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# Special Joint Committee on the Declaration of Emergency

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Co-Chairs:  
The Honourable Gwen Boniface Mr. Matthew Green Mr. Rhéal Fortin





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• (1830)

[English]

**The Joint Chair (Hon. Gwen Boniface (Senator, Ontario, ISG)):** I call this meeting to order.

Welcome to meeting number 20 of the Special Joint Committee on the Declaration of Emergency, which was created pursuant to the order of the House of March 2, 2022, and of the Senate on March 3, 2022.

Today's meeting is taking place in a hybrid format pursuant to House and Senate rules. Should any technical challenges arise, please advise me, as we may need to suspend to ensure all members are able to participate.

For our first panel this evening, we are joined, from the Privy Council Office, by Jody Thomas, national security and intelligence adviser; Martin Green, assistant secretary to the cabinet, intelligence assessment; and Mike MacDonald, assistant secretary to the cabinet, security and intelligence. We are also joined by Marie-Hélène Chayer, executive director of the integrated terrorism assessment centre.

I understand that Ms. Thomas will lead with opening remarks.

Ms. Thomas, we welcome you. You have five minutes.

**Ms. Jody Thomas (National Security and Intelligence Advisor, Privy Council Office):** Thank you very much, Madam Chair. I'll make very short introductory remarks.

I am here with three colleagues who have been introduced, so I won't go through that with you.

I assumed the role of national security and intelligence adviser on January 11, 2022. It is a position designed to provide coordinated, non-partisan advice to the Prime Minister through the Clerk of the Privy Council. The role includes coordinating the national security and intelligence community and providing a challenge function, like all deputy secretaries do at PCO.

[Translation]

The National Security Intelligence Advisor oversees four secretariats: Security and Intelligence, Foreign and Defence Policy—

[English]

**The Joint Chair (Hon. Gwen Boniface) :** Ms. Thomas, could you stop, please? I apologize. There's an interpretation issue.

**Ms. Jody Thomas:** It could be my French. I apologize.

**The Joint Chair (Hon. Gwen Boniface) :** Pardon me, Ms. Thomas. Go ahead.

**Ms. Jody Thomas:** Thank you.

[Translation]

The other two secretariats are Intelligence Assessment and the new Emergency Management and COVID-19 Recovery Secretariat.

[English]

The national security threat posed by the so-called “freedom convoy” was multi-faceted and complex, and we are learning more about it daily. The protests, the occupation of the nation's capital and the blockades of critical infrastructure presented unprecedented challenges for government.

Freedom of expression and peaceful assembly are fundamental rights and must be protected in any democracy; however, the government has a responsibility to ensure safety and security for Canadians.

I want to emphasize that it was the totality of the circumstances that led me and others to recommend invoking the Emergencies Act. It is important to note that these measures were temporary and in place from February 14 to 23. They were carefully tailored to ensure that they were reasonable, proportionate and, thankfully, short-lived.

Others have appeared in order to provide information and context with regard to the broader implications of the myriad factors that led to how the Emergencies Act was invoked and carried out. I'm here to speak about the role of the NSIA as a coordinating body within the federal intelligence community as well as an adviser to the federal government.

My colleagues and I look forward to your questions.

I will end there.

• (1835)

**The Joint Chair (Hon. Gwen Boniface) :** Thank you very much.

We will begin our round of questions starting with Mr. Motz.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you very much, Madam Chair.

Thank you to the witnesses for being here.

Ms. Thomas, I'll focus on you.

I appreciate your introduction on your role as the national security and intelligence adviser. You provide briefings, as you said, and advice to the Prime Minister through the PMO.

Would it be fair to suggest that an aspect of your responsibility during the “freedom convoy” was to provide the PMO, the Prime Minister and cabinet with briefings with full, frank and factual threat pictures? Would that be a fair assessment?

**Ms. Jody Thomas:** The information and the intelligence is provided through the PCO, not through the PMO, just as a clarification.

Yes, it is frank, open and transparent information.

**Mr. Glen Motz:** Thank you.

Would you then agree with me that the Emergencies Act sets out the threshold upon which government must rely to lawfully invoke the Emergencies Act, namely, the definition in section 2 of the CSIS Act? I would suspect that you have a firm understanding of section 2, which defines what “threats to the security of Canada” means.

**Ms. Jody Thomas:** Yes, and thank you for the question.

This has been a subject of significant discussion. It certainly has come up in these hearings, and it came up at the inquiry last week.

Legal advice has been provided. I know that both the deputy minister of justice and the Minister of Justice have both been here. The government has a responsibility to take a broad look when assessing national security threats.

**Mr. Glen Motz:** I want to get to that.

CSIS, the RCMP and the OPP have testified that there wasn't intelligence to support that a threat to the security of Canada existed, yet, as you've just stated now and you stated at the commission, you received some legal opinion that included a broader interpretation of the Emergencies Act than what the law states is the prescribed threshold.

Can you tell me who determined that this broader interpretation was required? That's the first part.

When was that interpretation asked for? Who wrote that interpretation? When was that interpretation received by you or others who presented it?

**Ms. Jody Thomas:** Thank you very much for the question.

The Department of Justice wrote the legal opinion. They write the legal opinions for government. The paragraph 2(c) question is significant. The interpretation of paragraph 2(c) and the Emergencies Act is that the national security description and the parameters are assigned the meaning per paragraph 2(c) of the CSIS Act, as opposed to derived directly from.

That means that there's not one person in this country who determines that something is a national security threat. We do not believe that the drafters of the Emergencies Act intended for the CSIS director to be the sole arbiter of national security threats to this country. It means, as an example, that there could be a policing situation—lawlessness on the streets, the police are overwhelmed and

they cannot respond—but if there wasn't a very narrow paragraph 2(c) threat, then the Emergencies Act couldn't be applied.

We do not believe that this was the intention of the drafters.

**Mr. Glen Motz:** I will interrupt you there, Ms. Thomas.

Actually, if you listen to the testimony of the person who drafted this, Perrin Beatty, he did say that they used section 2 specifically because of how carefully it was drafted and relied upon.

Would you say, for this broader interpretation that was relied upon, that you relied upon it in the advice you gave to cabinet? Was it clear to cabinet that this interpretation did not align with the letter of the law as included in the Emergencies Act?

**Ms. Jody Thomas:** Thank you for the question.

It did align with the letter of the law, as interpreted. Yes, cabinet was thoroughly briefed.

• (1840)

**Mr. Glen Motz:** At this stage, I guess my question would be this: Why would you place any value on a legal opinion when—to me—the existing law is pretty clear on what you need?

Could it be that since the circumstances of the protest didn't really meet the threshold—as has been said already by the RCMP, the OPP and CSIS intelligence—it was conscripted to try to justify the government's invocation of the Emergencies Act?

**Ms. Jody Thomas:** I thank you very much for the question.

No, I don't agree with that.

**Mr. Glen Motz:** Thank you very much.

**The Joint Chair (Hon. Gwen Boniface):** The five minutes are up. Thank you, Mr. Motz.

I'll move to Mr. Naqvi.

**Mr. Yasir Naqvi (Ottawa Centre, Lib.):** Thank you very much, Chair.

Welcome to all the panel members.

Thank you, Ms. Thomas, for being here.

I'm just going to continue the line of questioning where Mr. Motz left off.

You told the Public Order Emergency Commission that, “in terms of the Emergencies Act, the Governor-in-Council can consider more broadly than the intelligence collected by CSIS in determining a national security threat or situation or a public order emergency.” You were alluding to that just now in your comments, as well.

What did you mean by that? Can you take some time to explain that to us? Why is that important in the context of a public order emergency?

**Ms. Jody Thomas:** What I meant by that is that the 2(c) national security definition is not a one-for-one translation into the Emergencies Act. It is assigned meaning from the CSIS Act, as opposed to it must be determined by CSIS.

Section 16 of the Emergencies Act requires a broad interpretation and allows for broad consideration, as the Governor in Council has that responsibility.

The totality of the events across the country were determined to meet a threshold for a public order emergency. There were blockades at, as we know, the Ambassador Bridge, Emerson, Coutts and Surrey. There were convoys being formed across the country. As the Ambassador Bridge was being cleared, we learned of pop-ups to retake that bridge. In fact, the police had to stay in place for quite a significant amount of time.

There was a threat of weapons in Coutts and then the discovery of the size of the cache. Then there was even news we heard today about the significance of that cache and the amount of ammunition that was collected there. We were hearing the same language being used about Ottawa, that there was a threat of weapons. There were economic impacts, the inability of Canadians to live their lives and the increasing rhetoric online.

The concern about the rhetoric online—as you've all heard, because you've heard about IMVE, ideologically motivated extremism—is that the leaders of those movements are not necessarily the people who are going to act. It is the people who are motivated and inspired to act by the rhetoric they read. The rhetoric was increasing and we were getting concerned. The threats against public officials were increasing and we were getting concerned.

We were in the third weekend, going into the fourth weekend. The decision was based on the totality and the section 17 interpretation of a broad view, and the Governor in Council took the decision that the Emergencies Act was the correct course of action.

**Mr. Yasir Naqvi:** What I am hearing from you is that when that determination is being made—and you speak of the totality of events that you took into account—there is a contextual nature to that determination and the basis of your advice to PCO and to the Prime Minister of whether the threshold is met or not. Am I correct?

**Ms. Jody Thomas:** Yes, you're correct. CSIS is an intelligence agency. They collect intelligence and 2(c) allows them to collect intelligence. It doesn't allow us to necessarily act and it doesn't mean that there will be a police action as a result of 2(c).

The broad interpretation, the context, the national nature, the amount of time that this had been going on and the dire concerns coming out of Coutts led to the action taken.

**Mr. Yasir Naqvi:** When we look at your recommendation to the Prime Minister, and when we look at the recommendation of Mr. David Vigneault, the CSIS director, I believe he told the commission that based on his understanding that the Emergencies Act definition of a threat to the security of Canada was broader than the CSIS Act, as well as based on his opinion of everything he had seen to that point, he advised the Prime Minister of his belief that it was indeed required to invoke the act.

Even the CSIS director, as I read it and understand it, agrees with your understanding of the importance of context.

I am asking you, not on his behalf, but is it your understanding that his advice to invoke the act was also based on the context that he was seeing in his role as the CSIS director as to what was happening, not just in Ottawa but across the country, and how it was escalating by the moment?

• (1845)

**Ms. Jody Thomas:** I can't speak for the CSIS director, but as a senior deputy minister in the national security community, yes, I believe that is the perspective he had.

**Mr. Yasir Naqvi:** Thank you.

**The Joint Chair (Hon. Gwen Boniface) :** We'll move to Mr. Fortin.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin (Rivière-du-Nord, BQ)):** Thank you, Madam Chair.

Ms. Thomas, I'm going to continue asking you questions since you're the star this evening.

As I understood your testimony, what convinced you that the thresholds had been met were the blockade of the Ambassador Bridge, for example, the fact that a convoy was headed for Ottawa and the fact that those people had obtained millions of dollars in funding.

Do you know the exact figure? To your knowledge, how much money had they raised?

[*English*]

**Ms. Jody Thomas:** It was in excess of \$20 million. The exact number, I think, was revealed during the inquiry.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** You thought they had approximately \$20 million at the time you recommended that a state of emergency should be declared.

[*English*]

**Ms. Jody Thomas:** Thank you for the question. We knew it was in excess of \$10 million.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I see.

Those are the reasons why you concluded that there were grounds to invoke the Emergencies Act. Is that correct?

[*English*]

**Ms. Jody Thomas:** It was, as I've said, the number of blockades, the number of people who were coming to join the Ottawa blockade and occupation, the concern about weapons, the rhetoric, the IMVE actors who were in the mix and the connection between all of those entities. Yes, that's the totality of it.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Wasn't there any other way to address the situation?

For example, you could have had the trucks blocking Wellington Street removed. They were in fact removed when the time came. The police officers pushed back the protesters.

Do you think other measures could have been taken under general legislation applicable to the jurisdiction?

[English]

**Ms. Jody Thomas:** Thank you very much for that question. I think you've raised some very important points.

Number one, tow trucks were a problem in multiple locations. Tow truck drivers were either intimidated or, we've learned, paid not to participate and not to provide service. We looked as far as Montreal to get tow truck drivers to come to Ottawa, as but one example. We had a national tow truck strategy, which I know the deputy minister of Transport Canada has explained to you.

Tow trucks were a major issue. We're talking about big rigs. We're not talking about the average tow truck. That equipment was hard to find, and we had to compel tow truck drivers to come and to respond.

Regarding other measures, we had two tracks of action that we were looking into and that Mike MacDonald led on behalf of PCO with Public Safety. You've heard "track one" and "track two" being talked about. Track one was existing legislation and what could be used within existing legislation—provincial, municipal and federal—to resolve the situation.

At the end of weekend three, none of it was working. We could not gain traction with the province in Ontario. In the city, the police chief said there was no policing solution. You've heard that testimony—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I'm going to interrupt you, since our time is quite short.

The chief of police said he wanted 1,800 police officers to clear the downtown area. In the end, there were 2,000 in the area the day after he resigned.

I thought that, under Ontario's Highway Traffic Act, you could have directed that the tow trucks be mobilized and that, if their drivers didn't want to remove the trucks, you could have sought an injunction to compel them to do so. Am I wrong?

[English]

**Ms. Jody Thomas:** It's an Ontario act, and Ontario did not compel the tow truck drivers. We used the federal act to do that.

There were many opportunities—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I understand that you used the federal act, but here's the question: could you have used legislation in force, such as Ontario's Highway Traffic Act or the Criminal Code, for example?

Couldn't you have relied on them and said that what was being done was prohibited and sought an injunction to force the issue?

• (1850)

[English]

**Ms. Jody Thomas:** Injunctions were discussed and not used. It is more a private law remedy, as described by the Minister of Justice.

There were actions that could have been taken under existing legislation, but when they weren't and we were at the end of the third weekend, the federal government had to act. You have heard the testimony, both at the inquiry and here, that there were challenges in getting Ontario to the table to have discussions and use their act.

The federal government doesn't apply provincial legislation. The province does.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** You may have heard that Commissioner Lucki told us in one of her appearances that not all available measures were used and that, in her view, before going—

[English]

**The Joint Chair (Hon. Gwen Boniface):** I apologize. Your time is up.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Ms. Thomas.

[English]

**The Joint Chair (Hon. Gwen Boniface):** We'll move to Mr. Green.

**The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)):** Thank you, Madam Chair.

Thank you to our witnesses here today.

As you know, we've been at this for the better part of eight or nine months, trying to lay the foundation for what will, hopefully, become recommendations back to the House and the Senate to improve upon the legislation, the definitions and the thresholds, in the hope that we don't find ourselves back in a similar situation.

I'll begin with you, Ms. Thomas, through the chair.

Is it your assessment that, while different levels of government may have had legal remedies available, the practical collapse—I'll say that, for lack of a better term—of policing and the inability of police to adequately provide law and order, particularly as it related to the occupation here in Ottawa...? Did that inform some of your advice to the Privy Council Office?

**Ms. Jody Thomas:** Thank you for the question.

When the policing remedies in the City of Ottawa became unavailable—they could not respond, the magnitude of what was going on was beyond their capability—yes, that certainly, after the third weekend, was part of the advice.

**The Joint Chair (Mr. Matthew Green):** Is it your assessment that it was on the third weekend that they were rendered unavailable. I'll say "failed"; I'm going to use that language. There was a failure of policing to adequately provide law and order in the nation's capital, on Parliament Hill. At what point in your assessment did you believe that to be a risk to national security?

**Ms. Jody Thomas:** I can't give you an exact day, sir. I apologize for that. What I will say is that—

**The Joint Chair (Mr. Matthew Green):** Would you say that it was early on, in your assessment? Did you contemplate that the lack...? We've seen this in testimony now—the lack of confidence among the RCMP, the OPP and the OPS? There was some pretty clear testimony that those communications had broken down in many fundamental ways, including operational planning. Would you agree that there was a breakdown in those communications?

**Ms. Jody Thomas:** I would agree that certainly there was a breakdown in communication, and the inability to create an operational plan that was effective and executable was certainly a significant issue.

