



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 30

Held at :

Library and Archives Canada
Bambrick Room
395 Wellington Street
Ottawa, Ontario
K1A 0N4

Thursday, November 24, 2022

Tenue à:

Bibliothèque et Archives Canada
Salle Bambrick
395, rue Wellington
Ottawa, Ontario
K1A 0N4

Le jeudi 24 novembre 2022

INTERNATIONAL REPORTING INC.

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VI
Table of Content / Table des matières

	PAGE
<u>DEPUTY PM CHRYSTIA FREELAND, Sworn</u>	1
Examination in-Chief by Ms. Shantona Chaudhury	2
Cross-Examination by Mr. Brendan Miller	77
Cross-Examination by Ms. Ewa Krajewska	96
Cross-Examination by Ms. Janani Shanmuganathan	107
Cross-Examination by Mr. Alan Honner	116
Cross-Examination by Ms. Mandy England	124
Cross-Examination by Ms. Jennifer King	132
Cross-Examination by Mr. Mike Morris	136
Cross-Examination by Mr. Stephen Aylward	141
<u>MR. BRIAN CLOW, Affirmed</u>	159
<u>MS. KATHERINE TELFORD, Sworn</u>	160
<u>MR. JOHN BRODHEAD, Affirmed</u>	160
Examination in-Chief by Ms. Shantona Chaudhury	160
Cross-Examination by Ms. Stephanie Bowes	219
Cross-Examination by Mr. Brendan Miller	227
Cross-Examination by Mr. David Migicovsky	239
Cross-Examination by Ms. Cara Zwibel	248
Cross-Examination by Mr. Alan Honner	260
Cross-Examination by Ms. Janani Shanmuganathan	263
Cross-Examination by Ms. Alyssa Tomkins	274
Cross-Examination by Ms. Christine Johnson	276
Cross-Examination by Mr. Christopher Diana	281
Cross-Examination by Mr. Tom Curry	286
Cross-Examination by Mr. Michael Morris	292
Cross-Examination by Mr. Brian Gover	300

VII
Table of Content / Table des matières

	PAGE
<u>MR. KENNTEH WEATHERILL, Sworn</u>	313
Cross-Examination by Ms. Alyssa Tomkins	314
Cross-Examination by Mr. Tom Curry	320
Cross-Examination by Ms. Emilie Taman	331
Re-Examination by Mr. Jean-Simon Schoenholz	337

Ottawa, Ontario

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

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

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

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

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

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

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

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

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

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

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

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

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

1 --- DEPUTY PM CHRYSSTIA FREELAND, Sworn:

2 THE REGISTRAR: Thank you.

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

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

8 DEPUTY PM CHRYSSTIA FREELAND: I do.

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

12 DEPUTY PM CHRYSSTIA FREELAND: I do.

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

15 DEPUTY PM CHRYSSTIA FREELAND: Yes.

16 MS. SHANTONA CHAUDHURY: Okay. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 say that all the time to the Americans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 "He called me.

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

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

17 He asked what he could do to help us.

18 I said -

19 - Tow trucks

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

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

24 And then you say:

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

28 He was supportive of the idea of a call

1 and would try to make it happen."

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

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

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

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

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

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

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

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

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

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

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

2 You say:

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

6 Did that end up happening?

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

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

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

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

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

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

1 that is ---

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

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

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

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

8 So you say:

9 "Windsor was supposed to happen today.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 "The Ambassador Bridge debacle is
24 embarrassing."

25 And then you say:

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

28 So the text then skips to February 14th, but we

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

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

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

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

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

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

1 understood that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 And that response is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 That probably means "from":

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

1 current regime."

2 Then he says:

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

7 That's anti-money laundering:

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

10 And then the last bullet is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 happen again."

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

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

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

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

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

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

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

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

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

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

8 And you say there, you ask:

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

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

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

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

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

1 perspective on Canada.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 screen. You say:

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

7 Can you explain that comment; you:

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

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

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

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

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

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

28 Having read the note -- having read this note

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

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

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

15 (SHORT PAUSE)

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

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

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

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

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

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

1 is the IRG.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 And the response that comes back is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 And the comment made on that underneath is:

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

12 And it goes on to explain what happened there.

13 But that bullet point paragraph there:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 about the donations issue.

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

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

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

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

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

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

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

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

15 **COMMISSIONER ROULEAU:** Okay.

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

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

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

22 --- DPM CHRYSTIA FREELAND, Resumed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 How would you say, in retrospect, those measures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 So the first one I want to pull up is

1 SSM.CAN00004352, please.

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

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

8 **MS. SHANTONA CHAUDHURY:** The 22nd of February.

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

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

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

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

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

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

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

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

17 Then he goes on and says:

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

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

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

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

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

11 Glad to talk at any time."

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

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

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

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

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

1 policy week next week.

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

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

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

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

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

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

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

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

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

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

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

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

28 *"Emergencies Act - I brought it into*

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

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

4 -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (SHORT PAUSE)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 So ---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 that before you invoked the *Emergencies Act*?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 If I can bring up document

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Parliamentary privilege ---

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

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

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

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

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

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

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

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

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

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

24 She has excused the desecration..."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 specifically ---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 phonetically exponential harm to the Canadian economy?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 more damage is done to us an investment destination. Witness
2 the Banana Republic conflict.

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

8 **DEPUTY PM CHRYSSTIA FREELAND:** I mean, Banana
9 Republic wasn't my term ---

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

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

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

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

24 **MS. EWA KRAJEWSKA:** Right. And you -- and then
25 so I think you would also agree that the *Emergencies Act* should
26 not be used because demonstrators are disagreeing with
27 government policy. I think that's a very low threshold view
28 that I'm putting to you.

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

2 **MS. EWA KRAJEWSKA:** Okay.

3 **DEPUTY PM CHRYSIA FREELAND:** I absolutely agree
4 with that.

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

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

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

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

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

26 **DEPUTY PM CHRYSIA FREELAND:** They do.

27 **MS. EWA KRAJEWSKA:** And sometimes occupations
28 like Occupy Wall Street or Occupy Toronto may cause economic

1 harm?

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

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

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

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

22 **DEPUTY PM CHRYSIA FREELAND:** Yeah, I am aware of
23 that, and I don't think you'll be surprised to think that I
24 thought about that at the time. And more recently and more
25 specifically, I thought about the Maiden in Ukraine. And --
26 when we took this action. And let me talk about a few
27 differences, and the main one is this. Solidarność, as you know
28 very well, was a protest against a government that was

1 illegitimate. That was where -- from whence it drew its power
2 and legitimacy. This was people rising up against an
3 authoritarian, and I would even say in the case of Poland,
4 colonial regime.

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

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

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

15 **DEPUTY PM CHRYSIA FREELAND:** And that was not
16 appropriate.

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

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

1 revolution against an authoritarian regime and protest in a
2 democracy.

3 **MS. EWA KRAJEWSKA:** And, Minister Freeland, I'd
4 like to just take you to -- you started your comments this
5 morning as well with the bigger geopolitical issues here between
6 President Putin trying to demonstrate that his way of
7 dictatorship is preferrable to western democracies. And one --
8 you know, I think you can appreciate that there have been
9 countries in the world that have said you should invest in us
10 because we are politically stable. We do not have general
11 strikes. We do not tolerate dissent. And I want to end on
12 this, surely you agree that in Canada, which is a democracy, the
13 right to protest, the right to demonstration must be sedulously
14 protected and that economic security does not trump those
15 rights?

16 **DEPUTY PM CHRYSSTIA FREELAND:** So many things
17 packed in there.

18 **MS. EWA KRAJEWSKA:** I know. I just -- because
19 I'm running out of time, so it's ---

20 **DEPUTY PM CHRYSSTIA FREELAND:** So ---

21 **MS. EWA KRAJEWSKA:** --- all going in.

22 **DEPUTY PM CHRYSSTIA FREELAND:** So, so many things
23 packed in there, and many of them I agree with. I have reported
24 on a lot of authoritarian regimes that spoke about their
25 stability as something that should be attractive to investors.
26 And clearly, I strongly disagree with that argument.

27 My concern, when it came to the economic security
28 of Canada, was about our ability not to not have political

1 debate; political debate is a sign of healthy society. You
2 know, the fact we're having this Commission, that's a healthy
3 democracy. The fact that in Question Period we yell at each
4 other; I really don't like it but it's a sign of a healthy
5 democracy.

6 What was undermining of Canada's economic
7 security sufficiently dangerously that I believed we needed to
8 act, and it's the right thing to do, was that our trade was
9 being stopped, and was being serious blocked. And I was very
10 worried that that was handing arguments to US protectionists,
11 who were already on the move, and that had that relationship
12 been seriously damaged, that would really hurt Canada.

13 **MS. EWA KRAJEWSKA:** Minister Freeland, my last
14 one; you mentioned at some point that it would have been one
15 thing for the protesters to stand with a placard at the War
16 Museum and protest; you mentioned that today in testimony with
17 me.

18 **DEPUTY PM CHRYSIA FREELAND:** I did not say War
19 Museum, and I didn't ---

20 **MS. EWA KRAJEWSKA:** Sorry.

21 **DEPUTY PM CHRYSIA FREELAND:** --- say placard, --
22 -

23 **MS. EWA KRAJEWSKA:** Sorry.

24 **DEPUTY PM CHRYSIA FREELAND:** --- but the basic
25 idea, I think we're in ---

26 **MS. EWA KRAJEWSKA:** I'm sorry; I'm thinking --
27 I'm thinking of a different Ottawa monument. But you agree that
28 public assembly and the right to protest goes beyond simply me

1 standing on a green lawn in front of a government building; that
2 it does encompass more than that, and that Canada should protect
3 that to be a vibrant democracy?

4 **DEPUTY PM CHRYSIA FREELAND:** I, you know, am not
5 going to, right now, try to define with you specifically, you
6 know, what is -- you know, give examples of protests. But I
7 will say, and I really agree with, and I think one of the lines
8 that very much in my mind in this decision is, I do agree with
9 you that in a democracy the right to protest is important and
10 has to be protected. And, yeah, obvious -- I mean, that's such
11 an obvious statement, and I agree with that, and I agree --
12 yeah, since it's obvious I'll say it and I won't gild the lily.

13 **MS. EWA KRAJEWSKA:** Thank you.

14 Thank you, Minister, and thank you, Commissioner
15 Rouleau.

16 **COMMISSIONER ROULEAU:** Okay. We have five
17 minutes left. I don't know if the Canadian Constitution
18 Foundation wants to start, or...?

19 **MS. JANANI SHANMUGANATHAN:** Good morning -- or
20 good afternoon.

21 I think it might be easier to come back after
22 lunch, but I'm in your hands.

23 **COMMISSIONER ROULEAU:** It's -- I don't know. I
24 think we'll adjourn for lunch, how's that?

25 **MS. JANANI SHANMUGANATHAN:** Okay, great. Thank
26 you.

27 **COMMISSIONER ROULEAU:** We'll come back, then, at
28 2 o'clock.

1 **THE REGISTRAR:** The Commission is in recess until
2 2 o'clock. La Commission est levée jusqu'à 2 heures.

3 --- Upon recessing at 12:55 p.m.

4 --- Upon resuming at 2:04 p.m.

5 **THE REGISTRAR:** Order. À l'ordre.

6 The Commission is reconvened. La Commission
7 reprend.

8 **COMMISSIONER ROULEAU:** Okay. Once again, I
9 apologize for the slight delay. Issues have come up that I'm
10 having to deal with, so I apologize.

11 Now, I think we can go to the next, which is the
12 Canadian Constitution Foundation, and you're online. Go ahead.

13 **MS. JANANI SHANMUGANATHAN:** Great, thank you very
14 much.

15 --- DEPUTY PM CHRYSTIA FREELAND, Resumed:

16 --- CROSS-EXAMINATION BY MS. JANANI SHANMUGANATHAN:

17 **MS. JANANI SHANMUGANATHAN:** So good afternoon,
18 Minister.

19 My name is Janani Shanmuganathan and I am Counsel
20 for the Canadian Constitution Foundation. And today in your
21 evidence, you talked about the economic and financial
22 consequences of the protests. You talked about the reputational
23 damage to Canada as an investment destination. And at the end
24 of Commission Counsel's examination, she asked you to explain
25 how you understood this, you know, economic harm was linked to
26 national security. Do you recall that?

27 **DEPUTY PM CHRYSTIA FREELAND:** Yes, I do.

28 **MS. JANANI SHANMUGANATHAN:** All right. And your

1 answer to that was you believe our security as a country is
2 built on economic security, and if our economic security is
3 threatened, all of our security is threatened. And now I'm not
4 asking you to elaborate on this. I just want you to confirm
5 that this was your evidence.

6 **DEPUTY PM CHRYSIA FREELAND:** Obviously, I don't
7 have word by word recall of what I said, but that's what I
8 believe and sounds like you're reading the transcript, so ---

9 **MS. JANANI SHANMUGANATHAN:** All right. Thank you
10 very much. And now I take it you know that in order to declare
11 a Public Order Emergency pursuant to the *Emergencies Act*, there
12 must be what's called threats to the security of Canada. You're
13 aware of that?

14 **DEPUTY PM CHRYSIA FREELAND:** Yes, I am.

15 **MS. JANANI SHANMUGANATHAN:** And the *Emergency Act*
16 says that threats to the security of Canada has the meaning
17 assigned by section 2 of the *CSIS Act*. You're aware of that?

18 **DEPUTY PM CHRYSIA FREELAND:** Yes, I am.

19 **MS. JANANI SHANMUGANATHAN:** All right. So I just
20 want to take you to section 2 of the *CSIS Act*, and this is COM
21 either 5 0s or 6 0s 935. It should be 5 0s. If I can take to
22 page 8, please? Perfect. If you can just pause there.

23 So the *CSIS Act* defines threats to the security
24 of Canada, and we've heard evidence in this Commission that, for
25 the purposes of invoking the *Emergencies Act* here, the focus was
26 on (c). That's where they were focussed on in terms of the
27 threats to the security of Canada. So what (c) says is,

28 "activities within or relating to

1 Canada directed toward or in support of
2 the threat or use of acts of serious
3 violence against persons or property
4 for the purpose of achieving a
5 political, religious or ideological
6 objective within Canada or a foreign
7 state..."

8 So you see that?

9 **DEPUTY PM CHRYSITIA FREELAND:** I do.

10 **MS. JANANI SHANMUGANATHAN:** All right. And so in
11 terms of the economic harm that you've described today, the
12 reputational damage to Canada as, you know, an investment
13 country, you'll agree that it doesn't fall within (c); right?
14 The activities relating to Canada directed toward or in support
15 of the threat or use of acts of serious violence. Would you
16 agree with that or is that fair to say?

17 **DEPUTY PM CHRYSITIA FREELAND:** Not precisely. You
18 know, if the direction of these questions is to ask me, did I
19 believe we were acting within legal authorities granted by the
20 *Emergencies Act*, if that's where this question is leading, then
21 my answer is, yes, I believed we had the authority to do what we
22 did. And I hope no one is surprised by my saying that. Had I
23 not believed it, I would not have done it, and I wouldn't be
24 here speaking, you know, with sadness but confidence that we did
25 the right thing.

26 **MS. JANANI SHANMUGANATHAN:** So my question was
27 whether the economic harm that you've described today falls
28 within the definition found in (c), which speaks specifically

1 to,

2 "...the support of the threat or use of
3 acts of serious violence against
4 persons or property for the purpose of
5 achieving a political, religious or
6 ideological objective within Canada or
7 a foreign state..."

8 Does the economic harm you've described today
9 fall within (c)?

10 **DEPUTY PM CHRYSITIA FREELAND:** It's a big question
11 and so I was offering an answer in several parts. And I offered
12 the first part of it, and I can continue if you'd like.

13 **MS. JANANI SHANMUGANATHAN:** No, I mean to be
14 respectful. I just want to know -- you know, I appreciate that
15 your position is that Canada acted within lawful authority to
16 invoke the *Emergencies Act*, but I just want to understand if the
17 economic harm that we spent a lot of today talking about,
18 whether that falls within the scope of (c). And so I just want
19 to know your answer to that question.

20 **DEPUTY PM CHRYSITIA FREELAND:** And I also really
21 do want to be respectful and answer this really important
22 question. But it's a big question, so I'm going to have to take
23 it in stages. And I offered the first stage. I can carry on if
24 you'd like.

25 **MS. JANANI SHANMUGANATHAN:** Sure.

26 **DEPUTY PM CHRYSITIA FREELAND:** So that was my
27 first stage. Second stage is in terms of, you know, one of the
28 things that this Commission is I think quite rightly

1 investigating, you know, was the government acting within its
2 authorities. For me, as Finance Minister, an important factor
3 in the judgment I came to, which is that we were, was the expert
4 advice that we received. I'm not a lawyer. I rely on the
5 judgment of officials who advised us and on expert legal advice.
6 And I say that even as I am very confident that it was the right
7 decision and confident in taking personal political
8 responsibility.

9 I can also speak to what I saw and experienced
10 and believed that falls within the scope of the serious violence
11 against persons or property point. But I do want to be clear
12 that I'm not speaking here as someone with an expert legal
13 opinion, but I'm speaking as a Minister who made a political
14 judgment and as someone who was also in Ottawa. So some of the
15 things that factored into my thinking about it were, as I
16 described in my testimony this morning, a real concern that we
17 were in a tinderbox situation, where the economic threats and
18 the threats generally, that -- and the damage that were being
19 created both by the Ottawa occupation and the Ambassador Bridge
20 did risk, I felt at every moment, some kind of conflict between
21 protesters and counter-protesters. I saw that and experienced
22 it myself just being a person who was in Ottawa. I felt it was
23 a tinder keg that could be sparked at any moment and was
24 therefore very dangerous. And although I didn't see it myself,
25 I heard accounts of Windsor of a situation there which I found
26 to be very credible. I was ---

27 **MS. JANANI SHANMUGANATHAN:** Okay.

28 **DEPUTY PM CHRYSITIA FREELAND:** --- also influenced

1 -- can I say one more thing?

2 **MS. JANANI SHANMUGANATHAN:** Sure.

3 **DEPUTY PM CHRYSITIA FREELAND:** Which speaks to
4 this. I was also influenced by our IRG meeting on I think it
5 was the Saturday the 12th, where we heard from the RCMP
6 Commissioner about concerns that there were serious weapons in
7 Coutts. And that really raised the stakes in terms of my degree
8 of concern about what could be happening there, but also what
9 could be happening in this sort of whack-a-mole copycat
10 situation across the country.

11 **MS. JANANI SHANMUGANATHAN:** Okay. So my question
12 was about how you understood the economic harms to fall within
13 subsection or (c), the definition of threats to security of
14 Canada in (c). And as I understand your explanation, your
15 explanation is it falls within it because there's a risk that
16 the economic harm that's being created by the protest could
17 somehow manifest into actually threats of violence; is that your
18 understanding of how it falls within (c)?

19 **MR. STEPHEN AYLWARD:** I'm going to object as
20 phrased. That's a legal question.

21 **MS. JANANI SHANMUGANATHAN:** I'm just trying to
22 find out her -- you know, she's offered an explanation for how
23 she says the economic harm falls within (c) and she linked it
24 directly to the threats or use of acts, and I'm just trying to
25 understand what that link is.

26 **DEPUTY PM CHRYSITIA FREELAND:** I -- I mean my
27 counsel may have something to say but I don't think that's a
28 fair characterization of what I said just now or of what I said

1 this morning. What I think is fair is, first of all, that I
2 relied on expert legal judgment to make a very important and
3 weighty legal decision. What I also said is, as a person who
4 was here in Ottawa, I did see a real danger of violence. And
5 then finally, what I described in my testimony this morning was
6 the way in which the economic security of our country, I really
7 believe, is a part of our national security, but that was a much
8 broader conversation we were having about a broad set of issues,
9 which I certainly think are important for us to think about and
10 consider.

11 **MS. JANANI SHANMUGANATHAN:** And I don't want to
12 mischaracterize your evidence. Just so that we're all clear, do
13 you see a link between the economic harm that you say was caused
14 by the protests to Canada with what's contained in (c) in terms
15 of the threats or use of acts of serious violence against
16 persons?

17 **DEPUTY PM CHRYSIA FREELAND:** And again there, I
18 really do not want to shirk my personal political
19 responsibility. And while this was a grave and serious
20 decision, we took it carefully and thoughtfully. And I believed
21 it was the right decision then, and I believe today it is the
22 right decision.

23 **MS. JANANI SHANMUGANATHAN:** So it ---

24 **DEPUTY PM CHRYSIA FREELAND:** But I'm also
25 conscious -- if I may continue?

26 **MS. JANANI SHANMUGANATHAN:** Of course.

27 **DEPUTY PM CHRYSIA FREELAND:** I'm also conscious
28 that I am not a lawyer and I'm not a person who can give expert

1 opinion on the precise parsing of these authorities. It was
2 important for me to be assured that we did have the authority to
3 act, and I received, as a Cabinet Member, assurances that we had
4 those authorities from people who I believed were qualified to
5 offer those assurances.

6 **MS. JANANI SHANMUGANATHAN:** And I don't mean to
7 belabour the point. I just want to make sure the evidence is
8 clear. So you're evidence is that you understood that you had
9 the authority to invoke the Emergencies Act but, in terms of
10 saying there's a linkage between the economic harm cause by the
11 protests with the requirement of the threat or use of acts of
12 serious violence, is that something that you can't speak to?

13 **MR. STEPHEN AYLWARD:** Again, Commissioner, this
14 is a legal interpretation question that will be addressed in
15 closing submissions.

16 **MS. JANANI SHANMUGANATHAN:** And I don't mean to
17 belabour this. I just want to make sure I understand Deputy
18 Minister's evidence. Is she just saying that she can't comment
19 on it because it's a legal question or is she saying that there
20 is a link? I just want to know what the answer is.

21 **MR. STEPHEN AYLWARD:** I'd renew my objection and
22 would ask for a ruling on it.

23 **COMMISSIONER ROULEAU:** Okay, well I -- I think at
24 the end of the day, I don't think you can pursue this any
25 further at the moment. I think you've got your answer as it is.

26 **MS. JANANI SHANMUGANATHAN:** That's fine. Thank
27 you very much. I don't know how much time I have left but I do
28 have just one other point I'd like -- or one other issue to

1 address, if I may. So when we were talking about FINTRAC this
2 morning and you explored it as one option to pursue but decided
3 that, you know, making a change to it, you know, the legislative
4 amendment would take too much time -- do you recall your
5 evidence earlier today about that?

6 **DEPUTY PM CHRYSIA FREELAND:** Yes, I do.

7 **MS. JANANI SHANMUGANATHAN:** All right. And so,
8 just so that we're all clear, because we have Canadians watching
9 who may not understand the process, the money -- the *Proceeds of*
10 *Crime and Money Laundering and Terrorist Financing Act*, it gives
11 the ability to create regulations; right?

12 **DEPUTY PM CHRYSIA FREELAND:** If your question
13 is, was it possible to grant FINTRAC -- to give FINTRAC these
14 expanded powers through regulation, that is correct, and I said
15 that this morning.

16 **MS. JANANI SHANMUGANATHAN:** Thank you.

17 **DEPUTY PM CHRYSIA FREELAND:** We did go on to
18 grant those powers through regulation.

19 **MS. JANANI SHANMUGANATHAN:** And there's just a
20 difference between how regulations are passed versus, say, for
21 example, legislation or amendments to legislation. The latter
22 is what you have to do three readings, going to Senate. It's a
23 much longer legislative process; that's fair?

24 **DEPUTY PM CHRYSIA FREELAND:** A hundred percent.

25 **MS. JANANI SHANMUGANATHAN:** And, by comparison,
26 passing regulations is a much shorter process?

27 **DEPUTY PM CHRYSIA FREELAND:** Absolutely.

28 **MS. JANANI SHANMUGANATHAN:** Okay. Those are all

1 my questions. Thank you very much.

2 **COMMISSIONER ROULEAU:** Okay, thank you. Next is
3 the Democracy Fund, JCCF.

4 **--- CROSS-EXAMINATION BY MR. ALAN HONNER:**

5 **MR. ALAN HONNER:** Good after, Minister.

6 **DEPUTY PM CHRYSIA FREELAND:** Good afternoon.

7 **MR. ALAN HONNER:** My name's Alan Honner. I'm a
8 lawyer at the Democracy Fund and we share status with the JC
9 Citizens for Freedom. Ms. Freeland, in your witness statement,
10 you mentioned challenges to supply chains as being a major focus
11 for you in January of 2022, but you didn't mention the
12 government vaccine mandate for truckers, and I'd just like to
13 ask you a little bit about that. Can we please pull up
14 OTT00027621.0001?

15 And Ms. Freeland, while we're waiting for that to
16 come up, this is a letter which is addressed to you and other
17 ministers by the Canadian Trucking Alliance and it's dated
18 December 10th, 2021, and I'd like to take you through part of
19 this letter. But before I do that, can you tell me, do you know
20 who this group is, the Canadian Trucker Alliance?

21 **DEPUTY PM CHRYSIA FREELAND:** I can't say I'm
22 familiar with them right now. Maybe I've heard of them, but ---

23 **MR. ALAN HONNER:** Okay. Well, I think we've
24 heard some evidence about them but if you're not familiar with
25 them, that's okay. Let's just go down to the first paragraph
26 here. And Ms. Freeland, I just want to read this to you. It
27 said that:

28 "The Canadian Trucker Alliance is

1 disappointed to learn that our current
2 exemption from the national vaccination
3 mandate is being removed considering
4 the immense impact this decision will
5 have on already beleaguered supply
6 chains."

7 Do you see that?

8 **DEPUTY PM CHRYSITIA FREELAND:** I do.

9 **MR. ALAN HONNER:** Okay. And if I can take you to
10 another part of that letter, just on the second page, second
11 paragraph, please, here we see:

12 "CTA estimates that, combined, the
13 proposed vaccine mandate for cross-
14 border truck drivers and the federal
15 sector mandate announced by the
16 Minister of Labour would remove between
17 15,000 and 30,000 Canadian drivers from
18 the interprovincial and international
19 supply chains. The expected loss of
20 transportation service capacity will
21 trigger significant ripple effects
22 throughout the entire economy."

23 And Mr. Freeland, I just want to ask you -- this
24 is something you knew about. When the exemption for truckers
25 was removed in February, you knew that this might have some
26 effect on the supply chain; is that fair?

27 **DEPUTY PM CHRYSITIA FREELAND:** I knew that some
28 people asserted that it might.

1 **MR. ALAN HONNER:** Okay, thank you. And I'm going
2 to suggest this is not the first this group wrote to you. If we
3 can scroll down to page 5, please, we have another letter --
4 just to the top of page 5 -- sorry, it might be page 4, just go
5 up, please. Okay, so here we have a letter. It is -- a little
6 bit down, please. I'm sorry, can we just scroll to the top --
7 so December 8th, 2021, and if we can scroll down to the second
8 paragraph, it says here:

9 "When the mandate was originally
10 announced, CTA expected that upwards of
11 20 percent of the 120,000 Canadian
12 truck drivers crossing the US-Canada
13 border would have likely remained
14 unvaccinated by January 2022. Of the
15 40,000 US-based truck drivers crossing
16 the border, CTA estimated that upwards
17 of 40 percent of these drivers would
18 not be prepared to meet the vaccine
19 mandate requirement."

20 Do you see that?

21 **DEPUTY PM CHRYSITIA FREELAND:** I do.

22 **MR. ALAN HONNER:** Okay. And just one last
23 question about this, you would agree that the reduction of truck
24 drivers crossing the border when there are already supply chain
25 issues could have an effect on the economy?

26 **DEPUTY PM CHRYSITIA FREELAND:** I don't agree with
27 the estimates that are provided there, and I don't agree with
28 the assertion that the vaccine mandates themselves caused

1 problems for our supply chain.

2 **MR. ALAN HONNER:** But they affected it, they had
3 a contribution to that supply chain problem?

4 **DEPUTY PM CHRYSSTIA FREELAND:** No, I don't agree
5 with that.

6 **MR. ALAN HONNER:** Okay. Well, let's scroll down

7 ---

8 **DEPUTY PM CHRYSSTIA FREELAND:** The vast majority
9 of Canadian truckers are, in fact, and were at the time
10 vaccinated, and supported the vaccine mandates.

11 **MR. ALAN HONNER:** Okay. Well, let's go to page
12 6, please. And the first paragraph that we see there, the CTA
13 is giving the stats that truckers -- you have of 70 percent of
14 the \$648 billion Canada/U.S. trade. Does that sound about right
15 to you?

16 **DEPUTY PM CHRYSSTIA FREELAND:** Again, I can't ---

17 **MR. ALAN HONNER:** You have ---

18 **DEPUTY PM CHRYSSTIA FREELAND:** --- say whether
19 that's ---

20 **MR. ALAN HONNER:** --- disagree with it though.

21 **DEPUTY PM CHRYSSTIA FREELAND:** --- true or not,
22 but I have no reason to -- let me say this. Trucking is very
23 important for the Canadian economy, trucking is very important
24 for our supply chains, and trucking is very important for cross-
25 border trade. That, I am very prepared to agree with.

26 **MR. ALAN HONNER:** I think we can all agree on
27 that.

28 And let's just consider that if what the Canadian

1 -- if what the CTA is saying is correct and the drivers are
2 reduced by 20 percent, that's a reduction of 24,000 trucks in
3 the supply chain.

4 **DEPUTY PM CHRYSIA FREELAND:** The challenge here
5 for me is I disagree with the fundamental premise, and this was
6 something that was looked at carefully by Minister Alghabra, and
7 also by the Minister of Health.

8 **MR. ALAN HONNER:** Okay. So you disagree with the
9 fundamental premise of the Canadian Trucker Alliance. Thank
10 you.

11 I'll move on to something else. I just want to
12 understand a little bit more about what was going on in January.
13 And you gave some evidence today, and I think you told us that
14 it was a very intense month for you. That would be fair?

15 **DEPUTY PM CHRYSIA FREELAND:** Yes, that would be
16 fair.

17 **MR. ALAN HONNER:** Okay. And let me make sure
18 that I understand it. So on the one hand, you were preparing a
19 budget?

20 **DEPUTY PM CHRYSIA FREELAND:** Yes.

21 **MR. ALAN HONNER:** And there was the issue of the
22 Build Back Better legislation in the States, and there was the
23 electric vehicle tax credit, right? That was on your plate?

24 **DEPUTY PM CHRYSIA FREELAND:** Not solely on mine,
25 but it was something I was working on.

26 **MR. ALAN HONNER:** Right. And there was the COVID
27 recovery and there were local and global supply chain issues?

28 **DEPUTY PM CHRYSIA FREELAND:** Yes.

1 **MR. ALAN HONNER:** And there was the looking
2 threat of inflation?

3 **DEPUTY PM CHRYSSTIA FREELAND:** Yes.

4 **MR. ALAN HONNER:** And we talked a little bit
5 about the Ukraine, and I think you said that was the biggest
6 threat to national security since World War II?

7 **DEPUTY PM CHRYSSTIA FREELAND:** The Russian
8 invasion.

9 **MR. ALAN HONNER:** The Russian invasion.

10 **DEPUTY PM CHRYSSTIA FREELAND:** When it actually
11 happened, yes, I think that is the biggest security -- national
12 security challenge our country has faced.

13 **MR. ALAN HONNER:** And it was on your radar in
14 January?

15 **DEPUTY PM CHRYSSTIA FREELAND:** Yes, it was.

16 **MR. ALAN HONNER:** Okay. And in the midst of
17 this, there was this trucker protest of unprecedented
18 proportions taking place across the country, and you described
19 that as Whack-a-Mole?

20 **DEPUTY PM CHRYSSTIA FREELAND:** No. What I would
21 describe as what we saw happening from the moment that the
22 initial occupation began is copycat protests happening across
23 the country, and that posed a particular national challenge.

24 **MR. ALAN HONNER:** I see. I thought you said the
25 word Whack-a-Mole, but it's not important.

26 But what is important, I would put to you, is
27 that the U.S. was unhappy with the situation in Canada and they
28 were seeing their own vulnerability in our supply chains. That

1 was your evidence, was it not?

2 **DEPUTY PM CHRYSIA FREELAND:** Certainly. The ---

3 **MR. ALAN HONNER:** And they didn't like that?

4 **DEPUTY PM CHRYSIA FREELAND:** The -- in
5 particular, blockade of the Ambassador Bridge exposed the
6 vulnerability of the U.S. economy, particularly the car sector
7 to the Canadian car sector.

8 **MR. ALAN HONNER:** Exactly, and I put it to you,
9 Minister, that the government felt that they had to do something
10 about these protests, not because of threats of serious
11 violence, but because your government was completely overwhelmed
12 and you were under a tremendous amount of pressure from the
13 United States.

14 **DEPUTY PM CHRYSIA FREELAND:** I absolutely
15 disagree with that.

16 **MR. ALAN HONNER:** Okay. Well, we heard evidence
17 from you earlier today, and you said that you were put into
18 contact with Brian Dietz. So he's economic advisor to the
19 president who's a very influential player in the decision of the
20 electric vehicle tax credit issue, and he actually contacted
21 you?

22 **DEPUTY PM CHRYSIA FREELAND:** That's correct.

23 **MR. ALAN HONNER:** Right? And you thought that it
24 was striking that someone of his importance who's so hard to get
25 a hold of, contacted you?

26 **DEPUTY PM CHRYSIA FREELAND:** I had spoken to
27 Brian Dietz before and since, but the speed and urgency with
28 which he got in touch with me was definitely significant and

1 relevant.

2 **MR. ALAN HONNER:** And he was unhappy and there
3 could be major economic consequences?

4 **DEPUTY PM CHRYSIA FREELAND:** What he said to me,
5 as I reported in that readout, was that they were very concerned
6 that because of the blockades, U.S. factories would shut down.

7 **MR. ALAN HONNER:** Right. And we heard that the
8 CEOs of two major banks contacted you, Canadian banks, I
9 believe. And we also heard that President Biden, who's probably
10 the world's most powerful person or near that, had a telephone
11 call with the prime minister?

12 **DEPUTY PM CHRYSIA FREELAND:** Yes, both of those
13 things are true.

14 **MR. ALAN HONNER:** And that telephone call, it
15 happened on a Friday and by the Monday, the *Emergencies Act* was
16 invoked.

17 **DEPUTY PM CHRYSIA FREELAND:** That's true.

18 **MR. ALAN HONNER:** Okay. And so I put it to you,
19 Minister, that the federal government had to show the USA that
20 they were in control and that explains why the *Emergencies Act*
21 was invoked, despite the fact that, for example, the Ambassador
22 Bridge was cleared and open to traffic.

23 **DEPUTY PM CHRYSIA FREELAND:** No, I wouldn't
24 agree with that characterization.

25 **MR. ALAN HONNER:** Well, I would put it to you
26 that the pressure the government was under explains why the
27 *Emergencies Act* was invoked despite the fact that a deal had
28 been struck with the protesters in Ottawa to reduce the

1 footprint of the protest in that city.

2 **DEPUTY PM CHRYSITIA FREELAND:** Again, I would
3 disagree with that.

4 **MR. ALAN HONNER:** Well, let's see if you would
5 agree with this. I put it to you that there was no meaningful
6 consultation with the provinces, not even advance notice of what
7 the first minister's meeting was about, and that's because the
8 government didn't have time for it, they just had to make a
9 decision about the *Emergencies Act* because of the tremendous
10 pressure that they were under.

11 **DEPUTY PM CHRYSITIA FREELAND:** Again, I disagree
12 with a great deal of that characterization.

13 **MR. ALAN HONNER:** One last question for you then,
14 Ms. Freeland. I put it to you that given the overwhelming
15 situation that the government was facing explains why they were
16 willing to use extraordinary powers against their own people,
17 despite the fact that no police agency or intelligence agency
18 told them that there were threats to the security of Canada.

19 **DEPUTY PM CHRYSITIA FREELAND:** Again, I disagree
20 with many of the premises in that question and I would be happy
21 to elaborate, but it seems that we're out of time.

22 **MR. ALAN HONNER:** It seems so. Thank you very
23 much for your answers.

24 Thank you, Mr. Commissioner.

25 **COMMISSIONER ROULEAU:** Okay, thank you.

26 Next I'd like to call on the Government of
27 Alberta.

28 **--- CROSS-EXAMINATION BY MS. MANDY ENGLAND:**

1 **MS. MANDY ENGLAND:** Thank you very much, and good
2 afternoon.

3 Minister Freeland, I have just two questions for
4 you this afternoon.

5 As has been discussed today -- oh, sorry. I
6 apologize, for the transcript, my name is Mandy England and I'm
7 one of the lawyers for the Government of Alberta.

8 As has been discussed today, you had
9 consultations with the CEOs of several banks on February the
10 13th about potential economic measures, and you said in your
11 testimony today how important it was for you to hear from the
12 leaders of the financial institutions, what their views were on
13 the situation with the blockades.

14 And as you're also aware, consultation with the
15 first ministers of the provinces and territories was held on the
16 morning of February 14th, and that was after the Cabinet
17 meetings and the IRG meetings had been held.

18 Now, consulting with the CEOs of financial
19 institutions for their views on the situation is not required by
20 the *Emergencies Act* before the government can invoke the Act for
21 a Public Order Emergency, but consulting with the provinces and
22 territories for their input is required.

23 As deputy prime minister, don't you think that
24 the input of the first ministers of the provinces and
25 territories on the potential invocation of the *Emergencies Act*
26 and the proposed measures would have been relevant information
27 to have before you at the IRG meetings and the Cabinet meetings
28 where the invocation of the *Emergencies Act* was discussed and

1 debated?

2 **DEPUTY PM CHRYSITIA FREELAND:** Thank you for the
3 question, and as a former intergovernmental relations minister,
4 I understand it and I really do understand the importance and
5 sometimes the challenges of that federal/provincial
6 relationship. In this particular situation, it was a very
7 complex fast-developing situation, and each minister was
8 responsible for managing a series of relationships and bringing
9 that information to the table.

10 My colleague, Dominic LeBlanc, is an extremely
11 able minister, an extremely able Intergovernmental Affairs
12 minister, and I relied on him, as did everyone around the table,
13 to manage that relationship and to bring to us and to the table
14 his knowledge of the views of the provinces and territories.

15 **MS. MANDY ENGLAND:** And with your knowledge that
16 they weren't consulted or -- about the *Emergencies Act* or told
17 until the morning of February the 14th that the *Emergencies Act*
18 might be invoked, wouldn't you agree that the information on
19 their views on the potential invocation of the *Emergencies Act*
20 wasn't before the Cabinet or the IRG, it wasn't one of the items
21 because it wasn't available until March or February the 14th?

22 **DEPUTY PM CHRYSITIA FREELAND:** In my view,
23 Minister LeBlanc very effectively, from what I could see, very
24 effectively communicated with the provinces and territories, and
25 communicated with us his -- what he learned from those
26 conversations. That discussion that happened on the Monday was
27 important. I wasn't part of that discussion, but it happened
28 and it was important that it happened.

1 **MS. MANDY ENGLAND:** And so the evidence that has
2 been given before this Inquiry is that the *Emergencies Act* had
3 not been raised with any of the First Ministers of the provinces
4 or territories or any of the Cabinet members of the provinces or
5 territories. So wouldn't you agree with me that whatever
6 information it was that Minister LeBlanc was bringing to the
7 table, it did not involve discussions about the Federal
8 *Emergencies Act*?

9 **DEPUTY PM CHRYSITIA FREELAND:** Again, there, I
10 would say this was an area of responsibility for
11 Minister LeBlanc, who I do absolutely believe does that very
12 difficult job very well, and I had confidence in how he did that
13 job.

14 **MS. MANDY ENGLAND:** I'll move on to my second
15 question.

16 We spoke about the call that you had with the
17 banks on February the 13th. There was another call with the
18 banks on February the 21st, and I'd like to just pull up the
19 readout from the call if I may.

20 It's SSM.CAN00001828.

21 And the section that I'd like to draw your
22 attention to is close to the top. It's the portion that reads
23 from "DPM" which I take it to be indicating what you said on the
24 call as Deputy Prime Minister would be DPM; is that correct?

25 **DEPUTY PM CHRYSITIA FREELAND:** I think so.

26 **MS. MANDY ENGLAND:** Okay, thank you. And then
27 the -- there's a paragraph that begins "First", and then the
28 next little paragraph says:

1 "The RCMP has told [us] they have heard
2 from protesters as they were leaving
3 the blockades that they did so because
4 their families said their accounts were
5 frozen, so get the hell out of there.
6 This is a much better and peaceful way
7 to end things."

8 Now, freezing someone's bank account without due
9 process engages their personal rights, and it also engages the
10 personal rights of the families that shared many of those bank
11 accounts, individuals who weren't even at the protest. You
12 stated here in this document that your view was that this is
13 better and more peaceful, presumably than using the existing
14 legal authorities, which multiple branches of law enforcement
15 have testified at this Inquiry were adequate to bring a peaceful
16 end to the protests, and indeed they did so using those
17 authorities.

18 So do you still hold that view today, that
19 freezing the accounts was a better solution than law enforcement
20 carrying out its legal authorities in the responsible manner
21 that they do?

22 **DEPUTY PM CHRYSITIA FREELAND:** The view that I do
23 hold, as we discussed earlier today, is one of my very grave
24 concerns about bringing these illegal blockades and this illegal
25 occupation to an end was the danger that there would be
26 violence, and that there would be violence directed towards the
27 protesters. I was particularly concerned because of reports
28 that children were present.

