

Halifax Regional Police trample on Mi'kmaq Treaty Rights

A police raid on the Amu Leaf Treaty Truckhouse violates constitutional protections for Aboriginal and treaty rights and the Treaty of 1752.



DETECTIVE CONSTABLE JEFFREY SEEBOLD, (LEFT) AND SERGEANT D'ARCY HUESTON OF THE HRP/RCMP SPECIAL ENFORCEMENT SECTION VIOLATED SECTIONS 25 AND 35 OF THE CANADIAN CONSTITUTION IN RAIDING AMU LEAF TRUCKHOUSE AND DISREGARDING MI'KMAQ TREATY RIGHTS.

HALIFAX / KJIPUKTUK – On January 31st, officers with the Halifax Regional Police/RCMP [integrated Criminal Investigation Division](#) raided [Amu Leaf](#), a popular Mi'kmaq Truckhouse located at 14 Highfield Park Dr. in Dartmouth. The Truckhouse operates in accordance with the Mi'kmaq Peace and Friendship treaties made with the British Crown, and sells a wide variety of Mi'kmaq trade goods including indigenous cannabis products.

According to [a police report](#) published on the City of Halifax's website, officers grabbed over 50lbs. of cannabis, 300 grams of cannabis resin, 400 edibles and \$3,000 in cash from the Mi'kmaq truckhouse. They also trashed the store, and ripped up and threw on the floor signage and information relating to Mi'kmaq treaty rights. Four Mi'kmaq people were arrested, including Amu Leaf spokesperson Thomas Durfee, a member of Millbrook First Nation,

and an executive member of the [Micmac Rights Association](#).

TREATY TRUCK HOUSE NO SURPRISE TO AUTHORITIES

Mr. Durfee's association with the Truckhouse was no secret to the City of Halifax or the Halifax Regional Police (HRP). On May 5th, 2023 former National Chief Delbert Riley [wrote a letter](#) to the City and to the HRP indicating that the truckhouse was open, and that Mr. Durfee was exercising his constitutionally protected inherent Aboriginal and treaty right "to support himself from the lands and waters that the Creator put his people upon and from the animals and plants the Creator provided. These rights include the right to engage in trade, to participate in the

FRANCIS RULING IS ON MAR 22

Daniel Francis and Trent Francis are Micmac fisherman from Pictou Landing who are fighting the charge of "obstructing a fishery officer" in Provincial court. The judge will be giving his ruling on their case on Friday, March 22nd at the **Provincial Court at 277 Pleasant St. Suite 200, in Dartmouth, NS.** Please attend and show your support!

CONTINUED INSIDE...



THOMAS DURFEE IS A STATUS INDIAN AND BELONGS TO THE MIMIGEJ (BUTTERFLY) CLAN OF THE MI'KMAQ NATION.

Micmac economy, and to provide medicines to people in need.”

Chief Riley referenced a number of documents that describe the rights of Mr. Durfee and other Mi'kmaq nationals to engage in trade on their unceded homelands. These include the [“Declaration of First Nations”](#) produced by the Assembly of First Nations to define Aboriginal Rights after the “repatriation” of the Canadian Constitution in 1982; the [1752 Peace and Friendship Treaty](#) which recognizes the rights of Mi'kmaq people to establish “Truckhouses” at locations of their choosing and which states that they have “free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage;” Canada’s [“United Nations Declaration on the Rights of Indigenous Peoples Act](#) which recognizes Indigenous economic rights;” and sections 25 and 35 of the [Constitution Act, 1982](#) which Chief Riley personally negotiated as the President of the National Indian Brotherhood in the early 1980s and which entrench Aboriginal and treaty rights in Canada’s highest law.

In his letter, Chief Riley offered to meet with City and police representatives on behalf of Mr. Durfee to provide a basis for dialogue and discussion about “how Mr. Durfee’s

constitutionally protected Aboriginal and treaty rights apply in this matter.” Chief Riley also wrote the City of Halifax and the HRP two other letters in September and December of 2023 as two other Treaty Truckhouses opened in Halifax. According to Chief Riley, neither the City or the HRP responded to any of his attempts to open a dialogue with them.

