the use of the *Emergency Act* is a matter of last  
11 resort?

12 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

13 **MR. GREG DelBIGIO:** With respect to police  
14 powers, you understand that the police have available to them,  
15 and again, I'll just do a catalogue of those powers, negotiation  
16 with respect to people?

17 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

18 **MR. GREG DelBIGIO:** Surveillance?

19 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

20 **MR. GREG DelBIGIO:** They can conduct undercover  
21 police operations?

22 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

23 **MR. GREG DelBIGIO:** And again, whether or not  
24 these were available in this particular circumstance is a  
25 different question, but just in terms of a general catalogue of  
26 police powers, police have available to them to apply for  
27 wiretaps?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

1                   **MR. GREG DelBIGIO:** And to apply for search  
2 warrants or production orders?

3                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

4                   **MR. GREG DelBIGIO:** They can arrest and charge  
5 people with criminal offences?

6                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

7                   **MR. GREG DelBIGIO:** And if people are arrested  
8 and charged, bail conditions can be placed on them such as the  
9 people not go to certain locations?

10                  **PRIME MINISTER JUSTIN TRUDEAU:** But that's not a  
11 police power.

12                  **MR. GREG DelBIGIO:** Good comment. Thank you. I  
13 accept that distinction.

14                   Were you ever presented -- there has been  
15 discussion about what information you have -- had with respect  
16 to an Operational Plan. Were you ever presented with a concrete  
17 and detailed plan showing how traditional police powers, such as  
18 those in the list that we just went through, would have worked  
19 having regard to all of the circumstances?

20                  **PRIME MINISTER JUSTIN TRUDEAU:** No, and it  
21 wouldn't have been my role as Prime Minister to go through such  
22 a plan either.

23                  **MR. GREG DelBIGIO:** Finally, and I'm going to  
24 just give you a bit of a overview to my final question. You  
25 understand that public confidence in the exercise of  
26 extraordinary powers is important to maintenance of the rule of  
27 the law in Canada?

28                  **PRIME MINISTER JUSTIN TRUDEAU:** Yes.



1           **MR. GREG DelBIGIO:** And you understand that the  
2 law properly recognises that privileges, such as  
3 solicitor/client privilege, is essential to the proper  
4 administration of justice?

5           **PRIME MINISTER JUSTIN TRUDEAU:** I can't speak to  
6 the law of property, I'm not a lawyer.

7           **MR. GREG DelBIGIO:** You will understand that  
8 there's a tension between a privilege claim and transparency in  
9 the sense that privilege claims interfere with transparency?

10          **PRIME MINISTER JUSTIN TRUDEAU:** Again, I -- I'm  
11 not entirely sure what you mean by privilege claim.

12          **MR. GREG DelBIGIO:** Privilege claim such as if  
13 information is protected by solicitor/client privilege then it  
14 will not be made available to the public, won't be made  
15 available to people beyond you and your legal advisors.

16          **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

17          **MR. GREG DelBIGIO:** You understand that the  
18 reliance upon the emergency powers has caused a significant  
19 division of opinion within Canada?

20          **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

21          **MR. GREG DelBIGIO:** And here's the final question  
22 ---

23          **COMMISSIONER ROULEAU:** If I can -- if -- okay,  
24 that's what I'm trying to get at, because you're over your time.

25          **MR. GREG DelBIGIO:** This is the final one.

26          **PRIME MINISTER JUSTIN TRUDEAU:** Actually, on that  
27 last question. A significant division of perspectives, I think  
28 there -- I don't know that it would be fair to describe it as

1 significant, but there certainly are different perspectives on  
2 the use of the *Emergencies Act*.

3 **MR. GREG DelBIGIO:** Fair enough.

4 **PRIME MINISTER JUSTIN TRUDEAU:** I know that there  
5 was an awful lot of consensus on one side of that.

6 **MR. GREG DelBIGIO:** Fair enough. And here's the  
7 final question. In light of the fact that privilege claims have  
8 been made with respect to some of the information that was  
9 available to you, and I want to emphasise that I'm not  
10 challenging those or suggesting they should not have been made,  
11 but in light of them, and the resulting -- and the result that  
12 there is certain information that is not available to the people  
13 who are listening to this Commission, what do you say to assure  
14 people that the emergency powers were properly invoked having  
15 regard to a full consideration of all options?

16 **PRIME MINISTER JUSTIN TRUDEAU:** We waived Cabinet  
17 privilege on the inputs we received so that the public and the  
18 Commission could see what we saw as a Government while this was  
19 unfolding, and to demonstrate that to go to the opening  
20 paragraph of the *Emergencies Act*, or one of the early  
21 paragraphs, that the Governor of a public order emergency, that  
22 the Governor in Council had reasonable grounds to declare a  
23 public order emergency. Given all the range of inputs that  
24 Cabinet was receiving, which, for the large part, Canadians have  
25 been able to see through this process, I am confident that  
26 reasonable test was met.

27 **MR. GREG DelBIGIO:** Thank you, Prime Minister.

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

1 I'll call on the Government of Canada, please.

2 --- CROSS-EXAMINATION BY MR. BRIAN GOVER:

3 **MR. BRIAN GOVER:** Thank you, Commissioner.

4 And Prime Minister, I'm Brian Gover. I'm  
5 appearing for the Government of Canada today.

6 I have four areas to ask you about, Prime  
7 Minister. And the first one will involve asking our Registrar,  
8 please, to display SSM.NSC.CAN.00000216. And if I got the  
9 number right, Prime Minister, this is in relation to the Cabinet  
10 meeting, which was held on the evening of Sunday, February 13<sup>th</sup>,  
11 2022, beginning at 8:30 p.m. And of course, you've been asked  
12 questions about that meeting in the course of your testimony  
13 today.

14 My question relates to the CSIS assessment that  
15 was provided at that Cabinet meeting.

16 And if we could please go to the second last  
17 page?

18 And Prime Minister, it appears from this that the  
19 CSIS assessment was in relation to possible implications of the  
20 invocation of the *Emergencies Act* across the ideologically  
21 motivated violence extremism, or IMVE space in Canada, with a  
22 particular focus on the Freedom Convoy 2022 and CSIS' subjects  
23 of investigation. Is that correct, sir?

24 **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

25 **MR. BRIAN GOVER:** To be clear, the assessment  
26 that you received on that occasion, to clarify, was not in  
27 relation to section 2(c) of the *CSIS Act*? Was that right?

28 **PRIME MINISTER JUSTIN TRUDEAU:** Sorry, can you

1 rephrase that?

2                   **MR. BRIAN GOVER:** Yes, I can. I can. So the  
3 assessment you received, and we have it here on this page, and a  
4 little bit more, appears to deal with the question of the,  
5 essentially the impacts of invoking the *Emergencies Act*, and in  
6 particular, as it relates to what we've come to call IMVE, with  
7 a particular focus on the Freedom Convoy 2022 and subjects of  
8 investigation by CSIS?

9                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

10                   **MR. ROB KITTREDGE:** Commissioner, my friend is  
11 asking some leading questions here. Subject to section 58 of  
12 the Rules of Procedure, if he could ask more open-ended  
13 questions, that would be appreciated.

14                   **COMMISSIONER ROULEAU:** Well certainly that's the  
15 rule, but if it's non-controversial, maybe it can, but if you  
16 could be careful, please?

17                   **MR. BRIAN GOVER:** I will be careful. My purpose  
18 was only to clarify something that may have been obfuscated  
19 somewhat earlier.

20                   So we had-- thank you very much. We can take  
21 that down, Mr. Registrar.

22                   Prime Minister, describing what was brought to  
23 your attention on February 13<sup>th</sup> by Commissioner Lucki about the  
24 plan for Ottawa, and this at the IRG meeting earlier that day,  
25 you told Commission Counsel, as I've noted it, it wasn't a plan,  
26 not a fully final plan. And first of all, have I noted your  
27 evidence correctly?

28                   **PRIME MINISTER JUSTIN TRUDEAU:** I'm always wary

1 to try and distinguish what I know now from what I knew then.  
2 I'm comfortable in saying that what I knew then, whether it was  
3 from Commissioner Lucki or others, or what I was briefed on, was  
4 Ottawa did not yet have a firm and concrete and convincing plan  
5 that they were going to be able to take care of the occupation  
6 this time as opposed to all the previous times where they had  
7 said they were going to do it and were unable to do it, to a  
8 certain -- that was certainly the sense that we had, versus what  
9 I know now, was that it turns out that what they say was a plan  
10 on the 13<sup>th</sup> was an engagement plan, and not a ending the  
11 occupation plan.

12 **MR. BRIAN GOVER:** And what I'm going to do, Prime  
13 Minister, in the course of the next few questions, is take you  
14 through what we now know to be the case, and ask you how it  
15 accords with your recollection of what you knew then on February  
16 13<sup>th</sup>.

17 And in that respect, could we go to WTS00000, so  
18 that's, as I have it, five zeros, 30.

19 This is the Witness Summary of Supt. Bernier.  
20 And we've heard, Prime Minister, that Supt. Bernier was the  
21 Incident Commander in relation to the operation that ultimately  
22 cleared downtown Ottawa.

23 And if we could go, please, to page 18,  
24 initially? And the first sentence of the first paragraph?

25 And here we have:

26 "On February 13[th], the Integrated  
27 Planning Team prepared a plan for  
28 Superintendent Bernier [en]titled

1 'Integrated Mobilization Operational Plan'  
2 [it's referred to as] (the February 13  
3 Plan)."

4 And then we have footnote 16 referred to.  
5 And if we could go to that at the bottom of the  
6 page, please?

7 This we have as OPP00001851. This is what you  
8 were taken to earlier by ---

9 **PRIME MINISTER JUSTIN TRUDEAU:** With the  
10 redactions?

11 **MR. BRIAN GOVER:** Yes. And I was taken -- you  
12 were taken to that by counsel for the Ottawa Police Service.

13 Now, if we could ---

14 **COMMISSIONER ROULEAU:** You said the one with the  
15 redactions. It wasn't the one with the redactions.

16 **MR. BRIAN GOVER:** No, that was the long one.

17 **PRIME MINISTER JUSTIN TRUDEAU:** No, that was the  
18 72 page one?

19 **COMMISSIONER ROULEAU:** Yes.

20 **PRIME MINISTER JUSTIN TRUDEAU:** From the Ottawa  
21 Police Services?

22 **COMMISSIONER ROULEAU:** Yes.

23 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. Sorry.

24 Thank you.

25 **MR. BRIAN GOVER:** Thank you. Thank you,  
26 Commissioner.

27 And then if we could go to page 13 of that  
28 document? This is the one cited in the footnote. And in

1 particular, if we could look at the list of contingency plans  
2 that were to be included in Appendix H? If you could scroll  
3 down a little bit here? And maybe stop there if you would.

4 "The following Plans will be provided by  
5 the respective Specialized Units:  
6 POU [which we know now to be Public Order  
7 Unit] deployment  
8 [...]  
9 Traffic Plans"

10 I'm just reading some of them:

11 "Hostile Vehicle Mitigation"

12 And importantly:

13 "Obstruction Removal - [at the bottom]  
14 vehicle and persons"

15 And if we could please go to Appendix H at page  
16 62? This is the proposed contingency plans.

17 And if we scroll down, we see "TO OBTAIN FROM  
18 SPECIALIZED UNITS" is all we have there.

19 My friend from the Ottawa Police Service didn't  
20 show you that, Prime Minister.

21 And then if we could please go back to Supt.  
22 Bernier's Witness Summary, which was WTS00000, so five zeros,  
23 30? Paragraph 18.

24 We'll pick up with the words:

25 "He noted that the February 13 Plan..."

26 We have it halfway down the first full paragraph.

27 We see here:

28 "He noted that the February 13 Plan was

1 not the overall operational plan and did  
2 not contain a plan to end the occupation  
3 of Ottawa. The overall operational plan  
4 was still being prepared."

5 And then -- and there will be a question for you,  
6 Prime Minister, momentarily. If we could please go on to page  
7 20, the bottom of the page?

8 "On February 17,  
9 Superintendent Bernier,  
10 Inspector Springer, and  
11 Superintendent Lue approved the overall  
12 operational plan, which was titled  
13 'Integrated Phased Approach' (the  
14 February 17 Plan)."

15 And this refers to its development after  
16 Superintendent Bernier briefed others. And the Operational Plan  
17 approved that day, which was the Thursday of the week the  
18 *Emergencies Act* was implemented, refers to supporting plans such  
19 as tactical public order, towing et cetera.

20 Could we please now go to OPS000013798, which ---

21 **MR. DAVID MIGICOVSKY:** Commissioner, David  
22 Migicovsky for the Ottawa Police. The rules do provide that my  
23 friend is limited to an examination in-Chief of the clients. We  
24 have listened to him go on ---

25 **COMMISSIONER ROULEAU:** I'm sorry, you're -- speak  
26 into the microphone please.

27 **MR. DAVID MIGICOVSKY:** Sorry. The rules do  
28 provide that my friend is limited to an examination in-Chief,



1 and this is not what we're seeing. This is my friend giving  
2 evidence, and I am sure that there is a question that will be  
3 coming, but so far we haven't heard it. It seems to me that's  
4 not what the rules contemplate

5 **MR. BRIAN GOVER:** Commissioner, I have prefaced  
6 this by indicating that I would take the Prime Minister to  
7 certain elements of the evidence and then ask him how that  
8 accorded with what he was told on February 13 about a plan. And  
9 that's my intention to do that very shortly. I have to just  
10 finish this one point.

11 **COMMISSIONER ROULEAU:** Okay. Well, if you could  
12 get to the question as soon as possible because ---

13 **MR. BRIAN GOVER:** I will, thank you.

14 **COMMISSIONER ROULEAU:** --- it's looking a bit  
15 like a presentation.

16 **MR. BRIAN GOVER:** It's explaining to the Prime  
17 Minister what the evidence has been at this Inquiry, actually  
18 despite aspects of the cross-examination.

19 So Prime Minister, the plan developed on  
20 February 17th actually referred to the *Emergencies Act* and the  
21 powers under it, but my question, to come back to it, is, Prime  
22 Minister, how does the evidence to which I have just referred  
23 you, which has been heard in the course of this Inquiry, compare  
24 with your understanding and recollection of what  
25 Commissioner Lucki told you about the plan for Ottawa at the IRG  
26 meeting on Sunday, February 13th?

27 **PRIME MINISTER JUSTIN TRUDEAU:** As I testified  
28 earlier, on the 13th, at the IRG, my understanding from

1 officials in general, and most likely Commissioner Lucki  
2 primarily, was that the plan that the Ottawa Police Services had  
3 at that point was not a plan to end the occupation. As I would  
4 later testify or later find out, the plan of the 13th was not  
5 complete the way the plan of the 17th was, which was the actual  
6 plan that led to the clearing of the occupation in Ottawa. So  
7 this evidence is entirely consistent with my understanding of  
8 what was happening on the 13th, and of course, my understanding  
9 of it in hindsight as well.