1 And that was one of the reasons that I felt the
2 financial tools that were put in place by the *Emergencies Act*
3 were a better option. From my perspective, the job of these
4 tools was to create a peaceful, non-violent incentive for people
5 who were doing something illegal to leave. And I think those
6 tools did work.

7 **MS. MANDY ENGLAND:** And so I would just remind
8 you in that regard that the call that we're looking at, this
9 readout from in front of us, was held on February the 21st. And
10 so at that time, the Coutts blockade...

11 We can scroll up to the top of the document.

12 We have Monday, February the 21st, and you say,
13 it's:

14 "Hard to believe that it was only a
15 week ago that we were on a call...last
16 Sunday..."

17 Which was February the 13th, "talking about
18 this."

19 So this is a call that was held on February the
20 21st after the enforcement actions had been taken out at Coutts,
21 which were done before the *Emergencies Act* was invoked, after
22 the Ambassador Bridge was cleared, which was before the
23 *Emergencies Act* was invoked, and while the enforcement efforts
24 in Ottawa were well underway, and you would have had the
25 knowledge at that time that there was peaceful resolution by law
26 enforcement at both of those border blockades, and that there
27 was no violence against children and it was a peaceful
28 resolution by law enforcement in Ottawa.

1 And so with respect to those comments about the
2 fear of the prospect of violence, I don't know that on the
3 timeline of February 21st are you saying you still had them then
4 and you would still have those today?

5 **DEPUTY PM CHRYSTIA FREELAND:** No, not at all. On
6 ---

7 **MS. MANDY ENGLAND:** And so you expressed this
8 view ---

9 **DEPUTY PM CHRYSTIA FREELAND:** --- February ---

10 **MS. MANDY ENGLAND:** --- after you were of the
11 knowledge that there was ---

12 **DEPUTY PM CHRYSTIA FREELAND:** May I? May I
13 explain?

14 **MS. MANDY ENGLAND:** Absolutely. I didn't realise
15 you were talking. I apologise.

16 **DEPUTY PM CHRYSTIA FREELAND:** No problem. It can
17 be hard on the video calls.

18 So on February 21st, when I made those comments,
19 it was looking back on the events of the week that had passed,
20 and I certainly believed then and I believe today that the
21 financial tools we put in place aided in peaceful resolution of
22 all of those occupations and blockades. The reports that we
23 heard, the reports that were in the media, the reports from law
24 enforcement were that many people did leave as a result of the
25 incentives created by those tools.

26 And then the final thing that I think is
27 important to emphasise is we said on February 14th "we are
28 putting these tools in place so please leave now so that these

1 tools never need to be used." So any person who had their
2 account frozen had due warning that they were engaged in illegal
3 activity and that they should stop doing that activity.

4 And the other thing that I would point to that I
5 think did work well is the accounts were very quickly unfrozen
6 after the illegal activity ceased.

7 **MS. MANDY ENGLAND:** And with respect to the due
8 warning, there were, as you acknowledge in your earlier
9 testimony, accounts of families, individuals who weren't present
10 at the protests, that were also frozen. Would your view be the
11 same with respect to those individuals?

12 **DEPUTY PM CHRYSITIA FREELAND:** Again, there, that
13 was never the intent, that -- to in any way affect family
14 members. Certainly the consequence, the reality of people
15 having joint bank accounts made that impossible to entirely
16 avoid. But I would say that the family members whose presence
17 at the protest, at the illegal occupation and blockades, caused
18 the accounts to be frozen, had a very easy readily available
19 remedy with a lot of notice. They could have left before the
20 freezing began, and as soon as people did leave the accounts
21 were unfrozen.

22 **MS. MANDY ENGLAND:** Thank you, Minister, those
23 are my questions today.

24 **COMMISSIONER ROULEAU:** Okay, thank you.

25 Next, I'd like to call on the City of Ottawa,
26 please.

27 **MS. ALYSSA TOMPKINS:** The City has ceded its time
28 to the Government of Canada. Alyssa Tompkins for the record.

1 **COMMISSIONER ROULEAU:** Okay, thank you.

2 Counsel for former Chief Sloly, please.

3 **MS. REBECCA JONES:** Rebecca Jones for
4 Chief Sloly, and we also have no questions for the Deputy Prime
5 Minister, and have ceded our time to the Government of Canada.
6 Thank you.

7 **COMMISSIONER ROULEAU:** Okay.

8 Next is City of Windsor?

9 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

10 **MS. JENNIFER KING:** Good afternoon, Deputy Prime
11 Minister. My name is Jennifer King, and I am legal counsel to
12 the City of Windsor.

13 I only have a few moments with you this
14 afternoon. You have testified about the macroeconomic impacts
15 of the border blockades and the Ambassador Bridge blockade
16 specifically. In my few moments with you, I want to shift
17 tracks a bit and ask you to scope down and talk to us about the
18 impacts of the blockades on the community and individual level.
19 As you may be aware, I hope you're aware, Windsor is not just a
20 road to the Ambassador Bridge. It's a community. It's a place
21 where people live, work and study. Are you aware that the
22 bridge lands in the community?

23 **DEPUTY PM CHRYSTIA FREELAND:** Yes, I am.

24 **MS. JENNIFER KING:** Are you aware that for
25 Windsor and Windsorites the blockade of the bridge was felt
26 directly and immediately?

27 **DEPUTY PM CHRYSTIA FREELAND:** Yes, I am.

28 **MS. JENNIFER KING:** I understand from Deputy

1 Minister Sabia that Transport Canada has not completed an
2 analysis of the blockade and the impacts on the local economy
3 and local Windsor businesses; is that right?

4 **DEPUTY PM CHRYSIA FREELAND:** That's right.

5 **MS. JENNIFER KING:** Okay. But you are well aware
6 of the importance of the automotive sector as an employer in the
7 region; right?

8 **DEPUTY PM CHRYSIA FREELAND:** I'm very aware of
9 that and was motivated by my awareness of that in some of the
10 actions we've been discussing today.

11 **MS. JENNIFER KING:** Okay. And you're aware that,
12 given the nature of the automotive sector, the blockade had a
13 significant impact and resulted almost immediately in shutdowns
14 and partial layoffs?

15 **DEPUTY PM CHRYSIA FREELAND:** Yes.

16 **MS. JENNIFER KING:** Can you tell us generally how
17 impacts on the Canadian economy at this kind of macro-level that
18 you've been talking about trickles down and impacts local
19 communities and residents, particularly communities like Windsor
20 that are reliant on these types of automotive industries?

21 **DEPUTY PM CHRYSIA FREELAND:** I think you've been
22 doing a very good job of telling us that, and certainly, I'm,
23 you know, very prepared to agree with you, that Windsor was very
24 specifically and meaningfully affected.

25 **MS. JENNIFER KING:** Okay. You also gave
26 testimony this morning about U.S. EV incentives. Mayor Dilkens
27 gave evidence to this Commission about the \$5 billion investment
28 announced in March through a joint venture between Stellantis

1 and LG Energy Solutions to establish a battery manufacturing
2 plant in the region. You're aware of that investment?

3 **DEPUTY PM CHRYSTIA FREELAND:** Extremely.

4 **MS. JENNIFER KING:** So this will be the first
5 Canadian electric vehicle battery manufacturing facility?

6 **DEPUTY PM CHRYSTIA FREELAND:** Well, let's get it
7 off the ground, but I'm very optimistic about it.

8 **MS. JENNIFER KING:** And Mayor Dilkens testified
9 that these discussions and preplanning about this investment was
10 underway at the time of the blockade?

11 **DEPUTY PM CHRYSTIA FREELAND:** Yes, I believe
12 that's the case.

13 **MS. JENNIFER KING:** Is this the kind of
14 investment that you were concerned about, that you were talking
15 about earlier today?

16 **DEPUTY PM CHRYSTIA FREELAND:** A hundred percent.

17 **MS. JENNIFER KING:** The Commission has heard
18 evidence about the response in Windsor, Windsor Police and its
19 policing partners to peacefully clear the blockade of the
20 bridge. Were you aware at the time that the necessary policing
21 efforts to maintain access to the bridge after the blockades
22 impacted Windsorites?

23 **DEPUTY PM CHRYSTIA FREELAND:** Yes.

24 **MS. JENNIFER KING:** Deputy Minister Sabia agreed
25 that the reopening of the bridge was key to avoiding greater
26 damage to Canada's reputation as a good place to invest,
27 Canada's reputation as a reliable trading partner. Do you
28 agree?

1 **DEPUTY PM CHRYSIA FREELAND:** Yes, I do.

2 **MS. JENNIFER KING:** For Windsorites, this isn't,
3 of course, not about just what happened in February. Windsor
4 has been host to this critical piece of infrastructure for
5 almost a century, and Windsor keeps traffic flowing to this
6 bridge every day, and that benefits the entire country; doesn't
7 it?

8 **DEPUTY PM CHRYSIA FREELAND:** One hundred
9 percent. It helped us get the 3M masks, in fact.

10 **MS. JENNIFER KING:** Right. So we've heard a
11 number of witnesses recommend that the frameworks and laws to
12 protect critical infrastructure should be studied and
13 strengthened; do you agree?

14 **DEPUTY PM CHRYSIA FREELAND:** I do.

15 **MS. JENNIFER KING:** Would you also agree that
16 Windsor is not only a stakeholder in debriefing the lessons
17 learned and in developing these frameworks, but also an
18 important partner?

19 **DEPUTY PM CHRYSIA FREELAND:** Yes, Windsor is
20 definitely an important partner.

21 **MS. JENNIFER KING:** Okay. Thank you. Those are
22 all my questions.

23 **DEPUTY PM CHRYSIA FREELAND:** Okay. Thank you.

24 **COMMISSIONER ROULEAU:** Thank you. Next is the
25 Windsor Police Service.

26 **MS. HEATHER PATERSON:** Hi, there, Heather
27 Paterson for the Windsor Police Service. We have no questions
28 for Minister Freeland and have ceded our time to the Government

1 of Saskatchewan.

2 **COMMISSIONER ROULEAU:** I guess then we go to
3 Government of Saskatchewan.

4 **--- CROSS-EXAMINATION BY MR. MIKE MORRIS:**

5 **MR. MIKE MORRIS:** Good afternoon. My name is
6 Mike Morris and I'm Counsel for the Government of Saskatchewan.

7 Minister, spoiler alert, I hope to get you to
8 agree with me as much as my colleague did just a couple minutes
9 ago. I guess we'll see where we get to.

10 But, Minister, I think I can start out with some
11 easy ones. You're familiar with Farm Credit Canada, which is a
12 federal Crown corporation; is that fair?

13 **DEPUTY PM CHRYSTIA FREELAND:** Not intimately, but
14 I know it exists.

15 **MR. MIKE MORRIS:** You grew up on the Prairies.
16 It used to be called Farm Credit Corporation. If I call it FCC,
17 you'll understand what I mean; is that fair?

18 **DEPUTY PM CHRYSTIA FREELAND:** Yes.

19 **MR. MIKE MORRIS:** Okay. And are you aware that
20 FCC is headquartered in Regina?

21 **DEPUTY PM CHRYSTIA FREELAND:** Yes.

22 **MR. MIKE MORRIS:** Okay. And that it provides
23 loans to farmers; correct?

24 **DEPUTY PM CHRYSTIA FREELAND:** Yes.

25 **MR. MIKE MORRIS:** And Farm Credit Canada would
26 have been a financial institution subject to the Emergency
27 Economic Measures Order; correct?

28 **DEPUTY PM CHRYSTIA FREELAND:** I believe so.

1 **MR. MIKE MORRIS:** And if I just call that "the
2 Order", you'll understand what I mean; is that fair?

3 **DEPUTY PM CHRYSITIA FREELAND:** Yes.

4 **MR. MIKE MORRIS:** Okay. I want to refer you to
5 an article from Farmer's Forum, which is self described as the
6 largest circulation farm newspaper in Ontario. So I'm going to
7 ask the Clerk to pull a document. It's POESAS0000003. And just
8 while we're pulling this up, it's the May 3rd, 2022 article from
9 Farmer's Forum entitled "Read the Documents: Farm Credit
10 compiled list of 9 names for possible blacklisting." So we can
11 see that on the screen there now.

12 And I'm just going to read from the first three
13 paragraphs of the article. So we'll just have to go down.
14 There. Perfect.

15 "Farm Credit Canada compiled a list of
16 nine people to be potentially
17 blacklisted because of possible
18 participation in the Freedom Convoy
19 protest in February, according to
20 internal FCC emails acquired by Farmer
21 Forum through an access to information
22 request.

23 The access to information documents
24 revealed that FCC employees were
25 instructed to report the names of
26 customers who were involved in the
27 Freedom Convoy in Ottawa after the
28 Emergencies Act was enacted on Feb. 14.

1 The federal lending agency compiled a
2 list of nine people by viewing Twitter
3 accounts and online media posts, as
4 well as drawing from conversations with
5 customers."

6 Now I expect we can agree that it's not
7 surprising that FCC instructed its employees to report in this
8 manner because FCC was required to do so under the terms of the
9 Order; is that fair?

10 **DEPUTY PM CHRYSIA FREELAND:** Well, maybe not
11 entirely. And I will say I am reading this news report for the
12 first time as I see it on my screen. So my response is a little
13 bit limited. But even in the paragraphs that you've displayed
14 for us, the -- there is a misunderstanding if this email is
15 genuine, and I'm just saying because ---

16 **MR. MIKE MORRIS:** Sure.

17 **DEPUTY PM CHRYSIA FREELAND:** --- I haven't seen
18 it; right? And ---

19 **MR. MIKE MORRIS:** We can look at the emails ---

20 **DEPUTY PM CHRYSIA FREELAND:** --- reporting is --
21 no, no, no, reporting is a hard thing to do. I used to be a
22 reporter. But the email that is reported on here saying if the
23 federal government directs us to, that is a misunderstanding of
24 how the Order worked. We were always very conscious that it
25 wasn't the job of the federal government or the Ministry of
26 Finance to name specific names or to even know which names were
27 involved.

28 **MR. MIKE MORRIS:** Understood. It was the ---

1 **DEPUTY PM CHRYSSTIA FREELAND:** The way the Order
2 worked was that that was to be a communication between law
3 enforcement and the financial institutions. And I know it's not
4 my job to ask you to agree with me, but I hope you will agree
5 with me that that was appropriate, that elected Ministers
6 shouldn't be involved in naming specific names. So that was a
7 misunderstanding.

8 **MR. MIKE MORRIS:** I think we should look at the
9 documents referred to from that Access to Information Request,
10 so I'm going to ask the Clerk to bring up POESAS0000004. And
11 these are the documents which were obtained by Farmer's Forum
12 and that are referred to in this article.

13 And I'm just going to ask that we go to the third
14 page of this PDF, please?

15 There. Perfect.

16 So we can see this is an email with the subject
17 line, "How the Emergencies Act Affects FCC," and it's to
18 Operations Field Staff, dated February 23rd, 2022.

19 So I'd just like us to scroll down to the third
20 paragraph, please? Stop there.

21 The third paragraph begins:

22 "If you become aware of potential
23 customer involvement in blockades,
24 occupations and other support of
25 activity related to the 'Freedom
26 Convoy,' you must submit a tip to the
27 Customer Diligence Centre (CDC)...."

28 So this is the morning of February 23rd, and we

1 know that the Order was no longer in place later that day
2 because, of course, the Emergency Declaration was revoked on
3 February 23rd, later that day. Is that fair, Minister?

4 **DEPUTY PM CHRYSIA FREELAND:** That -- yes, yes
5 exactly.

6 **MR. MICHAEL MORRIS:** Okay.

7 I'd just like us to scroll down to page 5 of the
8 PDF now, please? And this should be an email dated February
9 25th? Yes, there it is.

10 So we see this is an email dated February 25th,
11 with the subject, "*Emergencies Act - Customers Identified*" and
12 the content of the email indicates that the Centre is telling
13 the recipient that they'd like to follow-up regarding customers
14 that have been, "identified as possibly participating in the
15 2022 Freedom Convoy."

16 So we've agreed, I think, or we can agree, that
17 as of February 25th there was no requirement under the Order to
18 conduct this follow-up; is that fair?

19 **DEPUTY PM CHRYSIA FREELAND:** So let me say a
20 couple of things. First of all, I'm seeing this email now for
21 the first time, and as far as I know, it had nothing to do with
22 me.

23 **MR. MICHAEL MORRIS:** Understood.

24 **DEPUTY PM CHRYSIA FREELAND:** Second of all, it's
25 certainly the case, that the Order was -- ceased to apply after
26 February 23rd. And maybe the third thing, for people who are
27 listening, that it's worth pointing out, is all the accounts
28 were unfrozen around that time.

1 **MR. MICHAEL MORRIS:** Okay. I just want to
2 continue on to the next page of the PDF, which is page 6.

3 I appreciate you're seeing this for the first
4 time, Minister, and I understand that's difficult. But this
5 appears to be a spreadsheet entitled, "2022 Freedom Convoy -
6 Tips"; has a column for Tip; for Date; for Customer Name, and
7 Preliminary Findings. And I would just like us to slowly scroll
8 to the very end of all of these PDFs, looking at the dates as we
9 can -- as it goes by.

10 Yeah, you can keep scrolling; that's a good pace.

11 So we've seen February 23rd, keep scrolling. Now
12 we see February 24th, and keep scrolling. I think there's one
13 more page and we'll get to the end here. Oh, another page, more
14 February 24th. Keep going, yeah. So last one is number 9.
15 Okay, go up a little bit.

16 And this would appear to indicate that the last
17 tip in the spreadsheet was received February 25th, there's a
18 description, I gather, of the preliminary investigation at this
19 point. So you know, it appears -- and I appreciate you're
20 viewing this for the first time -- that FCC was still
21 investigating tips relating to the Freedom Convoy 2022 as of
22 February 25th. And I don't know when it stopped investigating
23 tips, and I expect you may not know either. Is that fair,
24 Minister?

25 **DEPUTY PM CHRYSIA FREELAND:** With real respect,
26 I have to say I think these are questions for FCC and not for
27 me.

28 **MR. MICHAEL MORRIS:** Okay. I expected you might

1 answer that, and that's a fair answer.

2 Aside from FCC, can you identify any other
3 federal financial institutions which were subject to the Order
4 for us?

5 **DEPUTY PM CHRYSIA FREELAND:** The Order applied
6 to all financial institutions across the country.

7 **MR. MICHAEL MORRIS:** Okay. No, that's fair.
8 It was a privilege to speak with you, Minister.
9 Thank you very much for answering my questions.

10 **COMMISSIONER ROULEAU:** Okay. Thank you.
11 So we now turn to the Government of Canada,
12 please.

13 **--- CROSS-EXAMINATION BY MR. STEPHEN AYLWARD:**

14 **MR. STEPHEN AYLWARD:** Good afternoon, Deputy
15 Prime Minister. As you know, my name is Stephen Aylward; I'm
16 one of the lawyers for the Government of Canada.

17 My friend for the Government of Saskatchewan just
18 now took you to a news article that referred to the blacklisting
19 of account holders, or the -- of borrowers under a federal
20 program. Is there anything in the Emergency Economic Measures
21 Order that authorized or required financial institutions to
22 blacklist an individual?

23 **DEPUTY PM CHRYSIA FREELAND:** No, there was not.

24 **MR. STEPHEN AYLWARD:** Was there anything that
25 prescribed any lasting impacts, beyond the expiry of the
26 designation of a person as a designated -- determination that a
27 person was a designated person, or the expiry of the *Emergencies*
28 Act?

1 **DEPUTY PM CHRYSSTIA FREELAND:** There absolutely
2 was not.

3 **MR. STEPHEN AYLWARD:** Earlier my friend for
4 Commission Counsel put it to you that -- on the issue of foreign
5 funding, that there was no information that the government had
6 in relation to foreign funding at the time the declaration of
7 the emergency. In your response, you mentioned open-source
8 information. I take it that would've included news articles?

9 **DEPUTY PM CHRYSSTIA FREELAND:** Yes, it would.

10 **MR. STEPHEN AYLWARD:** Okay. And I won't take you
11 to them, but I'm just going to read into the record the names of
12 two such articles; PB.CAN.00001755 and PB.CAN.00001756.

13 My friend for the Democracy Fund mentioned to you
14 certain letters from the Canadian Truckers Association in which
15 they expressed concern in December of 2021 over the removal of
16 the exemption for cross-border trucker -- trucking; do you
17 recall that?

18 **DEPUTY PM CHRYSSTIA FREELAND:** I do.

19 **MR. STEPHEN AYLWARD:** And if we could pull up,
20 Mr. Clerk, SSM.CAN.00000335?

21 And this document that's pulling up is a
22 statement from the same organization that was made in January of
23 2022. And if you see there, the statement says:

24 "The...(CTA) does not support and
25 strongly disapproves of any protests on
26 public roadways, highways and bridges.
27 CTA believes such actions - especially
28 those that interfere with public safety

1 - are not how disagreement[s] with
2 government...should be expressed."

3 Were you aware of that being the position of the
4 Canadian Truckers Association at the time?

5 **DEPUTY PM CHRYSITIA FREELAND:** Yes, I was.

6 **MR. STEPHEN AYLWARD:** And, indeed, if we could go
7 to SSM.CAN.00000987, this is a letter dated February 10th, 2022,
8 again from the Canadian Truckers Association. And in this
9 letter, the Canadian Truckers Association is asking the federal
10 government to take action to address the issue with the border
11 blockades.

12 Are you -- were you aware -- it's a letter
13 addressed to the Prime Minister and Minister Alghabra, but I'll
14 just ask; were you aware of the Canadian Truckers Association
15 making such a request at the time?

16 **DEPUTY PM CHRYSITIA FREELAND:** I can't pretend to
17 have memorized the exact date and content of the letter, but I
18 was aware that Minister Alghabra was in touch with the Truckers
19 Association, and that they were very concerned.

20 **MR. STEPHEN AYLWARD:** Okay. So if we talk about
21 economic impacts for a moment, you had discussed with Commission
22 Counsel earlier the -- a Bloomberg briefing and, as well, a
23 Bloomberg article.

24 If we could just pull up the news article at
25 COM00000839, please? And if we could go to the third page of
26 that document, when it's ready.

27 This is the news article. And apart from the
28 reference to the .1 percent that you were discussing earlier,

1 there's some -- there's some reporting in here about other
2 individuals that were commenting on the situation of the border
3 blockades at the time.

4 And if you look under the heading there, "'We
5 Don't Need This'". There's a quote attributed to the Governor
6 of the Bank of Canada, Tiff Macklem, that was made on the
7 Wednesday, so that would have been the day before this article,
8 so on Wednesday, February 9th, in which the Governor of the Bank
9 of Canada noted that we were having --

10 "We've already got a strained global
11 supply chain. We don't need this." (As
12 read)

13 In reference to the border blockade. Do you
14 remember being aware of the comments of the Governor of the Bank
15 of Canada at the time?

16 **DEPUTY PM CHRYSIA FREELAND:** I absolutely do,
17 and that's in my timeline, I think it's in my notebook, that
18 when we spoke earlier today about concerns around achieving a
19 soft landing for the Canadian economy, concerns about rising
20 inflation, concerns about the rise in interest rates, which the
21 Bank of Canada -- with which the Bank of Canada would respond to
22 rising inflation, that was very much on my mind, and I mentioned
23 that we had already had a January inflation number which was
24 elevated. We expected inflation. We expected an elevated
25 number -- the number that we had in January was for December.
26 We expected in February to learn of an elevated number for
27 January. We were aware that the bank was concerned, and that
28 made us concerned. Definitely.

1 **MR. STEPHEN AYLWARD:** Okay. So you spoke earlier
2 about some of your concerns around comments by public officials
3 in the United States. I'd just like to go through the timeline
4 of some of those statements, because I think we've heard a bit
5 about them, but I think it's helpful to look at ---

6 **DEPUTY PM CHRYSIA FREELAND:** Sure. And if could
7 just say one more thing on the Bank of Canada, that wasn't in an
8 interview with Bloomberg, Government Macklem spoke at a press
9 conference about it. so that was widely reported.

10 **MR. STEPHEN AYLWARD:** No, indeed. That was just
11 one instance of a document that's in the record that ---

12 **DEPUTY PM CHRYSIA FREELAND:** Yeah.

13 **MR. STEPHEN AYLWARD:** --- recorded that
14 statement.

15 So February 7th we know is the day that the
16 blockade begins at the Ambassador Bridge. And so on February
17 9th, this is day three, that's the date of those comments by the
18 Governor of the Bank of Canada, it's also the date of several
19 statements by U.S. public officials.

20 If we could pull up PB.CAN.00000023? and go to
21 page three?

22 This is a Tweet by Representative Elisa Slotkin.
23 And I believe you may have indirectly made reference to this
24 earlier this morning. But I'd just like to put the Tweet up.
25 And ---

26 **DEPUTY PM CHRYSIA FREELAND:** Yeah.

27 **MR. STEPHEN AYLWARD:** If you can see there, we
28 have Representative Slotkin saying:

1 "If we needed another example of why
2 supply chains matter, look no further
3 [than the Ambassador Bridge --] the
4 blockade of the Ambassador Bridge..."

5 Then it continues. And if you look at the second
6 installation of the thread, or the second part of the thread, it
7 says:

8 "It doesn't matter if it's an adversary or
9 an ally -- we can't be this reliant on
10 parts coming from foreign countries."

11 Was that the comment that you were referencing
12 earlier in your testimony?

13 **DEPUTY PM CHRYSIA FREELAND:** Yes, it was. And I
14 remember when that came out very, very clearly. And what was
15 being publicly said by U.S. officials, all of it worried me.
16 But I think if I had to identify for people here one particular
17 line that worried me the most, it's those two sentences. And in
18 particular:

19 "It doesn't matter if it's an adversary or
20 an ally -- we can't be this reliant on
21 parts coming from foreign countries."

22 That is a huge threat to Canada's entire auto
23 sector. And the point especially there that she's underscoring,
24 "adversary or ally", because a point that we had been making,
25 and actually, we had made successfully, for example, with the
26 232 steel and aluminum tariffs, was those were inappropriately
27 levied against Canada by the U.S. because we were an ally. And
28 so you could rely on us.

1 And that point there is saying, "You know what?
2 You shouldn't differentiate between, for example, Canada and
3 China. The United States is equally at risk if it has an
4 economic dependency."

5 And having U.S. elected representatives assert
6 that publicly and connect it to this blockade and say, "Look, by
7 relying on Canada, you're going to lose your job," that was
8 very, very dangerous for us.

9 And I will also point out this was a democratic
10 member of the Michigan delegation. And I think later on in the
11 Tweet, Representative Slotkin talks about being in touch with
12 the White House.

13 These were the people that the White House was
14 talking to about this situation, but also about the EV
15 incentives. And their views mattered very, very much.

16 **MR. STEPHEN AYLWARD:** And on the White House
17 point, if we look just further down this page, the last line on
18 this page of the document, it's a headline from an article from
19 the Detroit News: "White House worried about Ambassador Bridge
20 blockade..."

21 And that article, we don't need to go through the
22 text, but it references a statement by then Press Secretary Jen
23 Psaki commenting on White House concern.

24 And I take it you were aware of those comments at
25 the time as well?

26 **DEPUTY PM CHRYSTIA FREELAND:** Yes, I was.

27 **MR. STEPHEN AYLWARD:** And so then if we go to
28 February 10th, that's day four of the blockades, Commission

1 Counsel mentioned earlier that the Department of Finance
2 prepared an economic analysis on February 10th, that day. We
3 looked at it the other day with the Department of Finance
4 officials. That background noted that by the -- at that time,
5 as of the fourth day, there were auto plant shut downs at Ford,
6 Stellantis, and Toyota plants that were caused by the Ambassador
7 Bridge blockade.

8 Were you aware of that? Were you surprised at
9 how quickly those shut downs occurred?

10 **DEPUTY PM CHRYSIA FREELAND:** I was aware of
11 that. And we spoke earlier this morning about my conversation
12 that day, the 10th of February, with Brian Deese, where he said,
13 and I can't recall exactly, but something like another 12 hours
14 and all the northeast will shut down.

15 So I was aware of the impact. And at some level,
16 I wasn't surprised, because I did know -- I knew two things,
17 that the auto sector is so hugely integrated and, you know, the
18 U.S. plants are dependent on us, but we're also dependent on the
19 U.S. plants. Those parts go across six times; right? So I knew
20 that.

21 And the other thing, which I think Rhys Mendes
22 spoke to you guys about, but is very true, is the auto sector
23 operates on a just in time production process. They don't like
24 to hold big stores of parts because that's expensive. And so
25 the industry requires very reliable and very speedy supply
26 chains, and if there's a break in them, yes, it stops
27 production.

28 So I knew that intellectually. I would say

1 though, at a kind of emotional level, it still, you know, was
2 breathtaking how quickly it had happened, how quickly the effect
3 mounted, how swift the political impact was, and I think that
4 was the case also for the White House. And that was reflected
5 in my Brian Deese conversation, where he sort of said, "Yeah,
6 you've been telling us about the integration, but now I really
7 see it."

8 **MR. STEPHEN AYLWARD:** And so you mentioned you
9 spoke to Brian Deese and part of that was setting up a call with
10 the President -- between the President and the Prime Minister,
11 which then took place the following day.

12 What was your reaction when you heard that the
13 call -- that that call had taken place the next day after you'd
14 begun the process to set it up?

15 **DEPUTY PM CHRYSITIA FREELAND:** So I was glad that
16 the conversation happened because I knew it was important and
17 valuable for the Prime Minister to have a chance to explain the
18 situation, to discuss the situation directly with the President,
19 so that was good, but -- and I had asked Brian for that call to
20 happen, but at another level, I was quite concerned by how
21 quickly the call was set up because the speed of response spoke
22 to me about the degree of concern.

23 **MR. STEPHEN AYLWARD:** We've heard earlier in this
24 proceeding about a statement that was released by
25 Governor Whitmer on February 10th, but there was a second
26 statement that Governor Whitmer released on February 11th.

27 And if we could just pull that one up. It's
28 PB.CAN.00001840.

1 And as part of that statement, Governor Whitmer
2 said:

3 "We cannot let another minute to go by
4 unnecessarily..."

5 Calling on the Canadian Government to act.

6 Was it unusual for Governor Whitmer to be issuing
7 two statements on the same topic one day after the next?

8 **DEPUTY PM CHRYSITIA FREELAND:** Very unusual, and
9 her -- the content of her statement was also very striking. So
10 she makes the point, first of all, that she is talking to the
11 White House, she's talking to the congressional delegation, the
12 people who we have been speaking about. There is a real
13 concerted push. And then I can't quite see it here, yeah, this:

14 "We [can't] let another minute to go by
15 unnecessarily..."

16 That was also striking to me and speaks to how I
17 perceived, and I believe rightly, the economic situation. That
18 every minute, every hour counted, that the situation was
19 deteriorating really hour by hour and Canada was being very
20 harmed. And so that speaks to why I believed, and I think it
21 was the right judgement, we needed to act really swiftly.

22 **MR. STEPHEN AYLWARD:** And if we fast-forward,
23 then, to after the events of January and February, have you
24 heard anything from business leaders since that time about the
25 impacts of the blockades?

26 **DEPUTY PM CHRYSITIA FREELAND:** I have. The -- and
27 I'll give you a couple of examples. PDAC is a big annual
28 Toronto mining conference. If you're in the mining industry you

1 will have heard of it, it's famous among miners, and Canada is
2 rightly proud to host it every year and to be the mining capital
3 of the world.

4 PDAC this year, because of COVID restrictions,
5 it's normally held in the winter but it was held in June, and at
6 PDAC in Toronto in June, Jonathan Wilkinson, the Minister of
7 Natural Resources, and I convened a table to talk about critical
8 minerals and metals, and electric vehicles. And one thing that
9 really struck me was -- and we had sort of miners there,
10 processors, and also car companies and car parts people, sort of
11 the full circle of that sector.

12 One of the people there, the Canadian CEO of a
13 Japanese car company, proactively, so went around the table,
14 everyone raised their points about critical minerals and metals
15 and EVs and opportunities in Canada. And this CEO, who, you
16 know, is a guy whose job is to get his Japanese headquarters to
17 invest in Canada, and he raised in his remarks, I think it was
18 the first thing he said, "I'm still getting questions around the
19 blockades and the occupation. And I need to be able to say to
20 my headquarters in Japan that this is not going to happen again
21 in Canada. That they can be confident that that access to the
22 U.S. market is not going to be impeded."

23 So that was very striking to me, that still in
24 June, even after our action, which worked, there were still
25 those lingering concerns, and it made me glad that we had acted
26 when we did and not later.

27 And then in -- just in October, I was in Winsor,
28 which we've heard so much about earlier today, speaking about

1 the economy, actually at a big car parts event, and one of the
2 car industry journalists asked me a question, and I'm -- you
3 know, it's on the public record exactly what he said, but I'm
4 just recalling broadly. His question was basically, "Can you
5 offer assurances that something like the convoy and the blockade
6 won't happen again? It continues to be a major concern in the
7 car industry here."

8 And again, I was surprised that someone in
9 October was still asking the question, and it was further
10 evidence to me of how serious the threat had been. And you
11 know, while taking very seriously the magnitude of our action
12 and the reluctance that any government should have on ultimately
13 acting as we did, that question was a confirmation for me that
14 there was very great harm that was in the process of being done,
15 and I was glad that we acted to stop the harm.

16 **MR. STEPHEN AYLWARD:** Thank you. Shifting gears,
17 if we talk about the economic measures or...

18 My friend from the Government of Alberta put it
19 to you that the -- there was no need to adopt the economic
20 measures, that police had adequate tools to clear the blockades
21 without them. I take it that you did not direct the
22 Commissioner of the RCMP to use any of the tools made available
23 in the Emergency Economic Measures Order?

24 **DEPUTY PM CHRYSITIA FREELAND:** I absolutely did
25 not.

26 **MR. STEPHEN AYLWARD:** And -- so to the extent
27 that police made use of those tools that was because they
28 believed in their judgement that it would be a useful thing to

1 do in carrying out their duties?

2 **DEPUTY PM CHRYSIA FREELAND:** Yes, that would be
3 correct.

4 **MR. STEPHEN AYLWARD:** And have you heard anything
5 from police officers about whether they in fact found those
6 tools to be effective in dealing with the situation?

7 **DEPUTY PM CHRYSIA FREELAND:** I'm not the main
8 person who speaks to or hears from police officers, but it is my
9 understanding that the tools were used and that they were
10 effective.

11 **MR. STEPHEN AYLWARD:** I'd like to ask you a
12 couple more questions about the readout of the February 13 banks
13 call that we -- that Commission Counsel went through with you
14 earlier this morning. First, Commission Counsel took you to the
15 email setting up that call from Tyler Meredith, in which he
16 alluded to previous communications with the Canadian Bankers
17 Association, in which he relayed that the message from the
18 industry, mainly speaking for their legal counsels, is that "we
19 have this under control and we're generally feeling comfortable
20 with the existing -- with the current regime."

21 Do you remember that exchange?

22 **DEPUTY PM CHRYSIA FREELAND:** I remember that
23 exchange from this morning. I didn't remember that email from
24 the time, but I remember our conversation this morning.

25 **MR. STEPHEN AYLWARD:** So my question is just in
26 light of your call on February 13th with the bank CEOs, you
27 believed that statement, as expressed in the email, that the
28 banks believe they have the situation under control and were

1 comfortable with the current regime, you believed that was an
2 accurate statement based on the reaction of the bank CEOs on
3 that call?

4 **DEPUTY PM CHRYSIA FREELAND:** I didn't write it,
5 and I can't remember whether I read it at the time or not, but
6 what I can say 100 percent, based on the conversation that I
7 had, which I both recorded and remember, certainly parts of it
8 with striking, kind of branded on my brain clarity, is when I
9 spoke to the bank CEOs on the Sunday they were very, very
10 concerned. They did not feel the situation was under control.
11 We did not discuss with them specific measures. I was sort of
12 in listening mode, apart from kind of saying to them, you know,
13 "Buck up, gentlemen, and do tell your investors that Canada is
14 great," and sort of wanting to give them confidence in our
15 leadership.

16 But, as you have seen from the transcript, they
17 volunteered a number of them -- two things: one, grave concern
18 about the economic situation, and two, absolute concern, and I
19 would even say frustration, that the tools available to them
20 were both inadequate. You remember from that transcript, there
21 was the point made of, "We tried to get a court order but it
22 took four, and by the time we tracked it down, the money had
23 moved to another account." And then also the concern, which I
24 take seriously, about the banks being concerned that acting
25 absent some form of government instruction would put them in
26 jeopardy, the Fox News point that was there.

27 **MR. STEPHEN AYLWARD:** And so the banks were
28 effectively asking for more government regulation?

1 **DEPUTY PM CHRYSSTIA FREELAND:** I suppose you could
2 put it that way. And I think what they -- I think what the
3 banks were saying -- and not "I think", I mean people can read
4 through the transcript -- is they were saying, "This is a real
5 threat to our economy and you, the government, need to act."
6 And I think they were right. And the other thing that I will
7 say there is it's not in the ordinary way of things for leaders
8 of big Canadian businesses to want the government to do more in
9 the economy. I would say, quite the contrary.

10 And at this particular moment, the banks had
11 reason to not be so happy about things the government was doing.
12 This followed our election, during which we had campaigned on
13 the 15-percent Covid-recovery dividend which would be levied on
14 banks and financial institutions, and we had campaigned on a
15 permanent tax on the banks. So I would guess -- and you could
16 speak to them, but I would guess that if you had spoken to the
17 bank's CEOs at the beginning of January and said, "Would you
18 like the Liberal Government to take a more active position when
19 it comes to economic management of Canada," they would say, "No,
20 we wouldn't like that, and we would certainly like them not to
21 impose these taxes."

22 So I just say that because the fact that they
23 were saying the tools were not adequate and, "You need to do
24 more," was particularly compelling to me because they were not a
25 constituency that was inclined to seek strong government action
26 in the economy.

27 **MR. STEPHEN AYLWARD:** Just on the Fox News point
28 that you just mentioned, in the Commission's overview report on

1 fundraising, they traced the flow of funds through the
2 crowdfunding platforms and showed that there was a million
3 dollars raised through the GoFundMe campaign that was paid into
4 a TD bank account and that TD froze that account on Thursday,
5 February 10th, so before the phone call, and we -- there's -- so
6 the Fox News coverage, when it says on the readout of there
7 having been Fox News coverage that Friday of an incident, you're
8 aware that was in reference to TD freezing that -- the million
9 dollars from the GoFundMe campaign?

10 **DEPUTY PM CHRYSIA FREELAND:** Yeah, that makes
11 sense. That makes sense, but it was Bharat Masrani speaking

12 **MR. STEPHEN AYLWARD:** And Bharat Masrani, that
13 would be the CEO of TD Bank?

14 **DEPUTY PM CHRYSIA FREELAND:** Yes.

15 **MR. STEPHEN AYLWARD:** And so the concern was
16 putting on any individual bank the potential for backlash of
17 public opinion of taking that step?

18 **DEPUTY PM CHRYSIA FREELAND:** Yes, that was the
19 concern, as we have also discussed already today, a concern
20 about tellers being in jeopardy. And the Fox News reference
21 there is especially significant because many Canadian Banks have
22 significant operations in the United States. And so having Fox
23 News attack you isn't a problem only because Canadians might be
24 watching, but if you have a big US operation, it's a problem
25 because your American customers will be watching. And I do
26 think that was a problem that was legitimate to raise, and I was
27 concerned about it.

28 **MR. STEPHEN AYLWARD:** And so just briefly, to

1 conclude, earlier, you mentioned that you had relied on certain
2 legal advice related to matters connected with this inquiry. I
3 just want to confirm you, as Deputy Prime Minister, you don't
4 have the authority to waive solicitor-client privilege on behalf
5 of the Government of Canada and you weren't intending to do so?

6 **DEPUTY PM CHRYSIA FREELAND:** I was not intending
7 to do so. And to be clear, I was speaking about the advice we
8 received, which I think the Commission -- some of which I think
9 the Commission has heard about earlier from officials.

10 **MR. STEPHEN AYLWARD:** Thank you. Those are my
11 questions. Thank you, Commissioner.

12 **COMMISSIONER ROULEAU:** Okay, thank you. Any re-
13 examination?

14 **MS. SHANTONA CHAUDHURY:** No re-examination,
15 Commissioner.

16 **COMMISSIONER ROULEAU:** Okay, well, thank you very
17 much for attending and for your testimony. We know you probably
18 have other things to do but I appreciate your coming here and
19 taking the Commission's work seriously.

20 **DEPUTY PM CHRYSIA FREELAND:** I guess I should
21 say thank you very much. And I will say to you, Commissioner,
22 and all the lawyers doing this work, I do think it's really
23 important work, and it's important for Canadians to be able to
24 see and hear you asking the government and other people
25 questions about this very important and serious decision.

26 **COMMISSIONER ROULEAU:** Okay, thank you. We'll
27 take a short break to prepare for our next panel, and it should
28 only be five minutes or so, but I'll -- if it takes longer,

1 they'll let me know. Thank you.

2 **THE REGISTRAR:** The Commission is in recess for
3 five minutes. La Commission est levée pour cinq minutes.

