



Written by [David Kelly](#) on December 27, 2022

Alberta Passes Law Rejecting Federal Sovereignty

The majority of people in the Canadian province of Alberta have had enough of the Liberal federal government in Ottawa, the country's capital. They are tired of the over-reaching hand of the federal government, on issues from Covid restrictions to gun control, spearheaded by Prime Minister Justin Trudeau.

Seeking to take a stand against federal legislation and policies that are unconstitutional, the provincial government of Alberta introduced, passed, and instituted the [Alberta Sovereignty within a United Canada Act](#) this month.



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The provincial government [overview](#) stated, "The act will be used to address federal legislation and policies that are unconstitutional, violate Albertans' [charter rights](#) or that affect or interfere with our provincial constitutional rights.... The act gives Alberta a democratic legislative framework for defending the federal-provincial division of powers while respecting Canada's Constitution and the courts."

The Alberta government designed the act to, as [stated](#), "Shift the burden to the federal government to legally challenge Alberta's refusal to enforce unconstitutional or harmful federal laws or policies instead of Alberta having to initiate legal challenges and waiting years for a decision while those same federal laws or policies harm Albertans day in and day out."

The Guardian [reported](#) that Alberta's premier, Danielle Smith, said the law "would allow the province to reset its relationship with Justin Trudeau's federal government."

"It's not like Ottawa is a national government," said Smith. "The way our country works is that we are a federation of sovereign, independent jurisdictions. They are one of those signatories to the constitution and the rest of us, as signatories to the constitution, have a right to exercise our sovereign powers in our own areas of jurisdiction."

The new law is in line with the conservative effort in western Canadian provinces to secede from Canada, which has made it difficult for Ottawa to govern the western regions of the nation. The [Wexit Movement](#) is advocating for "the democratic separation of the western provinces; Alberta, Saskatchewan, Manitoba, and British Columbia — into an independent and sovereign country — apart from Eastern Canada."

Premier Smith is [reportedly](#) not a member of any secessionist movement but "has opposed all pandemic measures, including vaccines and masks. Her government has suggested that Alberta's law could be used to reject federal authority and laws in several areas, including public health, the environment and firearms."

Critics say the law is a constitutional overreach by the province and warned that it is unlikely to survive a court challenge. They also say the legislation may cause investors to shy away from Alberta and could



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jeopardize Indigenous peoples' rights and treaty obligations.

"We will not stand idly by. We will not allow it to happen," the national chief of the Assembly of First Nations, RoseAnne Archibald, [said](#) in *The Guardian* article.

"The Federation of Sovereign Indigenous Nations, Treaty Six and Treaty Seven chiefs say the 'sovereignty act' infringes on their treaty rights and that any amendments to the bill aren't enough for them to support the law," *The Guardian* noted.

One of the driving forces of the new law was the fact that a majority of supporters have long argued that the federal government has exploited the wealth generated by the province's lucrative energy industry for the benefit of other provinces while dismissing pressing needs in Alberta, including increased funding for healthcare. The vast majority of Alberta's energy is exported, with the largest portion going to the United States.

Trudeau's climate-change agenda, gun control, and his government's infringements of individual freedoms only serve to bolster the Sovereignty Act's support among Albertans who will no longer tolerate Ottawa's out of touch policies and threats to their oil industry.

When introducing the proposed law, Smith said, "I hope that we've sent a message to Ottawa that we will vigorously defend our constitutional areas of jurisdiction, and they should just butt out."

Duane Bratt, a professor of political science at Mount Royal University in Calgary, [said](#) of the law's passage, "This is coming from a deep-seated anger at the federal government and Justin Trudeau. She [Smith] clearly wants to fight with Trudeau." After the law was adopted, Trudeau [told](#) reporters that he was "not interested in fighting with the Alberta government."

The Alberta Sovereignty Act loosely resembles the U.S. [Kentucky and Virginia Resolutions](#), in which Thomas Jefferson and James Madison sought to nullify the federal [Alien and Sedition Acts](#) of 1798. Those Resolutions stated that the Constitution limits federal authority to certain enumerated powers, that congressional acts exceeding those powers are violations of the Constitution, and that each state has the right and duty to determine the constitutionality of federal laws and prevent application of unconstitutional federal laws in its own territory. The Resolutions never gained support from the other states, and the Alien and Sedition Act expired in March 1801.

Alberta's fight against Canada's federal government will definitely end up in the country's federal courts as the provincial government steps forward in nullifying federal laws it deem as unconstitutional or causing harm to Albertans. Time will tell if the act does impact Trudeau and his liberal government's zeal to strip away the liberty and freedom of his constituents.

In the meantime, the new act is clearly a game changer for the Canadian federal government's rules of engagement and should be something to watch.



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