

FREE ALBERTA STRATEGY

A STRONG, FREE & SOVEREIGN
ALBERTA WITHIN CANADA

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BARRY COOPER
DEREK FROM**

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ABOUT THE FREE ALBERTA STRATEGY



The Free Alberta Strategy Group is a joint initiative between the Alberta Institute and former Airdrie MLA and lawyer, Rob Anderson, promoting the Free Alberta Strategy across the province in various town halls, meetings with politicians and community leaders, and through various media platforms and other initiatives.

The goals of the Free Alberta Strategy are to see the Government of Alberta pass the Strategy's proposed package of reforms that will free Alberta from Ottawa's overbearing control and restore self-determination for all Albertans.

The Alberta Institute is an independent, libertarian-minded, public policy think tank that aims to advance personal freedom and choice in Alberta.



ABOUT THE AUTHORS

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Barry Cooper, professor of political science at the University of Calgary, has published around 200 articles and over 35 books, most recently Covid-19: The Politics of a Pandemic Moral Panic. A copy of his 2004 book, New Political Religions: An Analysis of Modern Terrorism, was recovered from the personal library of the late Osama bin Laden when his compound in Abbottabad was visited by members of Seal Team Six. He has received numerous research grants including a Konrad Adenauer Award and a Killam Research Fellowship. He has been a Fellow of the Royal Society of Canada since 1993.

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Derek From is an Alberta lawyer specializing in charter and constitutional issues ranging from the protection of individuals' freedoms of expression, religion, association, liberty, security of the person, property rights, and firearms rights, to interprovincial trade. Derek frequently appears in the national and local broadcast and print media discussing legal, constitutional and policy issues. He has written several articles and reports for the Fraser Institute, Alberta Law Review and Canadian Constitution Foundation. As an advocate for individual civil liberties and the rule of law, Derek has devoted his career to protecting Canadians from government overreach.



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I. EXECUTIVE SUMMARY

Alberta's treatment within Canada has become intolerable. Successive Federal Governments in Ottawa have relentlessly attacked our province's economic interests, stifled our prosperity, and pillaged the resources and wealth of Alberta's citizens to purchase electoral support in other parts of the country.

Though Albertans have tolerated the expropriation of our wealth for decades, the federal government has now advanced its anti-Alberta agenda a bridge too far, posing an existential threat to our Province's economic viability and the core freedoms of our people.

Ottawa has fundamentally breached its constitutional agreement with Alberta. The Alberta government, therefore, has a right and duty to repudiate this arrangement on behalf of its people, to renegotiate its terms of membership in Confederation and, if Canada's federal and provincial leaders refuse to negotiate, to form an independent nation.

We call upon the Government of Alberta to implement the following package of legislative and other reforms, which we summarize as follows:

1. Passing into law the Alberta Sovereignty Act, granting the Alberta Legislature absolute discretion to refuse any provincial enforcement of federal legislation or judicial decisions that, in its view, interfere with provincial areas of jurisdiction or constitute an attack on the interests of Albertans. This would include Alberta prohibiting any provincial enforcement of the federal carbon tax,¹ the No New Pipelines Act,² and attempts by federal agencies to regulate our Province's energy sector in any manner.³

This would necessitate establishing an Alberta Provincial Police Force to replace the Royal Canadian Mounted Police ("RCMP"), and passing into law the Alberta Independent Banking Act designed to expand significantly the number of provincially regulated financial institutions for the purpose of providing Alberta businesses and citizens with protection from enforcement of federal legislation or judicial decisions designated as unenforceable by the Alberta Legislature.

2. Effectively ending federal equalization transfers from Alberta through passing into law the Equalization Termination and Tax Collection Act. In addition to establishing an Alberta Revenue Agency to collect all provincial taxes, this Act would also grant the Provincial Government authority to recover the total amount of equalization confiscated by the Federal Government from Alberta each year, by withholding from the Canada Revenue Agency (“CRA”), an equal amount of federal tax source deductions that are collected by all provincial agencies, municipalities and, at their option, private corporations banking with provincially regulated financial institutions.
3. Opting out of all federal programs that interfere with provincial areas of jurisdiction, including health, education, resource development, environmental regulation, and property rights. This would include replacing the Canada Pension Plan (“CPP”) and Employment Insurance (“EI”) with an Alberta Pension Plan and Alberta Unemployment Insurance designed to deliver to Alberta pensioners and those who become unemployed higher benefits using lower premiums from Alberta workers.
4. Declaring that the Provincial Government will replace the Federal Government as acting authority to negotiate Alberta’s international trade and market access relationships; and further, granting the Provincial Legislature authority to make all future judicial appointments in Alberta through passing into law, the Alberta Judicial Independence Act.

These proposed reforms constitute the key elements of a strategic plan for Alberta to assert its sovereignty, offload the burden of Ottawa’s tyrannical economic policies against the Province, and secure self-determination for the people of Alberta within a reformed confederation, or if necessary, as an independent nation.

We call this proposal, the *‘Free Alberta Strategy’*.



“OTTAWA HAS
**FUNDAMENTALLY
BREACHED**
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ALBERTA GOVERNMENT,
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RIGHT TO REPUDIATE
THIS ARRANGEMENT”