POLICE RAID SHOWCASES “IGNORANCE AND RACISM”

In an interview with Dispensing Freedom, Mr. Durfee stated that when the Halifax Regional Police/RCMP – led by Detective Constable Jeffrey Seebold – raided Amu Leaf, the officers displayed significant “ignorance and racism” in their conduct. Durfee says that the officers “ripped all of our treaty materials off the walls and shredded them, tore down all our signage from the walls, and smashed all of our security cameras.”

Mr. Durfee said that as he entered the store to approach the officers carrying out the raid, he was put under arrest after he identified himself. He said the officers were civil towards him until he began speaking about his constitutionally protected Aboriginal and treaty rights at which point Detective Constable Seebold

and Sergeant D’Arcy Hueston began treating him poorly and unprofessionally.

According to Mr. Durfee, Sergeant D’Arcy Hueston told him that “I’ve been watching you since day one” and said “what were you thinking operating a dispensary?” Durfee said he replied that he had taken the steps of informing the police on “day one” that his store was open. He further said that “this is not a dispensary, it’s a Treaty Truckhouse. Look around – you see our Indigenous cultural arts, jewelry & textiles? We have our treaties, certificate and letter displayed here, here and here. Detective Constable Seebold allegedly replied by saying, “yeah, you should have stayed on reserve where you would have been a lot safer.” From 1885 to 1941, Canada imposed a formal [“pass system”](#) where Indians were not allowed to leave the reserves the *Indian Act* confined them to without a pass from the local Indian Agent.

When Mr. Durfee explained that Clause 4 of the Treaty of 1752 gave him the right to “have free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage;” Detective Constable Seebold replied by saying “Okay, well why don't you sell cocaine?”



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Mr. Durfee said that he replied that, “cocaine is an illegal controlled substance everywhere in North America while our indigenous medicinal medicines along with cannabis is Federally and Provincially legal for our people to trade and sell to the best of our advantages.” When Mr. Durfee added that he intended to continue exercising his rights and reopen his Truck House, Sergeant Hueston said “take this piece of fucking shit to the cells.”

According to Mr. Durfee, “they treated us like we were white drug lord kingpins.” Indeed, although Mr. Durfee is a Status Indian officially registered to Millbrook First Nation and a member of the Mimigej (Butterfly) Clan of the Mi’kmaq, Mr. Durfee is listed as being “White Caucasian” in his HRP criminal file, which he was able to view while being transported in the police car. Mr. Durfee noted that “when I arrived at the cells for processing, the jailers and the people processing me were very respectful of me. So were all the uniformed police officers that I interacted with there.”

Dispensing Freedom contacted Detective Seebold for comment in this matter, and specifically inquired about the treatment of Mr. Durfee and the destruction of Aboriginal rights information and Mi’kmaq treaty materials which were ripped up and left on the floor of the Truckhouse. Detective Seebold declined to comment and stated that “I’m in a situation where I work for Halifax Regional Police and I have rules and policies to follow. Those rules and policies tell me that I can’t speak to reporters.”

HALIFAX POLICE DODGES MEDIA QUESTIONS

Dispensing Freedom also spoke to HRP Media Liaison, John MacLeod, and requested to interview Halifax Police Chief Don MacLean. As of



CHIEF DEL RILEY (LEFT) AND THOMAS DURFEE HAND DELIVERED A LETTER TO THE HALIFAX POLICE AND HALIFAX CITY HALL ON MAY 5TH, 2023.

press time, the office of the Chief has not yet replied to our request for an interview. Officer MacLeod would not speak to the matter over the phone, but requested that all interview questions be emailed to him, and said that he would see who he could find to answer them.

Dispensing Freedom sent [a list of 15 questions](#) to Officer MacLeod which addressed a wide range of issues including: whether or not the HRP considered the various Peace and Friendship Treaties made between the Mi’kmaq Nation and the Crown (1725-1779) as being recognized and protected by Sections 25 and 35 of Canada’s *Constitution Act*; what policy manuals or directions for officers that inform or guide the HRP’s interpretation of Section 25 and 35 Aboriginal and treaty rights; why the HRP did not take up the repeated offers of Chief Riley to meet with them; if Detective Seebold was aware of the Aboriginal and treaty rights at play, and why Mr. Durfee is listed as being “White Caucasian” in his HRP criminal file.

