



REPORT OF THE COVID COMMISSION

JUNE 5, 2023

A fictional, futuristic description of relevant political developments in the post-COVID period in Canada

Preston Manning

Former Leader of the
Official Opposition
in the Canadian
House of Commons





PRESTON MANNING

Born in 1942, Preston Manning is the second son of long-time Alberta Premier Ernest C. Manning. Growing up in a household which was both political and evangelical, he became intimately familiar with the political and religious experience of western Canada including its extensive and largely positive experience with populist movements, parties and governments.

Mr. Manning served as a member of Parliament from 1993 to 2001. He founded two political parties—the Reform Party of Canada and the Canadian Reform Conservative Alliance—both of which became the Official Opposition in the Canadian Parliament, and laid the foundation for the Conservative Party of Canada (CPC). In 2006, the CPC formed a minority federal government under Stephen Harper, originally elected as a Reformer, and in 2010 the CPC formed a majority government. Mr. Manning served as Leader of the Opposition from 1997 to 2000 and was also his party's science and technology critic. In 2007, he was made a Companion of the Order of Canada and in 2013 was appointed to the Privy Council.

Mr. Manning graduated from the University of Alberta with a BA in Economics and provided consulting services to the energy industry for twenty years before entering the political arena. He has received honorary degrees from eight Canadian universities and is the author of four books, *The New Canada*; *Think Big*; *Faith, Leadership, and Public Life*; and most recently, *Do Something! 365 Ways You Can Strengthen Canada*.

After leaving parliament in 2001, Mr. Manning founded and two non-profit organizations, the Manning Foundation for Democratic Education and the Manning Centre for Building Democracy. These organizations offered research, educational, and communications services designed to strengthen Canadian democracy, Canadian confederation, and the contributions thereto by conservative oriented participants. In 2019, Mr. Manning began the process of retirement, the networking and conferencing functions of the Manning Centre being assumed by the Canada Strong and Free Network. The Manning Foundation continues to support Mr. Manning's writing and political mentoring activities and to publish the conservative oriented electronic journal C2C.



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INTRODUCTION

By way of introduction, I come from a Canadian political family with 55 years of experience in the political and public policy arenas; 33 of those in association with the legislature and government of the Province of Alberta, and 22 in association with the Parliament of Canada. My father spent 13 years in the Canadian Senate, and I myself spent nine years in the Canadian House of Commons, serving three years as Leader of the Official Opposition.

By way of experience with COVID-19 and its mutations, being 80 years of age I am a member of a highly vulnerable segment of the population, this made more so by my family's history of susceptibility to lung diseases. Both my paternal grandmother and my father contracted tuberculosis and I myself have experienced numerous bouts of pneumonia over the years. Since the inception of the COVID pandemic, I have faithfully adhered to the various health protection regulations put forward by our governments. I have practiced mask wearing and social distancing, taken the PCR test and the Rapid Antigen Test prior to travelling. I have been vaccinated twice with the Pfizer vaccine and have received one Pfizer booster shot.

Notwithstanding adherence to these measures, in December 2021 both my wife and myself came down with the Omicron variant of the virus, experiencing health effects milder than those associated with the common flu.

While the following story is fictional, the principle objective is non-fictional—to explore the likelihood that sooner or later Canadians will demand a full scale investigation into the management of the COVID crisis by our federal government, that any such investigation will occur despite the objections and opposition of the current Liberal-NDP Coalition, and that the findings of any such investigation may well provide additional reasons to support a future change of government at the federal level.

The telling of this fictional story provides an opportunity:

- To identify the many unanswered questions that Canadians have raised concerning the management of the COVID pandemic.
- To imagine the voluntary testimony of public witnesses, medical and

scientific experts, and government “insiders” whose advice has previously gone unheeded, in seeking to answer those questions.

- To imagine in considerable detail the conclusions, recommendations, and lessons which would result from such an investigation.

Note that the focus of the investigation described in this story is on mismanagement of the COVID crisis by the *federal government*. Some will rightly suggest that the provincial and large municipal governments were just as much responsible for any mismanagement and that any investigation should include an examination of their policies and actions as well. Without denying the validity of this suggestion or the possibility that such a broader examination of responsibility for mismanagement may well occur in future, the following story nevertheless focuses on the mismanagement of the COVID crisis by the *Government of Canada* for reasons that will become clear in due course.

But how, it might also be asked, would any such investigation actually come about in reality? Certainly the current federal government would never authorize such an inquiry—for example, by appointing a Royal Commission to conduct it. And so, would not the initiation and conduct of any such investigation need to await a change of government at the federal level—by which time public concerns over the mismanagement of the COVID crisis may well have faded?

To address that question, I further imagine and describe an alternative political scenario in which mounting public unrest leads to the creation of a bottom up “Non-Governmental Commission” with a composition and focus sufficient to gain widespread public credibility and support. A change in government at the federal level is not necessary for this scenario to unfold, though the findings of such a Commission might well contribute to such a change in the future.

So join with me then in imagining what a thorough investigation of our federal government’s mismanagement of the COVID crisis might reveal and what we might learn from such revelations to ensure that such mis-management never occurs again. Let us do so through a fictional, futuristic description of that investigation—fictional, because it is a vehicle for presenting inconvenient truths about the management of the COVID crisis and close enough to what is possible to be thought provoking and instructive.

CHAPTER 1

PUBLIC UNREST AND THE FREEDOM CONVOY OF 2022

The public unrest which led to the establishment of what came to be known as the COVID Commission began prior to 2022. But it did not become a formidable political force until late in the spring of 2022 when it triggered the creation of the Commission.

By that spring, the physical manifestations of the pandemic and its mutations were finally abating. But public anger grew in inverse proportion as the multiple, long range impacts of the federal government's management of the COVID crisis began to manifest themselves economically, socially, legally, and politically in every part of the country and among every segment of the population.

Canadians who had been told for decades that Canadian Medicare was one of the best health care systems in the world learned the hard way that this claim was false—that the system was incapable of handling the demand created by the pandemic and that thousands of citizens with non-COVID related illnesses were left to languish on ever-lengthening healthcare waiting lines, over ten thousand of them dying.

Millions of Canadians who had been told that their fundamental rights and freedoms were constitutionally guaranteed by the *Charter of Rights and Freedoms* learned to their dismay that those rights and freedoms could be easily violated by health protection measures implemented by well-meaning but unelected bureaucrats and suspended at will by the federal government through a presumptive and unnecessary invoking of the *Emergencies Act*.

And millions of Canadians also suffered job and income losses, some of them permanent, as thousands of businesses were crippled or destroyed by governmental decisions to “lock down” the economy—decisions taken without any advance assessment of the breadth and depth of their negative economic impacts.

The Freedom Convoy, originally launched by independent truckers protesting a vaccine mandate which put thousands of them out of work, was joined by thousands more Canadians from all walks of life. The Prime Minister's refusal to meet with the protesters and his characterization of them as "a fringe minority composed of racists, misogynists, and right wing extremists largely financed by US interests"—a characterization unchallenged, repeated, and amplified by most of the mainstream media—only heaped more fuel on an already smoldering grassroots fire. And then, when the federal government invoked the *Emergencies Act* to suppress the protest, deploying the police to arbitrarily override the protesters' rights to freedom of expression, assembly, and mobility—public anger and resentment continued to mount even after the government hastily revoked its ill-advised use of the Act.

By late February of 2022, as testified later by a disillusioned communications consultant formerly attached to the Prime Minister's Office, the Trudeau government was desperately searching for something, anything, that would "change the channel"—away from its mishandling of the COVID crisis and the truckers' protest to some other issue capable of seizing and maintaining public attention. When the Russians invaded the Ukraine, this was seen by the PMO as a heaven-sent opportunity to do just that—to "change the channel."

Most of the mainstream media went along with the channel change, and it was assumed that most of the public would follow. But as it turned out, the Prime Minister's Office was in a bubble largely of its own making, relying much too heavily on information feeds and news that only reinforced its previously held views.

