



# Justice Centre

for Constitutional Freedoms

November 12, 2020

Sent via email and mail

Hon. Brian Pallister  
Premier of Manitoba  
204 Legislative Building  
450 Broadway  
Winnipeg, MB R3C 0V8

Dear Premier Pallister,

I write to urge you and your government to fully restore Manitobans' *Charter* freedoms to move, travel, associate, assemble and worship. Manitobans' fundamental freedoms continue to be violated by various lockdown measures that have been vastly increased in recent days.

Your renewed lockdown of Manitobans is astonishing and unwarranted. I am calling upon you to reverse these measures immediately.

In particular, I want to respond to the November 1, 2020 letter sent to you by Dr. Jillian Horton, Dr. Kendiss Olafson, and other doctors, in which they advocated for further and more extreme violations of *Charter* freedoms.

In their November 1 letter, the doctors stated that the "COVID pandemic" continues to "spiral out of control." In fact, on November 12 (<https://www.gov.mb.ca/covid19/updates/cases.html>) only 218 COVID-19 patients were in hospital and only 32 in ICU in a province with a hospital bed capacity of 2400 and a further surge capacity of 1000 beds. Ignoring context can cause undue panic; fewer than 4% of the cases concerned people who are sick enough to require hospitalization, while more than 96% of cases concern people who are asymptomatic or only mildly ill. The doctors cried "crisis" when health officials told us that COVID-19 patients are currently using less than 6% of Manitoba's hospital beds. As announced by your government in November, ICU capacity can be expanded by an additional 173 beds; currently COVID-19 patients are using only 13% of this total ICU capacity.

It is profoundly troubling that these doctors failed to consider the relevant context. More than 11,000 Manitobans die each year, of whom more than 10,800 from causes other than COVID-19. More than 900 Manitobans die every month; more than 200 per week. Why are these deaths considered less important, or less sad, than deaths caused by one virus?

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

Yet the doctors inferred that the health care system would be overrun, a claim similar, if not identical, to claims made in March and April, which never materialized. To the contrary, Manitoba'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 claimed that the "only formula that has worked elsewhere in the world is decisive action by government." Presumably by "decisive action" they meant extraordinary impositions on the civil rights of all Manitobans, even the 90% of whom have virtually zero risk of dying from COVID-19. Indeed, the 10% who are vulnerable depend on the 90% of non-vulnerable Manitobans to sustain the health care system financially. Judging by the newest round of strict lockdowns in Manitoba, which violate the fundamental Charter freedoms of Manitobans, it appears that these doctors got their wish.

What is truly catastrophic and tragic is the harms which lockdown measures have inflicted on Manitobans, 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, optometrists, chiropractors, podiatrists and dentists.

It is apparent that the signatories of the November letter 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 Manitobans forced into unemployment, poverty, bankruptcy and despair by lockdown measures? How many Manitobans 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 1 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 by your government? 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 continuing to lockdown 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 heavy-handed *Charter*-violating policies that continue to harm Manitoba’s society and economy.

Yours truly,



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

cc. Cameron Friesen, Minister of Health  
Dr. Brent Roussin, Chief Provincial Public Health Officer