**The Joint Chair (Mr. Matthew Green):** Why is that?

**Ms. Jody Thomas:** Why did it happen?

**The Joint Chair (Mr. Matthew Green):** Yes. I'll let you state it plainly. Why was not having the police available to use legal remedies...? I'll just put the card on the table. When Mr. Beatty and the drafters of this legislation first were contemplating the Emergencies Act, I'm not clear they ever contemplated the failure and breakdown of policing in the way that we watched and observed across the country.

Would you agree with that?

**Ms. Jody Thomas:** I would agree with your assessment of the Emergencies Act, yes. I think that in Ottawa, being the city of protests, the information—and I use the term "information" in addition to the word "intelligence"—that was provided and available to police gave a very mixed message at the beginning, and that—

**The Joint Chair (Mr. Matthew Green):** Just to be clear, some were saying they were going to leave in a couple of days—

**Ms. Jody Thomas:** That's right.

**The Joint Chair (Mr. Matthew Green):** —and I think there were some other reports that suggested this was protracted, and they had no intention of leaving.

**Ms. Jody Thomas:** Exactly.

I think the police, being used to managing protests in this city, thought they had a plan that would manage this situation. The magnitude of the situation and the number of trucks, and how entrenched they became very quickly in the city, were underestimated and a consequential issue.

**The Joint Chair (Mr. Matthew Green):** In your opinion, from a threat assessment, how important was it for you to have the knowledge that there were members of Joint Task Force 2, members of the RCMP security detail for the Prime Minister and, we're hearing now, perhaps with leaks, that there were active-duty police officers and military.

When you talk about threats of ideologically motivated violent extremists, how important was it for you to understand that there were people with logistical knowledge and capabilities that would far exceed any typical protest you might see set up on the lawn of Parliament Hill?

• (1855)

**Ms. Jody Thomas:** As that information became available, certainly it was a concern—

**The Joint Chair (Mr. Matthew Green):** When did it become available?

**Ms. Jody Thomas:** It was very early on, the first weekend, as we started to understand who some of the players were, and we saw the supply chains and logistics that were being built to support the rigs staying in downtown Ottawa—

**The Joint Chair (Mr. Matthew Green):** Yes. Actually, they had an off-site supply station, for lack of a better term, where they could get warm, get fed, get fuel and then come back.

This is what I'm challenged with. While that was simultaneously happening, there was internal intelligence suggesting that these folks were going to wrap it up. When we talk about quality of information and intelligence, where were you drawing your intelligence from to make your decisions? Was it local, provincial or national?

**Ms. Jody Thomas:** Thank you for that.

**The Joint Chair (Hon. Gwen Boniface):** I'm sorry, Ms. Thomas.

Mr. Green, your time is up.

**The Joint Chair (Mr. Matthew Green):** They're here for two hours, Madam Chair, so we'll be fine. We'll come back to that.

Senator Boniface, the floor is yours.

**The Joint Chair (Hon. Gwen Boniface):** Would you kindly take a minute or so to answer Mr. Green's question, because mine actually follows on his?

**Ms. Jody Thomas:** Do you mean on intelligence sources?

**The Joint Chair (Hon. Gwen Boniface):** Yes.

**Ms. Jody Thomas:** I have my expert on intelligence here, and I'm going to ask him to step in.

We received intelligence from a number of sources: our own collection through CSIS, but also the OPP's collection, Project Hendon—I didn't know the name of it, but certainly it was available to the intelligence teams—our own assessment of open-source intelligence, and certainly the RCMP and their INSET teams.

Madam Chayer.

**Ms. Marie-Hélène Chayer (Executive Director, Integrated Terrorism Assessment Centre):** Thank you very much, Madam Thomas.

Yes, as Madam Thomas mentioned, there are several intelligence agencies in town that were looking at this from their own specific mandates.

With my organization, ITAC, I had the pleasure of appearing before this committee a few months ago, if you remember. Our responsibility is to assess the likelihood of a terrorism attack happening in Canada and overseas. We looked at the situation from that perspective and we shared our assessments and our reports with the broader national security community in Ottawa, as well as with our colleagues in other jurisdictions, such as law enforcement.

As you will have heard before, national security governance met regularly during the events and each intelligence assessment agency shared its relevant assessments with colleagues.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Mr. Green, would you like to add something briefly?

**Mr. Martin Green (Assistant Secretary to the Cabinet, Intelligence Assessment, Privy Council Office):** Yes. I would briefly add that I think it was during the first week, Mr. Green, when there were more and more open-source reports with respect to former police and former CAF members. There was one who said he was an intelligence officer who, evidently, worked in my section, but I found out that it was 20 years ago and he was on a short contract.

That was disturbing in terms of how sophisticated the logistics and the intel might be.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

That leads, Ms. Thomas, to some comments you made around the online information you were picking up. Clearly, the act, when it was designed, did not have that in mind 30-some years ago.

Can you give us a sense of what that information was that you were picking up online? How would you assess it in terms of escalation and de-escalation in relation to certain occurrences taking place?

**Ms. Jody Thomas:** Thank you very much for that question.

Madam Chayer is actually the best one to respond to that.

**The Joint Chair (Hon. Gwen Boniface):** Absolutely, whoever....

**Ms. Marie-Hélène Chayer:** Thank you very much.

A lot of the IMVE rhetoric is being exchanged and disseminated online, as we all know. Ever since the beginning of the pandemic, really, we've seen a marked increase in IMVE rhetoric online and on social media. The challenge with that is, as Madam Thomas mentioned earlier, the people who disseminate the propaganda are not necessarily the people who would mobilize to violence and conduct an act of terrorism. What we have seen happening is that the consumers of that rhetoric and that propaganda slowly, or sometimes very quickly, radicalize and mobilize to violence, and then conduct an act of terrorism.

During the convoy, the whole pandemic and still, we saw that kind of narrative. It's very anti-authority and anti-government, but also xenophobic and misogynistic.

Another challenge with the IMVE threats we're facing is that some of my colleagues call it the "salad bar" threats, because people will not necessarily just focus on one set of grievances. They can pick up many different things, depending on their own personal circumstances, and get triggered. It's very hard to determine by what and when, and what kind of active violence they might conduct.

• (1900)

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

I have 30 seconds left.

In terms of the rhetoric that we see and we continue to hear, as you say, how has it impacted internationally? I can get the answer in my next question, but I have colleagues and former colleagues working in New Zealand who had great concerns about what was going on. I think all of that context, as an example, is reflective of the environment we're in today versus at the time the act was written.

I'll hold that question until the end. I think I'm done.

We will move to Senator Carignan.

[Translation]

**Hon. Claude Carignan (Senator, Quebec (Mille Isles), C):** Thank you, Madam Chair.

Ms. Thomas, would you please tell us about the legal opinion that many people saw, but that we didn't? Who requested that legal opinion on whether the Emergencies Act could be invoked?

[English]

**Ms. Jody Thomas:** I think that's a solicitor-client privilege question. The legal opinion is written by the Department of Justice. There had to be a legal opinion to accompany the invocation document, but beyond that, I don't think I can say much more.

[Translation]

**Hon. Claude Carignan:** Who was the client?

[English]

**Ms. Jody Thomas:** It's the Governor in Council.

[Translation]

**Hon. Claude Carignan:** All right.

Did you see that legal opinion?

[English]

**Ms. Jody Thomas:** I was aware of legal opinions along the path as the determination was made to invoke the act.

[Translation]

**Hon. Claude Carignan:** Did Mr. Vigneault see that legal opinion?

[English]

**Ms. Jody Thomas:** Mr. Vigneault should speak for himself, but I believe he had his own legal opinion.



[Translation]

**Hon. Claude Carignan:** Outside cabinet, how many people had access to that legal opinion?

[English]

**Ms. Jody Thomas:** I can't answer that question.

[Translation]

**Hon. Claude Carignan:** Do you think many people outside cabinet had access to the legal opinion?

[English]

**Ms. Jody Thomas:** I'm sorry, Madam Chair, but I don't know the answer to that question. I wouldn't want to speculate.

[Translation]

**Hon. Claude Carignan:** The client was the cabinet. The professional who provided the service was the Minister of Justice, the Attorney General of Canada. The cabinet may therefore waive solicitor-client privilege.

Did the cabinet consult you on the matter of waiving solicitor-client privilege with respect to that legal opinion?

[English]

**Ms. Jody Thomas:** I was not consulted. I have not had a discussion on that question.

[Translation]

**Hon. Claude Carignan:** I see.

What was the nature of the legal opinion?

Was it a decisive factor in your recommendation?

[English]

**Ms. Jody Thomas:** The understanding of the Emergencies Act and the elements of it was critical. My own recommendation was based on the national security community and the information we had at hand to advise cabinet on February 13 and 14.

[Translation]

**Hon. Claude Carignan:** The list of all the people attending the cabinet meeting, including the commissioner of the RCMP, is on the record.

The commissioner of the RCMP sent an email to the Minister of Public Safety saying that there was no obligation to invoke the Emergencies Act and that other solutions were available.

When cabinet discussed the matter, did the commissioner of the RCMP make even the slightest effort to say that she had sent an email to the Minister of Public Safety? Did anyone who had seen the email speak out?

• (1905)

[English]

**Ms. Jody Thomas:** I'm certainly not going to talk about what was discussed in cabinet. I think that is understood here. That question has been discussed. At the IRG, there's an opportunity for officials to speak. The commissioner of the RCMP had that opportunity. The reality is that the plan did not come together until February

17. After the Emergencies Act was invoked, it included authorities afforded to police. The final plan was not ready until February 17.

[Translation]

**Hon. Claude Carignan:** The plan had been prepared in advance, hadn't it?

[English]

**Ms. Jody Thomas:** We had been hearing about plans for weeks.

[Translation]

**Hon. Claude Carignan:** What do you think was the major factor in invoking the Emergencies Act in Ottawa?

[English]

**Ms. Jody Thomas:** Again, thank you for that question.

I've been very clear, I believe, that it was not one location that caused the invocation of the Emergencies Act. It was the totality of the blockades—

[Translation]

**Hon. Claude Carignan:** Yes, but the other issues associated with the blockades had been resolved. The problem was solved in Windsor and Coutts. All that was left was mainly the protesters on Wellington Street, where the hot tub and barbecue had been set up.

[English]

**Ms. Jody Thomas:** Thank you for the question.

That's not actually true. There were blockades in Surrey. Coutts was being cleared. The Ambassador Bridge was very tenuously cleared. There was the situation on the Peace Bridge. There were threats against Via Rail lines, and intelligence about conveyers being created to join and bolster what was going on in Ottawa—

**The Joint Chair (Hon. Gwen Boniface):** Ms. Thomas, I'm sorry.

Senator Carignan, your time is up.

We'll move to Senator Harder.

**Hon. Peter Harder (Senator, Ontario, PSG):** Thank you very much, Chair.

Thank you, Ms. Thomas and colleagues, for being here.

I'd like you to describe to the committee how you formed your view. I'm not asking what it was. It's important for us to understand the process that the national security intelligence adviser goes through and to be assured that the advice given is given to the Governor in Council in an unfiltered fashion.

**Ms. Jody Thomas:** In this particular circumstance, and it was three weeks into my new job, so I'm not—

**Hon. Peter Harder:** You're very experienced at that point.

**Ms. Jody Thomas:** Yes.

What we did was use the community, as is always done in national security events and is the purpose and the reason why the national security adviser was created, post-911, to ensure a comprehensive view of national security threats and defence-informed policy issues, because each individual agency in the national security community, CSIS, the RCMP, the Canadian Forces intelligence command, Global Affairs' foreign intelligence group, CBSA.... There are many. IRCC has an intelligence group. They all collect or assess intelligence in their very narrow mandates.

CSIS could see one element of the situation, and the Canadian Armed Forces—if it's foreign intelligence—a completely different perspective. What we want to do is to ensure that there is an assessed holistic view of threats, intelligence and information. We use the intelligence assessment group for foreign intelligence. We don't have that capacity, in the same manner, for domestic intelligence. We rely on assessments done by groups like ITAC and information from the national security and intelligence committee that Michael MacDonald chairs, along with Public Safety, to build an understanding and advice, because intelligence to decision-makers....

Intelligence is like a data point. It's like economic data. It doesn't tell you what to do. It tells you what might happen. It gives you indications of events that could occur and it gives you some insight into what is occurring, and you have to make decisions with that information. It never tells you what to do and it's never a certainty.

We use all of the elements of the intelligence and national security community to build the information that we will give to government. I ensure that it is agreed with by the community before it's provided.

• (1910)

**Hon. Peter Harder:** And that it is provided in an unfiltered fashion to all of the decision-makers...?

**Ms. Jody Thomas:** All of the decision-makers, yes.

**Hon. Peter Harder:** In that period of making the assessment—obviously an ongoing one—did you ever receive a call from your American colleagues or counterparts, asking what the heck was going on?

**Ms. Jody Thomas:** It wasn't quite phrased that way, but yes.

The deputy national security adviser for Homeland Security in the White House called me to talk about the Ambassador Bridge in particular. There was interest in the IMVE movement in general, for sure, but there was a very particular call about the Ambassador Bridge and what could be done to unblock that.

The moment I got the phone call, the auto companies had all called the White House and said, we're laying people off.

**Hon. Peter Harder:** It was a serious call on the part of your American colleague.

**Ms. Jody Thomas:** Very much so, yes.

**Hon. Peter Harder:** Why did it take to the third week? Certainly by the second week, by your earlier testimony, it was obvious that the police failure was not going to self-correct. I was here along with those colleagues who live in Ottawa and represent Ottawa.

My constant question to witnesses has been, what took you so long?

**Ms. Jody Thomas:** There is a fine balance between acting precipitously and waiting too long.

Going into the end of the third weekend, understanding the time it would take to mobilize police and plan for a police action, for example, in Ottawa, we were going into a fourth weekend if action wasn't taken. Having tried to use all of the existing authorities and levels of government that we could to resolve the situations, both in Ottawa and across the country, it was at that point that it was determined we should act.

It is a question of was it too late, or was it too early, and I think that will be debated for quite some time.

**Hon. Peter Harder:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Your time is up, Senator Harder.

We'll move to Senator Patterson.

**Hon. Dennis Glen Patterson (Senator, Nunavut, CSG):** Thank you, Madam Chair, and to the witnesses.

Ms. Thomas, I'd like to just refer to some of your testimony. You talked about the assessment of a threat to national security as coming from a totality of events, a broad sequence of events. You mentioned threats against public officials. Would you be able to elaborate a little bit on that and what that meant?

**Ms. Jody Thomas:** Thank you.

I know, again, that my colleague at ITAC has some information that she can also share.

We saw an unprecedented number of online threats against the Prime Minister, the Deputy Prime Minister, ministers, local Ottawa politicians of all three levels of government and public officials such as federal and provincial chief medical health officers. At one point, Dr. Tam had to have close protection because of the threats against her. We'd seen online rhetoric against members of the Prime Minister's Office. They were serious threats. They were credible.

We had not seen that kind of rhetoric in this magnitude with the kind of vitriolic language that we were experiencing at that time. It started during the 2021 election, and it was growing. We really reached a crescendo with some of the IMVE leaders and people who follow those movements online. Some were in writing. It was a significant concern.

[*Translation*]

**Mrs. Marie-Hélène Chayer:** I'd like to add something to that.

Yes, we've been seeing that trend for many months now. Last summer, you may have seen that a survey was conducted by *Le Devoir*, if memory serves me. Thirty-four per cent of responding federal parliamentarians said that they had received death threats. That's a growing phenomenon.

I'm concerned about it. Sometimes these threats are sent directly by email or letter. In other instances, they're posted to social media, where their reach is that much greater because many people see them and then think it's normal, indeed even acceptable, to make those kinds of comments and threats against parliamentarians and senior officials.

Even though some individuals post these threats on social media without intending to act on them, they can encourage people who hear this kind of rhetoric to take action.

We're lucky not to have seen that in Canada, but we've seen these kinds of threats carried out in other countries.