As part of the change-the-channel strategy, the Prime Minister was sent on a hastily arranged visit to several European capitals, making unctuous statements at every stop declaring his deep concern that the rights and freedoms of Ukrainians were being violated by the Russians. But as one British observer acidly observed: "Who in the world would believe the sincerity of such expressions when this same Prime Minister, in his management of the COVID crisis at home, shamelessly and unapologetically violated the rights and freedoms of his own people."

A further component of the Trudeau Government's change-the-channel strategy involved the government entering into a coalition agreement with NDP members of the House of Commons on March 20, 2022. By virtue of

this agreement, both parties committed themselves to support massive increases in federal government spending—the NDP agreeing to support increased defense spending, which it had previously opposed, in return for a pledge by the government to increase federal spending on public health including a universal dental care plan. The agreement was to bind the NDP to support the Liberal government in the House until 2025, ostensibly insuring that any motion of non-confidence in the government, made during that period, would be defeated.

One curious omission from the Liberal/NDP coalition agreement was its failure to provide any cabinet positions for the NDP, normally a condition insisted upon by any minority party agreeing to support a governing party in a coalition. As it turned out, there was more to this omission than met the eye, and that there were several other undisclosed aspects of the coalition agreement that ultimately contributed to its undoing. More on this later.

Chapter 2¹

THE COMMON SENSE COALITION

Predictably, while most of the mass media and academia went along with the channel change strategy, the vast majority of rank and file Canadians did not. It was their conviction that the Prime Minister's pronouncements on an alarming international crisis were as insincere and misguided as his pronouncements on the COVID crisis at home. Moreover, the formation of the Liberal/NDP Coalition was nothing more than cynical maneuvering by an insecure government to stay in office.

Serious questions concerning the rationale behind the federal government's pandemic management and its failure to anticipate, acknowledge, and address its negative impacts continued to be asked with increasing intensity by increasingly more opinion leaders, by organizations small and large from coast to coast, and by independent media—questions which the Trudeau government was neither willing nor able to answer satisfactorily.

As the public demand for answers mounted, with no satisfactory response from the federal government or from the parliament, there was a growing negative reaction against the Liberal dominated government, against the federal NDP for sustaining it, and against the parliament itself for its seeming inability to hold the federal government accountable for its management of the COVID pandemic.

Public support for the Freedom Convoy broadened into what came to be called the Common Sense Movement, the process whereby this occurred having been well documented elsewhere. Suffice it to say here that the process was somewhat akin to that which occurred in the 1980's and '90's whereby the populist oriented Reform Party morphed into the Canadian Alliance, which in turn led to the creation of the Conservative Party of Canada and the formation of a majority federal government by that

1. Please be reminded again that while this description of the evolution of the Common Sense Coalition is fictional, many of the factors on which it is based are real—making it a description of what could happen in the post-COVID period—a description close enough to what is potentially possible to be thought provoking and instructive.

party. But due to the prevalence and dominance of the social media, in 2022-23 it took only a year, rather than a decade, for this COVID-driven transformation of the federal political landscape to occur.

The Common Sense Movement came to be headed by a charismatic, antiestablishment female leader named Leah Wahlstrom. Her father's small independent trucking firm had been forced into bankruptcy by the vaccine mandate and Leah emerged as a shrewd and gifted spokesperson for the Freedom Convoy and its growing contingent of political activists.

By the summer of 2022, the Common Sense Movement had grown to the point where it was considered by many to be the chief source of opposition to the Liberal/NDP government outside of parliament. The Interim Leader of the Official Opposition in the House of Commons—whose party was in the midst of a leadership contest—therefore proposed a conference between representatives of her party and the Movement to explore the prospects of working more closely together.

The result of this conference and subsequent meetings was the formation of the Common Sense Coalition—co-led by Leah Wahlstrom and the new leader of the Conservative Party of Canada chosen by the party membership on September 10th, 2022.

A key component of the new leader's leadership campaign had been a pledge to form a principled Coalition with the Common Sense Movement with the approval and support of the large grass roots memberships of both groups. This Common Sense Coalition was to be contrasted with the unprincipled Liberal/NDP Coalition formed and announced without any consultation of the rank and file members of those parties or their electoral supporters.

The declared intention of the Common Sense Coalition was to marry the populist energy and resources of the Movement with the research, organizational, and campaign capacities of the Official Opposition to fight the next federal election whenever that should occur. In the meantime, the first major project of the Common Sense Coalition was to create and support what came to be known as the COVID Commission.

Chapter 3²

THE COVID COMMISSION

The Motion for a Royal Commission

At the commencement of the 2022 fall session of parliament, one of the first acts of the new Leader of the Official Opposition was to introduce a motion proposing the establishment of an independent Royal Commission on the Management of the Federal Response to the COVID Pandemic. In doing so, the Leader listed 16 specific questions pertaining to federal management of the COVID crisis the public had been asking for months, which the Trudeau government had failed to answer, and which the proposed Commission would be charged with addressing.

Predictably, the motion to establish the proposed Royal Commission was defeated in the House by the Liberal/NDP Coalition. But the idea of a full blown Investigation into the management of the COVID crisis gained exposure and traction with both the media and the public. More and more Canadians whose lives had been adversely affected by the mismanagement of the pandemic—families with seniors or children whose personal relationships had been strained to the breaking point, businesses which had been driven into or to the verge of bankruptcy, workers who had lost their jobs and incomes—began to clamor for an official investigation as to how this had been allowed to happen and who should be held responsible.

Once again, it was the leadership of the Common Sense Movement that stepped to the fore, with the support of the Official Opposition in parliament. At a fall convention involving the two groups, it was proposed

2. Please be reminded again that while this description of the evolution of the COVID Commission is fictional, the circumstances giving rise to its evolution, the arguments over what its focus should be and what questions it should address—all are real circumstances, arguments, and questions actually being debated and asked by Canadians—making this description close enough to what is potentially possible to be thought provoking and instructive.

that a Non-Governmental Commission be formed, composed of non-political Commissioners with sufficient expertise and public credibility to command public support. It was further proposed that this “COVID Commission” be funded by crowd sourcing and that its research requirements be supplied by sympathetic think tanks and the research offices of the Official Opposition.

As a prominent political scientist pointed out, the idea of searching for “nongovernmental” solutions to pressing public issues was gaining traction in Canada and the idea of a “non-governmental commission” to investigate a public issue was not as farfetched as might first appear. “The Canadian public appear to be coming around to a belief in ‘limited government’—not out of ideological persuasion or conviction—but due to the failures of politician-led government institutions and programs to deliver results on so many fronts. This view does not exclude a meaningful role for governments, but it tends to mean that often the best things governments can do is to ‘get out of the way’ to facilitate positive action by others, and to participate in public-private partnerships as the junior rather than the senior partner.”

A Federal or Provincial Focus?

At the conference session in which the idea to establish the COVID Commission was proposed, the biggest point of debate was on whether the Commission should focus on mismanagement of the COVID crisis by the *federal* government or mismanagement by the *provincial* governments, with some delegates preferring a much heavier emphasis on mismanagement by provincial governments such as those of Quebec, Ontario, and Alberta.

With respect to Quebec, a think tank expert pointed out that as of March 1st, 2021, 75 percent of COVID-19 deaths in Quebec had occurred in long-term care centres as compared with just 43 percent of deaths in France, 34 percent in the UK, and 28 percent in Germany. “This obvious failure to apply the triaging principle at the outset of the 2020 pandemic—of caring first for the most vulnerable—was a failure of the provincial, not the federal government.”

Or to quote an Ontario delegate: “Ontario’s lockdown measures were even more ill-conceived and devoid of science than those invoked by the federal

government. They even shut down golf courses. Four people on a huge green space, easily able to social distance. You couldn't find a sport better suited to survive a pandemic. The Mayo Clinic in the U.S. said it was fine, but not Ontario. And Ontario shut down small businesses while allowing the Walmarts of the world to stay open. Why? A terrible decision and made at the provincial, not the federal level."

