Public Hearing

Audience publique

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

VOLUME 31

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Le vendredi 25 novembre 2022

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## Appearances / Comparutions

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- Ms. Shantona Chaudhury
- Mr. Jeffrey Leon

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- Mr. Frank Au
- Ms. Erin Dann
- Mr. Gabriel Poliquin
- Ms. Natalia Rodriguez
- Mr. Daniel Sheppard

**Commission Regional Counsel**
- Ms. Mona Duckett
- Mr. Sacha Paul
- Ms. Maia Tsurumi

**Commission Counsel**
- Mr. Stephen Armstrong
- Mr. Misha Boutilier
- Mr. Eric Brousseau
- Ms. Sajeda Hedaraly
- Ms. Alexandra Heine
- Ms. Nusra Khan
- Mr. Étienne Lacombe
- Mr. John Mather
- Ms. Allison McMahon
- Mr. Jean-Simon Schoenholz
- Ms. Dahlia Shuhaibar
- Mr. Guillaume Sirois-Gingras

**Commission Executive Director**
- Ms. Hélène Laurendeau
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Mr. David Migicovsky
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Ontario Provincial Police
Mr. Christopher Diana
Ms. Jinan Kubursi

Windsor Police Service
Mr. Thomas McRae
Mr. Bryce Chandler
Ms. Heather Paterson

National Police Federation
Ms. Nini Jones
Ms. Lauren Pearce
Ms. Jen Del Riccio

Canadian Association of Chiefs of Police
Ms. Aviva Rotenberg

CLA/CCDL/CAD
Mr. Greg DelBigio
Ms. Colleen McKeown

Union of British Columbia Indian Chiefs
Ms. Cheyenne Arnold-Cunningham
Counsel Meagan Berlin
Ms. Mary Ellen Turpel-Lafond

National Crowdfunding & Fintech Association
Mr. Jason Beitchman
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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
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Canadian Civil Liberties Association
Ms. Cara Zwibel
Ms. Ewa Krajewska

The Convoy Organizers
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--- 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.
THE REGISTRAR: The Commission is in recess ----

COMMISSIONER ROULEAU: Oh. No, hold ----

THE REGISTRAR: --- for 5 minutes. La Commission est levée pour 5 minutes.

(LAUGHTER)

COMMISSIONER ROULEAU: Go ahead. It's -- just a bit of a false start. Nothing to do with your appearance.

You’re welcome to come in, obviously; we’re happy to get started.

MS. SHANTONA CHAUDHURY: Can the witness be sworn or affirmed?

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

PREMIER MINISTRE JUSTIN TRUDEAU: J’aimerais le faire sur la bible, s’il vous plait.

LA GREFFIÈRE : Pour les fins de procès-verbal, s’il vous plait, veuillez indiquer, et ensuite épeler votre nom en entier.

PREMIER MINISTRE JUSTIN TRUDEAU: J’affirme et...


LA GREFFIÈRE : Jurez-vous que le témoignage que vous allez rendre devant la Commission sera la vérité, toute la vérité, et rien que la vérité? Que Dieu vous vienne en aide.

PREMIER MINISTRE JUSTIN TRUDEAU: Je l’affirme.

--- PRIME MINISTER JUSTIN TRUDEAU, Affirmed:

LA GREFFIÈRE : Merci!

PREMIER MINISTRE JUSTIN TRUDEAU: Merci.

COMMISSIONER ROULEAU: Just before we get
started, there -- as I understand it, as you heard, there will probably be some testimony in English and some in French, so please, if you need translation equipment, you should have it at hand.

Okay.

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

MS. SHANTONA CHAUDHURY: Good morning, Prime Minister.

PRIME MINISTER JUSTIN TRUDEAU: Morning.

MS. SHANTONA CHAUDHURY: Thank you for being here.

So we’ll start with the routine housekeeping. You recall being interviewed by Commission Counsel on September 9th of this year?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. SHANTONA CHAUDHURY: For the record, we don’t need to call it up, Mr. Clerk, but it’s WTS.0000084. Prime Minister, you reviewed that summary, and you can confirm that it’s accurate, to the best of your knowledge?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. SHANTONA CHAUDHURY: Okay. And I’ll add there that, of course, it’s a summary; it’s not an exact transcript of your words, but it’s a prepared summary, and we’re
all aware of that.

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

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

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

So we’ll start with just the prearrival days, so before the convoy arrived in Ottawa. We know that you learned
the convoy was on its way a few days before, maybe around January 24th; you were briefed on it by both officials from PCO and your own staff from PMO.

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

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

Mais on se prépare, dans la mesure du possible.

Me SHANTONA CHAUDHURY : Vous avez parlé du… de la campagne électorale. Vous voudrez dire un peu plus sur ce sujet?

PREMIER MINISTRE JUSTIN TRUDEAU: Oui. La campagne électorale avait été un moment où on a pu consulter les Canadiens directement sur les mesures qu’on voulait amener pour protéger la santé publique. C’est-à-dire, spécifiquement des exigences de vaccination pour quiconque voulait embarquer dans un train ou dans un avion. Ou bien, travailler pour la fonction publique fédérale. Et c’était des gros enjeux, une grosse
décision de limiter l’accès aux transport fédéral, comm ça.

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

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

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

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

**MS. SHANTONA CHAUDHURY:** Okay. So just to sum that up -- I’ll switch back to English; I think we’ll probably be switching back and forth a few times -- you saw the protest coming and you’ve been briefed on it. And as you said, Ottawa
is used to dealing with big protests, but there was maybe a hint that something could be a little bit different here. So there was a hint of worry there.

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

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

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

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

While that’s being pulled up, it’s a readout of a
call that you had on Sunday, January 30th with Yasir Naqvi. Just
for the benefit of everyone in the room, can you tell us who
Yasir Naqvi is?

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

MS. SHANTONA CHAUDHURY: Okay, perfect.

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

“Hey Yasir
How are you PM?
How are you doing, more importantly how
are folks in the community?”

And Mr. Naqvi says:

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

And you say:

“I feel so gutted for so many people who
are just in such a difficult situation.
It’s not just disruption, but a lot of hateful rhetoric going on. Are you seeing some of that?”

And Mr. Naqvi says:

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

And you then reply:

“There doesn’t seem like there is much clarity on how long this will last.”

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

And then finally, your last comment here is:

“I’m so sorry, my friend, this is just horrible.”

The RCMP is concerned, everyone’s just on eggshells.

“Having this going on in our nation’s capital is just totally irresponsible.”

So to some extent, that’s self-explanatory, but
I’m wondering if you can help us a little bit in explaining the context of that call and what Mr. Naqvi was referring to and what you’d observed yourself.

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

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

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

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

We’ll just look at a couple of things here. The initial reference is to a press conference you’ve done and he tells you, you hit it out of the park, hit all the right notes. And then says, “These people had their time and need to move on.” So he’s very -- and he’s been trying to get this across to
the Chief of Police. That would be Chief Sloly.

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

Scrolling down, then, last bit, JW, that’s Mayor Watson:

“chief of police said it’s so volatile, but kept under control so far. Trucks are starting to leave, but some diehards chained themselves to this. Unfortunate for people living in residential neighbourhood. They just doing themselves a disservice. Chief of police spoke to Chief Lucki, and we need a few more sources.”

I think that probably means for resources. And you say, “That’s for sure.”

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

“we have to do this with a sense of balance, these guys are just looking for a fight.”

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

“the remainders will have no choice but to incite as a counterbalance, so we all have to be careful.”

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

PRIME MINISTER JUSTIN TRUDEAU: Yeah. Can you
scroll back up to the -- okay. No, keep both Jim’s line and mine on the screen. There we are.

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

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

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

**MS. SHANTONA CHAUDHURY:** Okay. That’s helpful.

Thank you.

The next one, Mr. Clerk, is SSM.CAN.NSC0002814. So now we’re at Wednesday, February 2nd, and this is a called that you have with Anita Vandenbeld.

So again, can you tell us, Prime Minister, who Anita Vandenbeld is?
PRIME MINISTER JUSTIN TRUDEAU: Anita is Member for Parliament for Ottawa Nepean East, or -- I believe that’s it. Anyway, she’s just to the west of downtown.

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

MS. SHANTONA CHAUDHURY: So you remember this call?

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

MS. SHANTONA CHAUDHURY: Okay. So we’ll just read through a little bit of what Ms. Vandenbeld said, starting, you say, “I wanted to check in ... how are you doing?”.

She says:

“I really appreciate it. I’m torn, I’m scared, but I get really mad that I’m scared. Kids with autism, the noise, it’s one of those things you feel like ok, well, it’s awful. I’m not a stranger to volatile environments, but it’s different because I know the sentiment is directed towards us, you particularly. There is this hate for liberals.”
And then after that:

“I do think it may deter some young women that are looking at politics, ... I don’t want anything to happen to one of us, god forbid you, before we start thinking about all of this.”

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

“...it’s hard because I know it’s not within your purview. People are frustrated and they just want somebody to do something to get the city back.”

And then she speaks about some other hateful messages that she’s observed. And you say “it’s about how you balance it” again, being responsible and reasonable.

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

So what does that refer to?

**PRIME MINISTER JUSTIN TRUDEAU:** That is she refers to one of the challenges and things that we were struggling with from the early days of the pandemic -- of the convoy occupation, which is that because they were very visibly most motivated to protest the federal government and federal government policies, even though many of the mandates they were
actually vocally concerned about were provincial measures, but it was very clear that they had targeted Ottawa and the seat of our federal government deliberately, that it was a federal protest in a city that houses the capital.

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

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

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

But of course, anyone who is involved in politics, you can be a Federal MP walking through your riding, and someone complains about garbage pick up, they don’t want to hear you say, “Oh, no, that’s not a federal issue. That’s
municipal.” They say, “Thank you. I’ll make sure we pass that message along. We try to see that that gets fixed.”

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

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

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

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

It’s a call that you had with, on February 3rd, Candice Bergen, who I believe had just become leader of the Opposition of the House. I confess I was yesterday years old when I learned that, but I now know.

Okay. So this is a call you then have on Wednesday, February 3rd with Ms. Bergen. And do you recall this? Do you remember this call, Prime Minister?

PRIME MINISTER JUSTIN TRUDEAU: Yes, I do.

MS. SHANTONA CHAUDHURY: And can you tell us what
PRIME MINISTER JUSTIN TRUDEAU: It was mostly a congratulatory call. When somebody becomes leader of a political party that sits opposite in the House, I tend to reach out and have a bit of a personal conversation. I usually ask after family, see how they’re adjusting to it, maybe give some recommendations about trying to get enough sleep. But I try to keep it a human introductory call, even though I had engaged with her many times in the House over the years as an MP. When she became leader, I wanted to reach out and establish that personal contact.

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

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

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

“The second set of briefing would be security situation in Ottawa right now. Obviously of real concern and we have lots of disagreement on causes and path forward. I would certainly like to make sure you[‘re] get[ting] briefings on safety and the situation and have you at least […] fully informed. Hopefully were
all going to be able to make sure Canada’s democracy continues to run and our institutions remain strong and quite frankly the citizens of Ottawa get back to their regular lives.”

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

So Ms. Bergen says:

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

And you say in reply:

“All of us need to focus on getting the temp down [the temperature down] and getting people back to normal lives. Let’s ensure there are discussions on that and there may be opportunities to work together. Some of them […] I think you’re
referring to the protestors there --] have jammed themselves into a corner and their asks are non-starters. We have our democracy and [our] institutions that is well worth defending. There are ways we can get beyond this. I’m worried about setting a precedent where if anyone wants something they can set up a blockade on wellington st. People need to be heard and that’s part of our democracy and getting that balance right.”

Ms. Bergen says she:
“Agree[s] with everything you said. I think that you do have to be cautious and as PM you don’t want to set a bad precedent. I’m sure you’re talking and coming up with some ideas.”

And then she offers to help.

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** I say that we have -- ensure there are discussions on that -- let’s ensure there are discussions on that was very much let’s make sure, as
political parties, we keep talking about it, and keeping up figuring out how we can work together.

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

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

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

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

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

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

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

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** --- protests, if
you’re out protesting that the government is, you know, shutting down a safe injection site or something, you are asking for changes in public policy. But there is a difference between occupations and, you know, saying, “We’re not going until this is changed,” in a way that is massively disruptive and potentially dangerous, versus just saying, “Yeah, we’re protesting because we want public policy to change and we’re trying to convince people to get enough of them that politicians will listen to enough people saying, “Okay. I’m going to lose votes if I don’t change this.” That’s the usual way protests can be effective in our democracies.

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

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

So Prime Minister, we’re now heading into the second weekend of the protest. So Saturday, February 3rd. And our understanding is that the protest intensified again with more trucks coming into Ottawa.

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

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

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

So again, the introduction, and you say:

“It has been stressful. Not so much for
me personally.”

The Governor General says:

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

And you say:

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

And then the Governor General asks:

“To go further on that...”

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

**Prime Minister Justin Trudeau:** Yeah, that was the -- I believe it was a Memorandum of Understanding that some groups within or some group within the protestors had declared that what they wanted was to empower the Senate to work with the Governor General to create a provincial government or -- and/or appoint a government committee that would change public policy and displayed a lack of understanding of how our democracy and our institutions actually work.

**Ms. Shantona Chaudhury:** Okay.

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

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

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

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

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

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

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

Then there's some discussion about the funding.

Can you scroll down a bit, Mr. Clerk. Onto the next page, please.

And then she's -- the Governor General says:
"Yeah, some of the senior staff getting a lot of hateful emails. Asking for the [Governor General] to fire [the Prime Minister] and to create these crazy things. [It's] difficult to receive these things. They made a website in my name saying stuff. Have to let it slide off our backs."

And then you discuss the security situation.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MS. SHANTONA CHAUDHURY:** --- sort of bombardment?

Okay.

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

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

There was an expectation or a hope that on that second weekend we would see a decrease in activity, and a dwindling. Instead, we saw a surge on that second weekend. And
things that we had heard that, you know, the police were going
to start doing this or doing that and we're going to be able to
respond didn't seem to be materialising. There was a sense that
the occupation was just continuing full swing without any real
control or even plan to end it.

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

**MS. SHANTONA CHAUDHURY:** Okay.

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

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

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

So Mr. Clerk, can you pull up

SSM.CAN.NSC00002837.
This is the readout from a call that you had, Prime Minister, with Mayor Jim Watson on February 8th. Okay, so just keeping scrolling a bit, Mr. Clerk, past the key takeaways onto page 2.

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

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

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

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

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** One of the things we had said from the very beginning to the RCMP and -- to the Commissioner of the RCMP and to Government in general that if
there was anything we could do to support the Ottawa Police Services in their -- in what they were doing, if we had resources or abilities, because there is a federal presence in this capital city, we should do it. That we were there to be helpful, and I instructed Brenda to try and do whatever she could to send support to the City of Ottawa.

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

And, you know, we see it sometimes in requests for assistance across the country where someone is saying "We need 20,000 police officers from" or from -- or "we need the military to come in with a thousand troops", or "we need this or that in RFAs", and part of our due diligence is "Okay, what do you need them for? What are you going to be using them for?"

Because for example, if you're sending in military, as we did in Hurricane Fiona to help clear power lines, as was necessary in Atlantic Canada, in no situation do military members engage in policing activity. And there was a sense that maybe they could be directing traffic.

And we have to make sure, "no, they're not police -- military isn't there to play police roles." And that's why we always have questions, "Okay, we're going to send resources, but we need to know how they're going to be deployed." And there wasn't always that clarity around what the plan was, how
many they actually needed, how they were being used, and how they were -- you know, where they were going to be best deployed.

**MS. SHANTONA CHAUDHURY:** Okay.

Just keep scrolling down, please, Mr. Clerk.

I'll tell you when to stop. Keep going, please. Oh, no, no.

I'm sorry, I missed it. There we go.

So Mayor Watson says:

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

And you reply:

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

I suppose:

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

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

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

**Prime Minister Justin Trudeau:** Well, first of all, when I say everyone is, I believe it was "conflating", it was conflating the federal -- protest of federal issues with the federal responsibility to do the policing that would dissipate that protest. So that was, sorry, a little bit of an interplay that there was a sense that in the initial phases of the protest the Ontario Government was happy for the perception to be out there that this was a City of Ottawa issue and a Federal Government issue, and that as a province they really didn't have a responsibility or a jurisdiction to play in there.

It was a unpleasant situation. There were bad headlines. I was getting grumbled at by citizens of Ottawa every day because we were -- the federal government wasn't dealing with it. I can understand that provincial politicians who were being overlooked in the complaints everyone had about why this wasn't getting resolved would say, "You know what? Let's not poke our noses into this, and, you know, people will continue criticizing those people that helped." I'm fairly certain that behind the scenes the OPP was engaged with Ottawa
Police Services and was providing supports as we were as a federal government, but I think at the political level, there was probably a decision to continue to step -- to stay back a little bit and let us wear it a little bit.

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

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

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

So point for advocacy to make a long story short, this is a call where it seems that you and Premier Ford are engaging and deciding to work together to solve this problem at
You can skip over the first -- oh, here we go.
The last part of that first paragraph, so PDF, Premier Doug Ford, he says,
"What we can recommend and what we can work together on is [...] I've asked our AG [our Attorney General] to look at legal ways to give police more tools and exhaust legal remedies because the police are a little shy and I can't direct them. So that's one area we can focus on. We can't take their polar licenses, we checked that. We can shut down their fuel consumption and cordon off highways. That's where we're at."

And ---

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

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

"First of all, they're not a legal protest. They're occupying a municipal street and are not legally parked. You shouldn't need more tools -- legal tools -- they are barricading the [Ontario] economy and doing millions [of dollars] of damage a day and
harming people's lives. At a time
we're trying to draw in investments, a
whole bunch of people are looking at
this and saying we can't even clear up
a protest on a bridge?"

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

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

The issue here was that there were things that
they could do and things that I know were tried, that they
realized were unsafe for them to do. There are stories of
police officers getting swarmed, there -- when they tried to
arrest someone with a jerry can filled with gasoline. There was
a sense that, you know, giving out simple tickets wasn't really
having much of an impact as they did that, and taking stronger
measures was going to be resisted and met with significant resistance. But these are things that if they feel they didn't have the resources to enforce prohibition on bringing in jerry cans, or a prohibition of parking on the approach to the Ambassador Bridge, well, let us give you more resources to do that. Between the OPP and the RCMP, you know, we should be able to get the numbers up in a way that could lead for an ability to use those existing tools on the books. That was very much where our thinking was at that point. Like, how many more police officers, how much more resources do you need to get a plan? And if there was a concern around, well, we can't get those police allocated to us from other jurisdictions unless there is a clear plan, well, we'll send you planners. We'll help get those people there so you can establish a plan that will allow itself to be deployed. There was really a sense that there was more things that could be done, and he seemed to be agreeing.

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

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

MS. SHANTONA CHAUDHURY: So nobody say, "The bridges and tunnels act means the federal government has..." Something. I can't read that anymore, but, "...federal government has responsibility over the bridge and border, so there is a role for us to
play and we're happy to play it. But nobody can get on the bridge because they're on municipal land being blocked. So we'll give you whatever resources you['re] in [you need]. The police of jurisdiction need[...] to do their job. If they're saying they can't do it because they don't have enough officers or equipment, we need to remove that excuse as soon as possible so they can do their work and we can prevent [Ontario] becoming a laughing stock"
Premier Ford replies,
"...they'll act, but without directing
them, it's hard to describe their game
plan. They'll have a plan unlike
Ottawa [where] they didn't have a plan.
I'll get briefed tomorrow from the
solicitor general [...] we'll keep you
updated. This is critical, I hear you.
I'll be up their ass with a wire
brush."

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: I will say though

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

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

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

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

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

It's PB.CAN00000057.
Okay, good. Just scroll down to the next page, please. It’s got to be somewhere. Keep scrolling until you see a readout, but in the -- oh no, there it is, I think.

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

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

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

But the second thing I wanted to talk about was just sort of the general context; the fact that the 911 centre being overwhelmed in Ottawa a couple of days before happened from American calls; that there was a significant amount of amplification from certain sectors of the American politico sphere. And there was also a significant amount of money
flowing and support for these occupation activities in Canada that were coming from people in the United States sympathetic to that cause and opposed to both he and I in our public health policies, but also in our general policies.

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

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

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

Thank you, Mr. Clerk, that’s it for that one.

So that sort of brings us to a pretty critical time in the narrative of what happened in February. So we’re building to a bit of a crescendo around that time, the 10th, the 11th, and we’ve heard from the Clerk of the Privy Council that on February 9th, she advised you to convene the Incident Response Group. And the first meeting of the Incident Response Group was then on February 10th.

So we have heard quite a bit about different cabinet committees and what the IRG is, but I’m wondering if you could tell us, from your perspective, sitting as Prime Minister and Chair of these committees, what it means to convene an IRG and how it differs and what it gives you; what advantage it has versus other structures.
PRIME MINISTER JUSTIN TRUDEAU: Regular Cabinet committees are chaired by members of Cabinet, and feature various Cabinet members sitting around the table, assisted by their Directors, their Deputy Ministers. But they are discussions amongst Cabinet Ministers on a particular issue that will then go to full Cabinet; that’s what most committees are.

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

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

IRGs are all about making sure that the government as a whole is hearing directly -- that I am hearing directly -- from all these different agencies and all these different inputs into whatever incident we’re looking at. And
then we establish a plan, or we move forward on that. It’s actually a decision-making body, we can make determinations about what we do next. But that frame is fairly unique amongst our committee structure.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yeah.

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

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

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

So making sure that everyone’s around the table, getting on the same page, in terms of what’s happening with this incident that we’re looking at, and what we’re going to do about it, and there’s usually a, “Okay, here are the taskings we’re
going to do and let’s check back in in a few days and see how we’ve done, see where we are again.” IRGs rarely happen on a sort of a one-off, there’s usually a series of them until the incident is over or has been moved to a different body to weigh in on.

MS. SHANTONA CHAUDHURY: Okay, thank you. That’s helpful in understanding.

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

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

And I just want to pause here and ask you one thing, which is in the documents, that sort of -- maybe not the first but it’s the first sort of confirmation -- official confirmation that the Emergencies Act was under discussion. But we have seen references to the Emergencies Act here and there in various phone calls or emails or discussions, et cetera, and I’m
wondering if you can describe, if someone asked you when did the
*Emergencies Act* come into play as possibility, how would you
answer that?

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

So whenever we said, "Yeah, we're looking at all
options", it would have been in the back of our minds,
particularly because I think we're probably the first government
that had ever actually leaned in carefully to maybe using the
*Emergencies Act*, as we did in the beginning of the pandemic. We
dusted it off, and, you know, had presentations at Cabinet
around what the Emergencies Act was and how it was an update from the previous legislation that existed before, and how it was Charter compliant, and, you know, because post 1982 a lot of things needed to change for the better in our country with the Charter of Rights and Freedoms. So we got a crash course in the Emergencies Act, and the consultations required, and all the various steps of it two years before around a pandemic.

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

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

So it wasn't until, as you say, the IRG of February 10th, Thursday, that we said, "Okay. Track 1, you know, what more can we do to empower police and public safety
officials to put an end to these illegal occupations? What more resources can we spend with existing authorities?" And Track 2 was what could we do that we would have to create new authorities for? Whether it was through regulation, whether it was through passing emergency measures through the House, or whether it was using something like the Emergency Measures Act.

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

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

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

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

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

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

PREMIER MINISTRE JUSTIN TRUDEAU: Pendant le
groupe de réponse d'incidents de ce dimanche, on a regardé
attentivement les mesures proposées, la liste d'outils dont on
pourrait se doter pour aider la police, les provinces, à non
seulement remettre les situations sous contrôle, mais aussi
empêcher des situations de revenir. Parce que vous avez parlé de
Cette expression du « whack a mole », on a vu que les... les
manifestants étaient très habiles à se déplacer, à faire une
présence ici puis ensuite se déplacer pour l’autre, pour réduire
leur présence dans une place, pour donner beaucoup de défis aux
policiers pour pouvoir répondre. Et l’inquiétude, ce n’était pas
qu’en mettant toutes nos ressources dans une place on ne
pourrait pas remettre l’ordre dans une situation, c’est qu’en
faisant ça, on laissait vulnérable une autre place où ils
allaient pouvoir le faire, où une fois qu’on l’a réglé, deux
jours plus tard ils allaient revenir. Donc, il y avait plus une
question de, oui, de mettre fin aux occupations illégales, mais
aussi de comprendre qu’il fallait les garder clairées jusqu’à ce
que la situation se calme réellement à travers le pays.

Et donc, pendant cette rencontre du dimanche, on
a regardé les différentes propositions. Que ce soit les
propositions par rapport aux conducteurs de remorques, que ce
soit les dispositions pour des zones d’interdictions où tu
n’avais pas le droit d’y aller, tu n’avais pas le droit d’y
aller pour des besoins de manifesteur, tu n’avais pas le droit
d’emmener des enfants, tu n’avais pas le droit de traverser la
frontière canado-américaine avec un but de te joindre. Il y
avait des mesures, que les banques allaient pouvoir geler les
comptes de banque des manifestants pendant qu’ils étaient sur le
terrain en train de barricader, pour les inciter de rentrer chez
eux. On a discuté de toutes ces mesures-là, on a regardé qu’ici...
c’est quoi nos options pour emmener ces outils-là à être une
réalité, est-ce qu’on peut passer de la législation à la Chambre
des Communes, est-ce qu’on peut l’accélérer et demander le
consentement unanime ou accélérer le débat pour emmener ça
rapidement, est-ce qu’on pourrait le faire en encourageant les
provinces, d’utiliser plus d’outils ? Et à ce moment-là, ça commençait à être pas mal clair que la situation allait... était si urgente, avait une préoccupation que ça pourrait s’empirer et dégringoler encore plus ailleurs. Qu’il y avait une urgence d’agir et que l’outil qu’on avait pour ramener rapidement ces outils spécifiques, c’était la Loi sur les mesures d’urgence.

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

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

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** The legislation, in the 80’s it was built, brought in a definition of a national
-- sorry, a threat to national security, imported the words of
the CSIS definition. That was a handy definition that was
already existing. And there, that’s how we can define what a
national threat to the security of Canadians would be.

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: Sorry, go ahead.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes, I do.

Sorry.

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yeah.

MS. SHANTONA CHAUDHURY: There we go.

PRIME MINISTER JUSTIN TRUDEAU: There we go.

Good.

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

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

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

So the context within which we look at this definition is very different from the deliberately narrow frame that CSIS is allowed to look at, what inputs it can take in, what proofs it needs to establish this, or very well prescribed so that CSIS can be -- so that CSIS is responsible in what it does, whereas the declaration of public order emergency is open to inputs, sure, from CSIS, but also from the RCMP, also from Transport, from Immigration, from the whole of government, from
the Clerk, from the National Security Intelligence Advisor.

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

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

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

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

But I was very much focused on “Was this bar hit? Yes or no?” for the purposes of invoking the Emergencies Act.

There’s been a bit of back and forth at this Commission on whether these words are different or can be read differently, or broader when they’re used in a public order emergency than they’re used for the CSIS. It’s not the words that are different. The words are exactly the same in both cases. The question is, who is doing the interpretation, what inputs come in, and what is the purpose of it?
And the purpose of it for this point was to be able to give us special temporary measures as defined in the Public Order Emergency Act that would put an end to this national emergency.

MS. SHANTONA CHAUDHURY: Okay. So essentially you’re saying that around the table that day, ---

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Threats of serious violence ---

MS. SHANTONA CHAUDHURY: Serious violence. Okay.

