



## Interview Summary: Katie Telford, Brian Clow, John Brodhead and Jeremy Broadhurst, Prime Minister's Office

### Background

Senior officials from the Prime Minister's Office (**PMO**) were interviewed in a panel format by Shantona Chaudhury, Yves Côté, and Nusra Khan on October 11, 2022. Questions about this summary should be directed to Ms. Khan.

The Prime Minister was separately interviewed by the Commission. This summary should be read in conjunction with the summary of the Prime Minister's interview as well as the Institutional Reports prepared by the Privy Council Office (**PCO**) and PMO.

This preamble and text contained within square brackets consists of explanatory notes provided by Commission counsel to assist the reader.

The Prime Minister's Office is the political office that supports the Prime Minister of Canada, the Rt. Honourable Justin Trudeau in the exercise of all of his duties as the head of government, the leader of a political party recognized in the House of Commons, and a Member of Parliament (**MP**). Generally speaking, the PMO plans the Prime Minister's schedule, drafts speeches and other public statements, spearheads the Prime Minister's media relations and tour, and processes prime ministerial correspondence. The PMO houses the Prime Minister's advisory staff, whose activities include providing advice and support on government policy objectives and policy development, issues of daily concern, and briefing the Prime Minister on parliamentary affairs. The PMO also facilitates the Prime Minister's relationships with ministers, officials and caucus. The PMO does not have a decision-making function within the federal government.

**Katie Telford** serves as the Chief of Staff (**CoS**) to the Prime Minister (**PM**). In this role, she provides political advice to the PM, coordinates the flow of information to the PM, and manages the day-to-day activities of the PMO, including the management of its roughly 100 staff members. She has served as CoS to the Prime Minister since November 2015. She acted as his campaign director in the 2015 election campaign.

**Brian Clow** is one of two Deputy Chiefs of Staff to the PM. He was appointed in November 2021 and manages five teams in PMO: Policy and Cabinet Affairs, Issues Management and Parliamentary Affairs, Communications, Global Affairs, and COVID-19 Response. He previously served in various roles in PMO, including Executive Director and Director of Canada-US Relations. From 2015-2017, he served as the Chief of Staff for then-Minister of International Trade, Chrystia Freeland.

**John Brodhead** is the Director of Policy at PMO. In this role, he oversees a staff of thirteen, providing policy advice to the Prime Minister on a variety of issues, and working



with the PCO and ministers' offices managing Cabinet processes. He previously served as Senior Advisor, Intergovernmental Affairs from April 2021 until January 2022.

**Jeremy Broadhurst** is a Senior Advisor to the Prime Minister. His job is to provide strategic and policy advice, and to ensure that the information and advice provided to the Prime Minister from different departments is as complete and robust as possible so that the Prime Minister has the information he needs to make the best decisions possible. This sometimes means serving a challenge function and other times involves supplementing information, drawing on his own experience and expertise. He previously served as Deputy Chief of Staff to the Prime Minister from 2015-2017 and as CoS to Minister Chrystia Freeland from 2017 - 2021, in her roles as Minister of Foreign Affairs, Minister of Intergovernmental Affairs, Minister of Finance and Deputy Prime Minister. Mr. Broadhurst returned to the PMO following the 2021 federal election.

### Relationship with PCO

Ms. Telford explained that PMO and PCO are separate arms of the same structure. PMO officials are political staff. PCO officials are the institutional, non-partisan, public service counterpart. The two offices work closely together and are housed in the same building. The Clerk of the Privy Council, Ms. Janice Charette, has direct, regular contact with the Prime Minister, and Ms. Telford will regularly liaise with her as well. The Prime Minister and Ms. Charette have weekly meetings as well as more informal meetings. The Prime Minister, Deputy Prime Minister and the Clerk also meet at regular times.

From February 10 until the end of the convoy events, most briefings to the Prime Minister were funneled into the Incident Response Group (IRG) meetings and the pre-IRG briefings that the Prime Minister received from the Clerk. Ms. Charette attended the IRG meetings to provide advice to the Prime Minister.

