

Recent Attacks Against the Rule of Law: An Open Letter from Alberta Lawyers

We are members of the Law Society of Alberta. We are upholding our duty and public role to speak when foundational principles for law come under sustained attack—especially from within the system itself.

In a short span of time, a pattern has sharpened. The Edmonton Police Service have publicly pressured the prosecution in a serious criminal case, implying consequences if their demands were ignored. The police chief later said he would do it “a hundred times over,” adding that he would wait to see the sentence before deciding what followed.

Premier Danielle Smith reinforced this stance, calling for judges to be “more constrained” and signaling readiness to invoke the Notwithstanding Clause when court decisions prove unwelcome. She endorsed the police intervention and demanded the Crown Prosecution Service “justify, publicly, their reasons.” When the Crown declined, the Chief Crown Prosecutor was dismissed without cause.

In the Legislature, Premier Smith mischaracterized a Supreme Court of Canada decision as affirming a right to possess child pornography, arguing that elected officials must override unelected judges. The same reasoning appeared elsewhere: citizen petition rules were retroactively changed, the independent powers of the Chief Electoral Officer were transferred to the Justice Minister, and the Law Society was stripped of authority to sanction that Minister—notwithstanding that he is a lawyer and presumptively bound by the same *Code of Conduct* as we all are.

The Notwithstanding Clause—once opposed as an override of individual rights—has now been invoked four times in two months. Judges, we are told, lack accountability, yet courts exist to stand apart from political pressure, to interpret the law when it is unpopular, and to protect rights when it is inconvenient.

The attacks on the rule of law in Alberta have been so grave that the Chief Justices of Alberta have released their own statement affirming their role in our democracy, including holding the government accountable, and protecting the rights of Albertans.

It is clear. Democracy and justice in Alberta are being threatened. Alberta is being abused by its own government much the same way the United States of America is being abused by its current president. The Government of Alberta, in order to maintain a free and democratic society, must agree to allow itself to be held accountable under the rule of law, and have faith in our democratic institutions.

Democratic institutions do not usually collapse; they wear down. These examples show that this not only **can** happen in Alberta: it **is** happening. The choice now is whether to accept that erosion, or resist it while resistance still matters.