PRIME MINISTER JUSTIN TRUDEAU: --- was the key ones.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. SHANTONA CHAUDHURY: And again, we went around the table with officials from all different agencies and heads of departments to talk about this. There was the militarization of vehicles, for example. We’d seen -- sorry, weaponization of vehicles. We’d seen, you know, cars ramming into police officers or other cars at Coutts. We saw an incident like that in Surrey, I believe. We saw trucks used as potential weapons, certainly in Ottawa, with their presence and unknown interiors.
There was a use of children as human shields deliberately, which was a real concern, both at the Ambassador Bridge, and the fact that there were kids on Wellington Street that people didn’t know what was in the trucks, whether it was kids, whether it was weapons, whether it was both. Police had no way of knowing those.

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

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

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

We saw increasingly counter protests of people who were trying to take back their city, who were, for example, we all saw images of grandmothers standing in residential
streets against, you know, massive trucks heading their way to try and, you know, prevent them from coming to join the convoy. There were all these things that positioned -- or presented real threats of serious violence. And every input we were getting on that weekend at the IRG was that things were not getting better. Things were getting worse. Even as it looked like there was a plan for the Ambassador Bridge to move forward, it looked like there was going to be a plan for Coutts moving forward, it wasn’t a sense -- there wasn’t a sense that things were dissipating. On the contrary, we were hearing about Fort Erie, we were hearing about the Bluewater Bridge in Sarnia, we were hearing about potential blockades in New Brunswick. We were hearing about potentials at Lacolle. We were hearing more convoys and more supporters heading to different places to take action. There were things going on in B.C. and Surrey. Like, there was a sense that this was a broadly spread thing. And the fact that there was not yet any serious violence that had been noted was obviously a good thing, but we could not say that there was no potential for serious violence, for serious violence to happen over the coming days. We were seeing things escalate, not things get under control.

**MS. SHANTONA CHAUDHURY:** Okay. You mentioned there that the Ambassador Bridge was on its way to resolution in a sense and Coutts was on its way to resolution. One of the things that’s come up in the evidence is that at this juncture, Ottawa could also, perhaps, have been said to be on its way, perhaps an earlier stage, to resolution, in the sense that a plan -- an integrated plan for policing was coming together at
that point. And that may not have been something that was
clearly expressed on the 13th to the IRG and/or Cabinet.

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

PRIME MINISTER JUSTIN TRUDEAU: First of all,
from the beginning, from the approach of the very first weekend,
we heard from various authorities and police of jurisdiction,
“Don’t worry, we’ve got this. There’s a plan. There’s a plan.”
And for the second weekend there was a plan. “We have a plan
for this and it’s not going happen. We’ve got this. We’re
getting more resources. No, there’s a plan.” We kept hearing
there was a plan.

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

When the plan did come together, and if someone
was to compare the supposed plan on the 13th with the actual plan
on the 17th that Ottawa Police Services pulled together, you see
the crisp difference between, “These are the types of units we
need. These are the resources we need. This is how we’re going
to do it. This is all the stages of it." On the 17th. It was
not there on the 13th.

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

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

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

MS. SHANTONA CHAUDHURY: Okay. So we will get to
the First Ministers Meeting, but let’s just finish off on this
point with the 13th.

In a lot of the evidence that has come out before
the Commission, we see hesitancy and reluctance to invoke the
Emergencies Act so officials advising that this may make things
worse, this may inflame tension, this may embolden protestors,
et cetera. And we also obviously heard from Mr. Vigneault
saying and the CSIS assessment that there was no threat to the
security of Canada under the CSIS Act.

And then we heard Mr. Vigneault say, “But I still
thought that the Act was necessary and I conveyed that to the
Prime Minister.”

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes, there was
consensus around the IRG table on Sunday the 13th. There was no
question about it. And Director Vigneault’s answer on that is
absolutely consistent.

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

But the Director of CSIS is also one of the
National Security Advisors to me and in looking at the frame and
scope of the situation we were in, was very comfortable in
saying, “Yeah, for the purposes of the *CSIS Act*, this is not
met. But for the purposes of the *Public Order Emergencies Act*
that the Governor in Council has to make a reasonable decision
about, we feel that it is met. And that was the consensus from
officials around the table.

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

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

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

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

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

MS. SHANTONA CHAUDHURY: Yeah, that’s the segue. So please do. Tell us about the Cabinet meeting.

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

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

MS. SHANTONA CHAUDHURY: And was that question of the -- whether the threshold was met, was that part of the
discussion at the Cabinet table as well?

**PREMIER MINISTRE JUSTIN TRUDEAU:** Oui.

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

**PREMIER MINISTRE JUSTIN TRUDEAU:** Oui.

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** No.

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

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: The caucus call was informing them that I was about to go into a First Minister's Meeting in which I was going to present them with the fact that we were thinking about invoking the Emergencies Act. And I shared with them that these were the kinds of things that we would be giving police and various new -- various officials of authorities tools -- which tools would be able to move forward with that. So I presented it. It wasn't a big discussion. I wasn't looking for consensus. There wasn't a lot
of feedback. It was just informing them that we were taking this seriously and moving forward. And I dare say the response was very positive from our caucus.

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

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

MS. SHANTONA CHAUDHURY: Okay. So let me start
with an initial question, taking you back to first thing in the
morning. Had you made up your mind already?

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

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

PRIME MINISTER JUSTIN TRUDEAU: Absolutely. If
someone had said, "Listen, I hear those six things you're
planning on doing, you don't need them because these are the
tools we're going to use instead. We have the power. We're
going to be able to, in Ontario, do this and we're confident
that that will end the situation in Ottawa and end the situation
at potential blockades further on and keep us safe. This --
these -- you don't need to bring in compelling of tow truck
drivers because we've figured out how to do it for good. We
have a plan to put an end to this in a concrete and
compelling..." Because I'd heard a lot of plans up until that
point. But if I had been convinced that the -- that other
orders of government or any other law in Canada was sufficient
to deal with this emergency, then we wouldn't have met the
threshold because part of the threshold for the Emergencies Act
is -- and is unable to be dealt with under any other measures or
laws in Canada. And if they had said convincingly, or enough of
them had said, "No, no, you don't need it because we have it
under control," which is, to a certain extent, what they all
said to me when I had this conversation with them around the
pandemic. I said, "Listen, there's a lot of pressure for us to
look at the Emergencies Act. Do we need to bring in the
Emergencies Act?" And they all said, "No, don't bring in the
Emergencies Act. We've got it under control. We're able to do
this in our own jurisdictions, in our healthcare systems. We
don't need to do it." But the quarter emergency's different
than public welfare emergency, but that principle was there, and
we didn't invoke the Act back in the spring of 2020.

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

**MS. SHANTONA CHAUDHURY:** And you mentioned -- I
mean, some of them did express opinions around the lines of,
well, we kind of got -- we got it under control here. This
problem isn’t really cropping up here or it’s cropping up here in a way that our law enforcement can deal with.

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

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

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

Even Premier Moe, I believe -- we could pull it up, but I think people have seen it a few times -- highlighted that he didn’t have any real -- that the six elements we had seemed reasonable enough, but he was in disagreement with the
invocation of the *Emergencies Act*, that those six elements we should maybe move forward with in some way, but without doing the *Emergencies Act*.

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

Jason Kenney, I believe, said, “I’m not going to quibble with the use of the Act, but we don’t need it here in Alberta”.

And that was something that came out a number of times even by those who were supporting it, said, “Yeah, you do what you need to do. Don’t think we need it here, but I know this is a situation where you should probably do it” or “Can you not do it in my jurisdiction and just do it for Ontario?”. And that was certainly something that I had reflected on and certainly reflected on further through that conversation, but the reality is there were pop-ups and troubling reports right across the country that we were getting from all of our various inputs.

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

Par exemple, le premier ministre Legault a exprimé une préoccupation qu’il ne voulait pas que tout à coup la GRC vienne prendre contrôle de toutes les actions policières...
au Québec, ou qui n’en avait pas besoin. Et puis j’ai pu le rassurer, et c’est d’ailleurs quelque chose que j’ai intégré dans mes… mon discours et mes communications par la suite, que c’était là pour être utilisé si nécessaire, mais si par exemple il y avait un blocage à Lacolle et la SQ était tout à fait capable de « dealer » avec, de le régler, comme ils ont pu très bien répondre lors de la deuxième fin de semaine à un attentat de convoi à Québec, la GRC n’allait rien faire, n’était que là que pour appuyer si nécessaire, et que c’était ça l’encadrement qu’on allait faire à ce niveau-là.

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

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

MS. SHANTONA CHAUDHURY: One very quick question. Then I’m done this entire part.

COMMISSIONER ROULEAU: Okay.

MS. SHANTONA CHAUDHURY: It’s the last question I want to ask you about that day, Prime Minister. So at 3:41 you received the decision note from the clerk, the recall of the invocation memo. Technically it’s a decision note.

Presumably you read it.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. SHANTONA CHAUDHURY: Okay. And was there
anything in it that surprised you? Was that the advice you were expecting to get from the clerk or was it ---

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

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

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

But I also reflected on, okay, what if I don’t sign it? What if I say, okay, we now have advice from the professional public service to invoke a public order emergency
and I decide, you know what, let’s give it a few days? Where
the professional public had made a determination that the
thresholds were met, that the use of it was appropriate and, you
know, responsible and the measures were the right ones that we
were going to put in it and I said, no, you know what; let’s
wait and see another few days, another week to see if we really
need to do it.

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

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

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

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

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

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

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

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

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

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

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

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

MS. SHANTONA CHAUDHURY: Merci, Monsieur.

--- PRIME MINISTER JUSTIN TRUDEAU, Resumed:

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

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

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

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

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

First mechanisms, votes, a vote in the House. Next one, a Parliamentary committee, designed to look into it. The third one, and most importantly, this process itself, which is a really important one that knew from the moment I invoked
that we were going to end up in a room such as this doing this work and I would have to explain and we as a Government would have to explain and justify this decision to Canadians because the use of special temporary emergency powers is something that Canadians need to be reassured is within the rules and the principles of our democracy, and that's exactly what this is.

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

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

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

MS. SHANTONA CHAUDHURY: Okay. The second, or another criticism that's been levelled or challenge that's been made is that it wasn't really necessary, the situation would have resolved itself. And in the end, the way things played out, the Declaration was made the 14th. The Orders came in the 15th. And then by the 23rd, it was revoked, and everything was solved, and many of the measures put in were never even used.
So how do you respond to that, you didn't actually have to do it, it wasn't a necessary measure at the time?

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** But CSIS isn't the decision maker in a matter of public order emergencies. The use of the definition in the CSIS Act, as I said before, has two very different contexts from the use of it by CSIS and the use of it in invocation of a public order emergency. The context is
different, the purpose is different, the decision maker is
different. The requirements around it, the inputs are
different. And the fact that the Director of CSIS, while
consistently saying it doesn't yet meet the CSIS threshold for
CSIS to act in wiretapping people or whatever it is, it is still
something that is necessary for a public order emergency.

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

PRIME MINISTER JUSTIN TRUDEAU: I think, first of
all, the excellent work of this Commission and all the cross-
examiners have been doing over the past number of weeks
highlights that it's not something to be undertaken lightly.
And I didn't need to have seen this Commission to consider this
very much to be a measure of last resort. This wasn't something
we were eager to do. And I dare say that future governments are
likely to look at this experience and say, "Yeah, no, it's not -
really not something we want to go through lightly." But the
law is on the books to assist in dealing with national
emergencies, and the determination was made by the Governor in
Council, by the professional Public Service, that the thresholds
were met and that this was necessary. And regardless of any
setting of precedence, I think it would be worse thing for me to
say even though the thresholds have been met, even though it is
needed and necessary, we're not going to do it because someone
might abuse it or overuse it in the years to come. When there's
a national emergency and serious threats of violence to
Canadians and you have a tool that you should use, how would I
explain it to the family of a police officer who was killed, or a grandmother who got run over stopping -- trying to stop a truck, or a protester who was killed if I hadn't used the tools, if one of the protesters, one of the occupiers had been killed in a violent clash with someone else? Getting this situation under control and protecting the safety of all Canadians is a priority.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Again, the checks and balances we have and the need to demonstrate and meet the high threshold, but also from experience over the past even years, we've seen many protests and disruptions across this country, including protests of, as you say, critical infrastructure and economic -- of economic importance, and it never occurred to me or to the government to invoke the Emergencies Act around any of those. Now, to your point around maybe future governments will run to it as a tool now that the seal has been broken, but I have greater faith in Canadians and
in our institutions than the fact that we might sort of shrug as
our fundamental rights are casually brushed aside in the name of
political expediency or a national emergency that actually
wouldn't be one.

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

**PRIME MINISTER JUSTIN TRUDEAU:** I think, first of
all, we heard them. We knew exactly what they were asking for.
They were very, very clear that they wanted an end to mandates.
The convoy protesters were expressing their disagreement with
very specific public policies that they were very vocal, both in
mainstream communications and through social media on what they
wanted, and they were very much heard. They had political
parties in the previous election very much carrying those
messages, and, you know, presenting them to Canadians as part of
the options that Canadians had to chose in that previous
election. So people were well aware of the opinions and
concerns and perspective of those individuals. But it was clear
that it wasn't that they just wanted to be heard. They wanted
to be obeyed. They wanted us to change public policy, Public
Health policy designed to help Canadians and were going to
occupy locations across this country and interfere with the
lives of Canadians until such a decision was taken. And I can't
help but have noticed that when Premier Kenney in Alberta did
during the course of these convoy occupations, remove a number
of mandates instead of decreasing the amount of concern, the
convoy at Coutts, the occupation at Coutts seemed to be
emboldened, say, “Look, it’s starting to work. Let’s keep
going,” instead of actually de-escalating.

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** I think it’s a
piece of it, obviously. If people are facing losses of income, if we’re seeing massive disruption in a country’s economy that will have, and that could have, real impacts on the stability and security of individuals within that country. But it was an additional concern on the situation, it wasn’t the primary or the foundational one. Our job in here was to make sure we’re keeping Canadians safe and countering the threats of serious violence that the occupations represented, and that’s what we focused on.

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

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

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

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

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

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

COMMISSIONER ROULEAU: Okay. Thank you very much.

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

(SHORT PAUSE)

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

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

Prime Minister, let’s just -- I did want to start
off with a quick -- the quick chronology leading up to the
 invocation of the Emergencies Act. On February 13th, you meet
 with the IRG around 4:00 p.m.; correct?

 PRIME MINISTER JUSTIN TRUDEAU: Yes.

 MS. EWA KRAJEWSKA: And then you meet with
 Cabinet the evening of the 13th; correct?

 PRIME MINISTER JUSTIN TRUDEAU: Yes.

 MS. EWA KRAJEWSKA: And at that time, Cabinet
deleagtes to you the ultimate decision to invoke the Emergencies
Act, and Clerk Charette characterized this as, “Left it at
referendum to the Prime Minister”; correct?

 PRIME MINISTER JUSTIN TRUDEAU: Yes.

 MS. EWA KRAJEWSKA: And you consult with your
Caucus the morning of the 14th; correct?

 PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

 MS. EWA KRAJEWSKA: Okay, that’s fine. And then
you consult with the First Ministers, also the morning of the
14th?

 PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

 PRIME MINISTER JUSTIN TRUDEAU: Yes.
MS. EWA KRAJEWSKA: Correct. And so the
Emergencies Act is invoked on February 14th, and then the
measures that are put in place under the Emergencies Act are
enacted on February 15th; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: And those -- if I can put
them as two buckets, the two buckets of measures that are
invoked on the 15th, the first are -- there will -- there’s now a
prohibition on public assembly that may lead to a breach of the
peace; correct?

PRIME MINISTER JUSTIN TRUDEAU: M’hm.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: And that continued on
February 13th?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: And I believe WPS, Windsor Police Service, tweeted that the Windsor Ambassador Bridge was cleared at 01200 on February 14th?

PRIME MINISTER JUSTIN TRUDEAU: That sounds right.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: Now Ottawa. Ottawa -- the Ottawa demonstrations and the blockades, they don’t get removed until later in the week of February 15th; correct?
PRIME MINISTER JUSTIN TRUDEAU: Correct.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: No.

MS. EWA KRAJEWSKA: Right, that ---

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

MS. EWA KRAJEWSKA: It ---

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: --- local bylaws?

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

MS. EWA KRAJEWSKA: But the Joint Command, in and
of itself, that was something that the police could have created and could have done without the invocation of the Emergencies Act.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

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

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: I don't remember.

MS. EWA KRAJEWSKA: You don't remember. But as of February 13th, your impression was that the plan that was in place at that time was not one that you or the RCMP had confidence in?
PRIME MINISTER JUSTIN TRUDEAU: It was not one that we had confidence in, no.

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

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

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

MS. EWA KRAJEWSKA: Right. And you spoke to that earlier with Ms. Chaudhury, that both you, the Government, and I think both Clerk Surette and Deputy Clerk Drouin all expressed the view that -- view or even frustration that the police had not been using the legal tools available to them to remove the demonstrators?
PRIME MINISTER JUSTIN TRUDEAU: Or had not been able to use ---

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

PRIME MINISTER JUSTIN TRUDEAU: --- these legal tools. Yes.

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: And Deputy Clerk Drouin said
that authority refers to legal authority, and capacity refers to operational capacity. And you would agree with that.

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

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

**PRIME MINISTER JUSTIN TRUDEAU:** No. It wasn't just because people had expressed frustration, it was real concern. As you mentioned that a number of places were moving
in the right direction in terms of resolving the situation at
Coutts, resolving the situation at the Ambassador Bridge, there
was a very real and present concern that it is one thing to
clear a lane or two it is another thing to keep a border
location, or otherwise, open. And what we had seen was
intentions for the convoy to pop up again at the Blue Water
Bridge in Sarnia, at Fort Erie there was discussion of a call,
there were more activities starting in Surrey in B.C. at other
border crossings.

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

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

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: --- and aware of that.

MS. EWA KRAJEWSKA: --- about that.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

MS. EWA KRAJEWSKA: And Quebec did not invoke their own Emergencies Act; correct? They did not.
PRIME MINISTER JUSTIN TRUDEAU: I'm not sure, but I'll take your word for it.

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: A different purpose?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EWA KRAJEWSKA: But I would put to you that when invoking the Emergencies Act that threshold, the level of threshold of the security threat that must be met, cannot be any
lower than it is when CSIS is proposing to surveil one person, that the threshold is no different. Do you agree with that?

PRIME MINISTER JUSTIN TRUDEAU: Yes, I do.

MS. EWA KRAJEWSKA: Thank you, Prime Minister.

Those are my questions.

COMMISSIONER ROULEAU: Okay. Next is the Canadian Constitution Foundation.

MR. SUJIT CHOUdhRY: Commissioner, we -- my friend has asked to switch spots.

COMMISSIONER ROULEAU: I see that.

MR. SUJIT CHOUdhRY: We’ve advised the parties. Yes, I’m not Mr. Kittredge. So and the parties -- no parties have objected.

COMMISSIONER ROULEAU: Okay. Well in the spirit of cooperation, that’s fine with me.

MR. SUJIT CHOUdhRY: Thank you, sir.

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

MR. SUJIT CHOUdhRY: Oh, no. Not at all.

COMMISSIONER ROULEAU: Just -- thanks. Just want to be clear.

MR. SUJIT CHOUdhRY: Hope spring eternal, but afraid not.

COMMISSIONER ROULEAU: Okay.

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

MR. ROB KITTREDGE: All right. Well good morning, Mr. Prime Minister. I’d like to quickly circle back --
COMMISSIONER ROULEAU: Could you introduce yourself?

MR. ROB KITTREDGE: Oh, I’m sorry. Good morning, Mr. ---

COMMISSIONER ROULEAU: Particularly given my mistake.

MR. ROB KITTREDGE: I’m Rob Kittredge for the Justice Centre for Constitutional Freedoms and we share standing at these hearings with the Democracy Fund and Citizens for Freedom.

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes, I am.

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

PRIME MINISTER JUSTIN TRUDEAU: That is a principle. Yes.

MR. ROB KITTREDGE: All right. Tow trucks have come up a lot at this Commission, and my friends and the Commissioner know me by now as a bit of a towing aficionado.
It’s been a while since I brought up the subject, but I thought maybe you and I could have a little talk about.

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

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

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes, it was.
MR. ROB KITTREDGE: So I would say that would be a fairly significant part of the reason why you would have had to invoke the Emergencies Act. Wouldn’t you agree with that?

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

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. ROB KITTREDGE: So I would say it’s relatively important. Would you agree with that?

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: Municipalities and provinces have contracts with tow truck companies to keep the highways clear, to keep the roads clear, and tow parked cars
that are illegally parked all the time. So they had, theoretically, the authority to compel people under breach of contract to actually tow vehicles that they -- that were illegally parked. For various reasons, they were unable or unwilling to use the civil powers they have under contract, or perhaps it would just take too long for them to be able to do it. But in feedback with everyone from Alberta to Ontario, to elsewhere, was that they needed to be able to compel those tow trucks to actually do the job of clearing the streets.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes, we did.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

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

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

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

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: It appears to say
irrelevant and Parliamentary privilege.

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

**PRIME MINISTER JUSTIN TRUDEAU:**

“Americans offering tow trucks.”

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

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

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

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

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

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

I remind my friend that the evidence of
Commissioner Carrique of the Ontario Provincial Police was that the powers under the emergency measures regulation in relation to tow trucks were used. I refer specifically to his February 22nd, 2022 report to Deputy Solicitor General Di Tommaso, which shows that clearly those powers were used.

Thank you.

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

COMMISSIONER ROULEAU: Okay.

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

COMMISSIONER ROULEAU: It's supposed ---

MR. ROB KITTREDGE: In any event ---

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

MR. ROB KITTREDGE: Fair enough.

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

MR. ROB KITTREDGE: I think we're burying the lead a little bit here, and I'll ask you again. You would agree that a discussion of tow trucks and information about tow trucks is relevant to the work of the Commission and the discussion we're having here today; wouldn't you?
PRIME MINISTER JUSTIN TRUDEAU: I know there was a lot of time spent on tow trucks during the past six weeks.

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

COMMISSIONER ROULEAU: Okay. Thank you.

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

MR. SUJIT CHOUHRY: It's been a long six weeks, Commissioner.

--- CROSS-EXAMINATION BY MR. SUJIT CHOUHRY:

MR. SUJIT CHOUHRY: Good morning, Prime Minister. My name is Sujit Choudhry. I'm Counsel for the CCF. Prime Minister, I'd like to shift gears a bit and ask you some questions about your role as Chair of the Cabinet. And so it is -- it's true, would you agree, that one of your chief responsibilities as Prime Minister is to Chair the Cabinet?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. SUJIT CHOUHRY: And it's a serious responsibility?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.
MR. SUJIT CHOU DHRY: Okay. And so she -- under cross-examination, she testified that you are the ultimate decision maker for determining the information and documentation shared at Cabinet meetings. Is there -- do you have any reason to disagree with what she said?

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

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

PRIME MINISTER JUSTIN TRUDEAU: No, for example, if we're dealing in Cabinet with a particular MC from -- or particular proposal from a given department, they will put forward that document, that proposal. I will, as par for the course as all Cabinet members do, read through that documentation as part of our deliberations that we're about to
have. But for me, I have the power to say, "No, you know what, we're not going to discuss this today, or this document's not going to go in", which I do from time to time if we decide no, it's not ready to go forward, we're not going to do that. But I guess I'm not entirely sure what power you're trying to get me to admit to having or not.

MR. SUJIT CHOUDHRY: Sure. So, well, why we talk about the February 13th Cabinet meeting, so the questions are about that. And so you'd agree, sir, that that was an extraordinarily important Cabinet meeting?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. SUJIT CHOUDHRY: A historic meeting even?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

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

MR. SUJIT CHOUDHRY: So but you would agree that under the Emergencies Act, as you stated this morning in testimony, the power to declare a Public Order Emergency rests
with what you called the Cabinet and Prime Minister, which is the Governor in Council.

PRIME MINISTER JUSTIN TRUDEAU: Governor in Council.

MR. SUJIT CHOU DHRY: Right, which is the full Cabinet, not a Cabinet subcommittee.

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

MR. SUJIT CHOU DHRY: Okay. So ---

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

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

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

MR. SUJIT CHOU DHRY: So but in this case, there was such a meeting?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. SUJIT CHOU DHRY: And so ---

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

MR. SUJIT CHOU DHRY: So I'd like to ask you some questions of what you've termed as the inputs to that meeting,
and just to be abundantly clear to my friends from the Attorney General of Canada, I'm not going to ask you about the content of any of those inputs that might be protected by confidence. I just simply want to ask you if certain documents were inputs or not to the Cabinet meeting, if I may.

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

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

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

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

MR. SUJIT CHOUDHRY: I'd like to ask you about another document, which is that we've heard about a threat assessment prepared by CSIS, and you are familiar with that as well. And Director Vigneault testified that he had concluded or CSIS had concluded that there wasn't a threat to national security under 2(c) of the CSIS Act. He also testified that that threat assessment was provided to the IRG on February 13th. So my question is, was this threat assessment provided to the full Cabinet on the evening of February 13th?
PRIME MINISTER JUSTIN TRUDEAU: In our reporting to Cabinet, there was a reporting on the consensus reached by the IRG including the Director of CSIS who recommended and agreed with the invocation of a Public Order Emergency. We were not at Cabinet dealing with whether or not CSIS had the authority to move forward with a wiretap on one person or another. It was a discussion on the invocation of a Public Order Emergency, which requires reasonable grounds for the Governor in Council to make a determination.

MR. SUJIT CHOUDHRY: So, sir, you'd agree that that document was not provided to the full Cabinet on February 13th? You said a report ---

PRIME MINISTER JUSTIN TRUDEAU: Which document is that?

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

PRIME MINISTER JUSTIN TRUDEAU: No.

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

PRIME MINISTER JUSTIN TRUDEAU: No, no.

Throughout the IRGs, CSIS, as a par for a course, would mention that the threshold had not been met for CSIS operations within this of a particular type, according to their context and their mandate. But we were not looking as an IRG or a Cabinet as to whether or not CSIS would be allowed to do this or that thing. We were looking at, certainly by this end, whether or not we had a threshold met for the invocation of a Public Order Emergency.

MR. SUJIT CHOUDHRY: So, Prime Minister, Director
Vigneault testified that a written threat assessment was prepared by CSIS, and he testified that he provided that to the IRG.

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

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

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

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

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

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

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

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

It's -- and, Mr. Registrar, it's PB.NSC.CAN 00007734. Thank you, Mr. Registrar.
Prime Minister, is this the document, or is this the plan you were referring to?

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

MR. SUJIT CHOU DHRY: So, sir, what I'd like to do -- so you have not read this?

PRIME MINISTER JUSTIN TRUDEAU: No, I have not.

MR. SUJIT CHOU DHRY: Okay. So I'd like ---

PRIME MINISTER JUSTIN TRUDEAU: I certainly had not read it on the 13th.

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

PRIME MINISTER JUSTIN TRUDEAU: M'hm.

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

MR. BRIAN GOVER: I object to that. On behalf of the Government of Canada, it's Brian Gover once again. This is
putting the Prime Minister in an odious position. We had no notice that they would attempt this in cross-examination. These things require careful consideration, do not lend themselves to decisions in the moment, and we maintain our objection.

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

COMMISSIONER ROULEAU: Go ahead.

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

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

MR. SUJIT CHOUDHRY: So, Commissioner, with that, with your ruling there, and I thank Mr. Gover for his point, Prime Minister, can I put it to you this way. You said we should read the plan, but I think you would agree we can't?
PRIME MINISTER JUSTIN TRUDEAU: Indeed. I -- as I said, I haven't read the plan, but we were in a situation where, as can be imagined, I have access to unredacted information, and what I know and my understanding of this plan was, and I'm happy to testify to that, that it was not a complete plan of engagement.