10 **MR. BRIAN GOVER:** Thank you. Prime Minister, the  
11 third of the four areas to which I am taking you has to do with  
12 two forms of consultation under the *Emergencies Act* that you've  
13 described in your evidence, and we're going to be aided by going  
14 to the *Emergencies Act* itself, and in particular, it's at  
15 CCF000000, could be six zeros, 47.

16 If we could display that, please, Mr. Registrar.

17 And you've referred to two provisions in the  
18 course of your testimony on this point already, Prime Minister.

19 I'm going to ask that we turn initially to  
20 section 4. I think we might have... Section 14, please.

21 And this provides that:

22 "Subject to subsection (2), before the  
23 Governor in Council issues, continues  
24 or amends a declaration of a public  
25 welfare emergency, the lieutenant  
26 governor in council of each province in  
27 which the direct effects of the  
28 emergency occur shall be consulted with

1 respect to the proposed action."

2 This continues with a indication in  
3 subsection (2):

4 "...where the direct effects of the  
5 emergency are confined to, or occur  
6 principally in, one province..."

7 "The Governor in Council may  
8 not...[declare] a public welfare  
9 emergency...unless the lieutenant  
10 governor in council of the province has  
11 indicated to the [lieutenant]  
12 Governor...that the emergency exceeds  
13 the capacity or authority of the  
14 province to deal with it."

15 And Prime Minister, the consultation that you've  
16 described in 2020, was that conducted under this provision or  
17 another provision?

18 **PRIME MINISTER JUSTIN TRUDEAU:** If this is -- I  
19 didn't see what section this was. If this is indeed a public  
20 welfare emergency, then yes, as of 14(1), you know, we -- the --  
21 before the Governor in Council moves forward with the public  
22 welfare emergency we have to consult with each province in -- to  
23 the affected province in response to it. That lays it out  
24 clearly for that.

25 **MR. BRIAN GOVER:** And in the case of a Public  
26 Order Emergency, consultation occurs under section 25, which  
27 I'll ask to be turned up.

28 And you referred to a provision, which allows for

1 a consultation to happen after declaration of a Public Order  
2 Emergency. And I note the words in subsection (2):

3 "...without unduly jeopardizing the  
4 effectiveness of the proposed  
5 action..."

6 And Prime Minister, in relation to a Public Order  
7 Emergency, was this the provision you had in mind?

8 **PRIME MINISTER JUSTIN TRUDEAU:** Yes. You can see  
9 there are conditions, "Subject to subsections (2) and (3)",  
10 which talk about the effects or the urgency or the negative  
11 impact that a consultation could have on the situation, which is  
12 a caveat when it comes to a Public Order Emergency that was not  
13 present in the otherwise very similar paragraph applying to a  
14 public welfare emergency.

15 **MR. BRIAN GOVER:** And ---

16 **PRIME MINISTER JUSTIN TRUDEAU:** That's what I was  
17 referring to earlier.

18 **MR. BRIAN GOVER:** Pardon me, I didn't mean to  
19 interrupt, Prime Minister.

20 And just before we leave this area, I'll ask that  
21 the registrar please turn up SSM.NSC.CAN00000625.

22 And this has been pretty well canvassed already,  
23 Prime Minister. These are the minutes or the readout of the  
24 First Ministers conference call on February 14th, 2022. We  
25 understand that this call began somewhere around 10:15 a.m.

26 And first of all, Prime Minister, you told  
27 Commission Counsel this call lasted approximately an hour. Is  
28 that right?

1                   **PRIME MINISTER JUSTIN TRUDEAU:** That sounds about  
2 right.

3                   **MR. BRIAN GOVER:** Was any time limit imposed on  
4 the consultation that took place during that call?

5                   **PRIME MINISTER JUSTIN TRUDEAU:** No, if it had to  
6 take two hours it would have taken two hours.

7                   **MR. BRIAN GOVER:** Did any of the premiers seem  
8 surprised about the topic of conversation?

9                   **PRIME MINISTER JUSTIN TRUDEAU:** None expressed  
10 surprise that that -- what we were talking about, no.

11                   **MR. BRIAN GOVER:** Did any of them seem ill  
12 prepared to deal with the topic for discussion?

13                   **PRIME MINISTER JUSTIN TRUDEAU:** As I said, we had  
14 talked about it a couple years ago, not with all of them, I  
15 believe there were some different folks around the table. But  
16 the idea and the concept of the *Emergencies Act* invocation and  
17 consultation was something we had collectively gone through at a  
18 previous iteration. So they all had reflections to share during  
19 that tour de table. They did not say, "Listen, I don't know  
20 what to say, I haven't thought about this, give us more time to  
21 think about it." They had ideas. I have no doubt they would  
22 have had more ideas had we had the luxury of much more time on  
23 consultation, but this was -- these were exigent circumstances.

24                   **MR. BRIAN GOVER:** Did any of them ask that the  
25 balance of the conversation take place at another time, that it  
26 be deferred to later that day or later in the week?

27                   **PRIME MINISTER JUSTIN TRUDEAU:** Not that I  
28 recall.

1                   **MR. BRIAN GOVER:** And if we could just please  
2 turn to what will be the -- don't know if they're paginated.  
3 This will be where Premier Ford speaks, and it will be -- count  
4 the pages, should be the sixth page, please, Mr. Registrar.  
5 Yeah.

6                   If you could go down to the next page, thank you.

7                   And in particular, if I could take you, Prime  
8 Minister, to the statement, and it's the third last bullet  
9 point,

10                                 "Province does not have tow trucks.  
11                                 That will change in the future. Will  
12                                 ensure that OPP have tow trucks.  
13                                 Embarrassing that we can't get use of  
14                                 tow trucks." (As read)

15                   So is it fair to say that that was an issue on  
16 the morning of February 14<sup>th</sup> in the First Minister's call?

17                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes, it was.

18                   **MR. BRIAN GOVER:** And I note as well that on this  
19 subject of tools that you've referred to repeatedly in the  
20 course of your testimony, Prime Minister, Premier Ford concluded  
21 by saying,

22                                 "Have to give tools to the police that  
23                                 are needed, support the PM 100  
24                                 percent." (As read)

25                   Is that right, sir?

26                   **PRIME MINISTER JUSTIN TRUDEAU:** Yes.

27                   **MR. BRIAN GOVER:** Now, Prime Minister, my last  
28 area and indeed my last question is this, what do you say, sir,

1 to the suggestion that the decision to invoke the *Emergencies*  
2 Act on February 14<sup>th</sup> of this year was politically motivated?

3 **PRIME MINISTER JUSTIN TRUDEAU:** My motivation was  
4 entirely about ensuring the safety of Canadians. My secondary  
5 motivation was making sure Canadians continue to have confidence  
6 in their institutions and in our society's ability to function  
7 and enforce the rule of law when it's not being respected.  
8 Politics was not a motivation at all in the invocation of the  
9 *Emergencies Act*.

10 **MR. BRIAN GOVER:** Thank you very much, Prime  
11 Minister.

12 And thank you, Commissioner, those are my  
13 questions.

14 **COMMISSIONER ROULEAU:** Thank you. Any re-  
15 examination?

16 **MS. SHANTONA CHAUDHURY:** No re-examination,  
17 Commissioner.

18 **COMMISSIONER ROULEAU:** Hé bien, Monsieur le  
19 Premier Ministre, ça me fait bien plaisir de vous dire que nous  
20 avons complété. Alors, on vous remercie sincèrement pour votre  
21 témoignage et d'avoir pris le temps de venir nous éclairer ici.  
22 Alors...

23 **PREMIER MINISTRE JUSTIN TRUDEAU:** Et merci pour  
24 tout votre travail, Monsieur le Commissaire.

25 **COMMISSIONER ROULEAU:** Vous êtes libre. Profitez  
26 de votre fin de semaine.

27 We will take a short break and then come back  
28 with final submissions from the various parties and a brief

1 closing statement by, assuming there's still someone here, by  
2 me. So merci.

3 **THE REGISTRAR:** The Commission is in recess. La  
4 Commission est levée.

5 --- Upon recessing at 3:50 p.m.

6 --- Upon resuming at 4:03 p.m.

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

8 The Commission is reconvened. La commission  
9 reprend.

10 **COMMISSIONER ROULEAU:** Okay. Well, the evidence  
11 is all in, so now we can have a few -- I guess a few moments to  
12 go through what various parties view as their critical points  
13 and a brief final submissions.

14 It's probably easier from your seat, but I think  
15 it probably makes more sense to come up to the podium if people  
16 are prepared to do that. So if we can start with the Government  
17 of Canada, please?

18 **MR. ROBERT McKINNON:** Must have drawn the short  
19 straw.

20 **COMMISSIONER ROULEAU:** Probably because everybody  
21 has been focussed on the -- and they want to hear from you  
22 first.

23 **--- FINAL SUBMISSIONS BY MR. ROBERT MacKINNON:**

24 **MR. ROBERT MacKINNON:** Merci. Merci, Monsieur le  
25 Commissaire. Bon après-midi.

26 Je m'appelle Robert MacKinnon, je suis avocat  
27 principal du Gouvernement du Canada avec Donnaree Nygard.

28 Je tiens d'abord à vous remercier, vous et vos



1 avocats, pour votre travail approfondi que vous avez accompli au  
2 cours des six dernières semaines de cette audience et des mois  
3 de préparation qui l'ont précédé.

4           The evidence in testimony before this Commission  
5 from the parties, and the submissions from members of the public  
6 have shown clearly that there were reasonable grounds for the  
7 Governor in Council to believe that a public order emergency  
8 existed and that special temporary measures were necessary to  
9 resolve it. The decision to invoke the *Emergencies Act*  
10 responded to the volatile, escalating, and urgent situation of  
11 serious threats of violence to persons and property across the  
12 country.

13           There were threats to the security of Canada in  
14 the form of illegal blockades at key border ports of entry, such  
15 as Windsor, Ontario, Coutts, Alberta, Emerson, Manitoba, and  
16 Surrey, B.C., as well as protests at ports of entry right across  
17 the country.

18           The discovery of weapons and a hardcore group of  
19 individuals willing to die for their cause at the Coutts  
20 blockade revealed a real potential for serious violence.

21           There was also the potential serious threat of  
22 weapons and threat actors at other illegal protests.

23           In addition, there was the unprecedented,  
24 unlawful occupation in Ottawa, which was described by the Chief  
25 of Police as a tinder box.

26           The evidence confirmed the unorganized chaos that  
27 gridlocked the city.

28           Counsel for the Convoy, Mr. Wilson, admitted that

1 this illegal occupation attracted individuals and groups with  
2 violent tendencies, like moths to a flame, in his words.

3           There was also the real potential of serious  
4 violence from the racial harassment, intimidation, and threats  
5 to residents of Ottawa, Windsor, and at other illegal blockades,  
6 and the risk of violence from counterprotests.

7           The lives and livelihoods of ordinary people were  
8 seriously affected. Many businesses closed and people were  
9 without work for weeks due to these blockades.

10           Moreover, at the same time, there was escalating  
11 online extremist IMVE rhetoric and threats against the lives of  
12 police and elected officials, including the Prime Minister,  
13 Deputy Prime Minister, among others. The hate speech and  
14 symbols against ethnic minorities and racialized persons were  
15 prevalent and prominent at these unlawful protests.

16           As Minister Blair explained in his testimony, in  
17 an environment of lawlessness, the escalating threat of  
18 violence, unpredictable in form, and by unforeseen actors, is  
19 very real.

20           There were also serious threats to the economic  
21 security of Canada, Canada's trade relationship with the U.S.,  
22 to our main supply chain of essential goods, food, fuel, and  
23 medicine to all parts of the country, and to the economic well  
24 being of Canadians.

25           The security threats were real and escalating  
26 across the country, including to airports and railway lines. It  
27 was not known where the next illegal blockade would arise, and  
28 further strain the resources of law enforcement.

1           The evidence confirms that these well financed  
2 illegal blockades across the province and country were  
3 interconnected, loosely coordinated, and appeared designed to  
4 stretch police resources and overwhelm their capacity to respond  
5 effectively.

6           The Ottawa occupation inspired other copycat  
7 illegal protests in Canada and in other countries, such as  
8 France, New Zealand, and the United States.

9           Government witnesses outlined the deliberate step  
10 by step approach in which careful consideration was given to all  
11 available options and existing authorities before the  
12 declaration of a public order emergency was chosen as the option  
13 of last resort.

14           The option of a peaceful resolution of a complex  
15 situation was seriously pursued and considered through an  
16 engagement proposal, ultimately found not to be a workable  
17 solution.

18           By February 14<sup>th</sup>, the Cities of Ottawa and  
19 Windsor, and the Government of Ontario have already declared a  
20 state of emergency.

21           After extensive engagement and formal  
22 consultation between federal officials, ministers, and their  
23 provincial counterparts, the Governor in Council determined that  
24 this volatile situation exceeded the capacity or authority of a  
25 province to respond effectively to the crisis on a nation-wide  
26 scale. The *Emergencies Act* was invoked with the support of  
27 several premiers and territorial leaders.

28           The measures taken for dealing with the emergency

1 were proportional, effective, time limited, and *Charter*  
2 compliant. The measures were of significant benefit to law  
3 enforcement in dissipating the illegal protests in Ottawa,  
4 Windsor, and Winnipeg, and keeping the areas cleared. They  
5 allowed the police to bring the situation under control and to  
6 compel and indemnify the services of heavy tow truck operators  
7 in Ottawa and Surrey, B.C.

8           The *Emergencies Act* measures were revoked as soon  
9 as they were no longer required. In the end, these measures  
10 resolved the crisis situation across the country after nine days  
11 without any loss of life.

12           Le gouvernement du Canada attend avec impatience  
13 l'évaluation par la Commission des évènements et des  
14 circonstances qui ont mené à la déclaration d'urgence ainsi que  
15 ses conclusions et ses recommandations en lien avec son  
16 important mandat.

17           Merci.

18           **COMMISSIONER ROULEAU:** Merci.

19           I just want to, for the public that's no doubt  
20 listening, to just make clear that these are summary positions  
21 expressed by the parties. There will be more fulsome argument  
22 made in writing to the Commission. So just so you get the  
23 context, for those who may be listening online or are listening  
24 in the hall. These are summaries of the position of the various  
25 parties and they will have the opportunity in the next couple of  
26 weeks to provide the Commission with complete submissions on  
27 their position and argument on the law.

28           Avec ceci, next I'll call on the Government of

1 Saskatchewan, please.

2 --- FINAL SUBMISSIONS BY MR. MITCH McADAM:

3 **MR. MITCH McADAM:** Good afternoon, Commissioner.

