Interview with Dougald Lamont*

BRYAN P. SCHWARTZ

INTRODUCTION

Bryan P. Schwartz K.C. (BPS): I have many things to talk about in politics. This is the fifth legislative crisis we're doing an oral history of. So, in earlier issues, going back 20 years, we did histories on the bell ringing crisis,[1] the resignation of Jim Walding,[2] the MTS crisis was about the speaker's

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* Interview of Dougald Lamont, a former member of the Legislative Assembly of Manitoba for the constituency of St. Boniface and previously the Leader of the Manitoba Liberal Party, was conducted by Dr. Brian Schwartz.

Dougald Lamont is a politician from Manitoba. He was a member of the Legislative Assembly of Manitoba for the riding of St. Boniface from July 2018 to October 2023. He was also the Leader of the Manitoba Liberal Party from 2017 to 2023. He holds a Bachelor of Arts and Master of Arts from the University of Manitoba in English Literature.

1 The bell-ringing incident occurred in the Manitoba Legislative Assembly between 1983 and 1984 during a certain legislative debate. This debate was around whether the priority of unilingual (English only) laws, which appeared to be (and were later determined to actually) in violation of s 23 of the *Manitoba Act, 1870*,, S.C. 1870, c. 3, reprinted in R.S.C. 1985, App II, No. 8. During this time, there was a period of twelve days when bells were rung in the Legislative Assembly to prevent voting on any motion before the Assembly. See "The French Language Debate", (2003) 30:1 Man. LJ 31.

More information about this event can be found in volume 30, Issue 1 of the Manitoba Law Journal (Underneath the Golden Boy), in an article titled, "Interview with Roland Penner," (2003) 30:1 Man. LJ 79. Additional information can also be found in, "Interview with Howard Pawley," (2003) 30:1 Man. LJ 61.

2 Derek James (Jim) Walding was a New Democratic Party (NDP) politician in Manitoba. He was a member of the Legislative Assembly of Manitoba for the constituency of St. Vital from 1971 to 1988. He also served as the Speaker of the Assembly for four years (1982-1986).

Notably, in 1988, he voted against his own party regarding the provincial budget, which led to the fall of the NDP government in Manitoba led by Premier Howard Pawley.

More information about Jim Walding can be found in volume 30, Issue 1 of the Manitoba Law Journal called Underneath the Golden Boy, an article titled, "Interview with Roland Penner," (2003) 30:1 Man. LJ 79. Additional information can also be

closure,[3] then, there was a crisis with the Conservative filibuster trying to prevent an increase in the provincial sales tax.[4] And to me, this is the fifth big crisis in the last couple of decades, which is how the Assembly operated during the COVID period. What is the role ability of a legislative body, including the Opposition and a third party, to participate in the decision-making process and then back away? Those are the main focuses, but you'll find I tend to go with the flow of the conversation. Thank you so much for being here. So, to begin at the beginning, you have an interesting route into politics. At least in the old days, when politics was a fairly typical profile, many folks went to law school, political science and stuff. I believe one of your parents was a lawyer.

Dougald F. Lamont (DFL): Yeah, my dad, Frank Lamont,[5] was a lawyer.

BPS: Yeah, and you went into English Literature and had an advanced degree in it. So, tell me a bit about that. Were you always planning to go into politics, coming from an engaged family, or what was the path that brought you into English Literature and Politics?

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found in "Interview with Howard Pawley," (2003) 30:1 Man. LJ 61; "The Defeat of the Pawley Government," (2003) 30:1 Man. LJ 35.

3 The MTS crisis occurred in 1996 following the introduction of Bill 67, *The Manitoba Telephone System Reorganization and Consequential Amendments Act,* in the Manitoba Legislative Assembly by the Filmon government. This bill was regarding the privatization of the then-publicly owned telephone company. During this time, an experiment occurred in the Legislative Assembly to change the rules of legislative procedure, which added to the conflict. More information about this event can be found in volume 30, Issue 1 of the Manitoba Law Journal called Underneath the Golden Boy, "The MTS Debate," (2003) 30:1 Man. LJ 43.

4 See Steve Lambert, Canadian Press, "Tory plan to delay PST hike stalls legislative work" *Global News* (6 June 2013), available online: <globalnews.ca/news/618670/filibuster-looms-at-manitoba-legislature/>. For a scholarly discussion of two mechanisms designed to limit the scope of the filibuster (prior to the crisis), see Erin Melrose, "Limiting Parliamentary Debate: The Inception of Closure and Time Allocation" (2003), 30:1 MLJ 6.

5 Francis (Frank) Bastin Lamont was a lawyer and businessman in Manitoba. He received his Bachelor of Arts in 1953 from the University of Manitoba, and in 1956 he won a Rhodes Scholarship. He worked at Aikins MacAulay & Thorvaldson (presently MLT Aikins) from 1960 to 1963 and then joined the legal department of Richardson Securities, eventually becoming President and Chief Executive Officer.

DFL: Well, so yeah, I did. I got into law school U of M law school the same day I decided to do my Master's in English because I thought I had something to say [slightly sarcastical tone] I thought sort of in that young pompous way, I thought I had "something to say", and so I finally ended up writing my Master's thesis. I grew up in a family that was very politically engaged. I joke that if you're not supposed to talk about politics or religion, that was the opposite of the rule in my family — we talked about politics and religion all the time.

Part of it is I think because of my grandfather, J. S. Lamont.[6] I come from a family of middle-class scholarship winners; that's basically what I realized is the defining feature of my family. My grandfather, J.S. Lamont, came to Winnipeg in 1906 or 1907 from P.E.I; his father had been a cobbler and worked on the railroad, but then ended up getting a scholarship to Princeton or someplace like that, getting a law degree and then living in a shack with five children in Headingley[7] during the Depression, right? So, my dad grew up in that shack in Headingley and then had a successful career. He got a Rhodes scholarship; he ended up having a successful career in finance and the law. My uncle John, John S. Lamont,[8] was also a lawyer. I think he was the head of the Constitutional Committee of the Canadian Bar Association. So, these constitutional wranglings existed in the 1980s and early 1990s, and I'm sitting there with my dad and uncle, who are

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6 The Honourable John Salmon (Bud) Lamont, KC was a lawyer and Liberal politician in Manitoba. He received an Arts degree from Manitoba College (one of the founding colleges making up the University of Manitoba), where he received a gold medal in mathematics (1910). He then went on to complete a master's degree in mathematics and mathematical physics from Princeton University (1911) and then studied law under J. E. Adamson, where he received the Gold Medal in Law and the Law Society Gold Medal (1914). He served as a Member of the Legislative Assembly of Manitoba from 1937-1940 and was appointed a King's Counsel in 1938.

7 Headingley, Manitoba, was established in 1880. It is a rural municipality located approximately 20 kilometres west of Winnipeg. Headingley was part of the city of Winnipeg from 1972 to 1992 but seceded due to concerns about municipal tax rates.

8 John Salmon Lamont QC was the son of John (Bud) Salmon Lamont and brother of Francis Bastin Lamont. He enlisted in the Royal Canadian Air Force (1942-1946); he then attended the University of Manitoba, where he received degrees in both Arts and Law and was called to the Manitoba Bar in 1952. He practiced law at Aikins MacAulay & Thorvaldson (presently MLT Aikins) for 52 years and was made a Queen's Counsel in 1978. He also served as President of the Liberal Progressive Party and was a founding member of the Reform Party.

explaining the difference between the importance of a preamble in the *Meech Lake Accord*[9] and what will matter. And from their point of view, these things matter in terms of rights and the big picture issues of what kind of country you will have. What kind of control does the federal government or the provincial government have? Indigenous rights, all these things were discussed. And that period was very formative for me in part; as you mentioned, there was Jim Walding, but also Sharon Carstairs,[10] and Elijah Harper.[11] And so you have these sorts of almost accidents of history.

Still, part of it is recognizing, as my family did, the power of politics and to have an impact while also recognizing the importance of the law. Even though I'm not a lawyer, I actually think that having that understanding is important. I think there's a huge gap in people's understanding because we talk about in politics is we talk about politics, and we talk about economics. But really, there's an incredible ignorance about the law. I took some philosophy of law when I was an undergrad, and I read a book called *Bad Acts and Guilty Minds: Conundrums in Criminal Law*,[12] which is a fantastic book that helped inform my thinking. So it was these fascinating moral issues around suasion, around people being compelled to do things against

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9 *The* Meech Lake Accord was a proposed amendment to the Constitution of Canada. It represented an attempt to restore Quebec to the constitutional framework after the 1982 constitutional amendments, which had been ratified by all provinces except Quebec. The Meech Lake Accord was created in March of 1987 when the provincial Premiers and Prime Minister Brian Mulroney met in Meech Lake, Quebec, to discuss Quebec's constitutional demands. The Meech Lake Accord was then created to address the constitutional demands of Quebec, and the Accord was then to be passed by all of the provincial legislatures and the House of Commons. More information about this event can be found in volume 30, Issue 1 of the Manitoba Law Journal called Underneath the Golden Boy, "The Meech Lake Accord," (2003) 30:1 Man. LJ 39.

10 The Honourable Sharon Carstairs, PC CM, is a Canadian politician and former Senator. She led the Manitoba Liberal Party from 1984 to 1993 and served as Senator from 2001 to 2003.

11 The Honourable Elijah Harper, OM, was an Oji-Cree politician, consultant and policy analyst. He served as a member of the Legislative Assembly of Manitoba from 1981 to 1992 and as a Member of Parliament from 1993 to 1997. He was named the Canadian Press Newsmaker of the Year in 1990 for the role he played in opposing the Meech Lake Accord.

12 *Bad Acts and Guilty Minds: Conundrums in Criminal Law* (Chicago: University of Chicago Press, 1987) is a book by Leo Katz in which he discusses rules and concepts underlying moral, linguistic and psychological puzzles in the criminal law.

their will. Is that just what you do with bad laws? These are critical and compelling issues.

And at the same time these things are happening, they're these international things unfolding, right? In the late 1980s, you had the South African regime where people fought apartheid in South Africa,[13] you had the Berlin Wall[14] falling apart in my second or third year of university, and the collapse of the Soviet Union.[15] I mean, this is a time of incredible international political turmoil. At the same time, it's happening in Manitoba; you're seeing history passing through the hands of one person or two people. That was one of the things that always struck me about it, that if you have the right person in the right place at the right time, they can shape history, sometimes by saying no. And with Jim Walding, it was this thing where a single person brought down the NDP government because he was angry, or for whatever reason. There are all sorts of conspiracy theories about why he might have voted against the NDP government and why the NDP government fell. So, what happens is that there's this election, and the big shock surprise is that Sharon Carstairs gets elected, and all of a sudden, she says, "Well, this means that Meech Lake is not going to happen." So, all of a sudden, this one election changes that. And then, at the other end of that, you have Elijah Harper, as one person saying "No, no, no," over and over again because of a procedural bottleneck. And actually, seeing that, because we were also behind the scenes, and I was engaged in it, I was very passionate about my opposition to the Meech Lake Accord because of what I thought it would do to

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13 Apartheid was a system of institutionalized racial segregation and discrimination enforced by the government in South Africa from 1948 to the 1990s. In this system, the minority white population in South Africa dominated politically, socially and economically due to social stratification and marginalization, as white citizens were viewed to be of the highest status.

14 The Berlin Wall was a concrete barrier that encircled West Berlin (Federal Republic of Germany) from 1961 to 1989, separating it from East Berlin and the German Democratic Republic. The primary function of the wall was to prevent the escape of East German Citizens to the West. The Wall eventually came on the evening of November 9, 1989.

15 The collapse of the Union of Soviet Socialist Republics (USSR) occurred on December 25, 1991, after President Mikhail Gorbachev announced his resignation and recognized the Belovezha Accords and the Alma-Ata Protocol.

Canada, and your [Schwartz's] arguments helped.[16] And then you had one of the most dramatic reversals in it was poetic, where Prime Minister Mulroney[17] ended up being hoisted on his own petard because he deliberately delayed negotiations to that point to build up pressure, and then ended up finding himself unable to act because he ran out of time by pushing it too close to the end. And as Pierre Trudeau[18] said at that time, the Indigenous people saved Canada.