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

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

MR. BRIAN GOVER: Mr. Commissioner, it's Brian Gover once again for the Government of Canada. Solicitor/client privilege of course is a very substantial right in our legal system. It's one that the Supreme Court of Canada has recognized as a constitutional dimension. I remind my friends that in this case, as the Prime Minister has said, Cabinet confidence has been waived for the fourth time in 155 years to provide evidence of inputs. We know that the decision note that was referred to in testimony by the Clerk of the Privy Council, referred to the advice of the Public Service that it was
appropriate to invoke the *Emergencies Act*. In my submission, we need not go further with the inquiry and pierce the veil of solicitor/client privilege, setting what, in my submission, could be a dangerous precedent going forward and one -- this is certainly an issue that requires careful consideration and not one to require a Prime Minister to respond to in the spur of the moment. Thank you.

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

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

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

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

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MR. SUJIT CHOUDHRY:** And, sir, I'd put it to you that not until this Commission has a government of Canada ever publicly communicated that the threshold for declaring --
determining a threat to national security is different under the
Emergencies Act than under the CSIS Act, not once. Why is that,
sir?

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

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

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

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

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

MS. JESSICA BARROW: Good afternoon, Prime
Minister. My name is Jessica Barrow, and I am Counsel for the
Ottawa Police Service.

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: No, certainly not.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

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

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. JESSICA BARROW: Okay. So we've heard considerable evidence to date from the Commission that an Integrated Planning Cell arrived in Ottawa on February 8th.
Were you aware of that?

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

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

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

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

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

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

**PRIME MINISTER JUSTIN TRUDEAU**: Yes.

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

**PRIME MINISTER JUSTIN TRUDEAU**: No.
MS. JESSICA BARROW: Okay. And so I want to focus because we've heard a fair bit of evidence about this this morning, in relation to the timeframe of February 12th onwards, and the Operational Plans that existed at that time.

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

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

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

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

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

Do you recall that?

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

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

MS. JESSICA BARROW: Right, and then subsequent
to that we see that in the middle of the meeting there is
confirmation that the OPS Chief has agreed to the plan and that
Commissioner Lucki agrees to provide additional details to this
group subsequently in relation to the details. Is that fair?

PRIME MINISTER JUSTIN TRUDEAU: Fair.

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

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

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

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

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

PRIME MINISTER JUSTIN TRUDEAU: That was
consistent with everything we heard throughout the course of the
three weeks, that there were not yet concrete plans to be able
to actually do the work that Canadians were hoping to see.

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

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

MS. JESSICA BARROW: Okay.

I'd like to bring up OPP1851, please.

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

And if we could scroll down to page 2.

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

PRIME MINISTER JUSTIN TRUDEAU: (Inaudible
response)

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

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

PRIME MINISTER JUSTIN TRUDEAU: No.

MS. JESSICA BARROW: Okay.

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

MS. JESSICA BARROW: Okay.

PRIME MINISTER JUSTIN TRUDEAU: --- never seen it before.

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

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

MS. JESSICA BARROW: Okay. And you also testified that it was not a plan that you or the RCMP had confidence in. Is that correct? At least that was your understanding.

PRIME MINISTER JUSTIN TRUDEAU: If there wasn't a plan then ---

MS. JESSICA BARROW: Okay.
PRIME MINISTER JUSTIN TRUDEAU: --- we probably didn't have confidence in it.

MS. JESSICA BARROW: Fair enough. But as you can see here, there is a 73-page document, dated February 13th, that a senior member of the RCMP has signed off on.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. JESSICA BARROW: Okay.

So if we just scroll down.

As I said, we don't have time to review the entire document, but we do have the table of contents here. And so I just want to go through a few components of the parts -- or component parts of the overall plan so that you understand kind of the general scope of it.

And so if we scroll down a little bit we see there's a Deployment Plan, right, a reference to the Deployment Plan?

PRIME MINISTER JUSTIN TRUDEAU: Sorry, the entire Deployment Plan is on page 13.

MS. JESSICA BARROW: Yes. So I'm just trying to understand the scope of the plan. Since I only have 10 minutes we can't actually digest the entirety of the plan. So you can see that there is some content in relation to Deployment Plan?

PRIME MINISTER JUSTIN TRUDEAU: Sorry, is this a table of contents?

MS. JESSICA BARROW: Yes.

PRIME MINISTER JUSTIN TRUDEAU: So the entire Deployment Plan fits onto one page?

MS. JESSICA BARROW: Well, a description of the
Deployment Plan is on it.

PRIME MINISTER JUSTIN TRUDEAU: Okay.

MS. JESSICA BARROW: Okay. And then we see a reference to Investigative Plan; correct?

PRIME MINISTER JUSTIN TRUDEAU: I can't speak to whether this is a good plan or a complete plan or not, I haven't read this obviously.

MS. JESSICA BARROW: Right. And so you hadn't read it, obviously, then ---

PRIME MINISTER JUSTIN TRUDEAU: No. I rely on the inputs of the experts around me to reassure me or not that there is a capacity to move forward.

MS. JESSICA BARROW: Okay. So let's turn to page 8, and we see the Objectives listed. If you could scroll down. And it says:

"To facilitate a resolution through de-escalation, graduated measurable and multi-phased response while ensuring the safety of participants, citizen and members of participating agencies and return the City of Ottawa to a state of normality."

And so you referenced earlier in relation to the plan that from your understanding all it was was to continue the negotiations essentially that were already taking place; correct?

PRIME MINISTER JUSTIN TRUDEAU: Listen, I am
hesitant to speak to fragments, but I don't know that that
Objective 1 looks like the enforcement action that actually
happened later that week.

MS. JESSICA BARROW: Okay. Well, I can tell you
---

PRIME MINISTER JUSTIN TRUDEAU: If they talk
about a de-escalation, graduated measurable and multi-phased
response, sounds like something that would take longer than the
24 to 48 hours that the enforcement action actually took on
Friday and Saturday. But I'm no expert on this, and my lawyers
---

MS. JESSICA BARROW: Fair enough.

PRIME MINISTER JUSTIN TRUDEAU: --- are probably
glaring at me for opining on this too much.

MS. JESSICA BARROW: Fair enough. Well, I can
tell you that the experts on the plan have testified, and they
have testified that this was the plan that they were acting on
on the weekend of February 18th when they completed the POU
operation. Would you have any reason to disagree with that?

PRIME MINISTER JUSTIN TRUDEAU: I think
evaluating various testimonies is the job of the Commissioner.

MS. JESSICA BARROW: Fair enough. Okay. And I
just want to pull ---

COMMISSIONER ROULEAU: You’re pretty close --
well not pretty close. You’re over the end. So if you can try
and wrap it up, please?

MS. JESSICA BARROW: Thank you. And so to circle
back to the comments you provided in relation to the readiness
of police plans as of the 13th, I take it you would agree with me that perhaps there was a little bit more substance to the plans than you were aware of on the 13th?

PRIME MINISTER JUSTIN TRUDEAU: I’m unable to speak to that.

MS. JESSICA BARROW: Okay. And we’ve heard evidence that the Ottawa Police were required to acquire approximately 2,200 additional police officers from across the country to support this plan and to successfully complete the POU operation that occurred on the weekend of February 18th. Would you have any reason to disagree with that?

PRIME MINISTER JUSTIN TRUDEAU: I wasn’t aware -- I wasn’t following that presentation of evidence, so I can’t comment on it.

MS. JESSICA BARROW: Fair enough. And you may have heard, or not, this was the largest POU operation in Canadian history? Were you aware?

PRIME MINISTER JUSTIN TRUDEAU: That I was aware of.

MS. JESSICA BARROW: Okay. Thank you very much for your time. Those are my questions.

COMMISSIONER ROULEAU: Okay. Well thank you. This is a little early, two minutes early. We don’t normally give an hour and two minutes for lunch, but I think today we will as a special occasion.

PRIME MINISTER JUSTIN TRUDEAU: Thank you for your generosity.

COMMISSIONER ROULEAU: So we’ll come back at 2:00
THE REGISTRAR: The Commission is in recess until 2:00 o’clock. La Commission est levée jusqu'à 14h.

--- Upon recessing at 12:57 p.m.

--- Upon resuming at 2:01 p.m.

THE REGISTRAR: Order. À l’ordre.

The Commission is reconvened. La Commission reprend.

--- PRIME MINISTER JUSTIN TRUDEAU, Resumed:

COMMISSIONER ROULEAU: On est prêt? Parfait.

Le prochain groupe... the next is the Government of Alberta, please.

--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:

MS. STEPHANIE BOWES: Good afternoon, Prime Minister. My name is Stephanie Bowes. I’m counsel for the Province of Alberta.

You were asked this morning if any of the First Ministers could have said or done anything to change your mind about the Emergencies Act. And I understood your evidence to be yes, if one of them had said they had alternate tools and they thought it would end the situation, if they had figured out how to obtain towing services, and if they had convinced you that the laws in Canada were sufficient to deal with the protests. Is that a correct understanding?

PRIME MINISTER JUSTIN TRUDEAU: It would have to have been more than one of them, but yes, this was a national emergency we were facing. But if there was compelling reasons why the Emergencies Act wasn’t necessary, it certainly would
have given me pause.

**MS. STEPHANIE BOWES:** Thank you. You would agree that this is the very reason why proper and adequate consultation is so important, and in fact, required under the *Emergencies Act*?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes, that makes sense.

**MS. STEPHANIE BOWES:** Don’t you agree then that giving the First Ministers advance notice and time to prepare would have allowed the First Ministers to share with you the details and the input that you indicated to the Commission would be important to your decision making?

**PRIME MINISTER JUSTIN TRUDEAU:** Throughout the two weeks, three weekends leading up to those conversations, we had many engagements with the provinces, the officials, Ministers, and indeed there was a letter from the Province of Alberta asking for exactly that, help with tow truck resources. So they felt very strongly that the Federal Government needed to step up with extra tools and extra support so that they could get those vehicles towed from Coutts.

So there was engagement with the provinces throughout and they were -- we were certainly all talking about what would be needed to put an end to these occupations and blockades.

**MS. STEPHANIE BOWES:** And certainly there’s been a lot of evidence before this Commission about how Alberta solved the tow truck problem, so I won’t get into that, but you would agree that none of the engagement you had with the
provinces discussed, at all, the use of the Emergencies Act and whether it was necessary in the provinces?

**PRIME MINISTER JUSTIN TRUDEAU:** The consultation on the use of the Emergencies Act needed to center around what we’d actually do with the Act. If I had consulted with the Premiers early on without saying, “These are the six things we would do with the Emergencies Act, their first question would be, “Okay. You might want to do this Emergencies Act, but what are you going to do with it? What powers will you be giving yourself or the Federal government, or our officials and police services?”

So there was ongoing conversations about tools and the consultation on the Emergencies Act was done when we had a very clear list of the things we would actually be bringing in with the Emergencies Act.

**MS. STEPHANIE BOWES:** I’ll put to you that the way the First Ministers Meeting was arranged, which was a short notice invitation with no indication of the topic of discussion meant that the discussions you did have with the First Ministers could not possibly provide you with the details that you needed to consider.

**PRIME MINISTER JUSTIN TRUDEAU:** I disagree.

**MS. STEPHANIE BOWES:** In your evidence today you said that at the First Minister's Meeting, you heard Premier Kenney say there was a plan for Coutts but that you had heard that before and you were not convinced that morning that it would be put to use; is that correct?

**PRIME MINISTER JUSTIN TRUDEAU:** No, I had no
reason to doubt Premier Kenney's good will and hopes that Coutts
would be resolved soon, but I also knew that Coutts had been in
place for, at that point, three weeks. There had been an ebb
and a flow. There were moments where traffic was let through,
moments where people showed up more intensely. And it goes to
the preoccupation we had that even if, as he indicated, there
were good chances that it would be cleared in the coming
moments, there was going to be a continued challenge to hold
open that area given the current context.

MS. STEPHANIE BOWES: Minister Mendicino said at
the IRG the afternoon previous, which you were present at, that
there was going to be enforcement action at Coutts; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes, it was
something that we had been monitoring for a while. It would
turn out that the RCMP, who had intended to do enforcement
action as the provincial police force, many days if not a week
before had to suspend it because of genuine concerns around
officer safety and the presence of significant numbers of
weapons and problematic individuals in that. So it was
something we were anticipating and hoping was going to happen,
certainly hoping was going to happen peacefully, but it was
something that we had been hoping would happen for a while.

MS. STEPHANIE BOWES: Yes, certainly, because
what we saw was that the actions at Coutts changed from Public
Order policing activity into a criminal investigation. And
around 8 p.m. on the night of the 13th, Commissioner Lucki
emailed Minister Mendicino and Jody Thomas and advised them that
the RCMP had an enforcement plan ready for execution and that
they were indeed on the cusp of enforcement in Coutts, and that proved to be true; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes, it did. It was -- that was good news that it was true, yes.

MS. STEPHANIE BOWES: So then why were you doubtful when Premier Kenney told you that he believed the situation had been secured and the RCMP would now proceed with broader arrests and secure the border, when exactly what you had been told the night before about RCMP enforcement did in fact happen?

PRIME MINISTER JUSTIN TRUDEAU: We had been told throughout the process, throughout these weeks that things were about to happen. Sometimes they happened, sometimes they didn't, and not just at Coutts, but elsewhere. So there was an understanding that, inevitably, things were more difficult than -- well, reality is always more difficult than plans. It was good news that the province was able to clear. But I will also say -- or that the situation was able to be cleared in the province at that point.

I will also say that it was done in part with resources drawn from British Columbia. And one of the things that Premier Horgan attested to or said in that meeting was he understands it's a national emergency. He understands and agreed with our use of things, but he was very concerned that even as he was worried about what was happening at the Surrey border crossings, as he was worried about convoy activity in the interior and other parts of B.C., he had had to give up a number of police officers to help with enforcement in Alberta. And
while, yes, it was good news that Alberta looked like it was
going to be resolved, there was a constant challenge that -- the
whack-a-mole challenge that was brought up in other contexts,
that things kept coming back, and we had a level of concern that
even if one place was resolved, the threat environment, the
concerns we had were going to replicate themselves elsewhere.

MS. STEPHANIE BOWES: And you understood that the
police -- the extra RCMP officers that were brought into Alberta
were of course brought in under the Provincial Police Service
Agreement, not under any ---

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. STEPHANIE BOWES: --- powers created under
the Emergencies Act?

PRIME MINISTER JUSTIN TRUDEAU: No, because they
were brought in well before the Emergencies Act. But it did go
to the challenge facing being a national emergency when we see
police -- well, when we saw the police action in Ottawa at the
end of that week, it drew on police members from forces spread
across Ontario and beyond.

MS. STEPHANIE BOWES: The Emergencies Act didn't
change that though. It didn't create police ---

PRIME MINISTER JUSTIN TRUDEAU: It facilitated
that.

MS. STEPHANIE BOWES: But it didn't create police
---

PRIME MINISTER JUSTIN TRUDEAU: It facilitated.

MS. STEPHANIE BOWES: --- it didn't create police
officers; correct?
Prime Minister Justin Trudeau: No, but it highlighted that you couldn't just look at one place and say, oh, we have enough resources to fix in this one place. It was a broad challenge across the country at the same time. So Alberta being on a hopeful track at that moment was obviously good news, but it wasn't sufficient to say, oh, great, there's no more national emergency.

Ms. Stephanie Bowes: All right. I'm going to put to you the fact that you did have evidence that the laws in the provinces were sufficient to handle the blockades, and I'll give you two examples. One is that the Windsor Police along with the OPP cleared the blockade and the Ambassador Bridge was reopened before you made your decision; correct?

Prime Minister Justin Trudeau: Yes, with the caveat that they -- a lot of the people who were leaving the Ambassador Bridge were purportedly headed towards the Sarnia crossing or the Fort Erie crossing, meaning that there were still real concerns that even as we settled things in one place, the rhetoric across the country and the online activity indicated that people were not going home, but they were looking for the next thing they could engage with.

Ms. Stephanie Bowes: Right. So the police powers were able to deal with the problem; correct? They were able to clear the blockade ---

Prime Minister Justin Trudeau: In -- at that moment.

Ms. Stephanie Bowes: Yes.

Prime Minister Justin Trudeau: They were able to
clear the -- clear lanes at that moment, yes, in that spot.

MS. STEPHANIE BOWES: Okay. And of course ---

PRIME MINISTER JUSTIN TRUDEAU: But there was a
real concern there would be more.

MS. STEPHANIE BOWES: Right. The other example -

PRIME MINISTER JUSTIN TRUDEAU: Or they would return.

MS. STEPHANIE BOWES: --- the other example is
Coutts where the RCMP were able to safely conduct a criminal
investigation, execute search warrants and make arrests;
correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. STEPHANIE BOWES: And that protesters in
Coutts indicated to RCMP that they wanted to leave the protest
because they didn't want to be associated with the criminal
elements uncovered; correct?

PRIME MINISTER JUSTIN TRUDEAU: I can't speak to
what their intent was.

MS. STEPHANIE BOWES: Okay. We've heard evidence
in this Commission, so the Commission knows what one of the
protesters did indicate intent was.

Now these are, in fact, the type of decreases in
troublesome protest activity that you had been hoping to see in
the weeks prior; weren't they?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. STEPHANIE BOWES: And definitely examples of
how existing legal tools and police powers were effective at
dealing with the legal portions of protests; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. STEPHANIE BOWES: All right.

COMMISSIONER ROULEAU: You're out of your time so

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MS. STEPHANIE BOWES: And that's okay. I think I
will end there. Thank you very much, Prime Minister, for
answering my questions today.

PRIME MINISTER JUSTIN TRUDEAU: Thank you.

COMMISSIONER ROULEAU: Thank you. Next is the
Convoy Organizers, please.

--- CROSS-EXAMINATION BY MS. EVA CHIPHIUK:

MS. EVA CHIPHIUK: Bonjour, Mr. Prime Minister.

My name is Eva Chipiuk. I'm one of the lawyers representing
Freedom Corp. and the protesters who were here in Ottawa in
January and February of 2022.

I want to first talk to you about the events that
led up to the invocation of the Emergencies Act. You would
agree with me that the Emergencies Act was invoked on
Valentine's Day, Monday, February 14th; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EVA CHIPHIUK: And you are aware that this
Commission has received evidence from the police and other
witnesses that on Monday, February 14th, the Ambassador Bridge
was reopened as was Coutts, all the borders were reopened;
correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes, and there
was concern that more locations were going to be closed. Coutts
MS. EVA CHIPIUK: Okay. Well, we'll review the record for that.

On the Sunday night, February 13th, there was an IRG meeting, and you were there, and in fact, you were the Chair of that meeting; is that correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. EVA CHIPIUK: And at the IRG meeting, you were advised that there were breakthrough -- there was a breakthrough agreement between the Mayor of Ottawa and the convoy organizers to move trucks out of the downtown residential areas; isn't that correct?

PRIME MINISTER JUSTIN TRUDEAU: That is not how I remember it, no.

MS. EVA CHIPIUK: Okay. Well, I can advise you that at the inquiry it was confirmed by the documents your officials filed here, and by witnesses; namely Jody Thomas, she confirmed that at that IRG meeting you were briefed that there was an agreement with the Mayor. Does that ---

PRIME MINISTER JUSTIN TRUDEAU: An agreement ---

MS. EVA CHIPIUK: --- do you recall that?

PRIME MINISTER JUSTIN TRUDEAU: --- with whom?

MS. EVA CHIPIUK: And ---

PRIME MINISTER JUSTIN TRUDEAU: With the Mayor and whom?

MS. EVA CHIPIUK: Some of the convoy organizers.

PRIME MINISTER JUSTIN TRUDEAU: Which ones?

MS. EVA CHIPIUK: Well, Tamara Lich, who’s
present here in this room, signed a letter. It was made
publicly available on the news on Sunday, February 13th, and you
were advised of that agreement at the IRG meeting.

PRIME MINISTER JUSTIN TRUDEAU: And we were also
advised that that agreement wasn’t holding and that many of the
convoy had decried it as fake news and not actually an agreement
that they would abide by.

MS. EVA CHIPIUK: And you learned that on
Twitter; is that correct?

PRIME MINISTER JUSTIN TRUDEAU: No, we learnt
that at the IRG meeting.

MS. EVA CHIPIUK: By whom?

PRIME MINISTER JUSTIN TRUDEAU: By our collected
officials.

MS. EVA CHIPIUK: Thanks.

And now you should be aware that this Commission
has also received evidence from City officials and others, that
the next day on Monday the 14th, over 100 protest vehicles had
moved out of the downtown residential areas under the Mayor’s
agreement, prior to your 4:30 p.m. announcement invoking the
Emergencies Act, is that right?

PRIME MINISTER JUSTIN TRUDEAU: I can’t speak to
that, but I’m sure others have, or will.

MS. EVA CHIPIUK: They have. And you are aware
of the evidence before this Commission from police officials and
others who testified, that the efforts by the truckers to
further vacate the downtown residential areas under the Mayor’s
deal were blocked by the police on both Tuesday and Wednesday,
February 15\textsuperscript{th} and 16\textsuperscript{th}; are you aware of that?

PRIME MINISTER JUSTIN TRUDEAU: No, I am not. My understanding was the police were allowing anyone who wanted to leave, to leave.

MS. EVA CHIPIUK: Okay. Would you agree with me that it would have been a far better outcome if you and your colleagues would’ve allowed the de-escalation agreement with the Mayor to be completed, and there would have been no need to invoke the extraordinary powers of the Emergencies Act, including the significant and violent police actions, and freezing Canadians’ bank accounts?

MR. BRIAN GOVER: If I could interrupt, Commissioner? It’s Brian Gover on behalf of the Government of Canada.

The agreement was to move the protesters to Wellington. My friend is misstating the evidence, in my submission.

MS. EVA CHIPIUK: I could provide some clarity.

COMMISSIONER ROULEAU: Okay, go ahead.

MS. EVA CHIPIUK: It’s very well known in the agreement with the Mayor, that it was to remove vehicles from the downtown residential areas, and yes, Mr. Gover, thank you, to move to Wellington. But out of residential areas, apart from Wellington, so thank you.

Can you now -- are you able to answer the question?

PRIME MINISTER JUSTIN TRUDEAU: I believe the answer was no, but you can repeat the question if you like.
MS. EVA CHIPIUK: Sure. If you had allowed the
dee-escalation agreement; in other words, moving trucks outside,
and other protest vehicles outside of the downtown area, there
would be no need to invoke the Emergency Act.

MR. BRIAN GOVER: Mr. Commissioner, I object
again, because characterizing this as a de-escalation agreement,
in my submission, is a misnomer. This was a -- an agreement
that didn’t hold, but it was to move vehicles from residential
areas to Wellington Street.

COMMISSIONER ROULEAU: Well, I’ll let the
question stand. I think it’s a question of interpretation.
Go ahead.

PRIME MINISTER JUSTIN TRUDEAU: So no, I don’t
agree.

MS. EVA CHIPIUK: Thank you.

Your officials have testified that they are --
that they were following the convoy as it began moving from
regions of Canada towards Ottawa. And you are aware that
thousands of Canadians lined the highways and overpasses to
cheer the truckers. Is that right?

PRIME MINISTER JUSTIN TRUDEAU: I can’t speak to
the number, but yes ---

MS. EVA CHIPIUK: Thank you.

PRIME MINISTER JUSTIN TRUDEAU: --- there was --
there were many supporters, yes.

MS. EVA CHIPIUK: Mr. Prime Minister, I would
like to read to you an excerpt from three of the many statements
that Canadians prepared for this Commission, Canadians who
supported the convoy and explained why.

And I would like -- I would ask the Registrar to bring up document ID HRF00001660. If you could turn to page 274, please?

And while that comes up I’ll just start reading the statement; 274.

Elizabeth Clappik (phonetic) provided a statement about how the government’s COVID mandates and lockdowns disrupted -- disrupted her life. Starting at paragraph 3, she said:

“The truckers and the Canadians who lined the roads, overpasses, and highways restored the hope that I had almost lost. These patriotic Canadians told me that I am not alone; that I matter. I will never forget the hope and pride I felt watching these amazing truckers driving along Canadian highways, crowded with patriotic flag -- of Canadians flying patriotic -- Canadians flying their flags and holding their signs of support. I will never forget the tears I shed as I regained that almost lost hope; that love for my home and native land, that love for my fellow Canadians.” (As read)

At page 235, Ottawa resident Karen Hannah (phonetic), who obtained a Sociology degree from Ottawa...
University, starting at paragraphs 5, stated:

“For months the leader of our country
publicly shamed people like me and my
husband. Our own family members turned
on us, blamed us, and it -- some even
told us we don’t deserve healthcare.”
(As read)

Paragraph 17:

“One of my most emotional moments was
dancing on Rideau Street beside a local
man. He had tears streaming down his
face. All he wanted was a hug. It was
very overpowering for him. I met a
girl, 22 years old, who just hopped in
her car from Winnipeg and just kept
driving; she stayed the entire time. I
met people who were like family to me,
people who gave up everything to come
to Ottawa for justice and an
explanation.” (As read)

At page 116. Here’s one of many, many concerned
parents and spouses. Sam Crozier (phonetic) at paragraph 8
says:

“I am not asking for help; I am begging
you to please listen. Hear my heart,
feel my pain, and help work towards the
true North strong and free that we were
promised. My husband, an army veteran
who now has PTSD, and not from anything he has seen or done in the Forces but from what our own government has done. Our government has destroyed my life. I, a once optimistic, full-of-life person, find myself struggling to stay above water now. I struggle to find joy in anything, and daily fear a new announcement being made that will further punish us. I have written the same email to every Member of Parliament daily, and been ignored by a large collection of the people meant to be our leaders, meant to be listening to us.” (As read)

Mr. Prime Minister, you have now heard the statements from some of the many concerned Canadians who felt compelled to support the protesters. Do you now understand the reason so many Canadians came to Ottawa with such resolve in the midst of a harsh, cold Canadian winter because of the harms caused by your government COVID mandates and they wanted to be heard?

PRIME MINISTER JUSTIN TRUDEAU: I am moved, and I was moved as I heard these testimonies, as I saw the depth of hurt and anxiety with the present and the future expressed by so many people.

The COVID pandemic was unbelievably difficult on all Canadians. And my job throughout this pandemic, was to keep...
Canadians safe. And the way that I chose to do that was to lean on Public Health officials, lean on experts and science on the best way to keep Canadians safe. And because Canadians got vaccinated to over 80 percent, we had fewer deaths in Canada than places that didn’t reach that.

And every heartbreaking story I hear of a family who sat beside the bed of a loved one dying because they had believed that the vaccines were more dangerous than the disease, I take personally, because I wish I could have done more ---

MS. EVA CHIPIUK: And I don't mean ---

PRIME MINISTER JUSTIN TRUDEAU: --- to convince people ---

MS. EVA CHIPIUK: --- to cut you off.

PRIME MINISTER JUSTIN TRUDEAU: --- to get vaccinated.

MS. EVA CHIPIUK: --- but I only have 10 minutes.

So thank you, that was helpful.

Mr. ---

COMMISSIONER ROULEAU: Just to interrupt you, you're going to have to shorten it because you're already over your time.

MS. EVA CHIPIUK: Okay, thank you.

A number of people have testified in this Inquiry referencing your widely-published comments and calling the unvaccinated racists and misogynists. And we have heard testimony in this Inquiry about how some of your officials wanted to label protesters as terrorists.

Would you agree with me that one of the most
important roles of a Prime Minister is to unite Canadians and not divide them by engaging in name-calling?

PRIME MINISTER JUSTIN TRUDEAU: I did not call people who were unvaccinated names. I highlighted, there is a difference between people who are hesitant to get vaccinated for any range of reasons, and people who deliberately spread mis-information that puts at risk the life and health of their fellow Canadians.

MS. EVA CHIPUIK: Okay. Well ---

PRIME MINISTER JUSTIN TRUDEAU: And my focus every step of the way, and the primary responsibility of a Prime Minister is to keep Canadians safe and alive.