II. THE BURDEN OF CONFEDERATION

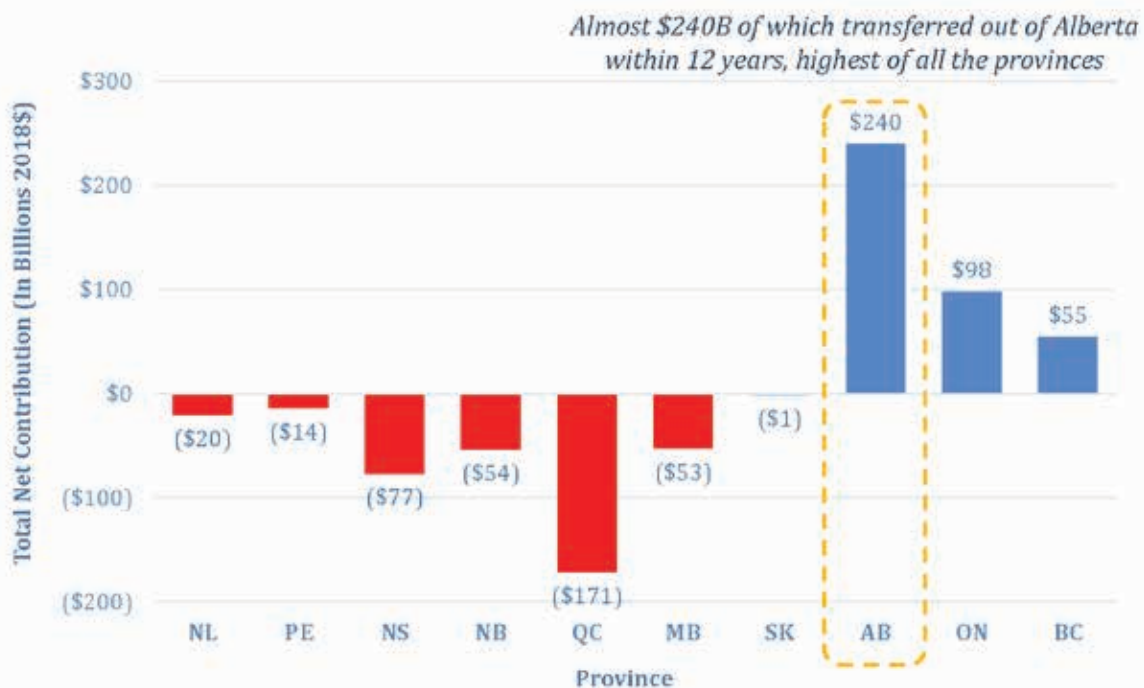
Sustained Federal Attacks on Alberta

There is agreement among a vast majority⁴ of Albertans that our province is being mistreated and, in more recent years, economically terrorized by the Government of Canada. Alberta has been the target, not just of international eco-extremists and activist organizations, but of Ottawa itself. Volumes have been written on the subject, but the primary economic assaults on Alberta by its own federal government can be succinctly summarized as follows:

1. Through the equalization formula and numerous national transfer programs, Ottawa has taken well over \$600 billion more from Alberta taxpayers than it has returned to the Province over the last 60 years.⁵ Between the period spanning 2007 and 2015 alone, the amount of equalization drained out of Alberta was an astounding \$188.6 billion.⁶ That equates to almost three full years of Alberta's entire provincial budget!

The Alberta Burden

- **Total net contribution by province to the federal fiscal balance 2007-2018 (in billions)**



Source: Statistics Canada

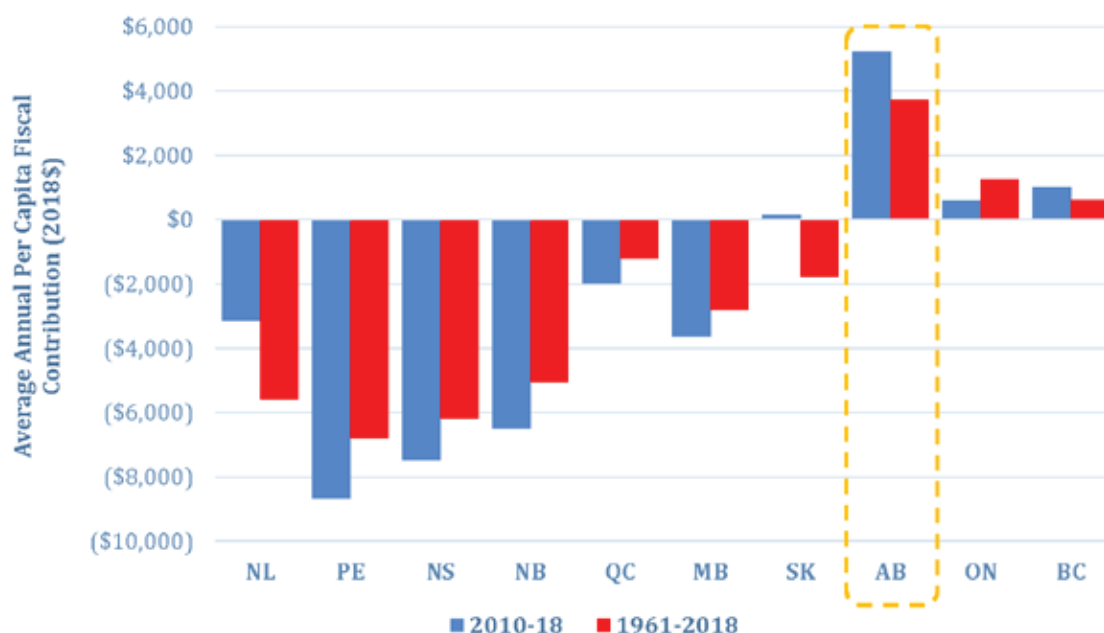
Original Link: <https://nationalpost.com/news/canada/how-alberta-pays-quebecs-bills-four-charts-that-show-alberta-picks-up-the-tab>

2. The federal government has commenced a deliberate strategy to phase out⁷ and eliminate Alberta's largest and most critical industry (oil and natural gas) through a variety of legislative programs including a \$170/tonne carbon tax⁸, a second carbon tax implemented via so-called "clean fuel regulations",⁹ and an effective ban on new pipeline projects¹⁰ and oil tanker shipments to Asia¹¹, thereby landlocking Alberta's energy producers from developing and exporting our province's vast energy resources to international and domestic markets.

The result of the first federal assault, combined with irresponsible provincial increases in spending during boom years, has been systemic provincial deficits (excepting in times of unusually high energy prices), a lack of funding necessary to cope with rapid population increases, and insufficient resources to diversify the Alberta economy long term.