Mr. Clow added that all of the PMO teams work with either direct counterparts in PCO or informal counterparts, as there is significant coordination required between the work done by PMO and PCO. He noted, for example, that he and the Issues Management and Parliamentary Affairs team had significant contact with the office of the National Security and Intelligence Advisor (**NSIA**) at PCO throughout the relevant period in January and February 2022. Mr. Clow recalled that the first emails and conversations between his team PCO, including with the NSIA team took place starting the week of January 17. From that point onward, the updates and interactions between the two took place many times daily. He added that PMO received regular updates through briefings provided by the NSIA and her team, including Mike Macdonald, the Assistant Secretary to Cabinet, Security and Intelligence.



## Arrival of the Convoy in Ottawa

Mr. Clow recalled that the first time the convoy was officially flagged as an issue by PCO (other than in informal conversations) was in an email from PCO dated January 20. Shortly thereafter, the convoy began to receive more attention in the press. On January 24, media representatives put questions about the convoy to both the PM and the former Leader of the Opposition, Erin O'Toole. Ms. Telford explained that PMO began more closely monitoring the press and social media coverage of the convoy that week. The Prime Minister was briefed on the convoy at his daily morning news briefings beginning on January 24, 2022.

Throughout the week, PMO received briefings from PCO, as well as updates from ministers' offices and officials, including officials in the Department of Public Safety and other departments.

### Early Assessments

Ms. Telford noted that the convoy protest caused her some unease. PMO proactively raised its concerns with the Clerk, asking that the public service keep an eye on it. Ms. Telford and her staff had experienced an unprecedented level of violent rhetoric and threats to their safety during the 2021 federal election campaign, and recognized similar elements in the convoy. Symbols and imagery used by participants, both online and in person, indicated that the convoy was not exclusively about the vaccine mandate or truckers as styled. She noted the government heard from stakeholders, including the Canadian Trucking Alliance, which indicated that it did not support the convoy.<sup>1</sup> Mr. Clow mentioned the document prepared by some protestors, titled the "Memorandum of Understanding", which proposed to overthrow the government, as a clear sign that this was not a routine protest.

Ms. Telford stated that she was seriously concerned about the nature and duration of the convoy event. Mr. Broadhurst noted that PMO began to make security and travel arrangements for its staff, as well as the PM and Ministers. Mr. Clow recalled that on January 27, PMO advised its staff to work from home to protect their safety. This had never been done before.

Ms. Telford recalled that, going into the first weekend (January 29-30), PMO received briefings and information from federal government sources indicating that the Ottawa Police Service (**OPS**) was going to employ a strong "backchannel" for police to engage with protestors, as is ordinarily done in protest management. PMO also received briefings to the effect that OPS had a clear sense of the total number of people and vehicles expected to arrive in Ottawa and that the convoy was expected to be peaceful and orderly. Mr. Clow stated that PMO did not receive any details about police plans or operations.

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<sup>1</sup> See for example, SSM.CAN.00000335 and SSM.CAN.00000345.



Ultimately, the number of protestors that arrived in Ottawa in that first weekend was much higher than OPS had anticipated.

Mr. Broadhurst added that there was a large and evolving gap between the numbers reported on social media, the numbers reported by the OPS, and the actual numbers in Ottawa. There were also indications that this situation differed from protests that Ottawa had seen in the past in other ways. At least some protestors engaged immediately in illegal activity by blocking and occupying city streets, defacing public property, and harassing residents.

### Early Response to the Convoy Events

Ms. Telford noted that many informal conversations and updates took place internally and externally during the week of January 31 to February 6, 2022, which followed the convoy's failure to leave following the first weekend. For instance, the PM had a call with the Mayor of Ottawa on January 31. PMO staff attended this call. The purpose of this phone call was to better understand what was happening, what plans the municipal and provincial authorities had in place to address the situation, and what support they required from the federal government. There were also meetings and discussions with ministers' offices, including a regular meeting of all ministers and their Chiefs of Staff where safety and security measures were discussed. Much of the discussion that occurred at the regular caucus call on Wednesday, February 2 was about implementing security measures for MPs and staff in accessing and departing from Parliament Hill. In one incident that was discussed, a convoy participant threw coffee at a pregnant staff member. Ms. Telford noted that she herself was advised to work out of the office and away from Centretown that week due to the online rhetoric targeting her. As one example, a Telegram post alleging that she was going to create a 'false flag operation' to implicate the convoy participants had gone viral. Other staff members were personally targeted, including the Prime Minister's official photographer, who was misidentified as someone taking photos of the occupation.