BPS: Yeah, just a few reflections on that. You've said a lot of very interesting things. And, of course, we lived, acted and were involved in that period of Canadian constitutional history. There's a thing in Manitoba; we think we're a little, out-of-the-way community, so we're just Manitoba, right? We're not the real world. We're not Manhattan; we're not Paris, and so on. Several observations:, even if we didn't have an impact on the larger world, our million people here are just as human and just as important in their own rights as people anywhere else. So sometimes I'm a little bemused by this. People say, "Oh, gee, you're doing something in Manitoba, larger in a way; why aren't you doing it, however largely?" Well, who says that a million people in Manitoba are less important or less worthy of political concern and academic analysis than anyone anywhere? But the second point is that it's just amazing how, at different times in history, people from this little province have had such a significant impact nationally and internationally. I mean, Canada was a major actor in two world wars; people sometimes, surprisingly, forget about that. But in the Second World War, we were the fourth-largest army in the world. We were a geopolitical actor at that point in history, and if you look at recent national history, we did a special issue here on Indigenous leaders in Manitoba.[19] It's just remarkable that Elijah

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16 Bryan P. Schwartz, "Fathoming Meech Lake" (1987) 17:1 Man LJ 1.

17 Martin Brian Mulroney, PC CC GOQ, was a Canadian lawyer, businessman and the former Prime Minister of Canada (19684-1993). Brian Mulroney also served as the Leader of the Progressive Conservative Party from 1983 until 1993. In 1993, he resigned as Prime Minister and handed over power to newly-selected Progressive Conservative leader Kim Campbell.

18 Joseph Philippe Pierre Yves Elliot Trudeau, PC CC CH QC FRSC, was a Canadian lawyer and served as Prime Minister of Canada from 1968 to 1976 and from 1980 to 1984.

19 Volume 41, Issue 2 of Manitoba Law Journal is a special issue on Indigenous leaders in Manitoba titled "Indigenous Jurists and Policy-Makers from Manitoba: A Collection of Oral Histories."

Harper, Phil Fontaine,[20] and Murray Sinclair,[21] were all from Manitoba. The number of national leaders that came from this whole province, came from their communities and had a big impact, a huge impact, on Canada nationally was amazing!

It's also the moments when I've done many of these oral histories. And when we go back and look at the turning point in Indigenous-Canadian relations in Canada, some people think it was maybe 1982 with the recognition of section 35.[22] But I've heard from many Indigenous people I've interviewed that the big moment was Elijah Harper. It was a big moment where we were no longer the two-founding people like we were here. "We're here, Canada, just a bunch of founding people. We're just as integrally a part of the constitutional fabric, and you can't just take your pick and bring it back in like we are now, integral players." That surprised me. I didn't realize that. At the time, I thought maybe, you're a lawyer and tend to think that cases are more important than some politics. Still, yeah, I keep hearing that that was a real turning point in the Indigenous-Canadian relationship, and we were very lucky to have lived through it. And, yeah, I don't think Sharon Carstairs would have thought when she went into politics, all of a sudden, the fate of this constitutional court would be on our shoulders. The responsibility. You look back on history like,

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20 Larry Phillip (Phil) Fontaine, OC, OM, is an Indigenous leader, politician and advocate. He has previously served as National Chief of the Assembly of First Nations (AFN), Grand Chief of Manitoba and Chief of Sagkeeng First Nation. More information about Phil Fontaine can be found in the Manitoba Law Journal in an article titled, "Interview with Phil Fontaine", (2018) 41:2 Man. LJ 65.

21 The Honourable Calvin Murray Sinclair (his Ojibwe name was Mazina Giizhik), CC OM MSC, was a First Nations lawyer and former Senator and judge. He graduated from Robson Hall, the Faculty of Law at the University of Manitoba, in 1979 and was called to the Manitoba Bar in 1980. From 1988 to 2001, he served as a judge at the Provincial Court of Manitoba. He was the first Aboriginal judge in the province. In 2001, he was appointed to the Court of Queen's Bench of Manitoba. From 2009 to 2015, he served as the Chairman of the Truth and Reconciliation Commission. He served as a Senator from 2016 to 2021, and as of 2022, he is working as general counsel at the Winnipeg law firm Cochrane Saxberg Johnston Johnson & Scarcello LLP. He died November 4, 2024, at the age of 72. More information about the Honourable Murray Sinclair can be found in the Manitoba Law Journal in an article titled "Interview with Murray Sinclair", (2018) 41:2 Man. LJ 263.

22 Section 35 of the *Constitution Act, 1982* affirmed Aboriginal rights by recognizing the inherent right of self-government.

yeah, that happened. That happened, and people were told then that if we didn't sign off on it, this country would fall apart.

DFL: Yep. It was unbelievable, the pressure.

BPS: And so many people had to step up and deal with an incredible amount of pressure quite well. Sharon Carstairs. When I spoke to Elijah, I asked, "How did you do that? How did you stand up there?" He said, "Well, I didn't feel I was standing up alone." He felt he was there is an embodiment of the entire Indigenous nation in Canada. So, what looked like was one isolated person standing up, he felt that he had the strength of all the people behind him. Yeah, that was a remarkable time. So yeah, you just never know.

DFL: And I was starstruck by him; he was my hero. I saw him at a couple of things, and I was too shy to see him because I felt like a fan, sort of grovelling. But those historic moments are about seeing and seizing the opportunity. But I also remember because there was this one weekend in May, and I remember it was the point where my dad wasn't sure; they'd say, "Sign this one," and he said, "Well, is this worth breaking the country up over?" And then on Monday or Tuesday, Brian Mulroney rolled the dice in an interview where he said he essentially had rolled the dice at the country's future.[23] And my dad just absolutely lost it; he was so furious. After that, it was incredibly dramatic and difficult to deal with that high pressure because the stakes were high. And it's not as if there wasn't tremendous collateral damage afterward; the shocks from that continued into the 1990s. And because it was, I remember Jack London's comments that the Mulroney had an opportunity for healing. He said, "We tried," but instead, he wanted to put all the blame on Clyde Wells.[24] It ended up digging into the division. It was continuous because they just followed that high-pressure path of saying or suggesting that people didn't care about French or people didn't care about Quebec when that wasn't the case. Right? There were principled

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[23] On June 11, 1990, Former Prime Minister Brian Mulroney did an interview with the Globe and Mail where he stated that "[he is] going to roll all the dice."

[24] Clyde Kirby Wells, KC ONL, was a Canadian lawyer and Liberal politician. He served as the 5th Premier of Newfoundland (1989-1996) after which he became the Chief Justice of Newfoundland and Labrador (1998-2009)

objections to why this wasn't a good idea and that it would undermine the ability of Canada to function in the future.

BPS: They were just a bunch of issues that got swept into it that, like having permanent annual constitutional meetings. So, we'd be constantly in a state of constitutional uproar. Weird things were happening with Supreme Court of Canada and Senate appointments. To me, it was very upsetting because a lot of people were like, what's the big deal about appointing a Senate? Well, you know, it still has the power; this massive power of the Canadian constitution. You might want to think about the accidental and unintended consequences; it was a fraught time, to be sure. Just a reflection on that. I tend to see politicians as people politicians and idea politicians. To me, Brian Mulroney was very much a people politician. When I read his autobiography,[25] even about the Meech Lake Accord, there's almost nothing about the actual how or why; it's nearly all about personalities like "so and so initially was in favour, and then he changed his mind." And in a way, he set himself up to be hoisted on his own petard because when he made a personal bungle, which was the interview about rolling the dice, everything becomes about personalities. Like, "How dare Brian Mulroney gamble with the future of Canada?" If he had done it as an ideal project rather than a personal project, he would have been less vulnerable to his personality, ultimately factoring in stopping the project. But I would say that critically, in terms of some people being people politicians and some people being idea politicians, we need idea people. Still, part of politics is connecting with people, communicating with people, and finding out what people are thinking. So, it's not a bad thing to have people in politics who are very much interested in talking, communicating and knowing personalities and doing popular outreach and personal diplomacy. In my life, I think of Pierre Trudeau as an idea politician who was keen on mixing with ordinary folks; he liked the ideas but was not comfortable with Alan Blank then. Did you ever know him? He was an idea politician, an idea guy: kind of uncomfortable, kind of basically shy, and personally didn't like that. Some people don't like the inauthenticity of political slogans, and that just makes them uncomfortable. But it's a team sport, right? You need everybody; you need the combination of some folks. And so, it's just interesting to me when I talk to politicians. There's a spectrum thereof idea

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25 Brian Mulroney, *Memoirs* (Toronto: Douglas Gibson Books, 2007).

vs folks vs people- folks. Okay, so I'm just going to English Lit. So, you made the choice that you're going to do literature rather than law. What were you doing at the time?

DFL: So, in my undergrad, so much of it was Canadian literature. So, some of this, again, fits in with what we were talking about. It was because there was so much angst in the 1990s about what Canada is. And some of it was trying, I may even have been trying to justify and explain, "Well, why is it that Western Canadian poems are the way they are?" "Why are they all writing?" And so, it was about a particular book called *The Long Canadian Poem*.[26] But it was partly the discussion of people trying to assert their identity in Western Canada, in the face of exactly what you're talking about: why do a million people here matter? Well, they matter just as much as anyone else. So, part of it was this insight on my part, or what I thought was an insight. Because you come from all this poetry. Actually, I quoted you as well; there was this poem you wrote, and you're actually in my thesis. I forgot about that. You wrote a paper about the challenge of multiple definitions, right? A part of the Scrivener, *My Meditation on "Bartleby,"*[27] which was about *Bartleby*[28] by Herman Melville[29]. So, you quoted a Russian poet,[30], and you said, "Well, doesn't this change when it's written when you learned that he wrote it? Was it on his own? Was this terrible thing he wrote in his poem just before he committed suicide, right?" It makes a huge difference to have that extra context. I'm also a contrarian, and I come from a family of contrarians who don't necessarily take the party line, but there's a certain degree of skepticism. And I say, "Well, that doesn't make sense. We're willing to challenge an idea." If you say, "Well, this doesn't fit in my experience." Part of it is that English literature at the time was all about postmodernism and post-structuralism. And I found that what I wanted to talk about was Meaning and Identity, so part of my thesis ended up being about how a story can be used to change who you are. Because when you

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26 Patricia Bernadette Cogswell, *The Long Canadian Poem: Double-Talking Its Way From Lyrics to Parody* (Hamilton: McMaster University, 1988).

27 Bryan Schwartz, "My meditation on 'Bartleby'"(1984) 22:3 Osgoode Hall LJ 441.

28 Herman Melville, *Bartleby, the Scrivener*, (Putnam's Magazine, 1853).

29 Herman Melville was an American writer and poet during the American Renaissance period. He is the author of notable works such as *Moby Dick* (1851) and *Typee* (1846).