4 I'm just have a little difficulty with my camera. There.

5 **COMMISSIONER ROULEAU:** It's now on. You're good.

6 **MR. MITCH McADAM:** Am I good? There. Thank you,  
7 Commissioner.

8 I'm Mitch McAdam, one of the lawyers for the  
9 Government of Saskatchewan.

10 Saskatchewan intervened in these proceedings for  
11 two reasons. First, because of concerns that the measures taken  
12 were overbroad in wo sense. First, that they interfered with  
13 provincial powers, and second, that they infringed on the rights  
14 of citizens. Second, because of concerns that the statutory  
15 threshold for invoking a public order emergency was not met.

16 First, Saskatchewan is very concerned about the  
17 impacts of invoking the *Emergencies Act* on federalism. The  
18 emergencies power flows out of the Peace, Order, and Good  
19 Government clause in the *Constitution Act, 1867* and gives the  
20 Federal Government the power to temporarily assume provincial  
21 powers under the Constitution. In many ways, it is like the  
22 Notwithstanding clause in the *Charter*.

23 In this case, while the Federal Government has  
24 said that it was simply providing additional tools to police,  
25 the fact is that they assumed significant provincial powers.  
26 Policing is a matter that falls under provincial jurisdiction.  
27 The Emergency Economic Measures Order is not just about banking.  
28 It expressly deals with credit unions, insurance companies,

1 trust companies, loan companies, securities dealers, and  
2 investment advisors. All matters that fall under exclusive  
3 provincial jurisdiction.

4           While many of these powers were not relied upon  
5 by the police, the Order itself caused confusion and represented  
6 a serious, and in our view, unnecessary intrusion into matters  
7 under provincial jurisdiction.

8           Second, the Province is also concerned that the  
9 measures adopted under the Emergency Economic Measures Order  
10 were overbroad and may have infringed on the *Charter* rights of  
11 Canadian citizens.

12           But we will leave the submissions on that point  
13 to the Civil Liberties Group.

14           Next I'll turn to the threshold in the Act.

15           Again, there are two branches to Saskatchewan's  
16 argument. First, the threshold is a statutory test. It's a  
17 high threshold and it's a high threshold for a very good reason.  
18 The threshold is not whether the *Emergencies Act* was necessary  
19 or whether it was helpful. The test is whether there are  
20 reasonable grounds to believe that a Public Order Emergency  
21 exists.

22           Others will discuss, I suspect in great detail,  
23 whether that threshold is limited to threats to the security of  
24 Canada as defined by the *CSIS Act* or whether it's broader. I'll  
25 largely leave those arguments to others.

26           However, there is one point that we think you  
27 must keep in mind as you sift through the evidence, and that's  
28 section 3 of the *Emergencies Act*. Section 3 provides that a

1 national emergency is something that exceeds the capacity or  
2 authority of a province to deal with and specifically provides  
3 that a national emergency can only be invoked if the situation  
4 is such that it cannot be effectively dealt with under any other  
5 law. So you will need to examine the tools that were available  
6 to law enforcement to deal with the protests.

7           We've heard a lot of evidence about tools in this  
8 case, and I would say that the *Emergencies Act* and tools is a  
9 bit of a chicken and game problem. Does the emergency arise  
10 first and then the Act provides for tools to deal with the  
11 emergency, or can an emergency arise because there aren't  
12 sufficient tools to deal with the situation? I tend to think  
13 it's the former, and I think there is a concern that the  
14 *Emergencies Act* should not be used simply as a way to fill in  
15 the gaps in the law. That was never its purpose.

16           Second, Saskatchewan's primary focus in this case  
17 is on the consultations with the provinces. It is  
18 Saskatchewan's position that the consultations in this case were  
19 inadequate. We say that there are a number of things you should  
20 focus on.

21           First, the precedent from 2020. Second, there  
22 were opportunities to consult with the provinces earlier. We've  
23 heard that the *Emergencies Act* was on the table by February 9<sup>th</sup>  
24 or 10<sup>th</sup> if not earlier. The federal government could have  
25 consulted with the provinces at the front end instead of at the  
26 back end.

27           Third, there's evidence which we will suggest  
28 shows that the decision to invoke the *Emergencies Act* was de

1 *facto* made on February 13<sup>th</sup> before the First Minister's Meeting.  
2 The Prime Minister confirmed this morning that the consensus at  
3 both the IRG meeting and the Cabinet meeting on February 13<sup>th</sup>  
4 were to proceed with the *Emergencies Act*.

5           Fourth, the actual meeting that was held with  
6 Premiers on the 14<sup>th</sup>. This meeting was set up on very short  
7 notice with no indication of what the subject matter was to be  
8 and it lasted about one hour. When we file our written  
9 submissions, we will refer you to case law in other contexts  
10 which suggests that this is not an adequate consultation.

11           Commissioner, those are our submissions on the  
12 key points that you need to consider during your consideration  
13 of the evidence that you've heard over the past six weeks. And  
14 finally, in closing, Commissioner, on behalf of Mr. Morris and  
15 myself, we would like to thank you for providing us with the  
16 opportunity to participate in these hearings virtually. It was  
17 much appreciated. Thank you.

18           **COMMISSIONER ROULEAU:** Okay. Thank you. So that  
19 was Government of Saskatchewan. The Government of Alberta,  
20 please.

21 **--- FINAL SUBMISSIONS BY MS. MANDY ENGLAND:**

22           **MS. MANDY ENGLAND:** Good afternoon. Mandy  
23 England for the Government of Alberta.

24           Reflecting back on the past six weeks of  
25 evidence, there's obviously much for you to consider,  
26 Commissioner. The many aspects of your mandate include making  
27 recommendations, to provide guidance for potential refinements  
28 to the *Emergencies Act* and guidance for future invocations of



1 the Act.

2           The Government of Alberta would highlight two  
3 main points related to this aspect of your mandate. First,  
4 consultation with the provinces is required by the *Emergencies*  
5 Act. This is extremely important to our constitutional system.  
6 It is not a suggestion to which the federal government can just  
7 pay lip service.

8           One aspect of this is timing. We've heard  
9 extraordinary evidence that the Government of Canada did not  
10 want to raise the potential invocation of the Act with the  
11 provincial governments until more than a few hours before it  
12 would be invoked on February the 14<sup>th</sup> because they were afraid  
13 that the information would be leaked to the public. And yet,  
14 the Federal Minister of Emergency Preparedness himself spoke to  
15 more than one national media outlet the day before on February  
16 the 13th. Being suspicious of the provinces, especially after a  
17 Federal Minister has already raised it with the media cannot be  
18 an acceptable reason for the Government of Canada not to have  
19 the required meaningful, good faith consultations with the  
20 provinces about a matter as serious as invoking the *Emergencies*  
21 Act.

22           Another aspect of this is weight. Seven  
23 provinces advised the Government of Canada that they did not  
24 support the invocation of the Act in their province, that there  
25 was no need, and that they had the capability and authorities to  
26 deal with the situation. And in fact, provinces including  
27 Alberta did deal with it before the *Emergencies Act* was invoked,  
28 with existing capability and authorities.

1           The Incident Response Group was told on the  
2 afternoon of February the 13<sup>th</sup>, the day before the Prime Minister  
3 says he decided to invoke the *Emergencies Act* that an  
4 enforcement action was being undertaken at Coutts, and the Prime  
5 Minister has acknowledged today that he was advised at the time  
6 of the First Minister's Meeting that the enforcement action was  
7 well underway, that arrests had been made, and that Coutts was  
8 secured.

9           The relevant test under the *Emergencies Act*  
10 requires that in order for it to be invoked for a Public Order  
11 Emergency, the situation must exceed the capacity or authority  
12 of the province to deal with it. If the Government of Canada  
13 has been advised by the provinces prior to invoking the  
14 *Emergencies Act* that it does not exceed their capacity or  
15 authority can that simply be ignored?

16           We have heard evidence about worries that  
17 protests might return, and we have heard of the convenience of  
18 freezing accounts at financial institutions across the country  
19 to convince people to leave. But can worries and simplicity  
20 trump the wording of the legislation and the constitutional  
21 deference that must be afforded to the provinces?

22           As Counsel for the Commission put it to one  
23 Minister during the examination, if what the Government of  
24 Canada did in this case qualifies as sufficient consultation, is  
25 there anything that wouldn't?

26           Next, appropriateness of the measures included in  
27 the Order and Regulation issued under the *Emergencies Act* is  
28 another area of review. Freezing the bank accounts of Canadians

1 engaged in political protest without due process is  
2 extraordinary. We have heard evidence that it was not only  
3 accounts of those protesters, but joint accounts, meaning  
4 Canadians who weren't at the protest at all had their accounts  
5 frozen. The question is whether the fact that it might have  
6 been a quick way or an easy way to bring a protest to an end can  
7 be accepted as sufficient justification for such a serious and  
8 broad infringement on the rights of Canadian citizens,  
9 particularly when there were clearly other adequate tools to  
10 enforce the law and bring the protest to an end.

11                   Among the many issues raised in these  
12 proceedings, these are just two that we are hopeful the  
13 Commission will carefully consider. And we would like to thank  
14 you again, Commissioner, for the opportunity to participate in  
15 this important inquiry and for the work done by you and  
16 Commission Counsel.

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

18                   Next is the City of Ottawa, please.

19 **--- FINAL SUBMISSIONS BY MS. ALYSSA TOMKINS:**

20                   **MS. ALYSSA TOMKINS:** Thank you, Commissioner.  
21 Alyssa for the City.

22                   The City of Ottawa's role in responding to the  
23 Freedom Convoy was threefold. First, it sought to support the  
24 OPS as the lead agency in response to the protest. Second,  
25 maintain City services as much as possible, again, in  
26 coordination with police. And third, it exercised a convening  
27 function in terms of bringing people together at other levels of  
28 government, at both the political and official level.

1           I'll remind the Commission what the City and  
2 Mayor cannot do, which is direct the police or the Police  
3 Services Board. City Council's oversight powers are extremely  
4 limited. They're limited to approving the police budget on a  
5 global basis and appointing four members to the Board, three  
6 councillors and one member of the public. Council did use its  
7 power to revoke an appointment in this case, as we've seen, when  
8 it removed Councillor Deans as Board Chair.

9           We acknowledge the significant impact that the  
10 Freedom Convoy protests had on the citizens of Ottawa, on City  
11 services and on City staff. We submit there are five key  
12 questions that need to be addressed in response in particular to  
13 the Ottawa situation. We'll, of course, answer those questions  
14 in our written submissions, but for now, here are the issues.

15           So one, did a lack of intelligence or lack of  
16 coordination among institutions responsible for collecting or  
17 analysing intelligence affect their response to the Freedom  
18 Convoy?

19           Two, was there a delay in sending additional  
20 police resources to Ottawa, and if so, what caused or  
21 contributed to that delay?

22           Third, was Windsor a or the priority, and if so,  
23 who was responsible for that decision?

24           Fourth, if the lack of a plan or difficulties  
25 with achieving unified command caused delay, how could these  
26 issues have been addressed and resolved more quickly? In  
27 particular, what is the role of oversight bodies in such a  
28 situation, and in particular, what action could the Province

1 have taken, if any, to end the protests in Ottawa sooner? And  
2 of course, here, we're referring to both the MTO and the  
3 Solicitor General in terms of discharging its obligation to  
4 ensure adequate and effective policing in Ottawa.

5           The last one, number 5, is the role of  
6 negotiation and engagement with protesters in situations such as  
7 this, and the relationship between civilian authorities and  
8 police when participating in such discussions. So we'll have  
9 more to say on that in our written submissions.

10           I'd like to thank you, Mr. Commissioner,  
11 Commission Counsel, and most of all, my friends, counsel for the  
12 other parties. Strange alliances formed and then unformed  
13 almost on a daily basis between the parties, but always with  
14 collegiality and cooperation between counsel. So thank you to  
15 all of you.

16           **COMMISSIONER ROULEAU:** Okay. City of Windsor.

17 **--- FINAL SUBMISSIONS BY MS. JENNIFER KING:**

18           **MS. JENNIFER KING:** Good afternoon, Commissioner.

19           Windsor understands that this Commission has the  
20 mandate to examine and report on the circumstances that led to  
21 the declaration of a Public Order Emergency and the use of the  
22 measures in February 2022. However, it may not be a surprise to  
23 the Commission that I am going to start my submissions on  
24 another part of the Commission's mandate, the mandate to set out  
25 the lessons learned and make recommendations as it pertains to  
26 those matters.

27           Windsor, we have heard many times, is not only  
28 the host to the Ambassador Bridge, there are multiple border

1 crossings in its borders, and it serves as a vital trade  
2 corridor between Canada and the United States. The focus must  
3 be on learning lessons from the events of January and February.

4           It is clear, Windsor submits, from the evidence  
5 before this Commission that the issues facing Canada earlier  
6 this year, in the words of the Prime Minister, "won't just go  
7 away." It is clear from the testimony that all three levels of  
8 government and policing must work urgently and collectively to  
9 find solutions to prevent unlawful protest activity from ever  
10 again threatening the safety and security, not only of  
11 Windsorites, but of Canadians throughout our country, and our  
12 national economy.

13           We need a toolkit that sets out the division of  
14 responsibilities of all three levels of government, the  
15 available authorities at all three levels, and the resources  
16 required to implement those authorities, including who is  
17 responsible for costs. This toolkit to protect the  
18 infrastructure critical to Canada's economy must prioritise  
19 municipal and community interests, and we need this plan so that  
20 precious time is not wasted if our critical infrastructure and  
21 the communities that host that infrastructure face a threat like  
22 this again.

23           The evidence that this Commission has heard about  
24 the response of the Ambassador Bridge blockade reveals the  
25 importance of swift, effective communication and cooperation,  
26 within and between all levels of government to support police  
27 operations. The successful operation to clear the bridge, which  
28 Minister Blair called a textbook operation that was

1 proportional, measured, *Charter* compliant and appropriate, was  
2 made possible because of early and open communication between  
3 Windsor Police and the OPP and their other policing partners.

4           The Commission also heard about how the City,  
5 Government and staff acted swiftly, effectively, and in a  
6 unified manner. The Mayor, the Community Emergency Management  
7 Coordinator, Laforet, and City leadership coordinated Windsor's  
8 response and communicated information and operational needs to  
9 their provincial and federal counterparts.

10           The response to the blockade also showed the  
11 importance of the Incident Command System, and advanced  
12 emergency planning and of City Council speaking with one voice  
13 in this kind of crisis. And the important role that a  
14 municipality and government can play in supporting this kind of  
15 police operation. You've also heard how the necessary police  
16 response to clear the blockade had a significant negative impact  
17 on local Windsor businesses and households.