### Engagement with the City of Ottawa

Mr. Clow explained that there were multiple levels of engagement between the federal government and the City of Ottawa. There was interaction between Ministers Blair and Mendicino and the Mayor; between local MPs and the Mayor; and between PMO officials and the Chief of the Staff to the Mayor, Serge Arpin.<sup>2</sup> Mr. Clow noted that the City was clearly struggling to manage the occupation and that this was reflected in most conversations, in media reporting and reaction from residents. Mr. Brodhead added that the federal government often received conflicting messages. The general sense among

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<sup>2</sup> See for example, SSM.CAN.00007749.



PMO officials was that there was significant confusion at the municipal level about what was going on and their strategy to deal with it.

Mr. Clow was asked about a meeting between certain PMO staff members, including Zita Astravas [who is also the CoS to Minister Blair], on the morning of February 3, 2022. Mr. Clow explained that the meeting was convened to discuss federal involvement in dealing with the Ottawa occupation. By this point, it had become clear that progress was not being made by the responsible provinces or municipalities to resolve the occupations in their jurisdictions.

Mr. Clow recalled that at this meeting he, Ms. Telford, Mr. Brodhead, Ms. Astravas and others worked to try to identify a path forward. One issue identified in the notes of this meeting was the fact that the requests from Ottawa did not come from Ontario, and it was unclear whether provincial resources had first been exhausted.<sup>3</sup> Similarly, PMO received conflicting reports of the number of police resources provided by the RCMP to the City. Some of this information was relayed through local MPs.<sup>4</sup> Mr. Broadhurst added that one reality they could not ignore was that the City is a creature of the province, meaning that it was created by provincial legislation and falls under jurisdiction Part of the federal government's task in this period was to understand what law enforcement's requests were and to ensure that they were sent to the right channels.

The members of the PMO Panel were shown a readout of a second call that the PM had with Mayor Watson on February 8, 2022.<sup>5</sup> The purpose of this call, as with the calls between the PM and the Mayor of Windsor or the Premier of Ontario, was to see how the federal government could provide support in resolving the occupation.

Mr. Brodhead believes that PMO received notice shortly in advance of the declaration of emergency by the City of Ottawa on February 6, 2022.

The panel was asked about a text message received by Ms. Astravas from an Ottawa city councilor on February 11, 2022, relaying an anticipated City Council motion formally requesting that the Ontario government file a requisition under section 276 of the *National Defence Act* for deployment of the Canadian Armed Forces.<sup>6</sup> The PMO panel members did not recognize the document, and while they recalled the issue coming up in a general sense, no such request ever materialized. [Section 276 of the *National Defence Act*, "Aid to the Civil Power", allows a provincial attorney general to request the deployment of Canadian Armed Forces to assist in law enforcement matters.] Ms. Telford added that

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<sup>3</sup> SSM.NSC.CAN.00002941.

<sup>4</sup> SSM.NSC.CAN.00002949.

<sup>5</sup> SSM.CAN.NSC.00002837.

<sup>6</sup> SSM.NSC.CAN.00003126.



Ms. Astravas likely brought this possible motion to PMO's attention, for situational awareness.

#### Trilateral Meetings & Engagement with Ontario

At some point, efforts were made to convene a trilateral meeting between all three orders of government to align positions and coordinate the flow of information. Ms. Telford noted that it was important to ensure that leadership was being taken at all three orders of government, and to involve Ontario in the discussions in order to provide much-needed clarity to both the City and federal government. She emphasized that there was a lot of communication bilaterally (between the federal government and the cities, between the federal government and Ontario, and between Ontario and the cities) but that the process was not as efficient as it could have been if representatives of all three orders of government sat at the same table.