Similar protests were raised concerning the draconian measures employed by Alberta against persons who protested the shutdown of places of worship even when they conformed to social distancing and other health protection measures, against those who joined or supported the Freedom Convoy, and against those who resisted the use of vaccine mandates.

And from a Manitoba delegate: "Our province largely eluded the first wave of the pandemic, but our provincial government appeared to learn nothing from other provinces as the first wave ravaged seniors homes in Quebec, Ontario, and elsewhere. By the time it hit Manitoba, the pandemic ran wild through our seniors homes. I blame our provincial government, not the federal government, for this mismanagement of the COVID response."

In response to these arguments in favor of a provincial focus, other delegates with a national perspective, especially MPs with a federal focus, made three points:

- That in certain respects the managerial response of the provincial governments to the pandemic was determined by the initial response of the federal government, in particular its decision to hand management of its response over to its health department bureaucracy instead of to an Emergency Measures Organization specifically designed and tasked with that job. As one insider from a Maritime provincial government declared: "We took one look at how the federal government was responding managerially and organizationally to the pandemic and decided to copy that response as closely as possible, on the assumption that we would then qualify to the maximum extent possible for any federal financial assistance available to assist the provinces in coping with the crisis."
- That the Freedom Convoy, which gave rise to the Common Sense Movement and Coalition was a national effort crossing provincial boundaries to protest an ill-advised federal policy, and that any COVID Commission formed to investigate that response and other aspects of the federal government's mismanagement of the pandemic should, at least initially,

also have a similar national and federal focus.

- That if a COVID Commission was established to Investigate the mismanagement of the COVID crisis by the federal government, there was nothing to prevent similar commissions being set up in the various provinces if there was sufficient public support for doing so. In fact, such efforts might be more productive and successful if they had the example and initial experience of the federally focused COVID Commission to draw upon.

Leah Wahlstrom, who chaired the session at which this issue was debated, then put forward the motion that the Common Sense Coalition endorse the creation of a non-governmental Commission to investigate the mismanagement of the COVID pandemic by the *federal government*, understanding that this should in no way preclude the establishment of similar commissions at the provincial level if there was significant public support in particular provinces for doing so. The motion carried, 73 percent in favor, 27 percent opposed.

Media coverage of both the conference and this particular debate was mixed, with left-of-center commentators professing to be delighted at the tensions revealed by the debate over whether the COVID Commission should be federally or provincially focused. As one declared: "Supporters of the Liberal/NDP Coalition can take comfort that the internal divisiveness that has crippled the conservative camp for years is still alive and well. The latest evidence of this is that large numbers of the conservative-oriented members of the Commons Sense Coalition expressed a stronger preference for investigating and attacking the Conservative provincial governments of Ontario and Alberta over their management of the COVID crisis, than they did for investigating and attacking the federal Trudeau government for its mismanagement of the pandemic."

Establishment of the COVID Commission

Whereas the concept of the Freedom Convoy struck a responsive chord with a significant portion of the Canadian public, the concept of the non-governmental COVID Commission generated an even greater response. Within four weeks a dozen Commissioners possessing the specified

qualifications had been recruited and agreed to serve, and over \$10M were raised via crowd sourcing to finance the Commission's work.

The individuals selected to be COVID Commissioners included several medical practitioners and scientists who had publicly expressed reservation concerning the health protection measures adopted by the Trudeau government and had been severely censured for doing so; several civil libertarian lawyers who had challenged the constitutionality of those measures, alleging that they unjustifiably limited the rights and freedoms of Canadians guaranteed by the Charter, and who had been threatened with disbarment by the Law Societies of their respective provinces; several representatives of the private sector unions and the small business community whose members and employees had suffered massive job and income losses as a result of the COVID-inspired lockdown of the economy, and several economists and financial experts who had been in the forefront of predicting and protesting the widespread negative economic consequences of those lockdowns.

The Memorandum of Understanding defining the Commission's Terms of Reference directed it to maintain a *national perspective* and to focus its inquiry primarily on the mismanagement of the response to the pandemic by the federal government, without denying that much mismanagement of the COVID response also occurred at the provincial and municipal levels. It expressed the hope that federal cabinet ministers and other federal officials would cooperate in supplying needed information to the Commission but empowered the Commission to utilize other investigative techniques to secure such information if federal government cooperation was not forth coming. And the Commission was specifically directed to expeditiously address the 16 questions pertaining to the federal government's management of the COVID crisis which had been raised by the Leader of the Official Opposition in seeking the support of the House for an investigative Royal Commission.

To the accusation that this non-governmental, publicly supported COVID Commission was inherently biased against the Trudeau government whose actions it was charged with investigating, Wahlstrom bluntly responded, "Of course it is—what did you expect, a Whitewash Commission like the government itself would have appointed had it been persuaded to do so?"

Sixteen Key Questions

The Memorandum of Understanding establishing the COVID Commission specifically charged it with finding substantive answers to the following questions:

1. Why was the management of the governmental response to the COVID pandemic assigned immediately to Health Canada—the federal government’s bureaucratic health department with its 13 branches, offices, and bureaus—instead of to more focused, nimble, and independent Emergency Management Organizations (EMOs)—existing or specifically created to handle precisely such health emergencies?
2. Why was not the tried and true emergency response principle of “triaging” applied at the outset of the pandemic so that the initial response was focused on caring for and protecting the most vulnerable and immediately affected, such as the seniors population, rather than being diffused widely and ineffectively over the entire population?
3. Why were the guarantees of individual rights and freedoms, contained in the *Charter of Rights and Freedoms* and constitutionally entrenched by the *Constitution Act of 1982*, so easily ignored and over-ridden in the name of health protection, and why did the courts fail to uphold those rights and freedom when plaintiffs appealed for the courts to do so?
4. Why in particular did the Canadian Human Rights Tribunal specifically established to uphold “equality rights” guaranteed by the Constitution, fail completely to respond to gross inequalities in the treatment of various groups by the healthcare authorities—unequal treatment of religious communities in comparison with the treatment of non-religious communities, and unequal treatment of the members of private sector unions (who lost jobs and incomes on a vast scale) in comparison with the treatment of the members of public sector unions whose jobs and incomes were assiduously protected by governmental authorities?
5. Why were the warnings of educators, pediatricians, psychologists, and child care providers concerning the negative impacts of the stringent application of the COVID protocols on children, especially very young children and students, completely ignored by those in authority until

very late in the day? In other words, why was that segment of the population which was least vulnerable to the pandemic obliged to suffer what may prove to be some of the most serious and long lasting negative impacts of the health protection measures adopted?

6. Why did the federal government refuse to immediately acknowledge the obvious inadequacies of the antiquated Canadian health care system, in particular its lack of surge capacity such as that displayed in other countries with “mixed” (public and private) systems, and consistently resist any and all calls for immediate expansion of the system?
7. Why was there little or no acknowledgment of, nor a comprehensive response to, the lengthening of the healthcare waiting lines for the treatment of illnesses unrelated to the COVID pandemic, and little or no acknowledgment or response to the growing death toll among those trapped in those ever-lengthening waiting lines?
8. Why in daily, even hourly, reporting the COVID case numbers was no distinction made by the authorities between deaths from COVID and deaths with COVID due to co-morbidity factors?
9. Why, in a supposedly free and democratic society in which freedom of belief and expression are supposedly guaranteed by the Constitution, were viewpoints which challenged the assumptions and positions of the political, bureaucratic, and media establishments ruthlessly and systematically censored and “cancelled”?
10. Why did the federal government initially engage in what appeared to be a deliberate smear campaign to discredit the use of pharmaceutical interventions (i.e. drugs) to treat COVID-19 and its mutations, even prohibiting physicians from using them, when scientific evidence as to the safety and efficacy of such treatments was already available?
11. Why did mass media organizations like the federally subsidized CBC, abandon their responsibility to provide full and free investigative reporting of the COVID crisis? Why did they become unabashed mouthpieces and apologists for the federal government and the healthcare bureaucracy?
12. Most importantly, why were no early and comprehensive assessments done on the *potential economic impacts* of the healthcare protection measures adopted—measures that resulted in massive job and income

losses, unprecedented numbers of personal and business bankruptcies, and the crippling disruption of supply chains for food and other essentials—so that a balance could then be struck between health protection and protection of the economic livelihood and wellbeing of Canadians?