18           Thus far, Windsor's repeated calls for trilateral  
19 government talks to create the integrated plan I talked about  
20 earlier to prevent and respond to such incidents has gone  
21 unheeded. Planning and first response to border issues cannot  
22 be Windsor's duty alone. As Mayor Dilkens noted, there must be  
23 an advance plan that can be pulled off the shelf in a time of  
24 crisis, and this planning must start now.

25           Despite the effective response to the blockade,  
26 the process revealed, as we have heard, jurisdictional gaps and  
27 uncertainties that must be addressed. Doubt begets delay.  
28 Roles, responsibilities and jurisdiction should be clear before

1 an emergency arises.

2 Windsor and the many other municipalities which  
3 host critical infrastructure are partners in this process, not  
4 just stakeholders. Where provincial partners and governments do  
5 not respond or do not respond quickly enough, the Federal  
6 Government has a responsibility to have a plan to directly  
7 support the first responders on the ground.

8 Windsor thanks its community, its staff, its  
9 police force for its -- their response to this crisis, and  
10 appreciates the efforts and professionalism of the OPP, the RCMP  
11 and its policing partners, and the open lines of communication  
12 it had with provincial and federal governments.

13 The City also thanks the Commission for the  
14 opportunity to participate as a party in this important process.  
15 Thank you.

16 **COMMISSIONER ROULEAU:** Thank you.

17 Okay. The Ottawa Police Service.

18 **--- FINAL SUBMISSIONS BY MR. DAVID MIGICOVSKY:**

19 **MR. DAVID MIGICOVSKY:** Good afternoon. David  
20 Migicovsky for the Ottawa Police Service.

21 In approaching the evidence, Commissioner, the  
22 starting point we say is to look at what is not contentious.  
23 And there was a refrain of three words that we heard from almost  
24 all of the witnesses - unprecedented, fluid, and volatile.

25 It is not in dispute that the protest which  
26 became an illegal occupation was unprecedented in this country.  
27 The fluidity and volatility of the situation was caused by the  
28 presence of large trucks spread throughout downtown, coupled



1 with protesters, whose numbers swelled to the thousands during  
2 weekends, and a crowd that included children. That too is not  
3 in dispute.

4           Having heard the evidence, you can now understand  
5 and the public can understand the intractable problem faced by  
6 the police, which was how to safely end the occupation without  
7 injury or loss of life to the community, to the protesters and  
8 to the police officers on the ground.

9           Another matter on which the evidence is  
10 uncontroverted is that the entirety of the Ottawa Police Service  
11 were united in a singular desire to do the right thing. The  
12 objective was always to safely end the occupation and return the  
13 City to normalcy.

14           While there may not always have been unanimity on  
15 what was the best approach to achieve the objective, everyone  
16 worked tirelessly doing their very best under very challenging  
17 conditions.

18           What is also not in dispute was the need for more  
19 resources. It was brought to the fore on January 31st and the  
20 request for more resources was a refrain that started that day  
21 and ended when those resources arrived.

22           Another matter upon which the evidence is  
23 uncontradicted is that the Ottawa Police Service and its  
24 partners came together to plan and execute an Integrated  
25 Operational Plan. Minister Blair recognised that the plan was  
26 flawless and its execution was careful and methodical. In his  
27 words, it was a textbook example of how to safely carry out the  
28 police POU operation.

1           Importantly, Minister Blair recognised that what  
2 happened in Ottawa was not a policing failure, and what was  
3 needed ultimately to resolve the occupation and what was finally  
4 delivered was a massive influx of resources.

5           The second point we ask that you keep in mind  
6 when you assess the evidence is to be aware of hindsight bias.  
7 Hindsight bias is the not-uncommon human tendency to look back  
8 at events after they have occurred and to assert that it was  
9 predictable. But as we all know, this event was not  
10 predictable.

11           You heard a great deal of evidence about the  
12 intelligence that existed in the days before the arrival of the  
13 convoy, what it meant and how law enforcement should have  
14 responded to it. We ask that you carefully review that evidence  
15 to determine whether the perceptions of some of the witnesses in  
16 that regard is as a result of hindsight bias.

17           No one knew that a protest about vaccine mandates  
18 which started off as peaceful and law-abiding would become an  
19 occupation.

20           The plans that the Ottawa Police Service had for  
21 managing the event prepared with all of its law enforcement  
22 partners and everyone cooperated in assisting what was intended  
23 to be the facilitation of a peaceful process. And a classic  
24 example of hindsight bias came from those witnesses who said the  
25 trucks should have been turned away and not allowed in.

26           You heard much evidence as to why that should not  
27 -- would not have worked and what the impact of doing so would  
28 have been. Trucks would have been stranded on the Queensway and

1 to turn them away would have required thousands of officers and  
2 would have angered and incited those who had travelled so far to  
3 get here.

4           The evidence you heard demonstrates that the  
5 Ottawa Police Service learned from its experience. Changes have  
6 been implemented in many areas, including how intelligence is  
7 analyzed and devoting resources to the analysis of social media  
8 and how event planners now balance the right to peaceful protest  
9 with the impacts of protest on the community.

10           There has been a recognition of the need for  
11 greater clarity in the operation of the Incident Command system  
12 and the Ottawa Police Service has strengthened their PLT  
13 program.

14           The Ottawa Police Service looks forward to  
15 receiving this Commission's report so that it can take even  
16 further steps to improve the safety of this community and to  
17 continue to rebuild public trust.

18           Thank you very much, Commissioner.

19           **COMMISSIONER ROULEAU:** Thank you.

20           Next is the Windsor Police Service, please.

21 **--- FINAL SUBMISSIONS BY MR. THOMAS McRAE:**

22           **MR. THOMAS McRAE:** Thank you, Mr. Commissioner.  
23 This is Tom McRae for the Windsor Police Service.

24           The Windsor Police Service is the police service  
25 of jurisdiction in the City of Windsor. It is their local  
26 police, as well as the area in the vicinity of the Ambassador  
27 Bridge. So unsurprisingly, throughout this Commission, our  
28 focus in the evidence has been largely local and on policing.

1           It's our view that Canadians can be proud of  
2 their professional police services. One of the very important  
3 elements, though, of being a professional police service is that  
4 these police services have operational independence. Every  
5 witness that this Commission heard from affirmed the principle  
6 of independent operation by the police even though one or two of  
7 them had to be reminded of it from time to time.

8           And with respect to the clearing of the  
9 Ambassador Bridge blockade, and we acknowledge and we are  
10 grateful for the great assistance we received from the OPP and  
11 other municipal forces in this, the POU effort at the Ambassador  
12 Bridge worked. The *Charter* rights of protest, to the extent  
13 possible, were respected.

14           The efforts were reasonable and proportional.  
15 There was no loss of life. As the Deputy Prime Minister said,  
16 there was no blood on children's faces. There was no serious  
17 injury. And even the Prime Minister, as I think you  
18 characterized it, Mr. Commissioner, gave us a pat on the back  
19 for the efforts.

20           There are larger issues, though, that arise from  
21 the example of Windsor which, in our respectful submission, this  
22 Commission should consider.

23           And one of them, and this is most troubling, in  
24 my view, is what additional inputs should be considered by the  
25 people and a Public Order Unit in particular when enforcing the  
26 laws and getting protestors who are acting illegally to  
27 disperse. Do you behave differently, for example, if there are  
28 significant economic impacts? How are the police under the

1 current regime to know if there are significant economic  
2 impacts?

3                   In this case, we heard from the Mayor of Windsor  
4 that, unbeknownst to most, there were -- they were trying to  
5 draw an electric car battery facility to the city. Should the  
6 police have moved quicker? Would the -- would it be desirable  
7 for the police to move quicker if it meant that there might be  
8 more injuries either to officers or to protestors, and how would  
9 the Windsor Police in that example get that information and be  
10 able to assess it, all the while maintaining their operational  
11 independence?

12                   And finally, as my friend from the City of  
13 Windsor said, it remains a question for Windsor and the Windsor  
14 Police Service is who pays for the extra resources that the City  
15 of Windsor and its police service had to expend to deal with  
16 this protest, this protest which occurred ostensibly over -- I  
17 was going to say vaccine mandates, but it went larger than that.  
18 They were largely seen to come from the federal government,  
19 though, as the Prime Minister correctly pointed out, many of  
20 them were provincial or even local.

21                   And is it fair to put the bill on Windsor?

22                   My friend for Windsor said a plan would help.  
23 We're certainly in favour of that. But it's a plan that should  
24 be reached soon, in our respectful submission, to deal with  
25 these multiple issues.

26                   And I'd like, finally, to thank you, Mr.  
27 Commissioner, for your kindness and good humour and I'd like to  
28 thank other counsel throughout. It's been an interesting ride.

1 Thank you very much.

2 **COMMISSIONER ROULEAU:** Thank you.

3 Next, the Ontario Provincial Police, the OPP.

4 **--- FINAL SUBMISSIONS BY MR. CHRISTOPHER DIANA:**

5 **MR. CHRISTOPHER DIANA:** Thank you, Commissioner.

6 As you heard in the evidence of Inspector Marcel  
7 Beaudoin of the OPP, the OPP is impartial on the issues  
8 underlying any particular dispute. That's fundamental to  
9 policing any protest is the notion of impartiality.

10 Consistent with that commitment to impartiality,  
11 the OPP takes no position on whether or not the Government of  
12 Canada ought to have invoked the *Emergencies Act*. That is not a  
13 question for law enforcement. That is a decision to be made by  
14 the Government of Canada. But it was obvious that an important  
15 factual issue would relate to whether or not police services  
16 could deal with the protest within existing powers and  
17 authorities.

18 As I forecast in my opening submission, the  
19 evidence you consistently heard from OPP witnesses and, indeed,  
20 many witnesses from other police services, was that while the  
21 tools were useful to varying degrees, they were not necessary.

22 Ambassador Bridge was cleared without those  
23 tools. The Ottawa protest would have been cleared without those  
24 tools. You've heard about Blue Water Bridge, Fort Erie, other  
25 areas in Ontario which were not subject to blockades or  
26 occupations because of the work of the OPP using existing tools.

27 So it's an important discussion that we've had  
28 and that we'll have in our written submissions about what are

1 those existing authorities.

2           It's the position of the OPP that there were  
3 sufficient legal authorities within statute and common law to,  
4 for example, set up exclusion zones and the *Emergencies Act* was  
5 not required for that purpose.

6           I think we need to be careful, Commissioner,  
7 with how we look at this issue of existing authorities and those  
8 authorities, common law especially, should not be so narrowly  
9 construed in support of an argument in favour of the *Emergencies*  
10 *Act* that police services lose the ability to act.

11           In other words, the way we interpret the common  
12 law will be important for understanding what police can do in  
13 the future under the common law, so I think it's an important  
14 discussion and certainly I'll be submitting case law in that  
15 respect in our written submissions.

16           With respect to towing, we heard a lot of  
17 evidence. Ultimately, I think, that the -- where the evidence  
18 lands was useful -- provided useful tools for indemnification  
19 and for sure business purposes, but the email from the OPP  
20 subject matter expert indicated that it was not used to compel  
21 tow trucks.

22           You've heard a lot of evidence about the policing  
23 response and the involvement of the OPP. That response started  
24 well before the convoy arrived with Project Hendon. You've  
25 heard about the broad distribution of Hendon in order to break  
26 down silos. The Prime Minister today actually spoke about silos  
27 within the federal law enforcement sphere and expressed concern  
28 about how those silos could have an impact. The Hendon Reports

1 went to all of those federal law enforcement agencies to try to  
2 avoid that concern.

3 As early as January 20<sup>th</sup>, you've heard that there  
4 was intelligence that suggested this would not just be a weekend  
5 event. And I agree with my friend that, you know, hindsight is  
6 20/20, but it's fair to say that the Hendon Reports and the  
7 teleconferences provided significant information to law  
8 enforcement across the country.

9 OPP was not the police service of jurisdiction in  
10 Ottawa or Windsor, but worked to provide assistance in a number  
11 of ways that I won't go over now.

12 The effectiveness and professionalism of the OPP  
13 and its Commissioner has been a consistent theme in the evidence  
14 from a number of witnesses, including former Chief Sloly.

15 I referenced the Ipperwash Inquiry in my opening  
16 for a reason. Those recommendations fundamentally changed the  
17 way the OPP engages in policing, the framework, Provincial  
18 Liaison Team, operational independence, and the reporting  
19 relationship between the Commissioner and the Deputy Minister.  
20 All of these are legacies of Ipperwash, and I will explore  
21 themes in more detail in my written submissions. But it's fair  
22 to say that there needs to be a broader understanding amongst  
23 the policing community of the importance and effectiveness of  
24 some of these tools. There may be some gaps with respect to  
25 some of those among certain police services.

26 I understand that those recommendations from  
27 Ipperwash are in evidence, and I expect will be valuable to you  
28 in your consideration of this matter.



1 Commissioner, the OPP asks that you consider  
2 recommending consultation with the OPP before invoking the  
3 *Emergencies Act*, assuming there's an Ontario component. That  
4 can be done quickly, as between RCMP and OPP Commissioners, and  
5 can be done on a hypothetical basis so as not to betray any  
6 Cabinet confidence. And for purposes of accountability and  
7 review, there should be a written record of such consultation.

8 And of course, our written submissions will more  
9 clearly articulate these and other issues and other potential  
10 recommendations.

11 The OPP's been very pleased to participate in  
12 this important process. I want to thank you and others. Thank  
13 you.

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

15 Next is counsel for former Chief Sloly.

16 **--- FINAL SUBMISSIONS BY MR. TOM CURRY:**

17 **MR. TOM CURRY:** Thank you, Commissioner. Tom  
18 Curry for former Chief Sloly.

19 As you emphasized in your comments opening these  
20 proceedings, these hearings concern accountability of the  
21 Federal Government, examined why the emergency was declared, how  
22 the power was used, and whether the Government's actions were  
23 appropriate.

24 The ancillary matters under review, including the  
25 efforts of police, are examined, as you indicated, only to the  
26 extent relevant to that mandate.

27 This is important because it requires the  
28 Commission to focus on the Acts and decisions of the Federal

1 Government. Although it provides relevant context, this is not  
2 an inquiry into the operation of the Ottawa Police Service, City  
3 of Ottawa, or the performance of Chief Sloly.

4 As you also noted at the outset, this public  
5 inquiry is unique, since the time available for you to complete  
6 your mandate is very short.

7 To accomplish that task, procedural rules were  
8 adopted that imposed limits on the ability of the parties  
9 withstanding to elicit evidence or challenge evidence introduced  
10 by Commission Counsel.

11 Those procedural limitations were designed to  
12 protect the Commission's ability to complete its mandate, and  
13 you've shown they've worked. But no party or participant should  
14 be the subject of an adverse misconduct finding in the context  
15 of a Commission that has had to complete its mandate by imposing  
16 procedural rules to address the limited time frame in which  
17 you've had to operate.