[The first of the trilateral meetings took place on February 7, 2022, then subsequently on February 8 and 10. Ontario did not attend any of these meetings.<sup>7</sup>]

Mr. Brodhead's view was that Ontario did not want to participate in these meetings because it wanted the City of Ottawa to lead the response to the occupation.<sup>8</sup> This view was formed on the basis of Mr. Brodhead's informal conversations with the Chief of Staff of the Ontario Premier, Jamie Wallace. This position was not formally communicated to the federal government in writing, but rather informally through the office of the Premier and the office of the Solicitor General of Ontario [then Sylvia Jones].<sup>9</sup> The panel was aware that the response conveyed by Solicitor General Jones to Minister Mendicino in a phone call on or around February 10, 2022 was "frosty" but were not made aware of her exact words.<sup>10</sup>

Mr. Brodhead noted that, although the formal trilateral structure was not engaged in the manner that PMO had hoped, there were many informal conversations between Ministers Blair and Mendicino, their staffs, PMO officials, the federal public service, and their Ontario public service and political staff counterparts.

Mr. Brodhead also noted that the Minister of Transport, Omar Alghabra, was heavily engaged in consulting with provincial counterparts in the first and second weeks of the occupations and blockades. Mr. Broadhurst noted that both Minister Alghabra and Deputy Minister of Transport, Michael Keenan, often spoke about these conversations at SSE Committee meetings. When asked, the panel members said they did not recall the letter

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<sup>7</sup> SSM.CAN.00000148.

<sup>8</sup> SSM.NSC.CAN.00003015.

<sup>9</sup> See, SSM.NSC.CAN.00003104.

<sup>10</sup> SSM.NSC.CAN.00003127, SSM.NSC.CAN.00003128.



received by Deputy Minister Keenan on February 8, 2022, from the Ontario Deputy Minister of Transportation Laurie LeBlanc, but that it did not surprise them that the Deputy Minister was engaged.<sup>11</sup>

#### Engagement with Alberta

[The blockade of the border crossing in Coutts, Alberta began on January 29, 2022.]

Ms. Telford explained that the province of Alberta made a request for assistance (**RFA**) for Canadian Armed Forces (**CAF**) trucks and equipment to resolve the blockade in Coutts. [This request was communicated by letter dated February 5, 2022<sup>12</sup> and in subsequent discussions between Premier Kenney and federal ministers.] Mr. Brodhead recalled that a conversation between Minister Mendicino and Premier Kenney took place on or about February 2, 2022 but he could not recall what was discussed and did not have notes.

Ms. Telford explained that this request was determined to be unworkable as the CAF did not have the appropriate equipment.

Mr. Clow explained that the RFA was discussed with the Prime Minister at a meeting on February 9, 2022.<sup>13</sup> Ms. Telford recalled that, by that point, it was clear the CAF equipment did not meet the demand. Nonetheless, the PM expressed a desire to explore other options to provide assistance to the Alberta government in resolving the Coutts blockade. Ms. Telford recalled that she and her team explored many creative options in this respect, including approaching Parks Canada and other federal government departments to inquire whether anyone had the tow trucks that were needed.

The panel noted that the initial draft response to the Alberta RFA that was prepared by Minister Blair's office would have been reviewed by PMO staff, including Mr. Brodhead.<sup>14</sup> The panel confirmed that the draft response was not approved and was never sent as the government continued to look for ways to support the province.

#### Activation of the IRG

Ms. Telford explained that the activation of the Incident Response Group (**IRG**) stemmed from the urgent need for a forum to discuss a problem that was multi-faceted, cutting across various departments, jurisdictions, and locations. Mr. Broadhurst noted that by that time, the occupations and blockades, including of critical infrastructure, had been growing consistently in multiple locations across the country. There were different demands of the

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<sup>11</sup> SSM.NSC.CAN.00003098.

<sup>12</sup> SSM.CAN.00000082.

<sup>13</sup> SSM.CAN.00006689.