● (1915)

[*English*]

**Mr. Mike MacDonald (Assistant Secretary to the Cabinet, Security and Intelligence, Privy Council Office):** Chair, can I just add one more point of context?

**Hon. Dennis Glen Patterson:** I have only five minutes.

**Mr. Mike MacDonald:** The threat environment was such that the RCMP protective services, the Parliamentary Protective Service and the Sergeant-at-Arms changed the way to get into the Hill and were providing shuttle services by protective policing around the core of Ottawa into the Hill. It got to that level.

**Hon. Dennis Glen Patterson:** Thank you.

I'm going to try to get another question in, Madam Chair.

The public thought that the Ambassador Bridge blockade had been stopped when the Emergencies Act was invoked. You said that there were pop-ups to retake that bridge. What does that mean?

**Ms. Jody Thomas:** What we were seeing was online planning to take the bridge back. The province and the City of Windsor had to keep significant police resources on site in order to keep traffic moving. The barricades stayed up for weeks, as an example.

We were taking everything we read online about potential convoys very seriously. When we saw more trucks heading towards Windsor with plans online, it meant that it was not yet guaranteed that the bridge was going to stay open. The concerns were trade and economic issues, but it diverted police resources. There was some significant thought being given to that police resources were being diverted deliberately.

**The Joint Chair (Hon. Gwen Boniface):** Your time is up, Senator Patterson.

**Hon. Dennis Glen Patterson:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Colleagues, we will move to the second round of four minutes.

We'll start with Mr. Brock.

**Mr. Larry Brock (Brantford—Brant, CPC):** Thank you, Chair.

Good evening, witnesses. Thank you for your attendance.

I'm primarily going to start with you, Ms. Thomas. I'm going to be delivering a series of rapid-fire questions to you. I'll be asking whether you agree with the statement or not. It will elicit a yes or a no. I'm not seeking an explanation.

Would you agree with me that this country is bound by the rule of law?

**Ms. Jody Thomas:** Yes.

**Mr. Larry Brock:** You'd agree that every Canadian—including the Prime Minister, his cabinet, senior public servants and, most importantly, the Department of Justice—is also bound by the rule of law.

**Ms. Jody Thomas:** Yes.

**Mr. Larry Brock:** No one, including the Prime Minister, is above that law.

Is that correct?

**Ms. Jody Thomas:** That is correct.

**Mr. Larry Brock:** Now I'm going to be delivering a series of statements from former cabinet minister Perrin Beatty, who was the chief architect of the Emergencies Act.

He said, “the committee should press for any information to help Canadians understand the rationale for invocation, and test against both the facts of the situation and the deliberately high threshold that is required.” Do you believe that?

**Ms. Jody Thomas:** Yes.

**Mr. Larry Brock:** He said that the Emergencies Act “is a blunt instrument” because it is used where contingencies “can't be managed effectively in any other way.” Do you agree?

**Ms. Jody Thomas:** The Emergencies Act is a charter-compliant—

**Mr. Larry Brock:** Do you agree?

**Ms. Jody Thomas:** It's more complex than a yes-or-no answer.

**Mr. Larry Brock:** Thank you.

He said that invoking the act made “law enforcement easier”, but “the issue is whether the deliberately high threshold was met, not whether the powers given were useful.” In other words, it is whether the powers they already had could have resolved the problem. Do you agree with that?

**Ms. Jody Thomas:** That's how it was used.

**Mr. Larry Brock:** In relation to freezing the bank accounts of people associated with the protest, he said that new government powers should be “conferred in a time of calm, not by a regulation drawn up in a crisis.” Do you agree with that?

**Ms. Jody Thomas:** Yes.

**Mr. Larry Brock:** He said, “The police were called upon to deal with a breakdown in our political system.” Do you agree?

**Ms. Jody Thomas:** No.

**Mr. Larry Brock:** He said that if government were “to avoid much more serious emergencies in the future, we must restore a civility to our politics that allows us once again to disagree strongly on issues without seeing one another as enemies.” Do you agree?

**Ms. Jody Thomas:** I'm not a politician.

**Mr. Larry Brock:** Do you agree?

**Ms. Jody Thomas:** I would agree, but I'm not a politician.

**Mr. Larry Brock:** Thank you.

He said, “Our body politic is wounded at the present time. We need to heal those wounds. We need to do it by treating each other, as Canadians, with respect. We need to do so in a way that sets aside partisan differences and puts the national interest first.”

Do you agree with that statement?

• (1920)

**Ms. Jody Thomas:** Yes.

**Mr. Larry Brock:** He said, “The obligation of Parliament at this point is to do everything it can to try to heal the divisions that have been created.” Do you agree?

**Ms. Jody Thomas:** I'm not a parliamentarian.

**Mr. Larry Brock:** Would you agree with me that one of the most important roles of a prime minister is to unite Canadians and not divide them by engaging in name-calling?

**Ms. Jody Thomas:** The Prime Minister should protect Canadians.

**Mr. Larry Brock:** Do you agree?

**Ms. Jody Thomas:** I agree with protecting Canadians.

**Mr. Larry Brock:** Do you agree that the Prime Minister should not be name-calling?

**Ms. Jody Thomas:** I'm not going to comment on that.

**Mr. Larry Brock:** Okay.

You are aware that at the inquiry, the Prime Minister stated that he did not call people who were unvaccinated names. Are you aware of that statement?

**Ms. Jody Thomas:** Yes. I heard that statement.

**Mr. Larry Brock:** Would you agree with me that the Prime Minister stated on Quebec television in September 2021 that there are people who are fiercely opposed to vaccination, who do not believe in science and who are misogynistic and often are racist; that there are not many of them, but they take up a lot of space; and that he asked, as a leader and as a country, do we tolerate these people or do we say, “come on”?

He repeated those same talking points during the unnecessary 2021 federal election. Do you agree that he made those statements?

**Ms. Jody Thomas:** I did not personally hear those statements. I apologize.

**Mr. Larry Brock:** Would you agree with me that the Prime Minister either has a significant problem with his memory or he deliberately and intentionally misled the inquiry?

**Ms. Jody Thomas:** Madam Chair, I don't think that this is fair questioning.

**The Joint Chair (Hon. Gwen Boniface):** Your time is up.

**Mr. Larry Brock:** She can answer the question. It's not up to her, this witness—

**Ms. Rachel Bendayan (Outremont, Lib.):** I have point of order, Madam Chair. We do not need commentary on the witness's testimony—

**Mr. Larry Brock:** —to question the validity and the relevancy.

Do I still have—

**Ms. Rachel Bendayan:** The witness's testimony stands.

**The Joint Chair (Hon. Gwen Boniface):** Can I give her an opportunity to answer?

**Mr. Larry Brock:** Thank you.

**Ms. Jody Thomas:** I'm not sure what the question was.

**Mr. Larry Brock:** I can repeat the question, Madam Chair.

**Mr. Yasir Naqvi:** [*Inaudible—Editor*]

**Mr. Larry Brock:** She asked me to repeat the question. With the chair's permission, I would like to repeat the question, Mr. Naqvi.

Would you agree with me that the Prime Minister either has a significant problem with his memory or he deliberately—

**Mr. Arif Virani (Parkdale—High Park, Lib.):** Madam Chair, I didn't hear your ruling on whether he should repeat the question.

Can you make a ruling, please, Madam Chair?

**The Joint Chair (Hon. Gwen Boniface):** I did. I told him to go ahead.

**Mr. Larry Brock:** Can I repeat the question without being interrupted by the Liberal members?

**The Joint Chair (Hon. Gwen Boniface):** Would you kindly proceed so that we can carry on?

**Mr. Larry Brock:** I will proceed without interruption. Thank you, Chair.

Would you agree with me that the Prime Minister either has a significant problem with his memory or he deliberately and intentionally misled the Rouleau inquiry?

**Ms. Jody Thomas:** I believe that's a pejorative question. I won't answer it.

**Mr. Larry Brock:** Thank you.

Thank you, Chair.

**The Joint Chair (Hon. Gwen Boniface):** Ms. Bendayan, you have four minutes.

**Ms. Rachel Bendayan:** Thank you, Madam Chair.

Thank you to the witnesses who are appearing before us.

I understand that your advice to the federal government on February 13 and 14 was based on the intelligence that you were receiving from various sources. Is that your testimony here today?

**Ms. Jody Thomas:** Thank you for the question.

It was based on intelligence, yes, but also the actions being taken by various departments and the national security and intelligence community to work with their municipal and provincial partners to resolve the situation.

**Ms. Rachel Bendayan:** I thought I understood from Ms. Chayer's testimony earlier that some of the intelligence you were receiving at ITAC included international terrorist threats that could possibly take advantage of the situation.

**Ms. Marie-Hélène Chayer:** I'm sorry. Could you repeat that last part?

**Ms. Rachel Bendayan:** Were you concerned about any international threats to Canada at the time, given the lawlessness that was going on?

**Ms. Marie-Hélène Chayer:** We actually looked into it, and our concern and what we flagged in our report is that any violent extremist organization could seize the opportunity afforded by events like that.

**Ms. Rachel Bendayan:** Ms. Thomas, you mentioned earlier this evening a frankly shocking discovery. The Globe and Mail reported that newly unsealed court documents related to the conspiracy to murder RCMP officers in Coutts show that investigators found two pipe bombs, along with 36,098 rounds of ammunition, gas masks and firearms. Thankfully, these pipe bombs were dismantled by an explosives team. I also note that the CBC reported that one text message, cited by police, shows that the bosses told the men to spread the message that the real goal for the protest included altering Canada's political, judicial and medical systems.

It seems that you are aware of this information. You also mentioned that you were very concerned about the situation at Coutts. Is there anything you would like to or can add to the reporting that came out today?

• (1925)

**Ms. Jody Thomas:** Thank you very much for the question.

Other than the magnitude of it, the size and the behind-the-scenes intentions, which are now public and confirmed what we believed, I don't have anything to add. The determination to overthrow the government, whether here or through the use force in Coutts, and the use of public dissent to change the government or to have the government change public policy, including health policy, was an underlying motivation of the convoys.

**Ms. Rachel Bendayan:** Thank you.

I thought I heard you earlier state that, having tried to use all of the existing tools and authorities, by the third weekend of this protest it was your determination that the federal government needed to step in. Is your testimony tonight that, based on the intelligence you had, all existing authorities and tools had been tried up to that point unsuccessfully?

**Ms. Jody Thomas:** Thank you for that question.

I can't say they'd been tried, because there were opportunities to use provincial legislation, and it wasn't used by the province.

**Ms. Rachel Bendayan:** You said that you could not gain traction with the province.

**Ms. Jody Thomas:** Yes, that's correct.

**Ms. Rachel Bendayan:** Thank you.

You also spoke about your call with the deputy NSA for Homeland Security in the United States. Are you aware of these...? You described the seriousness of the call. To your knowledge, has any such call ever been made by our American counterpart, and can you tell us a little bit more about the seriousness of that interaction?

**Ms. Jody Thomas:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Ms. Bendayan, your time is up. I'm wondering if she could just answer yes or no, and then maybe pick it up in the next round.

**Ms. Rachel Bendayan:** I think we should allow the witness to answer.

**The Joint Chair (Hon. Gwen Boniface):** That's what I said.

**Ms. Rachel Bendayan:** It's not necessarily yes or no, but an answer.

**Ms. Jody Thomas:** Thank you.

The conversations with the White House, with the national security adviser and with the entire intelligence apparatus in the United States are constant. My colleagues here at the table talk to their counterparts all the time.

For me, this soon into my job, to have a call saying, "We need to fix this. I need to talk to you right away," with a person I'd not yet met was a bit unusual. It was a very collaborative call. Our American colleagues wanted to do whatever they could to assist us because the economies are so joint.

**The Joint Chair (Hon. Gwen Boniface):** Okay. I think that's sufficient, thank you.

Mr. Fortin, you have three minutes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Madam Chair.

Ms. Thomas, you say you were in constant communication with your American counterpart. You told us that the means available in Ontario weren't used.

Did you speak with your Ontario counterpart, the person responsible for public safety in Ontario? Did you speak with him and ask him what should be done about Wellington Street, and if he could intervene? Were there any discussions on the subject?

[English]

**Ms. Jody Thomas:** Thank you very much for the question. We had what we call tripartite calls and tables, through all the various departments that were trying to take action—through Public Safety, through Transport Canada and with the policing agencies. We tried, and you've seen the testimony from the province. We did try. We were accused of trying to dump the problem onto Ontario. We were trying to work with Ontario. Ottawa is not the district of Canada.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Did you speak with your counterpart from—

[English]

**Ms. Jody Thomas:** I don't have one directly.

**Mr. Rhéal Fortin:** You don't have one, okay.

[Translation]

You saw, as I did, that the barricades on Wellington Street were ultimately removed by 2,000 police officers. In your recommendations to the Prime Minister, did you tell him he should simply send police officers to Ottawa, as was done to clear Wellington Street?

[English]

**Ms. Jody Thomas:** Thank you for that question. The Ontario police act is how police are managed within Ontario. The Ottawa Police Service makes the request to the OPP.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Did you recommend that the Prime Minister intervene and send police officers to Ottawa or ask other ministers to send in police? Did you recommend the police operation to clear Wellington Street?

• (1930)

[English]

**Ms. Jody Thomas:** I did not make that recommendation, no.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Why not?

[English]

**Ms. Jody Thomas:** That was done through the policing channels with the RCMP commissioner, who is our liaison with police. The Prime Minister doesn't direct another level of government to send police to a certain location.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Wouldn't it have been a simpler, more respectful solution to invoke the War Measures Act, or rather the Emergencies Act?

[English]

**Ms. Jody Thomas:** Thank you.

Again, it's more complex than that. The police had been sent to assist in Ottawa. They needed a plan to execute. Every discussion came down to "How are you going to use the police officers? What are they going to be used to do? What is your tactical and strategic plan?" We were using the RCMP commissioner as our lead on that.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, I'm sorry. Your time is up. We'll have another round.

Mr. Green.

**Mr. Matthew Green:** Thank you. I'm going to put my questions through to Ms. Chayer. We know through a Guardian report that in the lead-up to the occupation, ITAC made a recommendation and reported to the government that there were likely going to be elements of ideologically motivated violent extremists. Is that correct?

**Ms. Marie-Hélène Chayer:** We noted in our report that there was a likelihood they would be there. ITAC doesn't do recommendations, however. We just assess—

**Mr. Matthew Green:** Sure. Did you note them? Was it provided to you through security reports and intelligence that they were active and a part of the movement that was descending on the nation's capital?

**Ms. Marie-Hélène Chayer:** The report that you're referring to, I believe, was a non-classified report, a report that we shared with the police of jurisdiction. It's based on open source.... It was based on information that we saw in an open source.

**Mr. Matthew Green:** Given the reports of a discovery today that this Coutts, armed, militia-like, for lack of better.... I'll put it to you. This group that originally was a few lone wolves now had other people involved. Was that part of your assessment? Were you aware of any ongoing investigations into this group planning to engage in this way in the lead-up to the occupation?

**Ms. Marie-Hélène Chayer:** I am not at liberty to discuss this issue.

**Mr. Matthew Green:** Is it something that you would prefer us to go in camera for?

**Ms. Marie-Hélène Chayer:** No. It has to do with the level of classification of those details. What I would say, though, is that, you know, my job is to assess the likelihood of a terrorist incident.

**Mr. Matthew Green:** The question I put to you is whether you were aware that there was an armed terrorist cell organizing with a direct threat to the RCMP, concurrent with and infiltrating into the occupation of the convoy movement.

**Ms. Marie-Hélène Chayer:** What I can say is that we were not aware of the details of the police operations.

**Mr. Matthew Green:** Were you aware of the details of the organizing through open source...? I would imagine much of this organizing is happening online.

Given all of the national security inputs that you had, you either knew or you didn't. If you knew, you advised them. If you didn't, would you not consider it a failure of national security that we wouldn't know they were organizing in this way?