13. Why did it take a strike by a group of independent truckers and a march on Ottawa, joined by thousands of other Canadians, to force the government of Canada to retract ineffective and discriminately applied vaccine mandates when numerous countries around the world and several of the provinces were already doing so?
14. Why would the Prime Minister and numerous other federal ministers and spokespersons maliciously and falsely characterized these Canadians, who were merely exercising their constitutionally guaranteed rights and freedoms, as a fringe minority composed of racists, misogynists, and right wing extremists largely financed by US interests?
15. When the government imposed the trucker-vaccination mandate, was it not aware that the vaccines currently in use were ineffective against the Omicron version, rendering any vaccine mandate not merely excessive and but useless and therefore unjustifiable? If it was not aware, why was it failing to keep up with the current science? And if it was aware, then were not its actions against the truckers incompetent, oppressive, and malicious?
16. And why would the federal government invoke the *Emergencies Act*—a statute rooted in the draconian *War Measures Act* and a move of questionable legality opposed by nine of the ten provinces—to end a peaceful demonstration by the truckers and their supporters when the simplest and most obvious way to end the protest was to cancel the vaccine mandates which the government was eventually obliged to cancel anyway?

Chapter 4³

THE PUBLIC HEARINGS

Time and space does not permit a detailed description of the public hearings held by the COVID Commission across the country—the transcripts of which are available on the Commission’s website. It should be noted, however, that every effort was made to invite representatives of all the groups whose concerns about the federal government’s management of the COVID crisis had been systematically ignored to appear before the Commission and to tell their stories. Suffice it to say that much of this testimony was bitter, emotional, and extremely damaging to the reputation of the Trudeau administration. Due credit was given to those responsible for the safeguarding of hundreds of thousands of Canadian lives through the health protection measures adopted. But the hearings shed a glaring spotlight on the millions of lives that were adversely affected by those measures—not only in the short run, but for years to come.

At the outset of the hearing process, the Commission made a conscientious effort to invite key federal officials—cabinet ministers, health department bureaucrats, political staffers, and consultants—“to give us the facts as you see them and provide your side of the story.” But for the most part these invitations were conspicuously spurned—the Commission being labelled by the Prime Minister as “an illegitimate witch hunt by right wing extremists.” And on the few occasions where federal officials did agree to “testify” before the Commission, they primarily used the opportunity to blame any mismanagement of the COVID crisis on the provincial and municipal governments.

3. Please be reminded again that the descriptions of the public hearings of the COVID Commission provided in this chapter are fictional—a dramatization of how such hearings might unfold and what *might* be testified before such a Commission. But the scientific facts presented hereafter are true, and the descriptions of the political and communications strategies employed by the federal government are accurate—hopefully enabling us to envision what public hearings by such a Commission could reveal and accomplish in reality, if an actual Investigative Commission were to hold them.

For several weeks, the seeming inability of the COVID Commission to “get at the facts from knowledgeable government sources” appeared to undermine its credibility. Most of the mainstream media began to mock its pretension to be a legitimate inquiry into the management of the COVID crisis, and in the House of Commons members of the Liberal/NDP coalition mercilessly castigated the Official Opposition for being in league with “an illegitimate and incompetent phony Commission”.

But then a remarkable thing happened. The Commission began to be approached—tentatively and in small numbers at first—by “government insiders” willing to provide their inside knowledge and experience of the federal government’s management of the COVID crisis. Some of these insiders were only willing to testify *in camera* to protect their personal identities and careers. But as the information they provided became publicly known, an increasing number of current and former federal officials and consultants with additional inside knowledge also expressed their willingness to testify before the Commission, in some cases publicly.

These inside witnesses were almost always individuals within the federal government, or under contract to it, who had grave reservations about various aspects of the government’s strategy and tactics for managing the COVID crisis.

Most had expressed those reservations internally but had been over-ruled, told to keep quiet, and threatened with career-ending or contract-ending retaliation if they failed to do so. Now, however, troubled consciences and a sense of public duty was compelling them to speak out, and the public hearings of the COVID Commission provided a suitable forum for doing so.

Almost overnight, public and media interest in the hearings of the COVID Commission revived. For the first time, the public believed it was getting accurate answers to the various questions raised by the Commissioners—information from knowledgeable sources and free from government “spin,” censorship, and obfuscation. The value and credibility of the Commissions’ hearings restored, Commission counsel now felt encouraged and emboldened to vigorously pursue the lines of questioning prescribed by the Commission’s terms of reference.

Fear Generation and the Use of the War Analogy

One such line of questioning sought to ascertain how the creation, amplification, and persistent use of “fear” came to be the primary instrument whereby the federal government sought to secure and maintain public compliance with its health protection edicts.

As one witness, a political and communications consultant formerly attached to the Prime Minister’s office testified: “In our business it is well known that the cheapest, quickest, and most effective way to generate public support for a government policy is to generate fear—pure, unadulterated fear—fear of the consequences if that policy is not accepted and strictly adhered to. It worked very effectively in generating public support for the Trudeau government’s climate change initiatives so it was a natural step to apply the same strategy to generating public support for the government’s COVID regulations.”

Commission counsel also questioned communications insiders, involved in framing the government’s messaging of health protection measures, about their frequent use of “the war analogy”. One such insider explained it this way:

“In order to secure compliance with government edicts, we vigorously promoted the narrative that ‘we are at war’—at war with the corona virus. When at war, everyone has to follow orders. In a war, there is little room for dissent; the enemy must be defeated, and all attention and every resource must be focused on this one concern.”

To quote another witness, a former communications staffer: “The Canadian mass media were quite amenable to communicating and expanding our use of the war analogy. *The Globe and Mail*, for example, on September 21, 2020, boldly advised its readership that “Canada is at War.” Most of Canada’s major media are now either reliant on outright direct government funding (the CBC, for example) or dependent upon online user engagement. The financial incentive is overwhelming to use alarming headlines as “click-bait” and the war analogy works perfectly to this end. As they say in the media business, ‘If it scares, it airs; if it bleeds, it leads.’”

Following the Science – Really?

A second line of questioning pursued by Commission counsel had to do with the use and interpretation of the science which supposedly guided the government’s response to the COVID pandemic.

The Commission noted that no matter what health protection measures the federal government imposed, it purported to be “following the science”—that this became the prevailing mantra, with science simplistically personified as a single voice rather than multiple voices, not always in agreement with each other but willing to submit their hypotheses and conclusions to analysis and testing by the scientific method.

Several major think tanks at the request of the Commission, and the research offices of the Library of Parliament at the request of the Official Opposition, painstakingly assembled hundreds of statements made by federal officials including cabinet ministers describing the science which purportedly guided the federal government’s management of the COVID crisis. Some of the scientists employed by the Government of Canada and responsible for providing this advice were quite willing to repeat and explain it again in testimony before the Commission. This testimony was then fully documented by the Commission.

Commission counsel then cross-examined dozens of other scientists whose perspective and conclusions differed markedly from the official government line, fully documenting this testimony as well. What then became quite clear was that in no way did science “speak with one voice” on the COVID issue as implied by the government. Rather, there was a multiplicity of hypotheses and conclusions relevant to the “science of COVID” which ought to have been acknowledged, respected, and taken into account in arriving at the government’s COVID response.