<sup>14</sup> SSM.NSC.CAN.00003094.



federal government coming from multiple locations, raising questions of resource management and emergency planning and elevating what the role of the federal government would have to be. It was necessary to coordinate a response across the country.

In addition, the PM spoke with Premier Ford on the evening of February 9, 2022. Ms. Telford explained that this call occurred because there was a need for direct engagement between the PM and the Premier in finding a path forward given the responsibilities of the provincial government.

Ms. Telford could not recall whether the Clerk, the Prime Minister or the PMO first raised the possibility of convening the IRG but that it was probably a combination of all three as the group was speaking regularly. She remarked that the threat escalation was such that the Prime Minister needed to chair the meetings. She recalled that the first IRG meeting had to be held offsite at a secure location because the threat level had escalated to the point that staff could not use their offices. [The Incident Response Group, which was chaired by the Prime Minister, was convened on February 10, 2022. It met again on February 12 and 13, and daily between February 16 and 23.]

The PM also had a call with opposition leaders on the evening of February 10, 2022. The purpose of this call was to brief them on the national situation and to solicit their views.

#### The Engagement Proposal

[The Engagement Proposal is referenced in the Minutes of the February 12 IRG.<sup>15</sup> It proposed a letter be sent offering a meeting between unspecified government officials with unknown protesters in exchange for the protesters denouncing and ending the unlawful occupation in Ottawa.]

Ms. Telford was asked about a text message she received from Minister Mendicino on February 11, 2022 at 6.49pm. The text message stated:

Hey there. We got some very last minute (and thin) paper tonight on an engagement strategy from DM, who apparently socialized it with PCO, RCMP Cmmr, and the Ontario Govt, and not me. We only found out about it during a call tonight I placed to him. The DM's outreach during the day to OnGov on this engagement proposal, resulted in On Deputy Sol Gen sending my DM a draft letter addressed to unnamed protestors proposing engagement, which would be co-signed by On Gov and an unnamed official from the fed govt. It is unclear whether PCO, RCMP or OnGov has their support to the engagement proposal. Flagging as a concern and inconsistent with good info flow. I have addressed with him and I

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<sup>15</sup> SSM.NSC.CAN.00000214.





wanted you to know. I will be replying to DM and letting him know [REDACTED]. Sorry – but had to let you know. M<sup>16</sup>

Ms. Telford explained that Minister Mendicino was referring to the Engagement Proposal created by Rob Stewart, which was sent to the PMO by the Clerk via email circulated by the Clerk earlier that evening. Ms. Telford further explained that, in the text quoted above, Minister Mendicino said 'sorry' because the situation was fluid but that he was on top of it. The role of the PMO and PCO in this period was to coordinate open and effective information between federal departments. The IRG was convened for this very purpose. When asked, Mr. Brodhead said it was unusual that a proposal such as this would be discussed with the Ontario government without the Minister's knowledge.

Ms. Telford spoke with Ms. Charette on the evening of February 11 to discuss how to proceed. Ms. Telford then called the PM about the Engagement Proposal. The PM directed that it be discussed at the IRG meeting scheduled for the following day.<sup>17</sup> Ms. Telford clarified that PMO did not set the agenda or determine which documents were placed before the IRG; this authority rested with the Prime Minister.

Ms. Telford had concerns about the merits of the 'proposal', which was not really a plan at all. For example, there was no clarity on who would be talking to the convoy participants, whether it would be a minister, a deputy, someone from Ontario, the RCMP or someone else. It was also unclear who the government would be engaging with, given the lack of clear leadership of the Ottawa occupation, let alone the blockades at Windsor and other sites. A similar plan was attempted by the Ontario Provincial Police (**OPP**) in Windsor, but failed because there was no desire on the part of those involved in the blockade to engage with police. A completely forged letter bearing fraudulent signatures from the PM and Ms. Telford had already circulated amongst some protestors in Ottawa and had widely generated media interest.

