

Submission to
Public Order Emergency Commission
The Honourable Paul S. Rouleau

The Freedom Convoy Protest and Response of the Trudeau Government:
The Importance of Good Questions and Meaningful Answers

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Preface

This commission is challenged to sift out the good questions from among the many being asked. Good questions are questions with purpose and intent. Good questions seek reasonable answers; meaningful answers which, in this instance, may influence the future development and governance of a nation.

The commission will receive emotional testimony connected to experiences with the Freedom Convoy protest. The commission will also receive testimony shaped by political considerations. It will take good questions to get to the facts, to assess different perspectives and perceptions, and to set aside extraneous information in order to provide meaningful answers within the commission's mandate.

As events unfolded in the last weeks of January and into February 2022, there were myriad raw feelings exposed—among the assortment of protesters, local residents and business people, politicians at three levels of government, and members of the media—driving strong messaging, opinions and perspectives that supplemented the facts to frame their understanding of events.

There were also political motivations for framing messaging about the situation that unfolded primarily at Parliament Hill and its immediate surrounds: initially on Wellington Street and another six to eight city blocks, and secondarily in the parking lot of the RCTG baseball park; then a roughly 3 km² area of the 2,790 km² city was designated as “the red zone.” Approximately 15,000 of Ottawa's 1,100,000 residents live in those 3 km². By the time the *Emergencies Act* was invoked the demonstration area within the red zone had been largely narrowed, through negotiation by the City of Ottawa, to a one and a half kilometre (one mile) stretch of Wellington Street, and the off-site staging area at the RCTG park some five kilometres (3 miles) away.

Facts ought not to be sacrificed in favour of political expediency, political interpretation or political advantage. In the Canadian political experience history has shown that facts concealed are inevitably revealed, sometimes unintentionally but more often because someone was asking good questions and seeking meaningful answers. At issue becomes whether by the time of revelation the advantage sought has already been gained; whether an interpretation repeated has sufficed to alter perspective on otherwise potentially disquieting information; and whether the expediency that was presented has been sufficiently engrained in the resulting image crafted as to make its effect difficult to erase.

A significant challenge for this first Public Order Emergency Commission is to separate fact from fiction, as well as from feelings, opinions, and political massaging in order to fulfil the mandate to *examine and assess the basis for the Government's decision to declare a public order emergency, the circumstances that led to the declaration, and the appropriateness and effectiveness of the measures selected by the Government to deal with the then-existing situation.*

I hope what follows will generate some good questions to aid in the quest for reasonable and meaningful answers about the actions associated with the federal government invoking the *Emergencies Act* in the context of a public protest as it unfolded in real time, not simply with our benefit of hindsight; and with foresight to potential consideration of the *Act's* use, or avoidance of its use, in the future.

Prologue to a Problem?

We human beings are prone to make the mistake of thinking that other people are like us. That their experiences are like ours. That they think like us. That they act like us. We also make the corollary mistake of thinking people who are not like us, who don't look like us or think like us or act like us, are to be feared. These tendencies display themselves in many areas of life, including politics, religion, and conscientious considerations on a variety of life's issues.

During the Freedom Convoy protest, Liberal Members of Parliament Joel Lightbound (Louis-Hébert) and Nathaniel Erskine-Smith (Beaches-East York) broke rank with government caucus colleagues and decried the divisive rhetoric that had been employed by the prime minister around the pandemic and vaccine mandates beginning with the effort to win the 2021 election and continuing with the tone directed toward the Freedom Convoy protesters and opposition Conservative Party MPs.

Erskine-Smith said, "We don't have to vilify those who disagree with us on that front. And nor should people vilify people who are supportive of mandates. There are many people with legitimate questions and concerns and even where we disagree and (think they) may be misinformed I think we need to meet folks with compassion wherever possible."

In July 2021 Prime Minister Justin Trudeau said, "vaccines will not be mandatory for any Canadian." This is a position he had stated on multiple occasions after Covid-19 vaccines became available in late 2020. Within weeks of his July words, Mr. Trudeau shifted position. Early August polling had revealed support for vaccine mandates in the key electoral municipalities of Montreal, Toronto, Vancouver, and suburbs. [You can read more on this in Appendix 3, *The Politics of Red Team! Blue Team!*]

Two days before meeting with Governor General Simon to initiate the 2021 federal election Mr. Trudeau announced he would make vaccination requirements mandatory for federal civil servants and industries. During the campaign, candidate Trudeau gave an interview on the popular Quebec French language show *La semaine des 4 Julie*. Discussing unvaccinated Canadians, he said they "don't believe in science and are very often misogynistic and racist. It's a very small group of people, but that doesn't shy away from the fact that they take up some space. This leads us, as a leader and as a country, to make a choice: Do we tolerate these people?" [See Appendix 2, *Why Freedom Convoy Protest Makes My Blood Boil.*]

Months later, in January as the convoy approached Ottawa Mr. Trudeau stated those involved were "a fringe minority with unacceptable views." He added that they represented the proliferation of "disinformation and misinformation online, conspiracy theorists, about microchips, about God knows what else that go with the tinfoil hats."

The protest unfolded within a football field's length from where the House of Commons was meeting, without attempt to breach that or the Senate chamber. The prime minister and cabinet colleagues verbally hammered Conservative MPs who attempted to broker a deal by way of a motion for the government to outline a plan to end its Covid-19 mandates. Instead of discussion or debate, Mr. Trudeau branded opposition MPs as Nazi sympathizers because of the brief appearance of two Nazi flags in the crowd of 10,000+ on the first day of the protest—a continuing image used by media.

Might the prime minister have been predisposed for his government to take action that aligned with his vilifying rhetoric? Or, perhaps, having backed himself into a political corner by his words, invoked use of the *Emergencies Act* as the way out of his dilemma?

Prelude to the Protest

Recent consolidation of traditional media sources contributed to an upsurge in alternative media available on the internet. This has nurtured a discernible difference in “informed” perspectives about local and global events. In addition to the ready availability of the internet, another contributing factor to the upsurge in alternative media influence in Canada is mistrust generated by the federal government’s decision to extend funding to traditional media outlets in addition to funding historically provided to CBC-Radio Canada. Supplemental to the CBC’s \$1.4 billion a year, \$600 million was distributed to private media using a process that concealed process, recipients and dollar amounts. Pandemic supplements were also made available. A substantial number of Canadians sought sources for news that were independent from perceived government financial influence. The die was cast by the time the government decided to reveal the details of its media funding in the final weeks of 2021.

Canadians have become divided into the uninformed (perhaps simply disinterested), the traditionally informed, and the alternatively informed. Almost forgotten is that the alternatively informed have long been among us but their alternative perspective was most often informed by generational difference, political alignment, religious texts and life experiences rather than new media and social media sources.

Although a federal health emergency was not declared to invoke section 6 of the *Emergencies Act*, most provincial responses to the pandemic appeared to follow the federal lead, supplementing it based on local health advice and constitutional division of responsibility. But, “government” aligned itself with “the science” and the science was over time demonstrably unpredictable and inconsistent. The trustworthiness of both was increasingly questioned with each announcement. Mainstream media and alternative media went in different directions as the science and government directives were in a seemingly constant state of change. [See Appendix 4, *The Moving Goalposts of COVID Response*.]