**Ms. Marie-Hélène Chayer:** I believe that I mentioned....

Let me rephrase. National security is a very broad topic—

**Mr. Matthew Green:** It's a question of whether you knew.

**Ms. Marie-Hélène Chayer:** Then, I believe I answered the question, but—

**Mr. Matthew Green:** Okay. I'm going to put to you this last question. I have 30 seconds left.

The notes you have prepared today, would you be willing to submit those to the committee? In preparation for this, I'm assuming you brought notes that you would, if asked questions, refer to. For the consideration of this committee, I'm going to ask all witnesses if they would submit their notes to the committee for the purpose of our analysts and our future reporting.

**Ms. Jody Thomas:** Yes, my notes will be—

**Mr. Matthew Green:** Just to be clear, was that a no?

**Mr. Martin Green:** There are documents here that I don't think I'm at liberty to share.

**Mr. Matthew Green:** Are you aware of the duty of candour, sir?

**Mr. Martin Green:** Yes.

**Mr. Matthew Green:** Are you aware that extends to the House of Commons in terms of being a grand inquisitor of the land and our having the complete ability to send for documents and otherwise? Are you aware of that?

**Mr. Martin Green:** Yes.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green, your time is up.

**Mr. Matthew Green:** This is a point of order, Madam Chair.

• (1935)

**The Joint Chair (Hon. Gwen Boniface):** Yes.

**Mr. Matthew Green:** Madam Chair, this is an ongoing issue we have at this committee. I'm not sure, given all of the knowledge we have here, whether they're being advised to obstruct this committee or co-operate with this committee.

We were struck with a mandate that swore us in and gave us the ability to go in camera. I would just put, through you to the witnesses, that we could go about this in a voluntary way, or we could start to deal with motions at this committee that would demand the documents, refusal of which would be, in my opinion, considered obstruction of this committee.

I just want to make sure the members who are present here tonight understand the seriousness of this committee and the powers and parliamentary privileges we have as MPs.

**Ms. Jody Thomas:** Madam Chair, my binder will absolutely be shared. We will share documents and work with the committee clerk on any redactions because of TS-level material. There should be no TS-level or secret-level material, but we will certainly share our information.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

**Mr. Glen Motz:** I have a point of order, Madam Chair. I'm just curious whether the clerks were able to send the cautionary notice we agreed to last week to these witnesses prior to their appearance today. That's all.

**The Joint Chair (Hon. Gwen Boniface):** The clerk is indicating yes.

**Mr. Glen Motz:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

We'll now move to Senator Carignan for three minutes, to be followed by Senator Harder.

[*Translation*]

**Hon. Claude Carignan:** Thank you.

My questions will be for Ms. Thomas.

You're the security advisor to the Prime Minister. Where do you get your basic information, the information you need to advise him?

[*English*]

**Ms. Jody Thomas:** Thank you for that question.

The Privy Council Office is a consumer of intelligence. We don't collect intelligence. We receive raw intelligence and some assessed intelligence from the national security community, the departments I listed earlier—CSIS, CSE, Global Affairs Canada, Canadian Forces intelligence command—

[*Translation*]

**Hon. Claude Carignan:** The RCMP too.

[*English*]

**Ms. Jody Thomas:** Yes, absolutely, the RCMP.

Some of it is assessed. Some of it is raw. Mr. Green's group does, for foreign intelligence, an assessment of all of that to provide a holistic view of the intelligence and what it could potentially mean.

[*Translation*]

**Hon. Claude Carignan:** You have access to all that information, don't you?

[*English*]

**Ms. Jody Thomas:** I do.

[*Translation*]

**Hon. Claude Carignan:** When did you speak to the RCMP commissioner for the last time before February 14?

[*English*]

**Ms. Jody Thomas:** Thank you for that question.

We spoke multiple times every day.

[Translation]

**Hon. Claude Carignan:** So you spoke many times a day on the days leading up to February 14.

[English]

**Ms. Jody Thomas:** Yes. We, I think, had provided information about the timelines, the days we had meetings and the kinds of meetings we had. The RCMP commissioner was at what we call “DMOC”, the deputy ministers operations committee. There were private conversations, one-on-one conversations—

[Translation]

**Hon. Claude Carignan:** I see. So you were always in contact with her and you spoke constantly. Did you ask her if she had a plan?

[English]

**Ms. Jody Thomas:** It was not her plan because the RCMP at that point in time.... The OPS was the police of jurisdiction, so it was not her plan. She was reporting on the planning efforts by the planning cell of the three levels of the policing units.

[Translation]

**Hon. Claude Carignan:** I see.

Did you ask her whether means other than invoking the Emergencies Act could be used? Did you ask her that question specifically?

[English]

**Ms. Jody Thomas:** I did not ask the commissioner of the RCMP that question specifically.

[Translation]

**Hon. Claude Carignan:** Why not?

[English]

**Ms. Jody Thomas:** It's because we were having continual conversations regarding the two tracks of work: track one being existing legislation, track two being new authorities. If there were powers yet expended, the way the committee is structured, people put their opinions on the table.

[Translation]

**Hon. Claude Carignan:** I heard the Prime Minister testify before the Rouleau Commission, and he said he was looking for a way to do more.

Did you sense that the Prime Minister wanted to do more?

[English]

**Ms. Jody Thomas:** Thank you for that question.

I can't speculate as to what the Prime Minister was thinking when he answered that question. The Prime Minister wanted the convoys across the country and the blockades to end. That was the question every day: How does this end?

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, your time is up.

Senator Harder, go ahead.

**Hon. Peter Harder:** Thank you very much, Chair.

Thank you again to the witnesses for their candour.

I want to talk a bit about the post-revocation work that you are doing. I'm particularly concerned about whether the lessons learned from this are in fact incorporated in the way you are working. I have a couple of questions.

Is the focus on IMVE more prominent as a result of this experience? Is there work under way? There was an announcement a couple of weeks ago that they were going to have a celebration of the event in February. Is there work that you are aware of to ensure a better intelligence-gathering to assess that? Is there ongoing work with our American colleagues because of the concerns for the economic well-being of trade routes, bridges in particular, that are at a heightened level now of regular engagement?

Could you describe a little...I wouldn't say lessons learned at this point, but a heightened operational awareness?

• (1940)

**Ms. Jody Thomas:** Thank you very much for that question.

I think Mr. MacDonald would be very useful, as he chairs the ADMs, who do, as you know, the majority of this kind of work.

We are absolutely learning from what occurred and are trying to ensure we have that incorporated, where we saw deficiencies, as we go forward. “Freedom convoy 2023” was mentioned here today. Mr. MacDonald has already chaired meetings to start looking at how we're going to respond; DMs will be meeting for the first time about it this week.

Our two biggest issues coming out of this are IMVE—Ms. Chayer has spoken to that—and also, in a legal framework, a free speech environment, how we understand open-source domestic intelligence.

That's a big issue. You can't just sit on Twitter and understand what's going on. You need to use tools, artificial intelligence and those kinds of things, looking for keywords, algorithms, to help you understand what's happening. However, you need a legal framework to do that. Even though Twitter is public, there are still rights to privacy, according to the privacy laws of this country. Understanding the information and the trends that are out there without associating it to individuals who are not persons of interest, law enforcement or intelligence agencies is a big, complex issue. It's something that we are focusing a significant amount of work on but we don't yet have an answer to.

**Mr. Mike MacDonald:** Chair, I'll be very quick, in respect of time.

There was an opportunity to actually put this in place and think about how the governance worked and how we responded as a community. There was the “Rolling Thunder” that occurred in April, and there was Canada Day, which is a massive gathering. A lot of the lessons and some of the ideas were put into the governance and decision structures there.



I would highlight one very important thing. I have a deeper relationship with the Ottawa police and directly sit with them and talk with them about these issues. That really didn't happen before. Also, with Operation Intersect in the national capital region—and this is only Ottawa-specific—there are conversations around what the future of Intersect could be, how it could expand, how it can share, how it can co-operate more. So there are—

**The Joint Chair (Hon. Gwen Boniface):** Mr. MacDonald, I'm going to have to cut you off there. We've gone over the time. Thank you.

Colleagues, we'll now move to five-minute rounds, if my notes are correct, beginning with Mr. Brock.

**Ms. Rachel Bendayan:** Madam Chair, would this be an appropriate time for a health break?

**The Joint Chair (Hon. Gwen Boniface):** If it's the wish of the committee, we can take five minutes.

**Ms. Rachel Bendayan:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** We'll suspend.

• (1940) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1950)

**The Joint Chair (Hon. Gwen Boniface):** We will resume.

This round is five minutes. We'll begin with Mr. Brock.

**Mr. Larry Brock:** Thank you, Chair.

I'll go back to you, Ms. Thomas. It will be the same style of questions. Maybe it will be the same answers. Who knows?

Would you agree that when it comes to determining whether the government was really acting as a last resort, because no other law would do, it's the Prime Minister's own explanation that matters?

**Ms. Jody Thomas:** No, it's broader than that.

**Mr. Larry Brock:** Would you agree that the government's own legal interpretation of those things can only be evaluated according to the Prime Minister's testimony, because all the legal opinions have not been released?

**Ms. Jody Thomas:** You'll have to ask that again. I'm sorry.

**Mr. Larry Brock:** Justice Rouleau, in his opening remarks at the inquiry, stated, "Uncovering the truth is [the most] important goal. When difficult events occur that impact the...lives of Canadians, the public has a right to know what has happened."

Do you recall that?

**Ms. Jody Thomas:** I do.

**Mr. Larry Brock:** The Prime Minister, when first elected in 2015, promised Canadians that they would see the most open and transparent government ever seen, and yet this inquiry has seen hundreds upon hundreds of redacted pages from the government, with little explanation as to the legal basis for such exclusion.

Would you agree that the actions of the Prime Minister and cabinet ministers who have testified at the inquiry have frustrated numerous lawyers in their ability to drill down to the truth as to the legal basis for the invocation of the act?

**Ms. Jody Thomas:** I think that the Prime Minister and ministers' being on the stand—

**Mr. Larry Brock:** Do you agree or not?

**Ms. Jody Thomas:** —was extraordinarily—

**Mr. Larry Brock:** Do you agree?

**Ms. Jody Thomas:** —transparent. I do not agree—

**Mr. Larry Brock:** Thank you.

**Ms. Rachel Bendayan:** Madam Chair, the witness should be allowed to answer the question.

**The Joint Chair (Hon. Gwen Boniface):** She can answer.

Go ahead, Mr. Brock.

**Mr. Larry Brock:** Inquiry lawyer Gordon Campbell stated, "We have from the beginning of this proceeding through till now attempted to find a way to lift the veil that has made such a black box of what has turned out to be a central issue before the hearing.... We just regret that it ends up being an absence of transparency on the part of the government."

Do you recall that statement?

**Ms. Jody Thomas:** I do not specifically, no.

**Mr. Larry Brock:** Do you agree that Justice Minister Lametti testified at the inquiry that the government didn't use the legal definition within the Emergencies Act but rather used their own reason but could not release it due to solicitor-client privilege? Are you aware of that?

**Ms. Jody Thomas:** I did not see all of Minister Lametti's testimony.

**Mr. Larry Brock:** Are you aware that all of the ministers and the Prime Minister are talking about solicitor-client privilege as a basis for not releasing those legal opinions? You're certainly aware of that.

**Ms. Jody Thomas:** Solicitor-client privilege—

**Mr. Larry Brock:** Thank you.

Justice Rouleau pressed Minister Lametti on this issue, asking how we would understand and pass judgment on the legal basis for invoking the Emergencies Act, which is a central issue in the commission, when the government was not forthcoming on the legal rationale. He then said, "I guess the answer is we just assume they acted in good faith in application of whatever they were told."

This is my last question. Do you agree with me that the government response that we should just trust them because they acted in good faith when invoking the Emergencies Act is the complete opposite of being open and transparent with Justice Rouleau, but—most importantly—with Canadians? Do you agree with that statement or not?

**Ms. Jody Thomas:** Solicitor-client privilege is a long-standing protocol in this country—

**Mr. Larry Brock:** Do you agree with that statement?

**Ms. Jody Thomas:** Solicitor-client privilege—

**Mr. Larry Brock:** Do you agree, yes or no?

**Ms. Jody Thomas:** I am not answering that—

**Mr. Larry Brock:** Thank you.

I cede the rest of my time to my colleague.

**Mr. Glen Motz:** Thank you very much, Madam Chair, and to my colleague.

To ITAC, would you agree that contrary to the suggestions from Ms. Bendayan, there are individuals and groups that attach themselves to a protest and try to use that protest for their own ideological purpose? Would you agree with that statement?

**Ms. Jody Thomas:** Yes.

**Mr. Glen Motz:** The suggestion has been made by Ms. Bendayan that the people in Coutts were somehow protesters, but they were not. The RCMP has confirmed that.

**Ms. Rachel Bendayan:** Madam Chair, I never made such a suggestion.

**Mr. Glen Motz:** You did.

Anyway, Madam Chair, I'd like to take this opportunity in the time that I have left, and beyond, to move the motion that was circulated to the committee. I will advise that my intent is to briefly explain what it is, for those who may not know, and to adjourn the debate on that until next meeting.

• (1955)

**The Joint Chair (Mr. Matthew Green):** I have a point of order.

I want to be clear, Madam Chair, procedurally, that Mr. Motz is taking this time for the intervention to give notice because, if I am correct, the correct amount of notice time prior to the meeting did not elapse. Therefore, procedurally, he can't table it and then adjourn it. Those are different things.

Providing a notice verbally is one thing. Tabling it and adjourning it is another.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, I believe the proper terminology would be just to give notice. I thought that's what we had discussed.

**Mr. Glen Motz:** Fair enough. I will give notice that we will table this motion.

Here's the idea behind it.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, I just want to inform you that you have about 25 seconds left.

**Mr. Glen Motz:** But this is not part of my intervention; this is the moving of a motion.

**The Joint Chair (Hon. Gwen Boniface):** Pardon me, then. I thought it was. Go ahead.

**Mr. Glen Motz:** Thank you.

An area of significant discussion that we've had at this committee has been whether the necessary threshold for the government to declare a public order emergency under the Emergencies Act had

actually been satisfied. The matter of the interpretation of those thresholds, including, especially, the so-called—

**Mr. Arif Virani:** Madam Chair, just on a point of order, I believe Mr. Motz is explaining the rationale behind the notice he's giving us—

**Mr. Glen Motz:** Yes.

**Mr. Arif Virani:** —and he is meant to be doing that during the remaining portion of his questioning time, which is apparently 25 seconds, according to what you just said.

**The Joint Chair (Hon. Gwen Boniface):** I'm informed that it doesn't count in your question time, but I'm wondering, Mr. Motz, if you can make it as brief as possible since it's a notice of motion.

**Mr. Glen Motz:** Absolutely. I'd have been done already had we not been interrupted so often, Madam Chair.

The matter of the interpretation of these thresholds, including especially the so-called CSIS Act threshold about what constitutes a threat to the security of Canada, has lately become a central issue in the proceedings before the Public Order Emergency Commission.

You will all recall that when the Attorney General of Canada appeared before our committee on April 26, he insisted upon solicitor-client privilege when questioned about these thresholds. In the face of this claim, on May 31, the committee ordered—

**Ms. Rachel Bendayan:** Madam Chair, this is not a notice of motion; this is a speech—

**Mr. Glen Motz:** —the production of all legal opinions upon which the government determined—

**Ms. Rachel Bendayan:** —of no consequence to the witnesses before us. Maybe he has a question for the witnesses.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, can you wrap up the notice of motion, please?

**Mr. Glen Motz:** Yes.

**The Joint Chair (Hon. Gwen Boniface):** We can debate it next week.

**Mr. Glen Motz:** I'm not debating it. I'm simply introducing this particular motion that's going to be before us next week, for those who might not understand what it is we're asking for.

**The Joint Chair (Hon. Gwen Boniface):** Proceed.

**Mr. Glen Motz:** Transparency for Canadians is what I'm after here. Obviously, those who are opposed to this aren't anxious about transparency.

**The Joint Chair (Hon. Gwen Boniface):** I appreciate that. Will you continue, please?

**Mr. Glen Motz:** Thank you.

Evidence heard in the last few days of the commission has made it clear that the government adopted for itself a broader interpretation of the CSIS Act threshold than CSIS itself employs to justify declaring a national emergency. The director of CSIS confirmed that this was done on the strength of a legal opinion prepared by the Department of Justice. The commission's efforts to probe these issues further have been repeatedly stonewalled by the government.