30 In *My Meditation on "Bartleby,"* Dr. Schwartz discusses a poem by Sergei Esenin titled "Farewell'.

talk about a story in Hollywood, everyone talks about story arcs. As everyone talks about backstories, everyone talks as if they're all Hollywood writers now, right? But the whole idea is that you're following this journey of challenges, growth, learning, failure, and conflict. And so, in the beginning, you're one person, and in the end, you're somebody different. And so, part of that was, how does that express a change in identity? How is it that poetry, literature, or any other kind of communication is communicating those values in order to change who you are? The idea I stuck on was the idea that if I can change the way you see the world, I can change your identity, which is part of the reason why people push back on and want to censor things all the time, right? There's this fear of certain kinds of communication because if I listen to that, it'll change who I am. And it was quite technical. So, I had two parts to my thesis: I had the most pompous name; it was called something like *Origin of the Spaces, a Darwinian poetics of identity transformation the Long Prairie poem*.[31] But really, what I was talking about is how it is that through communication, you communicate and can persuade somebody to change their ideas or change their character. That is ultimately part of the story of learning; it's part of the story of being: starting off new at something, going over hurdles, gaining new skills, gaining new insights, and being tested on these insights. And then at the end of it, if you pass the test, you may be either elevated or at that point, there's this critical point in the story where you show you learn those lessons, and then there's a ceremony. And at the end of the story there's a ceremony that indicates you had this transformation? So, at the end of the year, you go through all your university, pass all your tests, graduate, and get your name changed. So then, you switch your tassel from one side of your cap to the other, but you're a different person now. And there are three ways that can happen. This is why I had sort of an anthropological argument about it. One is by being part of a group, like any self-defined group; it can be Canadian, it can be religious, it can be anything, but you have an organized group of values, and either you're a part of it, or you're not. And then the second part of it is about status. So, you can change your identity by converting to a group or being an apostate from a group, and

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[31] Dougald Lamont completed his Master of Arts in 2000 from the University of Manitoba. His thesis was titled *Origin of the Spaces: a Darwinian Poetics of Identity Transformation and the Long Prairie Poem*. Dougald Lamont, "Origin of the Spaces: a Darwinian Poetics of Identity Transformation and the Long Prairie Poem", (Ottawa: National Library of Canada, 2001).

that is a very wrenching and challenging kind of change in identity. The other is status changes. So, you can either go up in status or you can go down in status but those are bonds that are outside the individual; those are social. The other aspect is what's interior – the changes inside, the changes in the way that somebody perceives the world. So, if you can persuade somebody, "Well, look, I think you should look at the world this way." All of a sudden, you succeed, and you can essentially persuade somebody to have a paradigm shift. So, in changing how they see the world, that changes how they are. There are two things about this: one was personal, and one was academic; the personal one was that I grew up, as I said, in a family of lots of intense politics and religion. My brother converted to Catholicism; my sister converted to Catholicism. But my maternal grandmother was a Northern Irish Protestant who grew up with shocking bigotry against Catholics. So then, within my family, my father was a liberal, and my mother switched back and forth, probably a liberal conservative. But my uncle and my aunt were founding members of the Reform Party. So, in all these other various religions and political splintering within my broader family, part of this is for me to sort of understand these changes in people's identities and how they identify as themselves, and then, how to tell that story. That is what stories or poems are trying to do, especially if it's a story or a poem written from a movement; I argue that it's essentially like a kind of propaganda: they're trying to convince you to buy into this story. The other part was that when I was challenging post-structuralism and post-modernism. All they talked about was either the community that you belong to or changes in status, without ever recognizing the role of the individual and the characteristics of the actual individual. And that, to me, was the missing part, both in terms of the theory that I was dealing with and that area, and it still is. It's a very individual liberal way of thinking, but the idea is that the problem with a lot of these theories is that they treat everybody as if it's like a brick wall. On the one hand, if you take out one brick, you'll still have a brick-shaped hole. But that's not the same as the actual qualities or whatever that person might be. So, if you have a web of relationships, you can take that one person out of it. But that individual is always more than just the sum of all their relationships with everybody else.

BPS: So, I'm wrapping up what you're saying. It's just that there's so much to think about there, especially since we're thinking about where things

were for decades and the way we are now. One common element is the search for identity. If we went back in time and looked at the search for identity in literature and law, in Canada, a lot of the identity is seen as political and communitarian, but in ways that most people wouldn't identify with now. "I'm a French Canadian National" or "I'm a Canadian National" almost sounds quaint now in both camps, right? If you were talking about having a strong identity with a particular form of Christianity; nowadays, most people wouldn't say, "What, you're an Anabaptist rather than an Evangelical?" It's not that big of a deal anymore. So, a lot of the things that people were absolutely caught under their struggles of which group they would identify with, are very much changed.

Another thing is, a lot of the things we were doing were identity politics, right? It was trying to use the Constitution to define the Canadian identity, to define which communities were integral, and a lot of ill feelings on communities who thought they were being left out of that definition. If you move the clock forward, there are still these intense debates about identity, but which identities are considered important, how are people classified, and so on; that's changed quite radically. Overarchingly, I think the humanities are in big trouble. The experiences we're supposed to be doing at the university is exposing people to a whole bunch of different ideas and inviting them to go through this uncomfortable process of, "Wait a minute, I never saw the world that way before," or "Here's a whole other way of looking at the world, and it's challenging everything I thought." It is kind of like *The Caine Mutiny*[32] where everybody would turn the good guys into the bad guys—an excellent bit of novelist conjuring by Herman Wouk.[33] But we're not telling you the answer either, folks, we're just here; you're reading Russian literature, you're reading the next thing and stuff that seemed impressive at the time, maybe Hemingway's[34] manliness doesn't play very well anymore, but perhaps his move toward simplicity of language has had an enduring impact. So, we're taking bits and pieces and trying to think independently and critically about it. And then we're uncomfortably left as

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32 *The Caine Mutiny* is a novel written by Herman Wouk and published in 1951 that won the Pulitzer Prize in fiction (1952).

33 Herman Wouk was an American author and Lieutenant during World War II. As mentioned above, his novel, *The Caine Mutiny* (1951), won a Pulitzer Prize in fiction.

34 Ernest Miller Hemingway was an American writer and journalist. He won the Nobel Prize in Literature.

individuals trying to arrive at our sentences. That, to me, is what I don't know; I feel like the University world has passed me by. I always thought that's what we're here for. Now, it seems to me that universities are increasingly about preaching a particular form of a thought or a particular form of politics, which I'm very uncomfortable with; I never thought our point as professors was to tell people what to think or to do because they belong to this political view, or that political view. I think in the classroom, with readings, we are supposed to convey "Here's a whole bunch of points of view; I'll tell you what mine is, folks. But you can tell me to get lost; you can criticize mine. It's just one other view. But I'm not coming out of here to try, 'I'm satisfied that I've convinced them that free market's good, or free market's bad. Pastoralism is good, retribution is good.' I'm just here to expose you to many ways of thinking. And you'll have to figure it out yourself." And maybe I'm more aligned to this view than most people because I live it. I'm very concerned. That's different from what we're doing in universities now.

DFL: The funny thing is I taught at the University of Manitoba, but I was teaching Literature, but I also taught at the University of Winnipeg doing government-business relations. And I was conscious because I've been political. I've worked in politics, so part of it is that I wanted to say I didn't feel it was my job going in there to say "I'm right, and everyone else is wrong." It's not how I feel. I have some pretty strong feelings about the way I would like things to be. But that being said, I've been wrong lots before. And people tell me when I'm wrong all the time. So, I felt it was it's more useful when I taught to say, "Look, you need to understand this; you need to understand how people disagree, who disagrees with your thinking because many people think that way whether you agree with them or not. And so, at least if you can understand them; have some understanding of where they're coming from in a way that's not considered to be malicious. This is what motivates them. And this is how they think, or that is how they think." I tried to be very balanced. So, I say, "Well, this is what communists think, this is what socialists think, this is what Social Democrats think, this is what capitalists think, this is what and on and on." Aside from my English literature background, this was partly a result of my work as a policy researcher. I worked as a policy researcher since at least 1989. So, my actual work has always been in policy and research, including some economic and other research. But then, I'm surprised by the extent to which people who

are in academia will say things that I think are more partisan than I am, and I'm sort of a bit taken aback in part because I always expected that the same due diligence that goes into academic work – that professional responsibility is reflected in political commentary. If I were to say some things that some pundits and commentators occasionally do, I would be in big trouble because I'm not backing it up with anything. I am super concerned about it, because people are really just acting as political theatre critics, or as if they are on a sports panel giving assessments about a game they have never played, and don't fully understand. In terms of the humanities, the interesting thing is partly what seems to endure and what lasts. And some things do, and some things don't. So, sometimes, it's a piece of literature or a work of art that still works. And that's the odd thing, but the lines shift sometimes, and some stuff works and some doesn't. But I will also say it is highly political, including our history. I mean, that's the thing that is interesting to me; I ended up going down a rabbit hole during the pandemic,[35] looking into some of the political extremism that existed in Canada, say, in the 1920s and 30s. And it was incredibly difficult to find out. But when I say radicalism and extremism, an example is in Saskatchewan in the late 1920s, there were 25,000 members of the KKK who helped overturn and defeat the provincial Liberal government in 1929—and collaborated with other political parties.[36] And it is impossible to find that, and not only that, but it's still sort of not taken very seriously. Canada has an unfortunate history of this political extremism that we're not willing to discuss because it's been about presenting the very best, the best image of it and presenting things as moderate, especially after the fact. But some of the things that happened in the 1920s and 1930s were truly shocking, and the people involved were senior members of political parties who went on to great success, national political party leaders. And that, to me, was a real shock.

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35 The COVID-19 pandemic was discovered in 2019. It is responsible for social and medical impacts on some people that continue to this day.

36 Kendall Latimer, "KKK history challenges idea Sask. always welcomed newcomers: expert", *Canadian Broadcasting Corporation* (18 August 2017), online: <cbc.ca/news/canada/saskatchewan/ku-klux-klan-saskatchewan-history-1.4251309> This article discusses the presence of the Ku Klux Klan (KKK) in Saskatchewan in the 1920s. The author states that there were around 25,000 members of the KKK during this period, and nearly every community in Saskatchewan had their own branch.

It's still not particularly known, but even people like, let's say, J.S Woodsworth;[37] he worked for something called the Bureau of Social Research and recommended sterilization. His recommendations led directly to the sterilization laws in Alberta.[38] And there were often great collaborations with hate groups with extremist hate groups in order to get people elected, and that is a history that no one has been willing to touch, partly because it's multi-partisan. And it wasn't just the Conservatives; there were a whole bunch of parties that were involved. And yeah, some of it is the challenge of facing up to the difficulties of a past where there are some prominent and well-liked people who did some very nasty stuff, and we're struggling to deal with it.

BPS: Yeah. Well, the test of time for literature tends to be… It is the authors who always have this sense of complexity, ambiguity, and paradox. In Shakespeare,[39] you can see what was wrong with being an autocrat. He could see what is good about being an ordinary person, like in *Henry V*,[40] the king is a jerk, and the ordinary English archers are much more appealing characters. But he also shows you how populism would kill all the lawyers–can go overboard, too. I mean, with Shakespeare, generally, you can't tell whose side he is on; he was more so trying to sympathetically explore and articulate different ways of looking at it. In *The Brothers Karamazov*,[41] four brothers, and they all have these different personalities that invite you to see, live, sympathize and understand what it would be like

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37 James Shaver Charleston Woodsworth was a Canadian politician, labour activist and Methodist Minister. He pioneered the Canadian Social Gospel movement and helped found the Co-operative Commonwealth Federation (CCF), which was the predecessor to the current New Democratic Party.

38 In 1928, the Legislative Assembly of Alberta enacted the *Sexual Sterilization Act*, which aimed to "protect the gene pool" by sterilizing disabled people. As a result, the Alberta Eugenics Board was created by the government of Alberta to impose sterilization of disabled people. This agency was active from 1928 to 1972, at which point the *Act* was repealed.

39 William Shakespeare was an English playwright, poet and actor who wrote an estimated 39 plays, 154 sonnets and three long narrative poems.

40 *Henry V* was a play written by William Shakespeare around 1599. This play is a retelling of the story of King Henry V of England, focusing on his story shortly before and after the Battle of Agincourt (1415).

41 *The Brothers Karamazov* is a murder mystery and drama novel written by Fyodor Dostoevsky and published in 1880.

to be this brother: the sensual brother, or the intellectual brother, or the devout brother, or the marginalized brother. They're inviting you to get past slogans and get past comfortable. "I'm this, I'm that, I'm a lefty, I'm a righty." But try and understand why somebody could show up in Western Canada and be astounded why somebody would come to Canada and be a Ku Klux Klan member; I mean, we're not condemning this view, but try and understand how somebody could get there, or most people were not that extreme. How could different people come from different parts of the world and show up here, and some of them are on one side of the General Strike?[42] Others of them thought this was the beginning of Bolshevik anarchy. All of them have some of the truth that, generally, there are not completely good guys and completely bad guys. Yes, STEM[43] is all the rage right now, and the humanities either waste time, or maybe worse. When we were doing humanities right, that was an education that could last you a lifetime. That will make you. The only thing I wondered, I still don't say this facetiously, but if that life critically exploited a happier life. Like we've taught you everything you think might be a mistake.