Even before the trucks arrived in town, government spokespeople and traditional media adopted the term “so-called Freedom Convoy,” describing the protesters not by their chosen moniker but in a way that disparaged and delegitimized them. Some alternative media personalities responsively decided to refer to the Trudeau Government as the “so-called Government of Canada.”

As the protest continued, government and traditional media also framed protesters disparagingly by militarizing them as foes engaged in occupation, siege, terrorizing residents, and domestic terrorism. Alternative media framed them as patriotic, peaceful freedom fighters wrapped in the red maple leaf.

The Freedom Convoy, as a grassroots protest movement, displayed several indicators of being alternatively informed. Traditional media outlets were not welcome at press conferences. Some participants demonstrated inexcusably bad behaviour toward traditional media personalities who were on site covering the Parliament Hill protest. Traditional media journalists were also harassed on social media. Alternative media representatives were welcomed and given preferred access to the crowds (which fluctuated from day to day, particularly from weekend to weekend) and to lead organizers.

Is it reasonable to conclude the alternatively informed are misinformed or are they simply differently informed? Did being alternatively informed make them a danger, or just possessors of a different perspective in their understanding of the situation? Did intimidating treatment of traditional media journalists influence negative framing of popular news coverage in a way that further vilified the protesters as generally unacceptable, perhaps dangerous?

Might it have been more dangerous to Canadian citizens that the federal government tabled traditional media reports about foreign funding (particularly American) and influence (notably Russian) as part of its rationale for invoking the *Emergencies Act* or more dangerous that convoy organizers repeated alternative media reports that mandatory vaccination requirements were the result of attempts to control Canada's government, people and economy by foreign financial powers (particularly "Big Pharma") and foreign influence (notably the World Economic Forum)?

A controversial feature of the protest was the prevalence of *F*ck Trudeau* flags. If the prime minister's rhetoric alone was not motivation for the derisive public display, days before the closing of the border to unvaccinated truckers there was national news coverage about one such flag. The city of Port Colborne, Ontario, rescinded a by-law order in relation to a resident's public display of the flag in the front window of her home after the Canadian Constitution Foundation filed notice it would challenge the by-law order, arguing violation of the resident's right under section 2(b) of the *Canadian Charter of Rights and Freedoms* to freedom of expression with regard to a personal political opinion.

In the half-century since the f-word's infamous use in the House of Commons was thinly veiled as having instead been utterance of the words "fuddle duddle," it's a word that has entered common use outside the disciplinary constraints of Parliament.

Were the flags unacceptably provocative profanity or protected political opinion? Did they in fact threaten or encourage danger to the government or to the prime minister?

This was not the first time the big rigs had rolled onto Wellington Street, then parked in protest at the foot of Parliament Hill. In 1991 the truckers' protest was resolved within a week through negotiation by Prime Minister Brian Mulroney's government. In 2019 the United We Roll protest ended two days after arrival, following meetings with opposition Conservative MPs who assured truckers support for their concerns would be voiced in Parliament.

Just weeks before the Freedom Convoy started to organize for Ottawa, Prime Minister Trudeau had urged Prime Minister Narendra Modi of India to employ dialogue, not force, for resolution of a months long farmers protest that had at times blocked roads and border crossings. The farmers had established staging sites on the outskirts of New Delhi, threatening to park farm vehicles in front of Parliament House. "Canada will always be there to defend the right of peaceful protest," Trudeau intoned.

As in 2019, some Conservative MPs would make efforts at diplomacy with Freedom Convoy constituents and protest leaders in February 2022. The Leader of the Opposition introduced a motion in the House of Commons requesting the government table a plan for ending federal Covid-19 mandates. In her remarks Ms. Bergen encouraged the truckers to break camp and head home, noting their message had been heard. The Liberal government, with support of the NDP, voted the motion down, deriding protesters and Conservative MPs in the process. The prime minister and government MPs labeled Conservative MPs as being in league with the "misogynistic," "racist," and "Nazi-sympathizer" demonstrators.

Was it a reasonable expectation for the protesters that their concerns might have been acknowledged by government representatives as well as by members of the parliamentary opposition? Did the government's refusal to table a plan to end federal mandates provoke protesters to "hold the line"? Following the apparent rebuff, was any dangerous or potentially dangerous behaviour by the protesters toward the government or security of the nation forthcoming?

The Protest Participants

The January 13 confirmation by Ministers Duclos (Health) and Alghabra (Transport) of the November 19 announcement that full vaccination status would be required for cross-border truckers effective January 15 triggered these previously *essential* workers to organize the trip to protest in Ottawa. Starting with a group of prairie cross-border truckers in Alberta and Saskatchewan, within a fortnight convoys would be rolling from around the nation toward the national capital region.

The initial small group of organizers decided to do what it is commonly done these days to help with expenses for the venture, crowdfunding. Within weeks tens of thousands of Canadians made financial contributions tallying millions of dollars. Large crowds of Canadians lined highway sideroads and overpasses to cheer on the trucks, RVs, buses, pickups, vans and cars that travelled in the growing grassroots protest from various compass points toward Parliament Hill.

Polling revealed the number of Canadians who endorsed the Freedom Convoy exceeded the number of Canadians who were unvaccinated (17%). Some polls suggested the supporting number was double (34%) that of the *unjabbed* “very small group of people” described by the prime minister.

A number of Freedom Convoy participants were religious. Several of the Canadian cross-border truckers were from the same Christian community. Homeschooling is common in this community. Families were able to travel together without interrupting their children’s education when the occasion presented. When the business of cross-border owner-operator trucking was shut down for them because of their religious and conscientious objections to the Covid-19 vaccine and with word spreading that a group of truckers were heading to Ottawa, a trip to the nation’s capital for peaceful protest and hoped for interaction with their government seemed a timely learning opportunity.

As the convoy grew from a cross-border truckers’ protest to a grassroots protest it was natural that others who had conscientious or religious objections to vaccine-related mandates, held anti-government sentiments, or for other reasons would join or be supportive. When the Rideau Centre closed because select protesters refused to adhere to public health masking requirements, some local Ottawa congregations compassionately opened their buildings as warming centres. Evangelists could be seen preaching at several locations throughout the duration of the protest. After the initial weekend transitioned to what looked like it would be a longer stay, several pastors made their way to the protest to attend to the needs of people in the convoy community. The Christian truckers who had traveled to Ottawa requested regular prayer opportunities—which became part of daily meetings with organizers—and Sunday morning worship services. Their children’s presence prompted the Freedom Convoy community to set up bouncy castles and contributed to the motivation for street hockey games.