For example, the Commission was told:

- That with respect to projecting how many people might die from the corona virus, peer-reviewed studies published by the *World Health Organization* in October 2020, based on examining 51 different locations, determined that the estimated Infection Fatality Rate (IFR) was 0.23 percent or lower worldwide, rising as high as 1.63 percent in hard hit areas, but, according to other studies,

dropping to 0.15 percent worldwide in February of 2021—all figures significantly lower than the fatality rates predicted by Canadian officials in justifying the drastic health protection measures they recommended to cope with the pandemic.

- That with respect to the efficacy of wearing face masks to halt the spread of COVID-19 (as distinct from wearing face masks as a virtue symbol), that in May 2020 the American Center for Disease Control and Prevention published a study in *Emerging Infectious Diseases* in which the authors reviewed ten randomized controlled trials estimating the effectiveness of face masks in reducing the transmission of laboratory-confirmed influenza viruses. Their conclusion? *"In pooled analysis, we found no significant reduction in influenza transmission with the use of face masks."*
- That with respect to relying on pharmaceutical interventions (i.e. drugs) to treat COVID-19 and its mutations, at the outset of the pandemic the major regulatory agencies strongly advised against this approach and strongly denounced those promoting it. More recently, however, the prestigious scientific journal *Nature* reported that "the COVID-19 drugs pipeline is primed to pump out novel treatments there being a desperate need for better (drug) therapies to treat people who cannot—or choose not to—access the vaccines, whose immune systems cannot respond fully to vaccination, or who experience breakthrough infections."
- That with respect to relying on vaccines as the ultimate protection against the spread of the COVID virus and its mutations, a prominent Canadian virologist had warned: "As someone who develops vaccines, I can tell you that it is difficult to make a vaccine that will perform as poorly as the current COVID-19 vaccines." In the UK, the Medicines and Healthcare Products Regulatory Agency also acknowledged that there were legitimate concerns about the safety of vaccines. *Thus respectable scientific voices advised that the poor overall efficacy of the COVID-19 vaccines and associated safety concerns meant that "they cannot be the simple answer to ending the pandemic."*
- That after more than a year of Medical Health Officers across the country insisting that segregated lockdowns and vaccine mandates were absolutely essential to combatting the COVID pandemic, and that any opposition to these measures was to be ignored and

condemned as “anti-science”, the same officials were obliged to essentially reverse their positions in February 2022 based on an authoritative study by the Social Science Research Network (SSRN) entitled “The Unintended Consequences of COVID-19 Policy: Why Mandates, Passports, and Segregated Lockdowns May Cause More Harm Than Good.” *The study stated that such policies may lead to detrimental longterm impacts on uptake of future public-health measures, including COVID-19 vaccines themselves, as well as routine immunizations.*”

With respect to vaccine mandates in particular, the following is a sample of the testimony received by the COVID Commission from reputable expert witnesses with perspectives and concerns at variance from the official positions of the federal government:

- From a distinguished medical academic: “In a time of further enlightenment into the issues of diversity, equity and inclusion, we have seen a new kind of discrimination emerge that has distinguished the vaccinated from the unvaccinated, which has created a *medical apartheid*. Freedoms that we took for granted just two years ago are now special privileges where submission to vaccination provides a temporary passport for unrestricted access.”
- From a recently retired healthcare official: “We repeatedly told the public that their safety was the primary aim of all our health protection measures. Then when they questioned us as to whether some of these protection measures—such as vaccines—were themselves “safe”, we castigated them for being unnecessarily concerned about safety.”
- From a government communications consultant: “At first we told the public that getting vaccinated was the surest way to be safe from the virus. Then we modified that by saying this safety was time-and-situation dependent and that additional vaccinations and booster shots were required to be safe. Then we were forced to acknowledge that it was still possible to contract COVID-19 even if one had been fully vaccinated. No wonder people were confused.”

Or, as a journalist reporting on the contradictory evidence and confusing communications surrounding vaccine mandates asked, (with tongue firmly in cheek): “Why did the protected need to be protected from the

unprotected by forcing the unprotected to use the protection that didn't protect the protected in the first place?"

In summarizing the science related to the management of the COVID pandemic—that cited by the federal government and the science cited by others questioning the government's interpretation and use of the science—the Commission painstakingly compiled a 50 page Appendix to its Report documenting the sources of each science related statement contained in its review. In listing and quoting alternative science and medical information from sources such as the Barrington Declaration, the Canadian Covid Care Alliance, and the Social Science Research Network, the Commission made clear it was not necessarily endorsing the representations of any of these sources—only maintaining that they represented legitimate scientific positions worthy of consideration and discussion by governmental authorities and the public rather than denunciation and cancellation.

For example, the Commission in no way denied that vaccination to protect against the COVID-19 virus and its mutations was a legitimate health protection measure to be vigorously promoted and pursued. What it considered as an illegitimate and anti-democratic exercise of government authority was the denunciation and censorship of legitimate scientific and public concerns with respect to the vaccines promoted and the imposition and enforcement of arbitrary vaccine mandates.

Commission counsel also made clear that the Commission was not questioning *the relevance* of the science on which Canadian officials relied in managing the COVID pandemic, nor their sincerity in doing so. But Canadians and the Commission now insisted in knowing why "following the science" did not include taking into account the considerable body of legitimate scientific evidence, also relevant, but often at considerable variance from that relied upon by the federal government?

Why instead, was any proposition or argument that challenged "the science" as defined by the Canadian authorities—no matter however reasoned or evidence supported—either systematically ignored or mischaracterized, caricatured, and censured as the "anti-science" rantings of outliers, quacks, political extremists, and "COVID deniers"?

Distortion, Misrepresentation, and Suppression of Legitimate Democratic Dissent

A third line of questioning vigorously pursued by the Commission involved the facts concerning the federal government's representation and treatment of the Freedom Convoy organized by independent truckers—thousands of whom had lost their jobs and incomes due to hastily imposed federal vaccine mandates.

In the view of the Commission, this was an exercise in democratic protest which drew significant support from across the country. Commission counsel therefore sought to ascertain why federal officials acted as they did in responding to the Freedom Convoy? In particular:

- Why was no effort made by the Prime Minister or senior ministers to meet with the Convoy leaders and seek to negotiate modification of or an end to the vaccine mandates that were at the root of the protest?
- Why did the Prime Minister go even further in the opposite direction, giving the distinct impression that he was "afraid to meet"—hiding from the protesters, the media, and the public for days at the outset of the protests?
- How could a security advisor from the Defense Department possibly come to the fantastic conclusion that a peaceful democratic protest by truckers was an "organized attempt to overthrow the Government of Canada," and report such a conclusion to the Prime Minister?
- Why in responding to the protests by the Freedom Convoy did the federal government, in hastily invoking the *Emergencies Act*, display a hypocritical double standard?
- Why did it claim, for example, that the disruption of Canada-US trade through the temporary blocking of the Ambassador Bridge at Windsor was such a serious economic disruption that it justified invoking the *Emergencies Act*, but had taken no significant action at all when American supported activists blocked rail lines and pipeline developments carrying western resources and goods to tidewater in British Columbia?

- And why, for example, did federal ministers also claim that the potential for violence was so acute in the case of the protests by the Freedom Convoy that the *Emergencies Act* had to be invoked in the name of public safety, but displayed no similar concern with respect to the much more volatile Black Lives Matter protests a few months previously?

As the Commission was obliged to report: “No satisfactory answers were forthcoming from federal officials, including ministers, in a position to answer them. The perspective provided by “insiders” willing to share their experience and insights indicated that while there was considerable angst about the nature of the government’s response to the Freedom Convoy, the tendency was to “blame somebody else” for any mismanagement—the civil servants convincing themselves that the politicians were to blame for the over-rection, and the ministers convincing themselves that the ‘over-the-top’ response was largely the fault of the Prime Minister.”