MS. EVA CHIPUIK: Right. So in terms of safety, when you met with -- I'll reframe. Minister Blair; Public Safety Minister, Minister Mendicino; National Security Intelligence Advisor Jody Thomas; and RCMP Commissioner Brenda Lucki; and today, you, testified that the Federal Government was committed to exhausting all alternatives to a resolution prior to making a decision to invoke the extraordinary powers of the Emergencies Act.

Do you agree that that accurately describes your Government's position?

PRIME MINISTER JUSTIN TRUDEAU: The invocation of the Emergencies Act was a measure of last resort, was not something to be taken lightly ---

MS. EVA CHIPUIK: Thank you.

PRIME MINISTER JUSTIN TRUDEAU: --- it's something to do when other options were not effective.
MS. EVA CHIPUK: And you are aware that the OPP, along with others, developed an engagement proposal, and you were advised of that proposal at the IRG meeting on February 12th; correct?

PRIME MINISTER JUSTIN TRUDEAU: It was a proposal, but we had -- and it was presented to us. We had more questions about how it would actually work. There -- it was not a complete proposal.

MS. EVA CHIPUK: My last question, Mr. Prime Minister. When did you and your Government start to become so afraid of your own citizens?

MR. BRIAN GOVER: That's a very unfair ---

PRIME MINISTER JUSTIN TRUDEAU: I am not, and we are not.

MS. EVA CHIPUK: Those are my questions.

COMMISSIONER ROULEAU: Thank you.

If there's any more trouble that side of the room is going to be expelled. Is that clear enough?

Next, I'll call on the City of Ottawa, please.

--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

MS. ALYSSA TOMKINS: Good afternoon, Prime Minister. My name's Alyssa Tomkins. I am counsel for the City of Ottawa.

I just wanted to take you to a couple of statements on your witness summary to start.

So if we could bring that up. It's WTS00000084, please, Mr. Clerk, and we'll be going to page 4. And just if we can scroll down to where we're talking about Challenges in
Ottawa.

So the first point you make is that:
"...the lesson learned was not to let
the trucks park because that makes it
more difficult to remove them."

And you:
"...noted that decision-makers in
Toronto and Quebec City heeded this
lesson."

Prime Minister, are you aware that since that
time, the City of Ottawa, in preparation for two events, has
indeed closed roads? So the City has learned that lesson as
well. You'll agree?

PRIME MINISTER JUSTIN TRUDEAU: Excellent.

MS. ALYSSA TOMKINS: Okay. The second, about
their resources, you state:
"...that there appeared to be a
breakdown of communication between OPS
and the City..."

And you stated:
"It was unclear, for instance, whether
the Mayor's request for additional
police officers was made with the
support of the OPS or the Ottawa Police
Services Board."

Now, are you talking about the letter that you
received from Mayor Watson?

PRIME MINISTER JUSTIN TRUDEAU: I'm talking about
the fact that we were regularly briefed throughout that there
were different requests coming from the police, then from the
Mayor, then from other elements within Ottawa's orbit.

MS. ALYSSA TOMKINS: Okay. Well, I'm a bit short
on time, but I'll put to you that the letter you received from
the Mayor was co-signed by the Chair of the Ottawa Police
Services Board. So by the time the letter came, it was clear it
was from the OPSB as well; correct?

PRIME MINISTER JUSTIN TRUDEAU: Perhaps.

MS. ALYSSA TOMKINS: Well, I can bring it up.

PRIME MINISTER JUSTIN TRUDEAU: Okay.

MS. ALYSSA TOMKINS: I don't know that it serves
us. I'll put to the record, and given my short time we'll deal
with it after.

And in terms of OPS, also, by that point -- well, why don't we go to the readout of the call. So the letter came,
just to situate you, the letter came February 7th and the next
day, on February 8th, you had a call with Mayor Watson. Do you
remember that?

PRIME MINISTER JUSTIN TRUDEAU: Yes, I do.

MS. ALYSSA TOMKINS: But we'll bring up the
readout.

So it's SSM.CAN.NSC.00002837.

Okay. And -- so there's nothing in here...

Let's scroll down to page 2.

...that if we go through it, there's no concern
expressed by you during this call that there's any uncertainty
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 -- well -- 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
that?"

I think that was me expressing that there were different messages coming out of the policing side versus the Mayor's side.

**MS. ALYSSA TOMKINS:** Yeah, and he responds about the police solution issue. So ---

**PRIME MINISTER JUSTIN TRUDEAU:** Yes, but just to your suggestion that we didn't talk about the differences between those, I actually did talk about the differences between what different groups were saying.

**MS. ALYSSA TOMKINS:** Okay. Well, we can debate the particularities of that point. This is the day after you received the letter, co-signed by the OPSB, and there's nothing on this call saying that there is concern that the OPS didn't provide that number.

**PRIME MINISTER JUSTIN TRUDEAU:**

"There are moments where you are saying one thing and [the police are] saying another, is there anywhere we can help around that?"

**MS. ALYSSA TOMKINS:** Right. And we'll see the Mayor responds:

"...one thing...was when he said it's not a police solution, but it is a police solution."

So that's what the Mayor understood you to be expressing a concern about.

And if we scroll down.
Then we get to a discussion about Mr. Ford. And that's actually where I wanted to get to.

COMMISSIONER ROULEAU: So you took a lot of time. You're out of time, so please get to the point quickly.

MS. ALYSSA TOMKINS: Yeah.

So if we keep going, and -- oh, there we are. So you express that:

"...the federal government will be there with the resources."

And there's something about conflating. And I think you testified earlier about the source of the mandates, but you say:

"...Doug Ford has been hiding from his responsibilities on it for political highlights as you highlighted, and important that we don't let them get away from that, and we intend to support on that."

And the Mayor says:

"If they keep dragging their feet, I'm happy to call them out. It'd be nice if we have something firmed up from the federal government to shame them. Ford didn't even make an effort to come and see what's going on."

So part of the reason that -- you’ll agree that part of the reason the Mayor was reaching out to the federal government directly was to give him additional ammunition to put
pressure on the province; correct?

PRIME MINISTER JUSTIN TRUDEAU: I can’t speak to
the Mayor’s intentions in reaching out to me. I know that I
reached out to the Mayor to talk about the situation in Ottawa
and to express that I had expressed to the Commissioner of the
RCMP and others that we should be providing whatever resources
can help the City of Ottawa.

MS. ALYSSA TOMKINS: And all I’m saying is that
when the Mayor went to both the province and the feds, he’s
explaining to you here that one of the reasons he’s doing that
because he’s also reached out to Ford, is that he’s hoping
you’ll give him something so that he can also push on Ford. So
he knows he has to go to the province, too.

PRIME MINISTER JUSTIN TRUDEAU: Yeah, but we
don’t -- we don’t provide police officers in order to shame or
make political points. We’re providing police officers to be
useful on the ground and to be able to deliver things. So maybe
there are political points to be scored or made, but our focus
every step was what could we do to help deliver the resources
that Ottawa obviously needed in order to move forward on dealing
with this occupation.

MS. ALYSSA TOMKINS: But you’ll agree that the
Mayor was frustrated, as were you, that the province was not
providing the resources they needed on an expedited basis.

PRIME MINISTER JUSTIN TRUDEAU: As I believe I
tested, my understanding was that the OPP was engaged but it
was at the political level that there wasn’t as much engagement
at that particular point. As we know, as time went by, the
province got very much activated and engaged and, indeed, I had call with Premier Ford the very next day in which he showed his engagement.

**MS. ALYSSA TOMKINS:** All right. Thank you very much, Prime Minister. I appreciate you answering my questions.

**COMMISSIONER ROULEAU:** Okay. Next is the Ottawa Coalition, please.

--- **CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:**

**MS. CHRISTINE JOHNSON:** Good afternoon, Mr. Prime Minister. My name’s Christine Johnson. I’m counsel for the Ottawa Coalition of Residents and Businesses.

I want to use my time with you today, Prime Minister, to unpack the evidence that you’ve provided that, in your mind, this demonstration in Ottawa was not a peaceful protest.

So you’ve already told us, I believe in response to some questions from my friend with the Commission and my friend with the CTLA, that you obviously believe that protest is a very important part of a functioning democracy. You also acknowledged, and I think most people in Ottawa would agree, that peaceful protests may sometimes cause inconvenience for people and may also sometimes cause temporary interference with critical infrastructure, even.

But during the convoy demonstrations in Ottawa, you’d agree that we weren’t seeing mere acts of civil disobedience or temporary interference with critical infrastructure. We were seeing unlawful conduct that significantly interfered with the community’s ability to live
and exist.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. CHRISTINE JOHNSON: Thank you.

And it’s your view that as early as the first weekend of the demonstration in Ottawa some convoy participants were engaged in serious illegal activity by blocking and occupying city streets, defacing public property and harassing residents.

PRIME MINISTER JUSTIN TRUDEAU: Yes, was evidenced by my call with Yasir Naqvi, who highlighted a number of those things and a few more.

MS. CHRISTINE JOHNSON: And from that first weekend onwards, this became even worse and more concerning to you.

PRIME MINISTER JUSTIN TRUDEAU: Yes, reports of people being harassed for wearing masks, the constant noise, the people not feeling safe in their own streets. There were many examples of that.

MS. CHRISTINE JOHNSON: And you mentioned to us this morning that you grew concerned in particular over counter-protests rising up.

Were you aware in particular of the counter-protest that has now been coined as the battle of Billings Bridge on February 13th?

PRIME MINISTER JUSTIN TRUDEAU: That was, I believe -- remind me. I believe that was where a number of residents prevented trucks from getting to the downtown core.

MS. CHRISTINE JOHNSON: That’s correct.
And is it fair to say that this counter-protest was actually quite successful in getting some trucks to leave very peacefully?

PRIME MINISTER JUSTIN TRUDEAU: It’s possible that it achieved those, but having civilians having to do things that would be more appropriate for trained police officers to be doing, I think we can both agree is not an ideal situation.

MS. CHRISTINE JOHNSON: Right. And so was the government worried that, given the success, even, of this counter-protest they might become more frequent if there was no government action and you were worried that that was what might ultimately lead to a violent conflict?

PRIME MINISTER JUSTIN TRUDEAU: Yes. When I talked about threats of serious violence, the increase of counter-protests and citizens taking issues into their own hands increases the possibility of conflict and violence.

MS. CHRISTINE JOHNSON: Right. And we’ve seen one document that I want to ask you about. I won’t pull it up. But a CSIS report that we’ve been taken to a number of times in this inquiry that described the situation in downtown Ottawa. And CSIS communicated downtown Ottawa, “Mood was actually quite festive, not threatening to passers-by”.

I take it this was not your assessment based on what you were seeing and hearing for yourself.

PRIME MINISTER JUSTIN TRUDEAU: I think there were moments of festiveness and collegiality amongst people who were there. At the same time, CSIS also reported to me and to Cabinet that there were IMVE purveyors of extremist ideology
within the protest. And one of the concerns was people could be
inspired or convinced or amplified in their behaviours to
actually lash out and take actions in ways that were threats to
public safety.

**MS. CHRISTINE JOHNSON:** And in addition to that, you were hearing, in fact, that many Ottawa residents, business owners and workers didn’t find -- did, in fact, find the convoy quite threatening. So to those passers-by, at least, there was threatening behaviour.

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MS. CHRISTINE JOHNSON:** And you -- in your witness statement, you also suggest that, in your mind, this is not a peaceful protest because of the threat of violence that existed towards law enforcement when they were trying to manage the demonstration.

**PRIME MINISTER JUSTIN TRUDEAU:** I think a protest in which law enforcement are prevented from being able to do their jobs because of threats of violence to themselves cease to be a -- ceases to be a legal or peaceful protest.

**MS. CHRISTINE JOHNSON:** And my last question for you following from that, is that when the government was ultimately considering the evocation of the *Emergencies Act*, CSIS advised Cabinet that invoking the Act could further inflame extreme anti-government rhetoric and even incite violence.

To your mind, hearing that assessment, does that not, in and of itself, confirm to you the threat of serious violence that was ever-present amongst these demonstrations?

**PRIME MINISTER JUSTIN TRUDEAU:** Yeah. If
someone’s telling me, “Oh, you know, you should be careful about actually enforcing the law because that might make people more violent”, that’s not necessarily a good argument as to why we should sort of let it slide or not intervene when people are emboldened or digging in to their illegal behaviours and that enforcement of public order is actually a threat.

And this is actually something that Jason Kenney brought up at the FMM, highlighting that these are not rational actors. There were conspiracy theories and he was concerned, as we were, that the invocation of the Emergencies Act could have people who are irrational over-react, but at the same time, we had to balance that risk against the risk that people who were already starting to get fed up and engage in counter-protests would start taking more and more into their own hands, which was a greater risk, I think.

MS. CHRISTINE JOHNSON: Thank you very much, Prime Minister. Those are all my questions for you.

PRIME MINISTER JUSTIN TRUDEAU: Thank you.

COMMISSIONER ROULEAU: Next I’d like to call on the Ontario Provincial Police, please.

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

MR. CHRISTOPHER DIANA: Good afternoon, Mr. Prime Minister. Chris Diana, counsel for the OPP. Just bear with me for a moment while I set my timer.

All right. Perhaps, Mr. Clerk, if we can start by bringing up document SSM.NS.CAN0000625.

And while this document is coming up, Prime Minister, it’s the transcript of your call with the Premiers to
situate you in time and place, which I believe was February 14th
in the morning. Is that correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. CHRISTOPHER DIANA: All right. If we could
turn to page 6, please? Scroll down a little bit. Where it
says “PM” on the second line down.

I’m just going to read it out. It says:

“On a personal note, everything I’ve heard
[about] RCMP and OPP have been excellent.
OPP commissioner regarded very highly by
federal officials. Windsor operation was
outstanding. Will continue to
collaborate.”

So I take it that that’s what you were hearing
from your senior officials? That the OPP had been very
effective to date?

PRIME MINISTER JUSTIN TRUDEAU: Yes. And I would
have mentioned -- you’re always looking for positive things to
say in these FMMs, where sometimes there are contentious issues.
But that would have been the understanding I had of the past
previous days. It may not have held from the very beginning of
the protest, I won’t speak to that, but at that moment, yes,
that’s what I was hearing from officials.

MR. CHRISTOPHER DIANA: And that would have been
in accordance with your own personal views over what you had
seen in recent days happening in Ontario in any event; right?

PRIME MINISTER JUSTIN TRUDEAU: Yes, that there
were -- that there was progress, yes.
MR. CHRISTOPHER DIANA: And I take it that your government had full confidence in the OPP to discharge its policing responsibilities within the Province of Ontario?

PRIME MINISTER JUSTIN TRUDEAU: It is not up to the Federal Government to determine who is policing. So it’s not up to us to have confidence in the OPP to execute provincial responsibilities.

MR. CHRISTOPHER DIANA: No, but my point is, you -- and this is not a call where the media was on, this was you were talking to the Premiers, and you, without prompting, brought up the OPP and the OPP Commissioner. So I take it that your government was satisfied with what it had seen at the time of that call with the OPP?

PRIME MINISTER JUSTIN TRUDEAU: I was prompted, because the Premier was talking of the OPP before. So it wasn’t entirely unprompted. But I was happy to say yes. I’m not trying to argue about it. Yes. Things seemed to be working well at that point.

MR. CHRISTOPHER DIANA: Right. And because by that point, and we’ve established earlier in your evidence that the Ambassador Bridge had been fully opened to traffic; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. CHRISTOPHER DIANA: And that was an OPP-led enforcement?

PRIME MINISTER JUSTIN TRUDEAU: If you say so.

MR. CHRISTOPHER DIANA: We also know at that point, I think you testified that you were aware that the OPP had sent subject matter experts to lead the integrated planning...
team in Ottawa?

PRIME MINISTER JUSTIN TRUDEAU: Yes, I knew that they had sent experts to support in Ottawa.

MR. CHRISTOPHER DIANA: Right. And they were working with other police services, but you may have heard some of the evidence of Carson Pardy who was leading the exercise from the OPP; correct?

PRIME MINISTER JUSTIN TRUDEAU: I hadn’t, but I’m sure that’s true.

MR. CHRISTOPHER DIANA: And you also mentioned some other areas of difficulty in Ontario. You mentioned the Bluewater Bridge, you mentioned Fort Erie. Those were the other areas the OPP was actively engaged in; correct?

PRIME MINISTER JUSTIN TRUDEAU: I assume, yes.

MR. CHRISTOPHER DIANA: And to your knowledge, there were never -- there was never an occupation or a blocking of either of those crossings?

PRIME MINISTER JUSTIN TRUDEAU: I believe there were slow rolls headed towards one or both of them at one point. There was chatter about people moving from the Ambassador Bridge to one or to the others, but I don’t believe those -- I’m quite sure that those blockades never actually fully materialized.

MR. CHRISTOPHER DIANA: Right. And the OPP were actively engaged in those movements; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes, both before and after the invocation of the Emergencies Act.

MR. CHRISTOPHER DIANA: Right. Now in that context, where the OPP is active across the Province of Ontario,
you would agree that OPP Commissioner Carrique could have
provided valuable input on what tools might be useful under the
Emergencies Act?

PRIME MINISTER JUSTIN TRUDEAU: I’m fairly
certain that the OPP did provide inputs. We, as a Federal
Cabinet, got our inputs through the RCMP, but part of the RCMP’s
role was to inform us on suggestions and requirements by all
other police organizations as well.

MR. CHRISTOPHER DIANA: No, and fair enough. And
you may not have heard the evidence. Both Deputy Minister
Stewart and Commissioner Lucki thought that the OPP had been
consulted, but in fact, they had not been. And I guess what I’m
putting to you is the notion that if we’re dealing with a
question of either necessary or useful tools, if a protest is
happening in Ontario, it would be a good idea to seek some input
from the OPP; correct?

PRIME MINISTER JUSTIN TRUDEAU: It would not be
up to me to call the OPP. It would not be up to necessarily
even a Federal Minister to do it. Our expectation, my
expectation certainly would have been that it would be for the
RCMP to work with their fellow police organizations on
coordination, and I would have assumed that that was done.

MR. CHRISTOPHER DIANA: And that can be done
quickly from Commissioner to Commissioner; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. CHRISTOPHER DIANA: And for purposes of
transparency -- and Commissioner, I understand I’ve hit my five-
minute mark, this is my last question.
For purposes of transparency, we know that there is a consultation record, as we’ve seen here, when you talk with the Premiers, that there should also be a written record of consultation with law enforcement so that for accountability purposes, when we go back and take a look at the circumstances in terms of the tools, that there’s no ambiguity about what was needed or what tools might be useful. Would you agree with that suggestion?

PRIME MINISTER JUSTIN TRUDEAU: I know the Commission will be reflecting on suggestions on how to move forward in future emergencies.

MR. CHRISTOPHER DIANA: So you would agree with my suggestion then; correct?

PRIME MINISTER JUSTIN TRUDEAU: It’s not up to me to agree with what needs to happen in the future.

MR. CHRISTOPHER DIANA: You wouldn’t disagree then?

PRIME MINISTER JUSTIN TRUDEAU: I think more consultation is good, but understanding that in an emergency, one needs to move quickly.

MR. CHRISTOPHER DIANA: Thank you, Mr. Prime Minister.

COMMISSIONER ROULEAU: Okay. Thank you. The next is former Chief Sloly’s counsel, please.

--- CROSS-EXAMINATION BY MS. REBECCA JONES:

MS. REBECCA JONES: Mr. Prime Minister, I’m Rebecca Jones. Counsel for former Chief Sloly. And you’ve testified today about the situation
facing the country and the City of Ottawa in particular when the
Emergencies Act was invoked; right? And this included threats
of violence, trucks with weapons in Coutts, trucks with unknown
contents in Ottawa, and children in Ottawa at the site of the
occupation; right?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. REBECCA JONES: And Chief Sloly described the
situation in Ottawa as a tinder box. And I take it you’d agree
with that?

PRIME MINISTER JUSTIN TRUDEAU: Yes. That was
one of our concerns, that it could get worse very quickly.

MS. REBECCA JONES: Right. There was always a
risk of escalation?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. REBECCA JONES: And you testified that it is
the responsibility of the Prime Minister to make tough calls and
keep people safe; right?

PRIME MINISTER JUSTIN TRUDEAU: Yes. And others
as well. But yes, that is one of the roles of the Prime
Minister.

MS. REBECCA JONES: It’s not your only
responsibility. I take it that is the role of a police chief?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. REBECCA JONES: And the Prime Minister and
the Police Chief don’t take steps just because people are
demanding them; right?

PRIME MINISTER JUSTIN TRUDEAU: We certainly need
to take into account the perspective and concerns and
expectations of citizens. That’s an important input into leadership. But ultimately we have to -- getting the decision right is more important than making the popular decision.

MS. REBECCA JONES: Right. And you testified that as of the date of the Emergencies Act, the fact that there had not yet been any serious violence was obviously a good thing, but that you couldn’t say there was no threat of that; right?

PRIME MINISTER JUSTIN TRUDEAU: Indeed.

MS. REBECCA JONES: And I’m going to suggest that the fact that there had been no serious violence was not only a good thing, but it was a credit to municipal police forces, all police forces, Chief Sloly, and all of his policing partners?

PRIME MINISTER JUSTIN TRUDEAU: Yes. And a credit to residents, and a credit to people who were there on the ground. There was no violence. It would have taken one person on any side to create situations of violence. So we are -- it is fortunate that there was no violence, no significant violence at that point, ---

MS. REBECCA JONES: Right.

PRIME MINISTER JUSTIN TRUDEAU: --- or at any point.

MS. REBECCA JONES: And it is to the credit of the police, among others, that there was no serious violence; right?

PRIME MINISTER JUSTIN TRUDEAU: I’m not positioned to evaluate how much what the police did or didn’t do in Ottawa was directly responsible for the lack of violence.
MS. REBECCA JONES: Okay. Now, in 2021, then Chief Sloly was invited to the Prime Minister’s listening circle to speak about policing reforms. You remember that?

PRIME MINISTER JUSTIN TRUDEAU: I do.

MS. REBECCA JONES: And, Mr. Prime Minister, you thanked him for his presentation and you thanked him for his leadership in leading police reform in Canada; right?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. REBECCA JONES: And I take it you agree that it’s important to have voices like Peter Sloly’s at the table in Canadian policing?

PRIME MINISTER JUSTIN TRUDEAU: You mean diverse Canadians in positions of power?

MS. REBECCA JONES: Yes.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. REBECCA JONES: Okay. And the convoy related events across Canada in late January and February of this year, I’ll take it you’ll agree with me, they were a trauma for the nation?

PRIME MINISTER JUSTIN TRUDEAU: They were certainly a very challenging time and many Canadians experienced them as trauma. Yes.

MS. REBECCA JONES: Right. And this trauma landed more heavily on the shoulders of certain individuals, like Chief Sloly and his family, than on others? Is that fair?

PRIME MINISTER JUSTIN TRUDEAU: I think there was a lot of trauma to go around on all sides.

MS. REBECCA JONES: Okay. Now I want to return...
in the time I have left to the issue of the readiness of the
operational plan as of February 13th, and you've been candid in
acknowledging that you didn't read the operational plan on
February 13th, which of course makes sense.

PRIME MINISTER JUSTIN TRUDEAU: That I wasn't
given the operational plan.

MS. REBECCA JONES: And nor would you expect to
be.

PRIME MINISTER JUSTIN TRUDEAU: That's right.

MS. REBECCA JONES: Okay. And you can't comment
on whether or not it was a good or complete plan you testified?

PRIME MINISTER JUSTIN TRUDEAU: I can't comment
from personal knowledge, but my understanding, both at the time
and subsequently from people who are aware of the plan, was that
it was not a complete plan.

MS. REBECCA JONES: Okay. So we're going to have
to put aside subsequently. It was the plan that cleared the
occupation in Ottawa is the evidence here, but at the time ---

PRIME MINISTER JUSTIN TRUDEAU: Sorry, that was
the plan of the 17th that cleared there the occupation, not the
plan of the 13th.

MS. REBECCA JONES: Well, we'll put that aside.
We will disagree on that issue, Mr. Prime Minister, but what I
believe you're saying is that, at the time, on February 13th or
as of February 13th, that was your view, based on what you were
being told, I take it, by the Commissioner of the RCMP?

PRIME MINISTER JUSTIN TRUDEAU: Sorry, what was
my view, that the plan was ---
MS. REBECCA JONES: The plan wasn't ready.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. REBECCA JONES: Okay.

PRIME MINISTER JUSTIN TRUDEAU: That was my view.

MS. REBECCA JONES: And I just want to take you, please, to TRN23, page 69, please.

And, Mr. Prime Minister, this is the testimony of Commissioner Lucki before this inquiry. I believe it may be page 69 in the PDF. There we are.

And so if you start scrolling down, you'll see that Commission Counsel is asking about the status of the plan -- and please, of course, take your time to read it -- as of February 13th.

And you will see that Commissioner Lucki confirms, "Yes, that was when it was completed." And that would be on February 13th. And then Commission Counsel says,

"And we've heard some evidence about this from other police agencies, but essentially, that it was a team effort. The RCMP was there, the OPP and the OPS." (As read)

Correct? And Commissioner Lucki says yes. And Commission Counsel says,

"And I understand it. You in particular, Commissioner Lucki, and perhaps the rest of your team who looked at it were generally satisfied with the plan as an operational plan to
deal with the situation in Ottawa."

(As read)

And Commissioner Lucki says,

"Yes, both myself and Commissioner Carrique were briefed on the plan the Friday before that. Like, I think it was around February 11th we got the actual briefing from the planners on the plan and, yeah, yes, we were satisfied with the plan." (As read)

Okay. So I put that to you, Mr. Prime Minister, to suggest that what happened here was that you were not briefed by Commissioner Lucki on the 13th as to her satisfaction and the RCMP's satisfaction on the integrated plan to clear Ottawa?

PRIME MINISTER JUSTIN TRUDEAU: I can only speak to what I both knew then and what I know now. What I knew then was what I was -- what my understanding was then was that there was not a complete plan or a workable or operational plan to clear Ottawa at that point --

MS. REBECCA JONES: Okay.

PRIME MINISTER JUSTIN TRUDEAU: --- and I now know that indeed there was not a plan on that weekend ---

MS. REBECCA JONES: Mr. Prime Minister, it's ---

PRIME MINISTER JUSTIN TRUDEAU: --- and I can't speak to what people said.

MS. REBECCA JONES: --- it's important that we stick with what you understood on February 13th ---

PRIME MINISTER JUSTIN TRUDEAU: Yes.
MS. REBECCA JONES: --- okay? So I'm ---

PRIME MINISTER JUSTIN TRUDEAU: So what I understood then was that there was not an ---

MS. REBECCA JONES: And I hear you on that. What I'm suggesting to you based on what you've seen was Commissioner Lucki's evidence, that there's a disconnect here. And perhaps what happened, and I'm going to suggest what happened, is that Commissioner Lucki didn't brief you and your Cabinet on the fact that there was a complete plan on the 13th?

PRIME MINISTER JUSTIN TRUDEAU: I can't comment on that.

MS. REBECCA JONES: Thank you.

COMMISSIONER ROULEAU: Thank you. Next call on the City of Windsor, please.

--- CROSS-EXAMINATION BY MS. JENNIFER KING:

MS. JENNIFER KING: Good afternoon, Prime Minister. My name is Jennifer King, and I am legal Counsel to the City of Windsor.

Mr. Prime Minister, I would like to start by taking you to one document, SSM.CAN.NSC 00002698. This is a read out of a call that you had with Mayor Dilkens of Windsor on February the 10th. Do you recall that conversation?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. JENNIFER KING: On the first page there's some takeaways. I just wanted to read out the first one, "The Mayor appeared confident that a plan and resources are in place. He only need [-- only needed --] the
injunction to operationalize the plan by Saturday. PM provided reassurance that the federal government is there."

