



# Justice Centre for Constitutional Freedoms

November 13, 2020

Via email and mail

The Honourable Scott Moe  
Premier of Saskatchewan  
Office of the Premier  
226, 2405 Legislative Dr  
Regina, Saskatchewan S4S 0B3

Dear Premier Moe,

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

In particular, I want to respond to the November 10, 2020 letter sent by Dr. Brent Thoma, Dr. Carla Holinaty and other doctors, in which they advocate for further and more extreme violations of *Charter* freedoms. These doctors speak of the growth in “cases” and of overburdened hospital capacity, but fail to mention the relevant context. More than 9,500 Saskatchewanians die each year, of whom more than 9,400 from causes other than COVID-19. The 29 COVID-19 deaths make up one third of 1% of all deaths. Why are the 9,400 deaths considered less important, or less sad, than deaths caused by one virus?

The doctors state in their letter that hospitalizations and ICU admissions have greatly increased, yet fail to mention that on November 12 (<https://dashboard.saskatchewan.ca/health-wellness/covid-19/cases?filter=hospitalizedCases%2Cdeaths#cumulative-cases-tab>) only 48 COVID-19 patients were in hospital, and only 11 in ICU, in the context of 2,400 hospital beds with a surge capacity of up to 3,180 beds in Saskatchewan. Ignoring context and promoting panic, the doctors fail to mention that fewer than 4% of the scary “cases” concerned people who are sick enough to require hospitalization; more than 96% of cases concern people who are asymptomatic or only mildly ill. The doctors cry crisis when government data tells us that COVID-19 patients are currently using less than 1.5% of Saskatchewan's hospital beds. As announced by your government in April, ICU capacity can be expanded to 963 beds; currently COVID-19 patients are using only 1% of this total ICU capacity.

Earlier this year, the Saskatchewan Government was stampeded into pre-emptively cancelling thousands of “elective” surgeries—leaving hospitals almost empty in order to meet an overwhelming wave of COVID patients that never arrived—and into forcibly closing “non-essential” businesses—leaving business owners to pick up the pieces of their lives. It is common knowledge that hospitals in Canada are *always* overburdened.

Your own government's data tells us there is no crisis, and no "second wave" of deaths, which means these doctors are fearmongering.

Your own government's data tells us that we are *not* "losing this battle" as claimed by these doctors.

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 uses "sufficient force" to control the virus. They encourage you to follow Australia's example in this regard. In Melbourne, some of the toughest COVID-19 restrictions in the world were imposed on citizens for more than 3 months. They endured a night-time curfew, a one-hour limit on outdoor exercise, and a ban on travelling more than 5 kilometres from their home (<https://www.bbc.com/news/world-australia-54686812>). The state of Victoria's Premier, David Andrews, said back in August 2020 that "there is literally no reason for you to leave your home." The military was deployed to enforce COVID-19 restrictions and police smashed car windows of non-compliant citizens (<https://www.independent.co.uk/news/world/australasia/coronavirus-australia-victoria-melbourne-lockdown-military-police-cases-deaths-a9652996.html>). Do these examples approximate the "sufficient force" that these doctors are suggesting for Saskatchewan?

What is truly catastrophic, tragic and unnecessary are the harms which lockdown measures have inflicted on Saskatchewanians, 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 Saskatchewanians forced into unemployment, poverty, bankruptcy and despair by lockdown measures? How many Saskatchewanians 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 10 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 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 Saskatchewan’s society and economy.

Yours truly,



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

cc. Dr. Saqib Shahab, Chief Medical Health Officer  
Hon. Paul Merriman, Minister of Health