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File No: 742

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**Sent via E-mail: [submissions@albertainquiry.ca](mailto:submissions@albertainquiry.ca)**

Steve Allan,  
Commissioner, Alberta Public Inquiry into Anti-Energy Campaigns  
Calgary, Alberta

Dear Commissioner Allan:

**Re: Submission and Request to the Alberta Public Inquiry into Anti-Energy Campaigns**

I write on behalf of the Ecojustice Canada Society (“Ecojustice”) with a number of requests with respect to the Alberta Public Inquiry into Anti-Alberta Energy Campaigns (“Inquiry”).

First, we have been made aware of an email sent from what appears to be your personal email account to various parties on February 17, 2020 in which you state:

I am writing to you today to express my sincere thanks to you for taking the time and sharing your wisdom and advice with me during the first phase of the Anti-Alberta Energy Public Inquiry.

I met with over 100 individuals with diverse backgrounds and interests from July through to early January. Each meeting I had was extremely informative and helped me enormously to identify and better understand the key issues falling within the Terms of Reference of the Inquiry.

We seek your confirmation that the February 17, 2020 email, even though sent from a personal email account, was in fact an email from you in your role as commissioner of the Inquiry and forms part of the record of the Inquiry. If it does not form part of the record of the Inquiry, please explain why it does not.

Second, we request a list of the over 100 individuals that you met with during the first phase of the Inquiry and summaries of those meetings. As determined by the Manitoba Court of Appeal in the context of a public inquiry in *The Southern First Nations Network of Care v The Honourable Edward Hughes*, 2012 MBCA 99, procedural fairness and natural justice are met by providing detailed summaries of interviews held in the preliminary stage of an inquiry.<sup>1</sup>

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<sup>1</sup> *The Southern First Nations Network of Care v The Honourable Edward Hughes*, 2012 MBCA 99, at paras 39, 44.

Third, we require that all documents and evidence provided to the Inquiry by Vivian Krause be provided to us and we request an opportunity to cross-examine Ms. Krause on that evidence. Section 12 of the *Public Inquiries Act*, RSA 2000, c P-39, provides that:

Any witness who believes his or her interests may be adversely affected and any person who satisfies a commissioner or commissioners that any evidence given before a commissioner or commissioners may adversely affect the person's interests shall be given an opportunity during the inquiry to give evidence on the matter, and at the discretion of a commissioner or commissioners, to call and examine or cross-examine witnesses personally or by that person's counsel in respect of the matter.

Ms. Krause has published numerous documents referring to Ecojustice's sources of funding and Ecojustice's actions that we believe are incomplete, contain mischaracterizations and are adverse to Ecojustice's interests.<sup>2</sup> We therefore have reason to believe that evidence put before the Inquiry by Ms. Krause may contain these same inaccuracies and be adverse to Ecojustice's interests. Unfortunately, we are unable to confirm this as there is no public record of evidence put before the Inquiry. We therefore require that you provide all documents and evidence provided to the Inquiry by Vivian Krause and request an opportunity to cross-examine Ms. Krause on that evidence, all pursuant to section 12 of the *Public Inquiries Act*.

We look forward to a prompt response to our questions and requests. If you deny any of these requests, we require reasons for your decisions.

Sincerely,



Barry Robinson  
Barrister & Solicitor

Cc: David Wachowich, Q.C., Rose LLP

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<sup>2</sup> See for example, Vivian Krause, "Rethinking Activism", presentation to Economic Developers Alberta, (5 April 2019) at slide 66; Vivian Krause, "Rachel Notley, the Rockefellers and Alberta's landlocked oil", *Financial Post*, (12 April 2019); Vivian Krause, "The Tar Sands Campaign: >400 Payments via Tides to 100 Organizations in Canada, USA & Europe", (n.d.) online at [https://fairquestions.typepad.com/rethink\\_campaigns/tar-sands-campaign-400-payments.html](https://fairquestions.typepad.com/rethink_campaigns/tar-sands-campaign-400-payments.html); Vivian Krause, "The Anti-Pipeline Tar Sands Campaign: Payments from the U.S. Tides Foundation to Canadian Charities", document provided to the Senate Committee on Transportation & Communication, (1 November 2016); Vivian Krause, "Oil sands money trail", *Financial Post*, (17 January 2012); Vivian Krause, "U.S. Influence in Vancouver Civic Politics", (15 November 2011), online at [https://fairquestions.typepad.com/rethink\\_campaigns/2011/11/us-influence-in-vancouver-civic-politics.html](https://fairquestions.typepad.com/rethink_campaigns/2011/11/us-influence-in-vancouver-civic-politics.html); Vivian Krause, "\$45 Million in Foreign Funds Paid to 25 Canadian Environmental Groups (2009)", (17 May 2011), online at [https://fairquestions.typepad.com/rethink\\_campaigns/2011/05/foreign-funding-45-million.html](https://fairquestions.typepad.com/rethink_campaigns/2011/05/foreign-funding-45-million.html).