



# Justice Centre

for Constitutional Freedoms

November 11, 2020

Hon. Jason Kenney  
Premier of Alberta  
Legislative Assembly of Alberta  
10800 - 97 Avenue  
Edmonton, AB, T5K 2B6

Dear Premier Kenney,

I write to urge you and your government to restore fully our *Charter* freedoms to move, travel, associate, assemble and worship. The fundamental freedoms of Alberta continue to be violated by various lockdown measures that are still in place.

Your recent public statements that Alberta will not be subjected to more severe lockdown measures is a step in the right direction, and we sincerely hope you keep this promise to Albertans.

In particular, I want to respond to the November 9, 2020 letter sent to you by Dr. Noel Gibney, Dr. Darren Markland and other doctors, in which they advocate for further and more extreme violations of *Charter* freedoms.

In their November 9 letter, these doctors speak of the growth in “cases” but fail to mention the relevant fact that COVID-19 deaths peaked in April and May and then declined sharply. AHS data is very clear about the fact that there is no “second wave” of COVID-19 deaths; ignoring this data constitutes fearmongering.

The doctors state in their letter that hospitalizations and ICU admissions are at an “all time high,” yet fail to mention that on November 9 (<https://www.alberta.ca/stats/covid-19-alberta-statistics.htm>) only 207 COVID-19 patients were in hospital, and only 43 in ICU, in the context of nearly 8,500 hospital beds in Alberta. Ignoring context and promoting panic, the doctors fail to mention that fewer than 3% of the scary “cases” concerned people who are sick enough to require hospitalization; more than 97% of cases concern people who are asymptomatic or only mildly ill. The doctors cry “crisis” when AHS tells us that COVID-19 patients are currently using less than 3% of Alberta’s hospital beds. As announced by your government in April, ICU capacity can be expanded to 1,374 beds; currently COVID-19 patients are using only 3% of this total ICU capacity.

It is profoundly troubling that these doctors fail to consider the relevant context. More than 27,000 Albertans die each year, of whom more than 26,600 from causes other than COVID-19. More than 2,000 Albertans die every month; more than 500 per week. Why are these deaths considered less important, or less sad, than deaths caused by one virus?

AHS data tells us there is no crisis, which means these doctors are fearmongering.

Yet the doctors state that the health care system will be “overrun,” a claim similar to, if not identical to, claims made in March and April, which never materialized. To the contrary, Alberta’s hospitals were largely empty from late March through to early May, because so many patients needing medical care were frightened away from hospitals.

The predictions of Dr. Neil Ferguson, who claimed in March that millions of people would die of COVID-19, have been thoroughly discredited. These false predictions should no longer form the basis of public policy. The claims made in March and April, that COVID-19 threatens children, youth and healthy adults, have also been disproven.

And yet these fearmongering doctors warn of supposedly “catastrophic” consequences unless your government imposes a two-week “sharp” lockdown as a “circuit-breaker.”

What is truly catastrophic is the harms which lockdown measures have inflicted on Albertans, by way of deaths from cancelled surgeries, delayed cancer diagnoses, drug overdoses, and suicides. Lockdowns have imposed serious harms on patients denied access to their physiotherapists, massage therapists, optometrists, chiropractors, osteopaths, podiatrists and dentists.

It is apparent that these doctors have failed to consider the profound and awful consequences of the harms, including increases in alcoholism, other addictions, family violence and catastrophic mental health problems caused by forcing countless individuals into isolation. Where is their compassion for the Albertans forced into unemployment, poverty, bankruptcy and despair by lockdown measures? How many Albertans have died because the good charities that care for the weakest and most vulnerable citizens were not permitted to carry out their work, or because the donations that these non-profits relied on have dwindled or disappeared? Would these doctors be willing to give up their own public sector incomes, and instead depend on \$2,000 per month in government benefits?

Public health ought to consist of more than fighting one virus. All illnesses and conditions deserve appropriate attention and treatment, and who is to say that physical health is more important than mental health?

Furthermore, the authors of the November 9 letter do not speak for the medical profession. More than 45,000 medical doctors, epidemiologists, professors of medicine, health economists, biostatisticians, microbiologists, immunologists, oncologists, and infectious disease experts from around the globe have signed the Great Barrington Declaration, which opposes the lockdowns.

The Great Barrington Declaration mentions worsening cardiovascular disease outcomes, fewer cancer screenings and deteriorating mental health, leading to greater excess mortality in years to come, as examples of lockdown harms. The Declaration holds out “focused protection” of the vulnerable as “the most compassionate approach that balances the risks and benefits of reaching herd immunity, [allowing] those who are at minimal risk of death to live their lives normally to build up immunity to the virus through natural infection, while better protecting those who are at highest risk.”

As the 45,000 medical professionals who signed on to the Declaration maintain: “nursing homes should use staff with acquired immunity and perform frequent PCR testing of other staff and all visitors. Staff rotation should be minimized. In contrast, those who are not vulnerable should immediately be allowed to resume life as normal. Schools and universities should re-open for in-person teaching; sports, arts, music, culture and other extracurricular activities should be resumed; restaurants and other businesses should open fully.”

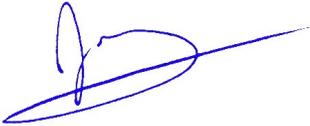
Dr. David Nabarro of the World Health Organization recently warned countries about imposing lockdowns because of the significant harm they cause, and said they should be used only “as a last resort.”

Why are Dr. Nabarro and 45,000 medical doctors and public health experts from The Great Barrington Declaration being ignored? Your government has a responsibility to protect society from the oppressive urgings of a small number of tunnel-visioned doctors who are promoting unwarranted fear and panic by fixating on one virus, to the exclusion of other pressing public health concerns.

The *Canadian Charter of Rights and Freedoms* places the onus on government to show that lockdown measures have, in fact, saved more lives than the number of lives which lockdown measures have destroyed. The *Charter* does not place any burden on citizens to prove that lockdowns do more harm than good.

Rather than locking down society and the economy with measures that clearly violate our most fundamental *Charter* freedoms, your government should instead protect the vulnerable, and remove the remaining *Charter*-violating policies that continue to harm Alberta’s society and economy.

Yours truly,



John Carpay, B.A., LL.B.  
President  
Justice Centre for Constitutional Freedoms

cc. Dr. Noel Gibney  
Dr. Darren Markland  
Dr. Deena Hinshaw, Chief Medical Officer  
Tyler Shandro, Minister of Health