DFL: Ignorance is bliss. I thought that was quite…

BPS: It's stated right in Ecclesiastes,[44] right? The more knowledge, the more I pay. I can't actually tell you exactly why I passionately believe that you should think about all of these things and search for the truth, because it doesn't necessarily make you happy. But I still think that's what our mission was supposed to be in universities and I'm sort of concerned about whether we've lost that sense of mission on the humanities side; we've gotten partisan and political.

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42 The Winnipeg General Strike of 1919 occurred between May 15 and June 25, 1919. During the strike, more than 30,000 people left their jobs, causing factories, shops, transit and city services to shut down. The strike resulted in many arrests and the death of two protestors.

43 STEM is an acronym used for science, technology, engineering and mathematics.

44 The book of Ecclesiastes in the Bible examines ideas of knowledge and wisdom. In particular, Ecclesiastes 1:12-18 titled, "The vanity of knowledge," discusses the author's search for knowledge and the result of acquiring said knowledge. Specifically, the phrase "Ignorance is bliss" comes from verse 18 of this passage, which discusses the grief and sorrow that come with increased knowledge and wisdom.

DFL: When I think about the humanities, it is very much the idea that when you can actually recognize someone as a full human being, no matter how much you disagree with them? It's connected to the fundamental idea of being somebody being recognized as a person under the law. Right? When after a struggle, a group of human beings are finally recognized as a full person under the law, it means you get all those rights, but in political terms, this was one of the ones I thought was an important insight. If someone is part of your "in-group", you can see them as full human beings, but as soon as they become "othered", that sense of their individual personhood drops off. If somebody has been othered, they start to lose their individuality. They all share that one thing that makes them similar to each other and different than us." So, it's essentially divisive. I also thought a lot about propaganda and dehumanizing people. As soon as you start to dehumanize people – even slightly - it is actually a fast and slippery slope. It's easy. It actually takes greater mental effort and real energy to pay attention, and be vigilant to not slip into that, when we are being told to all the time by politicians and propaganda, and as soon as it translates into policy, it is damaging. I don't get worked up that much about people being politically correct, or politically incorrect. The one area I'll say is easily recognizable as dangerous is when you're start to talk about your political opponent as an enemy. If you say, "Okay, they're not my opponent, but my enemy," because with an enemy, there's no holding back, and any treatment or mistreatment of them is justified, and it results in incredible, lasting harm. In politics, there's an excellent and alarming TED Talk; it's called "The Politics of Disgust."[45] Because so much of what we talk about in politics is values, we talk about ideas when, really, it's about moving people. One of the things that moves people the most is disgust and it's the easiest thing to move people. It's the easiest emotion to trigger. And it's used all the time in dangerous propaganda. You saw it. You see it all the time; it was part of the genocide in Rwanda,[46] certainly, like prior to the

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45 "The strange politics of disgust" was the title of a TED Talk given by David Pizarro in October of 2012.

46 The Rwandan genocide occurred between April 7 and July 19, 1994. This genocide targeted the Tutsi ethnic group of Rwanda as well as some moderate Hutu and Twa people. In the 100 days that this genocide took place, an estimated 491,000 to 800,000 Tutsis and 10,000 Twa people were killed by Hutu militias. Additionally, an estimated 250,000 to 500,000 Tutsi women were sexually assaulted during this period.

Holocaust,[47] demeaning and dehumanizing. It takes incredible effort to recognize other people's humanity when you do, especially when they've harmed you. It's this sense that part of that aspect of the humanities is dealing with grasping the terrible things that people who otherwise seem nice are able to do, like the capacity of people who are ostensibly civilized to do truly terrible things. That is the hardest thing that anyone can deal with, and human beings are incredibly bad at recognizing their own terrible deeds, because we all tend to think of ourselves as being good. But I think it's some expression of Goethe's - it has a curious phrasing, but it's something like, "There's no crime I can't imagine myself committing." That's a very uncomfortable thought: the whole idea of being "good" is based on the idea that people are incapable of harm – and so they are blind to the harm they do. You have to be aware of your own capacity to harm, even with the best of intentions. Especially with the best of intentions. That awareness is something that I tried to take into politics because you must recognize the incredible power of government. It makes the difference between whether somebody can make a living or not, whether somebody lives or dies in a hospital or not, whether you own a business or not, especially after a pandemic, things like these are extraordinary powers. And you have to be incredibly cognizant of what you're doing because of the potential harm if it goes wrong, and that's one of the things about the law. When you think about the law, those are considerations you think about, right? And you have to be able to put yourself into somebody else's shoes. So, the one thing about my English degree – and I actually was surprised how much I used it in politics. My joke is that it's an English Literature degree; it is legendarily the most useless degree you can have. At least if I had taken basket weaving, I could say I have some talent with my hands, right? But the idea, which was expressed in your article about *Bartleby*,[48] is that it is the capacity to project yourself into seeing someone or something from another person's position. Because you're saying, "Well, you can interpret it this way, you can interpret this way, and you can interpret it this way." And sometimes, you have to do that triangulation to get a sense of what's going on because you're working on limited information yourself. So, part of the application is understanding where somebody is coming

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47 The Holocaust was a genocide of European Jews during World War II between 1941 and 1945 by Nazi Germany and the other Axis powers. During this period, an estimated 6 million Jewish people were murdered.

48 *Supra* note 27,

from, and some of it is being able to reframe somebody else's statement and to say, well, this is how this statement should be interpreted, according to me.

I remember coming across an interview with a convicted murderer who learned to read in prison. And that's what taught them empathy. And there is an idea from Stephen King in his book, On Writing;[49] he said, "Writing is a form of telepathy because when I write those words on a page, and you read them in your head, that's your voice that you hear. So, you can actually place your ideas in somebody else's head through that form of communication."[50]

The other part of my thesis was talking about the technical aspects of communication and control, in terms of information theory and cybernetics. There was a big chunk of my thesis about that, because I felt that this hard scientific basis was much more instructive and a much better basis to interpretation than the ideas we were relying on, like post-structuralism and post-modernism, which had no solid grounding.

The ideas of information theory and cybernetics have all these incredible practical and engineering applications. The whole idea of cybernetics is that is you have to be continually adjusting to what's going on. Cybernetics comes from the same root as government – Kubernetes, which is a steersman on the back of boat. Even if you are maintaining a straight path, sometimes you have to be completely continually adjusting to keep going. Information can either be a kind of communication, as I tell you, "It's hot out today." But the other is that it can also be a form of command; I can say, "Put your hat on." And the only different thing is that one is imperative tense. But it means that there's a link between communication, control, and interpretation. That's where I got into that, that's where I ended up getting into going down a rabbit hole of information theory. When people hear communication, they think it is just, "Oh, I'm telling you something," it's just messages being moved back and forth. But those messages include commands, and controls. There's no difference in the structure of it. And it also connected to the idea of the law and politics, because rules are are also kind of information: they tell you what moves you can make, and what the moves mean. And that links it to ideas of the law: it's all just written

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[49] Stephen King is an American author, well known for his work in the horror, suspense and crime genres. He has been awarded the Bram Stoker Award and the August Derleth Award on various occasions for many of his novels.

[50] Stephen King, *On Writing: a memoir of the craft*, (New York: Scribner, 2000).

down. But it's also good, so it's this code. So, you have these codes which are enforced, but that was part of the interesting thing to me. How do I communicate? So, to get this idea from my head into your head? And how do I influence what are people doing? What are people trying to say? What are they trying to convince me of? Or what are they trying to get me to join? Or what perspective are they trying to get me to share? What particular, say, writing for a particular school or a particular group?

BPS: Let me time travel ahead to this COVID journey. So, I will give a perspective and you might strongly disagree, but it'll bring back some things in dealing with COVID. So, just to make a more simplified model during COVID, one approach was the technocratic approach in which the public health officer is an expert, the public health officer makes the decision, minister's only role is to agree or disagree. And a lot of politicians were saying that, "I'll only do whatever my public health officers said." I'm a very pro-science person; I did math and physics before attending law school. I had no problem with that; because a great deal of the alleviation of human suffering and enlightenment had come from connected to science. But I remain skeptical about that model, being too extreme on the technocratic side. I believe in civilian control of the military, and I believe in civilian control of public health authorities. And I see an essential role for the democratic processes, including folks like you, who are elected politicians talking to people. If a technocrat says, "You got to wear a mask." Okay, maybe some of the public resent being told what to do. Or maybe they don't believe in science. So, you can tell them to wear a mask, and they find a million excuses not to, like, "Oh, I'm eating, I'm drinking." Passing out a lot is something. Actually, getting people to comply in a meaningful way is something else. And it's very important to me to have the communication flow that I think is supposed to come through folks like you, actually elected politicians, that aren't just reading and studying and stuff, but are talking to real people who are in a more uninhibited way saying these are important information points. Whether science is right or not, you should know whether people make these pathetic excuses to say to you. "I don't believe your science, or I believe this is all a conspiracy by Pfizer, or these masks make me sick, or my little kid is scared when they see things in masks." There's a whole lot of information which is not going to be adduced by a technocrat sitting in a room and grinding out facts and figures in epidemiological ways that a practical public policy has to take into account.

And anyway, maybe I'm naive. But it seems to me that there is a necessary role for an elected politician, who's actually going out and talking to people, getting the unfiltered view, also giving a sense to people that they are being listened to, is very important to legitimacy. Even if the government doesn't agree, just talking to them and letting them know that, "Yeah, I actually hear you." That's pretty important. Again, it's just my view, and you can feel free to disagree completely. I thought the way that the emergency run model in Manitoba doesn't leave enough room for legislative input would manage in a way, and I'm not being partisan about that. All governments in Canada did it this way. But there were people too quick to say, "Oh, yeah, I'm just the elected Premier. I'll do what my public health folks say." And not being open enough to actually talk to people, listen to people and adjust public policy in light of what different people actually think and feel about it. So anyway, that's my spiel. I didn't actually interview a practitioner. I'm just erring on the side. What was your experience of the role of the elected politicians during that period?

DFL: I agree with you 100%. I have two or three things on my desk, like one of these ink blotters. And one is a letter I wrote the day after the global pandemic was declared. I was in an odd position. First of all, Dr. Jon Gerrard[51] works with me, and six weeks before the pandemic was declared, he shared an email from somebody else who said, "Look, this, this virus is a huge problem; it's going to be something different." And as it happened, I used to work at the International Center for Infectious Diseases during the H1N1 pandemic,[52] in communications. So, I wrote a letter to the New Democratic Party, the Progressive Conservative Minister of Health, and the NDP health critic, saying, "Look, there's a global health pandemic; we have to make sure that we don't politicize the communications; it would be great if we could all get briefings." Now, I didn't mean for me to be sitting there explaining things every day. But it used to be a standard thing that you would include people from all parties because this is a state of emergency. And this wasn't done anywhere, as far as I know. I mean, it should have

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51 Dr. Jon Gerrard, PC, is a physician and Canadian politician. He was a Member of Parliament from 1993 to 1997, and he was a Member of the Legislative Assembly for the constituency of River Heights from 1999 to 2023. He was also the Leader of the Manitoba Liberal Party from 1998 to 2013.