Like too many protests, the Freedom Convoy attracted hangers on and troublemakers. The crowd for Friday night street parties was a different composition than those keeping Wellington Street and sidewalks cleared from snow and ice each day. Those living in their trucks and serving meals on the street were a different group from those booking hotel rooms for the weekend, and different again from those within driving or public transit distance who headed home after their chosen times of partying or demonstration. The police acknowledged this variance in protest attendees. Government and traditional media readily associated the peripheral protesters as representative of the whole.

As with many Ottawa protests, counter-protesters emerged. In this instance that meant predominantly civil servants living within walking distance of offices, most working from home. PSAC and CUPE flags featured at counter-protest gatherings (with communist hammer and sickle unfurled on the first day).

The Protest Proscribed

Initial consideration of the threat posed by the trucks heading to the nation's capital by the prime minister's RCMP security detail resulted in moving Mr. Trudeau to an undisclosed secure location. Government and media prepared Canadians to expect a *January 6* moment. That moment would not manifest over the three weeks trucks and protesters lined Wellington Street.

It may be easier to incite a mob to violence than to influence a diverse representative assembly to diplomatic efforts. And, at times it may be difficult to determine who is inciting and which is mob. [See Appendix 5 — Monsters, Mobs, and Me.]

Outside Ottawa, protests across the nation were resolved through dialogue, with few arrests; or continued primarily as weekend demonstrations. Most cities learned from Ottawa's experience to designate a parking area away from legislative buildings. Protesters could then walk to the demonstration site. The Winnipeg protest continued outside the legislature after Ottawa's ended.

In Ottawa, police had negotiated a workable plan to disperse the protesters when numbers were low, before the weekend. Peace officers from outside forces were coordinating timelines for the additional 1,800 officers required. Tow trucks had been enlisted to head to the nation's capital. Ottawa's mayor had negotiated directly with the truckers to clear residential streets. Several streets had been cleared by the morning of February 14. Completion of that agreement would be curtailed by the prime minister's announcement that day he was declaring a public order emergency and invoking the *Emergencies Act*.

The order prohibiting "public assembly that may reasonably be expected to lead to a breach of the peace" would be used only in Ottawa. Despite political rhetoric that the protest was "becoming illegal," as well as municipal and provincial declarations of emergency, the protest was not officially deemed "illegal" until the carefully worded order was issued. By then financial supporters' names were already in the public realm. Traditional media circulated personal information acquired through illegal hacking of crowdfunding websites. The *Emergencies Act* order would authorize release of that information to financial institutions, along with a request to freeze bank accounts. This action would normally require a court order. Many protesters would be trapped in Ottawa, unable to access funds to leave.

The prime minister intriguingly stated the vote on the motion to confirm the declaration invoking the *Act* would be considered a confidence matter. This would result in revelation of an agreement not previously public. The Liberal government had negotiated a *confidence and supply* agreement under which the NDP was required to vote in support of the government on confidence matters. Mr. Trudeau would enter the House with certainty the motion would pass. Briefings knowledge of the police timeline and the use of available parliamentary tactics would allow his government to avoid a vote in the Senate.

The key organizers were arrested first. Even without them, Freedom Convoy protesters turned out to be another predominantly peaceful protest in the nation's capital—annoyingly long and loud for some—with few, at the end, taking aggressive posture toward advancing row upon row of police.

Was invoking the *Emergencies Act* necessary? Were powers granted in the order excessive?

Appendix 1 — I Cried for Canada on Friday

February 20, 2022 by Don Hutchinson (donhutchinson.ca)

Tears came to my eyes as I watched another stain added to our nation's history.

I reflected on repercussions that continue to this day from Prime Minister Pierre Trudeau's peacetime use of the *War Measures Act* in 1970.

Human rights of hundreds were violated in a government authorized roundup of political opponents and protest group members. In the end, violent Front de libération du Québec (FLQ) terrorists were arrested, charged and convicted using traditional policing methods and already established laws.

Perhaps Mr. Trudeau atoned somewhat for his actions with patriation of Canada's constitution in 1982 by including a *Charter* guaranteeing the rights and freedoms he had personally authorized be violated beyond limits of the law little more than a decade earlier.

The 'fringe' separatist Parti Québécois would form Quebec's government in 1976. The PQ delivered two referendums seeking Quebec separation from Canada in 1980 and 1995, coming within a whisker of partition. The PQ's *Bill 101, the Charter of the French Language*, legislated linguistic priority in the province for French. Quebec remains the only province not to endorse the *Canadian Charter of Rights and Freedoms*. A positive from the PQ, its principles of separatism led it to address another smear on our history as the first government in Canada to recognize the right of Indigenous peoples to self-determination.

The ready use of the *War Measures Act* initiated serious reflection in Ottawa. Parliament worked through a series of temporary replacement measures before settling on the *Emergencies Act (EA)* in 1988, a last resort to provide extraordinary measures to deal with pressing and extreme emergency situations not resolvable using available means and already established laws. Its provisions were thought so extreme by Prime Minister Jean Chretien that they were not invoked in the days following 9/11.

A fortnight after the Freedom Convoy 2022 truckers' approach was deemed a threat so severe Prime Minister Justin Trudeau was whisked away to a secure location, he chose domination over dialogue, invoking the extraordinary powers of the *EA* to counter the air horn insurgency and bouncy castle rebellion that included dancing in the street at the doorstep to his office.

The powers invoked by Mr. Trudeau include measures parliamentarians who spent nearly two decades defining and refining never imagined would be used as they were this week, to quell peaceful protest. Outside Ottawa, freedom convoy demonstrations were resolved through dialogue, with few arrests, or continue as weekend rallies. Part II of the *EA* is intended to deal with a "public order emergency" that "presents a threat to the security of Canada." It authorizes immediate enforcement until such time as approved, amended or revoked by Parliament. The regulations issued by the Trudeau government described the threat as "a peaceful assembly that may reasonably be expected to lead to a breach of the peace."

My eyes welled up when police moved forward. This was about what was essentially a municipal bylaw problem—parking, noise, idling—that dragged on for three weeks. It was unlike the 1991 truckers' protest, resolved within a week through negotiation by Prime Minister Brian Mulroney's government. It

was also unlike the 2019 United We Roll truckers protest. Two days after arriving the big rigs rolled out following meetings with Conservative MPs who assured them of support in Parliament. Some Conservative MPs repeated efforts at diplomacy with the Freedom Convoy 2022 protest. The Leader of the Opposition introduced a motion in the House of Commons designed to be easily satisfied by the government and to encourage the truckers to break camp and head home. The Liberal government objected to presenting Parliament with a plan of any sort for ending federal Covid-19 related restrictions. With support of the NDP, it voted the motion down. For their efforts, Conservatives were labeled as being in league with the Trudeau-defined insurrectionists.

Demonstrators regularly come to the nation's capital to protest. The prime minister and members of his cabinet chose to insult and disparage these particular protesters as unacceptable, intolerable, and unCanadian long before they arrived. Undeterred and unashamed, convoyers wrapped themselves in the Canadian flag and arrived in Ottawa ready for conversation. Unwilling to dialogue, Mr. Trudeau's intransigence bred protests nationwide.

I lament for our nation and the potential long-term ramifications of the decision to supplement police powers in an effort to silence voices opposed to government policies.