Officer MacLeod responded via email to state, “As this case is before the courts, I am not able to provide any further details in relation to the investigation above what has been

previously publicly provided.” He added, “I can tell you that officers do receive cultural awareness training in relation to Indigenous peoples.”

Avoiding any substantive engagement with the questions raised, Officer MacLeod concluded by stating that “We encourage anyone who has concerns in relation to their interaction with a member of the Halifax Regional Police to contact [our office of Professional Standards](#) so that the matter can be looked into and dealt with accordingly.”

Former National Chief Delbert Riley and Thomas Durfee outside the Halifax Regional Police offices in May of 2023 where they hand-delivered letters informing the Police Chief of the opening of Amu Leaf.

PUBLIC MEETING WITH CHIEF DEL RILEY

The Amu Leaf Truckhouse has reopened, and a public meeting organized by the Micmac Rights Association will be held on the evening of Wednesday, February 21st in Halifax. Former National Chief Delbert Riley will be speaking as will representatives of the Micmac Rights Association. A petition has been created to support Amu Leaf, and may be signed at www.micmacrights.com.

SIGN THE PETITION AT WWW.MICMACRIGHTS.COM

Add your voice and call upon the Halifax Regional Police/RCMP to immediately cease and desist raiding Mi’kmaq Truckhouses medicinal cannabis dispensaries and violating Aboriginal and treaty rights.

Letter from MRA regarding raid on Amu Leaf Treaty Truckhouse

February 16, 2024

TO: Mayor Mike Savage of the City of Halifax, Councillor Cathy Deagle Gammon, Councillor David Hendsbee, Councillor Becky Kent, Councillor Trish Purdy, Councillor Sam Austin, Councillor Tony Mancini, Councillor Wayne Mason, Councillor Lindell Smith, Councillor Shawn Cleary, Councillor Kathryn Morse, Councillor Patty Cuttell, Councillor Iona Stoddard, Councillor Pam Lovelace, Councillor Lisa Blackburn, Councillor Paul Russell, Councillor Tim Outhit, Halifax Regional Police Chief Don MacLean, RCMP Chief Superintendent Jeff Christie Officer in Charge of the Halifax District

CC: The Governor General of Canada Her Excellency the Right Honourable Mary Simon, Minister of Crown-Indigenous Relations The Honourable Gary Anandasangaree MP, MLA Susan Leblanc Dartmouth North, MLA Claudia Chender Dartmouth South, MLA Tim Halman Dartmouth East, MP Darren Fisher Dartmouth and Cole Harbour.

RE: Letter from Micmac Rights Association regarding raid on Amu Leaf Treaty Truckhouse

Dear Mayor Savage, City Councillors, and Police Chiefs MacLean and Christie,

I am writing to express the deep concern of the [Micmac Rights Association](#) with the violation of the Aboriginal and treaty rights of Thomas Durfee and three other Micmac people operating the [Amu Leaf Treaty Truckhouse](#) at 14 Highfield Park Dr. in Dartmouth. The Truckhouse was raided by officers with the Halifax Regional Police/RCMP integrated Criminal Investigation Division on January 31st, 2024. As seen from [video footage](#) of the aftermath of the raid, these officers disrespected and destroyed the treaty information and materials outlining Micmac sovereign rights displayed in the Truckhouse.

Our Association would also like to refer you to the [following article](#) which raises further concerns about the conduct of the officers involved who did not seem to have any comprehension about the existence of Aboriginal and treaty rights in this matter.

As you should know, the operation of Micmac Truckhouses is a Section 25 and 35 constitutionally protected Aboriginal and treaty right, and the actions of the HRP and the RCMP have called the Honour of the Crown into disrepute. We remind you that the entirety of Nova Scotia is unceded Micmac land, and that the [1752 Peace and Friendship Treaty](#) recognizes the rights of Micmac people to establish “Truckhouses” at locations of their choosing in the Province. Clause 4 of the Treaty also clearly states that “the said Tribe of Indians” have “free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage.”