4 --- Upon recessing at 3:33 p.m.

5 --- Upon resuming at 3:44 p.m.

6 **THE REGISTRAR:** Order. A l'ordre. The
7 Commission has reconvened. La Commission reprend.

8 **COMMISSIONER ROULEAU:** Okay.

9 **MS. SHANTONA CHAUDHURY:** Good afternoon, Mr.
10 Commissioner. Shantona Chaudhury, for the record.

11 Our next witnesses are from the prime minister's
12 office, Mr. John Brodhead, Ms. Katherine Telford, Mr. Brian
13 Clow.

14 **THE REGISTRAR:** Mr. Clow, will you swear on a
15 religious document or do you wish to affirm?

16 **MR. BRIAN CLOW:** I will affirm.

17 **THE REGISTRAR:** For the record, please state your
18 full name and spell it out.

19 **MR. BRIAN CLOW:** First name, Brian B-r-i-a-n,
20 last name Clow, C-l-o-w.

21 **--- MR. BRIAN CLOW, Affirmed:**

22 **THE REGISTRAR:** Thank you.

23 Ms. Telford, will you swear on a religious
24 document or do you wish to affirm?

25 **MS. KATHERINE TELFORD:** A religious document.

26 **THE REGISTRAR:** We have the Bible, the Quran, or
27 the Torah available.

28 **MS. KATHERINE TELFORD:** Bible.

1 **THE REGISTRAR:** For the record, please state your
2 full name and spell it out.

3 **MS. KATHERINE TELFORD:** Katherine Telford, K-a-t-
4 h-e-r-i-n-e, Telford, T-e-l-f-o-r-d.

5 --- MS. KATHERINE TELFORD, Sworn:

6 **THE REGISTRAR:** Thank you.

7 Mr. Brodhead, will you swear on a religious
8 document or do you wish to affirm?

9 **MR. JOHN BRODHEAD:** Affirm, please.

10 **THE REGISTRAR:** For the record, please state your
11 full name and spell it out.

12 **MR. JOHN BRODHEAD:** John Brodhead, J-o-h-n B-r-o-
13 d-h-e-a-d.

14 --- MR. JOHN BRODHEAD, Affirmed:

15 **THE REGISTRAR:** Thank you.

16 ---EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY:

17 **MS. SHANTONA CHAUDHURY:** Good afternoon. Thank
18 you for being here.

19 We're just going to start with a couple of
20 routine housekeeping items, the first of which is introducing
21 your interview summary.

22 So you'll recall having sat for an interview with
23 Commission counsel on October 11th of this year, and following
24 that interview, Commission counsel prepared a summary of the
25 interview. Have you all three reviewed that summary?

26 **MR. BRIAN CLOW:** Yes.

27 **MR. JOHN BRODHEAD:** Yes.

28 **MS. SHANTONA CHAUDHURY:** Sorry, just for the

1 record, I know it's a bit difficult with the three of you, but
2 someone answer yes, please.

3 **MR. BRIAN CLOW:** Yes.

4 **MS. SHANTONA CHAUDHURY:** Okay. And also present
5 at that interview was your colleague, Mr. Jeremy Broadhurst?

6 **MR. BRIAN CLOW:** Yes.

7 **MS. SHANTONA CHAUDHURY:** Can you confirm that Mr.
8 Broadhurst as well has reviewed that -- the summary of the
9 interview?

10 **MR. BRIAN CLOW:** Yes.

11 **MS. SHANTONA CHAUDHURY:** And that it is accurate
12 according to all four of you?

13 **MR. BRIAN CLOW:** Yes.

14 **MS. SHANTONA CHAUDHURY:** Perfect.

15 So Mr. Clerk, for the record, that's WTS00000083.
16 No need to call it up.

17 And then the second small order of business is
18 the PMO Institutional Report, so the prime minister's office
19 prepared that institutional report for these proceedings. That
20 doc ID number of that is DOJ.IR.00000014, and I'd just like you
21 to confirm again that that report was prepared by PCO and that
22 you have reviewed it and that it is accurate, to the best of
23 your knowledge and belief.

24 **MS. KATHERINE TELFORD:** Yes.

25 **MS. SHANTONA CHAUDHURY:** Thank you.

26 Okay. So the first thing I'll say is this is one
27 of the examinations that we're doing of a panel. There are
28 three of you. And some of my questions will be directed at one

1 of you specifically because it's something that's within your
2 personal knowledge, or a document or a communication that you
3 were involved in, and some of them I will throw out more
4 generally, and the person best placed can answer. And you can
5 also feel free if it's appropriate and you have knowledge to add
6 to someone else's answer, you're free to do that.

7 So the first question I think I'll address to
8 Ms. Telford, which is just can you explain the mandate and the
9 structure at a very sort of general level of the Prime
10 Minister's Office? What does the Prime Minister's Office do?

11 **MS. KATHERINE TELFORD:** The Prime Minister's
12 Office, we serve at the pleasure of the Prime Minister, which is
13 different than our public service colleagues in the sense that
14 job security is a little different. We work between elections
15 as well, and many of us, though not all of us, do take leaves
16 during election campaigns to work on election campaigns.

17 But in-between elections and working in
18 government, our role is to facilitate information to the Prime
19 Minister, to facilitate his ability to make the best decisions
20 he can to advance the agenda that he was elected on by
21 Canadians. So that includes everything from very operational
22 work. So we have teams of tour advance people, as we call them.
23 We have regional desks who coordinate with stakeholders,
24 including different levels of government in different parts of
25 the country.

26 I'm sure my colleagues can speak to -- John is
27 our Director of Policy and can speak to the Policy Team. Brian
28 Clow is one of two Deputy Chiefs of Staff in the Prime

1 Minister's Office, the other Deputy Chief of Staff is Marjorie
2 Michel. And the other Chief of Staff, since she is not here, is
3 primarily responsible for a lot of the operational elements of
4 the office ranging from human resources because we are an office
5 of roughly a hundred, and -- so the human resources side. The
6 public appointments as well, there's hundreds and thousands of
7 public appointments that go through government, and so we act as
8 a coordinating body in many ways on the political side between
9 ministers' offices as well.

10 And -- but our primary job is getting the Prime
11 Minister the information that he needs, getting him the best
12 advice from all parts of government, but also from outside of
13 government that he needs to be able to accomplish what he
14 committed to Canadians he would do if he were elected.

15 **MS. SHANTONA CHAUDHURY:** And just building on
16 that, I'll ask you to explain, Ms. Telford, your specific role
17 as Chief of Staff, and then I'll ask each of your colleagues to
18 do the same.

19 **MS. KATHERINE TELFORD:** So I view my role in two
20 ways: There's the day-to-day management role. So I manage the
21 Prime Minister's Office, and I have an extraordinary group of
22 people who work day and night, particularly during this time
23 period they did. And -- so it's all the sort of operational
24 scheduling and day-to-day management you can imagine of running
25 an office of that size, as well as coordinating between other
26 ministers' offices as well. So we have a weekly Chief of Staff
27 meeting that involves the Chiefs of Staff from all of the
28 ministers' offices across government as a way of touching base

1 and sharing information, sometimes best practices.

2 And then the other hat I wear at the same time is
3 being a senior advisor to the Prime Minister, and in terms of
4 bringing him the best advice I can from everywhere I can, but
5 also facilitating people being able to get in front of him and
6 provide him with all the advice and the inputs that he needs to
7 make the best decisions he can for Canadians.

8 **MS. SHANTONA CHAUDHURY:** Thank you.

9 And Mr. Brodhead, can you explain your role,
10 please?

11 **MR. JOHN BRODHEAD:** Sure. So as Director of
12 Policy, one of the key pieces of my role is to kind of work with
13 the Privy Council Office very closely to coordinate the Cabinet
14 agenda. So as you've heard through these proceedings, there's -
15 - we have many Cabinet committees, and -- so we work with PCO to
16 make sure items are ready to go forward on those agendas, any
17 kind of remaining issues to be sorted out between ministers or
18 departments, so that's one.

19 We have a team of 14 policy advisors. So they
20 cover the -- all the departments. So they each have policy
21 files, so they become, you know, the links to the ministers'
22 offices as well as to the content experts at PCO and other
23 departments. And I think in that role, we provide advice to the
24 Prime Minister on policy items, so whether it's items going to
25 Cabinet, other items such as the budget, our team will often
26 prepare memos along those lines and advise the Prime Minister on
27 the policy side of these things.

28 **MS. SHANTONA CHAUDHURY:** Okay. And we're going

1 to come back in a minute to -- you mentioned PCO. And we've
2 heard from a few witnesses last week from PCO, so we're going to
3 come back to the interplay a little bit between your office and
4 PCO.

5 But first, I'll just ask Mr. Clow to introduce
6 himself and describe his role.

7 **MR. BRIAN CLOW:** So I am one of two Deputy Chiefs
8 of Staff, as Katie laid out, and I oversee five teams in the
9 office. One is the Policy Team, which John described; second is
10 the Communications Team, it's the largest of the five. They do
11 exactly what their name says, press releases, all government
12 communications and media relations for sure. Quite a range of
13 activities in that department.

14 There is -- third, is the Issues Management and
15 Parliamentary Affairs Team. That's one unit. So everything
16 that goes through Parliament, whether it's legislation, votes in
17 the House, debates in the House, the PMO Parliamentary Affairs
18 Team engages in that space. But they also focus on Issues
19 Management, which I like to think of it as the government has
20 its proactive agenda, which is largely driven out of the Policy
21 Team, and then the Issues Management Team deals with day-to-day
22 developments, whatever comes at us. So certainly the Issues
23 Management Team was involved in what's being studied here quite
24 early on.

25 And then there are two more units that I oversee,
26 they're smaller units. One is the Global Affairs Team. They
27 focus on all -- any number of international files. And finally,
28 there's a unit that was created a couple of years ago to deal

1 with the response to the COVID-19 pandemic.

2 **MS. SHANTONA CHAUDHURY:** Thank you. And I should
3 mention that the reason you've all been selected to be here
4 today is you were all involved in some way in assisting the
5 Prime Minister in responding to the events of late January and
6 February that are before the Commission. Certainly not just
7 you, but certainly all of you.

8 So just going back to that question of the
9 interplay between PCO and PMO, I'm not sure who's best placed to
10 speak to that between the three of you, but Mr. Brodhead, you
11 brought it up, so maybe we'll start with you.

12 **MR. JOHN BRODHEAD:** So what specifically -- what
13 -- is of interest? Just the general relationship?

14 **MS. SHANTONA CHAUDHURY:** Yeah. So the lines of
15 communication and the interaction between the public service and
16 the political side in advising the Prime Minister.

17 **MR. JOHN BRODHEAD:** Sure. So I'll speak to my
18 experience because I obviously cover one part of that dynamic.
19 And I interact with primarily two parts of the Privy Council
20 Office. One is the kind of Priorities and Planning Group, which
21 is Michael Vandergrift's group, and then the other one is the
22 Operations Team, which is now run by Kaili Levesque. Plans and
23 Priorities is really the Cabinet side, and Operations is more of
24 the execution and -- of that.

25 So there is, I would say, a constant flow of
26 information back and forth. They provide us advice, they
27 convene meetings of departments across the government, they
28 really kind of hold the institutional knowledge on many of these

1 files, and so we kind of work very closely together to ensure
2 we're aligned on the policy agenda, that things are rolling out.
3 They also have great experience in terms of execution of policy,
4 so it's are things getting done, are things happening that we
5 brought into play, are they still going, is it still moving? So
6 it's a very constant and a very important relationship for us.

7 **MS. SHANTONA CHAUDHURY:** Ms. Telford, do you have
8 anything to add to that in terms of the lines of communication
9 and providing advice to the Prime Minister?

10 **MS. KATHERINE TELFORD:** I would just add that,
11 and I'm sure you heard this from the Clerk, who is -- who I have
12 primarily the most contact with is with the Clerk and the
13 National Security and Intelligence Advisor, and to only a
14 slightly lesser degree, the Deputy Clerk. And they're also the
15 ones who have the most contact with the Prime Minister.

16 And so the Clerk meets with the Prime Minister on
17 a very regular basis, often meets with the Prime Minister and
18 Deputy Prime Minister together, and I will attend the majority
19 of those meetings as well. And there is -- and then she and I
20 will talk regularly in between those meetings as well in terms
21 of planning out, you know, what needs to get covered and what's
22 going on, and prioritising who else we might need in those
23 meetings. And so as John said, it's a very regular flow of
24 information back and forth.

25 But -- and that's true for the entire Prime
26 Minister's Office. Everybody has counterparts of one kind or
27 another on the public service side, and the flow of information
28 is significant, though we do have clearly different roles in

1 terms of what our responsibilities are to the Prime Minister,
2 and of course, as I said earlier, how we're employed.

3 **MS. SHANTONA CHAUDHURY:** Thank you. Okay, with
4 that introduction out of the way, we'll turn to the matters
5 before the Commission.

6 And starting with the very early days of the
7 convoy, can you describe to us when PMO first became aware that
8 the convoy was a thing that was possibly rolling into Ottawa,
9 what your initial impressions of it were, what your sources of
10 information were and the sort of prearrival early days.

11 **MR. BRIAN CLOW:** So the week of January 17th,
12 there were a few interactions. On Monday, January 17th, there
13 was a report sent from PCO to PMO. I think one or two people in
14 the Prime Minister's Office -- it might have actually come from
15 a Minister's office as a flag that there were some slow roll
16 activity in Emerson, Manitoba. At that point though, that
17 information was not shared beyond that. It was just one of any
18 number of issues.

19 As the week went on though, we started to hear
20 more and see more reports of the convoy protest. On Thursday,
21 January 20th, there was an email that came from PCO to a number
22 of people in PMO that laid out -- it was an update on the convoy
23 protest. I think it was focussed on -- it named three places
24 specifically: Coutts, North Portal, Saskatchewan, and Ottawa.
25 And the update also included a press release from the Canadian
26 Trucking Alliance, which condemned the convoy activity,
27 specifically proposed unlawful activity, which even at that
28 point, there -- what was coming out of a number of the speakers

1 was proposed unlawful activity and road blockages specifically.
2 So it was that week January 17th when we started to hear about
3 this.

4 That weekend, I'd say 22nd, 23rd, by then, it was
5 on everybody's radar. The week of the 24th is when the Prime
6 Minister started to get updated daily on it.

7 **MS. SHANTONA CHAUDHURY:** Okay. And that takes us
8 -- Mr. Clerk, can you please bring up SSM.CAN.NSC 00002578?

9 So, Mr. Clow, if I take this correctly, you were
10 speaking at that point of PMO's sort of monitoring of what was
11 going on, and I believe the 25th was the first time you got a
12 briefing from the PCO?

13 **MR. BRIAN CLOW:** So the -- in addition to -- I'll
14 look at this email. So there was email traffic and there would
15 have been phone calls the week of the 17th between PCO and PMO.
16 But Tuesday the 25th, I do believe was the first meeting
17 scheduled with PCO and PMO staff to go through all of the
18 elements as were known at that point.

19 **MS. SHANTONA CHAUDHURY:** Okay. So we're just
20 going to look at what the content of that meeting was. Mr.
21 Clerk, if you can scroll down -- keep scrolling. Okay. There
22 we go. So this is Mike MacDonald, and we know he -- actually,
23 just refresh our memories as to who Mike MacDonald is?

24 **MR. BRIAN CLOW:** So he works in PCO and he's part
25 of the National Security team.

26 **MS. SHANTONA CHAUDHURY:** That's right.
27 Intelligence Secretariate. Okay. So Mike MacDonald is
28 explaining and briefing, essentially, on what the state of

1 knowledge there is at the time. So he says,

2 "Latest lay of the land -- security,
3 coordination, [National Security]
4 apparatus -- what do we know?
5 Law enforcement across the country is
6 learning more about the convoy and its
7 organizers as they interact with them."

8 And then there's some description of where it's
9 coming from. The next bullet down says,

10 "Actively monitoring -- one thing
11 they're picking up on is chatter on
12 social media. So far, RCMP telling us
13 that the convoy itself is peaceful, not
14 causing problems along the way. Their
15 goal is to get to Ottawa, not have
16 infractions along the way."

17 And then,

18 "Very small online chatter. That's
19 where people are using disturbing
20 language."

21 Mr. Clerk, if you can just keep scrolling to the
22 next page, please? There we go.

23 "Following Jan[uary] 6[th] events last
24 year..."

25 Which is a reference to January 6th in Capitol
26 Hill in the United States,

27 "...NSIA worked with PPS, RCMP and
28 sergeant at arms for a scenario

1 planning for regular protests, pushed
2 boundaries and plan out for things like
3 an insurrection. This has been done."

4 Then,

5 "Ottawa Police and PPS have an MOU,
6 have done exercises for these types of
7 protests [...]

8 On the federal side, we have governance
9 in place that is up [and] running. ADM
10 national security operations centre.
11 Meeting every day to ensure [...] parts
12 of [the] federal family are coordinated
13 in efforts, and can feed information
14 through."

15 So does that represent essentially, first of all,
16 the content of that briefing as you were aware of it that day?

17 **MR. BRIAN CLOW:** So I wasn't a part of this
18 specific brief, but received this email. And so I have no
19 reason to believe it doesn't represent what was discussed there.
20 But I would say it's only a piece of the picture of what we were
21 watching at that time. There's a reference in there to social
22 media chatter and disturbing comments. And by this point, it
23 was a very significant issue and getting a lot of coverage in
24 media, some of those comments. This email was sent on January
25 25th, which is the same day it was reported in media that some
26 individuals who were planning to participate in the
27 demonstration were saying they wanted this to be their January
28 6th. That's why you see -- I suspect you see this in this email

1 summary because there were individuals explicitly referencing
2 January 6th. And at this point as well, it was known in public
3 that some people planning to participate in the demonstration
4 had a proposal to replace the government by going to the
5 Governor General and the Senate. It's otherwise known as the
6 MOU.

7 **MS. SHANTONA CHAUDHURY:** Okay. So just scrolling
8 down a bit again, Mr. Clerk, there's a comment at the end there.
9 So you'll see at the end it says, "Questions? Z..." And I
10 believe that's a reference to Zita Astravas, Bill Blair's Chief
11 of Staff?

12 **MR. BRIAN CLOW:** Yes.

13 **MS. SHANTONA CHAUDHURY:** Mr. Blair's Chief of
14 Staff. So she says,
15 "...curious to know how feed into
16 political level. From our perspective,
17 feel assured having worked in the space
18 of all the work being done, but
19 ministers feeling uneasy and keen on
20 details."

21 I'm wondering if you can help us understand what
22 is meant there by sense of unease at the political level.

23 **MR. BRIAN CLOW:** I think they're -- at that
24 point, there was a lot of conversation going on about what we
25 were seeing and what we thought this was going to be, and there
26 were a number of updates coming through, like the one you see
27 here, but we were also seeing a lot in open source and through
28 the media, which was very concerning. I already mentioned the

1 reference to January 6th. So that's what I think this speaks to.

2 **MS. SHANTONA CHAUDHURY:** Okay. So is it fair to
3 say then, that in Mike MacDonald's email that we just read
4 through, the message coming through is essentially, well, we've
5 planned for this. We did some planning after January 6th and
6 things are sort of under control and the machine is operating as
7 it should. But then Ms. Astravas raises a concern saying the
8 Ministers are actually pretty worried about this. So is it fair
9 to say that there was some unease at the Ministerial or at the
10 political level, but it isn't reflected in the briefing?

11 **MR. BRIAN CLOW:** Yes.

12 **MS. SHANTONA CHAUDHURY:** Okay. So then just move
13 -- thank you, Mr. Clerk. You can take that document down.

14 So that's the sort of prearrival state. Is there
15 -- unless there's anything else you'd like to add about what was
16 going on prearrival, but then chronologically, the next thing
17 that happens is the convoy arrives and doesn't leave when
18 everyone expected it to do, and then we head into the first week
19 of the protest, if we can call it that.

20 So I'd like you to pull up now, Mr. Clerk,
21 SSM.NSC.CAN00002941. And as that's being done, maybe I can ask
22 you to just describe to us from your point of view what that
23 first week was like and what was going on from your perspective
24 in attempting to respond. And the notes I'm pulling up here are
25 Mr. Clow's notes from a February 3rd meeting, which I think can
26 fairly be described as a brainstorming ideas kind of meeting.
27 But before we get into the specifics of the notes, can you fill
28 in a bit of the narrative of what was happening in your thinking

1 in your office at the time?

2 **MR. BRIAN CLOW:** So we watched the convoy arrive,
3 not only in Ottawa, but there was activity in Coutts, very
4 serious activity that first weekend. Emerson we're starting to
5 see some blockages there. It's down to one lane and would open
6 up again, some trucks would move, but there was activity in
7 Emerson. So this was already a national issue in the first
8 week. And we were -- we continued to see very concerning
9 statements from some demonstrators, including from demonstrators
10 and organizers that they were not going to leave until the
11 government changed its policy. But in that first weekend, law
12 enforcement was responsible -- local law enforcement I should
13 say, and by the end of the weekend, it was clear they weren't
14 leaving, so I would say concern had increased at the end of the
15 weekend.

16 So we in the Prime Minister's Office, with PCO,
17 with Minister's offices, with caucus, with others, we were
18 hearing a lot of concern and we were discussing internally and
19 getting updates and sharing information with each other as best
20 we could. Before this meeting on the 3rd, which was well into
21 the second week, there had been a briefing of the Prime Minister
22 by the National Security Advisor and the Clerk, so there were
23 discussions happening. What happened on February 3rd and what
24 these notes reflect is this was a Thursday. The second weekend
25 was approaching, and law enforcement had not been able to
26 contain the various protest. And, in fact, in my view, they
27 were getting worse. So we assembled and basically covered the
28 waterfront, what's going on, who's talking to who, what can we

1 be doing more of, what are different provinces and
2 municipalities asking, are different provinces and
3 municipalities asking questions? And if they aren't asking for
4 support -- if they aren't, can we have a conversation with them
5 to see if they should be asking for support? So in these notes,
6 you'll see us cover quite a few different ideas.

7 **MS. SHANTONA CHAUDHURY:** Thank you. And you'll
8 appreciate, we have an hour and a half so I'm skipping -- I know
9 I'm skipping though weeks in chronology very quickly but it's
10 necessary, and thank you for filling that in. So here we go.
11 February 3rd, there's just a few points that I want to pick out
12 here. So the first notation says "JB". That's John Brodhead,
13 Mr. Brodhead?

14 **MR. BRIAN CLOW:** That's Jeremy Braodhurst.

15 **MS. SHANTONA CHAUDHURY:** Oh, that's Jeremy
16 Broadhurst, okay. This may get confusing. Jeremy Broadhurst:
17 "Looks like OPS won't move. Weeks not
18 days. Weird reinforcements problem."
19 As read.

20 Or something "reinforcements problem".

21 **MR. BRIAN CLOW:** "Weekend reinforcements
22 problem".

23 **MS. SHANTONA CHAUDHURY:** Ah, that makes more
24 sense.

25 "Behind scenes, too deferential: need
26 bad cop: you've got to use tools you
27 have. Whether to change public message
28 is different."

1 And then "KT". That's Ms. Telford?

2 **MS. KATHERINE TELFORD:** Yes.

3 **MS. SHANTONA CHAUDHURY:** Okay, I can't read the
4 first part. The second part says:

5 "What if anything can we do? What are
6 options?"

7 So that's introducing this as a sort of a
8 brainstorming of ideas. And then we'll see a variety of ideas
9 expressed here. Mr. Clerk, can you just scroll down. We see --
10 sorry, just above there:

11 "Any way we can get Bergen's help."

12 That's a reference to Candice Bergen.

13 **MS. KATHERINE TELFORD:** I believe she had just
14 become leader that day.

15 **MS. SHANTONA CHAUDHURY:** Okay. And then we have
16 Ms. Astravas saying:

17 "Blair doesn't want to call Sloly [but
18 he's] open to calling Watson." As
19 read.

20 And then RFA is a reference to a request for
21 assistance. And we're going to come back to these in a moment
22 but:

23 "Ontario could only ask if they have
24 exhausted resources."

25 Scrolling down again, please, Mr. Clerk, until
26 you get to the bottom of the page. So here we have an
27 intervention. Many of the ideas that are expressed here we've
28 already heard about so I'm skipping through them quickly but, at

1 the bottom of the page here, this is Yasir, I believe?

2 **MR. BRIAN CLOW:** So that was separate from the
3 meeting we just covered. That was a phone call from Ottawa
4 Centre MP, Yasir Naqvi. He called me and I wrote down what he
5 told me.

6 **MS. SHANTONA CHAUDHURY:** Okay, that same day, on
7 February 3rd?

8 **MR. BRIAN CLOW:** The same day.

9 **MS. SHANTONA CHAUDHURY:** Okay, so -- and what he
10 told you was:

11 "Clearly, Ottawa Police and City are
12 unable to deal with this.
13 Reinforcements coming this weekend.
14 It's going to really embolden these
15 folks. My constituents near breaking
16 point, worried people will take things
17 into their own hands."

18 So does that reflect, Mr. Clow, what Mr. Naqvi
19 was expressing to you?

20 **MR. BRIAN CLOW:** Absolutely. And this was on
21 February 3rd so, by this point, the Ottawa convoy had been here
22 for a full week, a full seven days, and Ottawa residents had
23 experienced a lot, and I think you see that reflected in Mr.
24 Naqvi's comments.

25 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can we
26 scroll down to the top of the next page? Yeah, there we go. So
27 I think this is a continuation of the phone call with Mr. Naqvi:

28 "What I heard from Sloly: plea for

1 help. It's a plea for something,
2 something political."

3 Do you recall that reference, Mr. Clow?

4 **MR. BRIAN CLOW:** I believe that was a reference
5 to either the day before or earlier that week, Chief Sloly said
6 there was no policing solution.

7 **MS. SHANTONA CHAUDHURY:** That's correct. It was
8 the day before. And what I'm wondering is, can you -- what was
9 the reaction within PMO to that statement? He we have Mr.
10 Naqvi's, I think, interpretation of it, which is it's a "plea
11 for something", and then he says it's a "plea for something
12 political". Does that reflect -- or was there any thinking
13 among the three of you or among your office -- within your
14 office about what Chief Sloly may have been expressing there?

15 **MR. BRIAN CLOW:** It definitely added to the
16 concern of what we were seeing. And to hear Ottawa Police say
17 that this was not a policing solution was very concerning and it
18 told us that this was not going to end anytime soon.

19 **MS. SHANTONA CHAUDHURY:** I think we can leave
20 those notes for now. Thank you, Mr. clerk. The next ones we'll
21 pull up -- well, it's actually notes. Sorry, Mr. Clerk. Keep
22 scrolling down until you see February 6th. Yes, there we go. So
23 it says, "PM, February 6th, 6:00 to 8:00 p.m." So I assume this
24 was a meeting that was with the Prime Minister attended by, as
25 it says here, the Clerk, the NSIA, and then John, Janice, Jody,
26 Sam. That would be John Brodhead, Mr. Brodhead; Janice, the
27 Clerk, Janice Charette; Jody Thomas, the NSIA; Sam -- who's Sam?

28 **MR. BRIAN CLOW:** Sam Khalil is the Director of

1 Issues Management.

2 **MS. SHANTONA CHAUDHURY:** Okay.

3 **MR. BRIAN CLOW:** And there were probably a few
4 other people on that call, not many more. I'm confident Katie
5 was on that call.

6 **MS. SHANTONA CHAUDHURY:** Okay. So if we just
7 scroll down, then, until we see:

8 "OPS trying to reduce violence, are
9 taking some steps."

10 And then below that:

11 "Coutts persists but traffic is moving.
12 AB asked for RFA. We don't see CAF
13 being able to help with that."

14 Do you remember who was making that statement
15 there? Is this the NSIA's update there, Mr. Clow?

16 **MR. BRIAN CLOW:** So, one, to situate this
17 conversation, this was Sunday, February 6th in the evening, so
18 the end of the second weekend. The Prime Minister was updated,
19 just as he was updated the previous Sunday, because a second
20 weekend had passed and Ottawa had worsened and other situations
21 were becoming more difficult as well. And I note, the NSIA
22 reported that:

23 "Eleven (11) BC communities have
24 protests, 35 across the country."

25 So I can't tell from the notes if that comment
26 was Jody Thomas' comment, the one you asked about, but it looks
27 like it was part of a list of updates from Jody Thomas.

28 **MS. SHANTONA CHAUDHURY:** Were these briefings

1 happening daily?

2 **MR. BRIAN CLOW:** There were multiple
3 conversations happening daily at this point, and there were
4 interactions with the Prime Minister every day at this point, in
5 some way or another, but this specific construct of a meeting
6 with the Clerk, National Security Intelligence Advisor, and
7 staff didn't happen every day but it happened with increasing
8 frequency.

9 **MS. SHANTONA CHAUDHURY:** Okay. So the next point
10 that I want to look at here is right at the bottom of the page
11 here: "ON" -- that's a reference to Ontario -- "pushed back".
12 And then the notation is:

13 "PM: establish list of mandates."
14 I can't read the next word, something "vaccines".

15 **MR. BRIAN CLOW:** "Gyms, vaccines, all
16 provincial".

17 **MS. SHANTONA CHAUDHURY:** Okay. And then under
18 that, it says:

19 "DM for SolGen..."
20 So that would be the Deputy Minister -- Deputy
21 Solicitor General:

22 "...pushed back."

23 And that takes us to an issue that we've
24 canvassed a bit here in the Commission so far and I'd like to
25 get your perspective on this afternoon, which is, what was going
26 on in those early days of the protest, the first week and the
27 first week and a half in terms of interaction between the
28 various levels of government, and the federal and provincial

1 aspects, and especially Ontario's response, or perhaps lack of
2 response, if we can characterize it that way. Mr. Brodhead, I
3 believe this is probably best put to you within your purview.

4 **MR. JOHN BRODHEAD:** Sure, I can start and then
5 folks can add it. So I would say there was lots of
6 conversations happening at this point with various governments,
7 at the officials' level, at the political level, across the
8 country, as we tried to make sure we were hearing from them on
9 what was happening on the ground and making sure we had those --
10 that intelligence. I think -- with respect to Ontario,
11 specifically, I think there was, at the outset, a different
12 approach to this -- to the strategy, and I think, as we get to -
13 - we were quite keen on this idea of a tripartite table that
14 Minister Blair had been working on and we thought that was a
15 good way of getting everybody at the table and making sure
16 resources were aligned, making sure everyone, you know, looked
17 each other in the eyes and worked together.

18 And at that time, Ontario was not as keen on that
19 approach. I don't really want to, you know, speculate for why
20 the Solicitor General or Deputy Minister Solicitor General at
21 this point wasn't, but from my conversations with them, they did
22 want to have Ottawa -- the City of Ottawa and the Ottawa Police
23 Service kind of play the lead role and were not as interested at
24 that time in the collaborative tripartite approach that were
25 interested in.

26 **MS. SHANTONA CHAUDHURY:** Okay, I'll -- Mr. Clerk,
27 can you take those notes down for a second and pull up
28 SSM.NSC.CAN00003015, please? Mr. Brodhead, I think this is a

1 text that goes to the point you were just elucidating. So we
2 don't have a confirmed date for this one but it must be ---

3 **MR. JOHN BRODHEAD:** It's February 8th.

4 **MS. SHANTONA CHAUDHURY:** Thank you. And this is
5 a text between you and Ms. Astravas, a text exchange, and she
6 says to you -- I believe she's in the blue here:

7 "Marco..."

8 That's a reference to Minister Mendicino.

9 "...hasn't heard back from Sylvia Jones."

10 That's a reference to solicitor general of
11 Ontario on the meeting with the three orders of government,
12 reference to the tripartite.

13 And you say, "Yeah, because we don't want to be a
14 part of it."

15 And she says, "Oh, I know."

16 And you say, "So anything I should do? We should
17 just go ahead without them."

18 And then it goes on.

19 So can you contextualize that for us a little
20 bit?

21 **MR. JOHN BRODHEAD:** Yes. As they were getting
22 kind of push back and -- or just not support from their
23 counterparts, the solicitor general in particular, they had
24 asked me to connect with my contact in the premier's office and
25 to just check and see if -- was this something that the Ontario
26 government or this minister or just to kind of ascertain some of
27 those kind of contextual details. So I did. I chatted with
28 Jamie Wallace, and it was clear that they were kind of -- they

1 had a different approach and strategy and the tripartite table
2 was not a priority for them at that time.

3 **MS. SHANTONA CHAUDHURY:** Sorry, who is Jamie
4 Wallace, exactly?

5 **MR. JOHN BRODHEAD:** Sorry. Jamie Wallace is the
6 chief of staff to Premier Ford.

7 **MS. SHANTONA CHAUDHURY:** Okay. So you had a
8 conversation with Mr. Wallace ---

9 **MR. JOHN BRODHEAD:** Yeah.

10 **MS. SHANTONA CHAUDHURY:** --- chief of staff to
11 Premier Ford, and the message coming back to you was?

12 **MR. JOHN BRODHEAD:** Was that this was not a
13 strategy they wanted to pursue at this time.

14 **MS. SHANTONA CHAUDHURY:** Was there any reason
15 given for that?

16 **MR. JOHN BRODHEAD:** It was -- you know, I think -
17 - you know, my recollection of that conversation was it was
18 really they wanted Ottawa to be the main driver of this and did
19 not want a kind of multi-governmental approach to this at that
20 time. That was the impression I got from that phone call.

21 **MS. SHANTONA CHAUDHURY:** Okay. Were you having
22 interactions during this time with counterparts in other
23 provinces as well?

24 **MR. JOHN BRODHEAD:** Yeah. So previous to being
25 Director of Policy, which I started in January, I was Senior
26 Advisor with a focus on intergovernmental affairs. And so
27 through that, I got to work closely with a number of the
28 provinces.

1 The three I was having most contact with, one was
2 British Columbia because they were chair of the Council of
3 Federation at the time, so that was an ongoing active discussion
4 generally, and I want to be clear, not just about this. For
5 example, Mr. Wallace and I were working on child care very
6 actively at this time as well, and other issues were very --
7 would come up.

8 So -- and then other provinces as well, but the
9 other part of our PMO which is important in this is the regional
10 desks who don't report to me, they're part of the operations
11 team. They have geographical areas of responsibility, so they
12 are often in touch with provinces and cities and we have kind of
13 a information sharing between us, so I'm in touch with them a
14 lot. They let me know when things are happening. I do as well,
15 so I know that from -- in those times, there was a lot of
16 informal contact as well as obviously from ministers and
17 officials.

18 **MS. SHANTONA CHAUDHURY:** We may come back to some
19 of those interactions, but we'll stick to Ontario for now.

20 Mr. Clerk, can you pull up SSM.NSC.CAN00002935?

21 So Ms. Telford, this is a text exchange between
22 you and Minister Dominic LeBlanc, who we know is the Minister of
23 Intergovernmental Affairs.

24 And he writes to you and says, "Just got this
25 from Vandergrift."

26 So that's a reference to his deputy minister,
27 Michael Vandergrift.

28 "Minister, want to let you know that

1 the Ontario solicitor general has again
2 declined the invitation to attend the
3 tripartite meeting today on the Ottawa
4 occupation."

5 And you say, "I think we need to let -- shine a
6 light on that."

7 He says, "We'll say it."

8 Can you explain to us what was going on in this
9 text message and what you meant by "I think we need to shine a
10 light on that"?

11 **MS. KATHERINE TELFORD:** So I think this was a
12 continuation of what John was just talking about. This was
13 obviously a further attempt at a meeting with the three levels
14 of government, and Ontario was continuing to decline.

15 I don't recall when he says, "We'll say it,"
16 where that meant, but in putting myself back in that time, I
17 think when I'm saying we should shine a light on it, it's
18 bringing some attention to the fact that Ontario wasn't at the
19 table and we really did believe it would be a more efficient and
20 effective way to work.

21 **MS. SHANTONA CHAUDHURY:** Would it be fair to say
22 that there was some frustration with Ontario's response at this
23 point?

24 **MS. KATHERINE TELFORD:** There was definitely some
25 frustration because we believed it could be easier than it was,
26 all things being very relative at that time. But there was
27 ongoing communication with Ontario bilaterally throughout. It
28 just meant that the conversations were happening between Ottawa

1 and the federal government, the federal government and Ontario,
2 Ontario and -- so there were just numerous bilateral
3 conversations that we just thought could have been better
4 handled and more efficient if we could have all just come
5 together, because as I know has come up throughout the Inquiry,
6 there was a fair bit of confusion around numbers and requests
7 and the RFAs, the way they worked, the requests for assistance.
8 They do need to go through the provincial level of government
9 and so not having them as part of the conversation made things
10 that bit more complicated.

11 **MS. SHANTONA CHAUDHURY:** That's fair.

12 Mr. Clerk, can you please pull up ONT.00000159?

13 So I'm going to ask you here about a meeting that
14 was held on February 6th that was a sort of tripartite but not
15 quite, between the City of Ottawa, federal government, and
16 provincial government.

17 And the exchange I'm going to take you to --
18 we've seen this document several times in the Commission, so I'm
19 not going to go through the whole thing, but at the end of the
20 document, there's an exchange between the national security
21 advisor and the deputy solicitor general of Ontario that I'd
22 like to get your take on.

23 So it's February 6th, an 11 o'clock meeting
24 attended by officials from three levels of government.

25 So Mr. Clerk, if you can scroll down to the very
26 bottom of the document you'll see it says there:

27 "Jody Thomas, National Security

28 Advisor, noted that it was a positive

1 meeting and regrets to end on this
2 following point. Would the province be
3 looking to the federal government if
4 this protest was happening outside the
5 City of Ottawa, e.g., happening in
6 other places like Kingston?"

7 And the response from Mr. Di Tommaso was:

8 "This is a protest and encampment
9 moving against the federal mandate on
10 trucks. They came across -- they came
11 to Ottawa from across the country for
12 that purpose."

13 Mr. Di Tommaso testified at the Commission
14 approximately two weeks ago and he expressed that in his view,
15 Ms. Thomas' -- he interpreted Ms. Thomas' comment as -- I'll
16 quote the words here, "The federal government wanting to wash
17 its hands of the entire matter."

18 And so I'd just like to get your reaction in
19 terms of whether you think that was a fair assessment of what
20 was going on, what do you think that that was, what was being
21 expressed there, and what Ms. Thomas was trying to express when
22 she said, "Would this be -- would the province be looking to the
23 federal government if this was somewhere other than Ottawa?"

24 **MR. JOHN BRODHEAD:** I might start. I don't --
25 I'm not putting too much weight into this as I read it, and I
26 wasn't there, but this strikes me as frustration and a bit of a
27 back and forth and that frustration happening and both sides
28 kind of articulating some of that frustration. I think we were

1 trying to look for ways to work together. There were three
2 levels of government and it was a challenge to get these
3 machines working in the right direction. And I think this is a
4 -- this back and forth is a -- would be my guess, would be this
5 is an outcrop of just a frustration around those levels of
6 government and the two different approaches that I've outlined
7 before.

8 **MS. SHANTONA CHAUDHURY:** Fair enough. And you
9 can appreciate that one of the issues the Commission is looking
10 into is the interaction between governments and -- which is not
11 always an easy thing, but how it all played out here.

12 Okay. So eventually, around this time, around
13 the time of February 7th, 8th, 9th, Ontario became more engaged
14 when the Ambassador Bridge blockade became entrenched and so we
15 know that that has happened.

16 And I'll take you with that point to the witness
17 summary. I'm sorry, Mr. Clerk, it's WTS00000014, page 11.

18 Oh, I'm sorry, 83. I'm sorry, I got the wrong
19 number, 83. Fourteen (14) is the IR.

20 (SHORT PAUSE)

21 **MS. SHANTONA CHAUDHURY:** So if we scroll down to
22 page 11, please, Mr. Clerk? Keep scrolling. Keep scrolling.
23 Okay, scroll up a bit, please.

24 What I'm looking for is the panel was asked what,
25 in their view -- it could be that I have the wrong page number.

26 (SHORT PAUSE)

27 **MS. SHANTONA CHAUDHURY:** While they're looking
28 for the reference, Mr. Brodhead, what I want to ask you about is

1 what in your view -- you were asked this during the interview,
2 and I'd like you to elaborate on it; what inspired the shift
3 from Ontario? Why did it happen then, and how did that occur?

4 **MR. JOHN BRODHEAD:** And I'll preface my answer by
5 saying this is me not in the Government of Ontario, which I did
6 spend a long time in the Government of Ontario, but I was not
7 there at this point.

8 I think in a sense it started to become
9 absolutely clear that we had to work together. So it was almost
10 the increase of things happening to add the Ambassador Bridge to
11 the Ottawa situation, other things starting to happen around the
12 province; Windsor, Sarnia, Cornwall, and all -- I think it
13 became clear -- and I'm hypothesizing here -- that -- but we did
14 see an evolution of their strategy at that time.

15 In terms of at the political level collaboration,
16 I think there's lots going on in other places that I don't want
17 to comment to, but just that's what I would -- I can
18 specifically comment to.

19 **MS. SHANTONA CHAUDHURY:** Okay. And we know that
20 there was several important phone calls that happened around
21 time, certainly between the Prime Minister and Premier Ford,
22 which we'll talk about tomorrow when the Prime Minister is here;
23 between Minister Leblanc, we talked about when Minister Leblanc
24 was here.