Whether or not one agrees with the freedom convoy messengers, the Government of Canada cannot claim to be respecting *Charter* rights while simultaneously authorizing extraordinary police powers to violate those rights. Section 2 of the *Charter* guarantees freedom of expression and freedom of peaceful assembly, i.e. freedom of peaceful protest. Section 8 guarantees the right to be secure against unreasonable search or seizure, i.e. including not to have personal banking frozen (without a court order) for choosing to support peaceful protest. Will any of this be considered by a court of law to be "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" under section 1 of the *Charter*? I hope not, or future governments may use the *EA* to silence critics as well.

Parliament Hill and the surrounding area are identified as a prohibited protest zone for the duration of the *EA* order. The public square at the seat of our democracy is closed until further notice.

Under the *EA* order it's illegal to decline to render police-defined essential services upon request.

If not overruled by Parliament or the courts, the government's decision sets all too convenient a precedent for future use of such authoritarian powers by an unpopular leader.

The prime minister said government does not direct the police, it equips them. He then offered his opinion that the citizens of Ottawa did not want to see another weekend of this protest. They didn't.

The citizens had themselves the previous weekend organized a counter-protest. Public polling suggested Canadians were rallying behind these citizen counter-protesters who had taken to the streets behind the flags of the Public Service Alliance of Canada and Canadian Union of Public Employees; the unions for government employees who kept their jobs and annual raises while working from home through the pandemic. I'll disregard the communist flag briefly unfurled near the front of the march because focusing on it would be like tagging the truckers' group with the brief appearance of two nazi flags in the crowd of 10,000+ on the first day.

The freedom convoy protesters had been celebrated by tens of thousands along their route and crowdfunded by the millions to carry a message to Ottawa. After a few weeks they had become like the much-loved family member who visits and overstays their welcome. Public opinion can be a fickle thing. The new hero in town was a 21-year-old civil servant who secured a court order to enforce the city's noise bylaw against the air-horn assault on her neighbourhood.

Canada's prime minister followed advice from polls that suggested an overwhelming majority of Canadians were supportive of violating fellow citizens' *Charter* rights to get these protesters off the street and out of the daily news. Like too many debateable decisions of Canadian governments past, he chose to marginalize Canada's newest identifiable minority group, the unvaccinated, and their allies. Human rights—*Charter* rights like those his father constitutionally enshrined—are protected under rule of law precisely to prevent the majority of the moment from trampling on the freedoms of a minority. I lament for Canada.

I lament for the Church in Canada.

A number of Christian leaders proffered prophetic utterance anointing the convoy, assigning near-salvific qualities to the drivers of the big rigs.

On both sides of the dispute, there were Christians who succumbed to expressing venomous condemnation of fellow human beings made in the image of God—sisters, brothers, and neighbours. I was reminded of Preston Manning's words that we Christians ought to follow Jesus' injunction to be "wise as serpents, and harmless as doves" (Matthew 10:16, KJV) rather than "vicious as snakes and stupid as pigeons."

Those whose public words awaken the Spirit's conviction within themselves will undertake some serious soul searching and self-reflection. Public utterance may necessitate public repentance. Some may be compelled to step back from pulpit or classroom. Others will postpone such introspection, waiting because it ain't over 'til its over.

I don't lament because the Wellington Street demonstration included truckers who follow Jesus, evangelists who hit Ottawa's streets to preach the Gospel, as well as pastors and congregants who carried Jesus' love and service to those gathered at various sites. I lament that after two years of sometimes bitter division over covid-19 policies and practices, we who Christ commanded to love one another as a witness to the world that we follow Him (John 13:34-35) may find the end of this particular road for the freedom convoy, in the bitter cold and driving snow of an Ottawa winter's day, adds one more difference in political position that may wedge division. Will we humble ourselves, preferring healing in His Body over passionate opinion?

I lament that our prime minister and too many in media tried to kindle smoke into fire, speculating that until the last protester was removed from Wellington Street there might yet be some violent or explosive action at the foot of Parliament Hill. They embellished upon a badly drafted (and early withdrawn both verbally and in writing) document that exhibited a poor understanding of Canadian civics and expressed no violent intent.

The freedom convoy's downtown encampment turned out to be just another predominantly peaceful protest in the nation's capital; annoyingly long and loud for some, with a small number at the end taking aggressive posture toward advancing row upon row of police. By the conclusion of the (over?)stay in

Ottawa, the smoke had been blown from coast to coast, trucks and protests from city to city. Let's hope that smoke doesn't incite some opportunistic ne'er-do-well with a match.

Citizens and the City of Ottawa found remedies in the rule of law, going to court. Such remedies were available to all three levels of government, including the ability to freeze bank accounts, but only when properly justified before the judiciary.

The mayor negotiated directly with the truckers to clear residential streets. However, the completion of that agreement was interrupted by the prime minister's proclamation the "peaceful assembly that may reasonably be expected to lead to a breach of the peace" had gone on long enough.

In a strange twist, after invoking the *Emergencies Act* Mr. Trudeau's government urged the Government of Cuba to respect protesters rights to "freedom of expression and peaceful assembly free from intimidation," as he had earlier remonstrated the Government of India to dialogue with protesters in New Delhi. Would that he had demonstrated such inclination for free expression, peaceful assembly, and dialogue with citizens in his own country.

There is much to lament from the events of recent days. I cried for Canada on Friday.

Appendix 2 — Why Freedom Convoy Protest Makes My Blood Boil

February 16, 2022 by Don Hutchinson (donhutchinson.ca)

Does your blood pressure rise when you read or hear news about the Ottawa truckers' protest that's swept the nation, and the globe? Mine does. Have you wondered why?

For me, the "why" question suggests giving consideration to three aspects of convoy news that get minds spinning, blood boiling, and opinions flowing: framing of the narrative; the missing *Charter* right to peaceful protest; and who's in charge of resolving this thing—the city, the province, or the federal government.

A key reason convoy talk gets us worked up is because of how the narrative has been framed.

When I was learning to downhill ski, my instructor said to pretend I was carrying a picture frame in my two hands. When I looked through the frame, I would go where I looked. Changing the position of the frame would change my direction. It's a similar process when politicians, protesters and journalists select the words they use to frame a story. Framing directs the listener, viewer or reader in direction for their thoughts, and any resulting conclusions made.

Each of the messengers in this dispute exercise their own bias in selecting words to describe the protest. We recipients have biases too. It's helpful to identify and acknowledge biases involved in order to sort facts from feelings, and news from opinion in our analysis. Professor David Haskell of Wilfred Laurier University has written, "The greatest problem with news is not that journalists are influenced by their perceptions; the greatest problem is that news audiences do not realize journalists are influenced by their perceptions."

So why do current trucker protest stories get us animated?

From the time Covid-19 vaccines became available in Canada in December 2020, consistent messaging from political leaders was that getting the vaccine would be a personal choice. Secondary messaging was that Canada's goal was a 70% vaccination rate to remove temporary restrictions infringing Canadians' rights and freedoms. Canadians got vaccinated in droves, but not all.