If you could scroll to page 2 towards the bottom of the page, Mr. Clerk?

And you'll see here, Mr. Prime Minister, that it indicates that you said,

"As I was speaking with police officers and various folks, no question on the ground operationally who has jurisdictions. I can assure you that the RCMP is working closely with the OPP[...]. Because this is our problem and [I] want you to be reassured that we are out there and operationally totally linked."

So I just wanted to stop there. What did you mean, Mr. Prime Minister, when you said this is our problem?

**PRIME MINISTER JUSTIN TRUDEAU:** It is our problem together. It is our, as in different orders of government together is I assume what I meant on this one because the rest of the sentence is really showing that I knew and had been apprised that in the -- in regards to what was happening in Windsor, the OPP and the RCMP were working well together.

**MS. JENNIFER KING:** Okay. And hopefully -- it continues on,

"And hopefully, the politics will recede a little because some of the
stuff coming out of QP is a little inconsistent."

What does QP mean here?

PRIME MINISTER JUSTIN TRUDEAU: Probably question period on the federal side because I think we were -- he was talking about the challenging that he was -- challenges he was facing in council chambers as well, and some of the debates that were happening at the municipal level.

MS. JENNIFER KING: Right. Okay. You can take that down, Mr. Clerk. Thank you.

You testified this morning, Mr. Prime Minister, about jurisdictional issues that arose related to the governmental response to the blockades and occupations in January and February. In Windsor, there's a provincial highway connected to an international border crossing by a municipal road through a community; right?

PRIME MINISTER JUSTIN TRUDEAU: Yeah.

MS. JENNIFER KING: Would you agree that the response to the blockade required communication and collaboration between all three levels of government?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. JENNIFER KING: Certainly this morning you testified that when three orders of government are able to work seamlessly together, you get better results; right?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. JENNIFER KING: You would agree with me that there was not a pre-existing plan or framework establishing the jurisdictional responsibilities of each of the three levels of
government when responding to the unprecedented circumstances of these blockades of critical infrastructure?

PRIME MINISTER JUSTIN TRUDEAU: I can't speak to the existence or not of that, but it is clear that if there was, it wasn't as effective as it could have been, and if there wasn't, perhaps there should have been.

MS. JENNIFER KING: Okay. And you testified this morning about the two tracks of work coming out of the IRG meeting on February 10th. The Clerk of the Privy Council told this Commission that track one was to determine everything that could be done within the existing set of powers, duties and functions under the law; right?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. JENNIFER KING: So there was no pre-existing plan or framework setting out the various authorities available to all three levels of government to respond to these blockades?

PRIME MINISTER JUSTIN TRUDEAU: Sorry, I don't understand what you're asking.

MS. JENNIFER KING: So it wasn't predetermined, it wasn't pre-collected the different authorities that were available to the different levels of government.

PRIME MINISTER JUSTIN TRUDEAU: But that sounds like operational police coordination and that's not something that as Prime Minister I would be particularly closely involved in.

MS. JENNIFER KING: Well, certainly the three levels of government were considering and the IRG was considering the different authorities and powers available to
them to assist?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes, the IRG and the federal government was looking to offer resources to police of jurisdiction in helping out, yes.

**MS. JENNIFER KING:** Okay. So the Commission has heard during this hearing, several times, that Windsor started reaching out to the province and to the federal government shortly after the blockade was cleared, asking for the three levels of government to sit down, debrief, and work together to develop a plan to protect these international border crossing. Minister Blair, just to give you a heads up, testified that he did not recall this request but said it struck him as a reasonable request. Do you agree?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MS. JENNIFER KING:** And Minister Mendicino testified that a planning process to protect border crossings must include every level of government, of course, the City of Windsor and other border communities as well; do you agree?

**PRIME MINISTER JUSTIN TRUDEAU:** That makes sense, yes.

**MS. JENNIFER KING:** And so you'll agree that all three levels of government must collaboratively develop a framework to protect the critical infrastructure in Canada?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MS. JENNIFER KING:** Mr. Prime Minister, you said in your remarks on the revocation of the *Emergencies Act* on February 23rd that even as this emergency is over, we need to make sure institutions are prepared and ready for the future.
This issue just won’t go away.

And, in fact, Mr. Prime Minister, the next threat may be different from the blockades that we experienced earlier this year. What are you doing, Mr. Prime Minister, to ensure that such a plan is developed on an urgent basis?

Prime Minister Justin Trudeau: I have made it clear to the appropriate Ministers that working -- particularly Minister Blair, the Minister of Emergency Preparedness, that preparing for emergencies of all types must be a priority for this government, and must involve working with partners at all layers of government.

Ms. Jennifer King: Thank you.

Commissioner Rouleau: Okay. Next I’d like to call on the Windsor Police Service, please.

--- CROSS-EXAMINATION BY MS. HEATHER PATERSON:

Ms. Heather Paterson: Good afternoon, Mr. Prime Minister. My name is Heather Paterson; I’m counsel to the Windsor Police Service.

Minister Blair testified earlier this week, and he agreed that the Windsor enforcement operation on February 12th and 13th was a success with no loss of life or serious injury to public, protesters, or police. Would you agree with Minister Blair’s assessment?

Prime Minister Justin Trudeau: I have no reason to disagree, yeah. No.

Ms. Heather Paterson: Okay. And you’re aware the Ambassador Bridge was reopened by police in the early hours of morning -- sorry; early hours of the morning of February 14th;
correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MS. HEATHER PATTERSON: Okay. My friend for the OPP took you to the First Ministers’ conference call on February 14th, 2022 at SSMNSCCAN625, please?

And I’ll just put your comments back up; it’s the same paragraph we’re going look at again, on page 6.

(SHORT PAUSE)

MS. HEATHER PATTERSON: My focus, obviously, will be a little bit different than the OPP’s.

And in that paragraph for the comments attributed to you, you say the, “Windsor operation was outstanding.” And would that accurately reflect your comments that you gave to the First Ministers that day?

PRIME MINISTER JUSTIN TRUDEAU: Yes, those seem to be my comments.

MS. HEATHER PATTERSON: Okay, great, thank you.

Those are my questions.

COMMISSIONER ROULEAU: Okay. With that pat on the back, we’ll go the Government of Saskatchewan, please.

--- CROSS-EXAMINATION BY MR. MITCH MCADAM:

MR. MITCH McADAM: Good afternoon, sir. I’m Mitch McAdam, one of the lawyers for the Government of Saskatchewan, and I want to ask you a few questions about COVID-19 and the Emergencies Act.

I would ask the Clerk to please bring up POE.SAS.00000001.

Sir, this is a letter that you sent to Premier
Moe of Saskatchewan on April 8\textsuperscript{th}, 2022 -- 2020, pardon me, about COVID-19 and the Emergencies Act. And I think you talked this morning a little bit about considering invoking the Emergencies Act to deal with the pandemic back in March and April of 2020, didn’t you?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And I take it that similar letters would have been sent to all the Premiers?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And if we can go to the top of page 2 of this letter, at the end of the first paragraph it refers to the fact that you are formally initiating a consultation process under the Emergencies Act; that’s correct, isn’t it?

PRIME MINISTER JUSTIN TRUDEAU: It is.

MR. MITCH McADAM: It was a formal process.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And, Clerk, if we could go back to the first page, and the bottom of the letter?

It indicates that you had already discussed the Emergencies Act with the Premiers during at least two telephone conferences, one on March 23\textsuperscript{rd} and one on April 2\textsuperscript{nd}; that’s correct, isn’t it?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And also, in that same paragraph it refers to the fact that Ministers from at least four different departments have spoken to their provincial counterparts about whether measures under the Emergencies Act
1 could assist in the collective efforts to deal with the pandemic; that’s correct too, isn’t it?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And if we can go back to page 2, please?

In the fourth paragraph on that page, it refers to you asking the Minister of Public Safety and the Deputy Prime Minister to also reach out to their provincial counterparts to discuss this. That’s correct as well?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: So I take it that back in 2020, there was an effort involving a number of different federal departments to reach out to their provincial counterparts to discuss the Emergencies Act in this context?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And if we look at the end of that paragraph, I take it that there was a plan that you were going to convene another telephone conference with the Premiers to discuss this topic further; correct?

PRIME MINISTER JUSTIN TRUDEAU: I had a lot of telephone conferences with the Premiers around then, yes.

MR. MITCH McADAM: Okay, thank you.

Clerk, if I could next ask you to pull up another document; it’s SAS.00000002, please.

I’ll just wait for a moment while the letter gets pulled up.

Prime Minister, you’ll see that this is a letter from Scott Moe, sent as Chair of the Council of the Federation
to you about COVID-19 and the *Emergencies Act* on April 14th. Do you recall this letter?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MR. MITCH McADAM:** And if we look at the end of the first paragraph in this letter, it refers to another conference call with the Premiers about this matter on April 9th. That’s true, right?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MR. MITCH McADAM:** And in Premier Moe’s letter, he shared with you the opinion of the Premiers that it was neither necessary, nor advisable to invoke the *Emergencies Act* at this time; that’s correct, isn’t it?

**PRIME MINISTER JUSTIN TRUDEAU:** Yeah.

**MR. MITCH McADAM:** And that’s what you heard at the conference call on April 9th; correct?

**PRIME MINISTER JUSTIN TRUDEAU:** Yes.

**MR. MITCH McADAM:** And as a result, the *Emergencies Act* was not ever invoked by your government to deal with the COVID-19 pandemic, was it?

**PRIME MINISTER JUSTIN TRUDEAU:** That is correct.

**MR. MITCH McADAM:** And that was because ---

**PRIME MINISTER JUSTIN TRUDEAU:** Except insomuch as the most recent use of the *Emergencies Act* was linked to the COVID pandemic, at least indirectly.

**MR. MITCH McADAM:** Okay, understood.

And, sir, would you agree with me that the provinces had the capacity and the authority or the tools to deal with the pandemic back in 2020?
PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: Twenty-twenty -- okay. And the provinces ---

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: And the provinces were dealing with it. I think your words this morning were, “They had it under control.”

PRIME MINISTER JUSTIN TRUDEAU: They certainly had more appropriate tools and experience to deal with the public health emergency than the federal government did to do that, to take over the public health side of the public health emergency, yes ---

MR. MITCH McADAM: Okay. And where ---

PRIME MINISTER JUSTIN TRUDEAU: --- delivery is the provinces in this country, so that’s the point.

MR. MITCH McADAM: Understood. And where federal assistance was required, it could be provided without invoking the Emergencies Act; correct?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: Now, Prime Minister, we’ve already heard today a lot about the consultation with the provinces in February of this year; in particular, on the morning of February 14th, so I won’t go through that with you again. But I just ask you if you will agree with me that the consultation process that was followed in February of this year was very different from the process that was followed back in the spring of 2020.

PRIME MINISTER JUSTIN TRUDEAU: Yes, it was.
MR. MITCH McADAM: Thank you, sir. Those are all of my questions.

PRIME MINISTER JUSTIN TRUDEAU: Actually, if I can be allowed to elaborate as to why they were different?

MR. MITCH McADAM: Absolutely, Prime Minister.

PRIME MINISTER JUSTIN TRUDEAU: The Emergencies Act isn’t a monolithic Act. It actually has many different categories and types of emergencies within it. In the spring of 2020, what we were talking about was a public welfare or public health emergency; I don’t have the exact categorization, but one can imagine that a public health emergency like the pandemic would require a different set of tools than or a different perspective, and certainly a longer-term opportunity with more opportunities to write letters back and forth and consult with the whole Council of Federation and draw paperwork in response to the consultation.

And we certainly took advantage of that because in the section of Public Order -- sorry; of the Emergencies Act, it refers to public health emergency and invocation of the Emergencies Act, it says clearly you have to have that consultation done before.

In the section on Public Order Emergency, the requirement for consultation is, I believe, laid out that if there is no time for consultation, that consultation can actually happen afterwards, after the invocation it certainly highlights that it wouldn't be ideal, but it recognises that a Public Order Emergency might require a much more rapid reaction time than a public health emergency. And the fact that we were
looking at two different parts of the same Emergencies Act I think goes a long way towards explaining why we were able to do an extensive consultation, even though, as I had said from the outset, it wasn't -- I wasn't leaning towards, it wasn't our intention to invoke a Emergencies Act around public health, but we wanted to do the consultation because people were concerned that we look at all tools to deal with this pandemic, and we did.

But when it came to the exigency and the urgency of the public health, sorry, the Public Order Emergency, we went from a Sunday, establishing the six or so different tools that we would bring in, to consulting the very next morning with the premiers, with this freshly-established list of tools, and then invoking just hours later. And those compressed timelines made it a very different context from one type of invocation of the Emergencies Act to another.

MR. MITCH McADAM: Prime Minister, you'll understand that we as lawyers are always looking for precedents, and this is the only other precedent where your Government has considered invoking the Emergencies Act. Isn't that true?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. MITCH McADAM: Thank you. Those are all of my questions.

COMMISSIONER ROULEAU: Okay, thank you.

Next, I'd like to call on the Criminal Lawyers Association, please.

--- CROSS-EXAMINATION BY MR. GREG DelBIGIO:

MR. GREG DelBIGIO: Prime Minister, my name is
Greg DelBigio. I'm one of the lawyers representing two organisations, the Criminal Lawyers Association and the Canadian Counsel of Criminal Defence Lawyers.

By way of overview, I'm going to ask you about the summary of the inputs and considerations that were available to you, a summary of police powers, and then I'm going to ask you -- I'll throw my final pitch.

With respect to the factors that were taken into account, and this might not be a complete list, but will you agree that it was a situation that was dynamic?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: It was a protest or occupation that was happening at one -- more than one location and in different provinces?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: You had to take into account the scope of police powers as exist within the Criminal Code?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: You had to take into account the adequacy of those police powers having regard to the circumstances that presented themselves?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: You had to take into account resource issues, how many police officers are available, when, where, that kind of thing?

PRIME MINISTER JUSTIN TRUDEAU: Definitely, yes.

MR. GREG DelBIGIO: You had to take into account jurisdiction issues, and in particular, municipal, provincial,
PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: With respect to inputs, you had input -- and when I say inputs, and that's information available to you or inputs as to whether or not to invoke the Act, you took into account information from Cabinet and colleagues?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: From Opposition members?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: From unelected officials and staff?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: From premiers?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: From citizens?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: From police from different agencies?

PRIME MINISTER JUSTIN TRUDEAU: Yes. Not me, directly, but yes, as a Cabinet, yes, we did. Yes.

MR. GREG DelBIGIO: You spoke to at least one U.S. official, President Biden, with respect to these issues?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: And you took into account information from your legal advisors?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: If you were to estimate, from
the time that you first heard about the convoy and the
occupation until the time that you invoked the emergency powers,
how much time would you estimate that you spent on this issue?

PRIME MINISTER JUSTIN TRUDEAU: Most days, in the
thick of it, about an hour a day minimum, some days most of the
day. Certainly towards the end, my days were filled with that,
and with, yes, other things that was the business of Government,
but it was quite a bit.

MR. GREG DelBIGIO: You understood and understand
today that the use of the Emergency Act is a matter of last
resort?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: With respect to police
powers, you understand that the police have available to them,
and again, I'll just do a catalogue of those powers, negotiation
with respect to people?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: Surveillance?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: They can conduct undercover
police operations?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: And again, whether or not
these were available in this particular circumstance is a
different question, but just in terms of a general catalogue of
police powers, police have available to them to apply for
wiretaps?

PRIME MINISTER JUSTIN TRUDEAU: Yes.
MR. GREG DelBIGIO: And to apply for search warrants or production orders?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: They can arrest and charge people with criminal offences?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: And if people are arrested and charged, bail conditions can be placed on them such as the people not go to certain locations?

PRIME MINISTER JUSTIN TRUDEAU: But that's not a police power.

MR. GREG DelBIGIO: Good comment. Thank you. I accept that distinction.

Were you ever presented -- there has been discussion about what information you have -- had with respect to an Operational Plan. Were you ever presented with a concrete and detailed plan showing how traditional police powers, such as those in the list that we just went through, would have worked having regard to all of the circumstances?

PRIME MINISTER JUSTIN TRUDEAU: No, and it wouldn't have been my role as Prime Minister to go through such a plan either.

MR. GREG DelBIGIO: Finally, and I'm going to just give you a bit of a overview to my final question. You understand that public confidence in the exercise of extraordinary powers is important to maintenance of the rule of the law in Canada?

PRIME MINISTER JUSTIN TRUDEAU: Yes.
MR. GREG DelBIGIO: And you understand that the law properly recognises that privileges, such as solicitor/client privilege, is essential to the proper administration of justice?

PRIME MINISTER JUSTIN TRUDEAU: I can't speak to the law of property, I'm not a lawyer.

MR. GREG DelBIGIO: You will understand that there's a tension between a privilege claim and transparency in the sense that privilege claims interfere with transparency?

PRIME MINISTER JUSTIN TRUDEAU: Again, I -- I'm not entirely sure what you mean by privilege claim.

MR. GREG DelBIGIO: Privilege claim such as if information is protected by solicitor/client privilege then it will not be made available to the public, won't be made available to people beyond you and your legal advisors.

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: You understand that the reliance upon the emergency powers has caused a significant division of opinion within Canada?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. GREG DelBIGIO: And here's the final question

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COMMISSIONER ROULEAU: If I can -- if -- okay, that's what I'm trying to get at, because you're over your time.

MR. GREG DelBIGIO: This is the final one.

PRIME MINISTER JUSTIN TRUDEAU: Actually, on that last question. A significant division of perspectives, I think there -- I don't know that it would be fair to describe it as
significant, but there certainly are different perspectives on
the use of the Emergencies Act.

MR. GREG DelBIGIO: Fair enough.

PRIME MINISTER JUSTIN TRUDEAU: I know that there
was an awful lot of consensus on one side of that.

MR. GREG DelBIGIO: Fair enough. And here's the
final question. In light of the fact that privilege claims have
been made with respect to some of the information that was
available to you, and I want to emphasise that I'm not
challenging those or suggesting they should not have been made,
but in light of them, and the resulting -- and the result that
there is certain information that is not available to the people
who are listening to this Commission, what do you say to assure
people that the emergency powers were properly invoked having
regard to a full consideration of all options?

PRIME MINISTER JUSTIN TRUDEAU: We waived Cabinet
privilege on the inputs we received so that the public and the
Commission could see what we saw as a Government while this was
unfolding, and to demonstrate that to go to the opening
paragraph of the Emergencies Act, or one of the early
paragraphs, that the Governor of a public order emergency, that
the Governor in Council had reasonable grounds to declare a
public order emergency. Given all the range of inputs that
Cabinet was receiving, which, for the large part, Canadians have
been able to see through this process, I am confident that
reasonable test was met.

MR. GREG DelBIGIO: Thank you, Prime Minister.

COMMISSIONER ROULEAU: Okay. Thank you.
I’ll call on the Government of Canada, please.

--- CROSS-EXAMINATION BY MR. BRIAN GOVER:

MR. BRIAN GOVER: Thank you, Commissioner.

And Prime Minister, I’m Brian Gover. I’m appearing for the Government of Canada today.

I have four areas to ask you about, Prime Minister. And the first one will involve asking our Registrar, please, to display SSM.NSC.CAN.00000216. And if I got the number right, Prime Minister, this is in relation to the Cabinet meeting, which was held on the evening of Sunday, February 13th, 2022, beginning at 8:30 p.m. And of course, you’ve been asked questions about that meeting in the course of your testimony today.

My question relates to the CSIS assessment that was provided at that Cabinet meeting.

And if we could please go to the second last page?

And Prime Minister, it appears from this that the CSIS assessment was in relation to possible implications of the invocation of the Emergencies Act across the ideologically motivated violence extremism, or IMVE space in Canada, with a particular focus on the Freedom Convoy 2022 and CSIS’ subjects of investigation. Is that correct, sir?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. BRIAN GOVER: To be clear, the assessment that you received on that occasion, to clarify, was not in relation to section 2(c) of the CSIS Act? Was that right?

PRIME MINISTER JUSTIN TRUDEAU: Sorry, can you
rephrase that?

MR. BRIAN GOVER: Yes, I can. I can. So the assessment you received, and we have it here on this page, and a little bit more, appears to deal with the question of the, essentially the impacts of invoking the Emergencies Act, and in particular, as it relates to what we’ve come to call IMVE, with a particular focus on the Freedom Convoy 2022 and subjects of investigation by CSIS?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. ROB KITTREDGE: Commissioner, my friend is asking some leading questions here. Subject to section 58 of the Rules of Procedure, if he could ask more open-ended questions, that would be appreciated.

COMMISSIONER ROULEAU: Well certainly that’s the rule, but if it’s non-controversial, maybe it can, but if you could be careful, please?

MR. BRIAN GOVER: I will be careful. My purpose was only to clarify something that may have been obfuscated somewhat earlier.

So we had -- thank you very much. We can take that down, Mr. Registrar.

Prime Minister, describing what was brought to your attention on February 13th by Commissioner Lucki about the plan for Ottawa, and this at the IRG meeting earlier that day, you told Commission Counsel, as I’ve noted it, it wasn’t a plan, not a fully final plan. And first of all, have I noted your evidence correctly?

PRIME MINISTER JUSTIN TRUDEAU: I’m always wary
to try and distinguish what I know now from what I knew then. I’m comfortable in saying that what I knew then, whether it was from Commissioner Lucki or others, or what I was briefed on, was Ottawa did not yet have a firm and concrete and convincing plan that they were going to be able to take care of the occupation this time as opposed to all the previous times where they had said they were going to do it and were unable to do it, to a certain -- that was certainly the sense that we had, versus what I know now, was that it turns out that what they say was a plan on the 13th was an engagement plan, and not a ending the occupation plan.

MR. BRIAN GOVER: And what I’m going to do, Prime Minister, in the course of the next few questions, is take you through what we now know to be the case, and ask you how it accords with your recollection of what you knew then on February 13th.

And in that respect, could we go to WTS00000, so that’s, as I have it, five zeros, 30.

This is the Witness Summary of Supt. Bernier. And we’ve heard, Prime Minister, that Supt. Bernier was the Incident Commander in relation to the operation that ultimately cleared downtown Ottawa.

And if we could go, please, to page 18, initially? And the first sentence of the first paragraph?

And here we have:

“On February 13[th], the Integrated Planning Team prepared a plan for Superintendent Bernier [en]titled
'Integrated Mobilization Operational Plan’
[it’s referred to as] (the February 13
Plan).”

And then we have footnote 16 referred to.
And if we could go to that at the bottom of the
page, please?

This we have as OPP00001851. This is what you
were taken to earlier by ---

PRIME MINISTER JUSTIN TRUDEAU: With the
redactions?

MR. BRIAN GOVER: Yes. And I was taken -- you
were taken to that by counsel for the Ottawa Police Service.

Now, if we could ---

COMMISSIONER ROULEAU: You said the one with the
redactions. It wasn’t the one with the redactions.

MR. BRIAN GOVER: No, that was the long one.

PRIME MINISTER JUSTIN TRUDEAU: No, that was the
72 page one?

COMMISSIONER ROULEAU: Yes.

PRIME MINISTER JUSTIN TRUDEAU: From the Ottawa
Police Services?

COMMISSIONER ROULEAU: Yes.

PRIME MINISTER JUSTIN TRUDEAU: Yes. Sorry.

Thank you.

MR. BRIAN GOVER: Thank you. Thank you,
Commissioner.

And then if we could go to page 13 of that
document? This is the one cited in the footnote. And in
particular, if we could look at the list of contingency plans that were to be included in Appendix H? If you could scroll down a little bit here? And maybe stop there if you would.

“The following Plans will be provided by the respective Specialized Units:

POU [which we know now to be Public Order Unit] deployment

[...]

Traffic Plans”

I’m just reading some of them:

“Hostile Vehicle Mitigation”

And importantly:

“Obstruction Removal - [at the bottom] vehicle and persons”

And if we could please go to Appendix H at page 62? This is the proposed contingency plans.

And if we scroll down, we see “TO OBTAIN FROM SPECIALIZED UNITS” is all we have there.

My friend from the Ottawa Police Service didn’t show you that, Prime Minister.

And then if we could please go back to Supt. Bernier’s Witness Summary, which was WTS00000, so five zeros, 30? Paragraph 18.

We’ll pick up with the words:

“He noted that the February 13 Plan...”

We have it halfway down the first full paragraph.

We see here:

“He noted that the February 13 Plan was
not the overall operational plan and did not contain a plan to end the occupation of Ottawa. The overall operational plan was still being prepared."

And then -- and there will be a question for you, Prime Minister, momentarily. If we could please go on to page 20, the bottom of the page?

"On February 17,
Superintendent Bernier,
Inspector Springer, and
Superintendent Lue approved the overall operational plan, which was titled 'Integrated Phased Approach' (the February 17 Plan)."

And this refers to its development after Superintendent Bernier briefed others. And the Operational Plan approved that day, which was the Thursday of the week the Emergencies Act was implemented, refers to supporting plans such as tactical public order, towing et cetera.

Could we please now go to OPS000013798, which ---

MR. DAVID MIGICOVSKY: Commissioner, David Migicovsky for the Ottawa Police. The rules do provide that my friend is limited to an examination in-Chief of the clients. We have listened to him go on ---

COMMISSIONER ROULEAU: I'm sorry, you're -- speak into the microphone please.

MR. DAVID MIGICOVSKY: Sorry. The rules do provide that my friend is limited to an examination in-Chief,
and this is not what we're seeing. This is my friend giving evidence, and I am sure that there is a question that will be coming, but so far we haven't heard it. It seems to me that's not what the rules contemplate.

MR. BRIAN GOVER: Commissioner, I have prefaced this by indicating that I would take the Prime Minister to certain elements of the evidence and then ask him how that accorded with what he was told on February 13 about a plan. And that's my intention to do that very shortly. I have to just finish this one point.

COMMISSIONER ROULEAU: Okay. Well, if you could get to the question as soon as possible because ---

MR. BRIAN GOVER: I will, thank you.

COMMISSIONER ROULEAU: --- it's looking a bit like a presentation.

MR. BRIAN GOVER: It's explaining to the Prime Minister what the evidence has been at this Inquiry, actually despite aspects of the cross-examination.

So Prime Minister, the plan developed on February 17th actually referred to the Emergencies Act and the powers under it, but my question, to come back to it, is, Prime Minister, how does the evidence to which I have just referred you, which has been heard in the course of this Inquiry, compare with your understanding and recollection of what Commissioner Lucki told you about the plan for Ottawa at the IRG meeting on Sunday, February 13th?

PRIME MINISTER JUSTIN TRUDEAU: As I testified earlier, on the 13th, at the IRG, my understanding from
officials in general, and most likely Commissioner Lucki
primarily, was that the plan that the Ottawa Police Services had
at that point was not a plan to end the occupation. As I would
later testify or later find out, the plan of the 13th was not
complete the way the plan of the 17th was, which was the actual
plan that led to the clearing of the occupation in Ottawa. So
this evidence is entirely consistent with my understanding of
what was happening on the 13th, and of course, my understanding
of it in hindsight as well.

MR. BRIAN GOVER: Thank you. Prime Minister, the
third of the four areas to which I am taking you has to do with
two forms of consultation under the Emergencies Act that you've
described in your evidence, and we're going to be aided by going
to the Emergencies Act itself, and in particular, it's at
CCF000000, could be six zeros, 47.

If we could display that, please, Mr. Registrar.
And you've referred to two provisions in the
course of your testimony on this point already, Prime Minister.
I'm going to ask that we turn initially to
section 4. I think we might have... Section 14, please.