18 Chief Sloly is recognized by all as a national  
19 police leader who brought nearly 30 years of experience to  
20 Ottawa as its first black police chief. He has a long record of  
21 success at the City of Toronto Police Service and  
22 internationally in virtually every role played in policing.

23 His actions, and his decisions, and his  
24 recommendations for the future carry the weight of that  
25 accumulated experience and wisdom.

26 The convoy protest that arrived in Ottawa on  
27 January 2022 represented an unprecedented and unpredictable  
28 paradigm shift in public protest. Even with the benefit of

1 hindsight, it is not possible to find that police services and  
2 intelligence agencies should have known this would become an  
3 extended occupation.

4           Recall, indeed, that most protestors left after  
5 the first weekend.

6           But as the protest settled in to become an  
7 occupation, the Ottawa Police Services plans that always  
8 contemplated some protestors would stay past the first weekend,  
9 required to evolve to address the new situation.

10           There's also agreement that the OPS lacked the  
11 resources to resolve the occupation itself. Chief Sloly raised  
12 a lack of resources in a responsible way throughout these events  
13 and his statement that there may not be a policing solution from  
14 the Ottawa Police Service alone was correct. He was also right  
15 to consider the role of negotiation and dialogue, and whether an  
16 interlocuter could assist.

17           Of course the declarations of emergency by three  
18 levels of government were also not a policing solution, and he  
19 was right to call attention to the role of government to address  
20 this challenge.

21           Agreement across the parties is also made that  
22 the events created a crucible of enormous pressure for everyone  
23 involved. All described the pressure they experienced during  
24 the protest.

25           This point is important to your work because as  
26 you assess the facts and the roles played by individuals in  
27 these events, you should exercise restraint in judging those  
28 people, including Chief Sloly, who were operating under

1 extremely challenging circumstances.

2           The parties agree also that the police response  
3 in Ottawa, Windsor, Coutts, and elsewhere, was a success, as has  
4 been noted by others, in the sense that the protests were  
5 brought to a conclusion without a loss of life or serious  
6 injury.

7           The City of Ottawa, the OPS, and Chief Sloly  
8 occupied a prominent position in these proceedings.

9           Commission Counsel's presentation of the evidence  
10 focused more on that part of the events than other parts. More  
11 members of the OPS testified and for longer than members of the  
12 other police services.

13           Chief Sloly himself was in the witness box twice  
14 as long as any other witness in the proceeding.

15           This intense scrutiny of Chief Sloly's role  
16 during the three weeks under review establishes though that he  
17 performed his duties in good faith, to the best of his  
18 abilities, and that he dedicated himself to the passionate  
19 defence of the City of Ottawa, its residents, the membership of  
20 the OPS, the right of lawful protest, and the safe and  
21 responsible end of the illegal occupation.

22           He exercised his authority under extremely  
23 difficult circumstances. His police service was operating  
24 without a full permanent senior command, was struggling to  
25 recover from the challenges of the global pandemic, and of  
26 course adjusting to a new chief from outside its service,  
27 implementing a change mandate.

28           The unprecedented events of the convoy protest

1 meant that the OPS, Police Services Board, City Council, City  
2 officials and agencies were required to work together in  
3 imperfect conditions.

4 Chief Sloly did everything in his authority to  
5 get the help he needed to help this community and the service he  
6 swore to protect.

7 Unfortunately, he and the OPS were unable to get  
8 the help they needed when they needed it. You've heard about  
9 the reasons for those delays, from debates about who should be  
10 the first port of call, to delays caused by inaccurate public  
11 statements about how many police service members were available  
12 to the OPS.

13 Those circumstances created confusion and doubt  
14 and an unjustified lack of confidence in Chief Sloly and the  
15 OPS.

16 Chief Sloly and the OPS were in an impossible  
17 position. To dismantle an unprecedented occupation, but not  
18 with the resources they needed to do so. He had the weight of  
19 the city and the nation on his shoulders. Criticism of the  
20 absence of a plan must be seen in the context of the reality  
21 that there were always plans for maintaining the safety of the  
22 community, but plans for the dismantling of the occupation  
23 obviously required resources, and a plan most assuredly was  
24 complete, as you've heard, February 12<sup>th</sup>, and February 13<sup>th</sup>, and  
25 services were delivered against that plan from the RCMP and the  
26 OPP.

27 Chief Sloly served to the best of his ability  
28 under trying circumstances inside and outside the OPS, but it

1 was not enough. Confidence in the OPS and its Chief was harmed  
2 by the weight of the rumours and resourcing delays and the scale  
3 of the problem, and so he did the last thing he could do to  
4 ensure public safety was not compromised.

5 On February 15th, he resigned from his position  
6 to remove himself from the equation. I say that's an act of a  
7 selfless leader who put the community and its service before  
8 himself and his family.

9 His public service continues in this hearing. He  
10 has participated fully in these proceedings, including by  
11 offering his account of the circumstances and his  
12 recommendations to you for future reform to address structural  
13 deficits and improve the sharing of intelligence and responses  
14 to events of this kind in the future, and Commissioner, he looks  
15 forward to assisting you in the policy phase.

16 On Chief Sloly's behalf and on behalf of my  
17 colleagues, thank you for your work in this Commission.

18 **COMMISSIONER ROULEAU:** Thank you.

19 Next, the convoy organisers, please.

20 **--- FINAL SUBMISSIONS BY MS. EVA CHIPIUK:**

21 **MS. EVA CHIPIUK:** Good afternoon. For the  
22 record, my name is Eva Chipiuk. I am one of the lawyers  
23 representing Freedom Corp. and the protesters who were here in  
24 Ottawa in January and February 2022.

25 Mr. Commissioner, friends, Canadians listening to  
26 this Public Inquiry into the Government's decision to invoke the  
27 *Emergencies Act* for the first time in history, you will remember  
28 on the first day of this Public Inquiry, our lead counsel,

1 Brendan Miller, in his Opening Statement, spoke about the  
2 evidence and threshold required for invoking the *Emergencies*  
3 *Act*.

4 Mr. Miller set out each element of the test for  
5 invoking the *Emergencies Act*, and then predicted that there  
6 would be no evidence to support any of the factors required to  
7 invoke the *Act*. I would like to restate Mr. Miller's Opening  
8 Statement, and add to it what evidence in fact came out.

9 "...it is our view that there was no  
10 justification whatsoever to invoke the  
11 *Emergencies Act*. The *Emergencies Act*  
12 requires several things: One, it could  
13 be invoked due to espionage and  
14 sabotage."

15 Did you hear any evidence about espionage and  
16 sabotage? The answer is no:

17 "Two, it could be invoked on the basis  
18 of clandestine or deceptive foreign  
19 influence, or foreign influence that  
20 involves the threat to a person."

21 Did you hear evidence about that? The answer is  
22 no:

23 "It also could be invoked on the basis  
24 of threats or use of acts of serious  
25 violence against persons or property."

26 Did you hear evidence of violence against persons  
27 or property? The answer is no:

28 "Lastly, it can also be invoked if

1                   there is a group or persons trying to  
2                   destroy or overthrow by violence the  
3                   system of Government of Canada."

4                   Did you hear evidence about individuals trying to  
5 do that? The answer is no:

6                   And the answer is there was no reasonable and  
7 probable grounds to invoke the *Emergencies Act* and the  
8 Government exceeded their jurisdiction, both constitutionally  
9 and legislatively, in doing so.

10                  In using the *Emergencies Act*, which gifts the  
11 Government with extraordinary powers, the Government of Canada  
12 chose use of force, that is, state violence over peaceful  
13 negotiations and democratic engagement with the Canadian people.  
14 The sad irony is that the protest in Ottawa was fundamentally  
15 about government overreach. Canadians felt that the current  
16 Government had gone too far with the COVID-19 mandates.

17                  The Government's response to the protests by  
18 invoking the *Emergencies Act* was a further reach in power over  
19 people instead of power by the people.

20                  In response to the unprecedented unison of voices  
21 of many Canadians, including a voice by way of millions in  
22 donations to the cause, the Government of Canada refused to  
23 engage and listen to the people. Instead, by invoking the  
24 *Emergencies Act* the Government stepped even further into their  
25 oppressive governance by quashing the most fundamental right  
26 that belongs to a Canadian democracy, that is, to come together  
27 in their Nation's Capital, in front of Parliament to engage in  
28 dialogue with their elected officials.



1                   Protesting is in fact the people trying to have a  
2 dialogue with their government as a last resort of engagement  
3 when all other avenues for discourse have failed or have been  
4 censored.

5                   A healthy democracy demands continuous engagement  
6 between people and government, and when the government uses  
7 violence to assert its power over the people the fabric of  
8 democracy is torn. That is what was witnessed at the protest.

9                   We heard from witness and protester, Maggie  
10 Braun, who knelt before the Public Order Units, placed a copy of  
11 the Canadian Bill of Rights, the first human rights law in  
12 Canada, onto the snow in front of her before being brutally  
13 snatched and shoved behind the police lines, thrown to the  
14 frozen ground, beaten, and had a rifle pointed to her head.

15                   We heard from witness and veteran Chris Deering,  
16 survivor of a bomb explosion in Afghanistan. He fought for our  
17 country because he believed that our Canadian values were worth  
18 fighting for. He said he came to Ottawa because it was his duty  
19 to support the protesters in their cry to the Canadian  
20 Government that enough is enough. They've gone too far with  
21 interfering with our right and freedom, our right to live in a  
22 safe country free from fear.

23                   In response to our dear veteran's bravery, moral  
24 courage, and sacrifice for this country he was brutally beaten  
25 by the police and treated with less human dignity than a  
26 prisoner of war.

27                   The fact is it does not matter which side of the  
28 protest you are on. To be Canadian is to value human dignity,

1 kindness, community, compassion, and love. It is not normal to  
2 hate and divide.

3           This Public Inquiry is more than just looking  
4 into the circumstances that led to the Government's decision to  
5 invoke the *Emergencies Act*, it is the beginning of a journey of  
6 rediscovering of what it means to be Canadian.

7           The Government does not define us, we do. We,  
8 the collective of many diverse groups across the country.

9           The protest in Ottawa brought so many Canadians  
10 from all different walks of life together. It was an  
11 opportunity for reconciliation, for uniting, and forging  
12 friendships despite so many differences. The protest in Ottawa  
13 gave people hope and it humbled all of us. What we saw in  
14 Ottawa is emblematic of what it means to be Canadian, and that  
15 is what terrifies the current Government of Canada.

16           Yes, there was honking, and diesel, and noise,  
17 and that was not only challenging for residents in Ottawa, but  
18 also for protesters, but the protesters were not extremists or  
19 terrorists, they are fellow Canadians, neighbours, and each  
20 person is the thread that holds us together in a peaceful and  
21 loving society. We have all suffered in our own unique way  
22 because of the pandemic, the virus, the sickness, the lockdowns,  
23 the job losses, loss of livelihood, the mandates, and mental  
24 health.

25           On the first day of this Public Order Emergency  
26 Inquiry, Commissioner Rouleau, you said uncovering the truth is  
27 an important role. When difficult events occur that impact the  
28 lives of Canadians the public has the right to know what

1 happened.

2                   So, l'objectif de l'enquête publique est de faire  
3 la lumière sur les faits ou la situation, de faire les  
4 recommandations pour que la situation ne se reproduise plus.

5                   Let this Inquiry be the starting point for all  
6 Canadians, and that means all Canadians, including Government  
7 leaders, to hold the Executive Branch of Canada to account. If  
8 there ever was a time for a Prime Minister to step down, now is  
9 that time.

10                   Thank you.

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

12                   Next is the Ottawa Coalition, please.

13 **--- FINAL SUBMISSIONS BY MR. PAUL CHAMP:**

14                   **MR. PAUL CHAMP:** Thank you, Mr. Commissioner.  
15 Paul Champ for the Ottawa Coalition of Residents and Businesses.

16                   I'm just going to try to focus, if I can,  
17 Commissioner, on the key points of evidence that I think are  
18 questions that you're going to have to try to determine in all  
19 the testimony and exhibits you've received over the last several  
20 weeks.

21                   First of all, what we know is that the Ottawa  
22 Police made a major mistake by allowing hundreds of semi trucks  
23 to drive and park in downtown on the first weekend.

24                   The OPP disavowed supporting this idea and said  
25 that they thought the plan was to stop the trucks, but the  
26 reality is, they also assisted in guiding the trucks downtown.  
27 So what happened there?

28                   Also, the Ottawa Police made a mistake in

1 believing that they were only going to stay for a weekend,  
2 despite all the other intelligence available. You heard a lot  
3 of evidence about, you know, how and why that decision was made  
4 or that calculation was made when there is a great deal of  
5 intelligence that suggested otherwise.

6 But most significantly, Commissioner, by Monday,  
7 January 31<sup>st</sup>, the Ottawa Police already realized on that day that  
8 they had made these major mistakes, and they acknowledged  
9 internally that they were overwhelmed and did not have the  
10 capacity or the resources to police or manage these protests.  
11 They knew that. They were already calling it an occupation on  
12 Monday, January 31<sup>st</sup>. And from that day forward, they were  
13 trying to get help from other levels of government and from  
14 other police services.

15 Now, what was going on after that? Well, we know  
16 that the Ottawa Police refrained from enforcement in most cases  
17 because of officer safety, including bylaw officer safety. And  
18 if the officers aren't safe, how can citizens and residents feel  
19 safe? They cannot and they were not.

20 Reports to police were not being followed up on,  
21 despite people calling repeatedly.

22 You of course heard the circumstances, the  
23 context of downtown Ottawa. Not only the dangerously loud horns  
24 that were going on all day and into the night, the blockaded  
25 streets that were obstructing traffic, public transit, even  
26 emergency vehicles, the diesel fumes of hundreds of congregated  
27 and continuously idling semi trucks, the street harassment, the  
28 threats to public officials at all levels, our Mayor, our Chief,

1 our Health Officer, our federal politicians. Businesses were  
2 shut down with loss of profits and wages of \$10 million per day.  
3 There were open fires in our streets on almost every corner in  
4 this downtown stamp, with gasoline, and propane, and fireworks  
5 going off beside them. On some days, our 9-1-1 lines were being  
6 jammed deliberately. And our hospitals were getting bomb  
7 threats.

8           The situation was one of lawlessness in Ottawa.  
9 And that situation prevailed for a long time. The people, and  
10 residents, and businesses of Ottawa felt abandoned.

11           Using the words of the *Police Services Act*, the  
12 Ottawa Police could not provide adequate and effective policing  
13 out of the gate. They were just barely maintaining a baseline  
14 level of policing.

15           And once it reached that point, and it really was  
16 very early, what happened? How did different levels of  
17 government respond?