52 H1N1, also known as "swine flu", is a virus that was declared a pandemic by the World Health Organization in June of 2009.

been done everywhere, and it should have been done at the federal level as well. Because what you want is to have enough flexibility that people have input. And you really want to make sure you have trust because that is absolutely critical because it's a state of emergency. And the hard part about it is that it's not a state of emergency like other states of emergencies: it's not an earthquake, or fire or flood. It's all invisible. But as in any state of emergency, it means that there is a heightened risk from the things that you normally would do. So, all of a sudden, there's a risk that if you go up in an elevator with somebody, you're not wearing a mask, or if you go to your church for two hours, with no mask on, or if you make recommendations to people that aren't based on science, that could put people's lives at risk. So, all of a sudden, we are all in a situation where being wrong is going to cost lives. And at the same time, public-health authorities are in a position where it's a completely new virus that they can't do anything with, but they can't actually admit that. So, there was a huge communication failure. Absolutely. The other thing about related to the reliance on public-health authorities. It was also difficult because public-health authorities, often in Manitoba, were not able to speak as freely as they should. They didn't have the necessary degree of independence. In Manitoba, the group that's actually supposed to run this is the Emergency Measures Organization,[53] and they were never engaged. So, the whole thing ended up being run by a mix of politicians and in-house folks who had no expertise in infectious disease outbreaks. Again, here in Manitoba, we have people at the University of Manitoba in global health, and we have the virology lab. So we had some of the top experts in the world to deal with some of these things, and the province didn't bring them in. And the hardest part about that is that at one point, I was called the Nostradamus[54] of the Legislature because, in the summer, I said, "Well, why are we promising to open everything up instead of getting ready for a second wave?" And throughout the summer, we'd been getting letters from the Long-term and Continuing Care Association[55] saying, "You've given us no money to get ready for

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53 The Emergency Measures Organization oversees the preparedness of the province and directs and coordinates the response of all other departments for a disaster. This organization is given its mandate from *The Emergency Measures Act*, CCSM c E80.

54 Michel de Nostredame was a French astrologer, apothecary, physician and seer. He is also the author of *Les Prophéties* which was a collection of 942 poetic quatrains alleged to predict future events.

55 The Long Term and Continuing Care Association of Manitoba is a non-profit

infection prevention, like you've given us a plan for how to do stuff. Still, you haven't given us any money to help protect people in care homes." And the hard part about that was that there was that lack of trust. When we needed people to get along, our suggestions were perceived as being political when sometimes it's not. Again, Dr. Jon Gerrard is a doctor, and I've worked in communications in infectious diseases, and one of our other MLAs worked at the Long-Term and Continuing Care Association. So, we all know we all have a slightly higher degree of knowledge than most politicians. And we are shut out of a process when I think we have something to contribute. And then a disaster would happen. And it was extremely difficult. Because, you know, the disaster[56] at the Maples. We called for the army to be sent in to assist with a COVID outbreak at the long-term care home the week before and were ignored. And that was the hardest part of it. I often think about Cassandra from Troy, as a figure who is blessed with foresight but cursed with the fact that no one will ever believe them; it's traumatic to warn people that something terrible is going to happen, to watch it unfold. And then to have people at the end say, "Well, who could have seen this happen? Who could have seen this coming?" When we were standing up at the Legislature warning people about it. So, it was mishandled because it was a mere weird mix of hands-off and too tough. Like we often said, "Look, if you're going to force people to shut down, or if you're going to stop people from working, make sure that they can afford to pay their bills somehow." And that didn't happen. And that could have happened. And it is just one example or take a better approach. Even you're saying, "Well, you've got to get a vaccination. "; explain to people. The issue was they didn't get ahead of it. And they weren't prepared for a lot of the misinformation that happened because it was starting to happen right away. We were already a month into the pandemic in April 2020; we already had people at the Legislature who were

organization representing over 10,000 elderly individuals and staff across Manitoba's care continuum.

56 In November 2020, Maples Personal Care Home was under investigation by the Winnipeg Police Homicide Unit after Emergency Services was contacted by the Personal Care Home due to a large number of cases at the home. During that time, the facility had 166 active cases out of the 169 residents at the care home. Additionally, they reported six COVID-19-related deaths in the two days prior to the Emergency Service Call, and twenty-two patients had died of COVID-19 in the two weeks before the call.

threatening to come and be violent because there had been cases like that in Michigan,[57] where people stormed the Michigan legislature. And the other thing that could have been done differently was that we had an opportunity to cooperate. So, we had called to make sure that the Manitoba Legislature could keep running before anyone else. On March 2, 2020, Jon Gerrard said, "Here are our six things we need to do to get ready for the pandemic: protect First Nations, protect seniors, watch out for price gouging – which is still happening – make sure that the Legislature is still running and making sure that people who are in need can eat, if they need to shelter if they can get what they need so that if somebody has to go into quarantine, they can eat." I can remember people laughing and rolling their eyes. And then, ten days later, we were shut down. We had the global pandemic, and another ten days after that, we closed the Legislature. So, there was this brief period where the Legislature could only operate with the consent of every single MLA. And it was really unfortunate because we thought, "Okay, well, we'll be responsible; we'll say these are the emergency things that need to be passed on this one day." The governing Progressive Conservative party made it sound very much like, "We are going to increase the budget, possibly borrowing by 5 billion, we're going to approve a billion dollars in emergency spending." But the very day they were doing this, they were sending out emails across the province, demanding cuts of 10, 15, 20, 30% from U of M, 10, 20, 30% from everybody. That was really unfortunate, because it completely burned through an existing trust for us. And it is this difficult issue that when trust is lost, it's incredibly difficult to regain in any circumstance. But we were making good-faith efforts to improve legislation at the outset of the worst public health emergency ina century. And we, the opposition parties, didn't hold things up; we got changes in that needed to get changed. But when it came to making some extra changes that might have improved things, we were just treated with contempt. Really unfortunate.

BPS: This is not the problem of the current government, but the reality of the emergency legislation we have is from the cholera era, and it is so far behind the federal legislation. The federal *Emergencies Act*[58] needs a little

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57 In April and May 2020, hundreds of armed protestors gathered at the Michigan State Capitol, demanding the state's reopening.

58 *Emergencies Act*, RSC 1985, c 22 (4th Supp.).

tweaking, but it has a lot of good ideas about keeping the legislature in session, putting limits on the emergency and constant feedback and accountability to the Legislative Assembly. Good stuff, and we just don't have that legislative setup. I feel like there should be a review in Manitoba. Not a blaming exercise, but asking how can we get ready for next time, including having the right democratic processes put in place. Instead of the public health minister reading the statute book or the public health officer deciding where you just have the sign-off from one minister, it really should be a Cabinet decision. The Cabinet decision should constantly be under scrutiny from the Legislative Assembly. But operationally, when you have an emergency like this, you would want, as a government, all the parties in the room and just a regular roundtable, even have a Zoom? Well, what are you hearing? What are you hearing? What are people saying? What are your suggestions? Because the technocracy can make decisions, but I don't know who could do a better job of actually getting the real world, like, what people are actually thinking and feeling, better than an elected politician? I know there's a kind of snobbery, particularly in my world of academia. "Oh, you guys, just politicians, and you know, you're not experts, and what medical school did you go to? What law degree do you have?" But there's a reason for democracy. One of the reasons is, somebody actually has to go out and talk to people. And you would really think, not the filtered version, not the polite version. What they really think and go back and forth and adjust and accommodate; doesn't sound like that happened in this province anyway, from your perspective, right?

DFL: No, I said, "If all the parties can agree to a united front on messaging, they could be shared by all 57 members in the Legislature as well as third-party networks who could help ensure Manitobans have the best advice while keeping them up to date on changes, as well as development." We suggested the creation of a centralized communication center and daily briefings involving a representative from each party, which we would be briefed, which actually used to happen all the time, but like when there were floods. Under Gary Doer,[59] or under Greg Selinger,[60] Jon Gerrard

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[59] Gary Albert Doer, OM, is a Canadian politician and former leader of the New Democratics Party of Manitoba (1988-2009). He also served as the Premier of Manitoba (1999-2009) and Canada's ambassador to the United States of America (2009-2016).

[60] Gregory Francis Selinger, OM, is a Canadian politician and former leader of the New Democratics Party of Manitoba (2009-2016). He also served as the Premier of Manitoba

would be called in And the idea was to have politically neutral public-health notices and messaging, right? So it isn't, in that way, where everyone has to buy into it; or that everyone has to agree to it. But you're right. Part of the thing about it is that people, people are rightly cynical about all sorts of politics. But ultimately, if you don't have someone who can represent people, you have nobody who can represent them. There's nobody actually stepping up and protecting them. At the same time, you had the situation where there was this push because from communities, like Steinbach[61] or from Winkler[62] in particular, where there was an enormous push within those communities – that they were targeted with misinformation, right? So, there was misinformation or false communications around the law; what you would see is this conspiracy theory of a series of things that weren't actually connected, but if you put them all together, they seemed sinister, right? So, part of the issue was that if you accept that this is an emergency, but people wanted to deny it was an emergency at all. So, they said, "Well, COVID is a flu, or it's a cold, it's not really serious." Then they would say, "Well, masks don't work." And then it would be all these other things.

I was shocked and also really concerned because there had never been a vaccine developed in less than two years. So, when the COVID-19 pendemic was being declared, I was thinking we are going to be dealing with this for two years because I don't think there's any likelihood of a vaccine coming up. Then, when they said it was approved within months, there was a colossal propaganda push, from foreign bad actors, like Russia. What's a way to divide your opponent? If you have you have an outbreak of a disease, and you go, and if you're a propagandist from another country who wants to divide people, then you tell people, "Well, you know what, you can't trust the people who are going to save your life." That's one of the things that was absolutely happening. At the same time, there's no denying the genuine suffering and distress people were going through because all of a sudden, people are like, "I can't work, I can't pay my bills, I'm going to lose my house." So, what are you going to do? It created widespread

(2009-2016) and Minister of Finance in Manitoba (1999-2009).

61 Steinbach, Manitoba, was established in 1874. It is located approximately 65 kilometres southeast of Winnipeg. Steinbach has a population of 17,800 and is the third-largest city in Manitoba.

62 Winkler, Manitoba, was established in 1906. It is a city located approximately 115 kilometres southwest of Winnipeg. Winkler has a population of 14,000 and is the fourth-largest city in Manitoba.

desperation. Those are fundamental things, and there was a completely inadequate response on the economic front. They could have done things like brining in paid sick; there were other programs they could have done, and we recommended many of them. But it was because in Manitoba, in the Spring of 2020, I think they thought they dodged the bullet. We had very few cases in the very first wave. And so, I think the government of the day thought, "Well, it's not going to be a problem. It's over. We're done. And because we've done such a good job." They actually said, "Because we've done such a good job fighting COVID, we're going to open up the province to have events." And I said, "That doesn't make any sense." And it wasn't foresight. It was because COVID was raging across the US at the time. And I recognize that there's nothing geographically special about Manitoba that's going to protect us from that wave. But some of it is a very human kind of wishful thinking, or people being optimistic, or people not wanting to grasp those nettles, like that's the hard part about it is again, the thing about it is that especially when you talk to people, even today, when people say, "Well, they're talking about issues with vaccines," when they are making basic mistakes in critical thinking. They're comparing being vaccinated vs somebody being completely healthy, when in fact the choice is between being vaccinated vs. being unvaccinated and getting COVID. That is the hardest part about it, for anyone, including people in politics, that no one could admit that there was no good solution. You're choosing between one or two bad choices. And I understand why people didn't want either one of those choices. But it was poorly communicated, in part because I think you had influential people within the governing party who were being told by their constituents that "these public health orders or this vaccine is a problem." On the one hand, they felt that need to communicate what their constituents were saying, and were repeating what I thought of as misinformation, which is unfortunate, to say the least. But having that discussion, being able to sit around and say, "Well, from our point of view, this is what you should be doing," and have the NDP there and have the PCs there, I do think it would make a big difference in in the response.