Alberta Contributions Per Capita

- In per capita terms, Alberta has been by far the largest net contributor since 1961



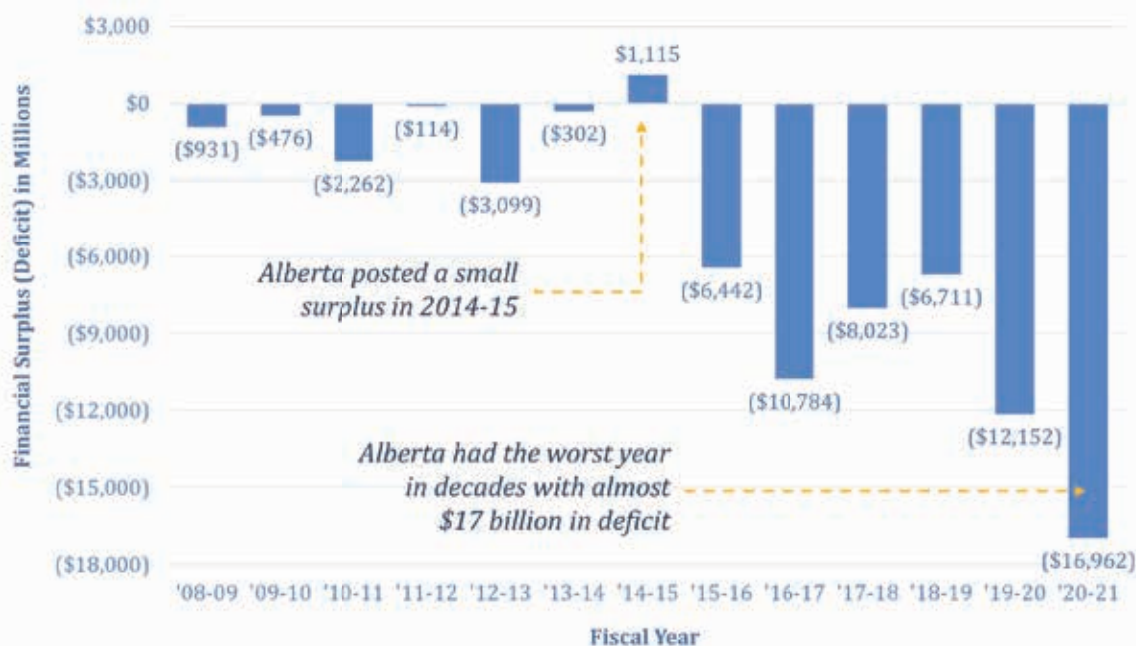
Original Link: <https://www.policyschool.ca/wp-content/uploads/2020/06/Federal-Fiscal-Balance-Mansell-Khanal-Tombe.pdf>

The results of the second federal assault (the strategy to phase out Alberta's energy sector) has been massive increases in unemployment,¹² sustained decreases in incomes¹³, and a withdrawal of hundreds of billions¹⁴ in investment dollars by world capital markets.

If allowed to continue, there is no doubt whatsoever that Alberta will become a shadow of its former prosperous self and could become a "have not" province¹⁵ reliant on the very federal transfer programs it has been disproportionately funding for the past 60 years.¹⁶

Alberta's Surplus and Deficit

- COVID-19, collapse in energy prices and a recession have eroded Alberta's revenues



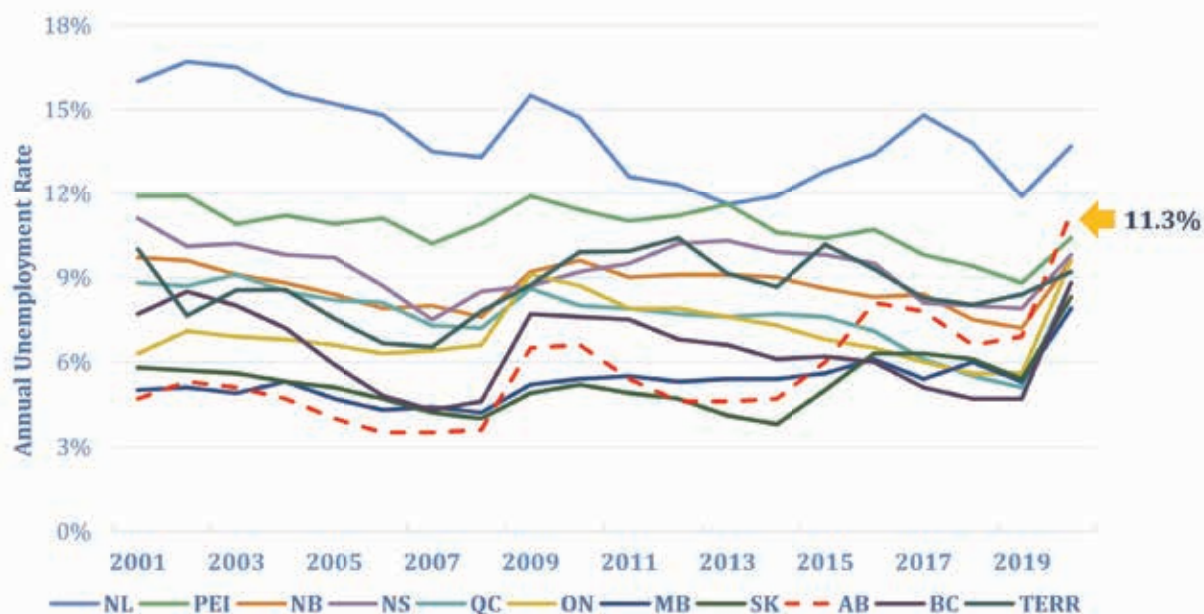
Original Link: <https://edmontonjournal.com/news/politics/alberta-budget-2021-deficit>