**Mr. Arif Virani:** Madam Chair, I believe he's simply reading from a cover letter that he distributed to all of us. We all got that letter.

If that's the notice, then we don't have to be listening to this.

**Mr. Glen Motz:** It's not to you, Mr. Virani.

**Ms. Rachel Bendayan:** Then it can be discussed next week as we just agreed, Madam Chair.

This is absolutely unacceptable.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, can I just ask you to wrap up? I think you got a fair bit on the record already.

**Mr. Glen Motz:** Our committee is uniquely positioned to assist in getting answers for both the commission and Canadians, and with the law of parliamentary privilege being of a constitutional nature, our committee and the House power supersede statutory law—

**Ms. Rachel Bendayan:** Madam Chair, if you have made a ruling, it can be challenged, and I so challenge that ruling. I do not understand what is happening to this committee. Reading a two-page letter into the record does not constitute giving a notice of motion.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, are you finished?

**Mr. Glen Motz:** With the commission's report being tabled in less than a month....

Pardon me?

**The Joint Chair (Hon. Gwen Boniface):** I'm asking you to finish there.

**Mr. Glen Motz:** Yes.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

**Mr. Glen Motz:** Am I done?

**The Joint Chair (Hon. Gwen Boniface):** Yes, I believe you've covered it. Thank you.

Mr. Virani, go ahead for five minutes.

• (2000)

**Mr. Arif Virani:** Thank you, Madam Chair.

Ms. Thomas, I'm going to start with you. Obviously, in the CSIS Act, there's a definition of threats to the security of Canada. Paragraph 2(c) of that definition talks about "activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political...objective within Canada or a foreign state". There are also a few other categories.

Are you aware of that definition?

**Ms. Jody Thomas:** I am.

**Mr. Arif Virani:** Ms. Thomas, you testified in front of the public order inquiry before Justice Rouleau, and obviously you were subjected to cross-examination by a number of different counsel.

The Government of Canada counsel at one point asked you some questions regarding your understanding of the perceived aims of some of the protesters, and you responded that you understood that there were various aims, including the removal of the Prime Minister. Do you recollect that testimony?

**Ms. Jody Thomas:** I do.

**Mr. Arif Virani:** Do you stand by that testimony?

**Ms. Jody Thomas:** I do.

**Mr. Arif Virani:** Ms. Bendayan took you to some articles that were recently unearthed, given that a search warrant was unsealed, I believe in the Superior Court in Lethbridge, Alberta. Some of what was unearthed when that search warrant was opened was that the leadership team that was orchestrating the Coutts blockade talked about "the elimination of...the professional political class". That was one of the quotes. It also had information about the real goal of the protest, including "altering Canada's political, justice and medical systems".

Are you aware of that information?

**Ms. Jody Thomas:** I am now.

**Mr. Arif Virani:** We know that Coutts was cleared on or about February 13-14. Once Coutts was cleared, was it your understanding that the threat was over at the Coutts border, or did you have a sense that threats continued to exist there or in other parts of the country?

**Ms. Jody Thomas:** Thank you for the question.

When the Coutts situation was cleared, because of the weapons found, we were relatively certain that Coutts would remain clear. However, we were uncertain...and certainly had knowledge that Ottawa was far from clear. We were starting to hear the same language: weapons in the rigs, weapons in Ottawa, knowledge of weapons.

For protection of the criticality of that investigation, the police were keeping a very close hold, which I completely understand and respect. When we were hearing the same language about Ottawa, it would have been negligent not to make the same presumptions about the potential of weapons in Ottawa.

**Mr. Arif Virani:** What would you say with respect to border blockades in places like Manitoba, British Columbia, etc.?

**Ms. Jody Thomas:** We were increasingly concerned about British Columbia. On the evening of the 13th, a vehicle rammed through the border. On any given day, there was activity in a different location that was causing concern.

Again, the continual flow of intelligence was that pop-ups were being formed to support...from the island to go to Surrey, from B.C. to drive across the country to bolster Ottawa. The movement was in fact—despite what happened at Coutts—growing, not diminishing.

**Mr. Arif Virani:** That was after the invocation of the Emergencies Act.

**Ms. Jody Thomas:** That was before the invocation.

**Mr. Arif Virani:** But your sense is that the threats continued.

**Ms. Jody Thomas:** They continued, yes.

**Mr. Arif Virani:** Your job as national security adviser—I'm sorry to ask you such a trite question—is to provide advice to the Prime Minister and to cabinet with respect to security threats.

**Ms. Jody Thomas:** I provide advice and information.

**Mr. Arif Virani:** This perceived threat, from your perspective, would have informed your advice to the Prime Minister when you were asked pointedly about whether the invocation of the Emergencies Act should occur.

**Ms. Jody Thomas:** Yes.

**Mr. Arif Virani:** You also testified at the same inquiry before Justice Rouleau with respect to the definition. I think this was to the Canadian Civil Liberties Association counsel; I know there were many counsel asking you questions.

I believe you noted that the definition of national security needed to be modernized to reflect the nature of modern threats and that different threats may not meet the current section 2 definition. Can you expand on what you were getting at in that response?

**Ms. Jody Thomas:** When the Emergencies Act was written, the presumption and understanding of threat at that time was something manifesting probably overseas as a threat against Canada—hopefully never to the extent of, but more along the lines of 9/11—rather than what we saw on January 6.

With January 6, that kind of domestic threat is a movement rather than a structured organization with command and control. That is what terrorist cells, for lack of a better term, used to have, a command-and-control situation where people were given their tasks and they went and executed them.

The IMVE movement is exactly as has been described by my colleagues here today. They are people with views, generally awful, but lawful, as CSIS says, who can use social media to bring other people into those views using misinformation and disinformation. And that motivates people to act.

There have been—

• (2005)

**The Joint Chair (Hon. Gwen Boniface):** Ms. Thomas, I'm sorry, but Mr. Virani's time is up.

**Mr. Arif Virani:** Thank you, Ms. Thomas.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, you have five minutes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Madam Co-Chair.

Ms. Thomas, how many people were on Parliament Hill or on Wellington Street at the height of the protests?

[*English*]

**Ms. Jody Thomas:** The height of the protest was on the weekends, and we had counts of 500 to 700 rigs and 8,000 to 10,000 people.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I see.

If we found out today that another protest was being planned for January and that an estimated 5,000 to 10,000 people would be on the Hill, would you recommend that the Prime Minister invoke the Emergencies Act?

[*English*]

**Ms. Jody Thomas:** No.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Why not?

[*English*]

**Ms. Jody Thomas:** With “Rolling Thunder”, which occurred here in April or May, we saw that, with a proper understanding of intelligence and information, working with the convoy or protesters coming to the city, and the correct police response, in conjunction with our colleagues across the national security community, such as the team at Intersect, the Emergencies Act was not required.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Would you change your recommendation if you learned that the protesters included individuals who intended to stay on Wellington Street for several weeks?

[*English*]

**Ms. Jody Thomas:** Again, I think different police and municipal actions would ensure that people did not stay on Wellington Street. Certainly, you can't get to Wellington Street in the same location any longer. A different action would be taken, ahead of time, to prevent the settling in to the extent we saw in January and February.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** All right.

What would you recommend to the Prime Minister if you learned that some of those protesters might be armed?

[*English*]

**Ms. Jody Thomas:** If they were people of interest to CSIS, we would recommend that CSIS speak to the RCMP about that. A police action would be taken and an RCMP investigation opened. If it is a police of jurisdiction issue, I have every confidence the Ottawa Police Service would respond appropriately.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** What would you recommend to the Prime Minister if you found out that the protesters intended to move in with big trucks, as was the case a year ago, to block Wellington Street or Sparks Street, that is to say Parliament Hill?

[English]

**Ms. Jody Thomas:** Before any recommendation to the Prime Minister, we would work with the police to ensure the trucks did not stay. As we saw in Montreal, Quebec and Toronto—where they did copycat convoys—when the trucks were not allowed to park, they did not have the same problem.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Correct me if I'm wrong, but my understanding is that the actual cause of the problem in Ottawa was that the police did a poor job or didn't do their job at all.

[English]

**Ms. Jody Thomas:** I'm not a policing expert. The police are doing their own review, and the inquiry will speak to the policing aspects of this. However, in cities where the trucks were not allowed to stop, they did not have the same problem.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** If faced with the same situation today, how would you, as national security advisor, advise the Prime Minister in view of the police's inaction and poor strategies?

[English]

**Ms. Jody Thomas:** Would this be about a future event?

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Yes.

[English]

**Ms. Jody Thomas:** We would be very much engaged with the RCMP and Intersect, and our colleagues in Public Safety and other departments, to ensure that the proper level of response and plan was in place, as we saw with the “Rolling Thunder” event and on July 1 of this year.

I think the kind of protest, convoy or manifestation, whatever you want to call it, that can come and is willing to stay is now differently understood, and the response would be different.

• (2010)

**Mr. Mike MacDonald:** Mr. Chair, for a bit more context, one of the successes—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I only have 30 seconds left, Mr. MacDonald.

**Mr. Mike MacDonald:** I'll be very brief.

[English]

One of the successes with “Rolling Thunder” was, in fact, the role of the city and the decisions it took, which the Ottawa police enforced.

Thank you.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. MacDonald.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, I'm sorry. Your time is up.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Ms. Thomas, you described the traditional definition of a terror cell: people who are ideologically motivated—although you said foreign, post-9/11—but controlled by people who call the shots to people on the ground, who would then carry it out.

Based on the information that, you're suggesting, you just found out today, would you not consider the action at Coutts to be in line with the traditional definition of a terror cell?

**Ms. Jody Thomas:** Thank you for that question.

It's a very important question, Mr. Green. I don't know enough about it at this point to answer. I only know what we've all read in the media.

**The Joint Chair (Mr. Matthew Green):** But you are aware that they found significant.... Here's the challenge I have with, I'm going to say, the underplaying of what happened at Coutts: the intention to murder RCMP officers, the stashes of weapons found and the pipe bombs.

I'll reference an interaction I had with somebody based on intelligence, because this really is about quality of intelligence and the bias that remains in policing. There was a notation about ISIS as potentially being a threat, without any reference to Christian dominionism, to white supremacy and to the growing militia movements that we have here. Why is it that the language of terrorism is only prescribed to people of colour, to religious minorities, and is never rightly identified with what I deem to be one of the greatest threats in this country, quite frankly, which is ethnonationalism and white supremacy?

Put another way, given what we're hearing now—that this was a cell that was taking direction from somebody—I'll put it to you in another way to give you the opportunity to perhaps revisit your answer: How does that not meet the definition of a traditional terror cell?

**Ms. Jody Thomas:** I have the terrorist expert beside me, so I'll—

**The Joint Chair (Mr. Matthew Green):** Okay. Let's put that through.

**Ms. Jody Thomas:** I agree with you.

**The Joint Chair (Mr. Matthew Green):** Okay. Thank you.

Let's allow ITAC, because this is an “either you know or you don't know” kind of question, and if you don't know, given what we just found out, that's a problem.

**Ms. Marie-Hélène Chayer:** Let me start.

Every year, many times a year, we do an assessment of the national terrorism threat level and we—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Pardon me, Madam Chair, but we're having trouble hearing Ms. Chayer.

Ms. Chayer, would you please adjust your microphone? What you're saying is interesting, and I'd like to hear you.

**Mrs. Marie-Hélène Chayer:** Pardon me, but I have a very low tone of voice.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

[*English*]

**The Joint Chair (Mr. Matthew Green):** I'll just note that my time was paused at about 2:13:14. Thank you.

[*Translation*]

**Mrs. Marie-Hélène Chayer:** That's great.

[*English*]

As I was saying, we do assessments regularly of the threat level for the country and we publish an assessment. In the last few iterations of our assessment, we did indicate that from ITAC's perspective the most likely scenario involving a terrorism-like threat is posed by a lone actor being influenced or radicalized to violence by IMVE rhetoric. We've identified that as the main terrorism-related threat.

**The Joint Chair (Mr. Matthew Green):** Correct, but with specificity, we've watched January 6. We've watched the rise of the Proud Boys, and we've watched the mobilization of the Three Per-centers.

I'm from Hamilton. I've been dealing with this stuff for close to a decade, which I knew about as a city councillor in Hamilton. It's never referenced in any of the security reports here. The intelligence that came through was referencing ISIS. It is absurd.

The quality of intelligence determines the outcomes of operational planning. Were you not aware that Christian dominionists and ethnonationalists, i.e., white supremacists, were embedded within this movement and posed a threat to national security? Were you aware of that, yes or no?

**Ms. Marie-Hélène Chayer:** I will say that police operations, especially the type of operation that we saw at Coutts, are a very close hold for operational security purposes, so it's not abnormal that I would not have been privy to those details.

What I can say—as I have said and as the director of CSIS is on the record as saying—is that half of CSIS CT resources, counterterrorism resources, are now dedicated to IMVE.

• (2015)

**The Joint Chair (Mr. Matthew Green):** Why do we use the term “IMVE” for white nationalists and “terrorists” for people who aren't white nationalists?

**Ms. Marie-Hélène Chayer:** No, actually we moved.... I use “terrorism” all the time because it's in the name of my organization, but when we talk about the threat, we talk about violent extremism, which is motivated by religion—potentially any kind of religion—

politically motivated, or by ideology, and ideology is broad, on purpose, because there are different—

**The Joint Chair (Mr. Matthew Green):** Respectfully, Madam Chair, I have only 30 seconds left.

Will you acknowledge—and I think it's been put on the record publicly—that there is a threat of infiltration within our Canadian Armed Forces of ideologically motivated extremists based on white supremacy and ethnonationalism?

**Ms. Marie-Hélène Chayer:** I would actually have to defer that question to the Canadian Armed Forces.

**The Joint Chair (Mr. Matthew Green):** Mr. Green, you seem like you may have an answer to that question.

**Mr. Martin Green:** Well, I know that in some of the reports we did we speak to what you've said, and these have been available to you. Previous protests in Canada and the U.S. have seen populist alt-right groups, white supremacists, conspiracy advocates, etc., prove adept at infiltrating, co-opting or even taking over grievance-based protests.

In a lot of the material that we produced around what was going on in Ottawa, I know for my part that we did not suspect that ISIS was involved. It was quite the opposite, what we identified—

**The Joint Chair (Mr. Matthew Green):** The Ottawa Police Service had that in their intelligence.

**The Joint Chair (Hon. Gwen Boniface):** Your time is up, Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green, can you take the chair?

**The Joint Chair (Mr. Matthew Green):** I certainly can.

Senator Boniface, you have five minutes. The floor is yours.

**The Joint Chair (Hon. Gwen Boniface):** I'm going to follow up on Mr. Green's question, and I would like you to be as brief as you can.

From the perspective of talking about violent extremism, and I would say this from a policing perspective as well, it looks at all types of groups. In fact, given the experience of January 6 and such, there's concern in terms of the rise of extremism that is, as Mr. Green rightly said, a white supremacist type of operation.

Am I seeing a “yes” to that?

**Ms. Jody Thomas:** You're absolutely correct.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

I'm going to swing to a different topic, then, on the role of the province. You alluded to this, Ms. Thomas, and I want to make sure we're very clear on what participation you got from the province. I think it's quite clear that there was little involvement. In fact, I think the Minister of Public Safety indicated that he made attempts on a number of occasions to speak to his counterpart and was unable to do that. I spent 30 years with the province, and I'm still trying to figure out why that would be the case, given that Ottawa falls within the province of Ontario. At the same time, I applaud the role of the Ontario Provincial Police in the final days.

You said that you have no counterpart in the province of Ontario. Do you have a counterpart in any of the provinces?

**Ms. Jody Thomas:** Thank you for the question.

There are provincial security officers, but it's quite a different function, not doing similar roles.

**The Joint Chair (Hon. Gwen Boniface):** They would be for internal security versus external, which is what you would work on.