25 Leaving Ontario for a moment and talking about
26 engagement with other provinces, I do want to ask you some
27 questions about another topic that's come up several times here,
28 which is Alberta's request for assistance.

1 So I'm going to put to you a few facts that we
2 know and that have come out already at the Commission, and that
3 are also brought out in the PMO Institutional Report.

4 So there's a notation in your IR that PMO staff
5 engaged with Pam Livingston. So Mr. Brodhead, maybe you can
6 tell us who Pam Livingston is?

7 **MR. JOHN BRODHEAD:** Pam Livingston at the time
8 was Chief of Staff to the Premier -- to Premier Kenney.

9 **MS. SHANTONA CHAUDHURY:** Okay. And there were
10 two interactions, apparently, between PMO and Ms. Livingston
11 about the Alberta request for assistance. And that request for
12 assistance we've seen several times before, so no need to pull
13 it up, but was for, essentially, assistance in tow trucks, in
14 removing vehicles from the Coutts blockade.

15 There's also a notation that the Prime Minister
16 had a formal call on February 6th with Minister Blair to discuss
17 Alberta's request for assistance and the ongoing situation. And
18 then I'm going to pull up -- or ask the Clerk to pull up Mr.
19 Clow's notes again, SSM.NSC.CAN00002941.

20 So this is the notation I said we'd come back to.
21 This is the meeting that you're having with the Prime Minister
22 on February 6th, and the notation -- there it is, thank you:

23 "Coutts persists, but traffic is
24 moving. [Alberta] asked for RFA. We
25 don't see CAF being able to help to
26 [with] that."

27 So at that point, it's apparently been concluded,
28 or decided in some form, that the Canadian Armed Forces is

1 unable to assist; is that correct, Mr. Clow?

2 **MR. BRIAN CLOW:** So the RAF came in the day
3 before that, and it immediately spurred a number of
4 conversations with different offices; Ministers were consulted,
5 and the Prime Minister was consulted on a few different
6 occasions about this. And, yes, there was a general sense that
7 CAF should be last resort. But also in this specific case, I
8 think you've heard from other witnesses as well, but at the
9 time, the discussion was that this was not -- this was not an
10 appropriate, or even useful, response to what the problem was.

11 And what I mean by that was, were these trucks
12 actually going to be able to do the job? That was all part of
13 that discussion that ensued after the request came in on the 5th.

14 **MS. SHANTONA CHAUDHURY:** What I'm really
15 wondering about all of these exchanges -- and there was a
16 further meeting, apparently, on the 9th, where, again, this time
17 it was Ms. Telford and Ms. Charette, the Prime Minister, and
18 Ministers Leblanc, Mendicino, and Blair, all discussing the RFA
19 during one of the -- the meetings that was held. Why was this
20 RFA treated quite differently than most are? This was elevated
21 to the level of the PMO and the Prime Minister, which most
22 requests for assistance are not. Can you explain or elaborate
23 on that?

24 **MS. KATHERINE TELFORD:** Just -- and you may want
25 to add to this, but we are usually made aware of requests for
26 assistance, wherever they're going in government. And in this
27 case, we were obviously following everything to do with the
28 blockades and the occupation very, very closely.

1 And in this case, because the feedback from
2 departments was coming that there wasn't a way to help, and our
3 -- what we were trying to do was support anybody who needed
4 assistance on the ground. And so if Alberta was asking for
5 help, we wanted to be able to support them.

6 So it just led to a lot of conversations. It
7 kind of comes to the role that our office often plays, of
8 coordination and facilitation, because we then started reaching
9 out and asking questions of other departments, saying, "Does
10 anyone else have the equipment that they might be looking for?
11 It may not be appropriate for CAF, and they may not have the
12 equipment but is there that equipment somewhere else that could
13 be found?"

14 So I think as it says in the interview summary,
15 you know, we even went so far as to say, "Does Parks Canada have
16 this kind of thing?" Because the goal was to be able to assist
17 if we could.

18 **MR. JOHN BRODHEAD:** Maybe if I can just add, I
19 think, you know, we also looked at can we reimburse? If they
20 find them privately, can/should we reimburse that? So it was --
21 and I kind of push back a little bit on that this rarely
22 happens. Like, in a case where the process comes through and it
23 goes to the Minister and it's a -- I've known of other cases
24 where it was like, "No, we can't assist." The Minister's office
25 will often flag it to us, and we'll ask questions about while we
26 explored this.

27 And I can remember other instances where that was
28 the case, where we just pushed more to find other solutions that

1 in the kind of narrow band of the RFA process, they may not
2 bother.

3 **MS. SHANTONA CHAUDHURY:** Okay, that's fair. It's
4 the request for assistance that we're dealing with in the
5 Commission, it's the only one that we've seen this pattern in.
6 But that's a fair explanation.

7 Okay. I now want to shift gears now and talk
8 about what you were hearing during this process with various
9 stakeholders and interlocuters, both nationally and
10 internationally.

11 So Mr. Clow, I'll start with you. We know you
12 had a few conversations with a man named Juan Gonzales, he's the
13 special advisor to President Biden. Can you tell us about those
14 conversations, and what you were hearing from him?

15 **MR. BRIAN CLOW:** Yes. So I heard from Juan
16 Gonzales. He is part of the national security team in the White
17 House, and we'd interacted on a few files before the convoy
18 protests. And he reached out, I believe on Wednesday, February
19 9th. At that point it was a request to connect National Security
20 Intelligence Advisor Jody Thomas with the White House Homeland
21 Security Advisor, to urgently discuss the Windsor blockade, but
22 also other border blockades that were in effect at that time.

23 So Juan and I had a bit of back and forth about
24 that. That, then, led to a number of conversations, some of
25 which you heard about this morning from the Deputy Prime
26 Minister. But there were various interactions between the Prime
27 Minister's Office, PCO, several Ministers' offices, and their
28 counterparts in the United States, in the White House and

1 different departments in the United States because they became
2 seized with the border blockades that were impacting them quite
3 significantly.

4 **MS. SHANTONA CHAUDHURY:** So you mentioned that we
5 heard this morning from the Deputy Prime Minister that she was
6 hearing a lot of concern from officials in the United States
7 about what was going on, and some encouragement, if we could put
8 it that way, to bring a swift end, given the impact this was
9 going to have on Canada-US relations and trade.

10 Were you hearing similar concerns from the people
11 you were talking to in the United States and/or in other
12 countries?

13 **MR. BRIAN CLOW:** Absolutely. And the concern was
14 not only about trade, economics, dollars and cents; it was for
15 sure but there was also a discussion in many of these
16 conversations, including between the Prime Minister and the
17 President, that both countries were facing similar forces in
18 certain ways. For example, the United States also saw some
19 convoy activity, I think it was dealt with quite quickly by the
20 Americans but they saw a trucker protest heading to the
21 Superbowl. There was one that was trying to be assembled to
22 head to Washington, C.C. So these were a part of the
23 conversations as well. It was viewed as a shared problem. But
24 for sure, the immediate issue was the blockades at various
25 border crossings, especially Windsor, and how do we sort these
26 out quickly.

27 **MS. SHANTONA CHAUDHURY:** And we understand you
28 also had some conversations with Ambassador Hillman, Ambassador

1 to the United States. Can you tell us about those
2 conversations?

3 **MR. BRIAN CLOW:** Well, she was one of the key
4 principals having interactions with the White House and various
5 departments in the United States. And the substance -- you
6 know, one example of substance within those conversations was
7 how can we introduce measures to end the blockades, or at least
8 dissuade them from growing and from new ones from popping up.
9 For example, there was discussion of potential immigration
10 measures or penalties placed on people who conducted unlawful
11 activity at these border blockades. There was definitely
12 discussion of whether the United States could provide tow trucks
13 to help, given it was virtually impossible to get tow trucks on
14 the Canadian side of the border. So that's the kind of thing
15 that was discussed.

16 **MS. SHANTONA CHAUDHURY:** Did that ever end up
17 happening?

18 **MR. BRIAN CLOW:** I don't know -- so the
19 immigration measures, I don't believe the United States
20 implemented any measures. We did in the *Emergencies Act*. In
21 terms of tow trucks being provided by the United States, there
22 might have been some in Detroit-Windsor, provided by Detroit or
23 the government of Michigan. I'm not sure about that.

24 **MS. SHANTONA CHAUDHURY:** Mr. Brodhead, Ms.
25 Telford, were either of you having conversations with
26 international counterparts? No?

27 **MS. KATHERINE TELFORD:** Not during the occupation
28 or when the blockades were on. For months afterwards I can say,

1 including up until recent summits though, this is a topic that
2 continues to come up with counterparts from various countries.
3 And the Prime Minister also had calls during the occupation with
4 other world leaders where this was a topic that was coming up
5 because they were watching what was happening in Canada and
6 concerned that they were starting to see the same thing in some
7 of their countries and they were concerned about copycat
8 situations. So this has been an ongoing conversation with
9 international leaders.

10 **MS. SHANTONA CHAUDHURY:** Okay.

11 **MR. BRIAN CLOW:** I would just add as well,
12 another feature of all of the conversations between the
13 Americans and us, including the call between the Prime Minister
14 and the President, was the fact that a lot of the support for
15 the unlawful activity here in Canada was coming from the United
16 States in terms of money, in terms of people, and in terms of
17 political support, from some of the most prominent U.S.
18 political figures. Millions of dollars came in from the United
19 States, according to published reports. Chief Sloyly announced
20 that there were American citizens who had travelled to join the
21 occupation in Ottawa. So that was also a feature of the
22 discussions here. The flooding of 9-1-1 phone lines here in
23 Ottawa came largely from Americans, as announced by Chief Sloyly,
24 and the Ottawa Police. So this was very much a shared problem
25 and we were talking about it in that sense.

26 **MS. SHANTONA CHAUDHURY:** Okay. We've heard about
27 some of that already at the Commission. You speak of the
28 foreign funding and we explored that a bit this morning with the

1 Deputy Prime Minister and it was found in the end that there
2 were millions of dollars coming from the United States, from
3 private donors. So there was no foreign state funding coming
4 in; would you agree with that?

5 **MR. BRIAN CLOW:** Yes.

6 **MS. SHANTONA CHAUDHURY:** Okay. And we've also
7 established that there was little information available to the
8 government at the time of the convoy of how much money was
9 coming in from the United States. That wasn't really
10 information that was available to the government at the time.
11 Would you agree with that?

12 **MR. BRIAN CLOW:** It definitely became more
13 apparent as time passed, and I totally agree with you, it is
14 cloudy and unclear and it's concerning that it happened. But
15 one example I would give, I mean, we felt quite strongly at the
16 time that it was happening, and proof of that I would say is
17 when GoFundMe paused the account, you saw some of the most
18 prominent American political figures attack GoFundMe. And they
19 didn't do that out -- for no reason. They did it because it was
20 clear to them, and it was clear to us, that a lot of the funding
21 was coming from Americans.

22 **MS. SHANTONA CHAUDHURY:** Okay. So you've taken
23 me to what I actually wanted to ask you about, which is one
24 thing we haven't heard much about so far is political commentary
25 coming from the United States. So you'd mentioned prominent
26 political figures weighing in on all of this. Can you tell us
27 about some of that, some of what you were hearing or observing
28 on that front?

1 **MR. BRIAN CLOW:** The issue there, there were a
2 number of examples from senators, from governors, from the
3 former President, and the issue there is not that individuals
4 and politicians aren't allowed to comment on politics and
5 policies in other countries. It happens all the time. But the
6 concern for us was it was direct encouragement for unlawful
7 activity that was hugely damaging to the country, including the
8 border blockades. So that's why I raise it here and that's why
9 the President and the Prime Minister spoke about it. It was the
10 support for unlawful activity.

11 **MS. SHANTONA CHAUDHURY:** Okay. Mr. Clerk, can
12 you please pull up Mr. Clow's notes again? So that's
13 SSM.NSC.CAN00002941. Remarkably effective note taker.

14 Now it's going to be a little challenging to find
15 the page here because we don't have a date for it, so just keep
16 scrolling down until you see "talked about the *Emergencies Act*."
17 So scroll down again please. Scroll down. Keep scrolling.
18 Keep scrolling. Keep going. I think it's just after this.
19 Keep going, please. There's a lot of blackout in this, so it's
20 a little challenging. Oh, we're at the FMM already, so it must
21 be before that.

22 **MR. BRIAN CLOW:** I think I saw it ---

23 **MS. SHANTONA CHAUDHURY:** Did you?

24 **MR. BRIAN CLOW:** --- a few pages up. Yeah.

25 **MS. SHANTONA CHAUDHURY:** Can you zoom out a
26 little bit, please, Mr. Clerk, so we can see? Thanks. Keep
27 going up a little bit.

28 **MR. BRIAN CLOW:** Just a little bit further up. A

1 little bit further. So I think you see ---

2 **MS. SHANTONA CHAUDHURY:** Yeah, there we go.

3 Okay. So first question, we don't have a date on this because
4 it's sort of -- there's some blackout before that, but do you
5 remember the date of this, Mr. Clow?

6 **MR. BRIAN CLOW:** I believe it was February 9th.

7 **MS. SHANTONA CHAUDHURY:** Okay. So at the meeting
8 on February 9th and ---

9 **MR. BRIAN CLOW:** This is various things happening
10 over the course of the day.

11 **MS. SHANTONA CHAUDHURY:** Why don't you tell us
12 what ---

13 **MR. BRIAN CLOW:** I wouldn't call this one
14 meeting.

15 **MS. SHANTONA CHAUDHURY:** Why don't you tell us
16 what was happening?

17 **MR. BRIAN CLOW:** So February 9th was -- there were
18 a few conversations going on. I don't specifically remember
19 what meetings at what times. But I did write down and it was
20 reported to us that Minister Blair had spoken to the Clerk about
21 the *Emergencies Act*, and that was in the leadup I think just one
22 day before the Incident Response Group meeting where the
23 *Emergencies Act* was discussed in some detail, in addition to
24 other things. So this was just a report to us that that
25 conversation had happened between the Minister and the Clerk.

26 **MS. SHANTONA CHAUDHURY:** Okay. So around
27 February 9th we're getting to the point of we know where the
28 federal government felt a need to perhaps intervene in the

1 situation and bring this to a close in some way. So as you say,
2 "Blair spoke to [the] Clerk and talked
3 about the Emergencies Act
4 On the options..."

5 Can you just read your handwriting there?

6 "Didn't commit on the options --
7 Emergenc[y] could be piece [if] that
8 Sounds like we have authority"

9 And then a reference to Nathalie Drouin, the
10 Deputy Clerk ---

11 **MR. BRIAN CLOW:** So I see this as discussions are
12 happening about how we can help, what more we can be doing. And
13 the *Emergencies Act* could be a piece of that.

14 **MS. SHANTONA CHAUDHURY:** Okay. And we know that
15 the following day, the Prime Minister convened the first
16 Incident Response Group meeting.

17 **MR. BRIAN CLOW:** Yes.

18 **MS. SHANTONA CHAUDHURY:** So I'd like you to tell
19 us a bit about that meeting, the decision to convene the IRG and
20 what that meant in the Prime Minister's eyes, in your eyes, and
21 what an IRG really is.

22 **MS. KATHERINE TELFORD:** I think as the Clerk may
23 have spoken to already, and I think as these notes show too, the
24 meetings were becoming increasingly frequent with added
25 Ministers and different departments getting involved because of
26 the request for assistance amongst a growing number of blockades
27 now, as well as protests in different parts of the country and
28 the occupation of course is now heavily entrenched in Ottawa.

1 And so as we were having these meetings, the Clerk, I believe,
2 advised the Prime Minister, though it made good sense to the
3 group of us at the time as well that it was time to formalize
4 our structure, moving forward and that we were at a point of
5 national crisis and that's what the Incident Response Group was
6 put together for. It was a group that was -- it was a Cabinet
7 committee that was created, I believe, in the first mandate of
8 the government midway through, and it is chaired by the prime
9 minister.

10 It does not have a set permanent membership. It
11 is convened with the ministers appropriate to whatever the
12 incident is that is being discussed.

13 And the thing that makes it very different from
14 other Cabinet committees is where in another Cabinet committee
15 it tends to be policy focused and over a longer term, this is
16 obviously dealing with something in real time and something
17 that's crisis-like in nature.

18 But the structural difference too is that
19 officials lead in many ways the conversations within the IRG
20 meetings space, and they are right at the table. So whereas at
21 a Cabinet committee the ministers would be sitting around the
22 Cabinet table and the officials might be sitting to the side,
23 they may very well be making presentations and then the ministers
24 would be discussing those presentations or they might speak to
25 make clarification when their ministers call on them for that
26 clarification.

27 At an IRG meeting, the principal presenters are
28 officials and so whether it's the NSIA, whether it's the

1 commissioner of the RCMP, whether it was the head of CSIS,
2 depending on the incident, in past, it might be the CAF and the
3 chief of defence staff.

4 And then the ministers are called on by the prime
5 minister to add anything that they might see as not having been
6 covered, to any thoughts they have on the basis of the
7 information that's been presented, but they are all sitting
8 around the same table which makes it quite a different meeting
9 than really any other.

10 **MS. SHANTONA CHAUDHURY:** And what is the purpose
11 of that? Why is an IRG structured like that with direct input
12 from officials?

13 **MS. KATHERINE TELFORD:** I think for a number of
14 reasons. It's their expertise and getting it in real time to
15 the prime minister and to the ministers. And things are moving
16 very quickly. And it's -- so it's an efficiency and an
17 effective kind of tool to bring everybody to that same table and
18 convene the leadership of the different security agencies for
19 whatever the security incident is and to hear from people
20 directly.

21 **MS. SHANTONA CHAUDHURY:** Okay. So essentially,
22 you remove sort of the layering up and instead, the prime
23 minister has direct access to all of the input that he may want
24 or need?

25 **MS. KATHERINE TELFORD:** As do all of the other
26 ministers because they then get to hear from -- directly from
27 the heads of the different agencies or law enforcement heads.

28 **MS. SHANTONA CHAUDHURY:** Okay. Fair enough.

1 So we've been through the content of many of the
2 IRGs. One theme I want to pick up with you is something that
3 was eventually brought to the IRG on February 12th, but has been
4 a discussion at the Commission throughout, which was the idea of
5 whether the prime minister or anyone from the federal government
6 should engage with the protesters and attempt to bring this to a
7 close through either some sort of negotiation, some engagement,
8 some speaking.

9 So the first thing I'll bring up on that point
10 is, Mr. Clerk, it's PB.CAN.00001184 -- or it might be 1844,
11 sorry.

12 Ms. Telford, this is a text exchange on February
13 6th between you and Minister Mendicino, so it's early days. As
14 I said, the theme of interaction, negotiation is something that
15 came up.

16 Can we scroll down, please, Mr. Clerk? Keep
17 going, keep going, going, page 8, please. Okay. Here we go.

18 So if we can blow that up, it's really hard to
19 read, but you'll see a notation here:

20 "Lawyer, arbitrator, mediator offer
21 suggested by Anne McLellan of a
22 possible interlocutor. Again, I think
23 it's a long shot for the reasons we
24 discussed. Also, I noticed after we
25 hung up that we didn't even spend a
26 moment on politics and readiness."

27 Okay. So that part that may not be all that
28 relevant.

1 But can you -- do you remember this text
2 exchange, Ms. Telford?

3 **MS. KATHERINE TELFORD:** Now that I see it.

4 **MS. SHANTONA CHAUDHURY:** Okay. And do you
5 remember the idea of discussing and a possible interlocutor at
6 that point and what was going on? Can you fill that in for us,
7 please?

8 **MS. KATHERINE TELFORD:** Look, I think over the
9 course of like, from the beginning of the occupation, when it
10 became an occupation, there were numerous people who were trying
11 to suggest anything they could to try to find a way to assist,
12 and I think that's what Anne was doing here.

13 And I've received -- and I believe it's part of
14 the documents as well that you've received -- I received
15 suggestions from numerous other people as well. MPs were
16 raising names with us. There were suggested names of MPs from
17 other parties who were coming forward wondering if they could
18 help. There was a lot of people that were trying to find a way
19 to figure out if an engagement could work, and no one was able
20 to take it past that first thought.

21 And so no one could figure out who they should
22 talk to. There was no clear leadership on the other side.
23 There was no clear understanding of what they would even be
24 talking about.

25 The police were already, as we were being
26 informed through the Incident Response Groups, they were already
27 engaging at a certain level and so it wasn't clear what this
28 engagement strategy would be, let alone if it could have any

1 effect.

2 And you know, I think there's a difference too
3 between engagement and negotiation. And the prime minister and
4 the Cabinet, the government, wasn't prepared to negotiate public
5 health measures that were rooted in science.

6 I'm not -- I also am not sure, and I think a lot
7 of people weren't sure at the time that really, that that's what
8 this was all about. And so figuring out what the topic of the
9 conversation could be let alone who it could be with that could
10 have any effect on changing the circumstances, when no one could
11 answer that question, really, these conversations couldn't --
12 didn't move past the initial suggestion of "I wonder if."

13 **MS. SHANTONA CHAUDHURY:** Okay. So at this point,
14 this is part of the conversation. We're still in sort of early
15 days of the protest, and I think what you're taking us to now is
16 what's come to be known as the engagement proposal. And we've
17 heard some evidence on that.

18 And Mr. Clerk, you can take that one down please
19 and pull up SSM.NSC.CAN00002958.

20 So Ms. Telford, I think what you've just been
21 referencing has been canvassed before the Commission a bit, and
22 it's Mr. -- Deputy Minister Stewart's engagement proposal that
23 he prepared with the assistance of Marcel Beaudin from the OPP
24 PLT.

25 And this is now we're the evening of February
26 11th. It's a text that Minister Mendicino sent to you saying:

27 "Hey there. We got some very last-
28 minute and thin paper tonight on an

1 engagement strategy from my deputy
2 minister, apparently socialized it with
3 several people including the Ontario
4 government, not me."

5 I'll just scroll down and see the rest of the
6 text, please.

7 It says it's unclear whether PCO, RCMP, or
8 Ontario supports this, but he's flagging this as a concern about
9 information flow.

10 And then he says at the bottom, "Sorry, but had
11 to let you know. Marco."

12 So can you tell us a bit from your perspective?
13 We've heard Minister Mendicino's perspective on it, but what was
14 your perspective receiving this text, and do you know why
15 Minister Mendicino was essentially apologizing, saying, "Sorry,
16 I'm just letting you know about this"?

17 **MS. KATHERINE TELFORD:** When the IRGs began
18 convening, just the day before, I believe, one of the things
19 that was stressed at the first IRG or in and around the IRG
20 really was just the need for appropriate information flow and
21 for regular and constant information flow. And so I believe
22 that's what he's -- he's saying sorry for there is -- he's
23 letting me know that there's this information that is now
24 floating around that has already gone to some people and it had
25 not kind of followed the usual channels, and I think he was
26 sorry that it was the hour that it was, that we were all trying
27 to grapple with what to do here.

28 But I had also just received the paper previously

1 from the clerk, I think, about an hour before, by the looks of
2 this, and so I wouldn't read too much into the story, and we
3 were much more focused on the draft. And, ultimately, what was
4 decided later that night after I talked with the Clerk and I
5 then called the Prime Minister and the Prime Minister agreed to
6 put it on -- with the suggestion that was coming from the Clerk,
7 he agreed to put it on the agenda for the IRG the next day for
8 discussion.

9 **MS. SHANTONA CHAUDHURY:** And we've seen that it
10 ended up on the agenda, and I think you just started to tell us
11 a little bit, but maybe you can finish that answer, why
12 ultimately it was decided not to pursue that engagement
13 strategy.

14 **MS. KATHERINE TELFORD:** In some ways, it's what I
15 already touched on, which is, this was one more proposal that
16 was not yet at the place that one could act on. There were too
17 many unanswered questions. There was no clarity in terms of who
18 the discussion would be with on either side of the discussion,
19 and what the discussion would be about, and what it might
20 result. And so, you know, while everyone, including the Prime
21 Minister, was encouraging everyone to put every option the
22 table, and its why this was put on the agenda, ultimately, there
23 wasn't anything further to pursue on this at that time.

24 **MS. SHANTONA CHAUDHURY:** Okay. Thank you, Mr.
25 Clerk, you can take that one down. So we're going to skip a
26 little ahead in the chronology again. The following day,
27 February 13th, is obviously key. There's the Incident Response
28 Group meeting in the afternoon followed by the Cabinet meeting

1 in the evening. The decision coming out of the IRG is to have
2 the Cabinet meeting, and then the decision coming out of the
3 Cabinet meeting is to have a First Ministers' Meeting to consult
4 on whether or not to invoke the *Emergencies Act*. Mr. Clerk, can
5 you pull up SSM.NSC.CAN00002941? It's Mr. Clow's notes again.
6 This time at page 22.

7 So when Minister LeBlanc testified a few days
8 ago, we went through some of the comments, the record of the
9 readout of the First Ministers' Meeting, and some of what was
10 expressed by the provinces there. And these, I believe, are Mr.
11 Clow's notes of that same meeting, and I'm wondering whether we
12 can through a bit of these. And Mr. Brodhead, maybe this is
13 best directed at you, but -- or that you can fill in a bit of
14 the context about what was being expressed during the First
15 Ministers' Meeting by these various premiers and whether or not,
16 in your view, in coincided with what you'd been hearing up to
17 then about solving the problem of the convoy.

18 **MR. JOHN BRODHEAD:** Sure, I'll start and then my
19 colleagues can add. I -- you know, I think it was quite
20 consistent with what we had heard before, but I think it was a
21 very robust conversation. You know, we had the ministers,
22 Minister Lametti and, I believe, Minister Mendicino or LeBlanc,
23 and the Prime Minister speak. Then, the Prime Minister went
24 across the country in terms of making sure he heard from each of
25 the provinces and territorial premiers. I think -- you know, we
26 had known on where -- not specifically on the *Emergencies Act*,
27 but we had known from conversations with Ontario what they were
28 kind of feeling generally. We had heard from a lot of the

1 provinces. So I think it was -- it was quite an interesting
2 conversation. I think we did learn a lot.

3 And just to use, you know, a couple of quick
4 examples, you know, some of the issues around supply chain that
5 Newfoundland and Nunavut brought up, and concern from the
6 Premier in the Northwest Territories about a blockade, concerns
7 from Premier Horgan about RCMP being stretched too thin as they
8 were -- a contingent to support another part of the country.
9 And it really kind of showed the national nature of it and the
10 kind of variety of issues folks were facing.

11 And even the folks who were, I would say, more
12 concerned, such as the Premier of Alberta or the Premier of
13 Saskatchewan, you know, even they had said things like, "Well, I
14 won't quibble with the use of the *Emergencies Act* but I'm
15 worried about enflaming folks," which was something we were
16 concerned about, had talked about at IRGs, was a real cause of
17 discussion. And same with Premier Mo who said, you know, "The
18 six you've mentioned sounds reasonable, but I'm worried about
19 enflaming."

20 So, you know -- and even, you know, Premier
21 Legault talking about, your know, the Sûreté du Québec and --
22 you know, and the dynamic between the Sûreté and the RCMP and us
23 having to kind of, you know, discuss where those boundaries were
24 them in calls, Mr. Leblanc mentioned, after with Minister
25 Labelle, I believe it was, really showed -- like it was a very
26 meaty conversation, I found, and -- but not a -- not a -- not
27 one where I think we were shocked by what we were hearing
28 because of the outreach that happened in advance.

1 **MS. SHANTONA CHAUDHURY:** Ms. Telford?

2 **MS. KATHERINE TELFORD:** I would just add that
3 this was some -- I'm not sure there's a Prime Minister in
4 Canadian that has had as many First Ministers' Meetings as this
5 Prime Minister has because of the pandemic, and so they were
6 such a regular occurrence and this group of premiers know each
7 other quite well because of that. And while, you know, there
8 are perhaps sometimes more pointed and more partisan statements
9 made in public-facing environments, in these meetings that they
10 have -- and I think you can see that it in the notes and in the
11 descriptions of it -- they really -- they are thoughtful
12 conversations.

13 And they do come at things differently; there's
14 no doubt. They have different, you know, regional needs and
15 were facing different things in different parts of the country.
16 But, as Premier King, I can still remember saying -- you know,
17 toward the end, he was one of the later speakers, as per the
18 notes, and him saying to the Prime Minister, "I know you don't
19 take this lightly," and this was a thoughtful conversation.

20 And because they really were grappling with --
21 you know, even those who were concerned about the potential
22 inflammation if the *Emergencies Act* were invoked, even those who
23 were concerned about their specific regions, understood there
24 was a broader national -- potential national need here, and that
25 the Prime Minister had the authority, ultimately, and
26 potentially -- and the need to do this.

27 And so even those who were showing some
28 reluctance from their kind of premier perspective of their

1 particular province were showing an openness or a recognition,
2 as Premier Kenney did in sort of saying, "I won't quibble with
3 you on whatever you have to do with the *Emergencies Act*,
4 ultimately." And I think that speaks to -- they'd had an FMM
5 just a couple of weeks prior to this that was solely focused --
6 before all of this had started, as part of -- par for the course
7 now during the pandemic, because we need to remember the time we
8 were in, which was the height of Omicron. And so they'd
9 actually had an FFM just -- I think it was January 10th where
10 they were talking about the new mandates that the provinces were
11 having to put into place, and we were looking to support them on
12 that front. So this is a group that has navigated crisis for a
13 couple of years together in many, if not most, of their cases.

14 **MS. SHANTONA CHAUDHURY:** That's helpful context
15 in understanding comments like you just brought up, "I don't" --
16 Premier Kenney saying, "I don't quibble with the use of the
17 Act." Mr. Clow, do you have anything to add on that -- on this
18 front?

19 **MR. BRIAN CLOW:** I think it's been well covered.
20 I would just emphasize -- I know it's been addressed here and
21 elsewhere in the past couple of weeks, but Premier Kenney's
22 comment on this phone call that there was a potentially violent,
23 hard-core group of individuals at the centre of the Coutts
24 blockade who were ready to die for a cause, we had heard through
25 other reports and from our own officials, but it was a
26 recognition that's just one example of the very serious
27 potential for violence that was posed by many of these
28 demonstrations.

1 **MS. SHANTONA CHAUDHURY:** Thank you, Mr. Clerk.
2 You can take that one down. So we know that what happened after
3 the First Ministers' Meeting, which lasted about an hour. There
4 was then, I believe, a call with opposition leaders, and then at
5 some point that afternoon, the Prime Minister received a
6 Decision Note from the Clerk, and fairly shortly thereafter took
7 the decision to invoke the *Emergencies Act*. One thing I wanted
8 to ask, from your perspective, was any consideration given in
9 any of this to holding a debate before parliament, not to
10 decide, of course, but to engage in a debate over whether the
11 *Emergencies Act* should be invoked?

12 **MR. BRIAN CLOW:** So there was an emergency debate
13 about the convoy and the demonstrations about a week -- about a
14 -- I think exactly a week before the invocation of the
15 *Emergencies Act*. The *Emergencies Act* itself contains
16 parliamentary process and provisions of that debate, and the
17 vote in the House did happen. But the decision to invoke on
18 February 14th was made after a series of discussions and inputs,
19 the FMM that morning being a critical one -- the opposition
20 leader called "the critical one". The view was time was up and
21 it needed to be enacted right away. And recognizing that the
22 parliamentary process is built into the Act and was to come in
23 the days ahead, we thought that that was robust.

24 **MS. SHANTONA CHAUDHURY:** So, essentially, that
25 conversation didn't happen because it didn't have to; there was
26 already a parliamentary process built in?

27 **MR. BRIAN CLOW:** Yes.

28 **MS. SHANTONA CHAUDHURY:** Is that fair? Okay.

1 And I just want to turn briefly now to the topic of revocation
2 of the Act, which I know is skipping ahead again.

3 Mr. Clerk, if you can pull up Mr. Clow's notes
4 again. I don't know what we'd do without Mr. Clow's notes here.
5 SSM.NSC.CAN00002941, page 28.

6 The only thing missing from the notes is clear
7 page numbers. Always number the pages. So this is
8 February 19th, it's a staff call, and right at the bottom there,
9 you say:

10 "Parliament's job is to confirm or
11 revoke, doesn't impact changes."

12 I believe:

13 "After revocation what happens to
14 frozen accounts?"

15 So that's a topic we've explored a bit with
16 Finance:

17 "At what point do we withdraw based on
18 what inputs?"

19 So is it fair to say at this point this is a
20 discussion of almost first principles. "We don't really know
21 what the criteria are to revoke, we need to figure out what
22 those criteria are." Was that an accurate reflection?

23 **MR. BRIAN CLOW:** It's hard to say for sure what
24 that specific note refers to, but there was progress by that
25 point, the February 19th. We were far from out of it. There
26 were still a lot of situations, there were still many threads.
27 And if I remember correctly, Ottawa was -- there may have been
28 the beginning of action, but it wasn't done. So definitely at

1 the IRGs and on staff calls and in other conversations we were
2 beginning to ask ourselves, "Okay, what -- how long is this
3 needed?" And it was always understood, and it was made clear by
4 the Prime Minister this should only be in place as long as it's
5 needed. So we were constantly asking ourselves that very
6 question, "What are -- what do we need to assess and what will
7 feed into the decision to revoke?"

8 **MS. SHANTONA CHAUDHURY:** Okay. And there was no -
9 - I think what I was saying was there was no playbook for it, so
10 it was essentially a discussion for first principles of trying
11 to figure out what these criteria should be.

12 Would you scroll down a bit, please, Mr. Clerk,
13 to the following day. You'll see IRG. Not that one,
14 February 20th. Keep going.

15 So the first notation there says:

16 "IRG February 20th. RCMP/Officials
17 public brief on how long emergency act
18 is needed."

19 Now, we're going to take this down, and bring up
20 a different document, Mr. Clerk, which is SSM.CAN.NSC00002910.

21 This isn't something that's recorded in your
22 notes, Mr. Clow. What I'm going to bring up is
23 Commissioner Lucki's key messages from that date. So it's an
24 RCMP document, and I'm going to take you through it and ask you
25 whether your recollection is that that was expressed during the
26 IRG.

27 So there we go. So the key messages are:

28 "As I said yesterday, the situation

1 across the country remains concerning,
2 volatile and unpredictable. We are
3 continuing to see a range of protest
4 events and solidarity actions across
5 the country, with ports of entry and
6 legislatures the key targets.

7 I want to underscore two key bottom
8 lines off the top.

9 First - as it relates to Ottawa and
10 Ontario, there is an operational need
11 to maintain access to these powers to
12 ensure that we can finish what we
13 started and prevent any retrenchment.
14 Even for the next 2 [to] 3 weeks."

15 And then after that:

16 "It is important that we retain the
17 ability to maintain the perimeter,
18 restrict travel and ensure we can
19 continue to choke off financial support
20 and other assistance to the protesters
21 in Ottawa."

22 And then it goes on.

23 Do you recall this having been expressed, at the
24 IRG, that the *Emergencies Act* should stay in place, by the RCMP,
25 by Commissioner Lucki for another two or three weeks?

26 **MR. BRIAN CLOW:** My colleagues may have stuff to
27 add, but I don't know if it was conveyed on the 20th, but that
28 was definitely a message right up to the revocation, that the

1 RCMP believed that the powers were critical, and they argued
2 that they should stay in place for a period longer in order to
3 prevent additional blockade from starting or from people from
4 returning to the ones that existed.

5 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Telford,
6 Mr. Brodhead, do you have anything to add to that?

7 **MS. KATHERINE TELFORD:** No, that's ---

8 **MR. JOHN BRODHEAD:** Agree.

9 **MS. KATHERINE TELFORD:** Yeah.

10 **MS. SHANTONA CHAUDHURY:** Okay. And as we know
11 that that's not what happened in the end. The *Act* was revoked
12 three days later. So is it fair to say that that input was
13 received but not followed by, in the end, the Government?

14 **MR. BRIAN CLOW:** Important to point out is that
15 both for the invocation and the revocation the RCMP was one of
16 many inputs. So for sure this view would have been considered
17 and was considered, but ultimately the Prime Minister and the
18 IRG decided to revoke when they decided to revoke based on what
19 -- many different inputs.

20 **MS. SHANTONA CHAUDHURY:** Okay. One thing I wanted
21 to ask you as well about the revocation decision is there have
22 been some suggestions that the motion to confirm the declaration
23 of emergency had been passed through the House of Commons but
24 was up for a vote in the Senate, and that part of the timing of
25 revocation may have been due to -- some perhaps lack of
26 confidence around whether the Senate would confirm the
27 declaration. Can you speak to that?

28 **MR. BRIAN CLOW:** So quite the opposite, actually.

1 And yes, I am aware of that suggestion, that perhaps there was
2 an attempt to revoke before the Senate got to its vote.

3 We actually wanted the Senate to move as quickly
4 as possible, and I think it did too, but as it was reported to
5 us, the Senate was delayed in convening partly because of the
6 Ottawa, very significant continuing Ottawa demonstrations that
7 were happening right on the Senate's doorstep. They did begin
8 their debate at a certain point, but that was not considered
9 when it came to revocation. Decisions around revocation was
10 "What's the situation? Is this *Act* still needed? Are these
11 powers still needed?"

12 We would have liked the Senate to have its vote,
13 but I will also say I have no reason to believe that the
14 Senate would not have endorsed it, and I do believe that -- I'm
15 not sure about this, but I do believe that this Commission has
16 seen evidence that the Chief of Staff to Senator Gold, the
17 Government leader in the Senate, was doing vote-counting and
18 they were quite comfortable that they were in a good place.

19 **MR. STEPHEN AYLWARD:** Anything to add on that
20 point, Ms. Telford or Mr. Brodhead?

21 **MS. KATHERINE TELFORD:** No, I completely agree
22 with what Brian was just saying, and I would just add that it
23 was extraordinarily important to the Prime Minister that it be -
24 - that he be true to what he set out in the beginning when he
25 invoked the *Act*, and that it wasn't going to last one minute
26 longer than absolutely necessary. And so that was the entire
27 motivation behind when the revocation happened. The same way,
28 you know, safety and security was at the core of every meeting

1 he was having throughout, the politics and parliamentary issues
2 were on a completely separate track from that decision-making.

3 **MS. SHANTONA CHAUDHURY:** Okay. Those are actually
4 all the questions I have for you, since -- given that the Prime
5 Minister will be here tomorrow, your boss will be speaking for
6 himself. Those are the questions that I have for you this
7 afternoon, but before I sit down, is there anything that we
8 haven't covered here today that you would like to say now that
9 you have the opportunity?

10 **MR. BRIAN CLOW:** I think we're good.

11 **MS. SHANTONA CHAUDHURY:** No, pretty quiet. Okay.
12 Thank you.

13 Commissioner, those are my questions.

14 **COMMISSIONER ROULEAU:** Okay, thank you very much.

15 I think probably this is a good time to take a
16 15-minute break and let everyone get up and stretch. And so
17 we'll come back in 15 minutes. Thank you.

18 **THE REGISTRAR:** The Commission is in recess for
19 15 minutes. La Commission est levée pour 15 minutes.

20 --- Upon recessing at 5:16 p.m.

21 --- Upon resuming at 5:36 p.m.

22 **THE REGISTRAR:** Order. À l'ordre.

23 The Commission is reconvened. La Commission
24 Reprend.

25 **--- MS. KATHERINE TELFORD, Resumed:**

26 **--- MR. BRIAN CLOW, Resumed:**

27 **--- MR. JOHN BRODHEAD, Resumed:**

28 **MEMBER ROULEAU:** Okay. Now the next stage.

1 First I'd like to call on the Government of
2 Alberta, please.

3 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

4 **MS. STEPHANIE BOWES:** Good evening to this panel.
5 My name is Stephanie Bowes. I am counsel for the Province of
6 Alberta.

7 I just want to start with the statement in the
8 PMO Institutional Report, which indicates that PMO staff engaged
9 with Premier Kenney's Chief of Staff, Ms. Livingstone, on
10 February 5th and 12th. I just want to confirm that during that
11 time, the PMO did not discuss the possible use of the
12 *Emergencies Act* during those engagements. Is that correct?

13 **MR. JOHN BRODHEAD:** It was not me having those
14 conversations, but that is my understanding, yes.

15 **MS. STEPHANIE BOWES:** Okay. Thank you. And with
16 respect to the First Minister's meeting, Mr. Brodhead, you were
17 asked about your understanding of the various positions of
18 Premiers at that meeting.

19 I'd like the clerk to pull up
20 SSM.NSC.CAN00000625. And these are some expanded notes prepared
21 and produced by the Government of Canada describing that
22 meeting.

23 Once we have them up, I'll ask the Clerk to
24 please scroll down to page 3.

25 Okay. So we can see here that there's some
26 further notes about the comments of Premier Kenney at this
27 meeting. And I'll just walk through some of these right now.

28 He starts by describing the situation at Coutts

1 and how it went from 1,000 trucks on a rolling protest to 900
2 going home, with 100 staying behind. And then down to a group
3 of 40, which he described as a core group.

4 Then you'll see him describe the arrests at the
5 border and indicate:

6 "We believe the situation has been
7 secured." (As read)

8 And further down there:

9 "Have procured on market for equipment and
10 have drivers in place. Unless an
11 unexpected surprise, should open Coutts
12 border crossing today."