BPS: Feel free to disagree. My general thoughts are that trust is essential in emergency management, and it is better to remember that this is one emergency; there's always going to be another one. So, anybody who thinks it's okay to take shortcuts, or just this one was exaggerated, the public will forget about it; wrong. There's going to be another epidemic; there's going

to be a flood. I'm always afraid that there can be some sort of cyber-attack on us. And then we're really in big trouble. But some old-fashioned ideas took us a couple of thousand years to work out. But number one, yeah, democracy is a pretty good idea in terms of relating to decision-makers, what's happening in the real world, people's understanding, and expectations. All those are realities you have to deal with in public policy; it's not like moving a chess piece, the way people understand things. The way we act and comply, there are factors; there's only one way to find out, which is you have to have some channel so that the decision-makers are getting the unvarnished view of what people are saying and thinking and that the elected folks don't know a better mechanism. So that process has to continue and should be baked in, right? You decide at the Cabinet level, not at the minister level; the Cabinet has to report to the Legislature. And you may want informal mechanisms, like a weekly meeting of the leaders. And so, you're constantly getting that sleight-of-mouth feedback. There's a temptation to exaggerate or oversimplify, but it'll catch up with you eventually. Yeah, you can say it, but to admit up front, "You know, this vaccine might not prevent you from getting COVID-19, But it will reduce the severity, especially for vulnerable people," is a better selling pitch in the long run. It was true; rather than some public officials saying, "Oh, this is only a disease if you don't vaccinate," people don't forget that. It erodes trust in actual science any time public officials are exaggerating. And say it's okay to think out loud so that doesn't hurt. I think it's helpful for people in charge to say, "We have not experienced this before; we're not sure if this is going to work, but this is our best estimate of what will work now, and we'll re-evaluate in a month. We all don't know whether this is a lab leak or whether this came from a wet market." It's sharing your uncertainties and being open and transparent about what you know and don't know; it builds trust, and also, free speech, in the long run, is a good thing. Does that mean you have to put up with idiot, crazy conspiracy theories? In my view, yes, it's better to have a world in which the price you pay for open information is the crazy lunatics and weird, bizarre theories. But the only way you can get an actual legitimate scientific and policy dialect is you have to put up with a certain amount of noise from people who make no sense whatsoever when you start trying to filter out that information with this information. At the government level in the long run, if you try to control speech about the disease, that's not going to work. It is very important in a crisis not to leave it to the technocratic experts, but to

remember that you've got this source of insight; some of them may not all be, and some are just emotions of experience. But you need to know all that to make crucial and effective decisions. Just setting it up and saying, "I don't want to take responsibility. I'm just the minister. I'm just the government." I think that's a problem.

DFL: But I think that actually happened. There are two things. One is, even though it was public health, often what would happen is you would use the excuse that the public health official can't disagree with the Premier. So, if the Premier says, "Well, I'm doing this based on what my public health recommended," and he looks over at the public health, official who can't disagree.

I think the other failure was described by Peter Hotez,[63] I think that's his name; he's quite prominent. He helped develop the idea that he was the first person to be vaccinated. He's in Texas, but his family was originally from Winnipeg about 100 years ago. But he said they thought one of the big mistakes was that they didn't push back against misinformation early enough. And when I say misinformation, there are two aspects here. One is about details, and the other is reassurance. I've discovered that communications in politics is really either about making people more excited or calming them down, and there are good ways to excite people with anger or enthusiasm, and there are good and bad ways to calm people down. It's good if you're relieving your anxiety, and there are bad ways, where you're demoralizing them to the point they give up. In a crisis, this, you need to be able to calm people and reassure them; you have to respond to their real needs. This is the one thing about my experience with English literature is that stories are just stories, and stories have their own rules and structures that don't always match up with history, politics, and reality. There are very satisfying stories, and they were very unsatisfying histories. And a part of that is that there is a lot that people want to just talk their way our of a problem, without doing anything. When actually solving the issue, you have to address it, and not just talk about it. It does go back to the state of emergency, which is that all of a sudden, certain regular activities become hazardous, including giving dangerous, even deadly advice. I would try to engage with people; they would send me these long

[63] Peter Jay Hotez is an American doctor and scientist who is a well-known advocate for global health and vaccines.

emails, and I would try to send them an email back to reassure them. I said, "Look, these are the reasons why I disagree with you," or to calm them down, explaining to them, this isn't against the law. This is legal. I recognize that these are bad issues. But often the problem was with the provincial government and not the federal government. So, there's this huge surge of propaganda and criticism, and everything is being blamed on the federal government when all the meaningful decisions are being made provincially. So, I would end up getting all the complaints because people would associate me with the federal government as a Liberal, when we are separate parties at different levels of government.[64] But on the issue of freedom of speech, I've also really been struck by that; for me, I will say, from a liberal point of view, the critical importance of freedom or of speech is not just to governance, but to justice. In my job, I've been continually shocked at the level of fear that people have in speaking up, which again has reinforced how important I think freedom of speech in universities, so people are not able to be fired for what they say. Because people have to be able to speak up and speak the truth to power and like to call somebody out, without fear of retribution or fear of reprisals, because that's the only way justice is going to be done. Because very often, when you're balancing the individual versus the collective parties or even just a political party, they are silenced on the basis that, "You're going to get us in trouble. Or you're going to stop us from being elected. Or it's going to cause somebody a problem, or you have to be nice because they're part of our party." So, especially when politics becomes more extreme, people end up defending the indefensible. Because they can't possibly acknowledge that you've ever done anything wrong, it's not just the extremism of views, it's an extremism of moral rectitude, where some people are convinced that everything they do is perfect and great, the other people are evil, and everything those other people do is wrong. Therefore, to maintain that completely unrealistic idea of human beings, all sides end up defending the indefensible because they feel the stakes are so high of a loss to the other party, instead of bringing people together. And that's part of what's driving the polarization of the debate. Whether you're

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64 During the COVID-19 pandemic, the Liberal Party of Canada was the governing party at the federal level. The Progressive Conservative Partt of Manitoba was the governing party at the provincial level. Mr. Lamont was elected as a member of the Liberal Party of Manitoba. The connection between the Liberal Party of Manitoba and the Liberal Party of Canada is not practically or electorally as close as the similarity in their names might suggest.

a whistleblower, a complainaint, or just someone trying to report a problem, people are steamrolled and silenced because it's considered embarrassing.

I received many email from people who's had a terrible experience with some government system or at a workplace, and they did everything right and they were punished for it. That is what I've been shocked by the most. That to me, has brought me back to the essential core value, of ensuring that people have freedom of speech and be protected to levy charges. You hope that there will be a system that can effectively deal with it, have due process and deliver justice, which doesn't happen enough, either.

BPS: I've never in my whole life seen freedom of speech being under as much negative pressure as it is now. I see it all the time in the university. Again, that might be something we disagree with. During the pandemic, some people come up with crazy theories. And the question is, do we shut them down from social media? Dangerous? Can you say that?

My answer is almost never. Because the censorship reinforces the stress, I'd rather have people come out and put some goofy theory out there. And if it is goofy, the appropriate response is for people who've studied it and who know more to make their case. In other words, the best way to deal with mistaken speech is more speech. It's lazy and ineffective when you try to shut people down and say, "You're wrong, you're an idiot, you're not an expert, you're a conspiracy theorist." Okay, put it out there. And now it's my responsibility as the government, if I have better information, to put it out there. And in the long run, I have some confidence ...the open information society is one with a more cohesive fabric and more trust than one where there's a selective attempt to suppress people. People went, early in the pandemic, to say masks don't work. Who knows? To some extent, they might have been right. But whether they were right or wrong, you let them put it up. And then the burden on the government to say, "Okay, here are our studies, which show that they work or you know, what, we're not sure they do work, but the cost of wearing them is very small, the potential benefit is high. So, until we figure this out, we don't know everything either, folks, but it's our best estimate." If the government is thinking out loud, acknowledging the scientific uncertainty, and being frank about what it doesn't know, in the long run, it is going to be way more trustworthy than a government that's trying to project certainty and is afraid that people aren't going to comply. I'm afraid it's a bad idea. I have

kind of a philosophical commitment to the exploration of ideas. But when you get to the pragmatics, even in an emergency, where we're better off with a wide-open free speech, I come down in favour of it, yet I don't know if that's the majority today, but that's my view.

DFL: Look, I tend to support more of it free speech. I'm told all the time by people that I have to be nonpartisan. Well, I think it's much better if we have multi-partisan if we allow for instead of just saying, "Nobody gets to participate," we should allow other people to participate. You know that there's an interesting challenge, however, and it relates to the way scientists have to speak. When it comes to this. that is just how some people process information, especially around anxiety; they want certainty. So, a good scientific communicator will not do that, because they are professionally obliged to be accurate. So, they will always talk about the risk. There will always be talk about these things, and it's very difficult. You want to deal with the nuance, and your story is to communicate that nuance in a way that's still clear. But the challenge ~ I'll give you an example of how it can work, say, with two different kinds of medical treatments. You have regulated medical treatments like pharmaceuticals, where you have to have all that fine print of all the warnings and all the terrible things that can do to you. So, you have to give all the warnings there because there's a possibility it might work. Whereas if you're selling something that isn't regulated, like some kind of soy oil or something like that, you can say anything you want, because it's not regulated. So, part of the issue is between making people talk about information that's grounded and accurate, as opposed to information that's not grounded or bound in anything. But you have to deal with all the misinformation about COVID; it was tracked down to about half a dozen or a dozen people, a bunch of extremely highly productive generators of misinformation were making money from it. They're dedicating all their time to misinformation, unfortunately. And then tapping into people's existing anxieties in ways that were ultimately dangerous, and that was the concern to me.

Ultimately, one of the things that ended up leading to the Convoy[65] was this perception. It was the idea that the vaccine itself was an

[65] The Freedom Convoy was a national movement that started in 2022 during the COVID-19 pandemic. It consisted of a series of protests and blockages against vaccine mandates and restrictions. As part of this protest, thousands of people from around Canada converged in Ottawa, Ontario, to rally at Parliament Hill.

experimental medication that was dangerous as it was designed to sterilize people. So, that was fairly common, and still is, a conspiracy theory about that. That was tied into a comment by Bill Gates where he was saying, you know, if we can lift enough people out of poverty, they'll tend to have fewer children, and that was described as depopulation.[66] So, essentially, this was turned into people being forced to take a mandatory vaccine that they thought could hurt them, kill them, or render them sterile. That was the interpretation that people were having, and that was being driven. And that turned it into a life-or-death challenge for a lot of people. So that's part of what motivated these protests, because people thought they were in a fight for their lives, going up against people who are maybe not doing a good job of communicating. But ultimately, there are public-health officials and people trying to encourage people to take vaccines and wear masks. They are the people who are trying to save people's lives. But it was dangerous because people felt that they had an obligation to attack a government they were being told was out to kill them. That's one of the reasons why I think people stormed and went to Ottawa. That's why they parked outside the Manitoba Legislature, because they had been convinced of this conspiracy theory that the government was out to kill them. And that is a theory that is beyond toxic, and so part of it is that it's so difficult because it seems so divorced from reality. How do you unpack it? Because by definition, I will not, as a Liberal politician, have the required trust. So, you need people who are conservatives or people who are allies to try to stand up against it. But then that's risky for them from their political point of view because they're worried about it. They're worried about the backlash, as it's not easy for them to be able to challenge these views, but again, we weren't having these conversations. We weren't able to talk about the fact that I was getting threats, anonymous threats, because people felt pushed to the point, and in their own lives, they were often in a terrible spot, like they were on the verge of bankruptcy; they were on the verge of not knowing how they were going to be able to feed their families. Those are real things. And so, you

[66] In 2010, Bill Gates made a comment during a TED Talk about methods for reducing global carbon emissions where he mentioned that one of the factors affecting carbon emissions is the global population, which he said could be lowered (which would also lower carbon emission) by increasing access to health care, reproductive services and developing new vaccines. This comment was widely misinterpreted as Bill Gates suggesting the use of vaccines to reduce the global population when he was suggesting that improvements to public health, including the use of vaccinations, can eventually reduce unsustainable population growth.

had this, but rather than solving that issue, which governments generally refused to do, they let it stew. And these are the areas where having those open conversations and building trust was important. And there were some really good efforts. So, they would get to people who had been vaccine-hesitant. You need people who are within that community to help convince people, but that part of the challenge is the level of distrust; it becomes a self-perpetuating driver of division. I try not to just say things that are empty for the sake of scoring some points. When I talk about something I'm worried about, I am actually worried about it. But there will be an automatic discounting of what I'm saying simply because I'm partisan. And I think that's part of the bigger problem, politically. I originally ran for leader of the Liberal Party of Manitoba ten years ago, and I said then that we were starting to face a crisis in authority, and it is a really dangerous thing because when people don't believe in government or police or the law, things start to fall apart. Part of this is essential for the sake of your society, that government can function properly, and that police can function properly. These are core things that have to work. And if you don't deliver on them, it's a huge problem.