Ironically, not only will the federal strategy to phase out the Alberta energy sector do nothing to reduce global CO2 levels¹⁷ (the stated objective), it will surely increase those levels¹⁸ as the mega populations of China, India, and Africa turn to more CO2 intensive and environmentally damaging fuel sources to satisfy their economic ambitions; and further, they will do so without the benefit of Alberta's massive reserves of clean burning liquified natural gas¹⁹, along with the billions Alberta's energy industry invests every year on environmental protection²⁰ and technologies dedicated to making the world's continued consumption of fossil fuels more environmentally sustainable.²¹

The social cost of this sustained federal economic attack on our province has already been unleashed on Albertans, including increases in suicide, bankruptcy, and opioid overdoses.²

Unemployment in Alberta

- **Alberta's unemployment rate increased from 4.7% (the lowest in the country) in 2001 to 11.3% (the second highest in the country behind only Newfoundland and Labrador) in 2020**



Source: Statistics Canada. Table 14-10-0090-01 Labour force characteristics by province, territory and economic region, annual

The Great Alberta Debate

As a consequence of the forgoing events, a debate is taking place across Alberta regarding our province's future within Confederation. Three predominant viewpoints are being voiced:

Albertans in the first group are ready to separate now. They do not believe there is any reason for Alberta to continue as a member of Confederation. After more than a hundred years of fruitless compromise, they are convinced that independence will provide the Province with far more practical leverage to deal with our land-locked geography and economic challenges, than will continuing to be governed by an increasingly centralized political system in Ottawa.²³

For the most part, this group is made up of hard-working, law-abiding citizens whose families helped to develop the West and fought for Canada in both of the World Wars. They resent being dismissed by politicians – both in Ottawa and in Edmonton – as being unpatriotic. Reality is, they are fed up with having their lives controlled by the dictates of an unaccountable Prime Minister's Office in Ottawa that does not act in their best interests but still expects them to pay a disproportionate share of the bill.

This group has also grown weary of Alberta political leaders who reflexively take the independence card off the table, thereby signaling to Ottawa and the other provinces that they will perpetuate the relationship no matter how abusive it may become for the people of Alberta.

The second group will not consider separation from Canada for any reason. Albertans in this group are either content with the status quo or, if not, they believe that any abuse or neglect Alberta endures at the hands of the rest of Canada should be dealt with by asking politely, perhaps launching a few legal challenges, convincing Central and Eastern Canadians of the validity of Alberta's grievances, and electing federalist parties that will treat Alberta's interests fairly. This "federalism-at-all-costs" group, though predominantly well-meaning and sincere, have not learned from history. Put simply, none of the

above tactics has ever worked.²⁴ They have been attempted in dozens of varied ways over the last several decades, and Alberta's position and interests within Confederation, with very few and temporary exceptions, have consistently regressed without any realistic hope of improvement.

The third and final group constitutes the “swing vote” in this debate. These are Albertans who fully understand the province's challenges and recognize that Ottawa, and most other provincial governments across the country, have historically, and are now actively, undermining the province's ability to succeed. This group understands we have had our resources plundered by those same jurisdictions for decades, with absolutely no return on that investment when needed most. Importantly, this group of Albertans understands that if the status quo continues, Alberta is destined to become a “have-not” province, rather than an economic engine of Canada with one of the most successful economies²⁵ on the planet.

This third group of Albertans shares the concerns of those favouring immediate independence. However, they differ from their separatist cousins in that they do not support independence from Canada without the following preconditions:

1. This group wants Alberta to assert its provincial autonomy as strongly and to the furthest extent possible, while still remaining within Canada. They know that option has not been fully explored and that, if attempted, it may well fail. However, they believe it is necessary to exhaust these last avenues of redress – even if unpopular with the rest of Canada – to see if Alberta can renegotiate its place within Confederation in a manner that results in the economic and social advantages that a united Confederation was originally hoped to achieve; and
2. If, after exhausting every reasonable attempt at this re-negotiation and reconciliation, the rest of Canada rejects the reforms necessary to repair itself, these Albertans believe that a thoughtful, researched, and well-vetted exit strategy should be presented to Albertans, debated fully, and voted on. They do not believe that simply voting to separate without a concrete and well considered plan is a rational

course of action and may, in fact, worsen Alberta's economic position further.

These Albertans are ready and willing to do whatever it takes to save their province and their country from their joint downward spiral, even if it means risking controversy and a period of national discord.

The Free Alberta Strategy, as outlined in the following sections, addresses the concerns and goals of these Albertans. It provides a path to provincial sovereignty and self-determination within a reformed Canadian Confederation. It is also a strategy, we hope, that will convince those Albertans now desiring full national independence, to place that goal on hold in order that we might attempt a united final push for a strong and independent Alberta within a reformed Canada; albeit, doing so in a manner that simultaneously prepares our province for national independence should Ottawa and the rest of Canada refuse our attempts at asserting our province's rights and repairing our dysfunctional nation as presently constituted.

**“THESE ALBERTANS
ARE READY AND
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III. THE FREE ALBERTA STRATEGY

The foundational principles of the Free Alberta Strategy are straightforward.

The provinces are voluntary members of the Confederation of Canada. Each province's membership in this country is predicated upon the federal government abiding by its constitutional commitments to its members. In Alberta's case, the federal government has relentlessly intruded and, in many cases, entirely taken over control of constitutionally enshrined provincial areas of authority including resource development, business regulation, environmental regulation, health care, education, and social services, among others. They have used their own appointed and controlled federal courts to give these intrusions legal legitimacy and they have plundered Alberta through the fraud that is equalization and federal transfer programs to pay for it.

If Alberta were considering whether to enter Canada today, it is unlikely in the extreme that Albertans would accept the current terms, which include Ottawa's No More Pipelines Law (Bill C-69),²⁶ discriminatory tanker ban (Bill C-48),²⁷ industry destroying carbon taxes, and a Canadian political system that continues to chase away businesses that are trying to develop our resources and create jobs.

We call on the Government of Alberta to place the federal government and its federal courts on notice that it will no longer recognize their claimed authority over provincial areas of constitutional sovereignty.