The failure of the police to appropriately investigate the Aboriginal and treaty rights at stake in this matter are all the more glaring given that esteemed former National Chief Delbert Riley, who, as the President of the National Indian Brotherhood, personally negotiated the inclusion of Sections 25 and 35 to Canada’s *Constitution Act*, has sent two letters on behalf of Mr. Durfee to you offering to meet and discuss the rights issues at stake. Chief Riley informed you that the [1752 Peace and Friendship Treaty](#), Canada’s [“United Nations Declaration on the Rights of Indigenous Peoples Act](#) and sections 25 and 35 of the [Constitution Act, 1982](#) all apply in this matter. Chief Riley’s letters of [May 5th, 2023](#) and [September 11th, 2023](#) containing his offer to dialogue with you on behalf of Thomas Durfee on these important matters have been ignored by you.

In what is supposedly a new era of “reconciliation” complete with a “land acknowledgement” from the City of Halifax, and the passing of Federal legislation such as the [United Nations Declaration on the Rights of Indigenous Peoples Act](#), which recognizes the economic rights of Indigenous people in Canada, it is outrageous that our rights are still being violated by your policing agencies, and that our people and members of our association are being arrested and thrown in jail for simply exercising their rights.

We would like to remind you that on June 21, 2021, the Halifax Regional Municipality officially formalized [a written land acknowledgement statement](#). The statement reads that “The Halifax Regional Municipality is located in Mi’kma’ki, the ancestral and traditional lands of the



MEMBERS OF THE MICMAC RIGHTS ASSOCIATION GATHERED AT THE JANUARY 28, 2023 BIENNIAL MEETING IN MILLBROOK FIRST NATION.

Mi'kmaq people. The Municipality acknowledges the Peace & Friendship Treaties signed in this Territory and recognizes that we are all Treaty People.

We also note that on Dec. 8, 2015, following the report and recommendations of the Truth and Reconciliation Commission, the Halifax Regional Council passed a "[Statement of Reconciliation](#)" in which you stated that, "Today we declare that we stand with Canada's big city mayors and with the Federation of Canadian Municipalities, and commit ourselves to learning from the lessons of the Truth and Reconciliation Commission, and taking action to ensure the needs and aspirations of Aboriginal people are fully acknowledged in the great cities we seek to build."

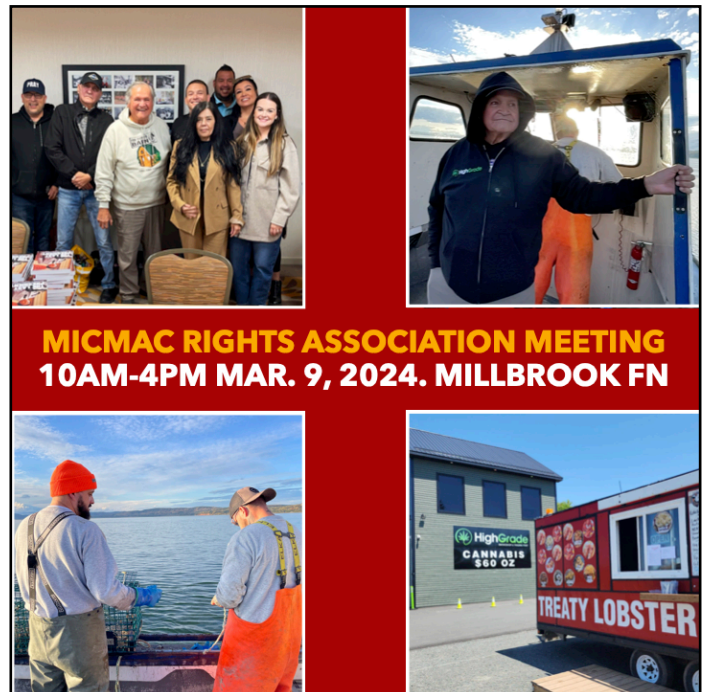
Under the heading of "Canadian Governments and the United Nations Declaration on the Rights of Indigenous People" Call to Action 43 of the [Truth and Reconciliation Commission of Canada: Calls to Action](#) reads: "We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation."