Several of those testifying to the Commission concerning the government’s heavy handed response to the Freedom Convoy referenced public opinion surveys taken immediately after the invoking of the *Emergencies Act* that showed a majority of Canadians were supportive of such action. Commission counsel then investigated the validity and endurance of this alleged “majority support” by asking the Commission’s independent pollster for her explanation of these polling results. She replied as follows:

“Public support for a just-announced government action, as measured by responses to a polling question, very much depends on when and how the question is asked. If the pollster simply asked, immediately after the action was announced: “Do you support the government’s use of the *Emergencies Act* to end the protest by the truckers?”—without time to consider or debate the options, 50 percent or more of the respondents might well answer “Yes...”

But suppose that respondents were first given time to consider that action and alternative options, and then asked: “If the government must act to end the protest by the truckers, would you prefer Option (1) that they simply cancel the vaccine mandates which the truckers and their supporters are protesting? Or Option (2) that they invoke the *Emergencies Act* giving the government and the police extra powers to forcibly end the protest?” In that situation a substantial majority

of the Canadian public would most likely have voted for Option (1). I am especially inclined to believe that this would have been the case since in February 2022, public support for ending most if not all of the restrictive vaccine mandates was already growing, with several provincial governments, partially in response to their own polling, already pursuing that option.”

In the interests of fairness, the Commission also undertook to investigate the alleged “dark side” of the truckers protest—evidence that some demonstrators carried Nazi flags and that others hurled obscenities at the police, seriously damaging the image and credibility of the protest in the eyes of many observers.

In doing so, Commission counsel recalled the political and communications consultant once attached to the Prime Minister’s Office who had been so candid in describing the government’s efforts to mobilize fear to secure public support of its COVID policies, and asked for his perspective on this negative aspect of the truckers protest.

“It may well be” he said, “that there were such disreputable characters involved in the truckers protest—I don’t know for sure. What I do know is that in the political business today there are basically three ways for a government to respond to a public protest organized by opponents of its position on some issue. One is to simply ignore it. The second is to mount a counter-protest from among the government’s own supporters, although this is time consuming, expensive, and sometimes risky. But the third—which is far easier—is to discredit the protest by encouraging ideologically motivated counter-demonstrators or even “demonstrators for hire” to infiltrate the protest with offensive signs and behaviours—like brandishing swastikas or screaming racist or homophobic slogans—and to make sure that these get “on camera” when doing so. Whether this happened or not in the case of the truckers protest I don’t know, but it’s definitely a possibility which should be considered and investigated.”

In further probing the federal government’s responses to the protests by the Freedom Convoy, the Commission also undertook to ascertain the veracity of numerous public statements made by the Prime Minister and other members of Cabinet concerning it. In particular:

- Statements by the Prime Minister at a number of news conferences in which he alleged that anti-vaccine protesters “did not believe

in science,” that they were often “misogynists and racists,” that members of the Freedom Convoy held “unacceptable views” that ought not to be tolerated, that right wing American groups were the major funders of the Convoy, and that conservatives and others who supported the truckers were “sympathizing with fascism and Naziism.”

- Statements by three federal ministers—Justice Minister David Lametti, Emergency Preparedness Minister Bill Blair, and Public Safety Minister Marco Mendicino—at an Ottawa press conference on February 16—to the effect that border blockades and the occupation of downtown Ottawa by the truckers and their supporters were “foreign-funded, foreign-organized attacks meant to undermine Canada’s economy, sovereignty, and democracy.”

In thoroughly investigating the above charges and statements, however, the Commission ultimately found:

- That both the Freedom Cavalcade’s Ottawa protest and the border blockades were wholly planned and organized in Canada.
- That at least 88 percent of the funding of the Freedom Convoy came, not from Americans, but from Canadians, the same conclusion reached by a Commons Committee investigating the same issue.
- That the statements made by the Prime Minister and federal ministers to justify the invoking of the *Emergencies Act* were not only unsubstantiated by concrete evidence, but were largely false and misleading.

In the sobering words of the Chief Commissioner: “The hypocrisy, cowardice, and deceitfulness, shown by the highest representatives of the federal government in relation to the Freedom Convoy did more than any other government action to undermine public confidence in the federal government’s management of the COVID pandemic.”

Throughout the public hearing phase of the Commission’s work, Commissioners heard a bewildering array of testimony, some of it contradictory, most of it useful, and on a few occasions “unbelievable.” Throughout the entire process, however, the Commissioners, in particular the Chief Commissioner who chaired the majority of the public hearings, displayed great patience. The one and only occasion on which the Chief

Commissioner lost patience was when the Commission was presented with a public statement by the Defense Department official who had reported to the Prime Minister that the truckers protest and the Freedom Convoy represented “an organized attempt to overthrow the Government of Canada.” Interrupting the presentation, the Chief Commissioner declared: “This is truly the most ridiculous, unsubstantiated, and unbelievable claim that this Commission has heard in all these weeks of hearings. It is contradicted by all the other evidence this Commission has received on this subject. It disgraces the Department of Defense to be associated with it, and it makes the Prime Minister look like a gullible fool if he believed it. If this Commission were to believe and accept this report that would be like believing reports that Elvis Presley is still alive and driving a cab in Temiskaming. I order this nonsense struck from the record.”

Chapter 5⁴

THE REPORT OF THE COVID COMMISSION

The final, two-volume Report of the COVID Commission was completed in early June of 2023. Time and space limitations do not permit a complete summary of all its conclusions and recommendations here. But let us draw particular attention to several major features of the Report, especially those which generated intense interest and debate—not only in the House of Commons—but across the country and in hundreds of thousands of Canadian households.

Thanks and Commendation to Front Line Doctors, Nurses, and Care Givers

The Report of the Commission was brutally frank in its analysis of the role of federal healthcare bureaucrats and politicians in mis-managing the COVID pandemic. But the Report the Commissioners first and foremost expressed the whole-hearted gratitude to those front line doctors, nurses, and other care givers who toiled month after month under the most stressful of conditions to meet the healthcare needs of persons infected by the COVID virus in all its manifestations. The Commission also expressed public appreciation to those civil servants and law enforcement personnel who sought to faithfully administer the government's health protection measures, even when they had personal reservations about the wisdom and value of such measures.

4. Please be reminded again that the following descriptions of the conclusions and recommendations of the Report of the imagined COVID Commission are fictional. They are instructive, however, if they cause us to ask *what ought we to conclude and what lessons ought we to learn*, from what is already known of the federal government's management of the COVID pandemic.

The Commission further commended the science community for its contribution to public understanding of the virus and the various treatment and preventative options available. But this commendation was accompanied by a strong advisory—that in the future, members of the science community should be much more involved in communicating their findings and recommendations directly to the public rather than allowing the relevant findings to be communicated by bureaucrats, politicians, and media who tended to interpret the science in accordance with their own agendas, biases, and un-scientific perspectives.

As the Chief Commissioner declared, “Science filtered through the mindset of bureaucrats, politicians, and headline-hunting media, and communicated to the public through them, is not the genuine science that needs to be brought to bear on a health crisis such as the COVID pandemic.”

A Major Conclusion and Recommendation

The Final Report of the Commission put forward some 75 conclusions drawn from its hearings, data gathering, and analysis—many of them in response to the major questions previously raised by the public and non-establishment experts but ignored and dismissed by the federal government during the course of the pandemic.

One of the most significant of these, with major ramifications for dealing with future national emergencies, was that the federal government, at the political level, grossly mismanaged its response to the COVID pandemic when it chose at the very outset to assign the crisis management to Health Canada—the federal health department bureaucracy—rather than to Emergency Management Organizations designed, equipped, or even especially created to handle such emergencies.

The Commission questioned whether anyone in the Prime Minister’s Office or the Privy Council Office was specifically directed, at the very beginning of the COVID crisis, to analyze and recommend the best possible mechanism to manage the pandemic response, and if not why not?