And this provides that:

"Subject to subsection (2), before the
Governor in Council issues, continues
or amends a declaration of a public
welfare emergency, the lieutenant
governor in council of each province in
which the direct effects of the
emergency occur shall be consulted with
This continues with an indication in subsection (2):

"...where the direct effects of the emergency are confined to, or occur principally in, one province..."

"The Governor in Council may not...[declare] a public welfare emergency...unless the lieutenant governor in council of the province has indicated to the [lieutenant] Governor...that the emergency exceeds the capacity or authority of the province to deal with it."

And Prime Minister, the consultation that you've described in 2020, was that conducted under this provision or another provision?

**PRIME MINISTER JUSTIN TRUDEAU:** If this is -- I didn't see what section this was. If this is indeed a public welfare emergency, then yes, as of 14(1), you know, we -- the -- before the Governor in Council moves forward with the public welfare emergency we have to consult with each province in -- to the affected province in response to it. That lays it out clearly for that.

**MR. BRIAN GOVER:** And in the case of a Public Order Emergency, consultation occurs under section 25, which I'll ask to be turned up.

And you referred to a provision, which allows for
a consultation to happen after declaration of a Public Order Emergency. And I note the words in subsection (2):

"...without unduly jeopardizing the effectiveness of the proposed action..."

And Prime Minister, in relation to a Public Order Emergency, was this the provision you had in mind?

PRIME MINISTER JUSTIN TRUDEAU: Yes. You can see there are conditions, "Subject to subsections (2) and (3)", which talk about the effects or the urgency or the negative impact that a consultation could have on the situation, which is a caveat when it comes to a Public Order Emergency that was not present in the otherwise very similar paragraph applying to a public welfare emergency.

MR. BRIAN GOVER: And ---

PRIME MINISTER JUSTIN TRUDEAU: That's what I was referring to earlier.

MR. BRIAN GOVER: Pardon me, I didn't mean to interrupt, Prime Minister.

And just before we leave this area, I'll ask that the registrar please turn up SSM.NSC.CAN00000625.

And this has been pretty well canvassed already, Prime Minister. These are the minutes or the readout of the First Ministers conference call on February 14th, 2022. We understand that this call began somewhere around 10:15 a.m.

And first of all, Prime Minister, you told Commission Counsel this call lasted approximately an hour. Is that right?
PRIME MINISTER JUSTIN TRUDEAU: That sounds about right.

MR. BRIAN GOVER: Was any time limit imposed on the consultation that took place during that call?

PRIME MINISTER JUSTIN TRUDEAU: No, if it had to take two hours it would have taken two hours.

MR. BRIAN GOVER: Did any of the premiers seem surprised about the topic of conversation?

PRIME MINISTER JUSTIN TRUDEAU: None expressed surprise that that -- what we were talking about, no.

MR. BRIAN GOVER: Did any of them seem ill prepared to deal with the topic for discussion?

PRIME MINISTER JUSTIN TRUDEAU: As I said, we had talked about it a couple years ago, not with all of them, I believe there were some different folks around the table. But the idea and the concept of the Emergencies Act invocation and consultation was something we had collectively gone through at a previous iteration. So they all had reflections to share during that tour de table. They did not say, "Listen, I don't know what to say, I haven't thought about this, give us more time to think about it." They had ideas. I have no doubt they would have had more ideas had we had the luxury of much more time on consultation, but this was -- these were exigent circumstances.

MR. BRIAN GOVER: Did any of them ask that the balance of the conversation take place at another time, that it be deferred to later that day or later in the week?

PRIME MINISTER JUSTIN TRUDEAU: Not that I recall.
MR. BRIAN GOVER: And if we could just please turn to what will be the -- don't know if they're paginated. This will be where Premier Ford speaks, and it will be -- count the pages, should be the sixth page, please, Mr. Registrar. Yeah.

If you could go down to the next page, thank you. And in particular, if I could take you, Prime Minister, to the statement, and it's the third last bullet point,

"Province does not have tow trucks. That will change in the future. Will ensure that OPP have tow trucks. Embarrassing that we can't get use of tow trucks." (As read)

So is it fair to say that that was an issue on the morning of February 14th in the First Minister's call?

PRIME MINISTER JUSTIN TRUDEAU: Yes, it was.

MR. BRIAN GOVER: And I note as well that on this subject of tools that you've referred to repeatedly in the course of your testimony, Prime Minister, Premier Ford concluded by saying,

"Have to give tools to the police that are needed, support the PM 100 percent." (As read)

Is that right, sir?

PRIME MINISTER JUSTIN TRUDEAU: Yes.

MR. BRIAN GOVER: Now, Prime Minister, my last area and indeed my last question is this, what do you say, sir,
to the suggestion that the decision to invoke the Emergencies Act on February 14th of this year was politically motivated?

PRIME MINISTER JUSTIN TRUDEAU: My motivation was entirely about ensuring the safety of Canadians. My secondary motivation was making sure Canadians continue to have confidence in their institutions and in our society's ability to function and enforce the rule of law when it's not being respected. Politics was not a motivation at all in the invocation of the Emergencies Act.

MR. BRIAN GOVER: Thank you very much, Prime Minister.

And thank you, Commissioner, those are my questions.

COMMISSIONER ROULEAU: Thank you. Any re-examination?

MS. SHANTONA CHAUDHURY: No re-examination, Commissioner.

COMMISSIONER ROULEAU: Hé bien, Monsieur le Premier Ministre, ça me fait bien plaisir de vous dire que nous avons complété. Alors, on vous remercie sincèrement pour votre témoignage et d’avoir pris le temps de venir nous éclairer ici. Alors...

PREMIER MINISTRE JUSTIN TRUDEAU: Et merci pour tout votre travail, Monsieur le Commissaire.

COMMISSIONER ROULEAU: Vous êtes libre. Profitez de votre fin de semaine.

We will take a short break and then come back with final submissions from the various parties and a brief
closing statement by, assuming there's still someone here, by me. So merci.

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

--- Upon recessing at 3:50 p.m.

--- Upon resuming at 4:03 p.m.

THE REGISTRAR: Order. À l'ordre.

The Commission is reconvened. La commission reprend.

COMMISSIONER ROULEAU: Okay. Well, the evidence is all in, so now we can have a few -- I guess a few moments to go through what various parties view as their critical points and a brief final submissions.

It's probably easier from your seat, but I think it probably makes more sense to come up to the podium if people are prepared to do that. So if we can start with the Government of Canada, please?

MR. ROBERT McKINNON: Must have drawn the short straw.

COMMISSIONER ROULEAU: Probably because everybody has been focussed on the -- and they want to hear from you first.

--- FINAL SUBMISSIONS BY MR. ROBERT MacKINNON:


Je m’appelle Robert MacKinnon, je suis avocat principal du Gouvernement du Canada avec Donnaree Nygard.

Je tiens d’abord à vous remercier, vous et vos
avocats, pour votre travail approfondi que vous avez accompli au
cours des six dernières semaines de cette audience et des mois
de préparation qui l’ont précédé.

The evidence in testimony before this Commission from the parties, and the submissions from members of the public have shown clearly that there were reasonable grounds for the Governor in Council to believe that a public order emergency existed and that special temporary measures were necessary to resolve it. The decision to invoke the Emergencies Act responded to the volatile, escalating, and urgent situation of serious threats of violence to persons and property across the country.

There were threats to the security of Canada in the form of illegal blockades at key border ports of entry, such as Windsor, Ontario, Coutts, Alberta, Emerson, Manitoba, and Surrey, B.C., as well as protests at ports of entry right across the country.

The discovery of weapons and a hardcore group of individuals willing to die for their cause at the Coutts blockade revealed a real potential for serious violence.

There was also the potential serious threat of weapons and threat actors at other illegal protests.

In addition, there was the unprecedented, unlawful occupation in Ottawa, which was described by the Chief of Police as a tinder box.

The evidence confirmed the unorganized chaos that gridlocked the city.

Counsel for the Convoy, Mr. Wilson, admitted that
this illegal occupation attracted individuals and groups with violent tendencies, like moths to a flame, in his words.

There was also the real potential of serious violence from the racial harassment, intimidation, and threats to residents of Ottawa, Windsor, and at other illegal blockades, and the risk of violence from counterprotests.

The lives and livelihoods of ordinary people were seriously affected. Many businesses closed and people were without work for weeks due to these blockades.

Moreover, at the same time, there was escalating online extremist IMVE rhetoric and threats against the lives of police and elected officials, including the Prime Minister, Deputy Prime Minister, among others. The hate speech and symbols against ethnic minorities and racialized persons were prevalent and prominent at these unlawful protests.

As Minister Blair explained in his testimony, in an environment of lawlessness, the escalating threat of violence, unpredictable in form, and by unforeseen actors, is very real.

There were also serious threats to the economic security of Canada, Canada’s trade relationship with the U.S., to our main supply chain of essential goods, food, fuel, and medicine to all parts of the country, and to the economic well being of Canadians.

The security threats were real and escalating across the country, including to airports and railway lines. It was not known where the next illegal blockade would arise, and further strain the resources of law enforcement.
The evidence confirms that these well financed illegal blockades across the province and country were interconnected, loosely coordinated, and appeared designed to stretch police resources and overwhelm their capacity to respond effectively.

The Ottawa occupation inspired other copycat illegal protests in Canada and in other countries, such as France, New Zealand, and the United States.

Government witnesses outlined the deliberate step by step approach in which careful consideration was given to all available options and existing authorities before the declaration of a public order emergency was chosen as the option of last resort.

The option of a peaceful resolution of a complex situation was seriously pursued and considered through an engagement proposal, ultimately found not to be a workable solution.

By February 14th, the Cities of Ottawa and Windsor, and the Government of Ontario have already declared a state of emergency.

After extensive engagement and formal consultation between federal officials, ministers, and their provincial counterparts, the Governor in Council determined that this volatile situation exceeded the capacity or authority of a province to respond effectively to the crisis on a nation-wide scale. The Emergencies Act was invoked with the support of several premiers and territorial leaders.

The measures taken for dealing with the emergency
were proportional, effective, time limited, and Charter compliant. The measures were of significant benefit to law enforcement in dissipating the illegal protests in Ottawa, Windsor, and Winnipeg, and keeping the areas cleared. They allowed the police to bring the situation under control and to compel and indemnify the services of heavy tow truck operators in Ottawa and Surrey, B.C.

The Emergencies Act measures were revoked as soon as they were no longer required. In the end, these measures resolved the crisis situation across the country after nine days without any loss of life.

Le gouvernement du Canada attend avec impatience l’évaluation par la Commission des événements et des circonstances qui ont mené à la déclaration d’urgence ainsi que ses conclusions et ses recommandations en lien avec son important mandat.

Merci.

COMMISSIONER ROULEAU: Merci.

I just want to, for the public that’s no doubt listening, to just make clear that these are summary positions expressed by the parties. There will be more fulsome argument made in writing to the Commission. So just so you get the context, for those who may be listening online or are listening in the hall. These are summaries of the position of the various parties and they will have the opportunity in the next couple of weeks to provide the Commission with complete submissions on their position and argument on the law.

Avec ceci, next I’ll call on the Government of
Saskatchewan, please.

--- FINAL SUBMISSIONS BY MR. MITCH McADAM:

MR. MITCH McADAM: Good afternoon, Commissioner.

I’m just have a little difficulty with my camera. There.

COMMISSIONER ROULEAU: It’s now on. You’re good.

MR. MITCH McADAM: Am I good? There. Thank you, Commissioner.

I’m Mitch McAdam, one of the lawyers for the Government of Saskatchewan.

Saskatchewan intervened in these proceedings for two reasons. First, because of concerns that the measures taken were overbroad in what sense. First, that they interfered with provincial powers, and second, that they infringed on the rights of citizens. Second, because of concerns that the statutory threshold for invoking a public order emergency was not met.

First, Saskatchewan is very concerned about the impacts of invoking the Emergencies Act on federalism. The emergencies power flows out of the Peace, Order, and Good Government clause in the Constitution Act, 1867 and gives the Federal Government the power to temporarily assume provincial powers under the Constitution. In many ways, it is like the Notwithstanding clause in the Charter.

In this case, while the Federal Government has said that it was simply providing additional tools to police, the fact is that they assumed significant provincial powers. Policing is a matter that falls under provincial jurisdiction. The Emergency Economic Measures Order is not just about banking. It expressly deals with credit unions, insurance companies,
trust companies, loan companies, securities dealers, and investment advisors. All matters that fall under exclusive provincial jurisdiction.

While many of these powers were not relied upon by the police, the Order itself caused confusion and represented a serious, and in our view, unnecessary intrusion into matters under provincial jurisdiction.

Second, the Province is also concerned that the measures adopted under the Emergency Economic Measures Order were overbroad and may have infringed on the Charter rights of Canadian citizens.

But we will leave the submissions on that point to the Civil Liberties Group.

Next I’ll turn to the threshold in the Act. Again, there are two branches to Saskatchewan's argument. First, the threshold is a statutory test. It's a high threshold and it's a high threshold for a very good reason. The threshold is not whether the Emergencies Act was necessary or whether it was helpful. The test is whether there are reasonable grounds to believe that a Public Order Emergency exists.

Others will discuss, I suspect in great detail, whether that threshold is limited to threats to the security of Canada as defined by the CSIS Act or whether it's broader. I'll largely leave those arguments to others.

However, there is one point that we think you must keep in mind as you sift through the evidence, and that's section 3 of the Emergencies Act. Section 3 provides that a
national emergency is something that exceeds the capacity or authority of a province to deal with and specifically provides that a national emergency can only be invoked if the situation is such that it cannot be effectively dealt with under any other law. So you will need to examine the tools that were available to law enforcement to deal with the protests.

We've heard a lot of evidence about tools in this case, and I would say that the Emergencies Act and tools is a bit of a chicken and game problem. Does the emergency arise first and then the Act provides for tools to deal with the emergency, or can an emergency arise because there aren't sufficient tools to deal with the situation? I tend to think it's the former, and I think there is a concern that the Emergencies Act should not be used simply as a way to fill in the gaps in the law. That was never its purpose.

Second, Saskatchewan's primary focus in this case is on the consultations with the provinces. It is Saskatchewan's position that the consultations in this case were inadequate. We say that there are a number of things you should focus on.

First, the precedent from 2020. Second, there were opportunities to consult with the provinces earlier. We've heard that the Emergencies Act was on the table by February 9th or 10th if not earlier. The federal government could have consulted with the provinces at the front end instead of at the back end.

Third, there's evidence which we will suggest shows that the decision to invoke the Emergencies Act was de
facto made on February 13th before the First Minister's Meeting. The Prime Minister confirmed this morning that the consensus at both the IRG meeting and the Cabinet meeting on February 13th were to proceed with the Emergencies Act.

Fourth, the actual meeting that was held with Premiers on the 14th. This meeting was set up on very short notice with no indication of what the subject matter was to be and it lasted about one hour. When we file our written submissions, we will refer you to case law in other contexts which suggests that this is not an adequate consultation.

Commissioner, those are our submissions on the key points that you need to consider during your consideration of the evidence that you've heard over the past six weeks. And finally, in closing, Commissioner, on behalf of Mr. Morris and myself, we would like to thank you for providing us with the opportunity to participate in these hearings virtually. It was much appreciated. Thank you.

COMMISSIONER ROULEAU: Okay. Thank you. So that was Government of Saskatchewan. The Government of Alberta, please.

--- FINAL SUBMISSIONS BY MS. MANDY ENGLAND:


Reflecting back on the past six weeks of evidence, there's obviously much for you to consider, Commissioner. The many aspects of your mandate include making recommendations, to provide guidance for potential refinements to the Emergencies Act and guidance for future invocations of
The Government of Alberta would highlight two main points related to this aspect of your mandate. First, consultation with the provinces is required by the Emergencies Act. This is extremely important to our constitutional system. It is not a suggestion to which the federal government can just pay lip service.

One aspect of this is timing. We've heard extraordinary evidence that the Government of Canada did not want to raise the potential invocation of the Act with the provincial governments until more than a few hours before it would be invoked on February the 14th because they were afraid that the information would be leaked to the public. And yet, the Federal Minister of Emergency Preparedness himself spoke to more than one national media outlet the day before on February the 13th. Being suspicious of the provinces, especially after a Federal Minister has already raised it with the media cannot be an acceptable reason for the Government of Canada not to have the required meaningful, good faith consultations with the provinces about a matter as serious as invoking the Emergencies Act.

Another aspect of this is weight. Seven provinces advised the Government of Canada that they did not support the invocation of the Act in their province, that there was no need, and that they had the capability and authorities to deal with the situation. And in fact, provinces including Alberta did deal with it before the Emergencies Act was invoked, with existing capability and authorities.
The Incident Response Group was told on the afternoon of February the 13th, the day before the Prime Minister says he decided to invoke the Emergencies Act that an enforcement action was being undertaken at Coutts, and the Prime Minister has acknowledged today that he was advised at the time of the First Minister's Meeting that the enforcement action was well underway, that arrests had been made, and that Coutts was secured.

The relevant test under the Emergencies Act requires that in order for it to be invoked for a Public Order Emergency, the situation must exceed the capacity or authority of the province to deal with it. If the Government of Canada has been advised by the provinces prior to invoking the Emergencies Act that it does not exceed their capacity or authority can that simply be ignored?

We have heard evidence about worries that protests might return, and we have heard of the convenience of freezing accounts at financial institutions across the country to convince people to leave. But can worries and simplicity trump the wording of the legislation and the constitutional deference that must be afforded to the provinces?

As Counsel for the Commission put it to one Minister during the examination, if what the Government of Canada did in this case qualifies as sufficient consultation, is there anything that wouldn't?

Next, appropriateness of the measures included in the Order and Regulation issued under the Emergencies Act is another area of review. Freezing the bank accounts of Canadians
engaged in political protest without due process is extraordinary. We have heard evidence that it was not only accounts of those protesters, but joint accounts, meaning Canadians who weren't at the protest at all had their accounts frozen. The question is whether the fact that it might have been a quick way or an easy way to bring a protest to an end can be accepted as sufficient justification for such a serious and broad infringement on the rights of Canadian citizens, particularly when there were clearly other adequate tools to enforce the law and bring the protest to an end.

Among the many issues raised in these proceedings, these are just two that we are hopeful the Commission will carefully consider. And we would like to thank you again, Commissioner, for the opportunity to participate in this important inquiry and for the work done by you and Commission Counsel.

COMMISSIONER ROULEAU: Okay. Thank you.

Next is the City of Ottawa, please.

--- FINAL SUBMISSIONS BY MS. ALYSSA TOMKINS:

MS. ALYSSA TOMKINS: Thank you, Commissioner.

Alyssa for the City.

The City of Ottawa's role in responding to the Freedom Convoy was threefold. First, it sought to support the OPS as the lead agency in response to the protest. Second, maintain City services as much as possible, again, in coordination with police. And third, it exercised a convening function in terms of bringing people together at other levels of government, at both the political and official level.
I'll remind the Commission what the City and Mayor cannot do, which is direct the police or the Police Services Board. City Council's oversight powers are extremely limited. They're limited to approving the police budget on a global basis and appointing four members to the Board, three councillors and one member of the public. Council did use its power to revoke an appointment in this case, as we've seen, when it removed Councillor Deans as Board Chair.

We acknowledge the significant impact that the Freedom Convoy protests had on the citizens of Ottawa, on City services and on City staff. We submit there are five key questions that need to be addressed in response in particular to the Ottawa situation. We'll, of course, answer those questions in our written submissions, but for now, here are the issues.

So one, did a lack of intelligence or lack of coordination among institutions responsible for collecting or analysing intelligence affect their response to the Freedom Convoy?

Two, was there a delay in sending additional police resources to Ottawa, and if so, what caused or contributed to that delay?

Third, was Windsor a or the priority, and if so, who was responsible for that decision?

Fourth, if the lack of a plan or difficulties with achieving unified command caused delay, how could these issues have been addressed and resolved more quickly? In particular, what is the role of oversight bodies in such a situation, and in particular, what action could the Province
have taken, if any, to end the protests in Ottawa sooner? And
course, here, we're referring to both the MTO and the
Solicitor General in terms of discharging its obligation to
evaluate adequate and effective policing in Ottawa.
The last one, number 5, is the role of
negotiation and engagement with protesters in situations such as
this, and the relationship between civilian authorities and
police when participating in such discussions. So we'll have
more to say on that in our written submissions.
I'd like to thank you, Mr. Commissioner,
Commission Counsel, and most of all, my friends, counsel for the
other parties. Strange alliances formed and then unformed
almost on a daily basis between the parties, but always with
collegiality and cooperation between counsel. So thank you to
all of you.

COMMISSIONER ROULEAU: Okay. City of Windsor.

--- FINAL SUBMISSIONS BY MS. JENNIFER KING:

MS. JENNIFER KING: Good afternoon, Commissioner.

Windsor understands that this Commission has the
mandate to examine and report on the circumstances that led to
the declaration of a Public Order Emergency and the use of the
measures in February 2022. However, it may not be a surprise to
the Commission that I am going to start my submissions on
another part of the Commission's mandate, the mandate to set out
the lessons learned and make recommendations as it pertains to
those matters.

Windsor, we have heard many times, is not only
the host to the Ambassador Bridge, there are multiple border
crossings in its borders, and it serves as a vital trade
corridor between Canada and the United States. The focus must
be on learning lessons from the events of January and February.

It is clear, Windsor submits, from the evidence
before this Commission that the issues facing Canada earlier
this year, in the words of the Prime Minister, "won't just go
away." It is clear from the testimony that all three levels of
government and policing must work urgently and collectively to
find solutions to prevent unlawful protest activity from ever
again threatening the safety and security, not only of
Windsorites, but of Canadians throughout our country, and our
national economy.

We need a toolkit that sets out the division of
responsibilities of all three levels of government, the
available authorities at all three levels, and the resources
required to implement those authorities, including who is
responsible for costs. This toolkit to protect the
infrastructure critical to Canada's economy must prioritise
municipal and community interests, and we need this plan so that
precious time is not wasted if our critical infrastructure and
the communities that host that infrastructure face a threat like
this again.

The evidence that this Commission has heard about
the response of the Ambassador Bridge blockade reveals the
importance of swift, effective communication and cooperation,
within and between all levels of government to support police
operations. The successful operation to clear the bridge, which
Minister Blair called a textbook operation that was
proportional, measured, Charter compliant and appropriate, was made possible because of early and open communication between Windsor Police and the OPP and their other policing partners.

The Commission also heard about how the City, Government and staff acted swiftly, effectively, and in a unified manner. The Mayor, the Community Emergency Management Coordinator, Laforet, and City leadership coordinated Windsor's response and communicated information and operational needs to their provincial and federal counterparts.

The response to the blockade also showed the importance of the Incident Command System, and advanced emergency planning and of City Council speaking with one voice in this kind of crisis. And the important role that a municipality and government can play in supporting this kind of police operation. You've also heard how the necessary police response to clear the blockade had a significant negative impact on local Windsor businesses and households.

Thus far, Windsor's repeated calls for trilateral government talks to create the integrated plan I talked about earlier to prevent and respond to such incidents has gone unheeded. Planning and first response to border issues cannot be Windsor's duty alone. As Mayor Dilkens noted, there must be an advance plan that can be pulled off the shelf in a time of crisis, and this planning must start now.

Despite the effective response to the blockade, the process revealed, as we have heard, jurisdictional gaps and uncertainties that must be addressed. Doubt begets delay. Roles, responsibilities and jurisdiction should be clear before
an emergency arises.

Windsor and the many other municipalities which host critical infrastructure are partners in this process, not just stakeholders. Where provincial partners and governments do not respond or do not respond quickly enough, the Federal Government has a responsibility to have a plan to directly support the first responders on the ground.

Windsor thanks its community, its staff, its police force for its -- their response to this crisis, and appreciates the efforts and professionalism of the OPP, the RCMP and its policing partners, and the open lines of communication it had with provincial and federal governments.

The City also thanks the Commission for the opportunity to participate as a party in this important process.

Thank you.

COMMISSIONER ROULEAU: Thank you.

Okay. The Ottawa Police Service.

--- FINAL SUBMISSIONS BY MR. DAVID MIGICOVSKY:

MR. DAVID MIGICOVSKY: Good afternoon. David Migicovsky for the Ottawa Police Service.

In approaching the evidence, Commissioner, the starting point we say is to look at what is not contentious. And there was a refrain of three words that we heard from almost all of the witnesses - unprecedented, fluid, and volatile.

It is not in dispute that the protest which became an illegal occupation was unprecedented in this country. The fluidity and volatility of the situation was caused by the presence of large trucks spread throughout downtown, coupled
with protesters, whose numbers swelled to the thousands during weekends, and a crowd that included children. That too is not in dispute.

Having heard the evidence, you can now understand and the public can understand the intractable problem faced by the police, which was how to safely end the occupation without injury or loss of life to the community, to the protesters and to the police officers on the ground.

Another matter on which the evidence is uncontroverted is that the entirety of the Ottawa Police Service were united in a singular desire to do the right thing. The objective was always to safely end the occupation and return the City to normalcy.

While there may not always have been unanimity on what was the best approach to achieve the objective, everyone worked tirelessly doing their very best under very challenging conditions.

What is also not in dispute was the need for more resources. It was brought to the fore on January 31st and the request for more resources was a refrain that started that day and ended when those resources arrived.

Another matter upon which the evidence is uncontradicted is that the Ottawa Police Service and its partners came together to plan and execute an Integrated Operational Plan. Minister Blair recognised that the plan was flawless and its execution was careful and methodical. In his words, it was a textbook example of how to safely carry out the police POU operation.
Importantly, Minister Blair recognised that what happened in Ottawa was not a policing failure, and what was needed ultimately to resolve the occupation and what was finally delivered was a massive influx of resources.

The second point we ask that you keep in mind when you assess the evidence is to be aware of hindsight bias. Hindsight bias is the not-uncommon human tendency to look back at events after they have occurred and to assert that it was predictable. But as we all know, this event was not predictable.

You heard a great deal of evidence about the intelligence that existed in the days before the arrival of the convoy, what it meant and how law enforcement should have responded to it. We ask that you carefully review that evidence to determine whether the perceptions of some of the witnesses in that regard is as a result of hindsight bias.

No one knew that a protest about vaccine mandates which started off as peaceful and law-abiding would become an occupation.

The plans that the Ottawa Police Service had for managing the event prepared with all of its law enforcement partners and everyone cooperated in assisting what was intended to be the facilitation of a peaceful process. And a classic example of hindsight bias came from those witnesses who said the trucks should have been turned away and not allowed in.

You heard much evidence as to why that should not -- would not have worked and what the impact of doing so would have been. Trucks would have been stranded on the Queensway and
to turn them away would have required thousands of officers and
would have angered and incited those who had travelled so far to
get here.

The evidence you heard demonstrates that the
Ottawa Police Service learned from its experience. Changes have
been implemented in many areas, including how intelligence is
analyzed and devoting resources to the analysis of social media
and how event planners now balance the right to peaceful protest
with the impacts of protest on the community.

There has been a recognition of the need for
greater clarity in the operation of the Incident Command system
and the Ottawa Police Service has strengthened their PLT
program.

The Ottawa Police Service looks forward to
receiving this Commission’s report so that it can take even
further steps to improve the safety of this community and to
continue to rebuild public trust.

Thank you very much, Commissioner.

COMMISSIONER ROULEAU: Thank you.

Next is the Windsor Police Service, please.

--- FINAL SUBMISSIONS BY MR. THOMAS McRAE:

MR. THOMAS McRAE: Thank you, Mr. Commissioner.

This is Tom McRae for the Windsor Police Service.

The Windsor Police Service is the police service
of jurisdiction in the City of Windsor. It is their local
police, as well as the area in the vicinity of the Ambassador
Bridge. So unsurprisingly, throughout this Commission, our
focus in the evidence has been largely local and on policing.
It’s our view that Canadians can be proud of their professional police services. One of the very important elements, though, of being a professional police service is that these police services have operational independence. Every witness that this Commission heard from affirmed the principle of independent operation by the police even though one or two of them had to be reminded of it from time to time.