Alberta Sovereignty Act

The Free Alberta Strategy requires that several pieces of new legislation be passed by the Government of Alberta. Our proposed cornerstone of the Free Alberta Strategy is the Alberta Sovereignty Act. This would provide Alberta's Legislature with the authority to refuse enforcement of any specific Act of Parliament or federal court ruling that Alberta's elected body deemed to be a federal intrusion into an area of provincial jurisdiction, or unfairly prejudicial to the interests of Albertans.

As an example, Alberta's elected representatives could trigger the use of this legislation to override a federal attempt to regulate or decline a new energy project in Alberta. Once the provincial permit is granted for such a project, that business would be permitted to build and operate independently of any federal regulatory or judicial interference.

Similarly, as it relates to federal laws involving the possession of firearms, carbon taxes or restrictions over health care delivery, the Alberta government would have the unilateral authority to refuse enforcement of those federal laws within the Province of Alberta.

There are three primary methods that governments use to enforce their laws, regulations and judgments of courts. They are:

1. Enforcement against the person;
2. Enforcement against private property and land; and
3. Enforcement against financial assets.

Practically speaking, a law, regulation or court decision is operative only when it is enforceable within the jurisdiction it purports to exercise authority over. The governing body that controls enforcement, therefore, effectively controls what the law actually is for all intents and purposes.

Alberta already controls all enforcement over private property and land (other than lands owned by the Federal Crown or First Nations). This is primarily accomplished through the enforcement of the Province's Law of Property Act, Personal Property and Security Act, and Civil Enforcement Act. As the Provincial Government already oversees this area of enforcement, it is entirely able to ensure that any related provincial agencies or regulated bodies (Land Titles Office, Personal Property Security Registry, Bailiffs, etc.), comply with any Alberta Sovereignty Act directives, when mandated to do so by the Legislature.

Establishing an Alberta Provincial Police Force

The Province also has recognized authority²⁸ over all policing in the province, though it has contracted, at this point in time, the federally-controlled RCMP to exercise this power in most of the Province's rural and smaller communities. It is proposed that the Alberta government terminate its contract with the RCMP immediately and replace rural policing in the province with an Alberta provincial police force, accountable to the Solicitor General of Alberta.

All municipal police forces (i.e., Calgary, Edmonton, Lethbridge, etc.) already operate under provincial authority. This reform would ensure the Province controls all aspects of law enforcement against the person.

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Alberta Independent Banking Act

Enforcement as it relates to financial assets is more challenging. Federally chartered banks are within the constitutional jurisdiction of the Federal Government.²⁹ Therefore, federal agencies, such as the CRA, have recourse to enforce federal tax laws (such as the carbon tax) against those Albertans and Alberta businesses banking with federally regulated institutions. Furthermore, it would remain important to respect Albertans' individual rights to bank with whatever institution they choose. Any business or individual must be able to continue to do so or the province risks great economic uncertainty.

The Government of Alberta would be unable entirely to shield Alberta businesses and individuals from the financial enforcement of federal laws, regulations, and judgments deemed unenforceable in Alberta by the Alberta Sovereignty Act should those individuals or businesses continue to entrust their financial assets to federally regulated banks.

Alberta's Government could partially bypass this impediment by providing Albertans with more provincially regulated banking options. Alberta already owns and regulates its own banking institution³⁰ (the ATB) and regulates credit unions.³¹

The Free Alberta Strategy proposes passage of the Alberta Independent Banking Act, which would include the following initiatives:

1. Expanding the number of provincially regulated financial institutions and credit unions;
2. Promoting private ownership of these new financial institutions; and
3. Mandating that all provincially regulated financial institutions and credit unions (including ATB) remain compliant with the Alberta Sovereignty Act as it relates to the non-enforcement of federal laws and court decisions deemed to infringe unduly on Alberta's provincial jurisdiction.

This last point is obviously vital to the Free Alberta Strategy. If, for example, the Alberta Sovereignty Act was triggered by the Legislature to refuse enforcement of the federal carbon tax, a business operating a gas station could set up its banking with ATB, refuse to collect or remit carbon taxes from its customers to the federal government, and would not be in danger of being shut down by police, having their property seized, or even having their bank accounts garnished by the CRA through federal banks pursuant to a court order. This is not a protection this same business would enjoy if it continued to bank with Canada's federally regulated institutions.

Equalization Termination and Tax Collection Act

Whereas the cornerstone of the Free Alberta Strategy is strengthening and using the Province's powers of enforcement to effectively return sovereignty over Alberta's lands and people to the Government of Alberta, the Strategy's most financially significant initiative would be to end the decades-long plundering of Alberta's finances through the absurdly unjust and ineffective federal policy of equalization and federal transfers.

Volumes have been written on this subject; in summary, Albertans, through a variety of programs, have transferred well in excess of \$600 billion more to the federal government over the last 60 years³² than they have received from the federal government in programs and benefits.

As previously noted, this gross inequity has contributed to systemic provincial deficits (excepting in times of unusually high energy prices), a lack of funding to deal with rapid population increases, and insufficient resources to diversify the Alberta economy long term. It has also contributed to the stagnation of the Alberta Heritage Fund³³ and its objective of saving tens of billions in resource-generated wealth for the purpose of lessening Alberta's long-term budget reliance on non-renewable energy revenues.

Plundering Albertans' shared wealth has been used by successive federal governments, primarily run by Liberals (largely by those named Trudeau), to purchase the cooperation of other provincial governments and to buy the votes of their populations during and after federal elections. It is a policy that has rewarded provincial governments that adopt expensive, ineffective, and quasi-socialist policies that rely on subsidies from Alberta workers and businesses.³⁴

So, what to do about it? The current Alberta government, and in fairness most of its predecessors, have used the consistently failed tactic of asking nicely for the federal government to ease off the gas a bit and take a little less of Alberta's productivity and wealth, so that we might invest it at home for the aforementioned purposes. The Federal response to this request has been a consistent and emphatic "No".

The federal government and academics point to the Canadian Constitution's equalization clause which, they claim, mandates this corrupt policy. This is, of course, misleading. The Constitution's equalization clause (s.36(2) of the Constitution Act, 1982) simply states that "Parliament and the Government of Canada are committed to the principle of making equalization payments

to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.”