18           First and foremost, resources were delayed. The  
19 RCMP and the OPP were on the ground in small numbers early, but  
20 they withheld larger numbers because they were dissatisfied with  
21 the OPS plan. So you'll hear a lot of evidence about why those  
22 delays were happening and what happened. You'll have to, I  
23 think, make some decisions about that, or factual findings.

24           And what did others know about that disfunction?  
25 Other levels of government. And what did they do about it?  
26 Whether it's city officials, provincial, federal. And who was  
27 the responsible authorities who could do something about that  
28 situation? Was it the OPP? Was it the Ottawa Police Services

1 Board? Was it Provincial Solicitor General?

2                   And then the other piece of evidence that we  
3 heard is -- that caused the delays is once the Windsor Blockade  
4 happened, it was clear then that Ottawa dropped in priority  
5 because the OPP simply did not have the resources to deal with  
6 both of those major events at once.

7                   Windsor was the priority, and until that  
8 situation was addressed, Ottawa would be left to wait.

9                   The final piece in evidence, questions that  
10 you're asked to determine or decide is how is it possible for  
11 the convoy organizers to bring together? How did they organize  
12 and come to our city and occupy it? Because they did. I mean,  
13 the definition of an occupation is when an evading force enters  
14 into an area and takes control over that area, which is what  
15 they did in downtown Ottawa.

16                   It was organic, I think we heard. We heard there  
17 were people attracted for a variety of different reasons, but  
18 some of the leaders who we heard testified I think were animated  
19 by a variety of different issues of misinformation.

20                   They -- some of them absolutely took some  
21 pleasure in what was happening to the people of Ottawa. It was  
22 funny that people were unable to sleep. We heard evidence like  
23 that. And also that they felt justified in inflicting that harm  
24 on the people in downtown Ottawa because they had suffered. And  
25 I think we've heard that in -- there's no question that the  
26 people, the convoy protestors, they had all been experiencing  
27 all kinds of hardships and stresses for two years.

28                   So that's the last issue I think you're going to

1 have to decide, Commissioner.

2 Just to conclude, you know, these convoy protests  
3 stretched our Constitution in every way. Our *Canadian Charter*  
4 *of Rights and Freedoms* and our cherished right to protest, was  
5 it stretched too far? I think clearly it was.

6 But, you know, the fact that our authorities  
7 showed so much tolerance for so long, and the residents, I think  
8 speaks a lot about our country.

9 But our Constitution -- also federalism was  
10 stretched right out of shape. I think we -- you know, you're  
11 going to grapple with the evidence and the different levels of  
12 government, how they interact, and why it wasn't more seamless,  
13 which is what we would have hoped.

14 So just to conclude, Commissioner, thank you very  
15 much. You know, I think this Inquiry has demonstrated, really,  
16 the strength of our democracy, not only the fact that that this  
17 Inquiry is happening, but the way it was conducted. It was  
18 unprecedented, I think, in terms of the transparency we've seen  
19 at all levels of government. And no doubt, you know, what  
20 happened, whatever you find, I know that people are going to  
21 debate it anyway. And they've had the opportunity to do so;  
22 right? They've seen it.

23 **COMMISSIONER ROULEAU:** Fair. That's a fair  
24 statement.

25 **MR. PAUL CHAMP:** And no doubt study it for years  
26 to come about how government and police operate. It was quite  
27 amazing.

28 And I have to say also, the fact that the convoy

1 organizers and the protestors, they applied for leave to  
2 participate, and they have participated, I would believe, in  
3 good faith, and I think it shows that they had enough trust in  
4 our public institutions to do that still says a lot about the  
5 strength of Canada.

6           So with that, Commissioner, I just want to thank  
7 you for the prodigious hard work that you've demonstrated, and  
8 your Commission team. It was, I think, an inspiration for all  
9 counsel here. And chapeau. Merci.

10           **COMMISSIONER ROULEAU:** Thank you.

11           Next is the Criminal Lawyers Association.

12 **--- FINAL SUBMISSIONS BY MR. GREG DelBIGIO:**

13           **MR. GREG DelBIGIO:** The Criminal Lawyer's  
14 Association and Canadian Council of Criminal Defence Lawyers  
15 appreciate the opportunity to have participated in this  
16 Commission.

17           As criminal lawyers, we frequently scrutinize and  
18 challenge the exercise of power by government or law enforcement  
19 against individuals. We frequently defend guaranteed *Charter*  
20 rights of people within Canada as against the reach and  
21 sometimes overreach of state authority.

22           Challenges to whether an arrest was lawful,  
23 whether a search warrant was lawful, whether a wire tap is  
24 lawful, are commonly conducted before the Courts.

25           It might be of interest to people who've followed  
26 this Commission and those who are not lawyers to know that it's  
27 not uncommon for there to be disagreement about the  
28 interpretation of laws, whether legal tests have been satisfied



1 by evidence, or whether laws or actions of government actors  
2 were constitutional.

3           In that way, it might be useful for people to  
4 understand that some of the disagreements that were revealed  
5 through these proceedings are not uncommon at all.

6           The disclosure of thousands of documents and  
7 close forensic analysis of those documents reveals that protests  
8 were unquestionably challenging and demanded attention.

9           It's not surprising that there were disagreements  
10 with respect to how to deal with the protests or occupations.

11           It's not surprising that there was occasionally  
12 colourful and perhaps intemperate language revealed within some  
13 of the written communications.

14           It's not surprising that various ideas were  
15 raised for consideration. That's the nature of a human process.  
16 These -- the determination about whether to invoke an Act such  
17 as this is inescapably a human process.

18           The Commission evidence reveals what many lawyers  
19 already know, which is how a particular law is to be  
20 interpreted, and whether a particular legal test has been  
21 satisfied is often not straightforward.

22           Uncertainty or disagreement about the  
23 interpretation of the law is common. This might be unfortunate  
24 because the rule of law and constraint on the exercise of  
25 government power is best achieved when the meaning and the scope  
26 of law is certain. However, the history of law shows that that  
27 is very difficult to achieve; therefore, what is important is  
28 that there be an impartial process for determining what the law

1 means and whether the law has been complied with.

2           This Commission, and the Commission evidence, has  
3 revealed the uncertainties surrounding interpretation of the  
4 *Emergencies Act*. A central question is whether the test within  
5 the *Emergencies Act*, the important test, that extraordinary  
6 powers only be used as a matter of last resort, was satisfied on  
7 the facts as presented themselves.

8           Whether that test was satisfied or not, the  
9 Commission evidence revealed that an unquestionably challenging  
10 circumstance was responded to with focussed consideration from  
11 law enforcement, elected and unelected officials. There will be  
12 disagreement with respect to how that was done and whether it  
13 was done properly, but I think that people should be satisfied  
14 that it was done with care and with a serious deliberation.

15           This Commission will need to -- now need to  
16 decide whether the invocation of the Act was appropriate. We  
17 look forward to submitting our written submissions to assist the  
18 Commission in making this determination. Thank you.

19           **COMMISSIONER ROULEAU:** Okay, thank you very much.

20           Next, I'd like to call on the Union of British  
21 Columbia Indian Chiefs, please.

22 **--- FINAL SUBMISSIONS BY MS. CHEYENNE ARNOLD-CUNNINGHAM:**

23           **MS. CHEYENNE ARNOLD-CUNNINGHAM:** Good afternoon.  
24 My name is Cheyenne Arnold-Cunningham. I'm counsel on behalf of  
25 the Union of B.C. Indian Chiefs.

26           The Union of B.C. Indian Chiefs has a significant  
27 interest in the exercise of emergency powers by the Canadian  
28 Government, generally. In this Inquiry, we have been

1 particularly interested in understanding how emergency powers  
2 were used in the Freedom Convoy situation, and whether the use  
3 of state emergency powers respects Indigenous rights and  
4 jurisdiction.

5                   Solely on the facts, Commissioner, we have just  
6 one brief factual submission. We highlight from the evidence  
7 that there was limited, if any, consultation and engagement with  
8 local First Nations Governments of the territory. On this, I  
9 draw your attention to the testimony of two witnesses who had  
10 close knowledge of this matter.

11                   First, we heard from Deputy Minister of Public  
12 Safety, Rob Stewart. In response to a question from the Union  
13 of B.C. Indian Chiefs regarding which First Nations governments,  
14 representatives, and Indigenous groups were consulted with  
15 during the convoy situation broadly, he testified that he was  
16 not aware of any consultation efforts, and he narrowly connected  
17 it to matters associated with law enforcement and urban areas or  
18 at border points.

19                   He also testified that he was not aware of  
20 efforts on behalf of the Government of Canada or police services  
21 to consult with First Nations of the territory. However, it was  
22 later noted by counsel for Canada that Canada did engage with  
23 Indigenous leaders, specifically regarding blockades, but none  
24 where First Nations leaders of the territory where the events  
25 occurred. This is factually significant to us.

26                   This was further confirmed in the evidence of  
27 RCMP Commissioner Brenda Lucki. In response to questions from  
28 the Union of B.C. Indian Chiefs about whether First Nations of

1 the territory were consulted, she testified that she was not  
2 sure. She noted it definitely did not occur in the Ottawa area,  
3 but there may have been efforts to do so in British Columbia,  
4 Alberta, and Saskatchewan, but overall she was not sure.

5 Commissioner Lucki's evidence seems to suggest  
6 that generally speaking engagement with Indigenous peoples in  
7 these contexts occurs when there is Indigenous involvement or if  
8 the event was on Indigenous land, but noted that there are  
9 special teams that exist for that purpose.

10 The Minister of Public Safety,  
11 Minister Mendicino, confirmed that it is important for Public  
12 Safety Canada and police services to engage with First Nations  
13 of the territory, and that it's also important for this to be  
14 built into the response to Public Order Emergency events across  
15 the government broadly. Minister Mendicino also emphasised that  
16 this type of engagement requires relationships to be built with  
17 Indigenous leaders so that we can move forward with reforms  
18 inspired and governed by the United Nations Declaration on the  
19 Rights of Indigenous peoples.

20 Commissioner, the evidence in this Inquiry  
21 illustrates that there was a lack of recognition of Indigenous  
22 jurisdiction in a Public Order Emergency event, and a lack of  
23 respect for Indigenous rights, specifically including the  
24 obligation to engage properly with the First Nations governing  
25 body that is a representative of the traditional territory or  
26 territories where a Public Order event occurs. This is  
27 noteworthy and important as the coordination of jurisdiction and  
28 authority must include First Nations governments and

1 representative leaders from the territories impacted.

2 We thank you for the opportunity to be part of  
3 this Inquiry and to provide our submissions on the facts today.  
4 Thank you, Commissioner, Commission Counsel, it's been a  
5 pleasure participating in this Inquiry alongside the parties and  
6 their representatives, and we look forward to our continued  
7 participation in the upcoming policy phase.

8 **COMMISSIONER ROULEAU:** Thank you.

9 I'm not sure, have we got the National  
10 Crowdfunding & Fintech Association or -- online? Not seeing  
11 them, not hearing them.

12 Okay. So we'll go to the National Police  
13 Federation, please.

14 **--- FINAL SUBMISSIONS BY MS. NINI JONES:**

15 **MS. NINI JONES:** Thank you, Commissioner.

16 My name is Nini Jones, and I am counsel to the  
17 National Police Federation.

18 The National Police Federation is the union  
19 representing the regular members and reservists of the RCMP, and  
20 so while we're obviously here because we're focussed on the  
21 policing response in January and February 2022, in Coutts, in  
22 Emerson, in the Lower Mainland, in Windsor, and of course  
23 primarily in Ottawa, we're also here because these are our  
24 members' working conditions. So these -- when we talk about  
25 what's happening on the streets, and what went right and what  
26 went wrong, it's our members who are living that reality on the  
27 ground. When we talk about boots on the ground, as we have many  
28 times, those are our members' boots.

1           And so we also know that in the future, at  
2 similar protests, at similar occupations, our members are going  
3 to be the ones called upon to respond in similarly dangerous and  
4 uncertain working conditions. And so what the NPF wants for our  
5 members is to be deployed into these exigent circumstances with  
6 well-constructed, strong policing plan, and in adequate numbers  
7 to perform their public order safety -- or public order  
8 functions in a way that is safe for the protesters, for the  
9 community, and for our members.

10           Now, the evidence here has been essentially  
11 undisputed, that in -- the January and February protests led to  
12 a significant failure to maintain public order in our Nation's  
13 Capital. And there are a number of pieces of evidence that we  
14 will be reviewing in a great deal of detail in our -- or more  
15 detail anyway than I will today in our submissions. I think you  
16 will be hearing about from all of my friends.

17           But we know that there are a couple of key things  
18 from the NPF's perspective. First of all, Parliament is a  
19 frequent and regular target of political protest. We know also  
20 that the Freedom Convoy was a different kind of protest or  
21 occupation, and we heard evidence that it was a paradigm shift  
22 in terms of protesting and represents a change in what are  
23 likely to be future protest tactics.

24           We also know that the surge capacity of police,  
25 that is, the number of police officers who are available and  
26 able to be deployed quickly is a crucial, perhaps more  
27 accurately, the crucial component of protecting a key site like  
28 Parliament Hill and the Ambassador Bridge, to use two key

1 examples.

2           The Ottawa Police in Ottawa were effectively the  
3 only police of jurisdiction charged with the circumstances that  
4 arose in January and February 2022 and in Ottawa, one of the  
5 themes throughout this proceeding, throughout the evidence, has  
6 been that these federal democratic institutions, the ones right  
7 next door to where we are and further down the road, are in fact  
8 of extremely high value, symbolic value, as well as, of course,  
9 practical value, and in the moment value, and that there are  
10 real questions about whether they should be outside or beyond  
11 the jurisdiction of the Federal Government for policing  
12 purposes.

13           In fact, it was a surprise to many of the  
14 witnesses, including some of the Federal Government witnesses  
15 that we heard from, the Ministers. It was a surprise to many  
16 that it was so far out of their reach.

17           And we also know that there was an absence of a  
18 policing presence all along this strip on this side of  
19 Wellington, which may not show up very well on the transcript,  
20 but I'm sure we'll all remember where we're standing when we  
21 read it later.

22           So as its status as the only police of  
23 jurisdiction, the OPS was left in a position to develop its  
24 response and develop its plan on its own. And you heard some  
25 evidence about in, what I like to call the old days, a handful  
26 of years ago, in 2018 and 2015, when the RCMP policed this side  
27 of Wellington, that the RCMP would have been joint responding  
28 police of jurisdiction with the OPS.

1                   So we know that the OPS made the decision  
2 ultimately to allow the protestors to bring their vehicles onto  
3 Wellington and into the downtown core. And the NPF's view is  
4 that that was a terrible mistake. And the evidence in our  
5 submission shows that the RCMP, given their experiences with  
6 other large-scale events, would have made different planning  
7 decisions, including from the outset, and including specifically  
8 on that point.

