

RE: COVID Perception, Reality and Legality – Councillor van Holst

EXECUTIVE SUMMARY

I argue that the public's perception of the COVID situation has been influenced by the (sometimes corrupt) pharmaceutical industry to create a greater demand for the mRNA vaccines so that sales are boosted through otherwise unwarranted mandates. Such extreme political actions place the city at risk and raise several legal questions. Sharing the city's legal advice publicly would create more clarity, as would a return to authentic scientific debate.

Aug 21, 2021

Dear Chair and members of the CSC,

Purpose of this Letter

I am writing in response to the City of Toronto establishing a vaccine mandate for its employees which I see as a precedent already spreading to other municipalities. The goal of this communication is to argue that the need for vaccines has been exaggerated and does not warrant the imposition of extreme measures that could place our corporation in jeopardy of infringing unlawfully on protected rights. Because of this risk, I will also request legal opinions and that those be shared publicly.

Discouraging Treatment in Favour of Vaccines

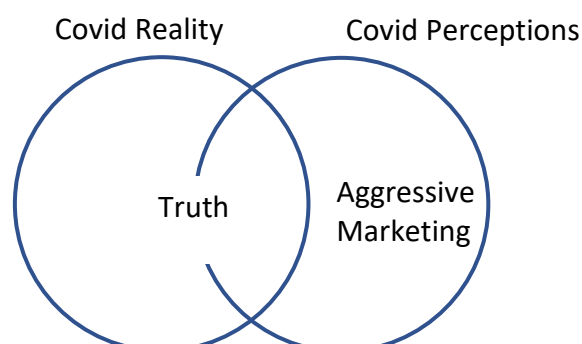
At the outset of the pandemic, there were two strategies that could have been followed, individually or in some combination. The choices were:

1. Use previously tested medicines to treat and prevent the disease
2. Research and test new technologies to treat or prevent the disease.

Intuitively, one would think that a combination of both might be the best approach, but the popular narrative suggested a new vaccine was the only solution. I attribute this to excellent marketing from an industry that has billions of dollars to gain from selling new vaccines.

Reality vs Perception

It is important to distinguish perception from reality. Marketing is often done to improve the perception of a product or service including vaccines. Aggressive marketing of vaccines by their stakeholders could result in a difference between our COVID Perceptions and the COVID Reality. It is unlikely a coincidence that all most people believe about the COVID situation is exactly what would maximize profits from the industry's sale of vaccines. We need to ask if our perceptions have been skewed since they will be the basis for instituting coercive actions like mandates.



Ad Hominems are not Science

The industry also had a lot to lose if an inexpensive treatment was found to cure the disease or (worse for them) the fear of it. I suspect this was the reason that the treatment alternative and its proponents suffered heavy personal attacks and deplatforming under the COVID narrative. The two sides of a scientific debate don't normally attack each other like the parties in a political campaign. This, again, moves that narrative in the direction of public relations and away from pure scientific debate which is sorely needed.

Past Criminal Behaviours Provide Insight

Using alternative ways to promote sales isn't new to the industry and the best example is a headline from the webpages of the US Department of Justice:

“Opioid Manufacturer Purdue Pharma Pleads Guilty to Fraud and Kickback Conspiracies”

The text describes how,

- “Purdue admitted that it marketed and sold its dangerous opioid products to healthcare providers, even though it had reason to believe those providers were diverting them to abusers”
- “The company lied to the Drug Enforcement Administration about steps it had taken to prevent such diversion, fraudulently increasing the amount of its products it was permitted to sell.”
- “Purdue also paid kickbacks to providers to encourage them to prescribe even more of its products.”
- “Purdue put opioid profits ahead of people and corrupted the sacred doctor-patient relationship,”
- “it conspired to defraud the United States by impeding the lawful function of the Drug Enforcement Administration”
- “Under the terms of the plea agreement, Purdue agreed to the imposition of the largest penalties ever levied against a pharmaceutical manufacturer, including a criminal fine of \$3.544 billion and an additional \$2 billion in criminal forfeiture.”

Influencing Public Opinion

Purdue Pharma knew what was needed to maximize profits and did it. We should assume that the industry has learned its lesson about criminal behavior and is now doing everything it can to maximize profits in a legal way, including the subtle influence of public opinion. The effect of this influence is an exaggeration of the threat posed by COVID and the need for total vaccination of the population.

Converging on the Obvious

Interestingly, this does not require a conspiracy, it just needs individual entities to think the scenario through, draw the same obvious conclusions and then market the same obvious talking points.

Obvious Vaccine Profit Talking Points

- We are in the midst of a deadly pandemic
- Everyone is in grave danger
- The only way to keep us safe is for everyone to be vaccinated
- Other proposed treatments are dangerous
- Everyone needs to bear the burden of masks and isolation until we flatten the curve, create a vaccine, reach a quota of vaccinations, etc.
- One dose isn't enough – two doses are required
- You should get a vaccine even if there are identified short term health risks
- The vaccines approved for emergency use don't have long term health risks
- It is safe and effective to mix vaccines
- Unvaccinated people are the main reason we have masks and lockdowns

- People who don't want the new vaccine are selfish and a threat to our safety
- We can't be safe without vaccine mandates and passports
- If you are vaccinated, you will (eventually) get to have your freedoms back.
- If the vaccine doesn't work well enough then booster shots can be purchased

The Overall Covid Narrative can't be Defended Scientifically

This profit-enhancing vaccine narrative is a close match to our COVID perceptions. However, in terms of a COVID reality it would not constitute a provable proposition in scientific debate. This greatly erodes the premise upon which extreme political actions like vaccine mandates and passports can be defended in a court of law.

Legal Questions

Some of the legal questions that I would like answers to are:

1. Could we be sued for instituting a mandate
2. Could we be sued for attempting to enforce a mandate
3. Is there a difference between mandating vaccines for employees and for the public who might use our services or reside on our properties?
4. Since the manufacturers cannot be held liable for harm or death, could the corporation or the councillors be sued if someone suffered an adverse reaction because they were forced to take a vaccine in order to retain their livelihood?

Legal Clarity is Lacking and Greatly Needed

During this pandemic there has been a considerable lack of legal clarity. For instance, the constitutionality of lockdowns was not immediately adjudicated by the courts. This would have avoided the argument that has gone on for over a year about whether people have the right to attend church. Fines have been given but we still don't know if they are legitimate because issue has not been resolved.

As a means of improving clarity, I will be moving that the legal advice we receive as a council be shared publicly.

Sincerely yours,



Michael van Holst
Councillor, Ward 1