13 And a little further down again:

14 "Would be problematic to declare emergency
15 today to take momentum of arrests last
16 night. Declaration risks further
17 radicalizing thousands of sympathizers in
18 Alberta. Know you have a lot of serious
19 issues to balance off, including in
20 Ottawa, but I am suggesting this could
21 create a net negative for Alberta. If we
22 need to seize or compel people, we are
23 prepared to use our own *Emergencies Act*."

24 (As read)

25 So you would agree that it's fair to say that the
26 Premier's position at this First Ministers Meeting was that
27 invoking the federal *Emergencies Act* was neither wanted, not
28 needed in Alberta; correct?

1 **MR. JOHN BRODHEAD:** I would say he was definitely
2 clear that he did not believe it was needed in Alberta at that
3 time.

4 **MS. STEPHANIE BOWES:** Okay. Thank you.

5 And I'd like to switch tracks with you and ask
6 about what was done to prepare the Prime Minister for the
7 February 13th Cabinet meeting, and specifically, where his inputs
8 of information came from. So I'm going to ask you -- you can
9 answer yes or no -- whether the PMO was responsible for
10 providing the Prime Minister with the following information, and
11 that's about the status of the RCMP operation in Coutts. Was it
12 the PMO that was responsible for providing that information to
13 the Prime Minister?

14 **MS. KATHERINE TELFORD:** No.

15 **MS. STEPHANIE BOWES:** And how about the status of
16 Alberta's acquisition of tow trucks from the private market?

17 **MS. KATHERINE TELFORD:** The Privy Council leads
18 these briefings that you're referring to.

19 **MS. STEPHANIE BOWES:** Okay. So I'll just name
20 off a few more, and maybe then you can tell me if there was
21 anything in my list that the PMO was responsible for providing
22 the information to the Prime Minister. And those are the status
23 of the protests in Windsor at the Ambassador Bridge, the status
24 of opening of the Ambassador Bridge, the status of the OPS
25 operational plan with respect to the protests in Ottawa, or that
26 the Commissioner -- Commissioner Lucki was of the view that not
27 all tools available through existing legislation had yet been
28 exhausted.

1 **MS. KATHERINE TELFORD:** We may have added
2 information if we'd heard it through Minister's offices or
3 through open source information. But the briefing on all the
4 matters you're -- would have been led by the Clerk of the Privy
5 Council, the Deputy Clerk of the NSIA.

6 **MS. STEPHANIE BOWES:** Okay. Thank you.

7 **MR. BRIAN CLOW:** I would just add that we heard
8 various points in the weeks leading up to invocation of the Act
9 that action was about to be taken in some of the places that
10 you've mentioned. And on the point about RCMP stating that not
11 all tools had been exhausted, that was obvious to everyone. In
12 various locations, law enforcement had tools that they weren't
13 able to enforce because there were other more serious issues
14 preventing that, and that's partly why decision was made to
15 invoke the Act the next day.

16 **MS. STEPHANIE BOWES:** Okay. And so you would
17 agree that the Prime Minister had that information as well, that
18 there were tools available but that they weren't being used?

19 **MR. BRIAN CLOW:** As I said, that was obvious to
20 everyone who was watching what was going on, on the ground.

21 **MS. STEPHANIE BOWES:** Okay. Thank you. I would
22 like the Clerk to please pull up SSM.NSC.CAN 00002941. And this
23 is a record that Commission Counsel has taken you through in
24 some detail already. There's just a few places where I was
25 hoping you could help me read some of the writing.

26 So, Mr. Clerk, if you could please scroll down to
27 page 12 -- actually, this is not something that I need
28 clarification on the writing on but something I do have a

1 question on. Let me just make sure I'm in the right place here.

2 So if you see on the right-hand side, there's a
3 note beside Brenda. And I'm assuming this is Commissioner
4 Lucki; is that correct?

5 **MR. BRIAN CLOW:** Yes.

6 **MS. STEPHANIE BOWES:** Okay. And she indicates
7 with respect to Coutts,

8 "They were almost gone, but a pastor
9 incited them to stay. Was 250
10 vehicles, now down to 40 [and] Weapons
11 are in the protest. Need to go slow
12 [here]."

13 Was the Prime Minister part of this conversation?

14 **MR. BRIAN CLOW:** Yes, he was. This was the
15 February 10th Incident Response Group meeting.

16 **MS. STEPHANIE BOWES:** Okay. Good, thank you.

17 And then if we go to page 23, here's where I'll
18 need your help interpreting the writing. Thank you.

19 So we can see about a quarter a way down the page
20 there's an arrow and it says "specific" and what's the next word
21 after that?

22 **MR. BRIAN CLOW:** To be honest, I can't read it
23 either. The quality of the photocopy is not strong.

24 **MS. STEPHANIE BOWES:** Okay. So specific
25 something, "...draft list. Using the money as a..." And then
26 what's that next word there?

27 **MR. BRIAN CLOW:** "...as a hook for the national
28 stuff." So this was a reference to there -- we knew and we

1 heard on the FMM call that some Premiers and some people felt
2 that the Act should not be provided -- applied nationally. And
3 this comment referred to needing to underscore in the
4 communications that part of the reason the Act needed to apply
5 nationally was so that it would apply to financial transactions
6 across the country, given many of the demonstrators were from
7 across the country.

8 **MS. STEPHANIE BOWES:** And do you -- yeah, I think
9 you just said that this was about needing to refer in the
10 communications. What communications are you talking about?

11 **MR. BRIAN CLOW:** So this was February 14th, 12:30
12 p.m., after the FMM as preparations were underway for a
13 potential Prime Ministerial announcement later that afternoon.
14 Prime Minister took the decision to invoke the Act later that
15 afternoon and he went out and announced it.

16 **MS. STEPHANIE BOWES:** Okay. Now I'd like to talk
17 a little bit about that announcement. If we can go to SSM.CAN
18 00002665?

19 And if we go to the very last email in this
20 record, there's a discussion of a press conference that was, at
21 that time, scheduled for noon on February 14th. And we'll see
22 the time of this email is listed as February 13th 8 p.m. Now I'm
23 not sure if this is one of the emails that caught with the time
24 difference related to Greenwich Mean Time, but it's either 3
25 p.m. or 8 p.m. on the 13th. In either event, that's before the
26 Cabinet meeting; correct?

27 **MR. BRIAN CLOW:** I can't confirm the timing of
28 the ---

1 **MS. STEPHANIE BOWES:** Okay.

2 **MR. BRIAN CLOW:** --- email, but it could be.

3 **MS. STEPHANIE BOWES:** Okay. And it indicates
4 that there was going to be a press conference the next day with
5 the Prime Minister, the Deputy Prime Minister, Minister Blair,
6 Minister Mendicino and Minister Lametti. There's a bit more
7 discussion in other emails including that Minister Lametti is
8 there just to answer questions and that only the Prime Minister
9 and the Deputy Prime Minister will provide comments. Is this
10 because that was the press conference that was intended to
11 announce the invocation of the *Emergencies Act*?

12 **MR. BRIAN CLOW:** So what I would say is, at this
13 point, there were numerous statements being made by the Prime
14 Minister and other Ministers to media, sometimes in the form of
15 a press conference. My recollection was this was planning for a
16 statement of some sort, and, yes, given the *Emergencies Act* was
17 under consideration, it was a scenario at that time that they
18 could be making announcements about the *Emergencies Act* the next
19 day, but the decision had not been taken at that point.

20 **MS. STEPHANIE BOWES:** So you'll see that it says,
21 "As you know, [the] presser is to
22 provide an update on the federal
23 government response to the Blockades as
24 well as [the] Ukraine..."

25 And I'll take it from your answer that there was
26 some anticipation that maybe it might be about the *Emergencies*
27 *Act*, but what other announcement was going to be made about the
28 blockades the next day?

1 **MR. BRIAN CLOW:** There could have been any number
2 of measures taken and that's -- that was the examination going
3 on exactly at that time, what tools could exist, is it going to
4 be enough. Decision was *Emergencies Act* had the tools required,
5 and that's why that decision was taken the next day.

6 **MS. STEPHANIE BOWES:** And I understand that part
7 of the DMO's role is to prepare speeches for the Prime Minister;
8 is that correct?

9 **MR. BRIAN CLOW:** The DPMO? No. The Prime
10 Minister's Office and PCO prepared speeches for the Prime
11 Minister.

12 **MS. STEPHANIE BOWES:** Sorry, I thought in the
13 institutional report that there was mention of drafting speeches
14 by the Prime Minister's -- oh, did I -- I'm sorry, by the Prime
15 Minister's Office, yes.

16 **MR. BRIAN CLOW:** Yes, absolutely.

17 **MS. STEPHANIE BOWES:** Okay. I'm sorry. I
18 misspoke there.

19 Did the Prime Minister's ---

20 **COMMISSIONER ROULEAU:** You're -- just to let you
21 know, I think you're over your time, so you're going to have to
22 wrap up pretty soon.

23 **MS. STEPHANIE BOWES:** Okay. I'll just finish
24 this area.

25 Did the Deputy Prime Minister's Office draft a
26 speech for the Prime Minister for the press conference on
27 February 14th?

28 **MR. BRIAN CLOW:** I'm not aware.

1 **MS. STEPHANIE BOWES:** You're not aware. Okay.
2 Thank you. Those are all my questions tonight.

3 **COMMISSIONER ROULEAU:** Thank you.

4 Next call on the Convoy Organizers, please.

5 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

6 **MR. BRENDAN MILLER:** Sir, before I begin, I have
7 an issue that I need to address. As you know, and I've made
8 application several times, the disclosure in the record is
9 entirely deficient. We've been trying to deal with these
10 redactions. There is still redactions for parliamentary
11 privilege with the Government has not removed. There's no legal
12 basis for, as you've already ruled, to redact any document on
13 the basis of parliamentary privilege. There is also the issue,
14 as I've re-raised by email as well, the issue with the notes of
15 this witness, the process that was used in dealing with that
16 needs to be reassessed. These are important witnesses. I need
17 rulings, and so does everyone here. The rulings on the
18 redactions are so important.

19 And for example, Ms. Jody Thomas testified and
20 said that she supported the invocation of the *Emergencies Act*,
21 but there is a note that we got after we fought for the one
22 redaction we got that said Jody Thomas did not. And it was put
23 up on the screen. There was notes taken. It had one section 39
24 redaction on it, so if that's a Cabinet document we can assume
25 Cabinet knew about it, and it states that section 2, no
26 violence, and they were trying to come up with a way how to make
27 this work anyway.

28 That would have been very helpful to have when

1 she was on the stand under oath. This is happening constantly.
2 There is thousands of documents ---

3 **COMMISSIONER ROULEAU:** I'm not -- if you can, I'm
4 not looking for a speech. I understand there has been -- have
5 been issues about redactions. I believe that one is one I
6 ordered disclosed, and I believe you questioned somebody about
7 it as recently as yesterday or the day before.

8 I am not sure about the redactions. Certainly,
9 for -- just to qualify, the redactions with respect to
10 parliamentary privilege, I didn't say it doesn't exist, I said -
11 --

12 **MR. BRENDAN MILLER:** Sir -- sir ---

13 **COMMISSIONER ROULEAU:** I said it was novel and
14 that the arguments presented were insufficient and I ordered the
15 three redactions disclosed.

16 We received something, I think it's yesterday or
17 maybe it was even today, and I apologise, I haven't yet ruled on
18 it, that's true, but I do my very best to make decisions, I try
19 my very best to make them intelligent and thoughtful and that
20 sometimes is not done immediately.

21 So that's sort of how I can respond to those
22 points.

23 **MR. BRENDAN MILLER:** So sir, I can make it very
24 easy. We've written your counsel for a set of them. So the law
25 is such that where a redaction is sought on the basis of
26 irrelevance it is not the onus of the person seeking to have it
27 redacted on the basis for the relevance, it's the onus on the
28 person who's seeking for it to be redacted. And the purpose for

1 that is that all of the documents given to us are subject to the
2 implied undertaking. So there -- they don't become public until
3 a ruling on their relevance is made.

4 **COMMISSIONER ROULEAU:** Okay. Well, I'm not in a
5 position to rule on that. I suspect that's the mode -- the
6 request you made either yesterday or today, I don't know which,
7 and I'm sorry, I'm not in a position to rule on it right now.

8 **MR. BRENDAN MILLER:** Sir, but ---

9 **COMMISSIONER ROULEAU:** So what I'd like you ---

10 **MR. BRENDAN MILLER:** Sir ---

11 **COMMISSIONER ROULEAU:** --- is if you could
12 proceed with your examination or that would be ---

13 **MR. BRENDAN MILLER:** Yeah.

14 **COMMISSIONER ROULEAU:** --- I think ideal at this
15 stage, and I'll do my best to deal with the motion of the
16 redaction issues as soon as possible.

17 **MR. BRENDAN MILLER:** Okay. But I just want to
18 put on the record that throughout this entire proceeding all
19 counsel here, and we're on national television, this is supposed
20 to be completely transparent. This is the purpose of this.

21 **COMMISSIONER ROULEAU:** I'm doing my very best.

22 **MR. BRENDAN MILLER:** It's not your fault.

23 **COMMISSIONER ROULEAU:** Well ---

24 **MR. BRENDAN MILLER:** It's just the fault that
25 nobody's order DOJ to actually produce what they're obliged to
26 do.

27 **COMMISSIONER ROULEAU:** Well, that's something you
28 can deal with in another forum. I'm doing the best I can here.

1 I think we've gotten very -- a lot of disclosure. There are
2 issues, and we're dealing with those issues that are raised as
3 they are raised. We dealt with the ones you raised I believe at
4 the end of last week, made some orders, confirmed some of the
5 redactions and we'll deal with your most current application.

6 **MR. BRENDAN MILLER:** But could you just not order
7 that the redactions for parliamentary privilege? Because I can
8 -- sir, I can tell you, I've studied that area in and out, and
9 the reason no one could provide you an authority for the purpose
10 of a redaction on the basis of parliamentary privilege is it
11 doesn't exist. And parliamentary privilege is, of course, an
12 ancient doctrine.

13 And if you would just order the production of the
14 records without those redactions it would remove a whole bunch.
15 Then if you would order the production of all relevant records
16 with respect to where irrelevant is claimed, those records are
17 then subject to the implied undertaking. And there's no
18 national security issue with those. If they were, section 38
19 would be claimed. There is no Cabinet confidence because
20 section 39 is not claimed. And that's -- that has been the law
21 since time immemorial. How can you contest if something's
22 relevant if you don't know what it says?

23 And my problem is is that this witness is now on
24 the stand. One of the documents is key, in my submission, it is
25 the notes of Ms. Jackson, which is the office assistant to this
26 witness. There are redactions therein on the basis of
27 irrelevance, and there are redactions therein also I believe on
28 one of the other grounds.

1 And I've sent a written motion, if you will,
2 email to your counsel. We've been asking for these things, and
3 asking for proper production throughout this proceeding. All
4 counsel are in agreement that we don't have proper production,
5 sir.

6 **COMMISSIONER ROULEAU:** Well, I'm not sure you can
7 speak for all counsel, and I'm sure they can speak for
8 themselves. As to whether or not you've been asking this for a
9 long time, I'm not aware that you asked about those redactions -
10 --

11 **MR. BRENDAN MILLER:** So ---

12 **COMMISSIONER ROULEAU:** --- but maybe I don't have
13 the records. But ---

14 **MR. BRENDAN MILLER:** So sir ---

15 **COMMISSIONER ROULEAU:** --- we're going to have to
16 stop this, and despite your belief that the law is always very
17 clear, my experience of 20 years is there's -- that's why judges
18 are around.

19 And so if you could proceed ---

20 **MR. BRENDAN MILLER:** Yes.

21 **COMMISSIONER ROULEAU:** --- otherwise, you know,
22 we're not going to get anywhere.

23 **MR. BRENDAN MILLER:** So if I could bring up the
24 notes of Ms. Jackson, which are at -- oh, just a second.
25 SSM.CAN.7719.

26 Okay. So Ms. Telford, Sarah Jackson, she is your
27 office manager; is this correct?

28 **MS. KATHERINE TELFORD:** Yes.

1 **MR. BRENDAN MILLER:** All right. And so obviously
2 she's a scribe and does scribing for you when you're in
3 meetings?

4 **MS. KATHERINE TELFORD:** No.

5 **MR. BRENDAN MILLER:** All right. So the notes
6 that she takes she has...

7 If we can scroll down, and down. Right.

8 So that says "KT Call", and I take it that's you?

9 **MS. KATHERINE TELFORD:** KT usually does refer to
10 me.

11 **MR. BRENDAN MILLER:** Right. So she's taking
12 notes in a phone call she has with you?

13 **MS. KATHERINE TELFORD:** I don't know.

14 **MR. BRENDAN MILLER:** You don't know. So that's
15 on February 4th. Do you remember February 4th?

16 **MS. KATHERINE TELFORD:** Yes.

17 **MR. BRENDAN MILLER:** Okay. So what happened on
18 February 4th?

19 **MS. KATHERINE TELFORD:** Well, no, I don't
20 remember in that level of detail.

21 **MR. BRENDAN MILLER:** Okay.

22 **MS. KATHERINE TELFORD:** Is there something you're
23 looking for in particular?

24 **MR. BRENDAN MILLER:** Well, I'm trying to find
25 out, because I have to build a record for this, do you have any
26 idea why anything in your conversation on February 4th in that
27 note would be irrelevant?

28 **MS. KATHERINE TELFORD:** I don't know.

1 **MR. BRENDAN MILLER:** And I take it when you spoke
2 to Ms. Telford, or sorry, to this individual at the time there
3 was no lawyer present, was there?

4 **MS. KATHERINE TELFORD:** I don't know what this
5 call is.

6 **MR. BRENDAN MILLER:** Okay.

7 So can we scroll down then.

8 So you see there, the Government has claimed
9 solicitor/client privilege, okay. And you don't remember
10 speaking with a lawyer on February 4th, do you?

11 **MS. KATHERINE TELFORD:** As I said, I don't know
12 what this call is.

13 **MR. BRENDAN MILLER:** Right. So how would the
14 Government know, if you don't know, that this is
15 solicitor/client privilege? They couldn't, could they?

16 So it's redacted, and this is the problem, sir.
17 You irrelevant ---

18 **COMMISSIONER ROULEAU:** Is there a question?

19 **MR. BRENDAN MILLER:** Yes.

20 And so if we can scroll down. Okay.

21 And in that note, on February 4th, I know you
22 don't have a good memory, but in your conversation ---

23 **COMMISSIONER ROULEAU:** Well, that's ---

24 **MR. BRENDAN MILLER:** No, I know, good memory on
25 February 4th, I know she doesn't have a good memory of it, but -
26 - it wasn't an insult. "Blair's current strategy - *Emergencies*
27 *Act.*" Right?

28 **MS. KATHERINE TELFORD:** (Inaudible response)

1 **MR. BRENDAN MILLER:** So I take it your
2 understanding, she's writing down what you were saying, and you
3 told her that "Blair's current strategy is the *Emergencies Act*."
4 So it was Minister Blair's strategy to invoke the *Emergencies*
5 *Act* on February 4th. That's your understanding; isn't it?

6 **MS. KATHERINE TELFORD:** No, that's not my
7 understanding.

8 **MR. BRENDAN MILLER:** So what was "Blair's current
9 strategy - *Emergencies Act*" on February 4th, 2022?

10 **MS. KATHERINE TELFORD:** I can't speak to what's
11 written here.

12 **MR. BRENDAN MILLER:** You don't remember?

13 **MS. KATHERINE TELFORD:** No, if you wanted to pull
14 up notes of mine from February 4th, that might be helpful.

15 **MR. BRENDAN MILLER:** Okay.

16 **MS. KATHERINE TELFORD:** But I can't speak to
17 these.

18 **MR. BRENDAN MILLER:** Do you have notes from
19 February 4th?

20 **MS. KATHERINE TELFORD:** I have notes from a lot
21 of days that have been provided.

22 **MR. BRENDAN MILLER:** You've been provided? Okay.
23 Have you provided all of them to the Department of Justice?

24 **MS. KATHERINE TELFORD:** M'hm.

25 **MR. BRENDAN MILLER:** Okay. And would you say
26 that you provided notes from each and every single day?

27 **MS. KATHERINE TELFORD:** From any day I have notes
28 on.

1 **MR. BRENDAN MILLER:** Okay. And with respect to
2 this meeting, do you remember what you and Ms. Jackson were
3 talking about?

4 **MS. KATHERINE TELFORD:** I unfortunately don't
5 know what meeting she's taking notes from here without more
6 context.

7 **MR. BRENDAN MILLER:** Okay.

8 **MS. KATHERINE TELFORD:** It may or may not even be
9 a meeting I was in.

10 **MR. BRENDAN MILLER:** But obviously you were
11 discussing the *Emergencies Act*?

12 **MS. KATHERINE TELFORD:** The *Emergencies Act* came
13 up at numerous occasions, as we've said earlier in ---

14 **MR. BRENDAN MILLER:** Okay.

15 **MS. KATHERINE TELFORD:** Earlier too.

16 **MR. BRENDAN MILLER:** Do you think it would assist
17 the Tribunal and this Inquiry if Ms. Jackson testifies?

18 **MS. KATHERINE TELFORD:** No, I think I can answer
19 any questions you might have around that.

20 **MR. BRENDAN MILLER:** But you can't answer what
21 that note says.

22 **MS. KATHERINE TELFORD:** Is there something you're
23 curious about that note in particular?

24 **MR. BRENDAN MILLER:** Well on February 4th of 2022,
25 Ms. Jackson, in a conversation with you, writes down "Blair's
26 current strategy - *Emergencies Act*". Right? And you hadn't
27 even had an IRG at that point.

28 **MS. KATHERINE TELFORD:** I believe you've had an

1 opportunity to speak with Minister Blair.

2 **MR. BRENDAN MILLER:** Yeah, and I put this to him
3 and he said that it wasn't true. So wouldn't it be helpful, if
4 you can't remember ---

5 **COMMISSIONER ROULEAU:** I'm not sure that was
6 correct, that he ---

7 **MR. BRENDAN MILLER:** He said that he never had --
8 I put the note to him, and he said that that's not -- wasn't his
9 strategy, that that's incorrect. That was his evidence.

10 **COMMISSIONER ROULEAU:** That doesn't mean it isn't
11 true. I mean, all this note says is "Blair's current strategy"
12 and "*Emergency Act*" underneath it. So.

13 **MR. BRENDAN MILLER:** On February 4th.

14 When was the first time that the Government came
15 out and spoke that they were considering invoking the
16 *Emergencies Act*? Do you remember?

17 **MS. KATHERINE TELFORD:** Publicly?

18 **MR. BRENDAN MILLER:** Yeah.

19 **MS. KATHERINE TELFORD:** I mean, there were
20 questions from the media where Ministers were speaking about the
21 *Emergencies Act* long before it was invoked.

22 **MR. BRENDAN MILLER:** Yeah. And Minister Blair, I
23 discussed this with him, on February 13th, for the first time he
24 went on a show and he talked about that it was under
25 consideration from the outset. But then when he testified here,
26 he said it wasn't.

27 So was the invocation of the *Emergencies Act*
28 under consideration from the beginning of the protest in Ottawa?

1 **MS. KATHERINE TELFORD:** The *Emergencies Act* was
2 something that was discussed at the beginning of the pandemic
3 and it was a public conversation at that time, as well as a
4 private conversation. There were calls for the Prime Minister -
5 --

6 **MR. BRENDAN MILLER:** If we could put the document
7 back up, please?

8 **MR. BRIAN GOVER:** Perhaps -- it's Brian Gover for
9 the Government of Canada. Perhaps the witness could complete
10 her answer to the question without interruption?

11 **MR. BRENDAN MILLER:** Oh, no, I was just -- the
12 document went down. I'm not done. I apologize. Thank you.

13 So and I understand that there was a
14 consideration of a public welfare emergency; right? That's very
15 different than a public order emergency. You know that. There
16 doesn't have to be a section 2 security threat; right?

17 **MS. KATHERINE TELFORD:** Are you talking about --
18 I'm not sure when you're talking about or what about.

19 **MR. BRENDAN MILLER:** We're talking about from
20 covid, because you said it was under consideration then.

21 **MS. KATHERINE TELFORD:** They did look at the
22 *Emergencies Act* at that time and there was some public call at
23 that time, and it was determined, because the Prime Minister was
24 very reluctant, as he was during the occupation this past
25 February, to invoke it. And so there's been conversations on
26 various occasions about the *Emergencies Act* over time.

27 **MR. BRENDAN MILLER:** So when that note is taken
28 on February 4th, 2022, are you saying that you're talking about

1 it in relation to covid?

2 **MS. KATHERINE TELFORD:** I genuinely don't know
3 what this note is, as I've already said to you a few times.

4 **MR. BRENDAN MILLER:** Okay. So if I can scroll up
5 -- or down -- or up, please -- or down. We'll go down. Down's
6 fine.

7 Okay. So that says: "Flag to KT" "Feb[ruary]
8 10th". And it's written in there that this is irrelevant. What
9 does that mean? Why is it irrelevant? Do you know?

10 **MS. KATHERINE TELFORD:** So I don't know
11 specifically, but I ---

12 **MR. BRENDAN MILLER:** You don't know either?

13 **MS. KATHERINE TELFORD:** But I could surmise that
14 "Flag to KT" means it's probably a bit of a to-do list of things
15 she wanted to flag to me.

16 **MR. BRENDAN MILLER:** Okay.

17 **MS. KATHERINE TELFORD:** They were obviously
18 deemed irrelevant to what we are talking about today.

19 **MR. BRENDAN MILLER:** Okay. And could we scroll
20 down again?

21 And this one, where it says "Staff blockade", and
22 then it has section 39 invoked, do you know what that means?

23 **MS. KATHERINE TELFORD:** I don't know why they
24 invoked it there.

25 **MR. BRENDAN MILLER:** Right. And so I take it
26 when you were having this phone call, there was no one else
27 present on the phone other than you and Ms. Jackson; was there?

28 **MS. KATHERINE TELFORD:** I don't believe that this

1 is a phone call any longer.

2 **MR. BRENDAN MILLER:** Well if we scroll back up,
3 this is the second page. The way it's worded ---

4 **MS. KATHERINE TELFORD:** Yes, it said "Flag ---

5 **MR. BRENDAN MILLER:** Oh.

6 **MS. KATHERINE TELFORD:** --- to KT" at the top.

7 **MR. BRENDAN MILLER:** "Flag to KT". Okay. And so
8 on February 10th, do you remember if Ms. Jackson was in a meeting
9 with Cabinet?

10 **MS. KATHERINE TELFORD:** She is not normally in
11 meetings with Cabinet.

12 **MR. BRENDAN MILLER:** So how could -- section 39
13 is a Cabinet confidence. So how can -- so this is the problem.
14 Those are my questions.

15 **COMMISSIONER ROULEAU:** Thank you.

16 If we could now call on the Ottawa Police
17 Service, please?

18 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

19 **MR. DAVID MIGICOVSKY:** Good evening. My name is
20 David Migicovsky. I'm a lawyer for Ottawa Police Service.

21 Ms. Telford, my questions, at least initially,
22 will be directed to you.

23 I understand that the PMO relies on the RCMP?

24 **MS. KATHERINE TELFORD:** Generally. What do you
25 mean?

26 **MR. DAVID MIGICOVSKY:** I guess the PMO relies on
27 the RCMP to protect the Prime Minister and others?

28 **MS. KATHERINE TELFORD:** Yes.

1 **MR. DAVID MIGICOVSKY:** And you trust the RCMP?

2 **MS. KATHERINE TELFORD:** I do.

3 **MR. DAVID MIGICOVSKY:** The RCMP has kept the
4 Prime Minister and his family safe?

5 **MS. KATHERINE TELFORD:** They have.

6 **MR. DAVID MIGICOVSKY:** And the RCMP takes
7 security very seriously?

8 **MS. KATHERINE TELFORD:** They do.

9 **MR. DAVID MIGICOVSKY:** And one of the documents,
10 I won't take you to it, but I believe the Commission took you to
11 it, one of the documents that you were taken to referenced the
12 INTERSECT group. You're familiar with the INTERSECT group?

13 **MS. KATHERINE TELFORD:** Can you remind me?

14 **MR. DAVID MIGICOVSKY:** Sure. It was described in
15 that document as a group that gets stood up and is composed of
16 the OPS, the RCMP, PPS, OPP. You're familiar with that?

17 **MS. KATHERINE TELFORD:** Yes.

18 **MR. DAVID MIGICOVSKY:** And all of them are
19 involved in decisions and discussions about these types of
20 protest events and security concerns; correct?

21 **MS. KATHERINE TELFORD:** That sounds right.

22 **MR. DAVID MIGICOVSKY:** And in fact, in that chain
23 of emails that you were taken to, there's reference, and it was
24 on January 25th, Ms. Powers indicates that:

25 "The key will be tomorrow's INTERSECT
26 meeting and how law enforcement will pre-
27 mobilize." (As read)

28 So you're obviously aware that the RCMP, whom you

1 have a lot of confidence in, is monitoring the protest as it's
2 approaching Ottawa; correct?

3 **MS. KATHERINE TELFORD:** Yes.

4 **MR. DAVID MIGICOVSKY:** And on January 27th, and I
5 won't pull it up, but I'll give the reference for the record,
6 it's PB.CAN.00001844. There's a series of text messages, I
7 believe, between Minister Mendicino and yourself, and you
8 indicate that the RMCP -- or he indicates to you that the RCMP,
9 on January 27th, says that the current estimate is about 2,700
10 trucks, but the numbers could fluctuate. Do you recall that?

11 **MS. KATHERINE TELFORD:** That sounds right.

12 **MR. DAVID MIGICOVSKY:** And there's another
13 document from the PMO, I believe it's from Ms. Power? She's the
14 Issues Advisor?

15 **MR. BRIAN CLOW:** She's one of several Issues
16 Advisors, but she holds the file for Public Safety.

17 **MR. DAVID MIGICOVSKY:** And so there's an email
18 from her on January 28, again the reference number is
19 SSM.CAN.NSC.00002795. And she gives some more data as to what
20 the status is.

21 One of the things that she references in that
22 report on the latest numbers is Project Hendon. And we've heard
23 a lot about Project Hendon. Was that something that you were
24 familiar with as well?

25 **MS. KATHERINE TELFORD:** Not at the time.

26 **MR. DAVID MIGICOVSKY:** I'm sorry?

27 **MS. KATHERINE TELFORD:** Not at the time.

28 **MR. DAVID MIGICOVSKY:** Okay. Subsequently you

1 did hear about Project Hendon? Is that right?

2 **MS. KATHERINE TELFORD:** During the Inquiry I've
3 heard a fair bit about it.

4 **MR. DAVID MIGICOVSKY:** Right. And so she's
5 referring to -- so obviously the RCMP, I'm assuming, has access
6 to the same Hendon data as the other security services? Fair
7 assumption?

8 **MS. KATHERINE TELFORD:** I couldn't speak to what
9 information they had access to.

10 **MR. DAVID MIGICOVSKY:** Okay. And so what we see
11 when we look at all of these documents that I'm referring to is
12 the numbers of vehicles of trucks in the convoy in the last
13 couple of days before it arrives is a constantly fluctuating
14 number nobody seems to be able to get a full grasp on; is that
15 fair?

16 **MS. KATHERINE TELFORD:** It certainly felt that
17 way.

18 **MR. DAVID MIGICOVSKY:** And certainly, nobody,
19 even the RCMP, up until that day, the Friday, were saying that
20 this protest was going to become an occupation, correct?

21 **MR. BRIAN CLOW:** I will say, in those updates
22 that were coming from Mary-Liz Power, and they were more than
23 once daily, by the end of the week. There were some references
24 that I do believe this Commission has seen in those emails, and
25 I think it was attributed to OP-INTERSECT that this could be a
26 prolonged demonstration.

27 But you are right, there was a lot of uncertainty
28 about what was coming.

1 **MR. DAVID MIGICOVSKY:** And so you understood that
2 even the law enforcement community couldn't predict exactly what
3 occurred and what did in fact occur, fair?

4 **MR. BRIAN CLOW:** I agree. This was a challenging
5 situation for everyone.

6 **MR. DAVID MIGICOVSKY:** And you wouldn't fault the
7 RCMP for that, would you?

8 **MR. BRIAN CLOW:** No.

9 **MR. DAVID MIGICOVSKY:** You've talked about what
10 you saw on social media in the days leading up to it, and CSIS
11 has told us that analyzing social media is rather complex and
12 requires more than simply scrolling through social media. You
13 wouldn't have any reason to disagree with that, would you?

14 **MR. BRIAN CLOW:** I think it's a fair statement,
15 but there are some things said on social media that represent
16 clearly the views of the person expressing it. And in this
17 case, in this demonstration, there were statements made on
18 social media about threats of violence, threats to individuals,
19 and themes and motives that they had ---

20 **MR. DAVID MIGICOVSKY:** I'm sorry, I don't mean to
21 cut you off, but I have a very limited amount of time.

22 My question was more related to the numbers of
23 people that are coming on social media, because what Mr.
24 Vigneault said is it is difficult to tell. It's a challenge, I
25 think he said, to know when someone moves from the online space
26 to physical space and the social media is full of
27 misinformation.

28 Ms. Telford, you wouldn't disagree with that,

1 would you?

2 **MS. KATHERINE TELFORD:** I think it was
3 challenging for everyone, and that's why it was important to
4 bring everyone together at various points. But I do think there
5 was -- you know, I think the number of people, including Mr.
6 Vigneault, have spoken about how figuring out the social media
7 space is something that needs to be done coming out of this.

8 **MR. DAVID MIGICOVSKY:** Right. And you recognize
9 -- just moving on to another area -- you recognize that police -
10 - and we've heard from a number of ministers -- that police need
11 to have operational independence from government?

12 **MS. KATHERINE TELFORD:** Absolutely.

13 **MR. DAVID MIGICOVSKY:** And that police have to
14 make operational decisions in real time for reasons that may not
15 be evident to the government or to the public, fair?

16 **MS. KATHERINE TELFORD:** Of course, and that's
17 something we took very very seriously.

18 **MR. DAVID MIGICOVSKY:** And again, you respected
19 that operational independence. You wouldn't want the police,
20 whether it's the Ottawa or OPP or the RCMP to take action
21 without considering what impact that action would have on
22 officer safety or crowd safety or children in the crowd?

23 **MS. KATHERINE TELFORD:** Of course.

24 **MR. DAVID MIGICOVSKY:** And in fact, one of the
25 lessons of Ipperwash that we've heard is that governments should
26 not be allowed to influence specific law enforcement operational
27 decisions. You'd agree with that, fair?

28 **MS. KATHERINE TELFORD:** Ipperwash was actually

1 something I asked after, and we got a verbal brief on very early
2 on. I think it was actually even before it all got -- before it
3 became even an occupation because it was something we were very
4 preoccupied about respecting.

5 **MR. DAVID MIGICOVSKY:** And that -- and it's
6 because decisions, those type of operational decisions belong to
7 the police based on their expertise and their discretion,
8 correct?

9 **MS. KATHERINE TELFORD:** Yes.

10 **MR. DAVID MIGICOVSKY:** And there's nothing to
11 suggest that the Ottawa Police Service did not exercise their
12 discretion legitimately and in good faith in this case; is that
13 fair?

14 **MS. KATHERINE TELFORD:** Fair.

15 **MR. DAVID MIGICOVSKY:** The situation we've heard
16 in Ottawa was -- I'm going to use a word that we've all heard a
17 lot in this -- was a volatile one. You wouldn't disagree with
18 that?

19 **MS. KATHERINE TELFORD:** It was extremely
20 volatile.

21 **MR. DAVID MIGICOVSKY:** And ultimately, that
22 situation was defused, but you'd agree with me that defusing a
23 situation like this one is something that takes time? In fact,
24 the prime minister, in a conversation with the governor general
25 on February 5th, specifically made that point when he said,
26 "It's going to take time to defuse this."

27 You wouldn't disagree with that, would you?

28 **MS. KATHERINE TELFORD:** I believe that

1 conversation was a ways into the occupation already, so I don't
2 think I can agree or disagree with whether or not these things
3 always take time.

4 **MR. DAVID MIGICOVSKY:** And ultimately, in
5 addition to time, it took a massive amount of additional
6 resources as well, correct?

7 **MS. KATHERINE TELFORD:** It certainly did in this
8 instance.

9 **MR. DAVID MIGICOVSKY:** And those -- let me just
10 finish off my remaining minute or two.

11 Negotiations, you understand that before police
12 execute a tactical operation, they will try and defuse a
13 situation and try to negotiate, right?

14 **MS. KATHERINE TELFORD:** These were things we were
15 briefed on, yes.

16 **MR. DAVID MIGICOVSKY:** And in fact, you recall
17 that the prime minister and Minister Blair met with opposition
18 leaders and provided a briefing on February 10th, and at that
19 briefing, the national security and intelligence advisor
20 specifically said, "Law enforcement activities are in line with
21 negotiations with organizers to ensure there's no violence."

22 That makes sense to you, doesn't it?

23 **MS. KATHERINE TELFORD:** Yes.

24 **MR. DAVID MIGICOVSKY:** And she also indicated
25 that Minister Blair talked about the importance of negotiation
26 by the police, and you wouldn't disagree with what Minister
27 Blair said?

28 **MS. KATHERINE TELFORD:** No, I believe -- and I

1 believe this was the first call of the opposition leaders that
2 was earlier on in the occupation; is that right?

3 **MR. DAVID MIGICOVSKY:** I'm not sure if it was the
4 first or the second.

5 **MS. KATHERINE TELFORD:** I'm pretty sure it was
6 the first.

7 **MR. DAVID MIGICOVSKY:** Now, we talked about the
8 engagement proposal that was prepared as a framework for
9 negotiation. And I understand that Deputy Minister Stewart, on
10 February 11th, advised that that engagement proposal had been
11 prepared and validated with the OPP expert, Marcel Beaudin. Do
12 you recall that?

13 **MS. KATHERINE TELFORD:** I know he worked with
14 somebody in the OPP.

15 **MR. DAVID MIGICOVSKY:** And in fact, Chief Sloly
16 had earlier on also requested an interlocutor be used as a
17 method of achieving a breakthrough. You're aware of that?

18 **MS. KATHERINE TELFORD:** I'm not sure.

19 **MR. DAVID MIGICOVSKY:** And one of the rationales
20 -- and I'll just finish off this point if I may, Commissioner --
21 one of the rationales that you mentioned in your witness
22 statement for why the engagement proposal went nowhere was the -
23 - what happened in Windsor. And when I looked at the record,
24 there's an indication in a document that we'd seen previously --
25 it's PB.NSC.CAN.00002963, Deputy Minister Stewart said that the
26 reason the letter from Ontario Minister Jones didn't have much
27 effect was owing to the late hour of the day in which it was
28 given out and the enforcement starting the next morning.

1 You wouldn't have any reason to disagree with
2 that, would you?

3 **MS. KATHERINE TELFORD:** I do believe that's what
4 the deputy minister said.

5 **MR. DAVID MIGICOVSKY:** Right. And after the
6 engagement proposal was discarded as an idea, nobody went back
7 to the police and -- or Marcel Beaudin and said, "Hey, what else
8 should we do?" Is that fair?

9 **MS. KATHERINE TELFORD:** It wasn't discarded as an
10 idea. There was nothing to act on. I do think those are
11 different things.

12 **MR. DAVID MIGICOVSKY:** Okay. Thank you very
13 much. Those are my questions.

14 **COMMISSIONER ROULEAU:** Thank you. If I could now
15 ask of the CCLA, please?

16 **MS. CARA ZWIBEL:** Good afternoon. My name's Cara
17 Zwibel. I'm counsel for the Canadian Civil Liberties
18 Association.

19 Mr. Commissioner, my friend, Mr. Honner from the
20 Democracy Fund has given me five of his minutes, so he's going
21 to limit his questioning to five minutes so I have 15 now, by my
22 count.

23 **COMMISSIONER ROULEAU:** Okay.

24 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

25 **MS. CARA ZWIBEL:** So I want to ask you about a
26 theme that my friend, Mr. Migicovsky was just asking you about
27 around sort of this question about the proper relationship
28 between police and government. And I would imagine that as

1 both, you know, employees in the prime minister's office and
2 obviously residents of Ottawa, it might be difficult to sort of
3 separate the fact that you're looking at what's going on both
4 from a policy perspective but also living through it on --
5 right, you live here.

6 **MR. JOHN BRODHEAD:** I don't.

7 **MS. CARA ZWIBEL:** Oh, you don't live here.

8 **MR. JOHN BRODHEAD:** I live in Toronto.

9 **MS. CARA ZWIBEL:** Oh, okay. So some of you live
10 here. Now, I know you have access to briefings from the RCMP.
11 I'm not sure if you get briefings or sit in on briefings from
12 any of the intelligence bodies, but I think we've seen some
13 documents that also sort of show you doing a bit -- a bit of
14 your own -- you know, getting information as we all do from
15 media sources, from social media. So, for example, can we pull
16 up SSM.NSC.CAN00002940? And I think, Ms. Telford, this is a
17 text message between and the Prime Minister. I think it's a
18 tweet from a reporter, "An admission police" -- this is February
19 2nd:

20 "An admission police cannot control the
21 situation. This is a complete mess and
22 textbook mismanagement. They allowed
23 the truckers to set up shop next to the
24 PMO and West Block and where tens of
25 thousands of people live and now
26 realize the problem they helped create.
27 Unbelievable."