**Ms. Jody Thomas:** That's correct.

**The Joint Chair (Hon. Gwen Boniface):** From this committee's perspective, would there be a benefit in terms of having a counterpart you could speak to who would be more on what I would consider an operational level and not a political level? Would that make the role easier, given the types of issues you're dealing with?

**Ms. Jody Thomas:** Thank you for the question.

I'm not sure. Certainly, the deputy minister of public safety was able to reach out to the security apparatus in the various provinces. Mr. Di Tommaso, who is the—

**The Joint Chair (Hon. Gwen Boniface):** I know who he is.

**Ms. Jody Thomas:** He was at the inquiry. I think the fundamental problem was that Ontario determined that this was a protest in the federal capital because of the federal mandate, and was therefore a federal problem. It was a much more complex issue than that. They did not come to the table, to the extent that we would have appreciated, because of that.

Certainly, at the OPP level, Inspector Craig was very engaged and very involved. We've seen evidence of that.

**The Joint Chair (Hon. Gwen Boniface):** I want to make it clear. The province has not only an overarching responsibility for municipalities; it's also responsible for policing in the province. Was it your assumption that the province would play a bigger role than they did, particularly for Ottawa? Was that the same in other provinces?

I'm trying to get an idea of how it compares across the country.

● (2020)

**Ms. Jody Thomas:** Thank you.

It's different in each province, because it depends on who the police of jurisdiction are. In some provinces, the RCMP are the police of jurisdiction—

**The Joint Chair (Hon. Gwen Boniface):** I'm aware of that.

**Ms. Jody Thomas:** —so it was a different response and a different level of engagement. The most striking problem in terms of policing itself was in Ontario.

**The Joint Chair (Hon. Gwen Boniface):** Okay.

In terms of your thoughts going forward, what changes would you make in terms of that table? We were quite interested here that the person in charge of emergency at the City of Ottawa didn't know who the deputy minister of public safety was, and they'd never met.

Given that we are in Ottawa, isn't there a role for every level of government to protect our national capital?

**Ms. Jody Thomas:** I think that's a very important observation. That is the point of interest, which is all the police agencies and those of us involved in the parliamentary precinct working together to ensure that we understand the threats and potential situations that could occur in the city of Ottawa.

The deputy minister of public safety hadn't previously been involved in that. The new deputy, and the one who just left, now are. I think there are relationships that we could say we had not built to the extent that we should have before this convoy. The previous manifestations and protests had been left at the OPS level, and they managed them.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

We'll move to Senator Carignan, followed by Senator Harder.

[*Translation*]

**Hon. Claude Carignan:** Thank you, Madam Chair.

I'd like to draw your attention to the tactical plan that was prepared by the RCMP, the OPP and the police services of Ottawa, Toronto, York and Peel.

Have you read that document?

[*English*]

**Ms. Jody Thomas:** I have not.

[*Translation*]

**Hon. Claude Carignan:** Have you never looked at it?

[*English*]

**Ms. Jody Thomas:** I've looked at it since, but I did not see it before.

[*Translation*]

**Hon. Claude Carignan:** When did you first see it?

[*English*]

**Ms. Jody Thomas:** It was during the inquiry.

[*Translation*]

**Hon. Claude Carignan:** When was that?

[*English*]

**Ms. Jody Thomas:** That was two weeks ago.

**Hon. Claude Carignan:** It was two weeks ago.

[Translation]

So you saw this document for the first time two weeks ago.

[English]

**Ms. Jody Thomas:** Yes.

[Translation]

**Hon. Claude Carignan:** Did you realize that it was prepared on February 12, 2022?

[English]

**Ms. Jody Thomas:** I'd like to note there's no expectation that I would see a tactical police plan in my job.

[Translation]

**Hon. Claude Carignan:** All right.

[English]

**Ms. Jody Thomas:** That's number one. That started to be prepared on or about February 12. It was not completed until February 17.

[Translation]

**Hon. Claude Carignan:** However, it was signed by all parties on February 12.

[English]

**Ms. Jody Thomas:** Yes. However, it was not a complete plan with resources—

[Translation]

**Hon. Claude Carignan:** How can you testify that it wasn't the complete plan if you saw it for the first time two weeks ago?

[English]

**Ms. Jody Thomas:** It was not a complete plan with resources or any understanding of how it would be used. The complete plan was ready on February 17.

[Translation]

**Hon. Claude Carignan:** I see.

You testified that, on February 13, you gave the cabinet

[English]

“a full picture of the factual situation”.

**Ms. Jody Thomas:** Yes.

[Translation]

**Hon. Claude Carignan:** If you were unaware of the existence of a plan prepared by the police services, how can you say that you gave

[English]

“a full picture of the factual situation”?

**Ms. Jody Thomas:** I provided the information I was given by all the agencies involved. They were all at the table when I provided that information. That plan was not complete.

[Translation]

**Hon. Claude Carignan:** Did you notice that they didn't talk about you in that plan?

[English]

**Ms. Jody Thomas:** I'm not part of the policing infrastructure.

[Translation]

**Hon. Claude Carignan:** All right.

Did you notice that they discussed none of your organizations in the plan, or the Minister of Public Safety or the Prime Minister of Canada either?

[English]

**Ms. Jody Thomas:** We're not...because it's a policing tactical plan. We're not part of the policing—

[Translation]

**Hon. Claude Carignan:** Is it possible that the plan was tactical but there was no need for you?

[English]

**Ms. Jody Thomas:** I'm not sure what your question is.

[Translation]

**Hon. Claude Carignan:** It's a simple question: don't you think that the reason they didn't refer to you in the plan was that they didn't need you?

• (2025)

[English]

**Ms. Jody Thomas:** I'm not a police officer. I don't purport to be a police officer.

[Translation]

**Hon. Claude Carignan:** What would you say if I told you it was the plan that was implemented after February 14?

[English]

**Ms. Jody Thomas:** The plan that was enforced on February 17 included elements of the new authorities under the Emergencies Act.

[Translation]

**Hon. Claude Carignan:** I see.

Which elements of the plan were enforced after February 14?

[English]

**Ms. Jody Thomas:** I can't answer that question for you. That's for the police chief.

[Translation]

**Hon. Claude Carignan:** I know why you can't answer; it's because you didn't know.

[English]

**Ms. Jody Thomas:** I did not know—



[Translation]

**Hon. Claude Carignan:** How can you explain the fact that you were advising the Prime Minister of Canada on national security but didn't contact police services to find out what was happening on the ground and to ask them what plan they were preparing?

[English]

**Ms. Jody Thomas:** You misrepresented what I said.

I reported what the RCMP told me, and what the other agencies in the national security environment—in this federal infrastructure—reported to me. If there was a plan and I wasn't told, that's one thing. If there was a plan that could have been executed, then it was somebody else's responsibility. I'm not the chief of police for the federal government.

[Translation]

**Hon. Claude Carignan:** No, but you advise the Prime Minister on security.

[English]

**Ms. Jody Thomas:** That's right.

[Translation]

**Hon. Claude Carignan:** All right.

Did you speak to Ms. Lucki from the RCMP and tell her that there was a plan signed by her organization and that she hadn't told you about it in advance?

Did you reprimand her?

[English]

**Ms. Jody Thomas:** Any conversation I had with Commissioner Lucki is private.

[Translation]

**Hon. Claude Carignan:** I see.

So when you discuss national security with the commissioner of the RCMP, those conversations are private and not of public interest.

[English]

**Ms. Jody Thomas:** I'm not going to discuss a private conversation I had with her here. The conversations and discussions we had regarding the national situation across the country are on the record. We have minutes of them all.

[Translation]

**Hon. Claude Carignan:** My sense is that you advised the Prime Minister...

[English]

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, your time is up.

[Translation]

**Hon. Claude Carignan:** ...in your office tower without consulting the people on the ground.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, your time is up.

**Ms. Jody Thomas:** That's not true.

**The Joint Chair (Hon. Gwen Boniface):** We're moving to Senator Harder.

**Hon. Peter Harder:** Thank you, Chair.

I was going to ask about lessons learned, but I think, given the interaction we've just had, it would be very helpful for you to review for this committee the relationship between intelligence and security and policing, and why they are separate in their mandates but they do have touchpoints.

Could you describe that for us again?

**Ms. Jody Thomas:** The principle of police independence is fundamental in this country. I don't direct the RCMP, the OPP or any provincial or municipal police force. We receive intelligence and information to form a threat picture. There is intelligence that is retained by the policing agencies, the RCMP being one of them, in order to execute operations such as the one in Coutts.

I had no expectation that I would see the tactical plan. I have no ability to assess the tactical plan. We are not policing experts. That's not what we do.

We relied on the commissioner of the RCMP to ensure there was a tactical plan that could be executed, and she did that. In fact, the plan that was put into play on or about February 17, and then through the end of the clearing of Ottawa and the convoys across the country, was aptly executed, led by the RCMP and the OPP.

**Hon. Peter Harder:** Could you also assure this committee that it would be inappropriate for the Prime Minister or any minister of the Crown to direct policing directly or through you?

**Ms. Jody Thomas:** Absolutely, and there was never a request to direct police.

When Commissioner Lucki was aware of the situation in Coutts, she spoke to her minister about it, as is appropriate, to tell him that there was a police action under way.

**Hon. Peter Harder:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Are you finished, Senator Harder?

We'll move to Senator Patterson.

**Hon. Dennis Glen Patterson:** Thank you, Madam Chair.

Ms. Thomas, you talked about the definition of a national security threat, and you said that the definition is assigned a meaning but that it "requires a broad interpretation". As I understood it, you were saying that it requires a broad interpretation beyond the definition in the act in paragraph 2(c).

Can you elaborate on that, please?

• (2030)

**Ms. Jody Thomas:** Paragraph 2(c) describes a situation where CSIS has an identifiable group or individual who is going to take action and they can then collect intelligence on that individual or that group. It doesn't then allow the RCMP to take action. It means that they can, within their mandate, now act, which is generally collecting intelligence on that individual.

That definition does not enable the kind of authorities that were required to end a situation such as the convoys and the blockades and the occupations that we were faced with across this country in February 2022.

**Hon. Dennis Glen Patterson:** Thank you.

We've just been talking about policing, so I'd like to ask you about a remark you made in your opening comments: that, as I understood it, you “determined” the police in Ottawa could not respond. I think this was around the third weekend that you were saying that. After three weeks, the police could not respond.

I'd just like to ask you, do you have an opinion as to whether the root cause of this situation—which, as you have explained, got out of control—was a failure of policing in the city of Ottawa?

**Ms. Jody Thomas:** As I said, I'm not a policing expert. I think there was an underestimation of the intention of the people who came to Ottawa. It was seen more as a traditional protest, which Ottawa Police Service manages constantly. The situation rapidly—Chief Soly said from the Saturday of the first weekend—became beyond the capacity of the Ottawa Police Service. Immediately, we saw impacts on the city of Ottawa. The Rideau Centre closed that Saturday, so it was, from the first weekend, different from anything that had been experienced.

It took some time to understand how large it was—how embedded it was, how entrenched it was, what the logistics supply chains were and how much money was fuelling it, which allowed people to stay—and that we were not able to use existing authorities, or the existing authorities were not used, in order to resolve the problem.

While Ottawa was the biggest, I do repeat that this was a national crisis. There were instances across the country.

**Hon. Dennis Glen Patterson:** In your testimony, you said that better relations have been developed between your office and others as a result of this experience with the convoy.

Could you tell us if there are any other lessons learned or new practices that have resulted from this experience?

**Ms. Jody Thomas:** I think there are some lessons learned but yet to be executed on—that is, understanding the open-source intelligence problem that I spoke about earlier.

I think—and this is something that the Clerk of the Privy Council said to us frequently—that police and national security people see things like convoys and protests all the time. This was different. I think it goes to Mr. Green's point, if I may, that we underestimate and underestimated—probably no longer—the ideologically motivated extremists. This problem exists in Canada, and it is here to stay. We need to understand what it is and have the tools to do something about it.

**The Joint Chair (Hon. Gwen Boniface):** That's the end of your time, Senator Patterson. Thank you very much.

May I take this opportunity to thank our guests for joining us? I know it's been a long two hours, but we're grateful for your appearance before us. We thank you, all, for coming.

Colleagues, it will be about a seven-minute break so that we can bring in our next witness by video conference.

Thank you.

• (2035)

(Pause)

• (2040)

**The Joint Chair (Hon. Gwen Boniface):** I call the meeting back to order.

For our second panel this evening, we're joined by Jacob Wells, co-founder of GiveSendGo.

Mr. Wells, thank you for joining us.

**Mr. Jacob Wells (Co-Founder, GiveSendGo):** Thank you for having me.

**The Joint Chair (Hon. Gwen Boniface):** I will remind you that translation is available through the globe icon at the bottom of your screen.

You will have five minutes for opening comments if you wish to add anything. I know you've provided us with a document.

Go ahead.

**Mr. Jacob Wells:** Thank you.

Good evening. Thank you to the chair and the committee members for inviting me to speak.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I have a point of order.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Sir, if you can just wait for a minute, we have a point of order.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Madam Chair, were the sound checks done with the witness before he testified?

[English]

**The Joint Chair (Hon. Gwen Boniface):** Yes.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Were those checks satisfactory?

[English]

**The Joint Chair (Hon. Gwen Boniface):** Yes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Madam Chair.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** I'm sorry, sir. Go ahead.

**Mr. Jacob Wells:** All right. Thank you.

Good evening. Thank you to the chair and the committee members for inviting me to speak.

My name is Jacob Wells. I am a co-founder of the crowdfunding platform givesendgo.com.

I'm humbled by the opportunity to participate in these proceedings, and I'm pleased to answer any relevant questions you have regarding the campaigns on GiveSendGo.

I'm amazed to see the growth of GiveSendGo since its inception eight years ago. It was established with one simple mission, which is to share the hope of Jesus through crowdfunding. It's my honour to be able to share that same hope with you today.

Our goal was to create a fundraising platform that brought the utility of online fundraising to the truth that life consists of more than just money and the material world. Again, our mission is to share the hope of Jesus through crowdfunding. Some of the ways in which we achieve this are by calling and praying with our campaign owners and sharing the hope we have through the messaging on our platform and our correspondence with our givers and other users.

Over the past eight years, GiveSendGo has become a leader in the online fundraising space and is now available in over 80 countries. Through our platform, millions of dollars are raised annually to help meet the needs of people and organizations in fulfilling their missions. Though much of what we will be discussing this evening revolves around a domestic humanitarian campaign that became politicized and international, the vast majority of campaigns on GiveSendGo are created by individuals raising money to meet needs such as medical bills, tragedies and mission trips.

One of the distinctions between GiveSendGo and other crowdfunding platforms is that GiveSendGo views itself as a service that allows the raising of funds for legal activities without discrimination. I, as a veteran of the United States Navy, and we, as a company, value freedom and the sacrifices paid for us to live in that freedom, even on matters that we may not personally agree with but are legal by the laws of our governments. Rather than make decisions about what types of legal activities we will host, GiveSendGo has largely chosen to allow the law to determine those boundaries.

I want to be very clear: We do have a verification team that does due diligence to ensure that the goals that are stated in campaigns we host are legal endeavours and that the recipients of the funds raised are identified and verified to use online payment services. As our payment processor does the same, we feel that campaigns on our platform are vetted thoroughly before any funds are disbursed. We then rely on the existing law enforcement agencies to do their job in investigating and enforcing any laws that are violated.

With that being said, I welcome your questions.

Thank you very much.

● (2045)

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much, Mr. Wells.

We'll begin our five-minute rounds, starting with Mr. Brock.

**Mr. Larry Brock:** Thank you, Madam Chair.

Good evening, Mr. Wells. Thank you for your appearance tonight.

**Mr. Jacob Wells:** Good evening. Thank you.

**Mr. Larry Brock:** I have a few questions to ask you for the next five minutes or so.

I want to start by highlighting what I deem to be the most important feature that distinguishes your crowdsourcing funding operation from your competitors, particularly GoFundMe. That is that you believe in the value of freedom.

Would that be a fair statement to summarize it succinctly?