Ms. Telford was of the view that the Engagement Proposal raised more questions than it answered. The government was open to concrete plans, but the Engagement Proposal did not present one. Mr. Broadhurst added that there was no one person who could act as a serious interlocutor on behalf of the people involved in the illegal blockades and occupations. Ms. Telford added that the negotiation attempted by the City of Ottawa with some of the protestors fell apart soon after it was reached [on or around February 13]. When asked whether any federal officials recommended the Engagement Proposal, Ms. Telford explained that everyone was exploring all available options, but with respect to the Engagement Proposal, the consensus was that no remotely tenable plan had been

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<sup>16</sup> SSM.NSC.CAN.00002958.

<sup>17</sup> See, SSM.NSC.CAN.00000214.



presented. Apart from possibly Deputy Minister Stewart, no one was recommending this as a strategy.

Mr. Clow explained that as engagement with those involved in the occupations was considered more than once as a possible option for the resolution of the occupation. For example, after the meeting of chiefs of staff on February 3, Mr. Clow recalls Ms. Telford asking whether Interim Leader of the Opposition, Candice Bergen could help. The PM had a conversation with Ms. Bergen that same day. Ms. Telford added that during the call, Ms. Bergen acknowledged that there were significant concerns about whom the federal government could engage with and setting a bad precedent.<sup>18</sup>

The panelists indicated that they knew very little about the City of Ottawa's agreement [to move some trucks off of residential streets] with the protestors. Ms. Telford recalled that they had some indication from Yasir Naqvi and Mona Fortier, both local Ottawa MPs, that the City had or was in the process of negotiating an agreement, but she learned of the details when the deal was announced in the media [on or around February 13], and later learned through media of Dean French's involvement.

#### Police Independence

Ms. Telford explained that one major consideration for the PM and federal officials generally was respecting the independence of police agencies. This was raised early on, in internal meetings. She recalled that PMO sought and received oral guidance on police independence and the Ipperwash Inquiry Report. Similarly, Ministers Mendicino and Blair were aware of the police independence doctrine given their backgrounds and the government was very conscious of the issue during the IRGs. During the police operation in Ottawa [between February 17 and 21], IRG meetings intentionally avoided discussion of the ongoing police operations.

#### Involvement of Ontario

[Though Ontario did not participate in the initial efforts by the federal government to arrange intergovernmental discussions, on or around February 10, the Premier of Ontario indicated to Minister Mendicino that the provincial government would publicly support any federal response to the occupation and blockades and begin attending the trilateral meetings.<sup>19</sup> On February 11, Premier Ford similarly indicated to Minister of Intergovernmental Affairs, Dominic LeBlanc, that the provincial government would take steps to resolve the situation.<sup>20</sup> These events were put to the panel and their responses are as follows.]

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<sup>18</sup> SSM.CAN.00007736.

<sup>19</sup> SSM.NSC.CAN.00002951.

<sup>20</sup> SSM.NSC.CAN.00002950.



The panel was asked what, in their view, inspired the shift in the government of Ontario's response to the occupation and blockades. Mr. Brodhead indicated that the shift in Ontario's approach was not a drastic change. He said that in the early period, Ontario's approach consisted of a dialogue that occurred only through informal channels, to which additional pieces were eventually added. His sense from these informal exchanges was that the provincial government viewed the municipal governments as having the capabilities to effectively manage the situation in Ottawa. He explained that there was an evolution of the situation. As the blockades spread to borders and provincial roads in other locations, such as the Ambassador Bridge in Windsor, Sarnia, Cornwall, and even Toronto, it could not be treated as a municipal issue.

Ms. Telford added two points. First, Ottawa, as the capital of the country, is sometimes perceived as its own entity, even though it falls within Ontario's jurisdiction. Second, there was a misconception on the part of many members of the public that all vaccine mandates and COVID measures had been imposed by the federal government, which resulted in less pressure on the provincial government to respond.

#### Use of Emergency Legislation

The panel members said that PMO had at most 24 hours' notice of the Ontario government's decision to invoke provincial emergency legislation on February 11, 2022 and did not have notice of the specific details, including the measures to be taken.