As "Treaty People" we ask that you live up to your commitments and claims of reconciliation, and that you honour the Covenant Chain of Peace and Friendship Treaties made between the Micmac nation and the British Crown, sections 25 and 35 of Canada's *Constitution Act*, and the *United Nations Declaration on the Rights of Indigenous Peoples Act*. We remind you that these are your own laws that you are subject to, and that the failure to uphold your fiduciary responsibilities to treaty Indians like Mr. Durfee puts you at risk of legal action. It is these treaties that give you, as subjects of the Crown, the right to be on our lands, and despite a long history of racism and oppression, our people have kept our side of the treaty agreement.

We therefore request that at your earliest convenience, you get in touch with us at micmacrights@gmail.com to arrange a face to face meeting with representatives of the Micmac Rights Association, so that we may gather together to discuss these matters in the spirit of truth and reconciliation.

Sincerely,


Chris Googoo,
 Spokesperson of the Micmac Rights Association



**MICMAC RIGHTS ASSOCIATION MEETING
 10AM-4PM MAR. 9, 2024. MILLBROOK FN**

THE NEXT MEETING OF THE MRA WILL BE HELD ON MARCH 9, 2024.

Chief Riley and Cody Caplin win constitutional challenge

Attorney General of Canada drops charges against Micmac Fisherman.



CHRIS CAPLIN, MADELEINE BUJOLD, CODY CAPLIN, CHIEF DEL RILEY, DEAN CAPLIN, KYLE CAPLIN, AND DONALD MATT OUTSIDE THE COURTROOM.

CAMPBELLTON, NB – A total of eight charges of violating the provisions of the *Fisheries Act* against Micmac fisherman Cody Caplin were dropped by the Attorney General of Canada on February 15th, 2024.

Prosecutor Denis Lavoie told Judge LeBlanc that “the Attorney General of Canada will enter a stay of proceeding pursuant to Section 579(1) of the *Criminal Code*. The reason for that is the unexpected leave of the lawyer that was supposed to do the case will most likely result in extended additional delays. With the delays that have already happened in this case, the Crown feels that it would be in the public interest to do so.” The case against Mr. Caplin who was fishing in order to feed his family, has been before the courts since he was charged on Sept. 12, 2018.

The Crown stayed the charges after former National Chief Delbert Riley began representing Mr. Caplin

in arguing his constitutional challenge to the *Fisheries Act*. On October 12th, 2023 Chief Riley successfully defended against a motion from the Crown to summarily dismiss Mr. Caplin’s challenge as “manifestly frivolous, and of being of little import.”

Judge Leblanc ruled that the “the case is not frivolous, and is not a waste of the court’s time” and the court continued on November 30th, 2023. The Court heard opening statements by [Cody Caplin](#) and [Chief Riley](#), followed by the testimony of Micmac elder Albert Marshall Sr. who also spoke at [a community meeting](#) in Eel River Bar First Nation the same night.

After hearing the Aboriginal and Treaty rights arguments, the Crown, now led by prosecutor Mark Stares, objected that it needed more time to prepare for forthcoming defence

witnesses and the planned court dates in December were cancelled.

[A story about Cody’s case](#) in the *Canadian Press* then went viral and was picked up in over [138 different news outlets](#) across Canada. Following the media coverage, the Crown cancelled the planned January and February court dates before the Attorney General decided to drop the case on February 15th.

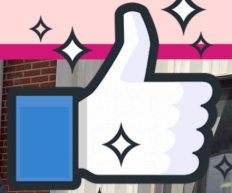
At the February 15th court hearing, Prosecutor Denis Lavoie, who has long specialized in opposing Micmac fishing rights announced that “it’s my last court appearance, I’m retiring tomorrow morning.”

In concluding the case, Judge Leblanc asked Mr. Caplin to pass on a message to Chief Riley that “I appreciated his help in this file and his testimony. He is a knowledgeable person to have as a reference. I note his devotion to the law and to his people.”

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Chief Del Riley outside Halifax City Hall with Amu Leaf spokesperson Thomas Durfee.

DEFEND THE MICMAC RIGHT TO TREATY TRUCKHOUSES!

ALL OUT TO SUPPORT AMU LEAF!

9AM, WEDS. MAR. 6

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