Nowhere in the Constitution does it stipulate or refer to an equalization formula, nor does it grant the federal government the authority to plunder tens of billions of dollars a year through federal transfer programs from one province, to largely fund the electoral needs of the country’s second-largest province (Quebec).³⁵

Equalization payments were not intended for the use of large and wealthy provinces such as Quebec, Ontario, BC, and Alberta; they were meant to alleviate regional disparities³⁶ between the large provinces, and provinces such as Newfoundland, PEI, and perhaps Nova Scotia, New Brunswick, Saskatchewan, and Manitoba from time-to-time. These provinces, owing to smaller populations, sometimes face economic challenges in delivering effective health and education to their general populations.

Needless to say, Alberta’s future participation in Canada must be predicated on the effective ending of this equalization and federal transfer debacle.

The Free Alberta Strategy proposes passage of the Equalization Termination and Tax Collection Act. This piece of legislation would:

1. Establish the “Alberta Revenue Agency” to collect all provincial taxes;
2. Create the Office of the Alberta Public Sector Employer (“APSE”), which would become the official payor of all Alberta public sector employees. There would be no changes of to any collective bargaining agreements, salaries, pensions, or other benefits for these workers as negotiated by their current provincially funded public employers. The only change would be that the APSE would become the provincial agency issuing their paycheck (much like a private corporation paying its staff through an independent payroll company). The APSE would then remit these withholdings to the Alberta Revenue Agency.
3. Permit any private corporation banking with ATB or other provincially regulated financial institution the option of transferring all federal source deductions collected from their employees directly to the Alberta Revenue Agency, instead of the CRA.
4. Mandate that instead of remitting all of the federal tax withholdings

collected from private companies and the APSE to the CRA, the Alberta Revenue Agency would instead transfer an amount equal to that of the equalization and federal transfers the federal Government collected from Alberta during that year to the Alberta Treasury and, any surplus remaining thereafter, to the CRA.

5. Opt Alberta out of all federal transfer and other programs that interfere and seek to influence policy in any areas of provincial jurisdiction (i.e., the Canada Health Act, Federal Health Transfer, education transfers, national daycare program funding, etc.), and officially request the transfer of our population's share of these federal programming dollars, either through an annual 'no-strings-attached' federal transfer amount (based strictly on a per-capita population basis) or, preferably, through the transfer of tax points from Albertans' federal tax rate to Alberta's provincial tax rate. If the federal government refuses Alberta's request, the Alberta Treasury would, using the same method described in the previous paragraphs, increase the amount of federal tax withholdings it retains by those same amounts.

The amount of employee source deductions we are dealing with here is sizable. There are approximately 256,000 public employees who are paid either directly or indirectly by the Province of Alberta.³⁷ These include our health workers, teachers, social service workers, first responders, municipal employees, and many others. The total amount of federal withholdings that their public agency employers currently withhold on their behalf is more than \$4.5 billion per year.³⁸

Furthermore, the provincial government has the option of going even further by incentivizing privately owned Alberta businesses to bank with the ATB and other provincially regulated institutions (i.e., credit unions), to opt to pay their employees' federal tax withholdings to the Alberta Revenue Agency without risking CRA penalties or any other law enforcement measures under the protection of the Legislature's invocation of the Alberta Sovereignty Act.

This could be done by rebating a small portion of these source withholdings back to employees and employers for their participation in the program. If Alberta corporations representing 25% of Alberta's taxpaying population opted into this program, the total amount of federal withholdings collected by the Alberta Revenue Agency therefrom would be approximately \$12 billion,³⁹ for a combined private and public sector contribution to the Alberta Treasury of \$16.5 billion in federal source withholdings annually. This would not only effectively offset the yearly net equalization drain from Alberta, it would also far outstrip (about \$10 billion) the annual federal transfers to the Alberta

government from the federal government for provincial programming should the federal government attempt to retaliate by cutting the Province off from all federal funding entirely.⁴⁰

Another advantage of this strategy is that it accomplishes its goals of reducing equalization without adversely affecting Alberta's employees. Each employee would still receive a T4 statement of income each year from its employer (either the APSE or their private employer) showing his or her tax obligations paid through the normal employer source deduction process. That taxpayer would file his or her federal and provincial taxes in the same manner as they do each year using the information on that same T4 (and be credited for all of the source deductions withheld by the APSE or private employer). The CRA would have absolutely no recourse against that individual taxpayer, who has fulfilled his or her obligations under federal tax law.

The CRA's (and certainly the federal government's) quarrel would be with the APSE and Alberta Revenue Agency. The APSE and Alberta Revenue Agency would be bodies created by the Alberta government. As a result, they would be immune from federal enforcement under the Alberta Sovereignty Act, as would any private company opting to pay its federal withholdings to the Alberta Revenue Agency (insofar as that company conducted its banking with an Alberta regulated financial institution).

The result is this: the federal government will have no practical recourse to recover those funds from the Province of Alberta. The federal government will, of course, protest. Cries of 'insurrection' and 'tax revolt' will surely be heard ringing through the Parliament and the federal courts. However, this will be mere political noise. In the end, the federal government will have to negotiate if they want to resolve the situation. Alberta's terms will be simple: equalization, as we know it today in Canada, must end.

Alberta Pension Plan and Alberta Unemployment Insurance

Although passage and implementation of the Alberta Sovereignty Act, the Equalization Termination and Tax Collection Act, the Alberta Independent Banking Act, as well as the establishment of the Alberta Provincial Police, Alberta Revenue Agency, and APSE, are the primary pillars of the Free Alberta Strategy, it is essential that the Government of Alberta implement additional measures that are critical to strengthening Alberta's sovereignty and self-determination.

Opting out of the Canada Pension Plan and Canada Employment Insurance in favour of an Alberta Pension Plan and Alberta Unemployment Insurance are key components of reducing the burden of equalization.