Ms. Telford explained that Premier Ford and other Premiers had many conversations with Prime Minister Trudeau about the possible use of the EA in March 2020, when there had been significant pressure on the federal government to declare a public welfare emergency to manage the government response to the COVID-19 pandemic. There were several formal consultations in the form of First Ministers' Meetings throughout 2020 in this respect. There were also ongoing efforts to educate Ministers and senior government officials about the scope of the EA, including the differences there are between it and the *War Measures Act*, the use of the CAF, the role of the *Charter* and the threshold for invocation. It would have been natural for Premier Ford and others to be aware of the EA as one possible tool of last resort for resolving the occupations and blockades, given the extent of the discussions that had taken place previously.

The FMM on February 14 was a culmination of all of the provincial and territorial engagement and conversations that had taken place, formally and informally, until that point. Ms. Telford said that PMO was confident that Ontario would support the EA.

#### International Engagement

Mr. Clow explained that the blockade of the Ambassador Bridge in Windsor led to many conversations with U.S. officials. Mr. Clow was in regular contact with senior officials at the White House. These conversations culminated in a phone call between the PM and



President Biden on February 11.<sup>21</sup> The key messages in this conversation were that there were parallels between movements in the U.S. and the Ottawa occupations; that most of the calls overwhelming the Ottawa 911 call centre came from the U.S.; that the economic impacts of the border blockades were significant; that the disruptions to the supply chain were serious and were causing shortages at grocery stores; and that the U.S. was prepared to offer assistance to resolve the situation including by possibly providing tow trucks and implementing immigration measures.

### Decision to Invoke

When asked about the threshold to invoke the EA and the Prime Minister's sources of advice, Ms. Telford explained that the primary sources of advice to the Prime Minister were the Clerk, the Deputy Clerk, and relevant officials at the IRG meetings. Ms. Telford explained that this question was beyond her expertise and so her role was to ensure that the Prime Minister received the information he needed. There were few formal policy briefs or policy papers, given the rapid pace of the events. Most information was delivered orally at the IRG meetings. The documents that were produced were placed before the IRG.

Mr. Broadhurst noted that the IRG was well aware that there were thresholds that had to be met to invoke the EA and that it was not something that could be invoked for expediency. Ms. Telford remarked that, because there were prior conversations about the EA that took place amongst federal government officials in 2020, members of the IRG including the Prime Minister were aware that an inquiry would follow after invocation of the EA. Ms. Telford noted that the Prime Minister told everyone to take good notes, and that he took comfort in knowing that the decision would be publicly reviewed.

### CSIS Act Definition

The PMO was asked about CSIS's determination that there was no threat to the security of Canada, for their purposes. Mr. Broadhurst explained that although the EA drew upon a pre-existing definition from the *CSIS Act*, the determination of whether there existed a threat to the security of Canada for the purposes of the EA rested with the Governor in Council. The Prime Minister and Cabinet would not and could not delegate responsibility to make decisions under the EA to CSIS. The PM and Cabinet seriously considered the input from CSIS, along with other information from other sources, including the Department of Public Safety and other departments, the RCMP, the CBSA, the NSIA, the provinces and territories, mayors, local councilors, local MPs, and other stakeholders. They looked at threats of violence, risks derived from unknown information (e.g. whether there was anything dangerous in the trucks), and the risk of clashes between the convoy

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<sup>21</sup> SSM.CAN.00006775.



and counter-protesters. Mr. Broadhurst emphasized that this determination was not made lightly.

#### Parliamentary Review

The Panel was asked whether there was ever a discussion about calling an emergency debate in Parliament before invoking the EA. Mr. Clow indicated that the EA itself provided for a Parliamentary process: section 58 of the EA requires that a motion for confirmation be tabled before each House of Parliament, and there be debate on such a motion. Mr. Broadhurst further noted that there is no outcome to an emergency debate under parliamentary procedure because it does not result in a vote. For example, an emergency debate on the Ottawa occupation was held on February 7, 2022. The EA procedure was more definitive in this sense and did, in fact, include a robust debate in the House of Commons.