That messaging shifted dramatically mid-August in 2021.

Polling revealed a substantial majority favoured the idea of requiring mandatory vaccination, particularly to protect medically vulnerable Canadians.

Two days before calling a federal election, Prime Minister Trudeau repositioned 180° from his words of exactly one month earlier that "vaccines will not be mandatory for any Canadian." Trudeau announced he would make vaccination requirements mandatory for federal civil servants and industries regulated by the federal government under the *Constitution Act, 1867*. He asked Governor-General Simon to announce the election on August 15. During the election campaign, candidate Trudeau stated in a French language interview, the unvaccinated "don't believe in science and are very often misogynistic and racist. It's a very small group of people, but that doesn't shy away from the fact that they take up some space. This leads us, as a leader and as a country, to make a choice: Do we tolerate these people?" (September 16, La semaine des 4 Julie)

Within weeks there was a dramatic shift in nationwide opinion about the vaccinated and “anti-vaxxers.” Jobs were on the line based on vaccination status. Discussions about rights and freedoms was mostly left to constitutional lawyers and academics. Discussion about jobs highlighted opinions from employment law lawyers and union leaders.

By the time a small group of 50 to 100 truckers was talking convoy to Ottawa because of freshly imposed border mandates in January 2022, roughly 90% of the eligible population was vaccinated. Interestingly, roughly 90% of epidemiologists, medical specialists and other healthcare workers are similarly vaccinated. A comparable 10% of general population and medically trained have objections to the vaccine: some religious because vaccine development used a DNA strain that originated decades ago with an aborted foetus; others conscientious objection based on their assessment of risks associated with the available vaccines; and another part of the 10% being people who had covid and were advised by physicians that natural antibodies would offer protection, the advice of the Centres for Disease Control at the time.

Constitutionally, the 10% rely on the *Canadian Charter of Rights and Freedoms* guarantees to freedom of conscience (s. 2a), freedom of religion (s. 2a) and “the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice” (s. 7).

As trucks started rolling east toward Ottawa the prime minister intoned they were a “fringe minority” with “unacceptable views” and said they represented the proliferation of “disinformation and misinformation online, conspiracy theorists, about microchips, about God knows what else that go with the tinfoil hats.”

Something else started happening. More trucks, pickups, minivans and sedans joined the convoy. Then there were multiple convoys Ottawa bound from west, east, south and north. The groups included vaccinated and unvaccinated. Roughly 1/3 of Canadians expressed concerns about rights and freedoms, small businesses and the economy. Thousands lined highway overpasses and sideroads to wave flags and cheer on the Ottawa bound. A crowdraising fundraising effort to raise \$50,000 received contributions in the millions.

When the convoy arrived, Ottawa police treated it as the usual one, two, or three-day Parliament Hill protest. Trucks were directed to on-street parking on Wellington Street at the base of Parliament Hill and in the Centretown residential neighbourhood nearby. Excess vehicles were sent to the out-of-season baseball park. Other police forces would have a week to learn this demonstration was different before truckers arrived in their cities.

Unexpectedly for both truckers and Ottawa police, 10,000 people showed up on the first Saturday. In that crowd was a confederate flag, two swastika flags, and a Canadian flag with a red swastika drawn in marker. These were all self-policed by the crowd and removed. One participant danced on the tomb of the unknown soldier at the war cenotaph. Protesters posted a 24-hour guard. The cenotaph would later be fenced by police, and the fencing subsequently removed by veterans so the cenotaph could be cleared of snow and ice and open to the public. The four flags and the inconsiderate dancer have become the focus of most government and media language for the remainder of the protest.

The commemorative statue of Canadian icon Terry Fox was festooned with flags and a protest supportive handmade sign. In my decade-and-a-half in Ottawa I have seen Mr. Fox adorned with a knit rastacap on 4/20 and a rainbow maple leaf flag-as-cape during Pride Week among others. No one alleged desecration, which I would consider the relevant word if the statue had been pulled down, covered with paint, or otherwise marred it in a way intended to cause permanent damage.

There were other incidents largely attributable to a relatively small number of protesters behaving badly. The affect on residents who felt traumatized by the noise or adverse encounters cannot be minimized. Nor can the words of residents who said this type of excitement is why they live near Parliament Hill. Add into the mix what I heard in one city council office a few years ago referring to “the annual ten days of BluesFest complaints” residents.

A document prepared by one of the organizing groups to have the Senate and Governor-General form a temporary provisional government with truckers, replacing all elected governments in Canada for ninety days or less to overturn all vaccine mandates, was withdrawn at a media conference and subsequently in a press release.

Statements from the prime minister and media used words that elicited imagery of the January 6, 2020 riot in the U.S. capital: insurrection, siege, occupation, revolution (used in French by Mr. Trudeau). The CBC published an article suggesting the word “freedom” has been co-opted by the political far-right and thus the protesters calls for freedom represent an assault on the government. A Kingston journalist suggested the overwhelming presence of the red maple leaf flag necessitates Canada find a new symbol as this one has been sullied by far-right insurrectionists. The language used by members of the federal governing party and media imply militaristic ambition, but the protest has been more akin to a sit-in and loud street party (of the university frosh week variety) than an occupation.

Residents who took to the streets in counter-protest, blocking and turning around vehicles sporting Canadian flags were, properly I think, not tagged as vigilantes. Nor were they identified as communists because a sole hammer-and-sickle flag was unfurled for a time at their street march.

As the days and nights of protest continued, newscasts featured the Ottawa and nationwide protests as lead stories and Canadians started to ask questions about the extent of the right to peaceful protest. Those who took time to read the *Canadian Charter of Rights and Freedoms* noted they could not find it specifically stated there.

The right to peaceful protest both precedes the *Charter* (which I’ll get to in a few paragraphs) and is a recognition of the *Charter* rights to freedom of thought, belief, opinion and expression (s. 2b) and freedom of peaceful assembly (s. 2c).

Critics of the lengthy protest have properly declared that no right is absolute. This principle was recognized in Canadian law long before the *Charter*, and is expressed in s. 1 of the *Charter*, which reads “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

So, what does that mean? What are the limits on peaceful protest?

The Supreme Court of Canada has determined application of s. 1 regarding the infringement of right requires that the infringement be: (i) prescribed by a law (federal, provincial, or municipal legislative act); (ii) having a pressing and substantial purpose; (iii) that can be reasonably and demonstrably justified in a free and democratic society (i.e. the infringement must be rationally connected to the law's otherwise valid intended purpose and the law may only minimally impair the right); and (iv) the infringement must be proportionate to attaining the intended effect of the law.

Basically, the law can only infringe a constitutional right if it is necessary to do so and there is not a less harmful way of accomplishing a valid legislative purpose.