**Mr. Jacob Wells:** That is fair. You are correct.

**Mr. Larry Brock:** You were aware fairly early on that GoFundMe was initially involved in the “freedom convoy” movement, before your organization, and subsequently withdrew its support. You were aware of that.

**Mr. Jacob Wells:** We were.

**Mr. Larry Brock:** We questioned the legal representative of GoFundMe at great length. I understand they were actively engaged in dialogue with the Ottawa Police Service.

Can the same be said for your organization, during those early days leading up to police involvement, which disbanded the movement entirely?

**Mr. Jacob Wells:** We were not involved with any police force in Ottawa or Ontario. We were not contacted by any and didn't reciprocate. We didn't have any contact.

**Mr. Larry Brock:** Within six days of the arrival of the “freedom convoy” in Ottawa on January 28.... We have GoFundMe on record saying that on February 2—many days before they cancelled their service—they were invested in assisting the police in ending the funding.

Did you ever take that approach with respect to the “freedom convoy”?

**Mr. Jacob Wells:** No, we did not.

**Mr. Larry Brock:** Were you ever contacted by any federal government official to discontinue your support for the “freedom convoy”?

**Mr. Jacob Wells:** No, we were not.

**Mr. Larry Brock:** I know this might be a question you will get from other members of this committee, so I thought I would deal with it right from the get-go.

I understand there were two sources of crowdfunding affiliated with your company. One was the “adopt a trucker” crowdfunding, and the other was the “freedom convoy 2022” donation.

Is that accurate?

**Mr. Jacob Wells:** That is correct.

**Mr. Larry Brock:** Of the “adopt a trucker” crowdfunding, am I correct with these numbers? According to your company, a total of just under \$600,000 U.S. was raised.

**Mr. Jacob Wells:** That sounds correct.

**Mr. Larry Brock:** The majority of that, to the tune of 55%, came from our host country, Canada.

Is that correct?

**Mr. Jacob Wells:** From a value percentage, it was 59%.

**Mr. Larry Brock:** That's correct.

Roughly 41% originated from the United States.

**Mr. Jacob Wells:** I believe it was 37%, value-wise.

**Mr. Larry Brock:** Okay.

From other countries, it was just under \$20,000.

Would that be accurate?

**Mr. Jacob Wells:** That sounds about right.

**Mr. Larry Brock:** Of the other country contributions, do you have a number with respect to the Russian Federation?

• (2050)

**Mr. Jacob Wells:** I do not believe we noticed any donations coming from Russia. In looking at it, I didn't notice any. I can go back and, if there are, provide that for you. However, I don't believe there are any.

**Mr. Larry Brock:** Were you aware that politicians in our country, as well as our national, taxpayer-funded media, the CBC, broadcast that there were Russian influences with respect to this convoy and money coming from that country? Were you aware of that?

**Mr. Jacob Wells:** I believe I became aware of that later, after the fact. That is something I recall, but I don't believe I knew it in that moment.

**Mr. Larry Brock:** Okay.

With respect to the “freedom convoy” donations, I understand there were a total of just over 113,000 donors.

**Mr. Jacob Wells:** That's correct.

**Mr. Larry Brock:** That's just under 40,000 donations from Canada.

**Mr. Jacob Wells:** Yes, that's correct.

**Mr. Larry Brock:** Okay.

I'm out of time. I'm sure one of my colleagues will pick up the narrative, on that point.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Brock.

We're moving to Mr. Virani.

**Mr. Arif Virani:** Thank you very much, Madam Chair.

Thank you, Mr. Wells, for rejoining us.

I'm going to pick up where you indicated, to Mr. Brock, that you were aware GoFundMe stopped giving the “freedom convoy” protesters in Canada money, and you stepped into the breach.

Is that correct?

**Mr. Jacob Wells:** That's correct.

**Mr. Arif Virani:** GoFundMe stopped giving the “freedom convoy” protesters money because they deemed their actions were no longer peaceful. They said they'd become “an occupation”, so you stepped into that fundraising void.

Is that correct? Are you aware of that?

**Mr. Jacob Wells:** I wasn't sure of the terminology that GoFundMe used. We don't take our policy from GoFundMe.

The convoy approached us. Campaigns come to our platform of their own volition all the time.

**Mr. Arif Virani:** You said that you had a verification team and that you always have a verification team for your campaigns and on your platform. There were unlawful activities that were occurring with these protesters that turned into a blockade. There were things like assaults, threats and damage to property. In fact, the Ottawa Police Service testified at this committee that 500 arrests were made.

Did your verification team verify any of that?

**Mr. Jacob Wells:** What we verify with a campaign is the identity of the people involved and what they are advocating for. There's always—

**Mr. Arif Virani:** Did you make any efforts to ascertain whether illegal activity was occurring?

**Mr. Jacob Wells:** Yes. We did.

**Mr. Arif Virani:** You indicated that you were not in contact with the Ottawa Police Service. Is that correct?

**Mr. Jacob Wells:** That is correct.

**Mr. Arif Virani:** Did you continue to make available to individuals who were part of the “freedom convoy” property that was being used to fund and support the blockade?

**Mr. Jacob Wells:** I'm sorry. I missed that question.

**Mr. Arif Virani:** Did you continue to make available property funding to individuals who were participating in the blockade?

**Mr. Jacob Wells:** No. The campaign on GiveSendGo didn't have anything to do with the blockade. It was specific to Ottawa.

**Mr. Arif Virani:** There were people who described what happened in Ottawa as a blockade, including the former mayor of Ottawa, for example.

Let me move to my next question.

The Premier of Ontario, Doug Ford, sought an injunction to prevent you from distributing funds to the people who were accessing the funds on your platform. When that injunction was obtained in the court in Ontario, did you respect that court order?

**Mr. Jacob Wells:** Yes. No funds were distributed.

**Mr. Arif Virani:** Can you explain to me a tweet that was posted on your platform? It's from the same day that the injunction was obtained. This is from the GiveSendGo Twitter account on February 10. It says:

Know this! Canada has absolutely ZERO jurisdiction over how we manage our funds here at GiveSendGo. All funds for EVERY campaign on GiveSendGo flow directly to the recipients of those campaigns, not least of which is The Freedom Convoy campaign.

Why are you tweeting about that if you're respecting court orders?

**Mr. Jacob Wells:** To be honest, I'm not exactly sure who tweeted that, but there were a lot of elements involved. GiveSendGo took this as an opportunity as a business and we advanced our platform as a result of it, but the campaign and the funds that were coming from that campaign, in particular, were coming here to the U.S.

As accounts go and as court orders go, there are jurisdictional issues and the jurisdiction was abided by, according to the jurisdiction of where funds were.

• (2055)

**Mr. Arif Virani:** Actually, the events, as we've heard at this committee, indicate quite the opposite. The money would go from GiveSendGo to a Canadian bank and then to an individual blockader. It was the Canadian banks that accepted the authority of the jurisdiction of that decision. It wasn't GiveSendGo at all.

Do you have a response to that?

**Mr. Jacob Wells:** The funds for that campaign were coming to the United States. They weren't going to a representative in Canada. The funds were being held here in the United States, which was outside of the jurisdiction of the Canadian court.

**Mr. Arif Virani:** Right. That explains your tweet. However, ultimately, when the funds get released—I'm not talking about the donation of the funds; I'm talking about the release of the funds—they go via a Canadian bank to an individual.

My question to you is, were you at all concerned? If you weren't concerned about the impact on the Canadian economy, were you concerned about the fact that auto industry shift workers were being stopped and shifts were being closed in places like Kentucky, Tennessee, Michigan and Ohio?

Did you have a sense of the impact of your funding these illegal blockades on the American economy?

**Mr. Jacob Wells:** There was no impact of the fundraising campaigns, because the funds never reached the convoy. To say that there was an impact would be a misstatement, because they never reached the convoy to have an impact.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Virani, your time is up.

We'll move to Mr. Fortin.

You have five minutes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Madam Chair.

Mr. Wells, in response to questions from our colleague Mr. Brock, you read out some statistics on a breakdown of the funds that you had raised and the individuals to whom they were disbursed.

What exactly is in that document? What information does it contain?

Did you hear my question, Mr. Wells?

[*English*]

**Mr. Jacob Wells:** I didn't get a translation on that.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Madam Chair, I would like the clock to be stopped. I could start over once we have interpretation back. We should check with the interpretation service.

[*English*]

**The Joint Clerk of the Committee (Mr. Mark Palmer):** Mr. Wells, I just want to confirm that on your Zoom screen, on the bottom, you have a globe that says "interpretation". If you choose interpretation, you can choose the English translation to make sure you're getting English translation.

**Mr. Jacob Wells:** I just did that. Thank you.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Can you hear me, Mr. Wells?

[*English*]

**Mr. Jacob Wells:** Yes. Thank you.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** All right, thank you.

I'll start over from the beginning, Madam Chair.

Mr. Wells, in response to questions from my colleague Mr. Brock, you read out a document that seemed to contain a breakdown of funds raised and their source. You gave us amounts and percentages.

I'd just like you to tell me exactly what information appears in that document.

[*English*]

**Mr. Jacob Wells:** The information on that document is exactly that, just a breakdown of the number of givers, the percentage of the number of givers from each country—the primary country is Canada, and the U.S., and then all others—from an individual standpoint of the number of donors, and then a value standpoint.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Would you please send us a copy of that document, Mr. Wells?

[*English*]

**Mr. Jacob Wells:** I can have one submitted to you.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you. The clerks will contact you regarding that.

Mr. Wells, I understood from your testimony that you weren't in contact with the police at any time regarding the events surrounding the "freedom convoy". Is that correct?

[English]

**Mr. Jacob Wells:** That's correct.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** If police officers or government officials had contacted you and requested information on the sources of the funds and the amounts in question, would you have cooperated with the authorities on that matter?

[English]

**Mr. Jacob Wells:** We most definitely would have.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Were you aware of any movements that might be characterized as terrorist or movements aiming to overthrow the Canadian government that might be involved in the fundraising operation you conducted with GiveSendGo?

• (2100)

[English]

**Mr. Jacob Wells:** No. We were not aware of anything like that.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** As I understand it, the funds that you raised came partly from the United States and partly from Canada, and another, very small part came from other countries. My understanding is that it was people who wanted to contribute to the "freedom convoy" because it claimed to be in favour of individual freedoms. That was the only reason those people contributed to your GiveSendGo campaign. Is that correct?

[English]

**Mr. Jacob Wells:** Yes, that's correct.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** What would you have done if you had known that the purpose of some of the activities of the "freedom convoy" was to overthrow the government or to conduct terrorist operations in Canada?

[English]

**Mr. Jacob Wells:** If there was any evidence of any illegal activity being committed by the receivers of the funds, we would have shut it down.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Wells.

[English]

**The Joint Chair (Hon. Gwen Boniface):** I'll move to Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Thank you very much.

Mr. Wells, in your opening statement, you referenced that the simple mission of GiveSendGo is "to share the hope of Jesus through crowdfunding." Do you consider your organization or your company to be a Christian organization?

**Mr. Jacob Wells:** We do.

**The Joint Chair (Mr. Matthew Green):** Do you have any non-profit entities or faith-based groups attached to your company?

**Mr. Jacob Wells:** We recently started GiveSendGo Charities.

**Mr. Matthew Green:** Is that through a faith-based charitable number through the IRS, or is that through a non-profit just registered to your company as a corporation?

**Mr. Jacob Wells:** Currently it's through a faith-based...but it's becoming through a non-profit organization.

**Mr. Matthew Green:** So currently you receive tax exemptions based on the faith-based nature of the charitable wing of your corporation.

**Mr. Jacob Wells:** That's correct.

**Mr. Matthew Green:** Okay.

We also understood, in your mission, that you were kind of a champion for free speech. In your testimony on March 3 in front of SECU, there is an exchange with Ms. Pam Damoff that talked about the Ku Klux Klan. I want to give you the opportunity to use your free speech and clarify whether or not you support the Ku Klux Klan in any way.

**Mr. Jacob Wells:** No. I absolutely abhor what the Ku Klux Klan and any supremacy organization would stand for.

**The Joint Chair (Mr. Matthew Green):** Would that also include the Proud Boys?

**Mr. Jacob Wells:** Would that include the Proud Boys? I'm not overly familiar with what their—

**The Joint Chair (Mr. Matthew Green):** Have they ever used your platform to raise funds, the Proud Boys in the United States of America?

**Mr. Jacob Wells:** Some Proud Boys have, yes.

**The Joint Chair (Mr. Matthew Green):** Are you aware that Proud Boys is listed as a terrorist entity in Canada, sir?

**Mr. Jacob Wells:** I have become aware of that, yes.

**The Joint Chair (Mr. Matthew Green):** Were you aware of that through your due diligence process, when you were looking at possible links between the terrorist entity listed here in Canada and perhaps involvement with the convoy?

**Mr. Jacob Wells:** What we do in our verification process is that we vet the people who are receiving the funds, not [*Technical difficulty—Editor*].

**The Joint Chair (Mr. Matthew Green):** How do you do that?

**Mr. Jacob Wells:** Through the systems already in place of terror watch-lists, people—

**The Joint Chair (Mr. Matthew Green):** So you would have known if anybody was listed as a Proud Boy and might have had some interest in this. Are you stating that you would have had systems in place to ensure that this was the case?

**Mr. Jacob Wells:** That's correct for the—

**The Joint Chair (Mr. Matthew Green):** Okay.

**Mr. Jacob Wells:** We verify the receivers of funds.

**The Joint Chair (Mr. Matthew Green):** Knowing that they're a terrorist entity, would you continue to platform Proud Boys?

**Mr. Jacob Wells:** Not in Canada.

**The Joint Chair (Mr. Matthew Green):** But you would in the United States.

**Mr. Jacob Wells:** They're not considered a terrorist organization in the United States.

**The Joint Chair (Mr. Matthew Green):** Okay.

When you use your simple mission “to share the hope of Jesus through crowdfunding”, in your testimony you talked about how you would engage with these clients to share the hope of Jesus. Is that correct?

**Mr. Jacob Wells:** That's correct. Yes.

**The Joint Chair (Mr. Matthew Green):** Did you do that with multiple serial killer Kyle Rittenhouse, sir, when you raised funds for him? Did you share the hope of Jesus with Kyle Rittenhouse?

**Mr. Jacob Wells:** We call every campaign owner and we do pray with them about the issue they have going on. I don't—

**The Joint Chair (Mr. Matthew Green):** Serial killer Kyle Rittenhouse—you prayed with him and raised money for him?

**Mr. Jacob Wells:** The young man who was exonerated in U.S. courts for self-defence...?

**The Joint Chair (Mr. Matthew Green):** You raised a quarter of a million dollars for Kyle Rittenhouse.

**Mr. Jacob Wells:** It was three-quarters of a million.

**The Joint Chair (Mr. Matthew Green):** Okay.

As it relates to the 2021 United States Capitol attack, PayPal suspended your payments to GiveSendGo during a campaign to raise funds—

**Mr. Jacob Wells:** That's incorrect.

**The Joint Chair (Mr. Matthew Green):** —following the attack on the U.S. Capitol. Is that correct?

**Mr. Jacob Wells:** That's incorrect.

**The Joint Chair (Mr. Matthew Green):** So you did not raise any money for people involved in the United States Capitol attack.

• (2105)

**Mr. Jacob Wells:** Not that I'm aware of. We had fundraisers prior to January 6 for people going to a rally in Washington, D.C. That was the extent of those campaigns—to get airfare and lodging in D.C. on the days...for the rally that was happening on January 6, yes.

**The Joint Chair (Mr. Matthew Green):** Knowing what you know now, given all the hearings that have happened, would you

classify that as a rally, sir? Was that a lawful rally, which resulted in the murder of a Capitol Hill police officer? Was that a lawful rally, in your opinion?

**Mr. Jacob Wells:** Well, it sounds like you're stating misinformation.

**The Joint Chair (Mr. Matthew Green):** Was an officer not murdered? I'm sorry, sir, I'm not from the United States. Was an officer not murdered on the Capitol?