Ms. Telford said that PMO did not draft the Section 58 Explanation but that a draft of the report came to the PMO for a factual review. The PM himself also reviewed the Section 58 Explanation before it was finalized. The PMO also reviewed the Decision Notes prepared by the Clerk recommending invocation and revocation to the PM.

#### Decision to Revoke

The panel was asked whether the decision to revoke the EA was informed by the possibility of the defeat of the motion to confirm the emergency in the Senate. Mr. Clow replied that it was not. On the contrary, there was, in his view, every indication that the vote would succeed. Mr. Clow noted that he had hoped the Senate motion would proceed earlier. He added that the delays in reconvening the Senate were the result of increased security measures caused by the occupation. Ms. Telford added that an endorsement of the motion by the Senate would have helped the public perception from a strength-of-institutions standpoint.

Ultimately, the decision to revoke was based on whether the emergency measures were still needed. The Prime Minister was clear throughout the process that the EA would only be in place for as long as it was necessary. He asked everyone at the IRG meetings, “Is this still necessary? If so, tell me why” and getting input from everyone. Mr. Broadhurst noted that the government was aware that this was the first time the Act had been invoked. If it was abused, or went on longer than necessary, public faith in the legitimacy of the *Act* would be undermined. So there was an effort to be very judicious in the use of the EA. Mr. Brodhead added that in his 20 years of political experience, the decision to invoke (and then revoke) the declaration of the public order emergency was the most thoughtful, methodical Cabinet process he has been part of. He noted that Cabinet ministers approached the EA cautiously, and that they were looking for the right information.



## Enforcement Data

The panel was asked whether the PMO was tracking enforcement of the measures taken under the Act, specifically, how often the measures under the Act were used to compel tow trucks and how often accounts were frozen. Ms. Telford noted that there was ongoing collection and input into the IRG about enforcement from law enforcement. Mr. Broadhurst added that enforcement of the financial measures was tracked and that the Commission should have that information already.

## Lessons Learned

The panel identified several areas that they hoped the Commission could comment on.

First, the panel suggested that the Commission provide further guidance on the independence of police operations. Mr. Broadhurst underscored that the government understands the importance of not dictating police operations, and at times it was difficult to know whether the police and the government shared the same ultimate goal. The government should be able to discuss a desired outcome (for example, to clear the occupation and blockades) and share concerns about the consequences that the country would face if that does not happen.

Second, the panel asked the Commission to look into the coordination and financing of the convoys, including through foreign money, as well as the ideological amplification coming from outside of the country. The panel asked whether Canada has the right law enforcement tools to face these types of challenges in the future, without the need to turn to the EA.

Third, the panel pointed out that in evaluating the tangibility of the threat of violence and public disorder, it was critical that the federal government was talking to people on the ground, including city counsellors, local MPs, and citizens groups. The panel suggested that it would be useful for the Commission to hear from the people of Ottawa, Windsor and elsewhere.

Fourth, the panel asked the Commission to comment on threats to the economic security of Canada, which carry with them a threat of tangible physical harm and violence. Mr. Broadhurst emphasized that economic disruptions can cause real, direct and personal harms in people's lives. For example, if the U.S. took steps in response to the blockades to revise its trading relationship with Canada, it would have devastating consequences on families and communities, jeopardizing jobs, homes, and the free movement of goods including medicine. Once supply chains are changed, people's jobs would disappear forever. Mr. Broadhurst suggested that it is impossible to separate that threat from the threat of violence, including physical violence. There was already a concern about counter protesters creating flashpoints of violence. It would have been worse if people lost their jobs. The panel suggested that perhaps the EA needs to be updated to more clearly address modern threats.



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The second area was the gap in law enforcement's ability to monitor open source information and distinguish credible threats of violence from misinformation and disinformation. Ms. Telford noted that there is also significant misinformation and disinformation around the invocation of the EA and that its necessity and effectiveness is being critiqued with hindsight bias, rather than by looking at the actual situation on the ground and the information that the government had. Ms. Telford observed that the problem of misinformation and disinformation faced not only by Canada, but by other democratic countries throughout the world.