The right to peaceful protest has been extended to encampments (think of the Occupy Wall Street/99% protests about a decade ago), but not to riots, gatherings that are a serious disturbance to the peace, or some instances of physically impeding or blockading otherwise lawful activities. The current protests have been predominantly peaceful. Outside of Ottawa, all municipal and border access protests have ended peacefully, without resistance to arrest at the one blockade where it was required to remove active protesters. The question becomes whether the Ottawa protest, with on-street parking as designated by police to keep a lane open for emergency vehicles, has surpassed the limits of peaceful protest?

Ottawa is now under three state of emergency orders. The city, provincial and federal governments have concluded the limits have been surpassed. These conclusions may have to, in time, be resolved in both the courts of law and public opinion (elections are consistently on their way as guaranteed in the *Charter*, ss. 3 and 4).

The city's emergency order provides administrative leeway to move quickly on some matters. A court order obtained by the city allows a temporary increase in fines for relevant by-law infractions during the state of emergency. The parking and partying issues on Wellington Street are basically by-law infractions for which thousands of tickets have now been issued, as against a few dozen arrests for potential criminal violations.

The provincial emergency order allows the province to more readily provide resources to assist the city as required.

The federal order—invoking the never before used *Emergencies Act*—is the most drastic legal measure available under our constitution and is being used to address the non-violent, definitely not January-6-like situation. It only applies to specific ongoing protest zones of which only one remained at the time the *Emergencies Act* was invoked, a roughly mile-long stretch of Wellington Street in front of Parliament Hill and a few nearby streets.

The *Constitution Act, 1867* (formerly the *British North America Act*) sets out the jurisdictional issues involved here. The federal government has jurisdiction for criminal law, international borders, interprovincial travel and national defence/emergencies (s. 91). The provinces have jurisdiction for health care, roadways within the province, and the establishment of municipalities (s. 92) for which it has limited the bylaw authority of cities unless they secure a court order for temporary increase for a valid reason.

The Constitution Act, 1867 also sets out the courts that have been involved in injunctions already issued in this matter and will likely be involved in later assessment if protesters do not depart voluntarily,

and/or the government does not discontinue its stated intent to freeze bank accounts and prevent financial transfers from protest supporters.

Municipal bylaw offences will be addressed in provincial courts (s. 92). Criminal offences will be addressed in the superior courts of the provinces, where judges are federally appointed, including courts of appeal (s. 96).

If a matter makes it to the Supreme Court of Canada, it will be brought before a court established under the *Supreme Court Act, 1875* (per s. 101). Decisions of that court were appealable to the Judicial Committee of the Privy Council (or directly to the Judicial Committee from provincial courts, bypassing the Supreme Court of Canada) until 1947. In recent cases the Supreme Court has expressed deference to the original trier of fact in decisions made concerning rights and freedoms, i.e. the court or tribunal of first instance.

Many of the rights and freedoms recognized in the *Charter* hail from a pre-*Charter* time in Canadian history, as well as decisions made in the United Kingdom prior to the *Constitution Act, 1867* (which incorporates into Canadian constitutional law principles from the constitution of the United Kingdom, which include both judge-made law and several legislative documents such as *Magna Carta* and the 1689 *Bill of Rights*). The right of peaceful protest has a long history.

While many now see the Supreme Court of Canada as the supreme authority on all Canadian laws, it is worth noting that in Canada's constitutional parliamentary democracy, in which free elections are held with consistency, the framers of the *Charter* (which is Part 1 of the *Constitution Act, 1982*) retained to the authority of Parliament and provincial legislatures in s. 33 the power to overrule courts on matters pertaining to the rights described in s. 2 and ss. 7 to 15, which includes the right to peaceful protest.

So, who's in charge of resolving this thing? The federal government has stepped in to assist the province which is assisting the city to resolve a serious and substantial municipal bylaw problem—parking, idling, noise. The federal government apparently also wants to know who contributed \$25 or more in support.

The dispute that started the freedom convoy protests is with the federal government, and likely could have been resolved with some diplomacy and a plan for “when x then y” ending of federal pandemic regulations such as was announced by Health Minister Duclos on February 15 in regard to select border measures. Organic growth in protesters joining in nationwide added grievances with the ten provincial and three territorial governments from coast to coast to coast. However, I suspect final resolution of issues coming out of this protest may take years in the courts.

I hope freedom convoy participants will hold fast to their stated conviction to keep the protest peaceful, up to and including not resisting arrest should it come to that.

[For more on framing and bias see my book *Church in Society: First-Century Citizenship Lessons for Twenty-First-Century Christians*, Chapter Thirteen—The Church, Media. For more on the *Charter*, and the constitutional establishment, history and jurisdiction of the Supreme Court of Canada see my book *Under Siege: Religious Freedom and the Church in Canada at 150 (1867–2017)*.]

Appendix 3 — The Politics of Red Team! Blue Team!

October 12, 2021 by Don Hutchinson

Originally published at [Convivium](#) on October 12, 2021.

Don Hutchinson notes that when sports and politics overlap we become "fan-atics" cheering for our favourite sweaters and socks.

Once upon a time in Canada, we knew where we'd be on Sunday mornings and what would hold our attention on Saturday nights. For some, Sunday faith and Saturday fandom were effortlessly exchangeable.

For today's Canadian fans of team sports, it's the best of times and the busiest of times. Soccer, baseball, NFL football, NCAA football, CFL football and hockey compete for our attention. Even with screen in screen technology, time is not sufficiently divisible to take in every game in real time. It may be easier if you favour one sport over another or one team over the others. Still, our favourite jerseys ask a lot from us.

Fans of politics had a whole other game to follow, and the recent federal election further crowded our calendar.

A friend formed his sports allegiances in a time when television signals were broadcast over the air and ABC was the only American network his antenna could capture. His love for the Fighting Irish and Big Bad Bruins was stimulated in black and white, but lives on in colour.

Some allegiances rise and fall with teams that do not survive the test of time—the Expos, Nordiques and Fury come to mind. Fans hold on to their memorabilia with nostalgic heartfelt fondness.

It's rare that analytical reasons compel changing from a sweater to which we have become emotionally attached. When an insider friend told me the management driving the 2012-13 NHL lockout was from the team for which I owned jersey, hats, and more, it was discouraging news. As the lockout dragged on I became distracted by the beauty of players and management actively serving in my more recently adopted city while waiting to get back on the ice. Go SENS Go! I wear red and black now, also the colours of my CFL home team.

The first Sunday night this October featured a different test of fan devotion. The NFC Tampa Bay Buccaneers played a rare game against the AFC New England Patriots. Former six-time Vince Lombardi Trophy winning Patriots quarterback Tom Brady was visiting Foxborough with his seventh Super Bowl ring and the defending champion team that went with it.

A guy named [Schwartz](#) succinctly expressed the sentiments of Patriots devotees. "I'll cheer for him when he comes out, but after that, nah. I want some sacks. I want to see our frigging linebackers just pummel them and punish him."

There was a walk-down-memory-lane video before Brady emerged to cheers for the pre-game warmup. But TB12 was heartily booed the first time he took the field on offence in his Bucs jersey.

Even when a player is considered the G.O.A.T. (greatest of all time), if he changes jerseys we stick with our team.