And with respect to the clearing of the Ambassador Bridge blockade, and we acknowledge and we are grateful for the great assistance we received from the OPP and other municipal forces in this, the POU effort at the Ambassador Bridge worked. The Charter rights of protest, to the extent possible, were respected.

The efforts were reasonable and proportional. There was no loss of life. As the Deputy Prime Minister said, there was no blood on children’s faces. There was no serious injury. And even the Prime Minister, as I think you characterized it, Mr. Commissioner, gave us a pat on the back for the efforts.

There are larger issues, though, that arise from the example of Windsor which, in our respectful submission, this Commission should consider.

And one of them, and this is most troubling, in my view, is what additional inputs should be considered by the people and a Public Order Unit in particular when enforcing the laws and getting protestors who are acting illegally to disperse. Do you behave differently, for example, if there are significant economic impacts? How are the police under the
current regime to know if there are significant economic
impacts?

In this case, we heard from the Mayor of Windsor
that, unbeknownst to most, there were -- they were trying to
draw an electric car battery facility to the city. Should the
police have moved quicker? Would the -- would it be desirable
for the police to move quicker if it meant that there might be
more injuries either to officers or to protestors, and how would
the Windsor Police in that example get that information and be
able to assess it, all the while maintaining their operational
independence?

And finally, as my friend from the City of
Windsor said, it remains a question for Windsor and the Windsor
Police Service is who pays for the extra resources that the City
of Windsor and its police service had to expend to deal with
this protest, this protest which occurred ostensibly over -- I
was going to say vaccine mandates, but it went larger than that.
They were largely seen to come from the federal government,
though, as the Prime Minister correctly pointed out, many of
them were provincial or even local.

And is it fair to put the bill on Windsor?

My friend for Windsor said a plan would help.
We’re certainly in favour of that. But it’s a plan that should
be reached soon, in our respectful submission, to deal with
these multiple issues.

And I’d like, finally, to thank you, Mr.
Commissioner, for your kindness and good humour and I’d like to
thank other counsel throughout. It’s been an interesting ride.
Thank you very much.

COMMISSIONER ROULEAU: Thank you.

Next, the Ontario Provincial Police, the OPP.

--- FINAL SUBMISSIONS BY MR. CHRISTOPHER DIANA:

MR. CHRISTOPHER DIANA: Thank you, Commissioner.

As you heard in the evidence of Inspector Marcel Beaudoin of the OPP, the OPP is impartial on the issues underlying any particular dispute. That’s fundamental to policing any protest is the notion of impartiality.

Consistent with that commitment to impartiality, the OPP takes no position on whether or not the Government of Canada ought to have invoked the Emergencies Act. That is not a question for law enforcement. That is a decision to be made by the Government of Canada. But it was obvious that an important factual issue would relate to whether or not police services could deal with the protest within existing powers and authorities.

As I forecast in my opening submission, the evidence you consistently heard from OPP witnesses and, indeed, many witnesses from other police services, was that while the tools were useful to varying degrees, they were not necessary. Ambassador Bridge was cleared without those tools. The Ottawa protest would have been cleared without those tools. You’ve heard about Blue Water Bridge, Fort Erie, other areas in Ontario which were not subject to blockades or occupations because of the work of the OPP using existing tools.

So it’s an important discussion that we’ve had and that we’ll have in our written submissions about what are
those existing authorities.

It’s the position of the OPP that there were sufficient legal authorities within statute and common law to, for example, set up exclusion zones and the Emergencies Act was not required for that purpose.

I think we need to be careful, Commissioner, with how we look at this issue of existing authorities and those authorities, common law especially, should not be so narrowly construed in support of an argument in favour of the Emergencies Act that police services lose the ability to act.

In other words, the way we interpret the common law will be important for understanding what police can do in the future under the common law, so I think it’s an important discussion and certainly I’ll be submitting case law in that respect in our written submissions.

With respect to towing, we heard a lot of evidence. Ultimately, I think, that the -- where the evidence lands was useful -- provided useful tools for indemnification and for sure business purposes, but the email from the OPP subject matter expert indicated that it was not used to compel tow trucks.

You’ve heard a lot of evidence about the policing response and the involvement of the OPP. That response started well before the convoy arrived with Project Hendon. You’ve heard about the broad distribution of Hendon in order to break down silos. The Prime Minister today actually spoke about silos within the federal law enforcement sphere and expressed concern about how those silos could have an impact. The Hendon Reports
went to all of those federal law enforcement agencies to try to avoid that concern.

As early as January 20th, you’ve heard that there was intelligence that suggested this would not just be a weekend event. And I agree with my friend that, you know, hindsight is 20/20, but it’s fair to say that the Hendon Reports and the teleconferences provided significant information to law enforcement across the country.

OPP was not the police service of jurisdiction in Ottawa or Windsor, but worked to provide assistance in a number of ways that I won’t go over now.

The effectiveness and professionalism of the OPP and its Commissioner has been a consistent theme in the evidence from a number of witnesses, including former Chief Sloly.

I referenced the Ipperwash Inquiry in my opening for a reason. Those recommendations fundamentally changed the way the OPP engages in policing, the framework, Provincial Liaison Team, operational independence, and the reporting relationship between the Commissioner and the Deputy Minister. All of these are legacies of Ipperwash, and I will explore themes in more detail in my written submissions. But it’s fair to say that there needs to be a broader understanding amongst the policing community of the importance and effectiveness of some of these tools. There may be some gaps with respect to some of those among certain police services.

I understand that those recommendations from Ipperwash are in evidence, and I expect will be valuable to you in your consideration of this matter.
Commissioner, the OPP asks that you consider recommending consultation with the OPP before invoking the Emergencies Act, assuming there’s an Ontario component. That can be done quickly, as between RCMP and OPP Commissioners, and can be done on a hypothetical basis so as not to betray any Cabinet confidence. And for purposes of accountability and review, there should be a written record of such consultation.

And of course, our written submissions will more clearly articulate these and other issues and other potential recommendations.

The OPP’s been very pleased to participate in this important process. I want to thank you and others. Thank you.

COMMISSIONER ROULEAU: Okay. Thank you.

Next is counsel for former Chief Sloly.

--- FINAL SUBMISSIONS BY MR. TOM CURRY:

MR. TOM CURRY: Thank you, Commissioner. Tom Curry for former Chief Sloly.

As you emphasized in your comments opening these proceedings, these hearings concern accountability of the Federal Government, examined why the emergency was declared, how the power was used, and whether the Government’s actions were appropriate.

The ancillary matters under review, including the efforts of police, are examined, as you indicated, only to the extent relevant to that mandate.

This is important because it requires the Commission to focus on the Acts and decisions of the Federal
Government. Although it provides relevant context, this is not an inquiry into the operation of the Ottawa Police Service, City of Ottawa, or the performance of Chief Sloly.

As you also noted at the outset, this public inquiry is unique, since the time available for you to complete your mandate is very short.

To accomplish that tax, procedural rules were adopted that imposed limits on the ability of the parties withstanding to elicit evidence or challenge evidence introduced by Commission Counsel.

Those procedural limitations were designed to protect the Commission’s ability to complete its mandate, and you’ve shown they’ve worked. But no party or participant should be the subject of an adverse misconduct finding in the context of a Commission that has had to complete its mandate by imposing procedural rules to address the limited time frame in which you’ve had to operate.

Chief Sloly is recognized by all as a national police leader who brought nearly 30 years of experience to Ottawa as its first black police chief. He has a long record of success at the City of Toronto Police Service and internationally in virtually every role played in policing.

His actions, and his decisions, and his recommendations for the future carry the weight of that accumulated experience and wisdom.

The convoy protest that arrived in Ottawa on January 2022 represented an unprecedented and unpredictable paradigm shift in public protest. Even with the benefit of
hindsight, it is not possible to find that police services and
intelligence agencies should have known this would become an
extended occupation.

Recall, indeed, that most protestors left after
the first weekend.

But as the protest settled in to become an
occupation, the Ottawa Police Services plans that always
contemplated some protestors would stay past the first weekend,
required to evolve to address the new situation.

There’s also agreement that the OPS lacked the
resources to resolve the occupation itself. Chief Sloly raised
a lack of resources in a responsible way throughout these events
and his statement that there may not be a policing solution from
the Ottawa Police Service alone was correct. He was also right
to consider the role of negotiation and dialogue, and whether an
interlocuter could assist.

Of course the declarations of emergency by three
levels of government were also not a policing solution, and he
was right to call attention to the role of government to address
this challenge.

Agreement across the parties is also made that
the events created a crucible of enormous pressure for everyone
involved. All described the pressure they experienced during
the protest.

This point is important to your work because as
you assess the facts and the roles played by individuals in
these events, you should exercise restraint in judging those
people, including Chief Sloly, who were operating under
extremely challenging circumstances.

The parties agree also that the police response in Ottawa, Windsor, Coutts, and elsewhere, was a success, as has been noted by others, in the sense that the protests were brought to a conclusion without a loss of life or serious injury.

The City of Ottawa, the OPS, and Chief Sloly occupied a prominent position in these proceedings.

Commission Counsel’s presentation of the evidence focused more on that part of the events than other parts. More members of the OPS testified and for longer than members of the other police services.

Chief Sloly himself was in the witness box twice as long as any other witness in the proceeding.

This intense scrutiny of Chief Sloly’s role during the three weeks under review establishes though that he performed his duties in good faith, to the best of his abilities, and that he dedicated himself to the passionate defence of the City of Ottawa, its residents, the membership of the OPS, the right of lawful protest, and the safe and responsible end of the illegal occupation.

He exercised his authority under extremely difficult circumstances. His police service was operating without a full permanent senior command, was struggling to recover from the challenges of the global pandemic, and of course adjusting to a new chief from outside its service, implementing a change mandate.

The unprecedented events of the convoy protest
meant that the OPS, Police Services Board, City Council, City officials and agencies were required to work together in imperfect conditions.

Chief Sloly did everything in his authority to get the help he needed to help this community and the service he swore to protect.

Unfortunately, he and the OPS were unable to get the help they needed when they needed it. You’ve heard about the reasons for those delays, from debates about who should be the first port of call, to delays caused by inaccurate public statements about how many police service members were available to the OPS.

Those circumstances created confusion and doubt and an unjustified lack of confidence in Chief Sloly and the OPS.

Chief Sloly and the OPS were in an impossible position. To dismantle an unprecedented occupation, but not with the resources they needed to do so. He had the weight of the city and the nation on his shoulders. Criticism of the absence of a plan must be seen in the context of the reality that there were always plans for maintaining the safety of the community, but plans for the dismantling of the occupation obviously required resources, and a plan most assuredly was complete, as you’ve heard, February 12th, and February 13th, and services were delivered against that plan from the RCMP and the OPP.

Chief Sloly served to the best of his ability under trying circumstances inside and outside the OPS, but it
was not enough. Confidence in the OPS and its Chief was harmed by the weight of the rumours and resourcing delays and the scale of the problem, and so he did the last thing he could do to ensure public safety was not compromised.

On February 15th, he resigned from his position to remove himself from the equation. I say that's an act of a selfless leader who put the community and its service before himself and his family.

His public service continues in this hearing. He has participated fully in these proceedings, including by offering his account of the circumstances and his recommendations to you for future reform to address structural deficits and improve the sharing of intelligence and responses to events of this kind in the future, and Commissioner, he looks forward to assisting you in the policy phase.

On Chief Sloly's behalf and on behalf of my colleagues, thank you for your work in this Commission.

COMMISSIONER ROULEAU: Thank you.

Next, the convoy organisers, please.

--- FINAL SUBMISSIONS BY MS. EVA CHIPUIK:

MS. EVA CHIPUIK: Good afternoon. For the record, my name is Eva Chipiuk. I am one of the lawyers representing Freedom Corp. and the protesters who were here in Ottawa in January and February 2022.

Mr. Commissioner, friends, Canadians listening to this Public Inquiry into the Government's decision to invoke the Emergencies Act for the first time in history, you will remember on the first day of this Public Inquiry, our lead counsel,
Brendan Miller, in his Opening Statement, spoke about the evidence and threshold required for invoking the Emergencies Act.

Mr. Miller set out each element of the test for invoking the Emergencies Act, and then predicted that there would be no evidence to support any of the factors required to invoke the Act. I would like to restate Mr. Miller's Opening Statement, and add to it what evidence in fact came out.

"...it is our view that there was no justification whatsoever to invoke the Emergencies Act. The Emergencies Act requires several things: One, it could be invoked due to espionage and sabotage."

Did you hear any evidence about espionage and sabotage? The answer is no:

"Two, it could be invoked on the basis of clandestine or deceptive foreign influence, or foreign influence that involves the threat to a person."

Did you hear evidence about that? The answer is no:

"It also could be invoked on the basis of threats or use of acts of serious violence against persons or property."

Did you hear evidence of violence against persons or property? The answer is no:

"Lastly, it can also be invoked if
there is a group or persons trying to
destroy or overthrow by violence the
system of Government of Canada."

Did you hear evidence about individuals trying to
do that? The answer is no:

And the answer is there was no reasonable and
probable grounds to invoke the Emergencies Act and the
Government exceeded their jurisdiction, both constitutionally
and legislatively, in doing so.

In using the Emergencies Act, which gifts the
Government with extraordinary powers, the Government of Canada
chose use of force, that is, state violence over peaceful
negotiations and democratic engagement with the Canadian people.
The sad irony is that the protest in Ottawa was fundamentally
about government overreach. Canadians felt that the current
Government had gone too far with the COVID-19 mandates.

The Government's response to the protests by
invoking the Emergencies Act was a further reach in power over
people instead of power by the people.

In response to the unprecedented unison of voices
of many Canadians, including a voice by way of millions in
donations to the cause, the Government of Canada refused to
engage and listen to the people. Instead, by invoking the
Emergencies Act the Government stepped even further into their
oppressive governance by quashing the most fundamental right
that belongs to a Canadian democracy, that is, to come together
in their Nation's Capital, in front of Parliament to engage in
dialogue with their elected officials.
Protesting is in fact the people trying to have a dialogue with their government as a last resort of engagement when all other avenues for discourse have failed or have been censored.

A healthy democracy demands continuous engagement between people and government, and when the government uses violence to assert its power over the people the fabric of democracy is torn. That is what was witnessed at the protest.

We heard from witness and protester, Maggie Braun, who knelt before the Public Order Units, placed a copy of the Canadian Bill of Rights, the first human rights law in Canada, onto the snow in front of her before being brutally snatched and shoved behind the police lines, thrown to the frozen ground, beaten, and had a rifle pointed to her head.

We heard from witness and veteran Chris Deering, survivor of a bomb explosion in Afghanistan. He fought for our country because he believed that our Canadian values were worth fighting for. He said he came to Ottawa because it was his duty to support the protesters in their cry to the Canadian Government that enough is enough. They've gone too far with interfering with our right and freedom, our right to live in a safe country free from fear.

In response to our dear veteran's bravery, moral courage, and sacrifice for this country he was brutally beaten by the police and treated with less human dignity than a prisoner of war.

The fact is it does not matter which side of the protest you are on. To be Canadian is to value human dignity,
kindness, community, compassion, and love. It is not normal to hate and divide.

This Public Inquiry is more than just looking into the circumstances that led to the Government's decision to invoke the Emergencies Act, it is the beginning of a journey of rediscovering of what it means to be Canadian.

The Government does not define us, we do. We, the collective of many diverse groups across the country.

The protest in Ottawa brought so many Canadians from all different walks of life together. It was an opportunity for reconciliation, for uniting, and forging friendships despite so many differences. The protest in Ottawa gave people hope and it humbled all of us. What we saw in Ottawa is emblematic of what it means to be Canadian, and that is what terrifies the current Government of Canada.

Yes, there was honking, and diesel, and noise, and that was not only challenging for residents in Ottawa, but also for protesters, but the protesters were not extremists or terrorists, they are fellow Canadians, neighbours, and each person is the thread that holds us together in a peaceful and loving society. We have all suffered in our own unique way because of the pandemic, the virus, the sickness, the lockdowns, the job losses, loss of livelihood, the mandates, and mental health.

On the first day of this Public Order Emergency Inquiry, Commissioner Rouleau, you said uncovering the truth is an important role. When difficult events occur that impact the lives of Canadians the public has the right to know what
happened.

So, l’objectif de l’enquête publique est de faire la lumière sur les faits ou la situation, de faire les recommandations pour que la situation ne se reproduise plus.

Let this Inquiry be the starting point for all Canadians, and that means all Canadians, including Government leaders, to hold the Executive Branch of Canada to account. If there ever was a time for a Prime Minister to step down, now is that time.

Thank you.

COMMISSIONER ROULEAU: Okay, thank you.

Next is the Ottawa Coalition, please.

--- FINAL SUBMISSIONS BY MR. PAUL CHAMP:

MR. PAUL CHAMP: Thank you, Mr. Commissioner. Paul Champ for the Ottawa Coalition of Residents and Businesses.

I’m just going to try to focus, if I can, Commissioner, on the key points of evidence that I think are questions that you’re going to have to try to determine in all the testimony and exhibits you’ve received over the last several weeks.

First of all, what we know is that the Ottawa Police made a major mistake by allowing hundreds of semi trucks to drive and park in downtown on the first weekend.

The OPP disavowed supporting this idea and said that they thought the plan was to stop the trucks, but the reality is, they also assisted in guiding the trucks downtown. So what happened there?

Also, the Ottawa Police made a mistake in
believing that they were only going to stay for a weekend, despite all the other intelligence available. You heard a lot of evidence about, you know, how and why that decision was made or that calculation was made when there is a great deal of intelligence that suggested otherwise.

But most significantly, Commissioner, by Monday, January 31st, the Ottawa Police already realized on that day that they had made these major mistakes, and they acknowledged internally that they were overwhelmed and did not have the capacity or the resources to police or manage these protests. They knew that. They were already calling it an occupation on Monday, January 31st. And from that day forward, they were trying to get help from other levels of government and from other police services.

Now, what was going on after that? Well, we know that the Ottawa Police refrained from enforcement in most cases because of officer safety, including bylaw officer safety. And if the officers aren’t safe, how can citizens and residents feel safe? They cannot and they were not.

Reports to police were not being followed up on, despite people calling repeatedly.

You of course heard the circumstances, the context of downtown Ottawa. Not only the dangerously loud horns that were going on all day and into the night, the blockaded streets that were obstructing traffic, public transit, even emergency vehicles, the diesel fumes of hundreds of congregated and continuously idling semi trucks, the street harassment, the threats to public officials at all levels, our Mayor, our Chief,
our Health Officer, our federal politicians. Businesses were shut down with loss of profits and wages of $10 million per day. There were open fires in our streets on almost every corner in this downtown stamp, with gasoline, and propane, and fireworks going off beside them. On some days, our 9-1-1 lines were being jammed deliberately. And our hospitals were getting bomb threats.

The situation was one of lawlessness in Ottawa. And that situation prevailed for a long time. The people, and residents, and businesses of Ottawa felt abandoned.

Using the words of the Police Services Act, the Ottawa Police could not provide adequate and effective policing out of the gate. They were just barely maintaining a baseline level of policing.

And once it reached that point, and it really was very early, what happened? How did different levels of government respond?

First and foremost, resources were delayed. The RCMP and the OPP were on the ground in small numbers early, but they withheld larger numbers because they were dissatisfied with the OPS plan. So you’ll hear a lot of evidence about why those delays were happening and what happened. You’ll have to, I think, make some decisions about that, or factual findings.

And what did others know about that disfunction? Other levels of government. And what did they do about it? Whether it’s city officials, provincial, federal. And who was the responsible authorities who could do something about that situation? Was it the OPP? Was it the Ottawa Police Services

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Board? Was it Provincial Solicitor General?

And then the other piece of evidence that we heard is -- that caused the delays is once the Windsor Blockade happened, it was clear then that Ottawa dropped in priority because the OPP simply did not have the resources to deal with both of those major events at once.

Windsor was the priority, and until that situation was addressed, Ottawa would be left to wait.

The final piece in evidence, questions that you’re asked to determine or decide is how is it possible for the convoy organizers to bring together? How did they organize and come to our city and occupy it? Because they did. I mean, the definition of an occupation is when an evading force enters into an area and takes control over that area, which is what they did in downtown Ottawa.

It was organic, I think we heard. We heard there were people attracted for a variety of different reasons, but some of the leaders who we heard testified I think were animated by a variety of different issues of misinformation.

They -- some of them absolutely took some pleasure in what was happening to the people of Ottawa. It was funny that people were unable to sleep. We heard evidence like that. And also that they felt justified in inflicting that harm on the people in downtown Ottawa because they had suffered. And I think we’ve heard that in -- there’s no question that the people, the convoy protestors, they had all been experiencing all kinds of hardships and stresses for two years.

So that’s the last issue I think you’re going to
have to decide, Commissioner.

Just to conclude, you know, these convoy protests stretched our Constitution in every way. Our Canadian Charter of Rights and Freedoms and our cherished right to protest, was it stretched too far? I think clearly it was.

But, you know, the fact that our authorities showed so much tolerance for so long, and the residents, I think speaks a lot about our country.

But our Constitution -- also federalism was stretched right out of shape. I think we -- you know, you’re going to grapple with the evidence and the different levels of government, how they interact, and why it wasn’t more seamless, which is what we would have hoped.

So just to conclude, Commissioner, thank you very much. You know, I think this Inquiry has demonstrated, really, the strength of our democracy, not only the fact that that this Inquiry is happening, but the way it was conducted. It was unprecedented, I think, in terms of the transparency we’ve seen at all levels of government. And no doubt, you know, what happened, whatever you find, I know that people are going to debate it anyway. And they’ve had the opportunity to do so; right? They’ve seen it.

COMMISSIONER ROULEAU: Fair. That’s a fair statement.

MR. PAUL CHAMP: And no doubt study it for years to come about how government and police operate. It was quite amazing.

And I have to say also, the fact that the convoy
organizers and the protestors, they applied for leave to
participate, and they have participated, I would believe, in
good faith, and I think it shows that they had enough trust in
our public institutions to do that still says a lot about the
strength of Canada.

   So with that, Commissioner, I just want to thank
you for the prodigious hard work that you’ve demonstrated, and
your Commission team. It was, I think, an inspiration for all
counsel here. And chapeau. Merci.

   COMMISSIONER ROULEAU: Thank you.

   Next is the Criminal Lawyers Association.

--- FINAL SUBMISSIONS BY MR. GREG DelBIGIO:

   MR. GREG DelBIGIO: The Criminal Lawyer’s
Association and Canadian Council of Criminal Defence Lawyers
appreciate the opportunity to have participated in this
Commission.

   As criminal lawyers, we frequently scrutinize and
challenge the exercise of power by government or law enforcement
against individuals. We frequently defend guaranteed Charter
rights of people within Canada as against the reach and
sometimes overreach of state authority.

   Challenges to whether an arrest was lawful,
whether a search warrant was lawful, whether a wire tap is
lawful, are commonly conducted before the Courts.

   It might be of interest to people who’ve followed
this Commission and those who are not lawyers to know that it’s
not uncommon for there to be disagreement about the
interpretation of laws, whether legal tests have been satisfied
by evidence, or whether laws or actions of government actors were constitutional.

In that way, it might be useful for people to understand that some of the disagreements that were revealed through these proceedings are not uncommon at all.

The disclosure of thousands of documents and close forensic analysis of those documents reveals that protests were unquestionably challenging and demanded attention.

It’s not surprising that there were disagreements with respect to how to deal with the protests or occupations.

It’s not surprising that there was occasionally colourful and perhaps intemperate language revealed within some of the written communications.

It's not surprising that various ideas were raised for consideration. That's the nature of a human process. These -- the determination about whether to invoke an Act such as this is inescapably a human process.

The Commission evidence reveals what many lawyers already know, which is how a particular law is to be interpreted, and whether a particular legal test has been satisfied is often not straightforward.

Uncertainty or disagreement about the interpretation of the law is common. This might be unfortunate because the rule of law and constraint on the exercise of government power is best achieved when the meaning and the scope of law is certain. However, the history of law shows that that is very difficult to achieve; therefore, what is important is that there be an impartial process for determining what the law
means and whether the law has been complied with.

This Commission, and the Commission evidence, has revealed the uncertainties surrounding interpretation of the Emergencies Act. A central question is whether the test within the Emergencies Act, the important test, that extraordinary powers only be used as a matter of last resort, was satisfied on the facts as presented themselves.

Whether that test was satisfied or not, the Commission evidence revealed that an unquestionably challenging circumstance was responded to with focussed consideration from law enforcement, elected and unelected officials. There will be disagreement with respect to how that was done and whether it was done properly, but I think that people should be satisfied that it was done with care and with a serious deliberation.

This Commission will need to -- now need to decide whether the invocation of the Act was appropriate. We look forward to submitting our written submissions to assist the Commission in making this determination. Thank you.

COMMISIONER ROULEAU: Okay, thank you very much.

Next, I'd like to call on the Union of British Columbia Indian Chiefs, please.

--- FINAL SUBMISSIONS BY MS. CHEYENNE ARNOLD-CUNNINGHAM:

MS. CHEYENNE ARNOLD-CUNNINGHAM: Good afternoon. My name is Cheyenne Arnold-Cunningham. I'm counsel on behalf of the Union of B.C. Indian Chiefs.

The Union of B.C. Indian Chiefs has a significant interest in the exercise of emergency powers by the Canadian Government, generally. In this Inquiry, we have been
particularly interested in understanding how emergency powers
were used in the Freedom Convoy situation, and whether the use
of state emergency powers respects Indigenous rights and
jurisdiction.

Solely on the facts, Commissioner, we have just
one brief factual submission. We highlight from the evidence
that there was limited, if any, consultation and engagement with
local First Nations Governments of the territory. On this, I
draw your attention to the testimony of two witnesses who had
close knowledge of this matter.

First, we heard from Deputy Minister of Public
Safety, Rob Stewart. In response to a question from the Union
of B.C. Indian Chiefs regarding which First Nations governments,
representatives, and Indigenous groups were consulted with
during the convoy situation broadly, he testified that he was
not aware of any consultation efforts, and he narrowly connected
it to matters associated with law enforcement and urban areas or
at border points.

He also testified that he was not aware of
efforts on behalf of the Government of Canada or police services
to consult with First Nations of the territory. However, it was
later noted by counsel for Canada that Canada did engage with
Indigenous leaders, specifically regarding blockades, but none
where First Nations leaders of the territory where the events
occurred. This is factually significant to us.

This was further confirmed in the evidence of
RCMP Commissioner Brenda Lucki. In response to questions from
the Union of B.C. Indian Chiefs about whether First Nations of
the territory were consulted, she testified that she was not sure. She noted it definitely did not occur in the Ottawa area, but there may have been efforts to do so in British Columbia, Alberta, and Saskatchewan, but overall she was not sure.

Commissioner Lucki's evidence seems to suggest that generally speaking engagement with Indigenous peoples in these contexts occurs when there is Indigenous involvement or if the event was on Indigenous land, but noted that there are special teams that exist for that purpose.

The Minister of Public Safety, Minister Mendicino, confirmed that it is important for Public Safety Canada and police services to engage with First Nations of the territory, and that it's also important for this to be built into the response to Public Order Emergency events across the government broadly. Minister Mendicino also emphasised that this type of engagement requires relationships to be built with Indigenous leaders so that we can move forward with reforms inspired and governed by the United Nations Declaration on the Rights of Indigenous peoples.

Commissioner, the evidence in this Inquiry illustrates that there was a lack of recognition of Indigenous jurisdiction in a Public Order Emergency event, and a lack of respect for Indigenous rights, specifically including the obligation to engage properly with the First Nations governing body that is a representative of the traditional territory or territories where a Public Order event occurs. This is noteworthy and important as the coordination of jurisdiction and authority must include First Nations governments and
representative leaders from the territories impacted.