**Mr. Jacob Wells:** Not to my understanding, no.

**The Joint Chair (Mr. Matthew Green):** Perhaps we have better access to your media than you do, sir.

The Canadian convoy protest is another controversial entity that you've picked up. What I'm suggesting here, sir, is that there is a bit of a theme with some of the activities you are involved in that tip-toe around a grey area. I'm just wondering how you profit from that. I'm wondering, in terms of your...

I see that I am out of time. I'll come back to the witness at the appropriate time.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Green. Thanks for understanding.

Can you take the chair, Mr. Green?

**The Joint Chair (Mr. Matthew Green):** I certainly can.

You have five minutes.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

Thank you for appearing with us today.

I'd like to understand in a little more detail the verification process. I'm not as familiar with your platform. What you call verification and maybe what I call verification might be different. Can you walk me through that?

**Mr. Jacob Wells:** Sure. Thank you for the question.

When somebody comes onto GiveSendGo, prior to going through a process called KYC, or “know your customer”, which is a regulatory process of identifying who the person is who is receiving funds, we allow campaigns to begin receiving funds. Prior to them receiving those funds, they go through a process of becoming identified through a social security number or a licence or some form of identification. That's matched against all sorts of databases to make sure they're not on a list or not able to use the financial systems that are in place. If they are flagged because they are on one of those lists, then they are not able to receive those funds.

In partnership with that, we read through the campaign and what the campaign is requesting funds for. We ensure that it adheres to the laws of the land, that they're not doing things that are illegal and that they are not trying to raise money to go murder somebody or do something illegal. We ensure that their ask is a legitimate ask.

**The Joint Chair (Hon. Gwen Boniface):** In this case, would you be looking at the laws of the land, as you say, in Canada—

**Mr. Jacob Wells:** That's correct.

**The Joint Chair (Hon. Gwen Boniface):** —or are you talking about the U.S. because that's where you are?

**Mr. Jacob Wells:** When people onboard from foreign countries, they go through that same process that's required of that country for them to be able to access the financial system, so everybody who comes on board in Canada goes through the process of being verified in Canada according to the Canadian standards for being able to access the financial system.

That's how we vet people.

**The Joint Chair (Hon. Gwen Boniface):** You mentioned social security numbers. Would you have access to those numbers in Canada? How do you verify that?

**Mr. Jacob Wells:** That information is submitted through our payment solution into a database. We don't hold those numbers personally ourselves. The number goes into a database, and the identity is verified by the input of that information and also an ID, some sort of government-issued identification. With the conjunction of those things and the information provided, we can validate and verify the person receiving the funds.

**The Joint Chair (Hon. Gwen Boniface):** Can you just tell us what the state of the \$10 million in fundraising accomplished on your platform through donations is? Where is it at, currently?

• (2110)

**Mr. Jacob Wells:** The vast majority of those funds were refunded because they couldn't accomplish the ends that the givers intended. They were refunded, I believe, in mid-March back to the givers. A percentage of those funds had been transferred to a Canadian account, Chad Eros, who was the treasurer for the “freedom convoy” organization. Those funds have been put in escrow, I believe, pending litigation and various things.

**The Joint Chair (Hon. Gwen Boniface):** In terms of the program “adopt a trucker”, just help me understand what the purpose was. How do you sell that to somebody?

**Mr. Jacob Wells:** GiveSendGo, itself, doesn't. Campaign owners set up campaigns. They come on, and they begin a fundraising effort. They tell people what they are fundraising for. In that case, I believe it was someone who was raising funds to provide for displaced families, families of truckers who were put out of work because of the mandates that had been enacted, and things of that nature.

**The Joint Chair (Hon. Gwen Boniface):** So it was not, in your mind—at least, when you assessed that—connected to what some of us here determined were blockades that were interrupting the economy of the country. You wouldn't do any work or make any effort around that to make sure that connection wasn't taking place.

**Mr. Jacob Wells:** What we look at is what the campaign owner has stated, what they are fundraising for. Is that a legal objective? If it's a legal objective.... If they were to take their money.... Just like anyone, if they were to get money from their job and go do something illegal with the money they've earned, that's illegal and there

are law enforcement procedures to go after people who do illegal activity, so—

**The Joint Chair (Hon. Gwen Boniface):** I have to stop you, Mr. Wells, because I'm getting the sign that I'm out of time.

Thank you.

**Mr. Jacob Wells:** Thank you, Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Green.

We'll go back to our list, to Senator Carignan for five minutes.

[*Translation*]

**Hon. Claude Carignan:** Thank you, Madam Chair.

Is funding between countries illegal?

Is it illegal for Canadians to fund activities in the United States or for Americans to fund activities in Canada?

[*English*]

**Mr. Jacob Wells:** No, it isn't. It happens quite often.

[*Translation*]

**Hon. Claude Carignan:** Thank you. I have no further questions.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Senator Harder, you have five minutes.

**Hon. Peter Harder:** Thank you, Madam Chair.

Mr. Wells, were you aware that at least the document from early on in the convoy articulated their desire to come to Ottawa, overthrow the government and have the Senate of Canada go to the Governor General and form a new government?

In your view, is that sedition and overthrow of a government a legal act that would express sharing the hope of Jesus?

**Mr. Jacob Wells:** What campaign owners do as a fundraising effort, we don't say is necessarily sharing the hope of Jesus. What we do, in our engagement with those campaign owners, is sharing the hope of Jesus. There's definitely a distinction there.

As to the question about that memorandum, or what you're suggesting, the parties who were involved in the fundraising piece made no reference to that. They actually disavowed anything like that—

**Hon. Peter Harder:** So you really don't vet your prospective clients. You take them at their word, and if they were to pursue illegal activities with those funds, you would simply say, “Well, that's not what they told us”, so there is no vetting process.



**Mr. Jacob Wells:** There is a vetting process, because, currently, if you are a terrorist, or if you are a person of interest, you're placed on lists. If you've defrauded banks and you've been added to lists, you're not able to avail yourself of the financial infrastructure. When you're vetted, you're vetted as a person who is able to access banking infrastructure, and you haven't broken laws that would dis-avail you of those things. And when—

• (2115)

**Hon. Peter Harder:** But if your intent was.... As I understand it, you were happy to fund the January 6 group going to Washington and then, oh gosh, you were surprised that they were involved in events that led to the murder of at least one policeman.

**Mr. Jacob Wells:** Again, I don't know of any murder of any police officer, but the reality in free societies is.... We can get into the idea of thought crime, like we're going to prejudge what people do. Typically, when people come—and this is what we find to be the case—and they state what they're doing, and make a lawful claim and make claims to it, and it's authorized—

**Hon. Peter Harder:** Mr. Wells, how many other fundraising activities are presently involving Canadian organizations?

**Mr. Jacob Wells:** We have thousands and thousands of campaigns on GiveSendGo.

**Hon. Peter Harder:** Are they in Canada?

**Mr. Jacob Wells:** There are probably hundreds of campaigns in Canada that are active right now. As I mentioned, the vast majority of them are for medical bills, for people helping people in their community.

In response to “freedom convoy 2022”, this was an Ontario-sanctioned, incorporated not-for-profit that came to GiveSendGo to fundraise. We have the incorporation documents from the Province of Ontario incorporating them.

**Hon. Peter Harder:** Are you aware that, consequent to the emergency, legal changes have been enacted that now require on-line crowdfunding platforms to report large or suspicious transactions to the financial transactions and reports analysis centre here in Canada?

If so, how has that affected your business? If not, would you review this as to how it should change your business?

**Mr. Jacob Wells:** Thank you for the question.

We're constantly updating our platform and our processes to include new laws and regulations. We're working with our payment providers to do those very things in Canada and around the world.

**Hon. Peter Harder:** Has that been done?

**Mr. Jacob Wells:** It's in the process. There's a process to incorporating those things.

**Hon. Peter Harder:** We're almost a year into that.

When will this process end, where you can assure us that you are now compliant?

**Mr. Jacob Wells:** I believe we are compliant. We're in review right now with our payment providers on the status of those things. I believe we've done what we need to do at this time.

**Hon. Peter Harder:** Thank you.

**Mr. Jacob Wells:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** We'll move to Senator Patterson.

**Hon. Dennis Glen Patterson:** I'll pass, Madam Chair. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Okay.

We'll move to the second round of four minutes, starting with Mr. Brock.

**Mr. Larry Brock:** I have no questions.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Okay.

You have four minutes, Ms. Bendayan.

**Ms. Rachel Bendayan:** Thank you for being here, Mr. Wells.

You indicated in your opening statement that your mission is to share the hope of Jesus with your platform. You answered a number of questions about this already. I'm just wondering, specifically with respect to this fundraising campaign, what is the connection between the hope of Jesus and the aims of this particular movement?

**Mr. Jacob Wells:** Thank you for your question.

Again, as I stated earlier, the intention of a campaign might not necessarily align itself to our mission, which is to share the hope that we have with people. When we get a campaign and call them to tell them about Jesus or to pray with them, that's what we do. That's how we do it.

**Ms. Rachel Bendayan:** You mentioned earlier that you believe in freedom. Do you believe in the freedom of movement of people—that I should be able to move freely?

**Mr. Jacob Wells:** Yes, I do believe that.

**Ms. Rachel Bendayan:** You're aware, of course, that it was part of international headlines that this movement, this blockade, was actually blocking an international border between our two countries, the United States and Canada.

**Mr. Jacob Wells:** I actually believe that it was the Canadian government that enacted some laws restricting the movement of unvaccinated people; I thought that was what you were referring to.

The “freedom convoy” that set up a campaign on GiveSendGo actually disavowed the blockades that were happening at the border. That was specific to what was going on in Ottawa, so our campaign, to our knowledge, had nothing to do with the blockades that were happening at the border.

• (2120)

**Ms. Rachel Bendayan:** Well, even if that is your contention, ambulances in Ottawa were unable to bring patients to the emergency rooms due to the roads being blocked, and I understand that the truckers who were blocking those roads were really funded by your campaign. Were you not aware that the freedom of movement of people in Ottawa was not respected here and that is also a freedom?

I guess I would also ask, sir, if you honour and respect veterans, because, as you may or may not know, on January 29, quite early on in the blockade, members of the protest desecrated our War Memorial. Are you aware of that?

**Mr. Jacob Wells:** I was not aware of that. I have not been aware of that.

I think I've stated this several times, but it's worth repeating—or maybe I actually haven't—but this group of people that came to Ottawa was a very diverse group and, from our opinion and look at it, it was not being controlled by anybody. It was largely independent operators who were coming of their own volition—

**Ms. Rachel Bendayan:** Mr. Wells, you're coming to the committee stating that you did not know what this protest or this blockade was about. The New York Times published extensively at the time about what was going on. If you watch Fox, Fox Business covered what was going on at the time, and CNN did as well.

Are you telling us that you had no idea that this was going on in Canada and that your platform was supporting it?

**Mr. Jacob Wells:** No, that's not what I'm saying at all. What I'm saying is that—

**Ms. Rachel Bendayan:** So you were aware.

**Mr. Jacob Wells:** —the idea that because some people show up and do something bad at an event, that makes the whole event bad is a logical fallacy, and that's the fallacy that you're trying to present. It's not the case that if at a rock concert some people get in a fight somehow the rock concert is illegal.

The people who organized the campaign on GiveSendGo made explicit statements that they were against violence, that their fundraising effort was for specific needs—

**Ms. Rachel Bendayan:** Did you verify that was indeed the case?

**Mr. Glen Motz:** I have a point of order, Chair.

**The Joint Chair (Hon. Gwen Boniface):** Yes, Mr. Motz.

**Mr. Glen Motz:** Maybe she could let the witness answer the question.

**Mr. Jacob Wells:** We did verify that. That's part of our verification processes: who the individuals are who are receiving the funds, what their—

**The Joint Chair (Hon. Gwen Boniface):** Mr. Wells, I'm sorry. The time is up for that question. I know it's difficult when you're not here.

We'll move to Mr. Fortin, to be followed by Mr. Green.

You each have three minutes.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Wells, after everything we've just said, do you want to reconfirm that you were never contacted by a Canadian police service, be it a municipal service, the Royal Canadian Mounted Police or the Ontario Provincial Police, regarding fundraising for the "freedom convoy"?

[English]

**Mr. Jacob Wells:** I want to make that very clear. That never happened, but also, the "freedom convoy" corporation was also a corporation that was authorized by the state, the Province of Ontario.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Wells, I'm going to ask you one final question.

Can you confirm that you were never contacted by the authorities or by an official of the Government of Canada, the Government of Ontario or the Ottawa Municipal Council?

[English]

**Mr. Jacob Wells:** That's correct.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Wells.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green, you have the floor.

**The Joint Chair (Mr. Matthew Green):** I just want to close the loop on that particular line of questioning.

In the months after the occupation, have you been in contact with any government officials, political entities or political parties for any conversations related to your involvement in the convoy?

**Mr. Jacob Wells:** We have been interviewed by the commission.

**The Joint Chair (Mr. Matthew Green):** Was it just the commission and no political actors?

**Mr. Jacob Wells:** There were no political actors, to my knowledge.

**The Joint Chair (Mr. Matthew Green):** Going back to your charity, sir, is your charity funded by the gift portions of your platform?

• (2125)

**Mr. Jacob Wells:** No, it's not. Well, I guess it depends on what you mean by "gift portions of the platform".

**The Joint Chair (Mr. Matthew Green):** I understand that you receive tips. Does a portion of the tips go to your charitable donations?

**Mr. Jacob Wells:** GiveSendGo is a for-profit business. We operate on the revenue generated by tips. We cover the costs of the charity so that 100% of any money that the charity raises and disburses goes to the need that's arisen.

**The Joint Chair (Mr. Matthew Green):** In terms of your charitable aspect, your testimony today is that it's funded through some of the tips.

I want to reference the March 2022 Time magazine article that suggested and reported that GiveSendGo received more than \$640,000 in gift donations from supporters of the "freedom convoy" and the "adopt a trucker" campaign.

I want to make sure I understand it correctly. The gift portion, the \$640,000, was something that you received. Is that correct?

**Mr. Jacob Wells:** It sounds about right.

**The Joint Chair (Mr. Matthew Green):** In other words, you raised \$600,000 for the cause and \$640,000 for your own organization. Is that correct?

**Mr. Jacob Wells:** The total amount raised was approximately \$13 million Canadian, and I think we received around \$600,000 in tips.

**The Joint Chair (Mr. Matthew Green):** In other words, you're an organization called GiveSendGo that, from the lists of your various clients, profits off organizations that have effectively been cut off from other mainstream, legitimate online platforms. Is it the case that you're the online platform of last resort and part of...? That seems like a really high amount of money to be raising off a charitable donation.

**Mr. Jacob Wells:** It's voluntary, so people do it of their own volition.

**The Joint Chair (Mr. Matthew Green):** Was that gift from an individual or is that across the board? What was the highest amount of gift that you received for GiveSendGo from an individual?

**Mr. Jacob Wells:** The average donation to the campaign was around \$100, and the average additional donation to GiveSendGo might have been around \$5.

**The Joint Chair (Mr. Matthew Green):** What was the highest gift to GiveSendGo?

**Mr. Jacob Wells:** I'm not aware of that.

**The Joint Chair (Mr. Matthew Green):** Essentially, out of the \$640,000, how much of that might have ended up in your charity?

**Mr. Jacob Wells:** Very little of it. We don't fund the charity. Currently the charity raises its own funds for various causes.

**The Joint Chair (Mr. Matthew Green):** Thank you.

That's the extent of my questions. My time is up.

**The Joint Chair (Hon. Gwen Boniface):** I'm just checking with our senators. Are there no further questions?

Given that, Mr. Wells, your testimony is finished. We want to thank you for appearing, particularly for coming back a second time when you had difficulties your first time here. We're grateful to you for being here.

**Mr. Yasir Naqvi:** I have a point of order.

I just want to let Mr. Wells know that the name of the police officer who died at Capitol Hill was Brian Sicknick. He was 42 years old.

Thank you.

**Mr. Jacob Wells:** Yes, he died two days later from a stroke. I understand that.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Wells, thank you for appearing with us.

Colleagues, we are now adjourned.

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