9                   Now, we recognize of course that our colleagues  
10 and our friends, members of the Ottawa Police Association who  
11 were on the ground, were doing their very best to maintain  
12 public order in extremely adverse conditions, particularly at  
13 the beginning when they were on their own.

14                   But the Ottawa Police Service was overwhelmed  
15 almost immediately and there was friction, confusion, and delay  
16 in the ability of the Ottawa Police Service to obtain and deploy  
17 additional police resources.

18                   So much so that even here now, no one is exactly  
19 clear on how many police were eventually provided to Ottawa and  
20 when and at what stages, and frankly in what roles. There was a  
21 lot of disagreement and finger pointing about that.

22                   And so in the NPF's submission, we can draw a  
23 very sharp line from Ottawa to Emerson, and to Coutts, and to  
24 the Lower Mainland.

25                   And where we see that surge capacity being  
26 available to the responding police of jurisdiction, in all three  
27 of those cases, it was the RCMP who was the responding police of  
28 jurisdiction, they were able to draw on those Article 9



1 resources that we heard evidence about, to ensure that they  
2 could immediately and seamlessly provide that policing search  
3 capacity on the ground in the moment it was required, and it was  
4 done in a way that provided for consistency of training,  
5 consistency of communication tools, and consistency of command  
6 structure.

7                   And so we heard evidence that the RCMP is  
8 uniquely positioned, given its size and its resources, given its  
9 cross-national status as Canada's national police service, to  
10 respond to these kind of public order emergencies.

11                   But the shortcomings in the legal and  
12 institutional framework through which policing was administered  
13 or is administered in Ontario, and particularly in the National  
14 Capital Region, are -- pose significant barriers. And so we'll  
15 be advancing specific recommendations consistent with many of  
16 the recommendations that you're hearing today from my friends,  
17 including that the *Police Services Act* should be amended to  
18 extend full policing authority to the RCMP, for purposes of  
19 municipal, provincial, or federal declared emergencies, that a  
20 statutory process should be developed to provide municipal  
21 police services in Ontario, and particularly the Ottawa Police  
22 Service, with the ability to request and obtain RCMP resources  
23 early, and that existing jurisdictional boundaries need to be  
24 re-examined and policing responsibility has to be supplemented,  
25 particularly, again, in the National Capital Region, so that the  
26 RCMP can provide the necessary support in situations of public  
27 order emergency.

28                   The Commission has been asked to make

1 recommendations, and we hope that the NPF's recommendations will  
2 be -- which in our submission are supported by the evidence,  
3 will be part of that.

4 I do want to take one moment to thank you,  
5 Commissioner, very much, and also particularly to thank  
6 Commission Counsel, who have had, at times, a thankless role in  
7 this process. I suspect it has been almost exclusively  
8 thankless. They have been extraordinary colleagues and have  
9 done an amazing job.

10 And I also want to thank all of my friends who  
11 have been counsel to the various parties. It has been a  
12 pleasure and an honour. Thank you very much.

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

14 Now the Canadian Constitution Foundation, unless  
15 you've traded again. Just checking.

16 **--- FINAL SUBMISSIONS BY MR. SUJIT CHOUDHRY:**

17 **MR. SUJIT CHOUDHRY:** That's okay. Sorry to  
18 disappoint you.

19 So Commissioner Rouleau, for the record, my name  
20 is Sujit Choudhry and I'm counsel for the Canadian Constitution  
21 Foundation.

22 Commissioner, as you look over the evidence and  
23 prepare your report, we would suggest that you do so informed by  
24 history.

25 In particular, we would invite you to look back  
26 at the Cabinet minutes of the last use of emergency powers by  
27 Cabinet before February 2022. The invocation of the *War*  
28 *Measures Act* in 1970 during the FLQ crisis. These minutes have

1 been declassified and they are in the CCF's evidence.

2           At the time, the Prime Minister did not initially  
3 recommend that the *War Measures Act* be triggered. The Security  
4 Committee of the Cabinet had met the previous day and were  
5 briefed by the security services that there was no apprehended  
6 insurrection in Quebec.

7           The Honourable Jean Marchand, the Political  
8 Minister of Quebec, sharply disagreed at the Cabinet meeting.  
9 He presented unverified intelligence at the Cabinet table that  
10 the FLQ was, "a state within a state and heavily armed." He  
11 stated that failure to invoke the Act was, "meant the risk of  
12 losing Quebec."

13           In the end, the Cabinet came around to Marchand's  
14 view. I have no doubt that Minister Marchand acted in good  
15 faith. However, it is now accepted that he and the Cabinet were  
16 deeply mistaken. There was no apprehended insurrection in  
17 Quebec. The security services were right. Cabinet overreacted  
18 in the FLQ crisis. It should have relied on legal tools outside  
19 the *War Measures Act*.

20           The basic mission of the *Emergencies Act* was to  
21 make sure that this kind of mistake never happened again. Under  
22 the *War Measures Act*, the Governor in Council had nearly  
23 unfettered discretion to determine if an apprehended  
24 insurrection existed.

25           On first reading in Parliament, the *Emergencies*  
26 *Act* only required that the Governor in Council be "of the  
27 opinion that a public order emergency exists." In Committee,  
28 the Act was amended to require that the Governor in Council

1 believe on reasonable grounds that a public order emergency  
2 exists.

3           Minister Perrin Beatty, the author of the  
4 *Emergencies Act*, explained that the shift from an opinion for  
5 reasonable grounds test was to "guarantee Canadians the ability  
6 that the Courts could rule on whether the Government had  
7 reasonable grounds to believe that a national emergency  
8 existed."

9           The same holds true for this Commission.

10           Commissioner Rouleau, you must determine whether  
11 the Governor in Council had reasonable grounds to declare a  
12 public order emergency.

13           We say that you must conclude that reasonable  
14 grounds did not exist for two reasons.

15           First, the Governor in Council can only have  
16 reasonable grounds to determine a public order emergency exists  
17 if it is provided with all the relevant information to enable it  
18 to make a proper decision.

19           The government has not established that the CSIS  
20 threat assessment was even provided to the full Cabinet.

21           There are good reasons to find in the record that  
22 it was not.

23           In addition, the Government has not established  
24 that the February 13<sup>th</sup> policing plan was provided to Cabinet.

25           Second, the proper interpretation of the  
26 *Emergencies Act* is that it incorporates the *CSIS Act* definition  
27 of a threat to national security.

28           CSIS' own expert assessment of this event is that

1 there was no threat to national security.

2 In the face of this finding, the reasonable  
3 grounds test requires that the Federal Government provide  
4 evidence for why it disagreed with the CSIS assessment. It is  
5 simply not enough as a matter of law to say that Cabinet relied  
6 on a broader set of inputs.

7 The invocation of the *Emergencies Act* has been  
8 and should remain exceedingly rare. But now that the glass has  
9 been broken on the Act, it can be used again. When the  
10 Commission asked hard questions about the Act's use in 2022, it  
11 must also focus on the Act's potential misuse in the future and  
12 protect the right to protest Parliamentary democracy and  
13 federalism.

14 We thank you, sir, and Commission Counsel for  
15 your exceptionally hard work and we look forward to continuing  
16 to work with you until this process is completed.

17 Thank you.

18 **COMMISSIONER ROULEAU:** Thank you. The Canadian  
19 Civil Liberties Association.

20 **--- FINAL SUBMISSIONS BY MS. CARA ZWIBEL:**

21 **MS. CARA ZWIBEL:** Thank you, Commissioner. Cara  
22 Zwibel on behalf of the Canadian Civil Liberties Association.

23 In February of this year, for the first time, the  
24 Government of Canada declared a public order emergency and put  
25 in place emergency measures that restricted the rights and  
26 freedoms of all people in Canada.

27 These measures placed broad restrictions on the  
28 freedoms of Canadians to assemble and protest. They allowed for

1 the Government to compel the provision of services and for  
2 personal assets to be frozen with no notice and no due process.

3           These orders handed law enforcement agencies and  
4 financial institutions extraordinary powers.

5           The Government may have intended these powers to  
6 be used in targeted ways, as drafted, they gave law enforcement  
7 across the country measures whose application went well beyond  
8 the blockades and could easily have been abused.

9           I have three submissions.

10           First, the *Emergencies Act* does not allow for the  
11 suspension of *Charter* rights, but without the existence of a  
12 public order emergency, the measures that were enacted would  
13 most certainly be contrary to the *Charter*. In the absence of  
14 circumstances amounting to a national emergency, they would  
15 constitute serious restrictions on fundamental rights and  
16 freedoms that are neither reasonable nor justified in a free and  
17 democratic society.

18           So the question, was there a national emergency  
19 that justified these measures, is a crucial one.

20           The Canadian Civil Liberties Association  
21 respectfully submits that this question is important not only  
22 for what it says about the events of January and February of  
23 this year, but also because of what it signals to future  
24 governments about when Parliamentary process can be bypassed to  
25 allow the government to rule by executive order and when  
26 extraordinary powers can be used.

27           Second, the Government of Canada has offered a  
28 range of justifications for its decision to invoke the Act. Its

1 primary justification articulated when the Act was first invoked  
2 is set out in its section 58 report to Parliament. Although  
3 that justification has evolved over time, its core elements are  
4 relatively simple and remain mostly intact. The justification  
5 focuses very heavily on economic disruption and harm. It also  
6 references concerns about the possibility of serious violence,  
7 either because of the presence of some violent extremists  
8 amongst otherwise non-violent protestors, the possibility that  
9 the protests would provide a cover for a lone wolf attack, or  
10 allow threat actors to recruit, or the concern that violence  
11 would erupt in clashes with counter-protestors.

12           Apart from the economic concerns, the evidence on  
13 which the Government relies to back up these claims is extremely  
14 thin.

15           The law enforcement and intelligence agencies,  
16 whose expertise should help inform the Government's decisions,  
17 did not assess the protests as giving rise to a serious threat  
18 of violence. The most dangerous element we've heard about, the  
19 cell in Coutts, Alberta with a cache of weapons, was  
20 investigated and arrested by law enforcement prior to the  
21 Emergency Orders coming into effect without the use of any  
22 extraordinary powers, and without setting off a chain reaction  
23 of violence amongst protestors.

24           The *Emergencies Act* was carefully crafted to  
25 avoid the excesses of the *War Measures Act* that preceded it.  
26 Parliament intentionally identified a public order emergency by  
27 tying it exclusively and exhaustively to the definition of  
28 threats to the security of Canada found in the *CSIS Act*.

1                   This definition does not include economic harm or  
2 disruption, nor should it. It requires activities directed  
3 toward or in support of the threat or use of acts of serious  
4 violence against persons or property for the purpose of  
5 achieving a political, religious, or ideological objective.

6                   The legal threshold to make use of the Act was  
7 not met and a creative and privileged legal opinion from the  
8 Government that says otherwise doesn't make it so.

9                   The Prime Minister agreed that the threshold is  
10 no lower to invoke the Act and restrict the rights of all  
11 Canadians than the standard set out in the *CSIS Act* to  
12 investigate and surveil a single individual.

13                   In our submission, the Government exceeded the  
14 bounds of the law in taking the steps it did.

15                   Finally, there's no doubt that the blockades and  
16 protests gave rise to serious harms to the people living in  
17 communities where they occurred, that they caused significant  
18 economic disruption, and that law enforcement agencies were not  
19 well prepared to address them.

20                   The government, various governments, were  
21 struggling to get clear information from law enforcement about  
22 its plans and were wary of crossing the apparently still blurry  
23 line that risked undermining police operational independence.

24                   But the Government also felt a great deal of  
25 pressure to do something to address the situation and to be seen  
26 to be doing something.

27                   Instead of establishing clear and appropriate  
28 lines of communication, having frank discussions, and putting



1 instructions about strategic priorities to police in writing,  
2 the Government gave law enforcement the biggest and most public  
3 nudge it could. It invoked the *Emergencies Act* and handed law  
4 enforcement across the country sweeping and unnecessary new  
5 tools and a clear political mandate to use them.

6 One of the CCLA's core values is equality, and  
7 specifically the belief that the freedom of no one is safe,  
8 unless the freedom of everyone is safe.

9 We urge the Commission to bear this tenant in  
10 mind as it examines what the Government did and considers what  
11 future governments may do.

12 Thank you, Commissioner. Thank you to Commission  
13 Counsel and to my friends.

14 **COMMISSIONER ROULEAU:** Okay. Thank you. And now  
15 the Justice Centre for Constitutional Freedoms, Democracy Fund,  
16 and Citizens for Freedom.

17 **--- FINAL SUBMISSIONS BY MR. ALAN HONNER:**

18 **MR. ALAN HONNER:** Commissioner, my name is Alan  
19 Honner and I'm counsel for the Democracy Fund, but I'm also  
20 addressing you on behalf of the JCCF and Citizens for Freedom.

21 We'd like to express our gratitude for this  
22 opportunity to participate in these proceedings.

23 At the commencement of these public hearings, we  
24 stated that our goal was to get to the truth about why the  
25 Government invoked public order emergency. We wanted to hear  
26 evidence about whether the Government met the legal threshold  
27 for invoking the *Emergencies Act*.

28 And Commissioner, we have heard evidence on many

1 issues, but the reason -- the reasons why the *Emergencies Act*  
2 was invoked is the primary and ultimate issue you should turn  
3 your mind to.

4 I won't repeat the test for declaring a public  
5 order emergency because we've all heard it so many times, but I  
6 would like to address just one part of that test. Threats to  
7 the security of Canada.

8 In one way, this is a very high threshold for the  
9 Government to meet, as threats to the security of Canada means  
10 more than ordinary threats or acts of violence.

11 The definition requires serious violence or  
12 threats of serious violence for the purpose of achieving  
13 political, religious, or ideological objective.

14 In our written submissions, we will be looking  
15 at, among other things, the definition of terrorist activity set  
16 out in the *Criminal Code* and how it is similar to the CSIS  
17 definition.

18 And in fact, some of the CSIS documents that were  
19 disclosed to the parties through this Inquiry show that CSIS  
20 refers to section 2(c) as terrorism and extreme violence.

21 And this reference is indicative of just how high  
22 that threshold is.

23 We submit, and the Prime Minister's evidence left  
24 little doubt that this very high threshold is the same whether  
25 it applies in the *Emergencies Act* or the *CSIS Act*. The context,  
26 the decision-maker and the purpose are obviously different.  
27 There may even be different inputs, but those inputs are meant  
28 to answer the same question: are there threats or acts of

1 serious violence for political, religious, or ideological  
2 purposes? And that is the one and only standard.