28 And I think this is the Prime Minister writing to

1 you:

2 "The PPS..."

3 I think that's the Parliamentary Protective
4 Service:

5 "...RCMP guy in caucus said as much. He
6 said he didn't want to let them onto
7 Wellington, but it wasn't his call."

8 So are you sharing this with the Prime Minister
9 and just sort of, "Here's what's happening on the ground.
10 Here's what people are talking about. Here's what's in the
11 zeitgeist"?

12 **MS. KATHERINE TELFORD:** In a manner of speaking.
13 You'll find throughout a lot of the texts that I submitted, a
14 lot of different tweets as well as information from the Prime
15 Minister's executive assistant who lived right in Centertown and
16 was keeping him posted on what it was like on the ground.

17 **MS. CARA ZWIBEL:** Okay. And then can we also
18 pull up SSM.CAN00007729? I forget that they're also here but I
19 can't really see them, so. So over here -- again, I think --
20 can we just scroll down just a little bit. So this is Evan
21 Solomon:

22 "Just walked through the protest on
23 Parliament Hill tonight and I spoke to
24 two guys carrying fuel containers past
25 police. Police chief said protesters
26 would not be allowed to bring fuel to
27 trucks but these two said police are
28 bothering them at all. No

1 enforcement."

2 And I think this is you. Sorry, can we scroll
3 up? Was this one of your texts, Ms. Telford?

4 **MS. KATHERINE TELFORD:** No, it's not, actually.
5 So what you can't see there is that also in this chat is -- was
6 the Prime Minister's Executive Assistant -- or was executive
7 assistant at that time.

8 **MS. CARA ZWIBEL:** Okay.

9 **MS. KATHERINE TELFORD:** And so that's an example
10 of what I was just describing.

11 **MS. CARA ZWIBEL:** Okay. And can we scroll down.
12 So:

13 "Saw this type of things happen when I
14 left Hill. Gas coming in and cops were
15 just standing looking at them walk by."

16 We've heard evidence in the Commission that, at
17 some point, protesters started filled jerrycans with water as a
18 bit of a tactic so that it looked like the police weren't doing
19 anything about gas being brought in but, in fact, it was water.
20 Is that something that you were aware of, or have you heard
21 about that during the course of the Commission?

22 **MS. KATHERINE TELFORD:** I've heard a number of
23 things to do with the jerrycans over the course of the
24 Commission.

25 **MS. CARA ZWIBEL:** Okay. Is it fair to say that
26 what you were seeing, both on social media, and in the media,
27 and on the ground here in Ottawa, as residents -- or part-time
28 residents, maybe -- weren't sort of matching what you were

1 hearing from the police, from briefings from the RCMP?

2 **MS. KATHERINE TELFORD:** I think especially, in
3 the early days, there were a lot of different numbers coming
4 from what we were seeing on social media, what we were seeing
5 reported from mainstream media who were, you know, walking
6 around and doing their own counts, as well as what was coming in
7 from different law enforcement agencies.

8 **MS. CARA ZWIBEL:** Okay. Can we go to Mr. Clow's
9 notes, SSM.NSC.CAN00002941? It's page 11 of the PDF. And if
10 you can make it just a bit bigger. So I think -- I don't think
11 we have a date on this, although I think, based on where it's
12 placed in the document, we're maybe -- I think it's -- it's
13 after the note that you identified, Mr. Clow, as being on
14 February 9th.

15 **MR. BRIAN CLOW:** Yes, it's February 10th.

16 **MS. CARA ZWIBEL:** Okay, so February 10th. So this
17 is, I think, the -- is this the three of you, or is this the
18 other JB?

19 **MR. JOHN BRODHEAD:** It's the other JB.

20 **MS. CARA ZWIBEL:** Okay, the other JB and the
21 Prime Minister:

22 "KT will call Clerk next. You're not
23 being briefed by intel officials.
24 Someone on US side who can give best
25 advice. Surely, someone is system;
26 someone played out plan."

27 And I'm not sure what:

28 "RCMP intel, Lucki - anyone else to

1 report on this."

2 So what is this -- can you tell me what this note
3 means, "Not being briefed by intel officials"?

4 **MR. BRIAN CLOW:** Yes. So that morning -- so this
5 is February 10th. There were a series of meetings that led up to
6 the Incident Response Group that happened later that day. So
7 right before this note, a meeting -- a discussion happened
8 between the Prime Minister and several ministers, including
9 Minister Mendicino, Minister Blair, where he was updated and it
10 went around the table, full discussion of the current situation.

11 This discussion was a debrief of the Prime
12 Minister and a few of us staff members coming out of that
13 meeting, so you see some next steps. And I believe the comment
14 about intel was a reflection that we were absolutely getting a
15 lot of information, particularly from the National Security
16 Intelligence Advisor, but there was an interest in more of it.
17 And there was still an incomplete picture when you looked at the
18 various blockades and demonstrations across the country and what
19 was behind it, and what was going into it, and where was it
20 going.

21 **MS. CARA ZWIBEL:** Okay, so not a lack of
22 intelligence, but not as much as you'd wanted?

23 **MR. BRIAN CLOW:** Right.

24 **MS. CARA ZWIBEL:** Is that fair?

25 **MR. BRIAN CLOW:** Right.

26 **MS. CARA ZWIBEL:** Okay. In your witness summary
27 -- and I can bring it up if you'd like, but there's the lessons
28 learned sort of section, or a place where you're pointing out

1 some, you know, areas that you hoped the Commission could
2 comment on. And on of the things you say there:

3 "The panel suggested that the
4 Commission provide further guidance on
5 the independence of police operations.
6 Mr. Broadhurst..."

7 So that's the other -- the other one who's not
8 here, sorry:

9 "...underscored that the government
10 understands the importance of not
11 dictating police operations, and at
12 times it was difficult to know whether
13 the police and the government shared
14 the same ultimate goal. The government
15 should be able to discuss a desired
16 outcome, for example, to clear the
17 occupation and blockades, and share
18 concerns about the consequences that
19 the country would face if that does not
20 happen." (As read).

21 Did you -- during the time that the blockades and
22 occupation were happening, did you have doubts about whether the
23 police planned to clear them?

24 **MS. KATHERINE TELFORD:** I don't think it's a
25 question of whether they planned to clear them but that there
26 were, on multiple occasions, where we were being briefed that
27 things were going to happen that then didn't happen. So we
28 found ourselves three weeks in with things continuing to

1 escalate.

2 **MS. CARA ZWIBEL:** Okay. But you would say that
3 you did believe that you -- that police and government had the
4 same ultimate goal? There were frustrations and maybe
5 mismatches in terms of timing, but was there a doubt in your
6 mind that -- like, I know it sounds silly but did you think that
7 the police's plan was to just allow this to continue?

8 **MR. BRIAN CLOW:** No, the concern was, do they
9 have the tools or is there more that could be done by the
10 federal government, provinces, municipalities? Could we support
11 them more? That was the discussion and concern.

12 **MS. CARA ZWIBEL:** Okay. And once the Emergencies
13 Act was invoked -- I've talked to this with some other witnesses
14 and I think they've agreed that, although government can't
15 direct police, one of the things that a public order emergency
16 does is communicate very clearly to police that there are
17 certain things that the government wants to happen and they're
18 giving them the tools to make those things happen; do you agree
19 with that? So, in this case, the government wants the flow of
20 funds to stop going to people that are funding the blockades ---

21 **MS. KATHERINE TELFORD:** Right.

22 **MS. CARA ZWIBEL:** --- and it's giving the RCMP
23 and financial institutions the tools to make that happen.

24 **MR. BRIAN CLOW:** The government, the Cabinet, the
25 Prime Minister wanted the unlawful activity and the threats to
26 stop, and the *Emergencies Act* and the measures in it was the
27 best assessment of what could be provided as additional tools to
28 help the unlawful activity stop.

1 **MS. CARA ZWIBEL:** Okay. And once the *Emergencies*
2 Act was in place and the Orders were in place, I know the IRG
3 continued to meet. And there was some tracking of the measures,
4 of how the measures were working; right? There was an attempt
5 to collect that information so that you could see what impact
6 the Orders were having; is that fair?

7 **MR. BRIAN CLOW:** Yes.

8 **MS. CARA ZWIBEL:** Okay. Thank you. One other
9 area I want to talk about, I understood your evidence on the
10 engagement proposal and why that didn't go further because there
11 wasn't sort of a tangible plan there. I just wanted to ask you
12 about a different aspect of this. And if we can pull up --
13 sorry, it's -- I hope I have it here. Yeah,
14 SSM.NSC.CAN.00000292. This is one of the -- I think it's an SSE
15 meeting notes -- sorry, let's just take a look. Yes, SSE, and
16 it's from February 3rd. And if we can scroll, it would be
17 probably -- I think it's page 8.

18 And, Mr. Clerk, you might need to -- oh, you
19 don't have to rotate it, but if you can just move it over --
20 yeah.

21 So I just want to ask about these creative --
22 some of these creative alternatives on this side of the screen.
23 One is,

24 "*Le Grand Debat*"
25 Modelling after 2019 Yellowjackets
26 protest in France, the country launched
27 a national listening exercise.
28 Cross-country meetings (Fr[ench])

1 President attended some)"

2 Did that suggestion make it to the IRG or to
3 Cabinet? Was that something that was explored beyond -- I guess
4 beyond this sheet of paper?

5 **MR. BRIAN CLOW:** And, sorry, what date was this
6 from?

7 **MS. CARA ZWIBEL:** February 3rd, I believe.

8 **MR. BRIAN CLOW:** February 3rd. So that was the
9 first meeting of that Cabinet Committee. My assessment of this
10 document is that it's a Public Service document, which is fairly
11 normal for these discussions to fuel a discussion. I would say
12 on that -- I can't speak to what was discussed or whether that
13 was addressed in the meeting, but I would say in February there
14 was a very specific, urgent need, and my view is that that would
15 not have been appropriate to address that urgent national
16 challenge that we were facing right in that moment.

17 **MS. CARA ZWIBEL:** Okay. And just if we can
18 scroll down just a little bit, the last item there,

19 "Communications Shift

20 Encourage shift in communications ("we
21 hear you, we understand, go home")

22 [Question] Does this legitimize
23 protest?"

24 What about that discussion? Was there a
25 discussion about -- and I know we saw text -- a message that was
26 communicated I think through Minister Leblanc from Jason Kenney
27 saying, you know, something about calling them all Nazis didn't
28 help. I think here what someone's getting at is maybe we should

1 tone down the rhetoric and try to -- even if we're not going to
2 meet with them, try to in a communications way tone it down.
3 Was that something that was discussed or considered?

4 **MR. BRIAN CLOW:** There were constantly
5 discussions like that. Is there something we could say,
6 something we could do? Just like there were lots of discussions
7 about the engagement proposals. But the wall we would always
8 hit is the assessment was, given the demands of the convoy,
9 which was to drop all the mandates, we weren't going to get very
10 far with this kind of suggestion.

11 **MS. CARA ZWIBEL:** Okay. Last thing I'm going to
12 ask, I know I'm almost out of time, I just want to ask about --
13 and if we could pull up -- sorry, Mr. Clow's notes one last
14 time. I think the Clerk probably knows the number, yeah. And
15 here it's page 23.

16 **COMMISSIONER ROULEAU:** It's not almost, by the
17 way.

18 **MS. CARA ZWIBEL:** Okay. May I get one last one
19 in?

20 **COMMISSIONER ROULEAU:** Yes.

21 **MS. CARA ZWIBEL:** Thank you.

22 **COMMISSIONER ROULEAU:** Yes, you may.

23 **MS. CARA ZWIBEL:** So we're at February 14th, and
24 maybe we can make it just a little bit -- thank you. So
25 February 14th, 12:30, PM -- I'm going to look on my paper here.
26 "PM taking..." I think that's maybe ---

27 **MR. BRIAN CLOW:** Time, taking time now, then it
28 says he'll depart from the Hill to head to West Block.

1 **MS. CARA ZWIBEL:** Okay. And then Jagmeet Singh,
2 opposition leader can do it whenever -- the part that I'm
3 interested in is this discussion about Quebec and, you know, I
4 gather the -- I'm not sure this is -- I guess this is after the
5 First Minister's meeting, so we know that Quebec is a bit
6 concerned about the application of the *Emergencies Act* in the
7 province. And it says,

8 "without saying we're sending RCMP to
9 [Quebec]
10 - PM call Legault...no intention to do
11 anything in [Quebec], other than
12 [Ottawa]
13 - Pablo..."

14 I assume that's Minister Rodriguez,
15 "...call to Legault?
16 - military isn't [a] part of this
17 - not looking to take over. Won't go
18 to [Quebec] border."

19 So it seem -- "if you don't need [it], then we're
20 not going there."

21 **MR. BRIAN CLOW:** So this was a staff debrief
22 following the FMM on that day, ahead of the Prime Minister's
23 conversations with the opposition leaders. So, at this time,
24 the consideration was considering -- continuing around the
25 *Emergencies Act*. So this was a quick discussion of staff of
26 things we should be considering or doing coming out of the FMM,
27 given the Premier of Quebec communicated so clearly that he
28 didn't want the Act applied in Quebec. That's what that

1 discussion reflects. It was a very brief staff discussion.

2 **MS. CARA ZWIBEL:** Okay. It wasn't ever
3 communicated to the Premier of Quebec that the Act wouldn't
4 apply there or that the police wouldn't take action there
5 because that's not something that would have been possible ---

6 **MR. BRIAN CLOW:** The Act ---

7 **MS. CARA ZWIBEL:** --- given what the Order said?

8 **MR. BRIAN CLOW:** Right. The Act did apply there.

9 **MS. CARA ZWIBEL:** Okay. Thank you. Thank you
10 for answering my questions.

11 Thank you, Mr. Commissioner.

12 **COMMISSIONER ROULEAU:** Okay. Thank you.

13 The Democracy Fund, JCCF, please.

14 **--- CROSS-EXAMINATION BY MR. ALAN HONNER:**

15 **MR. ALAN HONNER:** Good evening. My name's Alan
16 Honner. I'm a lawyer from the Democracy Fund. I just have a
17 few questions for you, and they're directed to anyone at the
18 panel.

19 You were asked about political commentary from
20 the United States. And if I recall correctly, that was
21 something that President Biden and Prime Minister Trudeau spoke
22 about?

23 **MR. BRIAN CLOW:** Yes.

24 **MR. ALAN HONNER:** Okay. And I just want to ask
25 you about some of the political commentary which happened after
26 the invocation of the *Emergencies Act*, by which -- and after the
27 meeting with President Biden, which I understand to be February
28 11th.

1 **MR. BRIAN CLOW:** The phone call was February 11th,
2 yes.

3 **MR. ALAN HONNER:** Pardon me?

4 **MR. BRIAN CLOW:** Phone call was February 11th.

5 **MR. ALAN HONNER:** Yes, thank you.

6 But can we pull up PB.CAN 00000069_REL 0001?

7 And this is a letter from Premier Kenney, Premier
8 Moe and 16 governors from the United States of America. And I
9 believe it's dated February the 16th. And my friends from -- and
10 correct me if I misconstrue this letter, but the signatories
11 here are expressing concern over vaccine requirements and the
12 impacts of requirements on the North American supply chain, the
13 cost of living, and the availability of essential products for
14 people from both countries.

15 My question for you is, how does a letter like
16 this get before the Prime Minister?

17 **MR. BRIAN CLOW:** Could I see the signatories?

18 **MR. ALAN HONNER:** Yes, of course.

19 **MR. BRIAN CLOW:** So in general, when
20 correspondence comes in, especially at this moment on this issue
21 given the *Emergency Act* was in place February 16th, letters get
22 to him sometimes through a normal course. That may take some
23 time. Other times, letters are elevated more urgently.

24 **MR. ALAN HONNER:** Right. And this letter here, I
25 assume it's important because we got 16 governors from the
26 United States. It's our biggest trading partner, our best ally.
27 Notably, it's signed by the Governor of Montana. Of course,
28 Montana's right across from Coutts, Alberta. Did this letter

1 get to the Prime Minister; do you know?

2 **MR. BRIAN CLOW:** So I can't recall if this got to
3 the Prime Minister, but I would say the views expressed are --
4 match the views that we heard from a lot of people, but
5 government did not agree with that.

6 **MR. ALAN HONNER:** Okay. Thank you.

7 Could we pull up PB.CAN.00001045_REL.0001? And
8 the document we're going to see here, it's not dated, but the
9 top words are "Congressional Reaction". And it contains a
10 number of tweets, including a tweet from a Matt Rosendale. He's
11 a member of the U.S. House of Representatives from Montana. And
12 this appears to be after the invocation of the *Emergencies Act*,
13 and he says that he.

14 "...led 63 [Republican] colleagues in
15 support of the truckers protest[...]
16 [in] COVID-19 mandates, and urging
17 [President] Joe Biden to work with
18 Canada to lift the mandates on
19 essential travel at the border."

20 Do you know if this was ever brought to the Prime
21 Minister's attention?

22 **MR. BRIAN CLOW:** This specifically? I can't
23 speak to that. I don't know if it was brought to his attention.

24 **MR. ALAN HONNER:** Okay. One more document.
25 SSM.NSC.CAN00000172.

26 And this is -- when it comes up, if I got the
27 number right. Yes, so this is an email from a Deputy Jacques
28 Adam to -- Deputy Minister Jacques Adam to Deputy Minister David

1 Morrison. I'm not sure if they're both from Global Affairs
2 Canada, but the email sets out U.S. Political Reactions to
3 Canadian Measures. It's dated February the 16th.

4 And if we can just look at Item Number 2 here.

5 We see that there are different comments. One of
6 the comments here is:

7 "Canadian truckers being fired and now
8 targeted as "terrorists" by your woke
9 government."

10 And it is attributed to a U.S. House of
11 Representatives, a member, and there are other remarks from
12 other politicians, which are somewhat uncomplimentary towards
13 our country.

14 Do you know if this document was ever brought to
15 the Prime Minister's attention?

16 **MR. BRIAN CLOW:** I don't believe this document
17 would. This looks like an internal document at the Department
18 of Trade. But Prime Minister -- we were all well aware that
19 these views were being expressed by a certain segment in U.S.
20 politics.

21 **MR. ALAN HONNER:** Okay. Thank you very much,
22 those are my questions.

23 **COMMISSIONER ROULEAU:** Okay, thank you.

24 Next, the Canadian Constitution Foundation,
25 please.

26 **MS. JANANI SHANMUGANATHAN:** Yes, thank you.

27 **--- CROSS-EXAMINATION BY MS. JANANI SHANMUGANATHAN:**

28 **MS. JANANI SHANMUGANATHAN:** My name is Janani

1 Shanmuganathan, and I am counsel for the Canadian Constitution
2 Foundation. And my questions are for Ms. Telford.

3 So we know that there were three IRG meetings
4 that took place on February the 10th, the 12th, and the 13th,
5 and while Cabinet ministers were present at this meeting -- at
6 these meetings, it's not a meeting of the entire Cabinet; right?

7 **MS. KATHERINE TELFORD:** Correct.

8 **MS. JANANI SHANMUGANATHAN:** And we do know that
9 there was a meeting with the entire Cabinet that took place the
10 evening of February the 13th; right?

11 **MS. KATHERINE TELFORD:** That's right.

12 **MS. JANANI SHANMUGANATHAN:** And the following
13 morning, on February the 14th, there was a meeting with the
14 First Ministers, and then later that day, on February the 14th,
15 or at some point that day, there was a decision made to declare
16 the Public Order Emergency.

17 **MS. KATHERINE TELFORD:** Later that day, that's
18 right.

19 **MS. JANANI SHANMUGANATHAN:** Thank you. And so I
20 just have a few questions about Cabinet meetings. Does the
21 Prime Minister's Office advise the Prime Minister on the agendas
22 for Cabinet meetings?

23 **MS. KATHERINE TELFORD:** Usually the Privy Council
24 Office, led by the Clerk, puts forward an agenda for a Cabinet
25 meeting, and actually, usually John's team here will go back and
26 forth with them a bit on it in case there is any insight into,
27 particularly into time management of the meeting. But they will
28 present that to the Prime Minister.

1 **MS. JANANI SHANMUGANATHAN:** Okay. So it's fair
2 to say, though, that you have some input, the Prime Minister's
3 Office has some input into the agenda.

4 **MS. KATHERINE TELFORD:** Input would be fair, yes.

5 **MS. JANANI SHANMUGANATHAN:** All right. And who
6 ultimately decides the agenda at Cabinet meetings? Like who has
7 the final say?

8 **MS. KATHERINE TELFORD:** The Prime Minister.

9 **MS. JANANI SHANMUGANATHAN:** And does the Prime
10 Minister's Office advise the Prime Minister on which non Cabinet
11 officials attend Cabinet meetings?

12 **MS. KATHERINE TELFORD:** No, not really. I mean,
13 the Clerk of the Privy Council would be the person who would
14 advise and -- advise on officials in terms of who should attend,
15 and then there is usually a few from the Prime Minister's Office
16 who attend, and the Prime Minister agrees with who those are.

17 **MS. JANANI SHANMUGANATHAN:** Okay. So does the
18 Prime Minister's Office offer any input in terms of suggestions
19 of who could or should attend these meetings that are non
20 Cabinet members?

21 **MS. KATHERINE TELFORD:** Only of our own team.

22 **MS. JANANI SHANMUGANATHAN:** Okay. And who
23 ultimately decides which non Cabinet officials attend these
24 Cabinet meetings?

25 **MS. KATHERINE TELFORD:** I think I just said that,
26 but I'll try again. Is -- so the Clerk, in terms of officials
27 on the public service side, and ultimately, it's the Prime
28 Minister who decides who he welcomes in the Cabinet room. But

1 the Clerk will advise and sign off on a list from an officials
2 perspective, and then there's usually some representatives from
3 the Prime Minister's Office.

4 **MS. JANANI SHANMUGANATHAN:** Okay. But the Prime
5 Minister, I take it, has the final say of who attends?

6 **MS. KATHERINE TELFORD:** Of course.

7 **MS. JANANI SHANMUGANATHAN:** All right. And does
8 the Prime Minister's Office advise the Prime Minister on what
9 information should be shared at these Cabinet meetings?

10 **MS. KATHERINE TELFORD:** Again, the Privy Council
11 Office, and so it's the Clerk who will, and her teams, who will
12 put together the information, and we may have some supplemental
13 or additional information from a political perspective that we
14 may provide in a briefing ahead of Cabinet, but the documents
15 come from the public service side.

16 **MS. JANANI SHANMUGANATHAN:** Okay. So leaving
17 aside the physical documents that are coming in, it's fair to
18 say, though, that the Prime Minister's Office has some input
19 into the kinds of documents that are provided at the Cabinet
20 meetings?

21 **MS. KATHERINE TELFORD:** Yes. I mean, we'll ---

22 **MR. JOHN BRODHEAD:** Yeah.

23 **MS. KATHERINE TELFORD:** --- provide feedback.
24 Sometimes they'll ask us from the public service side what our
25 thoughts are around, especially as it relates to meeting flow
26 and what might be most useful, that kind of thing, for the
27 ministers.

28 **MS. JANANI SHANMUGANATHAN:** Okay. And I take it

1 it's fair to say that it's, again, the Prime Minister who's got
2 the ultimate say of the information that's provided at these
3 Cabinet meetings?

4 **MS. KATHERINE TELFORD:** Yes.

5 **MS. JANANI SHANMUGANATHAN:** And in terms of
6 documents at the Cabinet meetings, I take it you also have --
7 the Prime Minister's Office also provides some input into the
8 kinds of documents. I think I've already touched on this, the
9 documents as well.

10 **MS. KATHERINE TELFORD:** Yes.

11 **MS. JANANI SHANMUGANATHAN:** Okay. And so in
12 terms of the February 13th meeting, the evening meeting with the
13 full Cabinet, who sort of set the agenda for the Cabinet
14 meeting?

15 **MS. KATHERINE TELFORD:** The same process as I
16 just described.

17 **MS. JANANI SHANMUGANATHAN:** Okay. And did the
18 Prime Minister's Office offer any input for the agenda for that
19 February 13th evening Cabinet meeting?

20 **MS. KATHERINE TELFORD:** So things were moving
21 very quickly that day, and we were on the brief ahead of the
22 Cabinet meeting, and so I imagine we probably added some
23 thoughts in terms of how the meeting might flow, but that would
24 have been the extent of it that day.

25 **MS. JANANI SHANMUGANATHAN:** Okay. And what about
26 the information that was provided at that February 13th evening
27 Cabinet meeting, did the Prime Minister's Office offer any input
28 on the information that would be provided?

1 **MS. KATHERINE TELFORD:** I'm not even sure if we
2 would have at that time.

3 **MR. JOHN BRODHEAD:** I don't recall doing that,
4 no.

5 **MS. JANANI SHANMUGANATHAN:** Okay. What about the
6 documents at that February 13th evening meeting, did the Prime
7 Minister's Office offer any input?

8 **MS. KATHERINE TELFORD:** Sorry, I'm not sure I
9 know the difference between the last one and this one. I
10 thought we were just answering about documents. So same answer.

11 **MR. JOHN BRODHEAD:** Same.

12 **MS. JANANI SHANMUGANATHAN:** So information, that
13 could be things that are said vocally, out loud to the Cabinet
14 members, versus physical documents that are provided to the
15 Cabinet members.

16 **MS. KATHERINE TELFORD:** So as I said a couple of
17 times, in the briefing ahead of Cabinet we will provide our
18 insight, our advice, our best advice and feedback in terms of
19 how the flow might work, and just ways of approaching different
20 things, but that's really the extent of our involvement in
21 preparation for the meeting, whether it be documents or
22 information.

23 **MS. JANANI SHANMUGANATHAN:** And again, I guess
24 it's fair to say for that February 13th evening meeting, it's
25 the Prime Minister who had the ultimate say over the agenda, the
26 information that was provided, and the documents that were
27 shared. Is that fair?

28 **MS. KATHERINE TELFORD:** Yes.

1 **MS. JANANI SHANMUGANATHAN:** And just my last few
2 questions I have. We've heard about this assessment from CSIS,
3 an assessment that ultimately concluded that the situation did
4 not amount to threats to the security of Canada as set out in
5 the *CSIS Act*. Was this threat assessment provided to the
6 Cabinet members at the February 13th evening meeting, with the
7 full Cabinet?

8 **MS. KATHERINE TELFORD:** I am not sure whether
9 whether it was part of the documents.

10 **MR. JOHN BRODHEAD:** I think the Deputy Clerk and
11 Clerk, like I think their testimony was ---

12 **MS. KATHERINE TELFORD:** On this?

13 **MR. JOHN BRODHEAD:** --- on this day they led that
14 process, so I would refer to their testimony.

15 **MS. JANANI SHANMUGANATHAN:** Okay. But ---

16 **MR. JOHN BRODHEAD:** I don't recall anything more
17 than that.

18 **MS. JANANI SHANMUGANATHAN:** But none of you know?
19 Okay. What about an alternative threat assessment, you know, a
20 threat assessment that's different from the CSIS threat
21 assessment, was that provided -- was any such assessment
22 provided to the Cabinet members at that evening February 13th
23 meeting with the entire Cabinet?

24 **MS. KATHERINE TELFORD:** So all of these
25 assessments were provided to the Incident -- the IRG earlier
26 that day, and then that was really rolled up and reported out to
27 Cabinet in the evening.

28 **MS. JANANI SHANMUGANATHAN:** Okay. So but the

1 members of the IRG meeting, you know, it's not the entire
2 Cabinet; right?

3 **MS. KATHERINE TELFORD:** Correct.

4 **MS. JANANI SHANMUGANATHAN:** And so I'm just
5 asking about the actual -- was there a document with a threat
6 assessment that's different from the CSIS threat assessment?
7 Was there a document that was shared at that February 13th
8 evening meeting?

9 **MS. KATHERINE TELFORD:** I can't speak to that.

10 **MS. JANANI SHANMUGANATHAN:** And can either of the
11 other two of you?

12 **MR. JOHN BRODHEAD:** I'd refer back to the Deputy
13 Clerks at this point.

14 **MS. JANANI SHANMUGANATHAN:** Okay. And we've
15 heard about this legal opinion that was created that talked
16 about how the definition of threats to the security of Canada
17 and the *CSIS Act* has a different interpretation when applied to
18 the *Emergencies Act*. I'm not asking about the content of that
19 opinion, I just want to know, do you know if that legal opinion
20 had been provided at that February 13th evening meeting with the
21 entire Cabinet?

22 **MS. KATHERINE TELFORD:** I'm not sure what we can
23 say.

24 **MR. JOHN BRODHEAD:** Yeah, I'm not sure what we
25 can say on that. I think there's some Cabinet confidence issues
26 there.

27 **MS. JANANI SHANMUGANATHAN:** So I don't see anyone
28 objecting, and I think someone can correct me if I'm wrong, but

1 the input that's provided to Cabinet in terms of what
2 information was provided is not covered by Cabinet privilege.

3 I'm not asking about what was discussed or the
4 deliberations. I just want to know if that legal opinion had
5 been provided at that February 13th evening meeting with the
6 entire Cabinet?

7 **MR. BRIAN GOVER:** Commissioner, it's Brian Gover
8 on behalf of the Government of Canada. The Government of Canada
9 maintains the objection that you heard yesterday from Government
10 counsel then about solicitor/client privilege pertaining to the
11 information provided by Attorney General Minister of Justice
12 Lametti.

13 **COMMISSIONER ROULEAU:** Okay. So I think we're
14 stuck on that.

15 **MS. JANANI SHANMUGANATHAN:** And just so I'm
16 clear, that objection means I can't ask whether that opinion had
17 been provided during that meeting? Sorry, I can't see anyone.

18 **COMMISSIONER ROULEAU:** Yeah, I'm just waiting for
19 an answer on that position.

20 **MR. BRIAN GOVER:** It's Brian Gover. You may not,
21 consistent with maintaining the objection, inquire into the
22 content of any advice given by the Minister of Justice and
23 Attorney General.

24 **COMMISSIONER ROULEAU:** And the question is, does
25 that include the fact of the opinion or not?

26 **MR. BRIAN GOVER:** My friend may inquire as to
27 whether an opinion was expressed. The fact of the opinion. Not
28 the content.

1 **MS. JANANI SHANMUGANATHAN:** So to be clear, I was
2 never asking about the content of the opinion. Was the fact of
3 this -- you know, was this legal opinion, the fact that this
4 legal opinion existed and whatever its content may have been,
5 shared at that February 13th evening meeting with the full
6 Cabinet?

7 **MS. KATHERINE TELFORD:** I'm not sure, from a
8 document perspective. There were certainly discussions around
9 it.

10 **MS. JANANI SHANMUGANATHAN:** Okay. And the final
11 question I have is, there was this Ottawa Police Service POU
12 plan. Was that plan shared to the Cabinet members at that
13 February 13th evening meeting with the entire Cabinet?

14 **MR. BRIAN CLOW:** We had heard at various points
15 in the lead up to the invocation that there were plans or
16 actions was about to be taken in various situations, including
17 Ottawa. Absolutely that was part of the discussion and
18 consideration, the fact that action had not been taken up until
19 that point, and the assessment was that was because law
20 enforcement did not have the tools they needed.

21 **MS. JANANI SHANMUGANATHAN:** Okay. But was that
22 plan, the document, the plan, you know, there's a document
23 that's called the OPS POU. Was that document shared with the
24 February 13th Cabinet members?

25 **MR. BRIAN CLOW:** It's hard to comment because we
26 don't have the document. We don't -- I don't know what you're
27 referring to.

28 **MS. KATHERINE TELFORD:** I'm not sure what

1 document that is.

2 **MS. JANANI SHANMUGANATHAN:** Sure. I'm not sure
3 how much time I have left, Commissioner Rouleau. I can just
4 bring up the document just to ask them if this was something
5 that was shared during that meeting.

6 **COMMISSIONER ROULEAU:** You're over time, so if
7 you want to put up the document, that will be ---

8 **MS. JANANI SHANMUGANATHAN:** Yeah, that's fine.
9 So it's ---

10 **COMMISSIONER ROULEAU:** I'm not sure they
11 understand what it is. A POU plan is a Public Order Unit, which
12 is -- are the police officers who go in on a police public order
13 process.

14 **MR. BRIAN CLOW:** Sorry, I can't speak to that
15 specific, but Cabinet was definitely aware that on February 13th,
16 when they were discussing, the situation in Ottawa was worse
17 than it had been at any point and the threats of violence, the
18 actual violence, was terrifying. That's what was discussed at
19 Cabinet.

20 **MS. JANANI SHANMUGANATHAN:** Okay. But you can't
21 say whether a document had been shared during that meeting?

22 **MR. BRIAN CLOW:** So I ---

23 **MS. ALYSSA TOMKINS:** And I just want to be fair
24 to the witness -- sorry. It's PB.NSC.CAN.00007734. That's the
25 document. And I'll just ask them if this is something they
26 recognize and whether they know if it was shared.

27 Just on that page.

28 So I take it from shaking your heads, no. We

1 need an audible answer.

2 **MS. KATHERINE TELFORD:** No. Yeah. That's not
3 familiar to me.

4 **MR. JOHN BRODHEAD:** I've never seen this.

5 **MS. JANANI SHANMUGANATHAN:** Okay. Thank you very
6 much. Those are all my questions.

7 **COMMISSIONER ROULEAU:** Okay. Next is the City of
8 Ottawa, please.

9 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

10 **MS. ALYSSA TOMKINS:** Good evening. My name is
11 Alyssa Tomkins. I'm counsel for the City of Ottawa.

12 I just want to ask you a couple of questions
13 about some comments in the Witness Summary.

14 So, Mr. Clerk, if we could bring up the Witness
15 Summary? It's WTS, however many zeros, 83. And if we could go
16 down to page 4? The bottom of page 4.

17 So I'll start by directing my questions to Mr.
18 Clow, because these comments are attributed to him, but
19 obviously the others can add in.

20 So there's a comment here, Mr. Clow noted that:

21 "...the City was clearly struggling to
22 manage the occupation and that this was
23 reflected in most conversations, in media
24 reporting and reaction from residents."

25 So Mr. Clow, did you understand that the response
26 to the protest was a police-led operation?

27 **MR. BRIAN CLOW:** Absolutely I understand that.

28 **MS. ALYSSA TOMKINS:** Okay. So you understand

1 that the City cannot direct law enforcement as to operational
2 matters?

3 **MR. BRIAN CLOW:** When I said "City" there, I
4 believe I would have meant the city wholistically. So all of --
5 the sum of its parts. Clearly the situation in Ottawa was out
6 of control, and that's what I was referring to.

7 **MS. ALYSSA TOMKINS:** Okay. So in terms though of
8 it -- you understand it was managed by the police though?

9 **MR. BRIAN CLOW:** Which reports into the City of
10 Ottawa. I mean, all of this is -- the different levels are
11 relevant here.

12 **MS. ALYSSA TOMKINS:** Okay. So the police, you
13 understand there's a Police Services Board that is independent
14 from the City?

15 **MR. BRIAN CLOW:** So I've answered the question.
16 My comment was that the City of Ottawa was out of control,
17 especially in the downtown.

18 **MS. ALYSSA TOMKINS:** Okay. Okay. I just wanted
19 to be sure that you weren't suggesting the City, itself, could
20 be doing more?

21 **MR. BRIAN CLOW:** I'm not speaking to -- I wasn't
22 here, or am I now, speaking to specifics of the arrangement
23 within the City of Ottawa.

24 **MS. ALYSSA TOMKINS:** Okay. And if we could just
25 go to the next page, please?

26 And again, it's you, Mr. Clow, referring to a
27 meeting you had. And I think if we were to actually look at the
28 footnote, I won't take you to it, but I think it's February 3rd,

1 and it's noted that one issue identified in the notes of this
2 meeting was the fact that the request from Ottawa did not come
3 from Ontario and it was unclear whether provincial resources had
4 first been exhausted. So this is prior to the letter from the
5 Mayor. So we're in the first week.

6 And I just -- Commissioner Lucki and Minister
7 Blair have both testified that it's in fact very common for the
8 City of -- for OPS to reach out to the RCMP directly because of
9 Ottawa's status as the National Capital, and I just want to make
10 sure, you don't have any evidence to contradict that this was
11 actually quite a normal process at this point?

12 **MR. BRIAN CLOW:** I don't have any evidence to
13 that effect, and I stand by what appears here.

14 **MS. ALYSSA TOMKINS:** Okay. Thank you. Those are
15 my questions.

16 **COMMISSIONER ROULEAU:** Okay. Thank you. Next is
17 the Ottawa Coalition, please.

18 **--- CROSS-EXAMINATION BY MS. CHRISTINE JOHNSON:**

19 **MS. CHRISTINE JOHNSON:** Good evening. My name's
20 Christine Johnson. I'm counsel for the Ottawa Coalition of
21 Residents and Businesses.

22 I want to ask you a few questions this evening
23 about your experiences in Ottawa and also some of the
24 experiences you were hearing of staff members that you work with
25 in Ottawa.

26 And I understand, Mr. Brodhead, that you live in
27 Toronto and were not here for the Ottawa protests, so I will
28 direct my questions ---

1 **MR. JOHN BRODHEAD:** That's clear.

2 **MS. CHRISTINE JOHNSON:** Okay. So I will direct
3 these questions to Ms. Telford and to Mr. Clow.

4 So you were both here living in Ottawa during the
5 demonstration?

6 **MR. BRIAN CLOW:** Yes.

7 **MS. KATHERINE TELFORD:** Yes.

8 **MS. CHRISTINE JOHNSON:** And in the witness
9 statement -- and to save time, I don't think we need to pull it
10 up unless I hear otherwise from you -- but your colleague, Mr.
11 Broadhurst, noted that at least some protesters engaged
12 immediately in illegal activity by blocking and occupying city
13 streets, defacing public property, harassing residents.

14 Was this also your observation that this kind of
15 illegal activity was occurring as early as the first weekend in
16 Ottawa?

17 **MR. BRIAN CLOW:** Yes.

18 **MS. CHRISTINE JOHNSON:** And Mr. Clerk, I will ask
19 for you to pull up a document, SSM.CAN.00007737.

20 And as this is coming up, I can advise that this
21 is a set of text messages that we see at the top it says "Katie
22 and JT."

23 I presume this is texts between you, Ms. Telford,
24 and our prime minister.

25 And I believe -- it doesn't show at the top of
26 this document, but the way this document's labelled in our
27 disclosure, our discovery database, it also says it involved
28 Phil Proulx, who I believe is the executive assistant or was the

1 executive assistant to the prime minister.

2 **MS. KATHERINE TELFORD:** That's correct.

3 **MS. CHRISTINE JOHNSON:** And you've testified here
4 tonight that Mr. Proulx lives in Centretown?

5 **MS. KATHERINE TELFORD:** Yes.

6 **MS. CHRISTINE JOHNSON:** Yes. And we see here --
7 you can see faintly at the top these are texts shared on
8 February 2nd. And it looks like, Ms. Telford, you share a Tweet
9 from City Councillor Catherine McKenney describing the situation
10 in Centretown. And then we see this blue box below, and I'm not
11 sure, do you recall if this was from Mr. Proulx or was this from
12 our prime minister?

13 **MS. KATHERINE TELFORD:** That would be Phil
14 Proulx.

15 **MS. CHRISTINE JOHNSON:** Okay. And he says:
16 "Yep. The honking, wheels spinning
17 went on late again last night. It was
18 all day yesterday again. I put
19 earplugs in at times during the day
20 yesterday to make it less aggressive.
21 It has already started again this
22 morning. They have some periods of
23 calm now, but then start nonstop for a
24 period of time. It is enough to
25 absolutely drive you absolutely nuts.
26 The truck horns especially; they sound
27 like they are right in the middle of
28 your home."

1 So would you agree that this statement seems to
2 convey that for residents living in the heart of Centretown, the
3 honking could be heard very loudly inside homes and not just on
4 the street?

5 **MS. KATHERINE TELFORD:** That's certainly what he
6 was conveying.

7 **MS. CHRISTINE JOHNSON:** And did you hear about
8 this experience from other residents as well through your
9 conversations with city councillors, citizens groups?

10 **MS. KATHERINE TELFORD:** Yes. We were hearing it
11 from local members of Parliament and they were hearing it from
12 many of their constituents. We were hearing it from staff, we
13 were hearing it from members of Parliament who were in town. It
14 was -- and everyone was -- from a staff perspective, was having
15 to work from home during this period or almost everyone was.
16 There were a few essential staff able to go in but that was
17 because we couldn't access our offices because of the
18 occupation, as well as Omicron, we were working virtually during
19 this whole period.

20 **MS. CHRISTINE JOHNSON:** Right. And on that
21 point, I think I saw in the witness statement that there was
22 actually a direction at some point that staff should work from
23 home for their safety, and it was mentioned that this was never
24 done before, it was never communicated that staff should work
25 from home for their safety before. That was unusual and
26 significant.

27 **MR. BRIAN CLOW:** That's right, for a
28 demonstration, staff had been advised to work from home during

1 COVID pandemic at different periods, but for a demonstration, as
2 far as we can recall, we've never had to send a notice like that
3 saying, "Stay away".

4 **MS. CHRISTINE JOHNSON:** And in terms of safety
5 concerns regarding staff, we saw in your witness statement there
6 was mention of a particular incident where a convoy participant
7 threw coffee at a pregnant staff member. Do you recall that
8 incident?