BPS: To me, one of the hardest things to convince everybody on all sides is that there are certain process values that you should accept, even when you don't agree with the outcome. Now, if you want to engage in civil disobedience, you'd have to have exceptional grounds to do that. It's not routine. This is a really stupid government policy. Do you want people in our society to freely pick and choose which laws they comply with? Or do you want to accept that almost all the time, except for the democratic outcome of another election, we can't have people picking and choosing which laws to follow? You think somebody's done something horrible, and all of a sudden, you're against due process and accusation. Next time, it's going to be used on the wrong side of due process and not jumping to judgment, accepting democratic outcomes, the rule of law, independence and judiciary, and independence of the police. It's not an easy thing to make your immediate political objectives secondary to those process values, but to me, that's actually what civilization is. Yes, it's process value. It's accepting that sometimes you lose in politics, but you still accept that was the outcome and you still comply with the law and try to change the government the next time. I'm a free-speech guy; I will accept, I have to accept it. I'm part of a group that probably gets a disproportionately

enormous amount of hate compared to almost any other group in society nowadays, which is Jewish. It's not so easy to be in favour of free speech under the circumstances, but, in the long run, dealing with macroaggressions almost all the time as a Jewish person, I'd rather keep the free speech going, and deal with trying to get the truth out, than try to shut down speech. It's not an easy position to take, but it's kind of where I am.

DFL: You know, I agree. I love satire, and I love comedy, and its ability to shed light is absolutely critical. And the way I see it, one thing about justice is to ensure that it's accountable, which is not to say people need to be punished at all. The other thing about justice is that it's not just about punishment. It is also about the possibility of restitution and forgiveness, and some form of redemption. Those are qualities of justice that we need to talk about. But especially with the advent of social media, it's incredibly punitive, and it just relentless escalation. And that's the one thing I've tried to say at my very first leadership meeting and my very first caucus meeting, I repeatedly said that part of it that with conflict we need to figure out ways to forgive people because I don't think the punishment necessarily always fits the crime. It is completely out of proportion and inaccurate; as you said, an accusation is as good as a conviction, and none of that is acceptable. It's a threat to our liberal democracy; it is a threat to the Open Society. But then the challenge about it is, in part, the accountability aspect because there's a legal aspect, too. I've talked to some folks about this with the *Digital Millennium Copyright Act*[67] in the US; essentially, what happened is that so-called Web 2.0 companies aren't responsible for whatever anyone posts on their platform, which means that they are shielded from liability in a way that none of us are. So, it's that there's this critical asymmetry to me. And I've argued that it creates a Gresham's Law.[68] So, it's not that newspapers or mainstream media are perfect, but legally, they do have to be accountable and liable. But the tech companies do not: it has created legal impunity, which makes it impossible for people to be held accountable, so you do have people saying things that are false, dangerous or criminal, but they are anonymous. These are some of the most powerful tools for propaganda you can imagine. That's the issue, especially with social-media tech and other

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67 *Digital Millennium Copyright Act*, Pub. L. No. 105-304, 112 Stat. 2860 (28 October 1998) is an American federal law that addresses copyright issues in the digital medium.

68 Gresham's Law is a macroeconomic principle that states that "bad money drives out good."

kinds of technology. People must recognize how this can be weaponized. And you've got bots, and you have all sorts of people who are pretending to be something they're not to manipulate people in democracy; that's not new. There have always been AstroTurf organizations.[69] There have been political parties that set up little organizations that aren't real, and they run fake candidates. But that has all become much, much easier in this new age. And I don't see the answer as being censorship; I see it as having regulation and accountability.

BPS: Well, let me probably answer: part of the problem to me is also part of the answer to the problem. If people have controversial views and want to bring them up in university classrooms, that's a good place to do it, right? You're not anonymous, and it's moderated. There's a prof in the classroom; you can be challenged. If you tell people you can't have open discussions in university or as a politician, and every little thing you say, if it is not conforming, it's career limiting, it doesn't stop people with weird ideas or offensive ideas of thinking, and they take it somewhere else. If somebody has a challenging idea in a university class, you might have a point. But even if they're completely wrong, you get a chance to say it, and you'll hear it challenged, and maybe you'll think about it again. If I told them about university classrooms with students, "Oh, I can't say anything. I can't challenge the candidate who takes your views to an anonymous website." With all these toxic places where people have no accountability because they're anonymous, the sociology of it encourages being the most inflammatory terms. You're applauded and formulated for burning people, rather than making a good argument. If we're censoring the channels where open discussion ideally takes place, we drive at these dark places, potentially much more destructive than we should be, trying to get people into the mainstream debate, not taking it elsewhere in forums that are digressed. Let's face it: the reality is that the internet is not a place which encourages or rewards civil discussion, well-formulated arguments, and actual research, taking into account the other fellow's point of view. So, I guess it's aggression. The thing to me is that you drive discussion out of legitimate

[69] AstroTurfs is a type of deceptive practice that involves hiding the sponsor of an orchestrated message or organization to make it appear that opinions or comments on the Internet or media sites are from unsolicited grassroots participants, thereby demonstrating "public" endorsement, while the options and comments are actually from companies or political groups.

fora, it ends up somewhere else, which can be ugly and toxic. I'm talking too much here. But on the structure of decision-making in crisis, I mean, my view is that our 19th-century era Act[70] on dealing with public health emergencies is completely uniform. It pretty much says, "Do what it takes to deal with the virus," but it should say, "Do what it takes to deal with the virus and take into account all the collateral effects of doing so." The government should rally to the level where it should be right. They should be saying, "Oh, my gosh! We've got an economic crisis!" six months later, but right from the start. It should be: how much harm arose from the lockdown? What's the economic damage going to be? What's the health and psychological impact of the lockdown? And that's some of the answers; we're not sure, we don't know, this is our best estimate, but we don't have a stat, and that's okay. But I think the legislation should structure the decision-making wired into the deliberation right at the outset. So, you don't have people saying, "Well, do you have any idea you destroyed my livelihood; do you have any idea I dropped out of school; do you have any idea my friend committed suicide because they're unemployed and have no hope, the business they built their whole life has just been destroyed?", or whatever. The legislative framework should structure that into deliberation from the outset, and unfortunately, it doesn't.

DFL: No, but the thing is that the plan in Manitoba for its epidemic response is not supposed to be run by Public Health. It's supposed to be run by the Emergency Measures Organization. And we used to have a fairly effective Emergency Measures Organization, but they replaced the person in charge. And they were completely sidelined throughout the pandemic. So, Emergency Measures would normally coordinate all sorts of things, and they are the people. So okay, you need to find a space for a vaccine to have a vaccine hub; that's Emergency Measures Organization. What ended up happening is all these decisions were made by Public Health physicians when they shouldn't have been. It was a mistake; it could have been made and should have been made by Emergency Measures. But, like I say, they were completely cut out of it, and we couldn't even figure it out. They shut down; there was an emergency program that was up and running in June, 2020. And they shut it down till November, 2020 when the crisis in Maples happened, because they had just given up. The government thought that

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70 *Emergency Measures Act*, *supra* note 53.

there wasn't going to be a second wave. So, I agree that it is a challenge; something like this hasn't happened in a significant way for 100 years. But the other is that it's balancing off the uncertainty of who's going to die. It was also profoundly disturbing because it was suggested the only people at risk who were sick and old or vulnerable. That was very concerning because it wasn't true; there were many more people who could have died. And people saying, "Well, would you just let it rip through," basically recommending something like a chicken pox party for COVID, or talking about herd immunity. It was a new virus, and exposing everyone at once would would break the healthcare system because you end up completely overwhelming it. That did happen, in May 2021. The problem in Manitoba was that these decisions weren't being made by emergency measures or by public health; it appeared they were being made completely politically. So, we'd be asking the Premier, who is making these decisions based on what's safe? Who is providing the Public Health input, or the rules on business, because tons of the rules around supporting our businesses and individuals made no sense either. In October or November 2020, we even held up legislation for sick pay because we said, "Look, there's no money in it." All it did was connect Manitobans with a Federal program, with no provincial money. From our point of view, it was useless, we were going into a second wave for a pandemic that was going to last another year at least. If people could end up getting sick or somebody in their family could end up getting sick over and over again, they're all going to be stuck at home and unable to pay their bills. In an emergency, you have to act differently in every way, including the economic impact. And there were lots of double standards, and some of those economic arguments about what to do were very poor. There are ways of managing these things. Emergencies are emergencies, so you have to deal with them in a certain kind of way. We still don't know how the pandemic response was run in Manitoba or who was in charge; we don't know who was making the decisions, which in itself means some of it was public health, but a lot of it isn't public health. It was very clear to us that it was political and that it was supported and justified by Public Health.

BPS: One thing I've always observed, and you alluded to this earlier, is that generally, human beings are not wired to admit error; it is not something we're naturally gifted at. And it's tough for a politician to go back and say, "Oh, should have done this better or differently." Again, my view is that I don't think we need blaming exercises in the province, but we do need a

collective debrief. We need to go back and say, "Okay, could we have a better legislative structure for dealing with emergencies?" And my view is that we need a provincial equivalent of the federal *Emergencies Act*. I know there are some problems with federal money, but to me, it is a way more comprehensive democratic framework that looks at the provincial level. We've learned other things, and one thing we've learned, for example, is surge capacity.[71] An emergency can drive the entire public policy-making, right? And so, is there a way to deal with that? Is there a way that when we've got a sudden ramp-up in cases, there is an alternative to enforcing a lockdown? Is there an alternative to a lockdown? Can we actually ratchet up our surge capacity? I don't know if we can or can't; I'm just saying that now's the time to say:. "I don't know the answer." I think we should non-partisanly select a systematic debrief. Unfortunately, we're going to have more crises, and one of the reasons they will be crises is because we won't anticipate them. One of the reasons something is a crisis is if you didn't see that one is coming, but the more you can view your thinking in an advanced structured democratic process, the more effective it will be to respond to the situation. There may be priority things that are always helpful. I don't know when the next epidemic is, but I'm guessing having a lot of personal protective advice at hand is a good idea even if you don't know what the next bug is; it gives you something that might or might not work initially. We know that surge capacity is a huge problem. I don't know if that can be dealt with.

DFL: The province had a Pandemic Response Plan,[72] which they ignored. It was left on the shelf in 2006. I tabled it in the House at one point. Here's this chapter after chapter: Emergency Measures take over, the plan for education, the plan for business. I handed them in. I worked on a pandemic small business recovery program during the H1N1, which had a plan for your small business if you start getting affected. I dug it up out of our archives, printed them off, and handed them to the Minister of Health,[73]

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71 Medical surge capacity is the ability to respond to a rapid increase in the number of patients and can also refer to the ability to address unusual or very specialized needs.

72 In June 2006, Manitoba Health released a document titled "Pandemic Influenza: Preparedness Guidelines for Manitoba Business," which gave guidelines for preparing for a Pandemic influenza for businesses in Manitoba.

73 Manitoba had three Ministers of Health during the COVID-19 Pandemic: Cameron Friesen (2018-January 2021), Heather Stefanson (January 2021- August 2021) and

and it didn't go anywhere. The biggest challenge, and also going into the pandemic, was the Province of Manitoba reducing the number of ICU beds. But Canada already had a pretty small number of ICU beds, like a third of what the US had. The challenge is that once you start to get the exponential increases in cases, there's no way of getting around it; that's the biggest challenge. There's nothing you can do to protect yourself because you'll get to the point, and then there was the challenge of surge capacity, and this is what happened. It was terrible in personal care homes, and we warned about it happening in Manitoba, and it happened, even though it had already happened in Quebec and Ontario.

