

Micmac Rights Association stands with Daniel Francis in lobster case

Invoking Aboriginal and Treaty Rights, two former National Chiefs go to court as supporters were barred due to nonsensical Covid restrictions.



MEMBERS OF THE MICMAC RIGHTS ASSOCIATION AND CHIEF DEL RILEY STAND WITH DANIEL FRANCIS (CENTRE) AND TRENT FRANCIS (RIGHT).

DARTMOUTH – When Micmac fisherman Daniel Francis attended the Dartmouth Provincial court on February 15th, 2023 he was accompanied by over a dozen supporters including two former National Chiefs – Del Riley and Putus Hector Pictou. On September 10th, 2021, Francis was pulled over by half a dozen DFO officers while driving a refrigerated reefer truck near Popes

Harbour, Nova Scotia. The officers demanded ID from Francis, but they refused to explain why they were pulling him over in the first place.

In a livestream video taken at the scene, Daniel Francis is heard saying “get away from us, go... go away, leave me alone!” to an officer. The officer replied, “Just so you know, you’re under arrest. And we’re going to

transport you to [unintelligible]. You’re not giving us any ID, so you’re under arrest sir.” When Francis asked if he was under arrest “for not giving you ID?” he was told in response, “You’re under arrest for obstructing. I’m asking for some identification... I want to see identification.” Francis kept repeating “Did I do something wrong?” The officer replied, “You’re not letting me in the back of the vehicle. I’m asking you for identification. So I can identify who you are.” Francis kept asking what he did wrong, and the officer replied, “If you give me identification, maybe nothing.”

After Daniel Francis and his cousin Trent Francis provided their status cards as ID, the DFO opened the truck and seized over 7000 lob-

BACK IN COURT ON MAR 24TH

Daniel Francis is a Micmac fisherman from Pictou Landing who currently resides in Millbrook First Nation. On September 11th 2021 he was charged with “obstructing a fishery officer” and had his lobsters and reefer truck stolen from him while exercising his constitutionally protected Aboriginal and Treaty Rights. At 9:30am Friday, March 24th, 2023 Daniel will be returning to Provincial Court at 277 Pleasant St. Suite 200, in Dartmouth, NS. Stand up for Micmac rights and join former National Chief Del Riley and former Atlantic National Chief Hector Pictou in a rally to support Daniel’s right to feed his family through fishing!

CONTINUED INSIDE...



FORMER NATIONAL ATLANTIC REGION CHIEF HECTOR PICTOU, AND FORMER NATIONAL CHIEF DEL RILEY REPRESENTED DANIEL AND TRENT FRANCIS IN COURT.

sters weighing a total of 9400 pounds. The DFO released the lobsters to the Bedford Institute of Oceanography, and charged Daniel and Trent under Section 62 of the Fisheries Act – “Obstruct a Fishery Officer conducting their duties under the Fisheries Act.”

With his truck and nearly 100 lobster crates seized by the DFO, Daniel Francis’ constitutionally protected Aboriginal and treaty rights to fish and trade were violated. This case is just one of [many examples](#) of the Federal and Provincial governments refusing to honor [Supreme Court decisions](#) guaranteeing Aboriginal rights to fish.

SUPPORTERS DENIED ACCESS TO COURT OF LAW

On February 15th, when Daniel and Trent came to court to plead not-guilty to the charges, supporters were stopped by Sheriffs from entering the court rooms and required to wear facemasks even though the Province had [removed all remaining](#) Covid-19 Health restrictions in July of 2022.

According to the Sheriffs, due to Covid fears, the judge has the “discretion” to limit the number of people able to enter any given courtroom on a case by case basis, and to decide if facemasks are required to be worn in the court or not. In other words, there is no actual medical science or government mandate behind the masking and capacity restrictions at the court. Such arbitrary decisions may be influenced by the judge’s personal fears, their political views, and even the advice of the Sheriffs.

Commanding officer Andrew Lantz, the Inspector for the Dartmouth Provincial Court, informed the supporters that the courts are still operating under “certain Covid protocols.” Inspector Lantz then barred entry to the court and claimed that the judge would only allow “one support person in for each” accused.

Supporters of Francis contested their exclusion from the courtroom and argued that the judges and Sheriffs were breaking hundreds of years of common law practice. Fisherman Matt Cope exclaimed, “that’s bull-

shit, and snakey and sneaky for you to use Covid to keep us out of the courtroom to support our person.” Mr. Cope added, “You better fix this kangaroo court system. This is a mickey mouse joke. We all came down here to support our brother who’s being unjustly charged for nothing. Charged for exercising his rights [on treaties] that your ancestors and my ancestors signed so you could occupy here.... They’re called peace and friendship treaties. We didn’t cede no land. We’re not your servants.”