9 **MS. KATHERINE TELFORD:** That's right.

10 **MS. CHRISTINE JOHNSON:** And do you know if this
11 incident was reported to police at all?

12 **MS. KATHERINE TELFORD:** I'm not sure.

13 **MS. CHRISTINE JOHNSON:** Are you aware that there
14 were incidents of threatening and assaulting -- assaultive
15 nature going on that were not, in fact, always reported to
16 police at this time in where they were? Residents were not
17 always receiving feedback that these complaints are being
18 followed up on?

19 **MS. KATHERINE TELFORD:** Yes.

20 **MS. CHRISTINE JOHNSON:** Okay. Those are all my
21 questions for you this evening. Thank you very much.

22 **COMMISSIONER ROULEAU:** Thank you.

23 Next is the Ontario Provincial Police.

24 **MR. CHRISTOPHER DIANA:** Good evening. It's Chris
25 Diana, counsel to the OPP.

26 And Commissioner, if I can advise that I've been
27 gifted five additional minutes from the Windsor Police Service,
28 for which I'm very grateful. I may not need that time, but I

1 appreciate the gift and if I need it, I will use it.

2 **COMMISSIONER ROULEAU:** Yeah, and if you don't use
3 it, they don't get it back.

4 **MR. CHRISTOPHER DIANA:** It won't be my concern at
5 that point.

6 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

7 **MR. CHRISTOPHER DIANA:** I wanted to ask about
8 Ipperwash. You mention Ipperwash in your witness summary, and
9 as far as who answers this, it doesn't really matter, whoever
10 has knowledge.

11 I was going to bring up your witness summary, but
12 I don't think that's necessary.

13 You referenced that there was a verbal briefing.
14 You said that in your evidence in-chief, and I wanted to ask you
15 about that verbal briefing.

16 What did that come out of?

17 **MS. KATHERINE TELFORD:** Why was there a verbal?
18 What do you mean?

19 **MR. CHRISTOPHER DIANA:** Yes.

20 **MS. KATHERINE TELFORD:** So as I think I mentioned
21 earlier today, I -- it was actually something that I raised very
22 early on in all of this, perhaps because I worked at Queen's
23 Park once upon a time, but it was something I was just very
24 conscious of and wanted to make sure we knew where all the lines
25 exactly were.

26 And the deputy clerk, who's the former deputy
27 minister of justice, made sure to get us information on that.

28 **MR. CHRISTOPHER DIANA:** Right. And the reason I

1 wanted to ask was because, I mean, that's very pre-emptive of
2 you, but were there any concerns that you had about comments
3 that had been made by anybody at that time?

4 **MS. KATHERINE TELFORD:** That was literally Day 1
5 that I asked these questions.

6 **MR. CHRISTOPHER DIANA:** And when you say Day 1,
7 like, the first day? The day of the arrival of the protesters,
8 approximately?

9 **MS. KATHERINE TELFORD:** It might have even been
10 just before. It was the very first meeting I was in talking
11 about these kinds of things and hearing about potential -- how
12 the police were going to handling things.

13 **MR. CHRISTOPHER DIANA:** Were any members of
14 Cabinet asking you, "How far can we go as far as police" because
15 understandably, there were some frustration that we've heard
16 about police enforcement?

17 **MS. KATHERINE TELFORD:** No. If anything, it was
18 everyone was extraordinarily cautious on that front.

19 **MR. CHRISTOPHER DIANA:** All right.

20 Mr. Clerk, if you can bring up PB.CAN.1870?

21 And Mr. Clow, these are some text messages, I
22 believe, that you were involved with so I'd like to ask you,
23 because I think you may have some specific knowledge.

24 All right. And it's not entirely clear from the
25 texts themselves although the description of the texts in the
26 day to day suggest that this may have been a text exchange with
27 Chief of Staff Mike Jones, who I believe was the chief of staff
28 for Minister Mendicino?

1 **MR. BRIAN CLOW:** Yes. That's from Mike Jones to
2 me.

3 **MR. CHRISTOPHER DIANA:** Okay. And so I wanted to
4 ask, and that's what I thought, based on the content.

5 So this is an email exchange you had -- sorry, a
6 text exchange with Mike Jones on February 6th, 2:40.

7 Do you remember this exchange?

8 **MR. BRIAN CLOW:** I do, yes.

9 **MR. CHRISTOPHER DIANA:** All right. And so Mike
10 Jones writes -- he expresses some concern about OPS enforcement
11 and concern for the safety of the PM. I assume he's referencing
12 the prime minister there?

13 **MR. BRIAN CLOW:** Yes.

14 **MR. CHRISTOPHER DIANA:** And he says:

15 "He wants to go out and say that OPS
16 needs to get control over the
17 situation, and if they need more from
18 OPP, they should make that clear, but
19 they should get working on removals
20 within the next 24 hours."

21 Now, I take it that when he says "he wants to go
22 out", he's referring to Minister Mendicino; is that correct?

23 **MR. BRIAN CLOW:** I would assume so.

24 **MR. CHRISTOPHER DIANA:** Do you know if Minister
25 Mendicino or anybody else actually went to OPS with that kind of
26 direction to try to remove people within the next 24 hours?

27 **MR. BRIAN CLOW:** So first thing I'll say is these
28 updates came. There was a lot happening. There were a lot of

1 conversations going on, so I -- you'll note I didn't even have a
2 chance to reply to this or I didn't reply to it, but I would
3 have received the update.

4 My recollection is that did not happen, what is
5 proposed here, and I don't want to read too much into the
6 specifics of what is written here.

7 But absolutely, as Katie said, we were always
8 incredibly careful and aware that politicians don't direct the
9 police.

10 **MR. CHRISTOPHER DIANA:** Right. And when you say
11 "we were aware", are you talking about the prime minister's
12 office or are you talking about all of Cabinet?

13 **MR. BRIAN CLOW:** Both. This was discussed and
14 mentioned on various occasions throughout the convoy protest.

15 **MR. CHRISTOPHER DIANA:** And is it because people
16 were expressing concerns about police enforcement?

17 **MR. BRIAN CLOW:** It was because this -- clearly,
18 policing was a central part of this, and a lot of us are aware
19 of issues from the past. Everyone here is aware of Ipperwash,
20 for example. So we were highly sensitive right out of the gate
21 that politicians do not instruct the police.

22 **MR. CHRISTOPHER DIANA:** Yes, and I would have
23 asked -- to be clear, I would have asked Minister Mendicino, but
24 we didn't get this in time for me to do that, which is why I'm
25 trying to understand from you whether or not Minister Mendicino
26 or anybody else actually contacted anyone from Ottawa Police
27 Service, or even the RCMP to say, "We want people gone, we want
28 them gone quickly."

1 **MR. BRIAN CLOW:** I have no knowledge of that.

2 **MR. CHRISTOPHER DIANA:** Okay. But you would
3 agree ---

4 **MR. BRIAN CLOW:** But I don't believe that
5 happened, no.

6 **MR. CHRISTOPHER DIANA:** Certainly. And it sounds
7 like the Prime Minister's Office was very aware of Ipperwash,
8 which is great, and I'm sure you would agree that if that had
9 been communicated to the Police Service, that would have been
10 inappropriate; correct?

11 **MR. BRIAN CLOW:** If what is written here is a
12 faithful and accurate description of what it appears earlier, I
13 do agree direction should not be given to the police by
14 politicians.

15 **MR. CHRISTOPHER DIANA:** Right. And you would
16 have no reason to doubt that -- you know, what his Chief of
17 Staff was saying, you wouldn't have a reason to believe that
18 wasn't what he was hearing from his own Minister; correct?

19 **MR. BRIAN CLOW:** I have no reason to believe
20 that, but I can't and shouldn't speak to that. And I do
21 actually believe this text message was put to Minister Mendicino
22 this week, but that really would be a question for him.

23 **MR. CHRISTOPHER DIANA:** Do you know -- when you
24 talked about the briefing that was done on Ipperwash, were the
25 Ministers involved in that briefing? I mean, it sounds like
26 there were a number of discussions, but, Ms. Telford, you
27 mention there was one briefing in particular at the beginning.
28 Was that a Cabinet briefing?

1 **MS. KATHERINE TELFORD:** No, that was something we
2 received on our request, but it was something reinforced on
3 numerous occasions throughout the process.

4 **MR. CHRISTOPHER DIANA:** And again, when you say
5 we, I just want to make sure I drill down on who are we, are
6 they the politicians, their staff members? Kind of who is we?

7 **MS. KATHERINE TELFORD:** So we, within Prime
8 Minister's Officer, who are here, we were briefed early on, on
9 our request, but then the principals were repeated on numerous
10 occasions, certainly through IRGs and through other discussions
11 throughout. I don't think there was anyone that I worked with
12 who was not conscious of the need to be cautious.

13 **MR. CHRISTOPHER DIANA:** Right. Thank you.

14 **COMMISSIONER ROULEAU:** And just to confirm, for
15 the record, it was put to Minister Mendicino.

16 **MR. CHRISTOPHER DIANA:** I apologize ---

17 **COMMISSIONER ROULEAU:** Okay. We all make
18 mistakes.

19 And so Counsel for former Chief Sloly, please.

20 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

21 **MR. TOM CURRY:** Thank you, Commissioner. Panel,
22 Tom Curry for the former Chief of the Ottawa Police Service,
23 Chief Sloly. Just a few questions, if I can, please.

24 These events have been described by probably
25 everyone who has appeared here as unprecedented, and certainly
26 in your collective tenure in the Prime Minister's Office, that
27 would be true?

28 **MS. KATHERINE TELFORD:** Yes.

1 **MR. TOM CURRY:** And the circumstances were also -
2 - Chief Sloly described the volatile nature of the events here
3 in Ottawa, and you share that view?

4 **MS. KATHERINE TELFORD:** Yes.

5 **MR. TOM CURRY:** I think he may have described, or
6 others have described a tinderbox, risk of violence present
7 always it seemed and growing?

8 **MS. KATHERINE TELFORD:** Yes, and we saw it
9 ourselves, as well as had it reported to us, the threat of
10 violence both to people and property. It was significant
11 throughout and escalating.

12 **MR. TOM CURRY:** And although it may not have been
13 clear at the outset of the demonstration and the protest that --
14 but as it evolved, did you come to understand that there were
15 significant limitations on the ability of the Ottawa Police
16 Service to manage it with its own resources?

17 **MS. KATHERINE TELFORD:** It certainly seemed that
18 way.

19 **MR. TOM CURRY:** And were the briefings that you
20 received always through RCMP officials? Briefings on police
21 operations or updates, did they come from Commissioner Lucki?

22 **MS. KATHERINE TELFORD:** Yes, though also the
23 Deputy Minister of Public Safety, the NSIA would have different
24 parts to the briefs as well.

25 **MR. TOM CURRY:** Understood. So just a couple of
26 things if I can get -- and I think they're Mr. Clow's notes, so
27 could we please just get your help with a couple of things?

28 This is for our Registrar, SSM.NSC.CAN 2941,

1 please. If that -- yeah, thank you. Just on the -- just a
2 little larger. Thank you.

3 So this is -- just to situate you, do you see
4 February 3rd 11:15?

5 **MR. BRIAN CLOW:** Yes.

6 **MR. TOM CURRY:** And you've looked at some of
7 these notes previously. It says ---

8 **MR. BRIAN CLOW:** Yes.

9 **MR. TOM CURRY:** --- "...looks like OPS won't
10 move. Weeks not days. Weekend
11 reinforcements problem.

12 - Behind [the] scenes, too

13 differential: Need..."

14 I think you -- I want to just confirm this as,
15 "Need bad cop: you've got to use [the]
16 tools you have
17 - whether to change public [message] is
18 different"

19 Those are references -- do you know what those
20 are references to? Is that in reference to the idea that, at
21 that time at least, someone was expressing the view that police
22 were taking a standoff-ish position with the demonstrators?

23 **MR. BRIAN CLOW:** I think that's a fair assessment
24 of that comment.

25 **MR. TOM CURRY:** And then just in the second one,
26 it looks -- the second set of comments, I just -- just as to
27 this, RCMP -- does it say through OPS under bus at caucus?

28 **MS. KATHERINE TELFORD:** Yes.

1 **MR. BRIAN CLOW:** Yes, it does.

2 **MR. TOM CURRY:** "How do we get right people on
3 [the] path to driving somewhere
4 - any way to get..."

5 Well, and you talked about that earlier. Is that
6 -- to the extent that you can recall this, does -- is that an
7 indication that the RCMP was pointing to OPS as the police of
8 jurisdiction responsible for doing this and that they weren't
9 taking sufficient action at that time, or can you help us?

10 **MS. KATHERINE TELFORD:** It was -- that's me
11 recounting from a national caucus meeting that -- I believe that
12 morning, where there was a presentation given to caucus members.
13 The large part of the discussion was actually around personal
14 security and security of the building. There were significant
15 concerns for members of Parliament being able to get from the
16 airport to downtown let alone from downtown up on the Hill and
17 actually getting off the Hill was a bigger problem than even
18 getting on it.

19 But also, as part of that, it was discussed, or
20 it was -- caucus were told that if it had been up to anyone
21 other than the OPS, they would not have allowed the trucks onto
22 Wellington, and that they had given that advice and it wasn't
23 taken.

24 **MR. TOM CURRY:** Right. Did you learn at that
25 time from anyone in that briefing from RCMP, that some RCMP
26 officials had seen and reviewed and approved the OPS plan in
27 advance of the protest?

28 **MS. KATHERINE TELFORD:** They did not get into

1 that level of detail with caucus.

2 **MR. TOM CURRY:** Okay. Could I ask you just to
3 look, please, at page 7 of this record, Mr. Registrar, just for
4 a couple of other things. Now of course I've got to pick it out
5 where it was. About the middle of the page, do you see there's
6 a reference to -- this is obviously a Cabinet -- it looks like
7 it might be a Cabinet Committee briefing, but it says -- about
8 the middle, "250 RCMP assisting. Some holding back for surge."
9 And there's reference to the Ambassador Bridge up above. Did
10 you come to realize as this evolved that there was some
11 misunderstanding about how many RCMP officers were made
12 available to OPS at any given time, a matter of shift counting
13 and the like, did you learn that?

14 **MR. BRIAN CLOW:** There definitely appeared to be
15 some confusion over several days about the numbers.

16 **MR. TOM CURRY:** Right. I think the Mayor of the
17 City of Ottawa had said that what was represented as the number
18 that had been deployed to Ottawa was smaller than the number
19 that had been represented to the public and so on; you believe
20 that?

21 **MR. BRIAN CLOW:** I believe he said that, yes.

22 **MR. TOM CURRY:** And then just a couple of other
23 lines, if I may, "OPS trying to reduce violence, are taking some
24 steps." And then there's a likening to Ottawa's strategy to D-
25 Day. Is that a reference to the idea that there was a plan in
26 place to try to dismantle the occupation but that it was going
27 to require significant additional resources?

28 **MR. BRIAN CLOW:** It could be, but I don't know

1 that. This was an update from the NSIA to the Prime Minister
2 that Sunday evening on February 6th.

3 **MR. TOM CURRY:** Right. And then, Mr.
4 Commissioner, your indulgence for one more question with Mr.
5 Clow's benefit, page 12, if you don't mind. And, of course you
6 were following this as it -- as this page is coming up, you were
7 following this across the country, these -- as you've described,
8 Ambassador Bridge and the like. If you look at -- if you scroll
9 down a little bit, Mr. Registrar -- there we go.

10 I just want your help with this. Brenda, of
11 course, you've described as Commissioner Lucki; certain
12 references to RCMP; Ottawa team headed to Windsor, York,
13 Waterloo, OPP, plan is to remove by morning because autoworkers
14 ---

15 **MR. BRIAN CLOW:** Counterprotest.

16 **MR. TOM CURRY:** --- counterprotest. And we've
17 heard some evidence about that.

18 "Mayor wanted to remove chief, so then
19 chief sent letters." (As read).

20 Is that a reference to letters that were received
21 by, I think, either the Prime Minister or Minister Blair
22 requesting resources from RCMP; do you recall that?

23 **MR. BRIAN CLOW:** I'm not sure what that final
24 line refers to ---

25 **MR. TOM CURRY:** Okay.

26 **MR. BRIAN CLOW:** --- but this looks like a
27 discussion of an update we received. This was February 10th at
28 the IRG that Windsor action was anticipated the very next day.

1 **MR. TOM CURRY:** Thank you. And then the last,
2 very last thing, on February 5th, Chief Sloly noted a Police
3 Services Board meeting that:

4 "Something has changed in our
5 democratic fabric and we do not have
6 the legislation or the resources to
7 manage such situations. We do not have
8 the justice system framework or the
9 needed coordination between all levels
10 of government to predictably manage
11 these demonstrations going forward."

12 (As read).

13 And he described a threat to national security.
14 Do you share those views?

15 **MS. KATHERINE TELFORD:** Yes. Largely, yes.

16 **MR. TOM CURRY:** Thank you. No other questions
17 for you, thank you.

18 **COMMISSIONER ROULEAU:** Okay, next is the City of
19 Windsor.

20 **MR. GRAHAM READER:** Good evening. Graham Reader
21 for the City of Windsor. We have no questions. We've ceded our
22 time to the Government of Canada.

23 **COMMISSIONER ROULEAU:** Okay. Government of
24 Saskatchewan, please.

25 **--- CROSS-EXAMINATION BY MR. MICHAEL MORRIS:**

26 **MR. MICHAEL MORRIS:** Good evening, Panel. My
27 name is Mike Morris and I'm counsel for the Government of
28 Saskatchewan. Mr. Brodhead, just at the outset, I want to make

1 something clear. At the First Ministers' Meeting, Premier Moe
2 expressed the view that the *Emergencies Act* was not wanted and
3 not needed in Saskatchewan; correct?

4 **MR. JOHN BRODHEAD:** I believe he also said these
5 -- the six items sounded reasonable.

6 **MR. MICHAEL MORRIS:** Maybe sounded reasonable but
7 wouldn't be perceived that way; is that fair?

8 **MR. JOHN BRODHEAD:** I think that's fair, yes.

9 **MR. MICHAEL MORRIS:** And certainly did not want
10 the Act to apply to Saskatchewan; correct?

11 **MR. JOHN BRODHEAD:** I think that was clear from
12 the premier, yes.

13 **MR. MICHAEL MORRIS:** Okay, thank you. I'd like
14 us to take a look at a document, so I'm going to ask the Clerk
15 to pull up SSM.CAN00006920. And while we're waiting, I'll let
16 you know that this an email from Ms. Charette, Clerk of the
17 Privy Council, to actually everyone on this panel at 8:24 a.m.
18 on February 14th.

19 So we can see there, 8:24 a.m. from Ms. Charette:

20 "Good morning, all."

21 There's something that's privileged, but then
22 she's detailing work that seems to be going on:

23 "Other products in train: FMM script
24 with Qs and As; comms news release and
25 BG..."

26 -- which I expect means background --

27 "...decision note for PM."

28 Then, at the end, she says:

1 "Others still in the machine."

2 Mr. Brodhead, when she says, "Others still in the
3 machine," can we take that as they were being worked on at that
4 time?

5 **MR. JOHN BRODHEAD:** I don't actually -- it's not
6 a very common phrase -- like, I don't totally know what she was
7 referring to here.

8 **MR. MICHAEL MORRIS:** Well, she says:

9 "Only one I have seen is FMM script."

10 And then she says:

11 "Others still in the machine."

12 So I take it that means those are in progress;
13 would that be fair?

14 **MR. JOHN BRODHEAD:** I don't really want to
15 speculate on what the Clerk of the Privy Council was thinking
16 with that.

17 **MR. MICHAEL MORRIS:** Okay, if we could go onto a
18 different document, then. Well, before we do, does anyone else
19 have a view on that that they're able to express.

20 **MR. BRIAN CLOW:** Are you specifically asking
21 "others still in the machine"?

22 **MR. MICHAEL MORRIS:** Yes, absolutely.

23 **MS. KATHERINE TELFORD:** It could mean a number of
24 things. I don't think we can speculate.

25 **MR. MICHAEL MORRIS:** Okay. I'm going to ask the
26 clerk to pull up the email that was referred by counsel for
27 Alberta before. It's SSM.CAN00002665, and this is the email
28 thread that was entitled "Presser Tomorrow". And I'd like us to

1 go down to the bottom of the second page of the PDF. Right
2 there is good. We can see an email from a person named Vanessa
3 at the PMO to a number of other people, including others at the
4 PMO, indicating:

5 "Presser tracking for 4:00 p.m. This
6 is not to be shared publicly until FMM
7 over and PM updated itinerary is out,
8 please."

9 And her email there, of course, is at 11:05, I
10 believe, if we just go up -- 11:05 a.m. So my understanding is
11 the First Ministers' Meeting would have been going on at that
12 point. Ms. Telford, was the purpose in delaying the
13 announcement of the press conference so that the premiers would
14 not be offended?

15 **MS. KATHERINE TELFORD:** No, the -- there was a
16 lot of work happening concurrently at the time. And to be ready
17 for whatever scenarios and whatever decision, ultimately, the
18 Prime Minister came to. And so Vanessa, who you named there,
19 who's an excellent deputy director of communications, was
20 making sure that all those tracks were heading in the right
21 direction. At any point, things could have been stopped, and
22 things could have changed, just as they were.

23 **MR. MICHAEL MORRIS:** Okay. I'd like us to go to
24 the middle of the first page of this PDF, and it will be in the
25 email at 1:43 p.m. There it is, from Vanessa again, to David
26 Taylor and others, stating:

27 "We just finished speech prep with PM.
28 Alex is editing his remarks and will be

1 able to share with this group as soon
2 as he is done."

3 So I gather, at this point in time, 1:43 p.m. on the 14th, the
4 Prime Minister has already rehearsed his speech that he's going
5 to be giving at 4:30 p.m.; is that fair?

6 **MS. KATHERINE TELFORD:** Speech prep -- speech
7 prep is our shorthand for going through his remarks, which we
8 would have definitely returned to again that afternoon. And so
9 that means they would have done a once-through with him on what
10 things could look like.

11 **MR. MICHAEL MORRIS:** Okay. He wasn't rehearsing
12 two versions of a speech was he, one where he was announcing the
13 invocation of the *Emergencies Act* and another where he wasn't;
14 was he?

15 **MS. KATHERINE TELFORD:** To be clear, I wouldn't
16 call it rehearsing. The words "speech prep" literally mean
17 preparing a speech. And so they would have been discussing what
18 would have been going into the content and whether he was
19 comfortable with where the drafts were at at this point.

20 **MR. MICHAEL MORRIS:** Okay. We heard evidence
21 from the Clerk of the Privy Council some time ago and her
22 evidence was that the decision note was sent from the PCO to the
23 PMO at 3:41 p.m. on February 14th. We can pull up a document if
24 you need me to, or I can just ask you to take my word for it.
25 And if that's the case, are you familiar with the decision note?
26 I gather you've likely seen it before; is that fair?

27 **MS. KATHERINE TELFORD:** We're familiar with the
28 decision note.

1 **MR. MICHAEL MORRIS:** Okay. A fairly lengthy
2 document with a number of appendices; correct?

3 **MS. KATHERINE TELFORD:** Yes.

4 **MR. MICHAEL MORRIS:** And if it was received at
5 3:41 p.m., do we know at what time it would have been returned
6 with the Prime Minister's initials to the PCO?

7 **MR. BRIAN CLOW:** I think it was at some point
8 between receipt ---

9 **MS. KATHERINE TELFORD:** Yeah.

10 **MR. BRIAN CLOW:** --- and when the Prime Minister
11 made the announcement.

12 **MR. MICHAEL MORRIS:** Okay, so obviously some time
13 before 4:30 in the afternoon, then; correct?

14 **MR. BRIAN CLOW:** M'hm.

15 **MR. MICHAEL MORRIS:** That would not have given
16 the Prime Minister much, if any time, to have read all of that
17 material; would you agree with me?

18 **MR. BRIAN CLOW:** Well, a couple of comments.
19 One, he did read the note. Two, the start time of the press
20 conference, it may be a bit absurd to dig in on the minutes, but
21 the minutes are important here. I don't know that it started
22 precisely at 4:30. I think there might have been some delay
23 there, but after it was received, the Prime Minister did review
24 the note, signed the note, made the announcement. And that
25 signing of the note was -- came after the FFM, came after the
26 opposition-leader consultation, and that was the Prime Minister
27 making the decision there before he announced it.

28 **MR. MICHAEL MORRIS:** Okay, I'm going to ask each

1 of you a very similar question.

2 Ms. Telford, what I'd like to know is when you
3 found out that the prime minister would be announcing the
4 invocation of the *Emergencies Act* at the 4:30 p.m. press
5 conference.

6 **MS. KATHERINE TELFORD:** He and I would have been
7 discussing the possibility throughout the day. Until he signed
8 the decision note there was nothing confirmed.

9 **MR. MICHAEL MORRIS:** Okay. Do we know when the
10 announcement went out to the press gallery that the conference
11 was going to be held at 4:30 p.m.?

12 **MS. KATHERINE TELFORD:** I don't know what time
13 that went out.

14 **MR. MICHAEL MORRIS:** Mr. Clow?

15 **MR. BRIAN CLOW:** I believe it went out earlier
16 that afternoon around or shortly after one o'clock. And the
17 decision at that point to issue the itinerary was to notify
18 media that the prime minister would have something to say. And
19 it is absolutely possible that the prime minister could have
20 decided not to proceed down this path before he addressed the
21 media that afternoon.

22 And it happens not infrequently on an issue that
23 scenarios are planned, a track -- we may be on a certain track
24 but a decision -- a different decision is taken at a certain
25 point even at the last minute.

26 So no, the decision was not taken until shortly
27 before it was announced to media.

28 **MR. MICHAEL MORRIS:** Okay. I'll explore that

1 just briefly if I can.

2 Let's call the *Emergencies Act* Track 1; and let's
3 call whatever the other decision could have been Track 2. Was
4 there material prepared for a Track 2 presentation at 4:30 p.m.?

5 **MR. BRIAN CLOW:** If a decision was taken not to
6 invoke the Emergency Act on that day, the remarks and
7 announcement would have been changed.

8 **MR. MICHAEL MORRIS:** They would have been.

9 **COMMISSIONER ROULEAU:** You're over your time.
10 You're well over your time. So you're going to have to wrap up.

11 **MR. MICHAEL MORRIS:** Last question -- but was
12 there any draft material prepared in the event that the decision
13 was to not invoke the *Emergencies Act*?

14 **MR. BRIAN CLOW:** I'm not sure if there was.

15 **MR. MICHAEL MORRIS:** You would be familiar if
16 there was though, wouldn't you, given your position?

17 **MR. BRIAN CLOW:** Well, my point is, even if there
18 wasn't a draft, this can be done quite quickly in order to
19 redraft materials. And it has happened before in different
20 issues.

21 **MS. KATHERINE TELFORD:** We got very nimble during
22 the pandemic where we were putting out advisories for things
23 where we weren't sure what the content was going to be a couple
24 of hours later. And that's what you need to do in times of
25 crisis.

26 **MR. MICHAEL MORRIS:** Okay. I appreciate the
27 entire panel answering my questions. Thank you very much.

28 **COMMISSIONER ROULEAU:** Okay. Now we go to the

1 Government of Canada, please.

2 --- CROSS-EXAMINATION BY BRIAN GOVER:

3 **MR. BRIAN GOVER:** Thank you, Commissioner. And
4 my name is Brian Gover. I'm one of the lawyers for the
5 Government of Canada. And good evening Ms. Telford, Mr. Clow,
6 and Mr. Brodhead.

7 By my count, Commissioner, I believe I have 20
8 minutes with the kind donation from the City of Windsor. I hope
9 to be substantially less than that.

10 **COMMISSIONER ROULEAU:** That will probably be a
11 happy event for a lot of people. But don't feel, on my account.

12 **MR. BRIAN GOVER:** Let's see how we do.

13 First of all, the Order in Council sets out terms
14 of reference directing the Commissioner to examine the -- to the
15 extent relevant, the impact, role, and sources of misinformation
16 and disinformation including the use of social media. And by
17 misinformation we understand that to mean unknowingly or
18 unintentionally spreading false inaccurate or misleading
19 information. And we understand disinformation to be
20 deliberately and intentionally spreading false, inaccurate or
21 misleading information.

22 Ms. Telford, at any point during the convoy
23 occupations and blockades did you become aware of any
24 misinformation or disinformation that was affecting the
25 situation?

26 **MS. KATHERINE TELFORD:** There was -- I became
27 aware of a lot of both misinformation and disinformation over
28 the course of the occupation and the blockades. To name just a

1 few examples, even leading into the first weekend, one was that
2 this was even solely a trucker protest. And let alone the fact
3 that it was solely about federal vaccine mandates. It was quite
4 clear from very early on and even leading into the first
5 weekend, we knew from the Canadian Truckers Alliance as was
6 mentioned earlier and also from data that we had that over 90
7 percent of truckers were vaccinated.

8 We also knew that a lot of the mandates that were
9 being talked about were ones that were actually responsibilities
10 and put in place or imposed by provincial level governments or
11 even other levels of governments or jurisdictions whether they
12 be school boards or cities.

13 And then of course there's a lot of
14 misinformation and disinformation around vaccines themselves.

15 And then personally, in terms of our office, we
16 dealt with a number of different instances. Our official
17 photographer was drawn into a conspiracy theory, unfortunately,
18 where he was being alleged to be out taking a picture of some
19 hateful flags. And he at the time was actually in isolation
20 with COVID himself. There was no chance he was doing that.

21 We began trying to correct that. He began
22 receiving death threats during that period.

23 There was also a fake letter distributed amongst
24 people within the occupation that was signed allegedly. It was
25 not signed by us but it was signed using my name and the prime
26 minister's name and suggesting ways in which we might agree to
27 some kind of -- I don't even know what. But this fake letter
28 was corrected and actually made international news. It was

1 corrected on CNN at the time.

2 And then I personally was actually asked to stay
3 away for quite some time from the downtown core because there
4 was a -- it started on Telegram and then moved onto other social
5 media channels -- a story that was created that I was going to
6 create a false flag operation and have a horse killed and then
7 blame it on the occupiers. So there were concerns for my
8 security during that period as well.

9 **MR. BRIAN GOVER:** And I understand, Commissioner,
10 that the fake letter that has been alluded to by Ms. Telford can
11 be found at PB.CAN.00001821. And the false flag regarding Ms.
12 Telford and the horse is in evidence as PB.CAN.0001822.

13 Ms. Telford, how was misinformation and
14 disinformation conveyed or distributed in the course of the
15 weeks that we're concerned with here?

16 **MS. KATHERINE TELFORD:** We saw it being conveyed
17 and distributed in multiple different ways. The letter, for
18 example, was you know -- both screen shots of it floating around
19 on social media but it was actually being distributed in hard
20 copy. And the other things, as I mentioned, were moving from
21 different social media platforms from one to the other.

22 But it was also -- we were seeing people doing
23 podcasts and YouTube videos and different things where they were
24 disseminating this information as well.

25 **MR. BRIAN GOVER:** Moving to my second area, Mr.
26 Clow, you've testified in response to a question from Commission
27 counsel about communications with Juan Gonzalez whom you
28 described as a member of President Biden's national security

1 team on February 9th.

2 And Commissioner, we have in evidence -- and I
3 won't take the witness to it -- the text message at
4 SSM.CAN.00007744.

5 And Mr. Clow, in addition to the text exchange,
6 did you have a telephone call with Mr. Gonzalez that you recall?

7 **MR. BRIAN CLOW:** I believe we did speak at one
8 point.

9 **MR. BRIAN GOVER:** And when was that in relation
10 to February 9th?

11 **MR. BRIAN CLOW:** I can't remember the precise
12 date. But the first exchange -- there was an email exchange and
13 a text exchange with him on the 9th and the interactions
14 continued until about the 15th and 16th.

15 **MR. BRIAN GOVER:** Thank you.

16 The third area relates to federal provincial
17 territorial consultations and the First Ministers meeting. And
18 we have the read-out at SSM.NSC.CAN00000625. And perhaps I'll
19 ask our registrar to display that, please.

20 And perhaps I'll ask if we could go to the second
21 page. And you'll recall that my friend for the Province of
22 Alberta said that Premier Kenney was clear that the *Emergencies*
23 Act was not required in Alberta, and referred to the situation
24 in Coutts having been addressed.

25 Can anyone on the panel assist me with this
26 question; do you know where the additional RCMP resources came
27 from to address the situation in Coutts, which we've heard was
28 the subject of a police operation in the early morning hours of

1 February 14th.

2 Mr. Brodhead?

3 **MR. JOHN BRODHEAD:** My understanding is that
4 there was a contingent sent from British Columbia to assist at
5 Coutts.

6 **MR. BRIAN GOVER:** And in fact, at the second page
7 we have Premier Horgan from British Columbia indicating that
8 his:

9 "...only concern is that [the] measures
10 would be implemented by RCMP in BC
11 which are already fully taxed. Not
12 sure where [you're] going to find the
13 people. We've already sent an RCMP
14 contingent East."

15 Is that what you're referring to in that respect,
16 sir?

17 **MR. JOHN BRODHEAD:** Yeah.

18 **MR. BRIAN CLOW:** I would just add what this
19 illustrates is an example of something we heard from officials
20 in the lead-up to February 14th and the invocation, which was
21 yes, there was some progress in certain places and certain
22 blockades, but the progress was done with the help of additional
23 resources in certain cases.

24 So in BC, for example, it was definitely
25 concerning that Alberta was clear but BC -- not concerning; it's
26 good that Alberta progress was made with additional resources,
27 but BC was facing its own problems: There were arrests at the
28 Pacific Highway, there was a military-style vehicle there when

1 the convoy activity happened in BC.

2 So part of the concern across the country was,
3 was there enough resources across the board to handle all of the
4 pop-ups that were happening, and we were seeing in increasing
5 numbers that weekend.

6 **MR. BRIAN GOVER:** And, Mr. Clow, in the course of
7 your evidence already you've referred to this phenomenon of
8 stretching police resources; is that correct?

9 **MR. BRIAN CLOW:** Yes.

10 **MR. BRIAN GOVER:** And this was in the context,
11 this conversation, of declaring a Public Order Emergency, which
12 itself involves a national emergency, is that right?

13 **MR. BRIAN CLOW:** Yes.

14 **MR. BRIAN GOVER:** Now, you were taken, by the
15 way, to page 3 and what Premier Kenney said. And if my friend
16 from Alberta said this, I didn't hear it, but she referred to,
17 if we look down page 3:

18 "Would be problematic to declare
19 emergency today..."

20 And referred to what we see following the next
21 point, starting with:

22 "Invoking what they will see as martial
23 law...."

24 What we didn't hear was what's in between two
25 sentences:

26 "Folks at the core of this movement are
27 not rational. They are prone to
28 conspiracy theories."

1 Have I read that correctly?

2 **MR. BRIAN CLOW:** Yes.

3 **MR. BRIAN GOVER:** And was that, to the best of
4 your recollection, a feature of what Premier Kenney said during
5 the First Ministers' Meeting?

6 **MR. BRIAN CLOW:** Yes.

7 **MR. JOHN BRODHEAD:** Can I add to that? Just the
8 other one that I think struck me in his comments was this line
9 at the bottom of the page:

10 [I] Don't quibble using the
11 Emergencies Act..."

12 Which is particularly interesting considering his
13 previous roles with the federal government in that kind of
14 national -- and I think, you know, I certainly interpreted that
15 as an important distinction between what he felt was needed in
16 Alberta versus what we knew we were looking at from a national
17 perspective and having to take into consideration stretched
18 resources, the movement, the differing situations across the
19 country.

20 **MR. BRIAN GOVER:** And Mr. Brodhead, to elaborate,
21 if you would, when you refer to Premier Kenney's previous roles
22 with the federal government, to what are you referring?

23 **MR. JOHN BRODHEAD:** I believe he was Minister of
24 National Defence, in particular, so that was the one I was
25 thinking of.

26 **MR. BRIAN GOVER:** Right. And we're moving right
27 along to the fourth area.

28 Could we take that down, Mr. Registrar, and could

1 we go to, and display, SSM.CAN.00007721?

2 And I come to this panel because I believe this
3 was alluded to by my friend Mr. Miller on behalf of the convoy
4 organizers, and I really seek your assistance in interpreting
5 what I understand to be a note written by Alex Jeglic.

6 First of all, I probably mispronounced his name,
7 but did you know who that is?

8 **MR. BRIAN CLOW:** Yes, he's part of a Issues
9 Management Parliamentary Affairs Team, with a focus on
10 Parliament.

11 **MR. BRIAN GOVER:** So a member of the PMO?

12 **MR. BRIAN CLOW:** Yes.

13 **MR. BRIAN GOVER:** And if we look at this, maybe
14 we could scroll down just a couple of lines? Perfect, thank
15 you.

16 And we see something attributed to someone named
17 Rheal; do you see that, Mr. Clow?

18 **MR. BRIAN CLOW:** Yes, that's Rheal Lewis. He's
19 the Chief of Staff to the Government House Leader.

20 **MR. BRIAN GOVER:** And this says:

21 "Confident we'll win those votes. Need
22 to do more in Senate to win that vote."

23 Have I read that correctly?

24 **MR. BRIAN CLOW:** That looks correct.

25 **MR. BRIAN GOVER:** And how does that accord with
26 your recollection of the discussion surrounding the pending
27 Senate vote around the time when revocation of the declaration

28 ---

1 **MR. BRENDAN MILLER:** Sir, I'm going to object.
2 He's misrepresenting the document. That document is, in fact,
3 prior to the invocation, though it doesn't have a date on it.
4 It talks about the announcement on the Monday, and it's quite
5 clear that that record is, in fact, from prior to invocation,
6 and it actually says in it that there's no violence under the
7 *CSIS Act*.

8 **COMMISSIONER ROULEAU:** I'm not sure what the date
9 is. Is there a date on the document?

10 **MR. BRENDAN MILLER:** No. The DOJ never provided
11 a date, unfortunately.

12 **COMMISSIONER ROULEAU:** I'm not -- yeah. Well,
13 I'm just looking at it. So it's unclear what the date is, I
14 guess, is what you're saying.

15 **MR. BRENDAN MILLER:** It does say that it's before
16 a Monday where there's an announcement, and of course, the
17 announcement of the *Emergencies Act* was on Monday the 14th, on
18 Valentine's Day.

19 **MR. BRIAN GOVER:** If I may continue,
20 Commissioner?

21 **COMMISSIONER ROULEAU:** Yeah.

22 **MR. BRIAN GOVER:** What I'm endeavouring to do is
23 to ask for the panel's interpretation of this so that we clarify
24 these areas.

25 **COMMISSIONER ROULEAU:** Okay.

26 **MR. BRIAN GOVER:** Thank you.

27 **COMMISSIONER ROULEAU:** Go ahead.

28 **MR. BRIAN GOVER:** Thank you very much.

1 And this continues, and this is the part that I
2 believe Mr. Miller had referred to in his cross-examination
3 earlier, or his commentary earlier:

4 “NES spoke with NSIA + Jody Thomas”

5 And then there’s an arrow:

6 “S.2 of CSIS Act: Violence not met”

7 New arrow:

8 “Wonder if need full 30 days if Ottawa
9 cleared [then] speech Monday morning.”

10 Are you able to help us, Mr. Clow, understand the
11 context of this? First of all, what does NES stand for?

12 **MR. BRIAN CLOW:** So this whole page, reviewing
13 it, this does look like it’s well after, it could be a full week
14 after invocation of the Act. Clearly they’re talking about the
15 Parliamentary process so the first part, “Rheal Lewis is saying
16 he’s:

17 “confident will win the votes. Need to
18 do more in [the] Senate...”

19 So I addressed that in an earlier question, that
20 I know of no reason to believe the Senate was not going to
21 endorse that. And as I said earlier, the Chief of Staff to the
22 Government Leader in the Senate was doing vote counting, and I
23 believe that evidence was presented here, and they were quite
24 confident they would win that vote.

25 The rest of the page looks like more
26 Parliamentary process and an individual Caucus member.

27 **MR. BRIAN GOVER:** Who is that individual Caucus
28 member?

1 **MR. BRIAN CLOW:** Nate Erskine-Smith.

2 **MR. BRIAN GOVER:** And whose view did you
3 understand to be that section 2 of the *CSIS Act* had not been
4 met?

5 **MR. BRIAN CLOW:** It's hard to say. I don't know
6 what this refers to but there was a public discussion going on
7 about this very fact, as there is in this commission, but I
8 don't know specifically what this refers to in this note.

9 **MR. BRIAN GOVER:** All right. Well, we've done
10 our best to interpret that, and thank you for that.

11 **MR. BRENDAN MILLER:** Sir, sorry, can I ---

12 **COMMISSIONER ROULEAU:** Can you just please ---

13 **MR. BRENDAN MILLER:** Well, I understand, but we
14 don't have a date for that document, and we need to clarify it.

15 **COMMISSIONER ROULEAU:** Yeah, and he gave his best
16 evidence and there's not much we can do. So, please, let the --
17 let counsel proceed.

18 **MR. BRIAN GOVER:** Thank you.

19 The second-to-last area has to do with the
20 process that the three of you observed surrounding the decision
21 to invoke the *Emergencies Act*. And how would you describe the
22 process surrounding the invocation of the *Emergencies Act*; the
23 evolution of the thinking of the Government of Canada on that
24 issue.

