



New Alberta Premier Vows “Sovereignty Act” to Ignore Tyrannical Canadian Laws

Alberta’s new premier is vowing to pass legislation allowing her province to ignore Canadian federal laws that it deems unconstitutional or harmful to its interests.

On October 6, Danielle Smith [won](#) the United Conservative Party (UCP) leadership election, defeating six other candidates. Since the UCP holds a majority in Alberta’s Legislative Assembly, this also made her the province’s new premier, succeeding [Jason Kenney](#).

Smith’s main policy [proposal](#) in the leadership election was passage of the [Alberta Sovereignty Act](#). This act has not yet been drafted, but according to Smith, it would explicitly allow Alberta to ignore Canadian federal laws or policies that it deems unconstitutional or harmful to the province.

In an overview of the act released by Smith, the bill [would](#) “assert Alberta’s Constitutional Rights within Canada to the furthest extent possible by effectively governing itself as a nation within a nation.” If Alberta invokes the act for a particular federal law or policy, the provincial government would introduce a special motion outlining how it harms Albertans and what specific actions the province will take to prevent its enforcement.

In explaining to the *Western Standard* [how the act could be used](#) and would be superior to other options, Smith said one scenario would be

“if Justin Trudeau announces tomorrow that under authority of the Federal Emergencies Act, all school-aged children must be vaccinated for COVID in order to attend in-person learning.”

Smith said [in that case] the Alberta government would have the following options:

- 1) Take the [New Democratic Party] approach, follow federal law and have AHS [Alberta Health Services] and Alberta Education enforce this policy on our children.
- 2) Take the establishment UCP approach which would likely be to write an angry letter to Ottawa and possibly take the federal government to court for roughly two years, during which time, AHS and Alberta Education fully carry out the federal government’s vaccination policy, thereby nullifying the entire point of the lawsuit.
- 3) Invoke the Alberta Sovereignty Act, via special motion, stating this federal policy is a breach of the Charter, forbid AHS and Alberta Education from implementing the policy on



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Written by [Peter Rykowski](#) on October 20, 2022

our children, and wait for the federal government to bring a constitutional challenge against the Province which we would fight, probably win, and during which time, the Charter rights of Alberta parents and children will have been protected.

Predictably, Smith's proposal is coming under [heavy opposition](#) from the political and legal establishments. Her six election opponents [opposed](#) the act, while outgoing premier Kenney [attacked](#) her proposal. Even Alberta's lieutenant governor, Salma Lakhani, [suggested](#) she might not grant royal assent to the bill if passed, thus blocking it — something not done since 1937.

Under this pressure, an advisor to Smith [announced](#) that the act would abide by decisions of the Supreme Court of Canada while still promising it would “have a whole head of very sharp teeth” and “change the dynamic” with Justin Trudeau's government.

If the Alberta Sovereignty Act fails to effectively push back against Trudeau's tyrannical mandates — assuming it is even enacted — this would not come as a surprise. The Canadian [Charter of Rights and Freedoms](#), adopted in 1982, [presupposes](#) that rights are granted by the government and, thus, can be modified at the government's whim. This is illustrated in Section 1, which states that any of the “rights and freedoms” are “subject” to “reasonable limits prescribed by law.”

By contrast, the United States [Constitution and Bill of Rights](#) presuppose that rights come from God and, by extension, cannot change. Accordingly, the Bill of Rights does not contain qualifying phrases such as those in the Canadian Charter of Rights and Freedoms.

Additionally, while Alberta is attempting to ignore tyrannical Canadian federal laws, the U.S. Constitution — specifically in [Article VI](#) — obligates elected officials to [nullify laws](#) not “made in Pursuance” of it. Nullification has been used [multiple times](#) — and is [still being used](#) — at the state and local levels to defend against government usurpations.

Nonetheless, it is encouraging to see Canadian officials begin to stand up to the tyranny emanating from Justin Trudeau and his government.

Americans can urge their state legislators to nullify unconstitutional federal laws and edicts by visiting The John Birch Society's legislative alert [here](#).



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