3           Commissioner, I have made reference to how high  
4 the threshold is, but in a different way it's a low threshold,  
5 and on the issue of threats to security of Canada, it doesn't  
6 require, for example, proof beyond a reasonable doubt, nor does  
7 it even require proof on a balance of probabilities. The  
8 threshold only requires the Governor in Council to actually  
9 believe that there are threats to the security of Canada, and it  
10 requires that belief to be reasonable. And respectfully, we  
11 submit, and we'll argue in detail, that the Government has not  
12 even met this low threshold.

13           There may be reasonable grounds to believe that  
14 some acts of violence were happening, ripping off masks, police  
15 officers being swarmed, eggs being thrown, coffee being thrown.  
16 These and other things may have happened in the protest, which  
17 was of unprecedented proportions. And let me be clear, that is  
18 not acceptable. But those acts do not rise to the level of  
19 violence or threats which are required by the *Act*, and further,  
20 they do not reflect the attitudes, actions, and values of the  
21 vast majority of peaceful protesters.

22           Even the most significant threat we've heard of,  
23 which was the presence of weapons in Coutts, does not meet this  
24 threshold, and even if it did, it was neutralised. Those  
25 alleged criminals were sitting in an Alberta jail when the  
26 *Emergencies Act* was invoked. The threshold requires present  
27 threats, not past threats, not fear of the unknown.

28           Canadians, and even the international community

1 are and will continue to be divided over the Freedom Convoy  
2 protests. Canadians will also be divided over future protests.  
3 As one of my friends aptly observed, tomorrow's protest could be  
4 environmental issues, or it could be about some other political  
5 cause. To safeguard democracy, the rule of law, and the  
6 cherished right to protest for everyone, no matter what you  
7 believe, we must ensure that the *Emergencies Act* is only used as  
8 a last resort in the direst circumstances.

9 Our detailed submissions will follow. We'd like  
10 to thank you again, Commissioner, Commission Counsel, and the  
11 parties.

12 **COMMISSIONER ROULEAU:** Okay. I have not missed  
13 anyone? Good. I've missed things before, I've not been  
14 perfect, and in fact, probably made more mistakes than most.

15 But I want to say I found those final submissions  
16 to be very useful for me. Thank you for taking the time to  
17 think it through and give me some of the key issues because,  
18 again, I won't repeat it all the time, but I've got a little  
19 pressure to get at doing some writing, and it's nice to know  
20 what's going to be coming, and at least in general forms.

21 And if you can get your submissions in early they  
22 won't be turned back, I can assure you. We've extended the time  
23 at the request of some. But it is -- I'm not going to shy away,  
24 it's very challenging to get this written because my hope is  
25 that once it is written and provided there will be enough there  
26 that even if you don't agree with me the facts will be there,  
27 the evidence, the analysis, and fact-finding. But ultimately,  
28 these are very difficult issues, they overlap, and people could

1 have different views and will have different views on these  
2 things, but I can assure you I'll do the very best I can.

3 Now, this brings the fact hearings of the  
4 Commission to an end. It was, believe it or not, 43 days ago I  
5 first convened these hearings. Since then, we've heard from 75  
6 witnesses, filed numerous overview reports, witness statements,  
7 witness interviews, and have introduced over 7,000 documents  
8 into evidence.

9 You're a bunch of lawyers. I have rarely seen  
10 something that happened in February that has reached this point  
11 after less than 10 months. It is an amazing feat. Time has  
12 flown by, I'm sure you're the same. At least I hope some of you  
13 agree that it wasn't boring.

14 We've managed, albeit with long days and some  
15 very late evenings, to stay on schedule. And we've met what you  
16 have probably heard me say too many times our unique table, and  
17 for that I am most grateful.

18 Most importantly, I am satisfied that I now have  
19 the evidence that I need to make the factual findings and to  
20 answer the questions I have been mandated to ask, namely, why  
21 did the Federal Government declare the emergency, how did it use  
22 its powers, and were those actions appropriate? These are  
23 questions that, as I said at the outset, the public wants  
24 answered, and I am confident that I am now well-positioned to  
25 provide those answers.

26 I'm also equipped to report on the additional  
27 issues, as mandated by our Order in Council: the evolution of  
28 the goals of the convoy movement and broader protests and their

1 leadership, organisation, and participants; the impact of  
2 domestic and foreign funding, including crowdsourcing platforms;  
3 the impact, role, and sources of mis-information and  
4 dis-information, including social media; the economic and other  
5 impacts of the blockade; and the efforts of police, and other  
6 responders prior to and after the declaration, always to the  
7 extent that these issues are relevant to the circumstances of  
8 the declaration and the measures taken.

9           Il était important pour moi d'entendre les  
10 perspectives de ceux et celles qui ont participé aux évènements  
11 ou qui ont été touchés par ceux-ci. Je suis ravi d'avoir eu  
12 l'occasion de recueillir ces perspectives. C'est avec intérêt  
13 que j'attends les observations écrites des parties qui  
14 m'aideront sans doute à mener à terme les travaux de la  
15 Commission.

16           I'm anxious to receive the submissions, as I have  
17 said, from all parties.

18           Je suis heureux que nous ayons pu mener ces  
19 audiences de manière ouverte et transparente, non seulement pour  
20 les parties, et les avocats, et les médias, mais aussi pour les  
21 nombreux Canadiens qui ont profité de l'occasion pour assister  
22 aux audiences, soit en personne, soit par l'intermédiaire de  
23 notre diffusion en direct.

24           I'm particularly pleased by the fact that these  
25 hearings have, by and large, taken place without a hitch.  
26 Commission Counsel, and all counsel, showed flexibility,  
27 innovation, and creativity.

28           This didn't just happen. I asked for everyone to

1 work cooperatively to ensure that the facts and information  
2 necessary for the public to understand what happened and why it  
3 happened would be elicited. And my expectations were met.

4 Counsel, you all rose to the occasion, generally,  
5 and there was a bit of grumbling, but generally without a hint  
6 of grumbling. I understand most of it occurred where and when I  
7 wasn't there.

8 Now, of course, there were issues, but we were  
9 able to resolve them in an appropriate manner, or again, some  
10 people don't agree with how I resolve things, but that's neither  
11 the first time that's happened to me, you'll be pleased to know.

12 Time limits were almost always observed, subject,  
13 of course, to the regular, "May I just have one more question?"  
14 and that was perfectly fine. Indeed, it was appropriate to  
15 ensure that the necessary questions be asked and answered, and  
16 you probably have seen I was quite flexible with timelines  
17 within the bounds of reasonableness.

18 So I want to thank counsel and the parties for  
19 their contribution to the success of these hearing and by  
20 success I mean getting to have a record that can be used.

21 I should note that there's no question that the  
22 Commission's timeframe did present challenges. There were a  
23 staggering number of documents produced by the parties in  
24 response to the Commission's request including by the federal  
25 government.

26 The productions have been of critical importance  
27 to the Commission's mandate and have resulted in a level of  
28 transparency that is, if not unprecedented I'd say it's

1 virtually unprecedented.

2                   But the needs of the Commission to review these  
3 documents and the right of the parties to redact on various  
4 legal grounds necessarily created time constraints and  
5 challenges for all concerned. Where appropriate, the Commission  
6 challenged certain redactions and there have been instances  
7 where the government at the Commission's request removed  
8 redactions.

9                   We understand there were challenges but at the  
10 end of the day I think the record is, as I have said, fulsome to  
11 allow for me to make the necessary findings.

12                   Par conséquent, la divulgation de documents s'est  
13 poursuivie tout au long des audiences; les avocats de la  
14 Commission ont travaillé sans relâche pour assurer ou s'assurer  
15 que les documents seraient mis à la disposition des parties le  
16 plus rapidement possible.

17                   Je reconnais que les parties ont néanmoins dû  
18 traiter des documents avec un court préavis. Dans la mesure du  
19 possible, j'ai accommodé les parties en leur permettant  
20 d'ajouter des documents à leur liste de documents aux fins des  
21 examens et en leur accordant du temps supplémentaire pour leur  
22 contre-interrogatoire. J'ai pu le faire tout en maintenant  
23 l'intégrité de notre emploi du temps. Ce processus m'a aidé à  
24 apprécier les faits pertinents et à développer ma compréhension  
25 des enjeux pertinents. Les questions posées par les parties  
26 m'ont aussi été d'une aide importante.

27                   The process and the questioning by parties has  
28 been very much of assistance to me and I want to thank counsel



1 for that.

2 Et maintenant, si vous le permettez, je souhaite  
3 exprimer ma sincère gratitude aux nombreuses personnes qui ont  
4 travaillé dans la salle d'audience et dans les coulisses pour  
5 que les audiences se concrétisent. Cette Commission a été créée  
6 et son processus exécuté par un groupe talentueux de  
7 professionnels et de collègues. Ils m'ont grandement facilité la  
8 tâche.

9 I want to thank those who have assisted me and in  
10 fact I've sometimes think I'm no more than a puppet with a lot  
11 of puppeteers behind who are making the whole system work. And  
12 I deserve virtually no credit for all that's happened to date.  
13 It's an unbelievable team that I have had supporting me.

14 Notre directrice exécutive, Hélène Laurendeau,  
15 notre gestionnaire de bureau, Véronique Perreault et son  
16 personnel.

17 You haven't seen them probably but they put  
18 together this whole operation which I think you will agree with  
19 me has been very well done in a very short period.

20 L'équipe de gestion d'évènements et de  
21 conférence, Yvon Lamoureux, et l'équipe technique qui a assuré  
22 la diffusion des audiences.

23 The team behind who make this happen and have put  
24 together -- I mean, the technology has been amazing to allow  
25 this to happen.

26 My colleague counsel who I owe so much to, as you  
27 know, Shantona Chaudhury -- and she says "Chaudhury" and I  
28 always make it wrong but I'll learn. I'm a slow man to learn.

1 But I blame it on my French. But that's not true.

2 And Jeff Leon.

3 My senior team of lawyers -- Erin Dann who  
4 created really the basis for these hearings who is not here with  
5 us today, but is back in Toronto. Frank Au, Gordon Cameron,  
6 Natalia Rodriguez, Dan Sheppard, and Gabriel Poliquin who I'm  
7 happy to report is well, right well, and will be involved next  
8 week.

9 My regional lawyers -- Mona Duckett, Sacha Paul,  
10 and Maia Tsurumi who you have not seen here but who were  
11 important in collecting the information which has made it into  
12 the record from the various border blockades out west.

13 And the two you probably know best -- Eric  
14 Brousseau and John Mather. My God, have they been good. They  
15 have put out more fires than the fire department. And they are  
16 -- they also had other duties you might not believe. They were  
17 doing this part time, running this hearing. But I'm greatly  
18 indebted to them.

19 And then the team of lawyers, some of which  
20 you've seen. I guess most of them if not all of them you've  
21 seen. Stephen Armstrong, Misha Boutillier, Sajeda Hedaraly,  
22 Alexandra Heine, Nusra Khan, Etienne Lacombe, Allison McMahon,  
23 Jean-Simon Schoenholz, Dahlia Shuhaibar, and Guillaume Sirois-  
24 Gingras. And they're at the beginning of their career, by and  
25 large, but boy are they competent and hardworking, once again, I  
26 must say. I couldn't have done it without them and I'm also  
27 going to lean on them to help me in the next phase a bit. But  
28 I'm sure they'll be happy to help.

1 I'd also like to recognize our policy advisors,  
2 Mark Freiman, Mark Pritchard, and Mark Sandler; our  
3 communications advisors Michael Tansey and Marie-Claude Gagne;  
4 our public input team under Patrick Pilon; Madam Registrar,  
5 Stacey Huber. Ms. Lynne Mahoney and our document clerks from  
6 Heuristica who amazed me with their ability and to make  
7 documents seemingly appear from nowhere, but also the challenge  
8 -- you don't know the half of the problems getting all the  
9 federal documents from their system to our system to -- I won't  
10 go there.

11 And our translators, transcriptionists, and  
12 interpreters -- they have been incredible and some of you made  
13 their life very difficult. You know who you are.

14 Our research council who guided and continue to  
15 guide the policy aspects of the Commission and planned the  
16 roundtables for the policy hearings next week -- Genevieve  
17 Cartier, chair of the council; Jamie Cameron, Michelle Gallant,  
18 Nomi Claire Lazar, Kent Roach, Clifford Shearing, and Jocelyn  
19 Stacey.

20 And finally our security team, and the staff of  
21 Public Service and Procurement Canada, and Library and Archives  
22 Canada. They've all worked to make again this whole hearing go  
23 well and making us feel safe, made us feel welcome, and  
24 comfortable. I think that team -- those three teams are  
25 important to this, bringing this together.

26 Now, before closing, I want to address the people  
27 of Canada in two respects.

28 I was delighted that approximately 9,500

1 Canadians took the time to make a submission through our public  
2 input process. These submissions were most helpful to me and  
3 our counsel team to understand your observations, experiences,  
4 and ideas. They contributed to making this a truly public  
5 inquiry.

6 It was important for the Commission to hear from  
7 the public and understand the views of Canadians. I now have  
8 that understanding to provide an important backdrop for the  
9 Commission's mandate.

10 It's fair to say if you've gone through that  
11 document that this is a very divisive issue at the root of this  
12 whole convoy and what has come out of it. And I think this  
13 process, I hope, will be of assistance to people to understand  
14 and move forward.

15 It is truly humbling to me to be involved in  
16 this. I can assure you it's -- I would almost say overwhelming  
17 to see the interest, the concerted response from people. It's -  
18 - I wasn't looking for fame and fortune, but I think I'm kind of  
19 stuck now to be at least a figure of some neighbourhoods.

20 Je remercie aussi le peuple canadien de l'intérêt  
21 que vous avez porté aux travaux de la Commission et apprécie la  
22 confiance qui m'a été accordée pour mener cette importante  
23 enquête publique. Ce fut un privilège et un honneur de servir en  
24 tant que commissaire.

25 Nous avons encore beaucoup de travail à faire  
26 pour préparer et finaliser notre rapport. Je vous assure que  
27 nous continuerons à faire tout notre possible pour vous apporter  
28 les réponses aux questions soulevées par notre mandat, vous ne

1 méritez rien de moins.

2 I can assure the public that we will do all that  
3 is possible to bring forward the answers to the questions raised  
4 by our mandate.

5 And as I said at the outset, they deserve nothing  
6 less.

7 So thank you, and good evening. I now declare  
8 these fact-hearing portion closed.

9 I may not see a lot of you now that we move to  
10 the next phase, given that the submissions will be in writing,  
11 but I do feel I've made some friends -- maybe some enemies too -  
12 - but I like to think I've made some friends because virtually  
13 all of you, I did not know. And it has been a very very  
14 pleasant experience, and thank you all for tolerating me.

15 And my, I guess, difficult task, is always still  
16 in front of me.

17 Thank you very much.

18 --- Upon adjourning at 6:07 p.m.

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C E R T I F I C A T I O N

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I, Sean Prouse, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Sean Prouse