As [Jerry Seinfeld](#) observed,

Loyalty to any one sports team is pretty hard to justify, because the players are always changing, the team can move to another city. You're actually rooting for the clothes, when you get right down to it. You know what I mean? You are standing and cheering and yelling for your clothes to beat the clothes from another city. Fans will be so in love with a player, but if he goes to another team, they boo him. This is the same human being in a different shirt; they hate him now. Boo! Different shirt! Boo!

It takes a lot for us to consider changing colours. Not just in sports, in politics too. The recent federal election confirmed that there are base fans—short for fanatics, by the way—for political parties as much as there are for sports teams.

With no team in the game, nearly 4 in 10 eligible [Canadian voters](#) decided to do something other than mark an X. Of the remaining 6, the red team and the blue team didn't advance much beyond their fan bases even though they were the only two competing for the most seats. Each remained at roughly 2 in 10 electors, translating to 3 in 10 who voted.

Friends campaigning door-to-door heard variations on a common theme from homeowners. "I always vote Liberal (Conservative). My parents voted Liberal (Conservative). My grandparents voted Liberal (Conservative)." The orange team has now been around long enough for similar fandom to be voiced, just on fewer front steps.

It seems political fans are also committed to rooting for their team season after season.

Following the election, red team insider Gerald Butts opened up about Liberal efforts to strategically build on their 2 in 10 base, if only minutely.

Intentional "[Microtargeting](#)" of electoral subgroups in key ridings, particularly in multiple-riding high-population municipal areas, secured enough Montreal, Toronto and Vancouver marginal voters to supplement the base for big-city-fueled electoral victory.

Micro-targeting wasn't in the red party platform. It showed up in candidate Trudeau's campaign stump speeches: the blue team harbours right wing extremists; the blue team leader is hiding blue candidates' vaccination rates and won't protect you; the big blue tent cultivates a home for those who will make abortion illegal; elect the blue team and licensed military-style firearms will flood city streets. These were not just Achilles' heel issues for approved campaign media to kick at in daily press scrums. They were carefully chosen and crafted statements based on polling in select urban centres, before and during the campaign.

On reasoned observation and analysis: right-wing radicals congregated and animated with a party sporting a different colour; vaccination of MPs is encouraged but not required for return to Parliament Hill (getting on a plane or train to get to Ottawa is a different matter); the blue party leader is pro-choice and there are not enough votes in the big blue tent to re-establish a law on abortion in the only one of the big-three federal parties that tolerates diversity of opinion in discussions about social issues; crime rates have risen steeply during the Trudeau tenure due to illegal guns, not licensed ones.

However, thoughtful deliberation was not the purpose for microtargeting. Liberal microtargeting was designed intentionally for reasoned resistance to be futile. The purpose of the micro-research and

micro-messaging was to spark emotional response from targeted voters in targeted ridings, evoking visceral boos for blue and reflexive cheers for red. Vote Red!

Most fans—fanatics—support their team, no matter what.

Brady and the Minutemen got ensnared in Deflategate on the way to their fourth Super Bowl win in 2015. Go Pats! A season of sign stealing ignited the Houston offence to secure the city its first World Series win in 2017. Go 'Stros! And, according to Butts, "[Vote efficiency isn't accidental](#)." Microtargeted emotional manipulation made the difference between losing and winning Canada's federal election last month. Go Grits!

There are analytical fans who study the stats, assess game tactics, and review playbooks/platforms. Some even assess the character of key players. These fans can be critical of team decisions in a different fashion than the emotionally embedded. Objective thought may lead them to leave the uniform for another.

The newest fans may reconsider their loyalty if unsportsmanlike conduct is reckoned as acceptable by their squad. (Re: politics this could result in joining the indifferent 4 in 10.)

For most, however, fandom is a passionate and enduring attachment. The standard is root, root, root for the home team. Boo! Different shirt! Boo! Like generations before, fans of the chosen team celebrate their preferred clothes claiming victory over other clothes, notwithstanding any misadventure along the way.

Appendix 4 — The Moving Goalposts of COVID Response

May 17, 2021 by Don Hutchinson

Originally published at [Convivium](#) on May 17, 2021.

Faced with pandemic “certainties” that quickly turn out to be up, down, and all around, Don Hutchinson cautions that science can provide estimates but not ultimate truth.

A friend recently joined the growing group of Canadians who take issue with the *moving goalposts* of the declared as life-or-death (not-really-a) game of pandemic response. Another compared the relationship between science advisors and politicians to the blind leading the blind. The frequently shifting criterion and variabilities in advice to government and corresponding government action have left many feeling there is nothing to target as an end to what we have repeatedly been told is a time-limited passing challenge.

Two weeks to flatten the curve. Two more. Stay-at-home to prevent a next wave. Fifteen percent church attendance. Maximum 10 people in the church building; unless it’s a movie crew or an AA meeting.

Closing the borders to flights from China would be racist. The border with the USA is closed. No flights permitted from the UK. Now India. Self-quarantine. Hotel quarantine. Take a cab from an American airport and walk across the bridge into Canada to a waiting ride home.

Two doses, three weeks apart. Two doses, four months apart. Two doses, not necessarily the same vaccine. Take the first jab you can get. One vaccine is preferred over another. That one’s not available anymore.

The Prime Minister is now promoting a one-dose summer leading to a two-dose fall, with no explanation as to what that means in terms of near and far, or open and closed.

What started as COVID fatigue, sprinkled with conspiracy theories and Internet-based inquiry, is transitioning to more widespread distrust and doubt.

Unfolding in public, right before our eyes, is the raw reality that personal care and emergency medicine are labour intensive occupations, science is an art, and politicians are following the science.

Lack of personnel in an Ontario long-term care home has been reported to be the root of more than two dozen deaths due to dehydration. Basically, death due to inattention in a residence for the elderly that was styled “long term” and “care.” In other residences, part-time staff working at multiple homes were found to have been unwitting carriers.

Hospital ICU beds are filling in several provinces. In Ontario, COVID patients are being transferred from one region to another. Weary warriors of front-line health units tell us they are outnumbered, in need of rest, and struggling with their own emotional and physical health.

Vaccine supplies are up, down, and all around. Federal political leaders urged a “get the first shot into as many arms as possible” approach, criticizing several provincial plans for storage based on pacing a two shot vaccine supply and inconsistency in manufacturers’ delivery timelines. Provinces pushed the first jab. Then, federal politicians sent civil servant talking heads to announce a recommended lengthening

adjustment to second dose protocols when they found themselves unable to keep commitments for supply timeliness or manufacturer matching.

Several generations of Canadians have been raised to doubt and question everything but evidence-based science. While contending with the revelation that medicine isn't a cure-all and science is an art, many are also shifting from confidence in government to confrontation with the exposure of elected representatives resulting from trusting doctors and scientists in order to make decisions about what will be open today or closed tomorrow.

Taught from toddlerhood that science is fact and religion is for the weak, Canadians are discovering that particular equation is only half true. Religion is for the weak. For Christians, the words spoken by God to the apostle Paul when facing his own chronic trial carry the air of truth for us today. "My grace is sufficient for you, for my power is made perfect in weakness (2 Corinthians 12:9)." As doctors, scientists, and politicians squabble in public about the fickle nature of science, the faithful lean into our faith.