When people get sick, or once COVID got into a personal care home, the staff would all get sick, and then they all had to leave. So, all of a sudden, you have a personal care home with nobody to take care of anyone. No one's getting water and food. That's what happened in Maples. As it happens, someone we know was in there with her father, and she was in full hazmat gear. And she was one of the only people there—her name is Edith Callisto Tavares. And, because everyone else was sick and had to leave to go home, they could not care for anybody. And you have one nurse for 100 patients, and those people had COVID as well. But it led to deaths. And the same thing kept happening. There was an example of one of the things where, in May of that year, we had read the reports from Ontario and Quebec, and we said, "You need a rapid response team that can cover three personal-care homes at once. Because what's going to happen is people will get sick, and there will be nobody to care for anybody. And a rapid response team that's prepared is in hazmat PPE and they know what they're doing, like the army, but medical." But suddenly, like a week after we asked them to do that, they shut down the Provincial Central Command Unit, and it didn't reopen again until November after the Maples was already a disaster.

BPS: Do you know why? What's your thinking?

DFL: We never found out. Then they went on to stick COVID labels on a whole bunch of stuff that had nothing and say, "Well, this is COVID recovery." So, they said, "We will spend $250 million on personal-care homes." But they didn't actually. It was spending on personal-care homes,

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Audrey Gordon (August 2021- October 2023).

but nothing to do with the pandemic; it wasn't infection prevention. It was the fact that so many of our personal-care homes are so poorly built that they need to add wheelchair ramps and sprinkler systems to them. So, there was a near-complete shutdown of the pandemic response in the first year, which was only recovered after that. And so, I think some of it was wishful thinking on the part of politicians who kept wanting to declare it over because they just wanted it over, which I understand.

One of the things I read to the Legislature was a book this guy wrote about the 1918 and 1919 pandemics. My great-grandfather actually died in that pandemic, so my grandmother grew up in dire poverty. My mother's mother grew up as the oldest of six kids in dire poverty in Northern Ireland because her father died at the age of 37 during the Spanish flu,[74] so I knew what this could do to a family, but there was a guy who wrote about it. You have to be truthful, above all else. John Barry wrote a piece in the New York Times, where he wrote a piece about the original pandemic where he said, "So the final lesson of 1918, a simple one yet one most difficult to execute, is that those who occupy positions of authority must lessen the panic that can alienate all within a society. Society cannot function if it is every man for himself. By definition, civilization cannot survive that. Those in authority must retain the public's trust. The way to do that is to distort nothing, to put the best face on nothing, to try to manipulate no one. Lincoln said that first, and best. A leader must make whatever horror exists concrete. Only then will people be able to break it apart.?" There was too much wishful thinking. Just saying we've got to focus on the fundamentals. wasn't enough. They needed to explain to people and do a better job. Some were better communicators than others.

BPS: I started this course in crisis management[75] after COVID-19 started, and there are certainly some pretty solid lessons to learn from studying

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74 The Spanish flu, also known as the Great Influenza Pandemic, was a deadly global pandemic that occurred from 1918 to 1920. This influenza was caused by Strain A of the H1N1 virus. There were an estimated 500 million cases, and deaths ranged from 25 to 50 million.

75 The Legislative Process course (LAW3370) is a course taught by Professor Bryan P. Schwartz and available to upper-year students at the Faculty of Law at the University of Manitoba. This course discusses the process of creating bills, regulations and legislation. After the declaratrion of the COVID-19 pandemic, the course became about the public management of crisis situations.

previous crises. The crazy danger of groupthink: a small group of people in the operations room all think they're not exposed to enough other points of view. Optimism bias is a chronic problem. Confirmation bias, where we "know" many things that distort decision-making, is because we're all human. It's not that people are left or right, or up or down, or anything. And to me, you got to have a structure in advance, not only public-health stuff, but the structure of decision-making to take account of that. You've got to get away from a small group of technocrats thinking that they can manage this in there from the command-and-control room and not hearing from local people, not hearing from the other party and not hearing from the public. You have to avoid Maslow's hammers,[76] thinking you're a hammer and everything's a nail. It's a public-health problem. It's also an economic problem. It's a communication problem. It's an education problem. You have to find ways to gauge into the system. Day one of the crisis, you know, with everything that's going on, sometimes you have to make initial decisions during the tug of wars, buy yourself a month to study and think and get a better handle, and then you make another decision. But the only way to get there at the end for me is to learn from what we did this time. The first time to do anything, you make mistakes, okay? I don't know in which provinces they're doing systematic retrospectives, not to blame and not to punish and not for personal reasons. But what did we learn from this so you can do a better job next time? But that didn't seem to be happening. Did that happen?

DFL: I don't know. Not that I know of. So much of it is wanting to turn the page, which I can sympathize with, but there are a lot of lessons that should have been learned. And I'm not sure if they have been, and they need to be. As you say, "They need to be reflected in legislation and organization because there will always be another crisis around the corner." One problem was that they were asking public health officials sometimes to make economic decisions. And that's not the best way to do things. And they were very haphazard throughout.

BPS: How did the Legislative Assembly work during COVID? Did you have social distancing problems with so many people? How did the Legislative

[76] Maslow's hammer, also called the law of the instrument, was developed by Abraham Maslow in 1966. This idea refers to a cognitive bias involving an over-reliance on a familiar tool.

Assembly operate? Were you able to effectively do your job as a party leader? Were you able to communicate with ministers? How did the actual mechanics work during COVID?

DFL: I reached out to Cameron Friesen,[77] who was the Health Minister at the time; I don't agree with him on much, but I said, "Look, there's going to be the things that are going to be political, that we're going to talk about in the House. But there are going to be things that aren't worth making political; we're not going to make a big fuss about it in the press. This problem needs to be solved." So, we actually had a bit of a channel initially. We did not communicate effectively with the NDP; for whatever reason, we would reach out to them, and we would not get a response back. But we had a bit of an arrangement with the governing Progressive Conservatives. In retrospect, that started to fall apart as they started to dismantle the entire pandemic response. We were pleading for change throughout the summer. As I said earlier, we were getting emails from the Long-term and Continuing Care Association every week. I got every single email, every single MLA got an email saying, "Please send us money to do some infection prevention because we don't have enough money to keep people safe." And we were trying to echo that, and that's when it became like being Cassandra; we would ask questions in the House, but at that point, there were a series of waves. We would go through one wave, and then we go through another wave, and during each one of them, we were warning people, and we were sort of dismissed. Our warnings were dismissed, and then they the waves would come through and sometimes be worse than we expected. But that in itself started to break things down. That loss of trust and the loss of communication, that's when it started to spiral and get worse because we kept trying to act and warn, and we'd be dismissed and put to the side, and then something horrific would emerge.

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77 Cameron Scott Friesen is a Canadian politician and former member of the Legislative Assembly of Manitoba (2011-2023). He was also the Minister of Finance in Manitoba (2016-2018 and 2022-2023), the Manitoba Minister of Justice and Attorney General (2021-2022) and the Minister of Health, Seniors and Active Living in Manitoba (2018-2021). In November 2020, he refused to apologize after calling into question the motivation of over 200 experts who expressed concerns about COVID-19 as he stated that he had things under control. This led to the NDP Health Critic (Uzoma Asagwara) and the leader of the Liberal Party of Manitoba, Dougald Lamont, to call on him to resign.

BPS: Yeah, but very concretely, the fact that you weren't physically in proximity like pre-COVID. Everything was virtual, and so on. Does that have negative consequences, in terms of having sidebars? Okay, we're Ministers. We're off-stage now. There are no cameras on, but we're in the cafeteria or we're in the hall. No sidebar conversation to communicate here. Was the fact that you were virtual rather than in-person affecting the potential to have those kinds of candid conversations?

DFL: I would say no because we were still sitting; the way it worked was that we reduced it. So, we'd always have one or two people in the House anyway. I'd be one of them or Jon Gerrard, and we could still communicate by phone, email, or whatever. It was more just that the government decided to go in a different direction after June 2020. We even got FIPPA[78] documents showing that they were planning to start dismantling the pandemic response in April and May 2020. So, it had only been up for seven weeks, and they were already planning. I think they just thought, "Oh, it's not that bad for us. We're going to be okay." Again, we need to find out how those decisions were made, and who was involved, despite freedom of information requests.

BPS: Okay, in a nutshell, I shouldn't be asking leading questions. I'm just trying to catch up. It sounds like going from a live Legislative Assembly to virtual; the basic mechanics continue to work in terms of talking to other people and other parties; everybody did a pretty good job of making sure that there were still question periods, the reading of bills and work. And the communications problem and the lack of legislative collegiality, the isolation of decision-makers was not a consequence of…

DFL: I mean, generally, those pre-existed the pandemic. And I'll just say very briefly that one of the things for me is that as Liberals, we might tend to agree on some issues more with the NDP, but we don't get along as well with them, maybe because they perceive us as being a competitor. Whereas on a personal basis, we tend to get along better with the PCs, but we disagree with them more; this is one of the odd paradoxes. That is what I

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78 *The Freedom of Information and Protection of Privacy Act*, CCSM c F175.

The Freedom of Information and Protection of Privacy Act (FIPPA) is legislation that allows for the right of access to records held by public bodies and allows for regulation of how personal information is managed.

think, and I don't know if it's completely personal, and I don't know if it's partly political because the PCs want us to be able to succeed in order to be able to draw votes away so we can split the vote in that very cynical way. But it is partly a function of politics, and a big part of it is that within the existing political sphere, there's a very serious effort just to marginalize us completely as independents and not...

BPS: Is that part of the ideological age we live in where all politics is personal, right? So, if I'm a righty, I think the left is evil. I'm a lefty; I see the right as evil. A middle-ish party would be less susceptible to that, but nowadays...

DFL: It is a bit like that, quite honestly. Even when I was first elected, you could see there was a genuine animosity between the two sides. Some of it has to do with people's resentments and perceived hypocrisies and things like that. That is the way it is when you have human beings in politics? You have people making grand moral announcements and condemning other people when, well, lots of people are throwing stones from the porches of their big glass houses. And that starts to wear on people.

BPS: Yeah, and it's self-reinforcing, right? The more you name-call, the more people retaliate pretty hard after you've devolved to the purely personal level to then de-escalate, and get back to policy. Is there anything I should have asked, or would you like to explore that we didn't get to?

DFL: I didn't get into my economic views. But the one thing is just that the main part of the reason I got into politics more recently is that a friend of mine a few years ago said he thought there was going to be another economic crisis as big as 2008.[79] So, I thought, "Well, I'm going to see what I can do if I can get into a position where I can have a bit of a platform to make a difference." I didn't anticipate a global pandemic, although I knew that was a possibility too. But I'd say part of the hardest thing about it is that it is just the degree of unprocessed trauma and grief. I keep going back to the Maples because all of a sudden, I got three emails, two from people I knew who were saying, "I was told my family member was perfectly fine

[79] The Global financial crisis, also referred to as the 2007-2008 financial crisis, led to the "Great Recession" due to predatory lending and excessive risk-taking by financial institutions.

all week, and they died today." And that would happen over and over again. And that's the degree to which you don't ever come into this recognizing. As I had said, I came into this recognizing that this is a job where the decisions made by people make a lot of difference between life and death. And when they don't make the right decision, it's brutal. That's very hard, you know, people talk a more moral injury. That's where we're all living.

BPS: That, to me, is why we have elected politicians, right? You may be a statistic, and there's no criticism that the technocrats are doing what they're supposed to be doing. But they're not. They're not supposed to be out there talking to a family member who had this tragedy that makes it real; that makes it concrete. And that's a necessary thing to be connected between the public and public policy. Any time you're cutting the public out, you're missing a huge part of the information picture and the input that you need to make rational decisions. The temptation is that technocrats think, "Oh, yeah, yeah. Yeah. You're the amateurs."

DFL: Yeah, you know, and that's the thing. It always sounds pompous to talk about Sun Tzu,[80] but Sun Tzu talks about that. There are things you can't figure out from divination, horoscopes, or whatever else you have; you'll have to go to the person in the know. And that is the only way you're going to find out because that's an information thing. It's decision-making based on what's happening on the ground.

BPS: Thank you so much for your time.

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[80] Sun Tzu was a Chinese general, strategist, philosopher, and writer in the Eastern Zhou period. He is the author of *The Art of War*, a prominent book about military strategy.