Over the past 10 years, Alberta's hardworking and comparatively young population has contributed approximately \$28 billion more into the CPP than Alberta pensioners have received back in benefits,⁴¹ which is an annual cost of nearly \$3 billion. This inequity is a substantial portion of the roughly \$20 billion in equalization formula and net federal transfers drained from the Province each year.⁴² There is absolutely no reason for Alberta's continued participation in the CPP.

The same holds true for Canada's Employment Insurance program. Between 2007 and 2018, Alberta workers contributed more than \$12 billion more into the program than unemployed Albertans received back in benefits.⁴³

Properly planned and managed, opting out of the CPP in favour of an Alberta Pension Plan, and replacing EI with an Alberta Unemployment Insurance Plan, would result in a combination of higher benefits for our seniors and those facing unemployment, and lower contribution rates from the paychecks of Alberta workers, thereby benefiting Alberta families to the tune of hundreds, and even thousands, of dollars each year. These are long overdue reforms.

The Alberta Judicial Independence Act

Alberta has one of the strongest judiciaries in the country. Although there will always be debate and some disagreement with the decisions of our courts, overall, Alberta's justices and judges, even those appointed by federal governments, have been respectful of the constitutional rights of Alberta, and are generally deferential to the legislative decisions made by our elected officials.

That has generally not been the case in the courts of other provinces nor in the federal courts, where so many decisions have involved either blatant judicial activism⁴⁴ or bias⁴⁵ against the constitutionally enshrined jurisdictional rights of Alberta.

One only need examine the recent Alberta Court of Appeal decision⁴⁶ regarding the unconstitutionality of the federal carbon tax (a tax clearly designed to allow the federal government to govern the primary industry of the Province of Alberta), and contrast that with the decision of the Court of Appeal of Ontario⁴⁷ on this same issue.

Was there ever any doubt as to whether the federally appointed Supreme Court of Canada, and its consistent record of eroding provincial rights⁴⁸ through the self-created and self-serving doctrine of federal paramountcy⁴⁹ and the ever-expanding boundaries of the Constitution's so-called 'federal spending power'⁵⁰, would somehow entertain ruling that the federal carbon tax (and its stated purpose of saving the world from climate catastrophe) fell outside the powers of its federal government allies? Of course not. That conflicted judicial body predictably performed the legal contortions necessary to declare the carbon tax constitutional, and send Alberta packing.⁵¹

Further, whereas past federal judicial appointments to Alberta Courts (by both Conservative and Liberal Prime Ministers) have been predominantly non-partisan and merit based, it is clear that Justin Trudeau and his advisors now view new court appointments as an opportunity to spread their partisan ideologies further and strengthen the federal government's grip over its perceived provincial colonies.⁵²

The inherent conflict of interest that the federal courts exhibit towards provincial autonomy, particularly as it involves Alberta, must be immediately addressed, not only by passing the Alberta Sovereignty Act, but also through enacting the Alberta Judicial Independence Act, which would mandate as follows:

1. The Alberta government shall appoint all future judicial appointments serving in the Province of Alberta (Provincial, Queen's Bench and Court of Appeal);
2. No future federal judicial appointees will be employed by the Province of Alberta at any court level. Current judges and justices would be 'grandfathered' and remain fully employed on the Bench thereby ensuring continuity and recognizing their historical respect for the constitutional rights of Alberta; and
3. The Province would establish a Provincial Tax Court to enforce all provincial tax collection and enforcement activities within the Province of Alberta free from any interference by federal tax courts and the CRA.

**“THE ALBERTA
GOVERNMENT
SHALL APPOINT
ALL FUTURE JUDICIAL
APPOINTMENTS”**

Independent International Relations and Trade

Alberta permitting Ottawa to look after its international and interprovincial market access has been, and will continue to be, a complete fiasco. If ever there was an example of foxes guarding the proverbial hen house – this would be it.

The federal government's priorities (particularly its active participation in the Great Reset's climate crusades and its goal to phase out Alberta's energy sector from existence⁵³) places Ottawa in a direct conflict of interest with Alberta's economic and environmental objectives, namely to grow the most economically prosperous and environmentally sophisticated and responsible energy sector on the planet.

As it relates to the issue of CO2 emissions, Alberta's strategy should be to provide the world with affordable and ethically-produced energy using the best environmental technologies available, while incentivizing the development of new technologies and methods to allow the world to continue to benefit from its abundant oil and gas resources in an entirely sustainable and environmentally responsible manner. Given many of the technologies already developed in Alberta with oil and gas investment dollars and local ingenuity, this goal is within reach.⁵⁴

Alberta's pro-science and pro-growth strategy is in stark contrast to Ottawa's master plan of investing tens of billions annually in various technologies that are unable to deliver the world's energy-needs in a reliable fashion on their own, are incredibly expensive, and are often highly deleterious to the environment.⁵⁵

Alberta can no longer afford to entrust its interests to hostile and unreliable federal governments. It must take full control of its own international and interprovincial trade and commerce.

The Free Alberta Strategy calls on the Government of Alberta to fund and empower its Minister of Intergovernmental Affairs to:

1. Negotiate and implement mutually beneficial bilateral trade and market access arrangements with other provinces, states and

nations that result in Alberta gaining full access to all domestic and international markets, including to and through the Atlantic, Pacific, and Arctic Oceans;

2. Work closely with industry on ways to reduce risks associated with the construction of export pipelines and other market access projects; and
 3. Work alongside the Government of Canada at any international negotiations of agreements that affect Alberta's interests. Should the federal government sign on to an agreement that harms Alberta's interests, Alberta's Intergovernmental Affairs Minister must alert the Provincial Legislature, and request that it trigger use of the Alberta Sovereignty Act, thereby ensuring the Province will not recognize the validity of that agreement as it affects Alberta; and further, that Alberta will not enforce any federal law or regulation in the province related thereto.
-

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IV. FEDERAL OPPOSITION

Ottawa's Empire Will Strike Back

Albertans should be under no illusions as to the almost undoubted federal reaction to the reforms contemplated by the Free Alberta Strategy. Put simply, these reform proposals will create a constitutional crisis.