As one of the Commissioners well versed in government organization and crisis management wrote in an insightful internal memo to the Commission:

“There is a vast literature on the pros and cons of bureaucratic structures and processes. Bureaucracies are suitable for administering and managing a variety of tasks and services but managing emergencies is definitely not one of them. With their layers and layers of organization between the situation on the ground and the decision makers at the top, bureaucracies are generally too slow, too cumbersome, and too susceptible to red tape entanglements to deal quickly and decisively with “emergency” situations. They are particularly unfit to deal with “people emergencies” as distinct from dealing with the management of material resources or the administration of public works because bureaucracies invariably tend to “*depersonalize*”—to reduce people to cases, numbers, and faceless files that meet the information management and decision making needs of the bureaucracy but not the needs of the human beings in question.

“Because bureaucracies also tend to divide responsibilities into a myriad of levels and compartments, it is also very hard to hold any particular official or group of officials accountable for overall outcomes. When questioned about the impacts of their actions and decisions outside their particular area of responsibility, such officials are likely to answer “that’s not our department.” Thus if the Commission was to ask officials of the federal Health Department why they didn’t take into account the impact of their health protection decisions on the rights and freedoms of Canadians—their intuitive response will likely be: “Rights and freedoms aren’t our responsibility—go talk to the Justice Department.” Or if the Commission was to ask those same Health Department officials why they didn’t foresee and react to the enormously negative impacts of their health protection measures on the jobs and incomes of millions of Canadian and the economy, they are again likely to answer: “Why are you asking us about that? Jobs, incomes, and economic impacts are not our responsibility—go talk to the Finance Department or the Economic Development ministry.”

In defending its conclusion that responsibility for managing the COVID pandemic should have been assigned, at the very outset, to Emergency Management Organizations designed, equipped, or even especially created to handle such emergencies, the Commission also squarely addressed push-back from officials of the Health Department and others who argued that EMOs (particularly at the provincial level) “were only designed to deal with emergencies such as forest fires and floods, not a health emergency

created by a virus-based pandemic.”

The Commission argued that even if previously established EMOs were not specifically equipped to handle health emergencies, they could have been quickly repurposed and re-equipped to do so, and that in retrospect this would have been preferable to assigning the emergency response management to the traditional bureaucracies.

In the case of the federal government, the Commission noted that the Public Health Agency for Canada, established after the SARS (Severe Acute Respiratory Syndrome) outbreak in 2002-04 and headed by the Chief Public Health Officer for Canada, actually was created in response to a health emergency and might well have been established as just such an EMO. But instead it was simply mandated to coordinate a response to any health emergency by Ottawa’s already established healthcare bureaucracy. As such, it became an indistinguishable part of that bureaucracy and of relatively minor importance. In 2015, for example, the position of Chief Public Health Officer was left vacant for 15 months and when it was eventually filled, it was filled by a candidate drawn from the bureaucracy.

One witness with a historical perspective on federal responses to emergencies pointed out that if federal officials actually believed the fight against the COVID virus was the equivalent of a war effort—if they actually believed in the “war analogy” they were so strongly promoting in their communications with the public—they might have recalled one of the primary lessons in emergency management taught by Canada’s initial experience in organizing to fight World War II.

Did not the legendary federal Minister, C. D. Howe—very shortly after being made Minister of Munitions and Supply—recognize that the traditional bureaucracies of the Defence and Public Works Departments were not capable of organizing quickly and efficiently enough to meet the demand for munitions and other supplies urgently needed for the war effort? And did he not then resort to the immediate creation and mobilization of several dozen crown corporations—smaller, leaner, and outside the traditional bureaucratic structures—to handle the job. Something which they did with great success.

As this witness also pointed out, what was particularly tragic about the federal government’s decision to unthinkingly hand over the management of the COVID crisis to a bureaucracy was that this quickly became the

pattern followed by all the provincial governments—not one choosing a different organizational structure or procedure to manage the crisis.

Other Major Conclusions

Other major conclusions reached by the Commission, again with major ramifications for the management of future national crises, included the following:

- That the federal government’s consistent and persistent use of “fear” as the primary instrument for motivating Canadian to comply with its health protection measures was a deplorable tactic, deserving of censure, especially when employed in a free and democratic society as the principal means of generating support for a government policy.
- That the federal government, in failing to conduct timely assessments of the impacts of its health protection measures on the rights and freedoms of Canadians guaranteed by the Charter, was guilty of gross negligence. By failing to determine those negative impacts, the government failed to equip itself with the means of *striking a balance* between health protection and the protection of those rights and freedoms supposedly guaranteed by the Constitution.
- That the courts failed in their duty to be the ultimate guardian of those rights and freedoms, siding far too easily and unquestioningly with the government’s contention that the limitations it was imposing on the constitutionally guaranteed rights and freedoms of Canadians were “reasonable” and “demonstrably justifiable” under the circumstances—even in a free and democratic society.
- That the federal government was to be strongly condemned for failing to present Parliament with a *specific law* imposing the limitations it sought on Charter-guaranteed rights and freedoms, for not allowing that *specific law* to be expeditiously debated and cross examined by parliament, and for not seeking and obtaining majority support for that *specific law* in the House of Commons and the Senate.
- That in ascertaining the reasonableness and justifiability of any

limitation on the rights and freedoms of Canadians, it is the Supreme Court's "Oakes Test" which should have been rigorously applied. i.e. that in limiting rights and freedoms the government must clearly demonstrate that the benefits outweigh the negative impacts. Thus in future, any law or regulation limiting rights and freedoms, for whatever cause, should specifically require the conduct of economic and social Impact Assessments, so that a proper balance can be struck between rights protection and other aspects of the public interest.

- That many of Canada's mass media, by slavishly adhering to the federal government's interpretation of the COVID crisis, by uncritically defending the efficacy of the health protection measures adopted, by pointedly ignoring the negative impacts of those measures, and by ruthlessly censoring and pillorying those who questioned the legitimacy and efficacy of those measures, grossly neglected their duty to fairly and impartially serve the Canadian public.
- That the federal government at both the political and bureaucratic levels, in failing to determine and acknowledge the negative impacts of the health protection measures adopted on the jobs, incomes, and economic wellbeing of millions of Canadians, was again guilty of gross negligence—since by failing to conduct *economic impact assessments* of the health protection measures adopted, the government failed to equip itself with the means of *striking a balance* between health protection and sustaining the economic wellbeing of Canadians.
- That the federal government was again guilty of gross negligence in failing to launch, in cooperation with the provinces, urgently needed reforms to Canada's antiquated and under-performing healthcare system when it became abundantly apparent that the system was incapable of meeting the increased demands generated by the COVID pandemic.
- That the federal government in invoking the *Emergencies Act* to deal with the largely peaceful protests of the truckers and their supporters was guilty of a foolish, heavy handed, and divisive over-reaction when simply cancelling the outdated and ineffective vaccine mandates which were the cause of the problem was the obvious solution.

The Commission then went on to make a series of recommendations based on its conclusions—recommendations covering everything from reform of governmental responses to national crises, to withdrawing federal support of the CBC and the discredited Canadian Human Rights Commission, to opening the door to wholesale reform of Canada’s healthcare system, and much more.

All the conclusions and recommendations of the Report of the Commission were summarized in Appendices to its Report. And because the Commission’s hearings were completely open to the public and nationally televised, the Canadian public was made fully aware of those conclusions and recommendations regardless of any omissions or biases characterizing the coverage given to them by the mass media.

Chapter 6⁵

THE 2023 FEDERAL ELECTION

On June 15th, 2023, the Report of the COVID Commission was tabled in the House of Commons by the Leader of the Official Opposition who was by now the recognized leader of the Common Sense Coalition in parliament. In one of the most comprehensive and powerful speeches given in the House in recent memory, the Leader moved a motion calling for parliamentary acceptance of the Commissions conclusions and recommendations—a motion framed in such a way that it could only be interpreted as an expression of non-confidence in the Liberal/NDP government.