Science can provide estimates and projections based on what it discovers along the way—don't wear a mask, wear a mask; two layers, three layers; droplet spread, aerosol spread; to mRNA or not to mRNA—but science is not capable of unfailingly precise prediction, or supplying peace to a troubled soul. Science is aided by discovering truth, but is not itself the messenger of ultimate truth. Science ought not to be discounted. Neither should it be venerated.

A certain truth has emerged from Canadians' experience over this past COVID year, now in an increasingly stressful period of overtime for many. The problem with putting blind faith in politics or science is the blindness, and perhaps a misplaced faith. There are indeed answers to be found to questions of our common good in both politics and science. But they don't offer all the answers.

The strength of religious faith is that it reminds us daily, even hourly, to put our ultimate hopes and trust not in the moving goalposts of secular success—political, scientific, or otherwise—but in God's eternal goodness and love.

Appendix 5 — Monsters, Mobs, and Me

November 25, 2021 by Don Hutchinson

Originally published at [Convivium](#) on November 24, 2021.

Don Hutchinson writes that whether we have unwittingly become card-carrying members of monsters at work or mobs inc. is best revealed by a look in the bathroom mirror.

When I encounter *Frankenstein*, the word that most readily comes to mind is ‘monster.’

I chuckled at the meme, “Albert Einstein was a genius. But his brother Frank was a monster.” The word association instantly conveys a humorous image, even knowing the connection between the two is a *non sequitur*.

Have you read Mary Shelley’s original story of *Frankenstein*? Perhaps you’ve seen one of the movie or television depictions that are variations on the theme of her 19th century novel about a scientist who builds a creature out of an assortment of body parts from those who in life evidenced the *imago Dei*. Re-animated, the fragments together once more reveal something human in their assemblage.

In Shelley’s book the creature is portrayed as intelligent and kind-hearted. He knows his monstrous size and hideous appearance stimulate fear in the typical person and so is cautious about being seen.

In video versions, the laboratory-resurrected curiosity ignites an implacable mob of fearful and angry citizens in scenes not found in the novel. Like any mob, there is an agitator stirring them up who would see the monster dead, whether because of personal anxieties or ambitions.

The movie portrayals remind us of a preference for our monsters to be more one dimensional, less complex. Still, even there the re-sentient being is presented as having a multifaceted humanity.

In reading or viewing, have you—like me—felt a sense of caring or empathy for Victor Frankenstein’s creature? How do you feel about the mob in the movies? Or, in the book, Victor’s determination to hunt down and kill the creature?

When is the last time you realized you were—or might have been—part of such a mob? Or doing your part to incite one? Or, felt compelled to crusade—even click-crusade—against one or more of life’s flesh-and-blood monsters?

Recent Canadian media coverage has provided stories accompanied by still and video images of monsters in our midst. Sizeable and loud groups of protesters gathered outside hospitals and on the grounds outside government buildings declaring resistance to the vaccine. Another group interrupted a Remembrance Day service to proclaim that freedoms fought for in war were being trampled over in peace. Did I say ‘groups’? Maybe they weren’t the monsters but the mob?

Results from an [Angus Reid poll](#) released on November 15 suggest we may not be entirely clear on who the monsters are, but we’re ready to set them ablaze. Are we mob or monsters if we align with the nearly 70 per cent of Canadians who think medical professionals, police officers, and schoolteachers should lose their jobs if not vaccinated against COVID-19? Do the 30 per cent who disagree inherit the other label?

What about the airline employees, restaurant workers, and people working in other private businesses also mentioned in the poll?

Fear and freedoms. Livelihood and life. Mob and monsters. Or monsters and mob?

Regardless of which side of the equation we are on, when we debase people who disagree with us we 'other' them into something unlike us. Unlike us in opinion. Unlike us in humanity.

Earlier this fall I played a round of golf in a mixed foursome. The unvaxxed in the group took the initiative to make sure the vaxxed were comfortable with the arrangement.

I have visited in the home of friends who recovered from COVID-19. On medical advice they were not vaccinated. That proved the right decision when their natural antibodies answered the call to fight off a second bout of COVID-19, this time with a few days of mild, cold-like symptoms. All members of the family are ineligible for vaccine passports. Monsters?

It took less than a week for [Ottawa's police chief](#) to yield to public and political pressure to realign a policy of accommodation through testing for unvaccinated peace officers to instead require mandatory vaccination for all by the end of January 2022.

Until Friday, August 13, 2021 the type of policy proposed by Chief Sloly for the Ottawa Police Service was the model for nationwide navigation of temporary pandemic measures. The rash rush of mandatory vaccination policies didn't start with vaccine availability in March, but five months later following a [Nanos poll](#) showing a majority of Canadians favoured mandatory vaccination, and subsequent electoral posturing by a sitting prime minister who declared that all federal public service employees would be vaccinated or face consequences. Following re-election, that policy has not been as assiduously enforced as it was assertively announced, but the announced dogma has spilled over into the policies of public and private sector employers from coast-to-coast-to-coast.

Impermanent pandemic. Permanent job loss.

I don't agree with disruptive public demonstrations outside hospitals. I don't agree with interrupting a Remembrance Day observance.

I also don't agree with coercing people to get a 'voluntary' vaccine which has been received to date by, perhaps not coincidentally when one considers results of the Angus Reid poll, [over 70 per cent of those eligible](#). Am I with the mob or a monster?

When we consider the unvaccinated, how *other* are they from the vaccinated? Albertos Polizogopoulos and John Sikkema [have written](#) about unvaccinated people contacting their law firm for advice, stating "they are educated, intelligent people with thoughtful reasons for not wanting this vaccine at this time. They are reasonable people willing to mask, self-screen for symptoms, and take rapid antigen tests before arriving onsite. They are willing to accept reasonable accommodation, which used to be central to human rights law in Canada."

I take umbrage with Polizogopoulos and Sikkema on one point, perhaps only interpreting their use of hyperbole. Reasonable accommodation is still central to human rights law in Canada. The very definition of human rights is that our rights are not subject to majority rule nor angry mob.

Perhaps we Canadians are not always as sensitive to the *other* as we might like to believe we are, or try to convince ourselves we are. We prefer uncomplicated definition and division of sinners from saints. But the portrayal of monsters in our midst is not always as well-defined as them being eight-foot-two tall with sallow, greenish skin. Neither is the mob as readily evil in appearance as those carrying lighted torches and pitchforks. Both can look too much like the reflection we see in the bathroom mirror on a morning.

In *The Gulag Archipelago 1918-1956*, Aleksandr Solzhenitsyn wrote, “The line separating good and evil passes not through states, not between classes, nor between political parties either—but right through every human heart—and through all human hearts.”

The key, I think, is to recognize we’re deliberating about human hearts, not monsters.

Another glance in that mirror and perhaps we’ll be ready to treat others the way we would like to be treated.