Ottawa's political establishment, the mainstream media, and federally appointed courts, will declare most of the Strategy's proposals illegal and unconstitutional. They may even call them traitorous or some sort of 'insurrection' as Liberals are quick to do with anyone who stands up to them. They may invoke disallowance and reservation. They will seek to vilify Alberta and its leaders to the rest of Canadians. They will attempt to create uncertainty and fear among and between Albertans. They will try to embarrass and shame Albertans into submission and retreat calling us selfish, backward-looking and, ironically, uneducated.

The federal government will likely attempt to thwart some of these initiatives, and will almost certainly try to pit our neighbouring provinces against us in doing so. Primarily using equalization and federal transfer programs, this divide-and-conquer strategy has been used effectively⁵⁶ by Ottawa to subordinate its perceived colonies, such as Alberta, for decades. They won't be changing tactics now.

The way forward is this: Alberta's provincial leadership must adopt the Free Alberta Strategy as its official policy, outline it clearly to Albertans, and ask them directly, through referenda or a provincial election, for a mandate to implement it fully. If that mandate is received from the people, the Premier and Legislature must implement it and not back down.

This will certainly require courageous political leadership. It will also require the commitment and fortitude of a majority of the people of Alberta. If they are prepared to see it through, Albertans may be able to save our province, and possibly our country, from economic ruin and disunity.

V. FINAL RESORT: NATIONAL INDEPENDENCE

Political tyrannies are unpredictable when their power and authority is threatened. Although, in Canada, it is difficult to imagine Ottawa considering the use of force to bring Alberta back into line should it embark on the Free Alberta Strategy, there is really no telling what tactics the federal government might resort to in such circumstances.

In the event that Ottawa refuses to recognize Alberta's provincial rights of sovereignty, and instead continues its strategy of economic tyranny, co-opted management of our resource sector, and the marginalization of our citizens, it may leave our province with no other recourse but to leave Confederation entirely.

Although national independence is a path of last resort, living under the rule of a cabal of eastern political elites that Albertans have not and will never elect, and whose goals and agenda mean economic and societal devastation for our people, cannot possibly be an option worth entertaining.

Republic of Western Canada

Albertans are Western Canadians. Central and Eastern Canadians do not own exclusivity rights over Canada's history, culture, or name. If Alberta wishes to continue to call themselves Canadians – Western Canadians – they have every right to do so.

The challenges and impediments to separating from the rest of Canada are indeed numerous⁵⁷. It is not in anyone's interest to deny the existence of the many questions that will need to be addressed prior to establishing an independent nation. This proposal is not meant to answer these questions at this time. The Free Alberta Strategy is, after all, a proposal to see a reinvigorated and sovereign Alberta remain within a repaired and united Canada.

The Strategy does, however, propose an outline for a process that should be considered in the event that Ottawa's reaction to the Free Alberta Strategy leaves the province with no other recourse but national independence.

An ancillary feature of the Free Alberta Strategy is that it will better prepare Alberta for national political sovereignty should it become necessary. The Strategy's cornerstone initiatives involve recovering and consolidating the majority of all economic, environmental and resource governance, revenue collection, social services, law enforcement, judicial powers, and other institutions, and placing them firmly under the authority of the Provincial Government. It also involves a great expansion of our provincially regulated financial institutions and intergovernmental affairs, which would naturally be required should independence become the only viable option for the province. In short, it sets up Alberta for independence in the event that independence must be considered.


A Democratic Independence Process

Given the gravity of the decision, it is imperative that Alberta's population be entirely involved in and, indeed, approve any plan for independence. If confronted with the issue of independence, Albertans will require a clear question and a detailed roadmap outlining how such a transition would take place. After all, the only reason for independence is to improve the lives and opportunities of Albertans. If there is no clear path to that objective, why would any rational thinking woman or man agree to such a risky course of action?

We believe the following steps would place effective control of the independence process in the hands of Albertans:

1. Firstly, a provincial 'Pre-Referendum' on establishing a blue-ribbon panel Committee for Provincial Secession, should be held. If approved, this Committee, made up of members of the private and public sectors, public policy experts, and community and legal leaders, would draft a blueprint document outlining a plan for the independence of Alberta. This would almost certainly include proposals for:
 - a. An Alberta Constitution outlining the role of government and the rights of citizens, including the recognition of existing First Nations sovereignty and treaties;
 - b. A judicial and legal system incorporating the majority of our current laws, regulations, and legal processes, in order to retain legal stability and rule of law;
 - c. Transition of our existing social programs, again to retain stability and certainty for the Albertans who depend on them;
 - d. Monetary policy and currency;
 - e. Border protection and regulation;
 - f. Taxation;
 - g. The invitation and eventual incorporation of neighbouring provinces into the Republic of Western Canada should it be requested by them (i.e., Saskatchewan, Manitoba, and/or all or parts of B.C.);

- h. International relations, trade and commerce; and
 - i. Other questions and challenges involved in a transition to independence.
2. Once the Committee develops its proposal, Albertans would be given a full year to discuss and debate its merits. This period would also provide the federal government with a final opportunity to rethink its positions and, perhaps, enter good faith negotiations with Alberta to have it continue its membership within Canada (albeit as a largely sovereign jurisdiction).
 3. After a year has elapsed, and Albertans have had time to debate the merits of the Committee's proposal, a provincial referendum on independence and the Alberta Constitution would be held, requiring a 60% or higher vote of approval from the general population.
 4. If that final vote were successful, a declaration of Alberta's independence would be made to the international community, and the implementation of the Committee's proposal would commence, beginning with an election, under Alberta's new constitution, to elect a federal Western Canadian Government, based in Edmonton, Alberta.

A scenic landscape of a grassy field with a small wooden cabin and a mountain in the background. The text is overlaid on the image.

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VI. NOTES

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— FREE —
ALBERTA
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