Thomas Durfee of Millbrook First Nation added, “We’re Micmac people. This is unceded Micmac territory. We belong in that courtroom and you know it.”

Sheriff Lantz responded, “I understand that. My position is that I’ve been given direction by the courts and I have to follow it.” When asked if this was the “first time this has ever happened?” the Sheriff agreed, and then later clarified that what he meant was that this was the first time that the court’s arbitrary Covid rules had ever been “challenged.”

RALLY HELD OUTSIDE COURTHOUSE

Once Daniel and Trent Francis pled “not guilty” and emerged from the courtroom, a rally was held on the courthouse steps. Chief Del Riley explained that in speaking as Trent and Daniel’s representative in the courtroom, he had informed the judge that a constitutional challenge would be raised, and stated that the rights of Micmac fishermen “are constitutionally protected, by Section 35 and 25... their treaty rights supersede anything that’s written in Canada as a racist law of the *Indian Act*.” Chief Riley noted that, “I’ve probably worked for 50 years in land claims and Indian rights. I know it inside out. I put four sections in the Canadian Constitution, and I had to open an office in England to get it done, but I got it done.”

Former Atlantic Region National Chief Hector Pictou then spoke. “We came here in support of Daniel Francis and other Micmac people who got charged under the Department of Oceans and Fisheries laws in this court. Today, we are proud to tell you that we made a distinction that we are governed by treaties, not the *Indian Act*. We made ourselves known to the court that we're here for Daniel. And, when they ask us are we gonna have lawyers, we told the court that we have the expertise and the treaty rights.”

Fisherman Matt Cope explained what happened in the courthouse, and said “they're afraid of Mi'kmaw people that have support. They're afraid of Mi'kmaw people that have knowledge. They know they're in the wrong here.... And, it scares 'em.”

JOIN THE MICMAC RIGHTS ASSOCIATION!

Maureen Googoo of [Ku'ku'Kwes News](#) noted that some 30 other Mi'kmaw fishermen were also facing court battles and asked the group about their position on supporting other fishermen. Chief Riley replied, “if they'd come to me, I'd probably be supporting them all.” Daniel Francis encouraged those fighting for their rights to join with him and his supporters. “We have our Micmac Rights Association right here,” said Francis. “[Join it up.](#)”

Matt Cope added that the Association was “willing to help anybody who's going through a rights challenge, whether it be cannabis, whether it be fishing. If it has to do with your rights, we will support you. We have great resources, and we're open to anybody that's trying to exercise their rights.”

For more information or to join the Micmac Rights Association visit www.micmacrights.com/join.



MEMBERS OF THE MICMAC RIGHTS ASSOCIATION ATTEMPT TO JOIN DANIEL FRANCIS IN COURT.

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MICMAC LAWYER MIKE MCDONALD RECENTLY WON A FISHING RIGHTS CASE FOR THREE MICMAC MEN. VISIT [HTTPS://YOUTU.BE/IWBBUKP_8IW](https://youtu.be/iwbbukp_8iw) TO LISTEN.

RESPECT MICMAC FISHING RIGHTS!



SPEAKERS AT THE EVENT WILL INCLUDE FORMER NATIONAL CHIEF DEL RILEY, FORMER ATLANTIC REGION NATIONAL CHIEF HECTOR PICTOU, MICMAC RIGHTS SPOKESPERSON CHRIS GOOGOO, FISHERMAN CODY CAPLIN, FISHERMAN MATT COPE, AND FISHERMAN DANIEL FRANCIS.

HONOUR THE TREATIES!

QUESTION AND ANSWER DISCUSSION ON THE MICMAC ABORIGINAL AND TREATY RIGHT TO FISH: AN UPDATE ON CURRENT CONSTITUTIONAL CHALLENGES

From 2-5pm on Saturday March 25, the Micmac Rights Association will be holding a question and answer session for media members and concerned parties to discuss a series of constitutional questions and legal battles concerning Micmac fishing rights which are currently before the courts. Space is limited, so to attend in person email info@micmacrights.com to reserve your spot. The meeting and discussion will be streamed live on the Micmac Rights Facebook page at www.facebook.com/micmacrights for those unable to attend in person.

60 ALDERNEY DRIVE, DARTMOUTH, MAXINE TYNES RM., ALDERNEY GATE PUBLIC LIBRARY



2-5PM SAT. MARCH 25
WWW.MICMACRIGHTS.COM