We thank you for the opportunity to be part of this Inquiry and to provide our submissions on the facts today. Thank you, Commissioner, Commission Counsel, it's been a pleasure participating in this Inquiry alongside the parties and their representatives, and we look forward to our continued participation in the upcoming policy phase.

COMMISSIONER ROULEAU: Thank you.

I'm not sure, have we got the National Crowdfunding & Fintech Association or -- online? Not seeing them, not hearing them.

Okay. So we'll go to the National Police Federation, please.

--- FINAL SUBMISSIONS BY MS. NINI JONES:

MS. NINI JONES: Thank you, Commissioner.

My name is Nini Jones, and I am counsel to the National Police Federation.

The National Police Federation is the union representing the regular members and reservists of the RCMP, and so while we're obviously here because we're focussed on the policing response in January and February 2022, in Coutts, in Emerson, in the Lower Mainland, in Windsor, and of course primarily in Ottawa, we're also here because these are our members' working conditions. So these -- when we talk about what's happening on the streets, and what went right and what went wrong, it's our members who are living that reality on the ground. When we talk about boots on the ground, as we have many times, those are our members' boots.
And so we also know that in the future, at similar protests, at similar occupations, our members are going to be the ones called upon to respond in similarly dangerous and uncertain working conditions. And so what the NPF wants for our members is to be deployed into these exigent circumstances with well-constructed, strong policing plan, and in adequate numbers to perform their public order safety -- or public order functions in a way that is safe for the protesters, for the community, and for our members.

Now, the evidence here has been essentially undisputed, that in -- the January and February protests led to a significant failure to maintain public order in our Nation's Capital. And there are a number of pieces of evidence that we will be reviewing in a great deal of detail in our -- or more detail anyway than I will today in our submissions. I think you will be hearing about from all of my friends.

But we know that there are a couple of key things from the NPF's perspective. First of all, Parliament is a frequent and regular target of political protest. We know also that the Freedom Convoy was a different kind of protest or occupation, and we heard evidence that it was a paradigm shift in terms of protesting and represents a change in what are likely to be future protest tactics.

We also know that the surge capacity of police, that is, the number of police officers who are available and able to be deployed quickly is a crucial, perhaps more accurately, the crucial component of protecting a key site like Parliament Hill and the Ambassador Bridge, to use two key
The Ottawa Police in Ottawa were effectively the only police of jurisdiction charged with the circumstances that arose in January and February 2022 and in Ottawa, one of the themes throughout this proceeding, throughout the evidence, has been that these federal democratic institutions, the ones right next door to where we are and further down the road, are in fact of extremely high value, symbolic value, as well as, of course, practical value, and in the moment value, and that there are real questions about whether they should be outside or beyond the jurisdiction of the Federal Government for policing purposes.

In fact, it was a surprise to many of the witnesses, including some of the Federal Government witnesses that we heard from, the Ministers. It was a surprise to many that it was so far out of their reach.

And we also know that there was an absence of a policing presence all along this strip on this side of Wellington, which may not show up very well on the transcript, but I’m sure we’ll all remember where we’re standing when we read it later.

So as its status as the only police of jurisdiction, the OPS was left in a position to develop its response and develop its plan on its own. And you heard some evidence about in, what I like to call the old days, a handful of years ago, in 2018 and 2015, when the RCMP policed this side of Wellington, that the RCMP would have been joint responding police of jurisdiction with the OPS.
So we know that the OPS made the decision ultimately to allow the protestors to bring their vehicles onto Wellington and into the downtown core. And the NPF’s view is that that was a terrible mistake. And the evidence in our submission shows that the RCMP, given their experiences with other large-scale events, would have made different planning decisions, including from the outset, and including specifically on that point.

Now, we recognize of course that our colleagues and our friends, members of the Ottawa Police Association who were on the ground, were doing their very best to maintain public order in extremely adverse conditions, particularly at the beginning when they were on their own.

But the Ottawa Police Service was overwhelmed almost immediately and there was friction, confusion, and delay in the ability of the Ottawa Police Service to obtain and deploy additional police resources.

So much so that even here now, no one is exactly clear on how many police were eventually provided to Ottawa and when and at what stages, and frankly in what roles. There was a lot of disagreement and finger pointing about that.

And so in the NPF’s submission, we can draw a very sharp line from Ottawa to Emerson, and to Coutts, and to the Lower Mainland.

And where we see that surge capacity being available to the responding police of jurisdiction, in all three of those cases, it was the RCMP who was the responding police of jurisdiction, they were able to draw on those Article 9
resources that we heard evidence about, to ensure that they
could immediately and seamlessly provide that policing search
capacity on the ground in the moment it was required, and it was
done in a way that provided for consistency of training,
consistency of communication tools, and consistency of command
structure.

And so we heard evidence that the RCMP is
uniquely positioned, given its size and its resources, given its
cross-national status as Canada’s national police service, to
respond to these kind of public order emergencies.

But the shortcomings in the legal and
institutional framework through which policing was administered
or is administered in Ontario, and particularly in the National
Capital Region, are -- pose significant barriers. And so we’ll
be advancing specific recommendations consistent with many of
the recommendations that you’re hearing today from my friends,
including that the Police Services Act should be amended to
extend full policing authority to the RCMP, for purposes of
municipal, provincial, or federal declared emergencies, that a
statutory process should be developed to provide municipal
police services in Ontario, and particularly the Ottawa Police
Service, with the ability to request and obtain RCMP resources
early, and that existing jurisdictional boundaries need to be
re-examined and policing responsibility has to be supplemented,
particularly, again, in the National Capital Region, so that the
RCMP can provide the necessary support in situations of public
order emergency.

The Commission has been asked to make
recommendations, and we hope that the NPF’s recommendations will be -- which in our submission are supported by the evidence, will be part of that.

I do want to take one moment to thank you, Commissioner, very much, and also particularly to thank Commission Counsel, who have had, at times, a thankless role in this process. I suspect it has been almost exclusively thankless. They have been extraordinary colleagues and have done an amazing job.

And I also want to thank all of my friends who have been counsel to the various parties. It has been a pleasure and an honour. Thank you very much.

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

Now the Canadian Constitution Foundation, unless you’ve traded again. Just checking.

--- **FINAL SUBMISSIONS BY MR. SUJIT CHOUDHRY:**

**MR. SUJIT CHOUDHRY:** That’s okay. Sorry to disappoint you.

So Commissioner Rouleau, for the record, my name is Sujit Choudhry and I’m counsel for the Canadian Constitution Foundation.

Commissioner, as you look over the evidence and prepare your report, we would suggest that you do so informed by history.

In particular, we would invite you to look back at the Cabinet minutes of the last use of emergency powers by Cabinet before February 2022. The invocation of the War Measures Act in 1970 during the FLQ crisis. These minutes have
been declassified and they are in the CCF’s evidence.

At the time, the Prime Minister did not initially recommend that the War Measures Act be triggered. The Security Committee of the Cabinet had met the previous day and were briefed by the security services that there was no apprehended insurrection in Quebec.

The Honourable Jean Marchand, the Political Minister of Quebec, sharply disagreed at the Cabinet meeting. He presented unverified intelligence at the Cabinet table that the FLQ was, “a state within a state and heavily armed.” He stated that failure to invoke the Act was, “meant the risk of losing Quebec.”

In the end, the Cabinet came around to Marchand’s view. I have no doubt that Minister Marchand acted in good faith. However, it is now accepted that he and the Cabinet were deeply mistaken. There was no apprehended insurrection in Quebec. The security services were right. Cabinet overreacted in the FLQ crisis. It should have relied on legal tools outside the War Measures Act.

The basic mission of the Emergencies Act was to make sure that this kind of mistake never happened again. Under the War Measures Act, the Governor in Council had nearly unfettered discretion to determine if an apprehended insurrection existed.

On first reading in Parliament, the Emergencies Act only required that the Governor in Council be “of the opinion that a public order emergency exists.” In Committee, the Act was amended to require that the Governor in Council
believe on reasonable grounds that a public order emergency exists.

Minister Perrin Beatty, the author of the *Emergencies Act*, explained that the shift from an opinion for reasonable grounds test was to “guarantee Canadians the ability that the Courts could rule on whether the Government had reasonable grounds to believe that a national emergency existed.”

The same holds true for this Commission. Commissioner Rouleau, you must determine whether the Governor in Council had reasonable grounds to declare a public order emergency.

We say that you must conclude that reasonable grounds did not exist for two reasons.

First, the Governor in Council can only have reasonable grounds to determine a public order emergency exists if it is provided with all the relevant information to enable it to make a proper decision.

The government has not established that the CSIS threat assessment was even provided to the full Cabinet. There are good reasons to find in the record that it was not.

In addition, the Government has not established that the February 13th policing plan was provided to Cabinet.

Second, the proper interpretation of the *Emergencies Act* is that it incorporates the *CSIS Act* definition of a threat to national security.

CSIS’ own expert assessment of this event is that
there was no threat to national security.

In the face of this finding, the reasonable grounds test requires that the Federal Government provide evidence for why it disagreed with the CSIS assessment. It is simply not enough as a matter of law to say that Cabinet relied on a broader set of inputs.

The invocation of the Emergencies Act has been and should remain exceedingly rare. But now that the glass has been broken on the Act, it can be used again. When the Commission asked hard questions about the Act’s use in 2022, it must also focus on the Act’s potential misuse in the future and protect the right to protest Parliamentary democracy and federalism.

We thank you, sir, and Commission Counsel for your exceptionally hard work and we look forward to continuing to work with you until this process is completed.

Thank you.

COMMISSIONER ROULEAU: Thank you. The Canadian Civil Liberties Association.

--- FINAL SUBMISSIONS BY MS. CARA ZWIBEL:

MS. CARA ZWIBEL: Thank you, Commissioner. Cara Zwibel on behalf of the Canadian Civil Liberties Association.

In February of this year, for the first time, the Government of Canada declared a public order emergency and put in place emergency measures that restricted the rights and freedoms of all people in Canada.

These measures placed broad restrictions on the freedoms of Canadians to assemble and protest. They allowed for
the Government to compel the provision of services and for personal assets to be frozen with no notice and no due process. These orders handed law enforcement agencies and financial institutions extraordinary powers.

The Government may have intended these powers to be used in targeted ways, as drafted, they gave law enforcement across the country measures whose application went well beyond the blockades and could easily have been abused.

I have three submissions.

First, the Emergencies Act does not allow for the suspension of Charter rights, but without the existence of a public order emergency, the measures that were enacted would most certainly be contrary to the Charter. In the absence of circumstances amounting to a national emergency, they would constitute serious restrictions on fundamental rights and freedoms that are neither reasonable nor justified in a free and democratic society.

So the question, was there a national emergency that justified these measures, is a crucial one.

The Canadian Civil Liberties Association respectfully submits that this question is important not only for what it says about the events of January and February of this year, but also because of what it signals to future governments about when Parliamentary process can be bypassed to allow the government to rule by executive order and when extraordinary powers can be used.

Second, the Government of Canada has offered a range of justifications for its decision to invoke the Act. Its
primary justification articulated when the Act was first invoked is set out in its section 58 report to Parliament. Although that justification has evolved over time, its core elements are relatively simple and remain mostly intact. The justification focuses very heavily on economic disruption and harm. It also references concerns about the possibility of serious violence, either because of the presence of some violent extremists amongst otherwise non-violent protestors, the possibility that the protests would provide a cover for a lone wolf attack, or allow threat actors to recruit, or the concern that violence would erupt in clashes with counter-protestors.

Apart from the economic concerns, the evidence on which the Government relies to back up these claims is extremely thin.

The law enforcement and intelligence agencies, whose expertise should help inform the Government’s decisions, did not assess the protests as giving rise to a serious threat of violence. The most dangerous element we’ve heard about, the cell in Coutts, Alberta with a cache of weapons, was investigated and arrested by law enforcement prior to the Emergency Orders coming into effect without the use of any extraordinary powers, and without setting off a chain reaction of violence amongst protestors.

The Emergencies Act was carefully crafted to avoid the excesses of the War Measures Act that proceeded it. Parliament intentionally identified a public order emergency by tying it exclusively and exhaustively to the definition of threats to the security of Canada found in the CSIS Act.
This definition does not include economic harm or disruption, nor should it. It requires activities directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious, or ideological objective.

The legal threshold to make use of the Act was not met and a creative and privileged legal opinion from the Government that says otherwise doesn’t make it so.

The Prime Minister agreed that the threshold is no lower to invoke the Act and restrict the rights of all Canadians than the standard set out in the CSIS Act to investigate and surveil a single individual.

In our submission, the Government exceeded the bounds of the law in taking the steps it did.

Finally, there’s no doubt that the blockades and protests gave rise to serious harms to the people living in communities where they occurred, that they caused significant economic disruption, and that law enforcement agencies were not well prepared to address them.

The government, various governments, were struggling to get clear information from law enforcement about its plans and were wary of crossing the apparently still blurry line that risked undermining police operational independence.

But the Government also felt a great deal of pressure to do something to address the situation and to be seen to be doing something.

Instead of establishing clear and appropriate lines of communication, having frank discussions, and putting
instructions about strategic priorities to police in writing, the Government gave law enforcement the biggest and most public nudge it could. It invoked the Emergencies Act and handed law enforcement across the country sweeping and unnecessary new tools and a clear political mandate to use them.

One of the CCLA’s core values is equality, and specifically the belief that the freedom of no one is safe, unless the freedom of everyone is safe.

We urge the Commission to bear this tenant in mind as it examines what the Government did and considers what future governments may do.

Thank you, Commissioner. Thank you to Commission Counsel and to my friends.

COMMISSIONER ROULEAU: Okay. Thank you. And now the Justice Centre for Constitutional Freedoms, Democracy Fund, and Citizens for Freedom.

--- FINAL SUBMISSIONS BY MR. ALAN HONNER:

MR. ALAN HONNER: Commissioner, my name is Alan Honner and I’m counsel for the Democracy Fund, but I’m also addressing you on behalf of the JCCF and Citizens for Freedom.

We’d like to express our gratitude for this opportunity to participate in these proceedings.

At the commencement of these public hearings, we stated that our goal was to get to the truth about why the Government invoked public order emergency. We wanted to hear evidence about whether the Government met the legal threshold for invoking the Emergencies Act.

And Commissioner, we have heard evidence on many
issues, but the reason -- the reasons why the Emergencies Act was invoked is the primary and ultimate issue you should turn your mind to.

I won’t repeat the test for declaring a public order emergency because we’ve all heard it so many times, but I would like to address just one part of that test. Threats to the security of Canada.

In one way, this is a very high threshold for the Government to meet, as threats to the security of Canada means more than ordinary threats or acts of violence.

The definition requires serious violence or threats of serious violence for the purpose of achieving political, religious, or ideological objective.

In our written submissions, we will be looking at, among other things, the definition of terrorist activity set out in the Criminal Code and how it is similar to the CSIS definition.

And in fact, some of the CSIS documents that were disclosed to the parties through this Inquiry show that CSIS refers to section 2(c) as terrorism and extreme violence.

And this reference is indicative of just how high that threshold is.

We submit, and the Prime Minister’s evidence left little doubt that this very high threshold is the same whether it applies in the Emergencies Act or the CSIS Act. The context, the decision-maker and the purpose are obviously different. There may even be different inputs, but those inputs are meant to answer the same question: are there threats or acts of
serious violence for political, religious, or ideological purposes? And that is the one and only standard.

Commissioner, I have made reference to how high the threshold is, but in a different way it's a low threshold, and on the issue of threats to security of Canada, it doesn't require, for example, proof beyond a reasonable doubt, nor does it even require proof on a balance of probabilities. The threshold only requires the Governor in Council to actually believe that there are threats to the security of Canada, and it requires that belief to be reasonable. And respectfully, we submit, and we'll argue in detail, that the Government has not even met this low threshold.

There may be reasonable grounds to believe that some acts of violence were happening, ripping off masks, police officers being swarmed, eggs being thrown, coffee being thrown. These and other things may have happened in the protest, which was of unprecedented proportions. And let me be clear, that is not acceptable. But those acts do not rise to the level of violence or threats which are required by the Act, and further, they do not reflect the attitudes, actions, and values of the vast majority of peaceful protesters.

Even the most significant threat we've heard of, which was the presence of weapons in Coutts, does not meet this threshold, and even if it did, it was neutralised. Those alleged criminals were sitting in an Alberta jail when the Emergencies Act was invoked. The threshold requires present threats, not past threats, not fear of the unknown.

Canadians, and even the international community
are and will continue to be divided over the Freedom Convoy protests. Canadians will also be divided over future protests. As one of my friends aptly observed, tomorrow's protest could be environmental issues, or it could be about some other political cause. To safeguard democracy, the rule of law, and the cherished right to protest for everyone, no matter what you believe, we must ensure that the Emergencies Act is only used as a last resort in the direst circumstances.

Our detailed submissions will follow. We'd like to thank you again, Commissioner, Commission Counsel, and the parties.

COMMISSIONER ROULEAU: Okay. I have not missed anyone? Good. I've missed things before, I've not been perfect, and in fact, probably made more mistakes than most.

But I want to say I found those final submissions to be very useful for me. Thank you for taking the time to think it through and give me some of the key issues because, again, I won't repeat it all the time, but I've got a little pressure to get at doing some writing, and it's nice to know what's going to be coming, and at least in general forms.

And if you can get your submissions in early they won't be turned back, I can assure you. We've extended the time at the request of some. But it is -- I'm not going to shy away, it's very challenging to get this written because my hope is that once it is written and provided there will be enough there that even if you don't agree with me the facts will be there, the evidence, the analysis, and fact-finding. But ultimately, these are very difficult issues, they overlap, and people could
have different views and will have different views on these things, but I can assure you I'll do the very best I can.

Now, this brings the fact hearings of the Commission to an end. It was, believe it or not, 43 days ago I first convened these hearings. Since then, we've heard from 75 witnesses, filed numerous overview reports, witness statements, witness interviews, and have introduced over 7,000 documents into evidence.

You're a bunch of lawyers. I have rarely seen something that happened in February that has reached this point after less than 10 months. It is an amazing feat. Time has flown by, I'm sure you're the same. At least I hope some of you agree that it wasn't boring.

We've managed, albeit with long days and some very late evenings, to stay on schedule. And we've met what you have probably heard me say too many times our unique table, and for that I am most grateful.

Most importantly, I am satisfied that I now have the evidence that I need to make the factual findings and to answer the questions I have been mandated to ask, namely, why did the Federal Government declare the emergency, how did it use its powers, and were those actions appropriate? These are questions that, as I said at the outset, the public wants answered, and I am confident that I am now well-positioned to provide those answers.

I'm also equipped to report on the additional issues, as mandated by our Order in Council: the evolution of the goals of the convoy movement and broader protests and their
leadership, organisation, and participants; the impact of
domestic and foreign funding, including crowdsourcing platforms;
the impact, role, and sources of mis-information and
dis-information, including social media; the economic and other
impacts of the blockade; and the efforts of police, and other
responders prior to and after the declaration, always to the
extent that these issues are relevant to the circumstances of
the declaration and the measures taken.

Il était important pour moi d’entendre les
perspectives de ceux et celles qui ont participé aux évènements
ou qui ont été touchés par ceux-ci. Je suis ravi d’avoir eu
l’occasion de recueillir ces perspectives. C’est avec intérêt
que j’attends les observations écrites des parties qui
m’aideront sans doute à mener à terme les travaux de la
Commission.

I’m anxious to receive the submissions, as I have
said, from all parties.

Je suis heureux que nous ayons pu mener ces
audiences de manière ouverte et transparente, non seulement pour
les parties, et les avocats, et les médias, mais aussi pour les
nombreux Canadiens qui ont profité de l’occasion pour assister
aux audiences, soit en personne, soit par l’intermédiaire de
notre diffusion en direct.

I'm particularly pleased by the fact that these
hearings have, by and large, taken place without a hitch.
Commission Counsel, and all counsel, showed flexibility,
innovation, and creativity.

This didn't just happen. I asked for everyone to
work cooperatively to ensure that the facts and information necessary for the public to understand what happened and why it happened would be elicited. And my expectations were met.

Counsel, you all rose to the occasion, generally, and there was a bit of grumbling, but generally without a hint of grumbling. I understand most of it occurred where and when I wasn't there.

Now, of course, there were issues, but we were able to resolve them in an appropriate manner, or again, some people don't agree with how I resolve things, but that's neither the first time that's happened to me, you'll be pleased to know.

Time limits were almost always observed, subject, of course, to the regular, "May I just have one more question?" and that was perfectly fine. Indeed, it was appropriate to ensure that the necessary questions be asked and answered, and you probably have seen I was quite flexible with timelines within the bounds of reasonableness.

So I want to thank counsel and the parties for their contribution to the success of these hearing and by success I mean getting to have a record that can be used.

I should note that there's no question that the Commission's timeframe did present challenges. There were a staggering number of documents produced by the parties in response to the Commission's request including by the federal government.

The productions have been of critical importance to the Commission's mandate and have resulted in a level of transparency that is, if not unprecedented I'd say it's
virtually unprecedented.

But the needs of the Commission to review these documents and the right of the parties to redact on various legal grounds necessarily created time constraints and challenges for all concerned. Where appropriate, the Commission challenged certain redactions and there have been instances where the government at the Commission’s request removed redactions.

We understand there were challenges but at the end of the day I think the record is, as I have said, fulsome to allow for me to make the necessary findings.

Par conséquent, la divulgation de documents s’est poursuivie tout au long des audiences; les avocats de la Commission ont travaillé sans relâche pour assurer ou s’assurer que les documents seraient mis à la disposition des parties le plus rapidement possible.

Je reconnais que les parties ont néanmoins dû traiter des documents avec un court préavis. Dans la mesure du possible, j’ai accommodé les parties en leur permettant d’ajouter des documents à leur liste de documents aux fins des examens et en leur accordant du temps supplémentaire pour leur contre-interrogatoire. J’ai pu le faire tout en maintenant l’intégrité de notre emploi du temps. Ce processus m’a aidé à apprécier les faits pertinents et à développer ma compréhension des enjeux pertinents. Les questions posées par les parties m’ont aussi été d’une aide importante.

The process and the questioning by parties has been very much of assistance to me and I want to thank counsel
Et maintenant, si vous le permettez, je souhaite exprimer ma sincère gratitude aux nombreuses personnes qui ont travaillé dans la salle d’audience et dans les coulisses pour que les audiences se concrétisent. Cette Commission a été créée et son processus exécuté par un groupe talentueux de professionnels et de collègues. Ils m’ont grandement facilité la tâche.

I want to thank those who have assisted me and in fact I've sometimes think I’m no more than a puppet with a lot of puppeteers behind who are making the whole system work. And I deserve virtually no credit for all that’s happened to date. It’s an unbelievable team that I have had supporting me.

Notre directrice exécutive, Hélène Laurendeau, notre gestionnaire de bureau, Véronique Perreault et son personnel.

You haven’t seen them probably but they put together this whole operation which I think you will agree with me has been very well done in a very short period.

L’équipe de gestion d’événements et de conférence, Yvon Lamoureux, et l’équipe technique qui a assuré la diffusion des audiences.

The team behind who make this happen and have put together -- I mean, the technology has been amazing to allow this to happen.

My colleague counsel who I owe so much to, as you know, Shantona Chaudhury -- and she says “Chaudhury” and I always make it wrong but I’ll learn. I’m a slow man to learn.
But I blame it on my French. But that’s not true.

And Jeff Leon.

My senior team of lawyers -- Erin Dann who created really the basis for these hearings who is not here with us today, but is back in Toronto. Frank Au, Gordon Cameron, Natalia Rodriguez, Dan Sheppard, and Gabriel Poliquin who I’m happy to report is well, right well, and will be involved next week.

My regional lawyers -- Mona Duckett, Sacha Paul, and Maia Tsurumi who you have not seen here but who were important in collecting the information which has made it into the record from the various border blockades out west.

And the two you probably know best -- Eric Brousseau and John Mather. My God, have they been good. They have put out more fires than the fire department. And they are -- they also had other duties you might not believe. They were doing this part time, running this hearing. But I’m greatly indebted to them.

And then the team of lawyers, some of which you've seen. I guess most of them if not all of them you've seen. Stephen Armstrong, Misha Boutillier, Sajeda Hedaraly, Alexandra Heine, Nusra Khan, Etienne Lacombe, Allison McMahon, Jean-Simon Schoenholz, Dahlia Shuaibar, and Guillaume Sirois-Gingras. And they’re at the beginning of their career, by and large, but boy are they competent and hardworking, once again, I must say. I couldn’t have done it without them and I’m also going to lean on them to help me in the next phase a bit. But I'm sure they’ll be happy to help.

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I’d also like to recognize our policy advisors, Mark Freiman, Mark Pritchard, and Mark Sandler; our communications advisors Michael Tansey and Marie-Claude Gagne; our public input team under Patrick Pilon; Madam Registrar, Stacey Huber. Ms. Lynne Mahoney and our document clerks from Heuristica who amazed me with their ability and to make documents seemingly appear from nowhere, but also the challenge -- you don’t know the half of the problems getting all the federal documents from their system to our system to -- I won’t go there.

And our translators, transcriptionists, and interpreters -- they have been incredible and some of you made their life very difficult. You know who you are.

Our research council who guided and continue to guide the policy aspects of the Commission and planned the roundtables for the policy hearings next week -- Genevieve Cartier, chair of the council; Jamie Cameron, Michelle Gallant, Nomi Claire Lazar, Kent Roach, Clifford Shearing, and Jocelyn Stacey.

And finally our security team, and the staff of Public Service and Procurement Canada, and Library and Archives Canada. They’ve all worked to make again this whole hearing go well and making us feel safe, made us feel welcome, and comfortable. I think that team -- those three teams are important to this, bringing this together.

Now, before closing, I want to address the people of Canada in two respects.

I was delighted that approximately 9,500
Canadians took the time to make a submission through our public input process. These submissions were most helpful to me and our counsel team to understand your observations, experiences, and ideas. They contributed to making this a truly public inquiry.

It was important for the Commission to hear from the public and understand the views of Canadians. I now have that understanding to provide an important backdrop for the Commission’s mandate.

It’s fair to say if you've gone through that document that this is a very divisive issue at the root of this whole convoy and what has come out of it. And I think this process, I hope, will be of assistance to people to understand and move forward.

It is truly humbling to me to be involved in this. I can assure you it’s -- I would almost say overwhelming to see the interest, the concerted response from people. It's -- I wasn’t looking for fame and fortune, but I think I'm kind of stuck now to be at least a figure of some neighbourhoods.

Je remercie aussi le peuple canadien de l'intérêt que vous avez porté aux travaux de la Commission et apprécie la confiance qui m’a été accordée pour mener cette importante enquête publique. Ce fut un privilège et un honneur de servir en tant que commissaire.

Nous avons encore beaucoup de travail à faire pour préparer et finaliser notre rapport. Je vous assure que nous continuerons à faire tout notre possible pour vous apporter les réponses aux questions soulevées par notre mandat, vous ne
meritez rien de moins.

I can assure the public that we will do all that is possible to bring forward the answers to the questions raised by our mandate.

And as I said at the outset, they deserve nothing less.

So thank you, and good evening. I now declare these fact-hearing portion closed.

I may not see a lot of you now that we move to the next phase, given that the submissions will be in writing, but I do feel I've made some friends -- maybe some enemies too -- but I like to think I've made some friends because virtually all of you, I did not know. And it has been a very very pleasant experience, and thank you all for tolerating me.

And my, I guess, difficult task, is always still in front of me.

Thank you very much.

--- Upon adjourning at 6:07 p.m.
CERTIFICATION

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