Unlike many of the previous motions by the Official Opposition challenging some position or action of the Liberal/NDP Coalition, this motion to accept the conclusions and recommendations of the COVID Commission was the product of an extensive grass roots consultation and by now supported by hundreds of thousands of Canadians. It therefore puts enormous strain on the “bonds of expediency” holding the governing Liberal/NDP Coalition together.

Despite furious behind-the-scenes lobbying by the government whip and the Prime Minister’s office, a significant number of Liberal back-benchers—MPs who highly cherished the *Charter of Rights and Freedoms* championed by the government of Pierre Elliott Trudeau and who had been appalled by Justin Trudeau’s cavalier violations of it—were indicating that they would either abstain from voting on acceptance of the COVID Commission Report or that they might even support its adoption.

5. Please be reminded again that the events and quotations described in this chapter are fictional—a dramatization of what *might* happen and what *might* be said as a consequence of the work of the imagined COVID Commission. But while fictional, it is hoped that the possibilities raised by the conclusion to this story will be instructive and indicative of events to come.

Within the ranks of the NDP members of the Liberal/NDP Coalition, an internal division which had been brewing for months now boiled to surface. NDP MPs whose support came primarily from members of private sector unions, many of whom had lost their jobs and incomes as a result of the economic lockdown policies of the government, were still furious at the preferential treatment given by the government to members of the public sector unions—inequities which the Liberal/NDP Coalition continued to defend but which the Report of the COVID Commission highlighted and strongly denounced. In addition, recent polling of the electorate was beginning to show that, if a federal election was held, NDP MPs who had supported the Liberal/NDP Coalition would likely lose their seats to Liberal candidates, further weakening the allegiance of those NDP members to the Coalition.

Signs were also emerging that the leader of the federal NDP was losing his grip on members of his caucus. Some of these had openly questioned why the leader had not insisted on the NDP being given at least two or three cabinet posts as part of the Liberal/NDP Coalition agreement. It was now strongly suspected that, in return for dropping this demand, the NDP leader had been given private assurances that, should he lose his seat in the next election he would personally “be taken care of”, either by means of an ambassadorial appointment or a high income private sector position with a Liberal friendly company.

These then were the circumstance on the evening of June 15, 2023, when the non-confidence motion of the Commons Sense Coalition calling for acceptance of the Report of the COVID Commission, came to a vote in the House of Commons. As the Liberal/NDP Coalition was deserted by a significant number of Liberal members, and by a majority of the NDP members, the non-confidence motion was carried—defeating the Liberal/NDP Coalition government and plunging the country into an unexpected and unprecedented summer-time federal election, one of the most unusual in Canada’s political history.

The 2023 federal election has been well documented elsewhere and time and space limitations do not permit a full description or analysis of that election here. Suffice it to say that the unexpected result radically transformed the federal political landscape in Canada. To the utter astonishment of the pollsters, the media, and the political establishment, candidates of the Common Sense Coalition won over two hundred seats, sufficient to form a majority government.

In a brief victory speech, late on the night of the election, the Prime Minister-elect declared the result to be a victory, not for a political leader or a political party, but a victory for “the commons sense of the common people.”

Post-election analysis focused heavily on seeking to determine why extensive preelection polling—on which the traditional political parties and the mass media relied heavily—failed so badly in predicting the underlying political potential of the Common Sense Coalition. But as one spokesperson for a prominent polling firm ruefully explained, “We were simply asking the wrong questions, just as we did previously in asking the public what should be done to resolve the truckers protest. In that case, the options we polled did not include the Commons Sense option which was to cancel the vaccine mandates—the option for which there was enormous latent public support, which broadened into support for the Common Sense platform of ending virtually all the onerous COVID mandates, and which broadened further into voter support for the Commons Sense Coalition.”

Political scientists found it especially difficult to place the Common Sense Coalition along the old left-center-right axis since it had been joined and supported by large numbers of people from across the political spectrum. These included members of the 44th parliament elected in 2021—Conservative MPs who were of course part of the Coalition, but also Liberal MPs who had lost confidence in the Prime Minister over his failure to uphold Charter rights and freedoms which liberals had long championed, and even some New Democrat MPs who sided with the hard hit members of the private sector unions rather than the government-protected members of the public service unions.

On the night of the election victory, the Prime Minister-elect paid special tribute to the many members and supporters of the traditional parties for coming together to support the Coalition. “Whatever our past differences—we have discovered that we are all small-d-democrats to whom the preservation of a free and democratic society is the top priority.”

Political scientists and commentators drew attention to two other significant aspects of the Common Sense victory:

- That for the first time in Canadian history, voters in those regions of Canada with a strong third party tradition—western Canada and Quebec—made common cause in opposing the federal government’s

mismanagement of the COVID crisis. This at least partially explained the large numbers of Coalition MPs elected in both the west and Quebec.

- That there was an eerie resemblance between the role of the Solidarity Movement in Poland in the 1980's and '90's and the Common Sense Movement in Canada in 2021-23. Both achieved public prominence and support through a strike—striking dock workers at the Lenin shipyard in Gdansk opposing autocratic labor regulation measures in the Polish case and striking truckers challenging autocratic health protection measures in the Canadian case. Both came to be led by a key leader and spokesperson for those strikes—Lech Walesa in Poland and Leah Wahlstrom in Canada. And both broadened their movements and formed political alliances which were ultimately successful in challenging and toppling an autocratic regime.

But it was the Prime Minister-elect, at a wide ranging media scrum the next day, who dwelt specifically on the future ramifications of the election results by specifically acknowledging the contributions of Millennial and post-Millennial voters to the creation and success of the Coalition: “With this election, let us acknowledge that the old political alignments have largely passed away—that the foundations of a next generation movement have been laid—a movement yet to be properly named and fully shaped, but one offering this country and its people better conditions and brighter prospects than those from which it emerged.”

Chapter 7⁶

ONE FINAL QUESTION

When the new parliament met early in September 2023, the Speech from the Throne contained numerous measures designed to implement the recommendations of the COVID Commission. Leah Wahlstrom, newly elected to parliament, was given specific responsibility by the Prime Minister for following up on the implementation of these measures.

Most importantly, by dealing decisively with the aftermath of the COVID crisis, the Speech from the Throne “cleared the air” for the new government to address numerous other issues which had been either ignored due to preoccupation with the COVID crisis or mishandled in previous years. These included addressing the threat of runaway inflation and housing prices; seeking balance rather than further polarization on the environment-energy front; officially recognizing the regional character of Canada and offering federal policies to specifically address the distinctive aspirations of each region; restoring Canada’s credibility with its allies and trading partners on the international front; deficit and debt reduction; pursuing greater equity in federal-provincial fiscal transfers including equalization; expanding Canadian healthcare to include a greater role for the nongovernmental sector and public-private partnerships.... to name only a few of the initiatives of the new government.

In the aftermath of the COVID Commission Report, however, one last question remained to be resolved by the House. The question was:

- Whether the politicians and healthcare bureaucrats responsible for the mismanagement of the COVID pandemic should be held financially liable and/or criminally responsible for the damages suffered by hundreds of thousands of people, communities, businesses, and other organizations as a result of inactions and actions by the Government of Canada in response to the pandemic, or,

- Whether—given that any such attempt to enforce accountability in that way would result in years of expensive and time consuming prosecution and litigation—the country should simply “move on,” having learned and applied the managerial and political lessons taught by the COVID experience, having dismissed the federal ministers and administration responsible for the mismanagement, and having empowered the new government to further discipline those officials and others whom the Commission identified as being directly responsible for the mismanagement?

Without disclosing how the House of Commons voted on this matter in September of 2023, I leave you, dear reader, with this question: If you were a member of that House, how would you vote on this issue—to proceed with legal action against those found responsible for the mismanagement of the pandemic response, or to simply “move on,” content with having replaced the federal government responsible and Canada having learned the costly managerial and political lessons taught by the COVID experience?

How we collectively answer this question will reveal much about our national character, and whether our inclination is to negatively polarize over the wrongs of the past or positively unite to address the challenges of the future.