25 Perhaps I'll ask you first, Ms. Telford.

26 **MS. KATHERINE TELFORD:** I think the process was
27 -- we tried to be methodical about it; it was very step by step,
28 and it was seeking advice every step of the way from multiple

1 parts of government. It was taking in a lot of different
2 inputs, and it was doing a lot of consultation throughout. And
3 so actually even in processes that often go on much longer than
4 this one could afford to and say this is actually one of the
5 more robust processes I've seen.

6 **MR. BRIAN GOVER:** Thank you.

7 Mr. Clow, same question for you; your description
8 of the process.

9 **MR. BRIAN CLOW:** I would absolutely agree with
10 that. I don't know that I have much to add, other than as has
11 been covered at some length here today and at this Commission,
12 especially in those days leading up to the invocation from the
13 IRG, and even before that, the steps that were taken were
14 careful, considered, and there were a number of conversations
15 involving a number of senior officials and Ministers ultimately
16 leading to the Cabinet meeting on the Sunday night. So to me,
17 it was very methodical.

18 **MR. BRIAN GOVER:** Thank you. And Mr. Brodhead?

19 **MR. JOHN BRODHEAD:** The only thing I would add to
20 what I obviously agree with from my two colleagues, I think
21 watching the Incident Response Group, and I say this as a policy
22 wonk and somebody who spends a lot of time at Cabinet committees
23 and these processes, it really helped facilitate the type of
24 discussion, having the experts, the civil servants, the key
25 folks at the table, all the Ministers there, that type of open
26 discussion. It just meant we could move at a speed that the
27 other institutions, the other parts of our apparatus don't
28 allow. And so I think the combination of that and all the

1 external advice we were getting, I think it was -- agree that it
2 was a very kind of methodical process, and I think the Prime
3 Minister was very clear about how methodical it needed to be,
4 both in the -- both before and after. So I'll leave it there.

5 **MR. BRIAN GOVER:** And finally, our last question,
6 and it's to you, Ms. Telford, if anyone were to suggest that the
7 decision to invoke the *Emergencies Act* was politically
8 motivated, what would you say to that?

9 **MS. KATHERINE TELFORD:** It was absolutely not.
10 It was driven at its core in ever meeting the Prime Minister
11 began and ended and it was discussed throughout, how do we
12 ensure the safety and security of Canadians? And there wasn't
13 time, space, or desire to talk about anything else.

14 **MR. BRIAN GOVER:** Thank you very much. Those are
15 my questions.

16 **COMMISSIONER ROULEAU:** Okay. Thank you. Any re-
17 examination?

18 **MS. SHANTONA CHAUDHURY:** No re-examination,
19 Commissioner.

20 **COMMISSIONER ROULEAU:** Okay. Well thank you very
21 much for sharing -- or not sharing your thoughts, responding to
22 questions, and coming to testify. Much appreciated. And it's
23 appreciated that you accommodated the late hour. I'm sure it's
24 not your first late nights, but it is appreciated.

25 So I think we'll take a short break to move to
26 the next witness. And we'll take to reorganize and so on. So
27 we'll take five or 10 minutes for a break.

28 **THE REGISTRAR:** The Commission is in recess. La

1 Commission est levée.

2 --- Upon recessing at 7:52 p.m.

3 --- Upon resuming at 8:10 p.m.

4 **THE REGISTRAR:** Order. À l'ordre. The
5 Commission has reconvened. La Commission reprend.

6 **COMMISSIONER ROULEAU:** Okay, we have another
7 witness. Who is Commission Counsel on this?

8 **MR. JEAN JEAN-SIMON SCHOENHOLZ:** Commissioner,
9 Jean Jean-Simon Schoenholz for the Commission. The witness is
10 Kenneth Weatherill. He's on Zoom.

11 **COMMISSIONER ROULEAU:** Okay.

12 **MR. JEAN JEAN-SIMON SCHOENHOLZ:** And this is just
13 for a cross-examination by some of the parties on his witness
14 statement, so Commission Counsel don't have questions in-Chief.

15 **COMMISSIONER ROULEAU:** Okay.

16 Mr. Weatherill, can you hear me?

17 **MR. KENNETH WEATHERILL:** Yes, sir, I can. Thank
18 you.

19 **COMMISSIONER ROULEAU:** Okay. So we'll now swear
20 you if that's agreeable.

21 **MR. KENNETH WEATHERILL:** Yes, it is, and I have a
22 Bible in my right hand.

23 **COMMISSIONER ROULEAU:** Okay.

24 **THE REGISTRAR:** Mr. Weatherill, for the record,
25 please state your full name and spell it out.

26 **MR. KENNETH WEATHERILL:** My name is Kenneth
27 Alexander Weatherill, K-E-N-N-E-T-H Alexander, A-L-E-X-A-N-D-E-R
28 Weatherill, W-E-A-T-H-E-R-I-L-L.

1 --- MR. KENNETH WEATHERILL, Sworn:

2 **COMMISSIONER ROULEAU:** Okay. So I don't have a
3 list this time, but I understand counsel for former Chief Sloly
4 has a -- some questions.

5 **MS. ALYSSA TOMKINS:** Counsel had discussed that I
6 would actually start on behalf of the City, Mr. Commissioner, if
7 that's acceptable.

8 **COMMISSIONER ROULEAU:** Normally it's the
9 opposite, but go ahead.

10 --- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

11 **MS. ALYSSA TOMKINS:** Good evening,
12 Mr. Weatherill, thank you for making yourself available for us
13 on seemingly quite short notice.

14 My name's Alyssa Tomkins. I am counsel for the
15 City of Ottawa in this case. So I just have a couple of issues
16 that I want to discuss with you flowing from your witness
17 summary.

18 So one of the issues you raise in there is the
19 training that's available to members of the Police Services
20 Board.

21 So I just wanted to bring up the *Police Services*
22 *Act*. If we can go to document COM, I think it's five zeros,
23 819.

24 **COMMISSIONER ROULEAU:** What would you like to do?

25 **MS. ALYSSA TOMKINS:** Oh, sorry.

26 Page 28 of that. So if we can just scroll down,
27 Mr. Clerk. When we get to -- I just wanted the witness -- keep
28 scrolling please.

1 So this starts with section 31, which is titled
2 Responsibilities of the Boards.

3 And if we can keep scrolling down, we get to
4 subsection (5), please. Oh, there we go.

5 So the training of board members, and the Act
6 provides that:

7 "The board shall ensure that its
8 members undergo any training that the
9 Solicitor General may provide or
10 require."

11 Now, my understanding from your witness summary
12 is that in fact the Solicitor General does not provide formal
13 training, or has chosen not to. Is that correct?

14 **MR. KENNETH WEATHERILL:** Well, my evidence is
15 that the police service advisors deliver orientation training.
16 There is also a package that is provided to every board member
17 who becomes a member of the Board. But when I think of training
18 I think of lesson plans, I think of course training standards,
19 and I think of that. That is not the formal training that is
20 under -- that is delivered currently to the *Police Services Act*.
21 There is ongoing training on a number of different areas that
22 may come up that the advisors are able to help support the Board
23 or help support the Board to receive training in a number of
24 different areas such as an example of a Board asking for
25 training in harassment and discrimination, and biases. And
26 could they get support in identifying those kinds of training
27 plans.

28 **MS. ALYSSA TOMKINS:** Okay. So maybe it will be

1 easier if we just go to your witness summary. If we can go to
2 WTS0000080, however many zeroes, sorry. I'm always unsure.

3 If we can just go to page 2 and scroll down,
4 please. Sorry, scroll up.

5 So the paragraph that starts with:

6 "The work of the Liaison Unit includes
7 providing orientation materials for new
8 police services board members. That
9 said, SOLGEN does not provide formal
10 training."

11 So that's what you were referring to?

12 **MR. KENNETH WEATHERILL:** Yes, ma'am. It is.

13 **MS. ALYSSA TOMKINS:** Okay. And so then I want to
14 scroll down to the top of page 3. In this case -- so as I
15 understand your evidence that in fact in this case the Board did
16 request training from the advisor, Ms. Grey, on their
17 responsibilities during this type of incident. And because it
18 was during an event, you took the position that advisors were
19 not provide this training in the middle of an incident? Do I
20 understand correctly?

21 **MR. KENNETH WEATHERILL:** Yes. So the context of
22 this is we were a number of days into an ongoing incident in
23 Ottawa and the Board approached the advisor and asked for
24 training related to Board governance. The Ottawa Police
25 Services Board is a very experienced Board. They've had
26 significant orientation. They have significant experience and a
27 large number of assets available to them.

28 So the position that I took and the direction was

1 in the middle of an incident is not the time to remove a Board
2 from their role and their function of governance and set them
3 down and to provide additional training on top of what they've
4 received, and the policies that they're governing themselves by.

5 What I did ask was that the advisor asked for
6 particular questions from the Board and specifically the
7 executive director and then we would help facilitate those
8 questions with the appropriate answers and assist them in the
9 interpretation of the legislation, their roles and their
10 functions and their responsibilities.

11 **MS. ALYSSA TOMKINS:** Okay. And I'm not going to
12 go to that document because I took the Deputy Solicitor General
13 to it, and we'll -- the Commission already has the evidence as
14 to what information was provided to the Board in terms of what
15 authorities were available to them under the Act, and more
16 importantly what was not provided.

17 I note here that it says part of the rationale
18 for not agreeing to provide training during the incident is that
19 the OPSB had its own resources, significant experience through
20 former Board members on City Council.

21 Now, I just want to be clear on that. Surely you
22 agree that the Board and the municipal council are separate and
23 distinct entities?

24 **MR. KENNETH WEATHERILL:** Yes, that's correct.

25 **MS. ALYSSA TOMKINS:** Okay. And they're legally
26 separate as a matter of law?

27 **MR. KENNETH WEATHERILL:** They are legally
28 separate as a matter of law. What I meant by that and what I

1 continue to stand by is the Board has a responsibility and the
2 ability to tap into resources of experience that can help them
3 guide through particular scenarios and situations without
4 disclosing the intimate details of those situations and
5 scenarios. That forms part of responsible governance.

6 **MS. ALYSSA TOMKINS:** Now, you'll agree though
7 that of these other resources available, other than the advisors
8 of the Solicitor General, only one of those being the advisors
9 of the Solicitor General has a statutory duty to ensure that the
10 Board is providing adequate and effective policing in the
11 municipality.

12 **MR. KENNETH WEATHERILL:** So if I understand your
13 question correctly, you're asking me if there is only one person
14 that's listed in that entire group that has a statutory
15 responsibility to provide adequate and effective policing?

16 **MS. ALYSSA TOMKINS:** Yes.

17 **MR. KENNETH WEATHERILL:** I'm just reading what's
18 there, just you can see what I'm doing.

19 So the Board members themselves had a
20 responsibility so that's one entity.

21 Legal counsel to the Board has a responsibility
22 to help guide the Board. And the Police Service advisors have a
23 responsibility to ensure adequate and effective delivery of
24 policing is provided through part -- section 3(2) of the *Police*
25 *Services Act*.

26 But that doesn't preclude the Board from having
27 their own responsibilities under section 4 and heir duties under
28 section 31.

1 **MS. ALYSSA TOMKINS:** And nobody is disputing
2 that. What I'm referring to is when the Board could go outside
3 itself and seek assistance as they were doing in this case.
4 They were seeking assistance from another body that has that
5 duty and in fact the duty includes the duty to ensure that the
6 Board is doing its job.

7 **MR. KENNETH WEATHERILL:** Can you rephrase that
8 question, please? I'm not quite sure I'm understanding exactly
9 what the question is.

10 **MS. ALYSSA TOMKINS:** And maybe it's just a matter
11 of argument. That when they have these other resources that
12 they can go to, and that's fine and good. But it's in the
13 statute -- there's one entity that's supervising the Board. And
14 I put to Mr. Di Tommaso and I'll put it in argument that the
15 Supreme Court of Canada has said that the Solicitor General has
16 a duty to ensure that the Board provides adequate and effective
17 police services in the municipality.

18 So the other entities, former members -- they're
19 resources but they're not resources that have themselves a
20 statutory duty.

21 **MR. KENNETH WEATHERILL:** So I'm not familiar with
22 any case that the Supreme Court of Canada has ruled on. With
23 respect to responsibilities of the delivery of adequate and
24 effective policing, in the Act there's actually three areas that
25 I'm familiar with.

26 The first one is the Board, and they're
27 responsible to provide adequate and effective policing.

28 The role of the minister as set out in section

1 3(2) and the municipal council to provide the necessary funding
2 in order to deliver upon the services which can arguably be
3 connected back into adequate and effective policing.

4 **MS. ALYSSA TOMKINS:** And obviously the
5 municipality's other role is in appointing or removing as the
6 case may be members of the Board.

7 **MR. KENNETH WEATHERILL:** The municipal members of
8 the Board, not the provincial members of the Board.

9 **MS. ALYSSA TOMKINS:** Right. Thank you. I have
10 no further questions. And thank you for your time this evening.

11 **MR. KENNETH WEATHERILL:** Thank you.

12 **COMMISSIONER ROULEAU:** Okay. So the next is
13 Former Chief Sloly's counsel.

14 **MR. TOM CURRY:** Thank you, Commissioner.

15 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

16 **MR. TOM CURRY:** Mr. Weatherill, Tom Curry for
17 Chief Sloly.

18 I understand you were interviewed by Commission
19 counsel on November 17th.

20 **MR. KENNETH WEATHERILL:** Yes, that's correct.

21 **MR. TOM CURRY:** And can you just tell the
22 Commissioner, how long were you with the Commission counsel for
23 that interview?

24 **MR. KENNETH WEATHERILL:** Ninety-four (94) minutes
25 in total.

26 **MR. TOM CURRY:** And did you have access to the
27 information -- to any information during the interview or was it
28 -- well, I'll just stop there. Did you have access to

1 information during the interview?

2 ` **MR. KENNETH WEATHERILL:** I did, sir.

3 **MR. TOM CURRY:** Including the films or recordings
4 at least of the Police Services Board and council meetings
5 concerning the Ottawa Police Services Board?

6 ` **MR. KENNETH WEATHERILL:** No, sir. I did not have
7 access to any video films.

8 **MR. TOM CURRY:** Okay. Now, just in terms of the
9 chain of command at the Solicitor General's ministry, I
10 understand that you are the -- of course you're the Inspector
11 General of Policing and you have a direct report to the Deputy
12 Solicitor General. Is that true?

13 ` **MR. KENNETH WEATHERILL:** Yes sir, that's correct.

14 **MR. TOM CURRY:** And then reporting to you is the
15 manager of police services liaison, or the Police Services
16 Liaison Unit, correct?

17 ` **MR. KENNETH WEATHERILL:** That's correct.

18 **MR. TOM CURRY:** And then below that office are
19 the Police Services advisors of whom you have spoken to my
20 friend; is that right?

21 **MR. KENNETH WEATHERILL:** Yes, sir.

22 **MR. TOM CURRY:** And the idea is that the Police
23 Services advisors attend some or all Police Services Board
24 meetings?

25 **MR. KENNETH WEATHERILL:** That's correct.

26 **MR. TOM CURRY:** In this case the Ottawa Police
27 Services Board is in -- was in the hands of Ms. Gray, Lindsay
28 Gray for the time up until February 14th; have I got that?

1 **MR. KENNETH WEATHERILL:** I don't accept the
2 statement that they were in the hands of. Ms. Gray ---

3 **MR. TOM CURRY:** Well ---

4 **MR. KENNETH WEATHERILL:** --- was providing
5 professional guidance fulfilling her duty as a Police Service
6 Advisor for the Ministry of the Solicitor General.

7 **MR. TOM CURRY:** I shouldn't -- I meant that only
8 in the sense that she was the advisor for the Ottawa Police
9 Services Board. And when did you first learn that the Ottawa
10 Police Services Board was dealing with the convoy protest?

11 **MR. KENNETH WEATHERILL:** It would have been late
12 January into early, early February. There were board meetings
13 taking place in January when the intelligence started to
14 surface, to indicate that there was going to be large-scale
15 demonstrations across the country, and in particular, in
16 Ontario, and that there was believed to be a large group of
17 individuals that may be moving towards Ottawa. And I was aware
18 of that information in late January.

19 **MR. TOM CURRY:** Right. Now you yourself though
20 did not -- if I understand it, you did not observe a Police
21 Services Board meeting of the Ottawa Police Services Board in
22 real time, at that initial phase at least; is that true?

23 **MR. KENNETH WEATHERILL:** There were meetings. In
24 January, no, but there were meetings in February where the link
25 was provided for the general public to watch the open session
26 and I observed portions of that.

27 **MR. TOM CURRY:** Okay. And at no time during any
28 of the meetings that you observed or that Ms. Gray observed did

1 any -- was any comment made either to the Police Services Board
2 or to the Chief; is that correct?

3 **MR. KENNETH WEATHERILL:** Comment made by who,
4 sir?

5 **MR. TOM CURRY:** Well, sorry, by you or Ms. Gray I
6 should have said.

7 **MR. KENNETH WEATHERILL:** No, I had no direct
8 contact with any members of the Board nor the Chief during that
9 entire time.

10 **MR. TOM CURRY:** They wouldn't have even known you
11 were on the line; is that true?

12 **MR. KENNETH WEATHERILL:** Yes, I believe that to
13 be true.

14 **MR. TOM CURRY:** And the -- Ms. Gray who they
15 would have been aware was present, also, to your observation and
16 from reports that she gave you, did not speak up at any of the
17 meetings to either the Board or any of the Police Services
18 members who were making presentations?

19 **MR. KENNETH WEATHERILL:** I believe that to be
20 factual during the meetings. I know there were conversations
21 outside of the meetings, but during the meetings I believe that
22 to be accurate.

23 **MR. TOM CURRY:** Right. And even -- whether
24 inside or outside of the meeting, to the extent that there was
25 some question about what information was being provided to the
26 Board by members of the Police Service, or alternatively, what
27 questions were being asked by the Board, neither Ms. Gray nor
28 you made any -- provided any guidance to the Board or the

1 Service; is that true?

2 **MR. KENNETH WEATHERILL:** No, that's not true,
3 sir.

4 **MR. TOM CURRY:** Okay.

5 **MR. KENNETH WEATHERILL:** Ms. Gray provided a
6 document that addressed questions, provided answers for the
7 Board, and was having conversations with the Executive Director
8 in relation to those questions and answers.

9 **MR. TOM CURRY:** All right. Fair enough. And
10 that -- and do I understand it that Ms. Gray and you in your
11 role were content with the guidance that she provided at that
12 time?

13 **MR. KENNETH WEATHERILL:** Yes, sir, I was.

14 **MR. TOM CURRY:** And that -- can I just have you
15 confirm just, please, Mr. Registrar, ONT1115. Just confirm for
16 the Commissioner if you would, Mr. Weatherill, now I hope you
17 can see this, if I -- are you able to see a document if it's
18 projected on your screen?

19 **MR. KENNETH WEATHERILL:** I should be able to,
20 sir. I'll let you know the minute it's up.

21 **MR. TOM CURRY:** Okay. Thank you. Do you
22 recognize ---

23 **MR. KENNETH WEATHERILL:** It's up now, sir.

24 **MR. TOM CURRY:** Thank you very much. Do you
25 recognize that as a briefing note provided by Ms. Gray that
26 summarizes the information that she recorded as having occurred
27 during the February 5th meeting?

28 **MR. KENNETH WEATHERILL:** Yes, sir, I do.

1 **MR. TOM CURRY:** And can I just ask you to just
2 scroll down, Mr. Registrar -- there, thank you. Just stop
3 there. Second bullet point, do you see,

4 "Chair Deans stated [...] the meeting
5 was called to ask the chief one
6 question - in accordance with the
7 mandate for the delivery of adequate
8 and effective policing, she asked the
9 chief if he believes he is still able
10 to provide, given the fluid nature of
11 the occupation, adequate and effective
12 policing to the city..."

13 And then asked,

14 "If not, [...] what resources from the
15 board or [...] assistance [...] can
16 [be] provide[d]..."

17 Do you recall that that was the single stated
18 purpose of that meeting?

19 **MR. KENNETH WEATHERILL:** That's what -- I don't
20 know if that if that is the single stated purpose, but that is
21 certainly the way Chair Deans reflected that on bullet number
22 two.

23 **MR. TOM CURRY:** And during that -- now I'm not
24 going to have the time to -- that was a very lengthy meeting; do
25 you recall?

26 **MR. KENNETH WEATHERILL:** Yes, sir, I do.

27 **MR. TOM CURRY:** And do you recall that during
28 that meeting, Chief Sloy and I believe his senior command staff

1 gave extensive information to the Board about the status of the
2 protest in the City of Ottawa and described plans and
3 enforcement activities; do you recall that?

4 **MR. KENNETH WEATHERILL:** What I will say is that
5 on bullet four, the Chief committed to lay out where the Service
6 is at and what their plan is. And then if we scroll down on
7 that same document, the Chief and the Deputy discuss how many
8 arrests they've made, how they deployed some of their officers
9 in and around the city. What's missing there is I think the
10 crux to what the question from the Chair was, is my recollection
11 of that meeting, was around what is happening with the
12 demonstrators, what is happening from the dismantling -- where
13 is the dismantling plan, and how are we going to return that
14 piece of the city back to the residents.

15 **MR. TOM CURRY:** Well, it -- I mean, you can keep
16 going. It's a five-page document. I don't have the time,
17 unfortunately, but there is a great deal of discussion between
18 this Chief and his senior command and the Board about the fact
19 that there are inadequate resources within the Ottawa Police
20 Service to dismantle the protest; isn't that true?

21 **MR. KENNETH WEATHERILL:** At that time, what I can
22 say is the Chief makes mention of the number of officers that
23 have been seconded and supporting from the RCMP, from the OPP,
24 and I believe he mentions seven other municipal services. So
25 this is on the 5th of December -- or of February rather. And I
26 believe the initial demonstration began the weekend prior to
27 that.

28 **MR. TOM CURRY:** Yes. But am I correct that --

1 certainly you as a member of the -- especially with your
2 experience in Police Services, this is not a mystery. On
3 February 5th, you knew, and everyone knew that the Ottawa Police
4 Service was overwhelmed by the protesters and had no adequate
5 resources themselves to dismantle the protest; isn't that true?

6 **MR. KENNETH WEATHERILL:** I'm aware that there are
7 resources on the ground supporting the Ottawa Police Service. I
8 have never been provided operational plans. I have never seen
9 operational plans. And I have never seen what the true state of
10 affairs were other than what was truly reported through the
11 media and what I have received through the briefings.

12 **MR. TOM CURRY:** Did you ask for them?

13 **MR. KENNETH WEATHERILL:** It's not my place to ask
14 for operational plans, sir. We ---

15 **MR. TOM CURRY:** Okay.

16 **MR. KENNETH WEATHERILL:** --- we don't oversee
17 operations.

18 **MR. TOM CURRY:** So -- okay. Well, so what I just
19 need to understand then, Mr. Weatherill, is this, you didn't ask
20 for them but you've never seen them. You're not criticizing
21 anybody for failing to provide them then. You're just telling
22 the Commissioner you didn't see them.

23 **MR. KENNETH WEATHERILL:** I don't think I was ever
24 asked that question and that's not what my summary of my
25 evidence was. My evidence was around the issue -- I think if we
26 go to page 4 of my summary, the third paragraph down, that I
27 found it concerning that when there were questions being asked
28 around the removal of the demonstrators in front of Capitol

1 Hill, that there was no operational plan that was being able to
2 be discussed. And in this document you have up here displayed
3 on the in-camera portion, it speaks to that there will be future
4 tense work to put together an operational plan. That was the
5 substance of the conversations that I shared with counsel that
6 becomes part of my summary.

7 **MR. TOM CURRY:** Right. And maybe we're saying
8 the same thing, but you understood at that time and Board
9 understood at that time that the Ottawa Police Service had a
10 maintenance plan and various details about operations, but the
11 dismantling would require the influx of significant resources.
12 Didn't you know that, and the Board ---

13 **MR. KENNETH WEATHERILL:** I don't know what the
14 Board was thinking, sir.

15 **MR. TOM CURRY:** Okay.

16 **MR. KENNETH WEATHERILL:** I can't answer that.

17 **MR. TOM CURRY:** Okay. Did you attend the in-
18 camera portion?

19 **MR. KENNETH WEATHERILL:** No, sir, I did not.

20 **MR. TOM CURRY:** Okay. So then I'll leave that
21 for a moment.

22 A couple of quick things. Just confirm for the
23 Commissioner please that this chief and this command team
24 briefed the Board January 26th in advance of the protest, and
25 you watched that briefing after the fact; is that true?

26 **MR. KENNETH WEATHERILL:** I don't -- if you could
27 produce that briefing document, I'd be able to confirm whether I
28 saw it or not.

1 **MR. TOM CURRY:** I can't in the time I have.

2 So to your recollection, did you not ever see the
3 briefing that was given to the Board on the 26th of January in
4 advance of the convoy protest?

5 **MR. KENNETH WEATHERILL:** I'm sorry, I don't know
6 that. I can't answer that question.

7 **MR. TOM CURRY:** Did you -- thank you, did you see
8 the briefings of February 1st in addition to February -- you've
9 told us about the 5th -- did you watch the February 1st, 7th,
10 11th, and 15th briefings?

11 **MR. KENNETH WEATHERILL:** I don't have the dates
12 of those briefings. I know that I was in contact with the
13 police service advisor during and after those briefings.

14 **MR. TOM CURRY:** All right. Fair enough. So you
15 don't know whether you attended those other ones; is that fair?

16 **MR. KENNETH WEATHERILL:** I can say that it would
17 be unlikely that I would have attended the entire briefing or
18 meetings because they were happening at a number of last-minute
19 meetings that were being called and were happening, really quick
20 turnarounds at irregular hours.

21 **MR. TOM CURRY:** Sure. And understanding -- you
22 told the Commissioner this -- this was a critical incident and
23 briefings during critical incidents are the exception to a
24 Board, correct?

25 **MR. KENNETH WEATHERILL:** That's not my
26 experience, sir, no.

27 **MR. TOM CURRY:** Well, you -- just real quick on
28 the Morden Report, the Ministry of the Solicitor General has

1 never endorsed the Morden Report; is that correct?

2 **MR. KENNETH WEATHERILL:** There's been no formal
3 endorsement of the Morden Report, but there was an all-chief's
4 memo that was distributed to all chiefs of police and deputy --
5 and service Boards. And the direction within that Morden Report
6 was that Board policies were to be reviewed and updated to align
7 with the recommendations of the Morden Report.

8 **MR. TOM CURRY:** Well, yes, fair. But it hasn't -
9 - the ministry hasn't endorsed nor the precise language that
10 you've used is "or taken a position" on the Morden Report.

11 **MR. KENNETH WEATHERILL:** That's correct.

12 **MR. TOM CURRY:** Okay. Last thing, please, last
13 area. Confidentiality is a significant value in police services
14 boards, correct?

15 **MR. KENNETH WEATHERILL:** Yes, sir.

16 **MR. TOM CURRY:** A chief would not be wrong to
17 keep in mind in briefing a board issues about leaks of
18 information and be guided by not sharing every detail of
19 operational plans if the board is a leaky institution? Is that
20 fair?

21 **MR. KENNETH WEATHERILL:** So I would expect that
22 if a chief suspected that there was a leaky board or challenges
23 with leaking information, then the necessary steps would have
24 been taken by the chief, with the chair, and/or with OCPC to
25 address that situation.

26 **MR. TOM CURRY:** Did you know that one member of
27 the board had attended this convoy protest and had made
28 donations?

1 **MR. KENNETH WEATHERILL:** I'm not familiar that a
2 member attended or provided donations. I recall hearing at the
3 board meetings that a number of board members had observed the
4 demonstration.

5 **MR. TOM CURRY:** All right. So you were unaware
6 that there was one board member thought to be supportive of the
7 convoy protest?

8 **MR. KENNETH WEATHERILL:** That's right. No
9 information there to confirm or deny that.

10 **MR. TOM CURRY:** Thank you. You agree that if
11 that were true, a board chair and a chief would be well advised
12 to be careful about information they share about operations; is
13 that fair?

14 **MR. KENNETH WEATHERILL:** Yes, sir. A chief
15 always needs to consider the integrity of the investigation, the
16 safety of the officers, the safety of the -- in this case, the
17 demonstrators, and the broader community. And if that were to
18 be compromised, then yes, that would be the responsible thing
19 for a chief to do.

20 **MR. TOM CURRY:** Thank you, Mr. Weatherall, I
21 don't have any other questions for you this evening.

22 **MR. KENNETH WEATHERILL:** Thank you, sir.

23 **COMMISSIONER ROULEAU:** Okay. I believe there's
24 the Coalition wants to -- you're okay, yes, Coalition. With the
25 mask, I didn't recognize you.

26 **--- CROSS-EXAMINATION BY MS. EMILIE TAMAN:**

27 **MS. EMILIE TAMAN:** Good evening. MY name is
28 Emilie Taman. I'm one of the lawyers acting for the Ottawa

1 Coalition of Residents and Businesses, and I just have a very
2 short time with you this evening, so just a couple of quick
3 questions, and thank you for being here this evening.

4 I want to just pick up where my friend, counsel
5 for former Chief Sloly left off, and that is in relation to your
6 understanding of what happened at the February 5th Police
7 Services Board meeting.

8 And as I understand it, and I think you've
9 accepted that a key issue at that meeting was whether or not OPS
10 was still providing adequate and effective policing, right?

11 **MR. KENNETH WEATHERILL:** Yes, ma'am.

12 **MS. EMILIE TAMAN:** And that's a pretty big
13 question for a police services board to be asking in a crisis,
14 isn't it?

15 **MR. KENNETH WEATHERILL:** Yes, it is.

16 **MS. EMILIE TAMAN:** Because it implies that they
17 may be asking themselves whether they need to consider their
18 options, maybe under section 9 of the *Police Services Act*,
19 right?

20 **MR. KENNETH WEATHERILL:** That and the fact that
21 they -- I think it's a responsible thing to do for a board to
22 regularly ask the chief and ask themselves, are we, in fact,
23 delivering adequate and effective policing? Are we satisfying
24 our legislative responsibility in the *Police Services Act*?

25 **MS. EMILIE TAMAN:** Right. I mean, that's
26 something that should be done regularly, but certainly, if that
27 question is being asked in a crisis, it's not a routine
28 question? It's being asked because there are concerns as to

1 whether adequate and effective police services are being
2 delivered at that time; wouldn't you agree with that?

3 **MR. KENNETH WEATHERILL:** Yes, I would agree that
4 throughout the -- a major event, that it would be appropriate
5 for a board to ask those questions of itself and of their chief.

6 **MS. EMILIE TAMAN:** And you said that the chief
7 didn't give a direct answer on that question, right?

8 **MR. KENNETH WEATHERILL:** That's correct.

9 **MS. EMILIE TAMAN:** But you've also said that the
10 chief acknowledged his inability to address the demonstration in
11 Ottawa while maintaining his ability to manage public safety in
12 the city more broadly -- his inability to do that, right?

13 **MR. KENNETH WEATHERILL:** The chief set out that
14 he did have the ability to provide, from my interpretation of
15 what I heard in the board meeting and in review of the board
16 summary from the advisor, that the chief did demonstrate
17 verbally to the board how adequate and effective policing was
18 being delivered throughout the city. He was asking for
19 additional support with respect to the demonstration --
20 demonstrators in the demonstration area.

21 **MS. EMILIE TAMAN:** Okay. So I just want to be
22 clear though because in the summary of your evidence -- and it
23 may well be that it's an error, so this is an opportunity to
24 correct that -- but on the third page in the last paragraph,
25 just after the footnote 4, it says:

26 "His understanding was that Chief Sloly
27 had acknowledged his inability to
28 address the demonstration in Ottawa

1 while maintaining his ability to manage
2 a public safety in the city more
3 broadly."

4 Is that your understanding, or is that a mistake?

5 **MR. KENNETH WEATHERILL:** That's right. He's
6 saying he needs help with the demonstration but he is able to
7 maintain public safety in the rest of the city.

8 **MS. EMILIE TAMAN:** Right, so -- but he can't do
9 both? He can't deal with the demonstration and maintain public
10 safety?

11 **MR. KENNETH WEATHERILL:** That's what he's
12 informing the Board.

13 **MS. EMILIE TAMAN:** But he's maintaining public
14 safety? Sorry.

15 **MR. KENNETH WEATHERILL:** Yes. That's what he's
16 informing the Board of, that he needs support with the
17 demonstration.

18 **MS. EMILIE TAMAN:** So I guess what I'd like to
19 understand is why it is that you didn't feel that this was
20 information that the deputy solicitor general should be briefed
21 on, that you have a crisis in Ottawa, you have a board asking
22 questions about the efficacy and adequacy of policing on
23 February 5th. You either don't have a direct question or you
24 have an indication from the chief that there's a real problem in
25 Ottawa. You didn't think that was something that the deputy
26 solicitor general should be briefed on?

27 **MR. KENNETH WEATHERILL:** So if we turn to section
28 9, and you mentioned it a just a little bit earlier -- if we

1 turn to section 9(6), the municipal chief of police who is in
2 the opinion of an emergency existing in the municipality may
3 request that the commissioner have the Ontario Provincial Police
4 give assistance. That had taken place. So there was a direct
5 line between the Ottawa Police Service and the Chief to the
6 Commissioner, and I was very much aware that there was support
7 on the ground by the Ontario Provincial Police to support the
8 demonstration and the dismantling of that demonstration at that
9 time.

10 **MS. EMILIE TAMAN:** But there hadn't been a
11 request for the OPP to come in and assume control of policing in
12 Ottawa; right?

13 **MR. KENNETH WEATHERILL:** That's correct.

14 **MS. EMILIE TAMAN:** Right. And if the Board was
15 asking those questions, would you agree that the reason in the
16 context of a crisis to be asking that question is because
17 they're asking themselves whether they might have a duty under
18 the legislation to themselves go to the OPP and request that the
19 service take over in Ottawa?

20 **MR. KENNETH WEATHERILL:** So there would be a
21 number of necessary steps that would need to take place if the
22 Board had lost confidence in their Chief, and if the Board were
23 to reach out to the Commissioner and ask for policing services,
24 then the Chief would need to be removed. And that did not
25 happen. The Chief had made the request, the Board appeared to
26 be satisfied with that request, and was aware that the OPP were
27 there and supporting the Ottawa Police Service in formulating
28 plans, along with seven other municipal services, and on the 5th

1 of December, up to 257 RCMP officers.

2 **MS. EMILIE TAMAN:** December?

3 **MR. KENNETH WEATHERILL:** I'm sorry, February. I
4 apologise.

5 **MS. EMILIE TAMAN:** Okay. No, no, that's okay.
6 And just finally, I just want to understand the timing of the
7 request by the Board for training. How did that coincide with
8 what you heard on February 5th? In other words, were they
9 trying to figure out what it was that they were expected to do
10 if they had concerns about adequate and effective policing?
11 They're asking for training, they're asking for advice, and
12 they're not getting that. Is that right?

13 **MR. KENNETH WEATHERILL:** No, I disagree with
14 that. They were asking for governance training. That Board is
15 quite experienced in governance. They wanted governance
16 training in the middle of an incident, and that would have been
17 irresponsible for my advisor to be there pulling a board away
18 from their responsible duties of governance and oversight in
19 managing the scenario from their perspective in their function
20 and roles.

21 **MS. EMILIE TAMAN:** Okay. Thank you, sir, those
22 are my questions.

23 Thank you, Commissioner.

24 **MR. KENNETH WEATHERILL:** Thank you.

25 **COMMISSIONER ROULEAU:** Thank you.

26 Any re-examination?

27 **MR. JEAN-SIMON SCHOENHOLZ:** I just had one point
28 of clarification first, just for the record. My friend for

1 Chief Sloly mentioned the dates of some of the Board meetings.
2 The dates -- so the dates of Board meetings were the 26th, the
3 5th, the 11th, the 15th, and the 17th. I don't know that that's
4 material, but just wanted to the record to accurately reflect
5 that.

6 **MR. TOM CURRY:** I think the difference
7 Commissioner, between -- Tom Curry speaking. The difference
8 between us is that I believe there's a briefing on February 1st,
9 but we can perhaps sort that out later. I think that's the date
10 I gave, and I believe I'm correct.

11 **MR. JEAN-SIMON SCHOENHOLZ:** I think it might
12 have, yeah, it might have been an informal briefing, not an
13 official board meeting. I just wanted to clarify it for the
14 record.

15 **--- RE-EXAMINATION BY MR. JEAN-SIMON SCHOENHOLZ:**

16 **MR. JEAN-SIMON SCHOENHOLZ:** In terms of questions
17 on confidentiality, you -- would you agree that if information
18 is not provided because there is a belief that a board is a
19 leaky board that that would be an impediment to proper oversight
20 function by the board?

21 **MR. KENNETH WEATHERILL:** Yes, I would. And that
22 there should be policies within the Board to deal with that, and
23 the Board should be very much aware of what the necessary steps
24 would be to advance that complaint and that issue to the Ontario
25 Civilian Police Commission.

26 **MR. JEAN-SIMON SCHOENHOLZ:** And what would you
27 suggest that the proper steps would be to follow if there was
28 such concerns? You mentioned it, but you didn't really go into

1 detail of what those would be.

2 **MR. KENNETH WEATHERILL:** So with the Chief,
3 there's a couple of different pathways that can be followed
4 there, sir, with the Chief being aware of it or the Board itself
5 being aware of it.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And can you maybe
7 just describe those for each?

8 **MR. KENNETH WEATHERILL:** Of course. So
9 generally, if it was the Chief who was made aware of it, and if
10 the Chief was confident that it was not the Board Chair, then
11 they would have that conversation with the Board Chair and give
12 the Chair an opportunity to share the appropriate policies with
13 the broader Board and address the individual that may be that
14 leak.

15 If that does not resolve it, or if it's of such
16 significant, serious significance, then the Board Chair can go
17 directly to the Ontario Civilian Police Commission and ask them
18 to conduct a review and a subsequent investigation into it --
19 the matter.

20 If the Board Chair themselves are aware of it,
21 then it's incumbent upon the Board to address their own
22 policies, and if that does not correct the matter, then the
23 Board, or if it's of significant severity that it would be
24 inappropriate to do so, then the Board Chair would again then go
25 directly to the Ontario Civilian Police Commission and request
26 that they undertake a review and launch an investigation into
27 misconduct of a, potential misconduct of a Board member.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so you

1 would agree with me that a leaky Board issue has to be addressed
2 in some fashion?

3 **MR. KENNETH WEATHERILL:** I would agree that if it
4 exists today, then it needs to be addressed, and that it's
5 unfortunate if they were aware of it back in February or
6 January, whenever that was -- others were first made aware of it
7 that it wasn't addressed then.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Because if it's not
9 addressed it leads to a breakdown in the relationship, in the
10 oversight function.

11 **MR. KENNETH WEATHERILL:** The relationship between
12 the Board, the trust in confidence of the Board, the trust in
13 confidence of the broader community in the Board, of counsel of
14 the Board, and then the entire relationship that's necessary for
15 proper good governance of a police service.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Thank you
17 so much for your time this evening.

18 Thank you, Commissioner.

19 **MR. TOM CURRY:** Commissioner, may I just raise
20 one very brief comment? My friend's ---

21 **COMMISSIONER ROULEAU:** At this hour, why not?

22 **MR. TOM CURRY:** I'm sorry for this, but it -- I
23 think you are going to agree it's important.

24 The Ministry of the Solicitor General knew about
25 the leaking information from the Board, it's in a statement that
26 is from Mr. Weatherill's subordinate. I just don't want you to
27 be left without the other -- the third leg of that stool because
28 the Ministry knew it as well.

1 I don't know if my friend wants to develop that.
2 I don't know why if we're going it we don't develop it.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, and I am
4 aware that that is in, you know, certainly in the other witness
5 statement that was entered.

6 Do you maybe want to address that question then
7 raised by my friend, what, if anything should the Solicitor
8 General's office be doing if they're aware of a leaky Board?

9 **MR. KENNETH WEATHERILL:** So I'll start by saying
10 I was not aware that the advisor had that information. If the
11 advisor did have that information, then the advisor, number one,
12 would have -- should have reported that through the chain of
13 command up to myself, and that would have been something I would
14 have shared with the deputy. And then the advisor would speak
15 with the Chair, speak with the Chief if necessary, and would
16 follow the similar path of notifying the -- reviewing the
17 policies and then reviewing the -- if necessary, moving it to
18 the Ontario Civilian Police Commission for a review and
19 subsequent necessary investigation.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you very much.

21 **COMMISSIONER ROULEAU:** Okay. Thank you.

22 So those are -- well, firstly, thank you for
23 making yourself available, Mr. Weatherill. Unusual as the hour
24 is it's very appreciated by the Commission. So thank you, that
25 terminates your evidence or ends your testimony.

26 And we will adjourn, I think, until tomorrow
27 morning at 9:30.

28 **THE REGISTRAR:** The Commission is adjourned. La

1 Commission est ajournée.
2 --- Upon adjourning at 8:54 p.m.

3

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C E R T I F I C A T I O N

5

6 I, Wendy Clements, a certified court reporter, hereby certify
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13 notes/enregistrements au meilleur de mes capacités, et je le
14 jure.

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