



June 4, 2024

Dear Premier Higgs,

We are writing to express our displeasure with the actions of your government in violating the constitutionally protected Aboriginal and Treaty Rights of our members.

On April 26, 2024, and again on May 23, 2024, your New Brunswick Public Safety officers unlawfully raided the Gitpu Trading Post (at 91 Russell St., in Saint John) to seize cannabis products which were being distributed in accordance with our constitutionally protected Aboriginal and treaty rights.

In doing so, the Province directly violated the *Royal Proclamation of 1763*, the 1752 Peace and Friendship Treaty, Canada's *Constitution Act* of 1982 and the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP). Despite your Minister of Public Safety Kris Austin being fully informed of these breaches of Aboriginal and treaty rights, the raids proceeded.

In an April 30th [letter to Public Safety Minister Kris Austin](#), former National Chief Del Riley highlighted these infringements and requested the immediate cessation of raids on Mi'kmaq establishments such as the Gitpu Trading Post, along with a call for a meeting between the Minister, the Micmac Rights Association, and representatives from the Gitpu Trading Post.

As Chief Riley wrote, "The Canadian government, the Province of New Brunswick and the City of Saint John have all indicated their commitments to "truth and reconciliation" with Indigenous peoples and their intentions to overcome the "dark days" of Canadian colonialism. That is going to require the recognition of the right of Mi'kmaq people to use their unceded and unsurrendered lands for trade and economic development in accordance with the treaties and Canadian law which now includes the *United Nations Declaration on the Rights of Indigenous Peoples Act*."

The [Royal Proclamation of 1763](#) explicitly grants Indigenous Peoples the "free and open right to trade with all our subjects." Similarly, the [1752 Peace and Friendship Treaty](#) ensures that "the said Indians shall 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."

These rights are further reinforced by [Section 25 and 35 of Canada's Constitution Act](#), which safeguards any rights recognized by treaty or Royal Proclamation from being diminished.



Article 20 of the *United Nations Declaration on the Rights of Indigenous Peoples Act* which is now Canadian law, states that “Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.”

As a public servant who has made an oath to uphold Canada’s laws and *Constitution Act*, you are required to uphold our sacred treaty relationship with the Crown.

We further wish to remind you that the Micmac people have never sold any of our lands in New Brunswick or any other province of Canada. As the traditional leadership of our Grand Council put it in a document to the *United Nations Human Rights Committee* in 1980:

Our national territory includes the lands today known as Nova Scotia, Prince Edward Island, and parts of Newfoundland, New Brunswick, and the Gaspé peninsula of Québec, an extent of twenty thousand square miles, more or less. Although our Treaty of protection guaranteed us permanent enjoyment of this territory, save only for settlements of British subjects then existing (to the extent of one thousand square miles or less), we recently have been confined to small parcels of land in total less than fifty square miles. Title and right even to these parcels, denominated "Indian Reserves," is contested now by the government of Canada, yet we never have sold or ceded by deed or by Treaty a single acre of our original domain.”

In its Treaty of 1752, the Mi’kmaq Nation sold no land, and ceded no sovereignty over its domestic affairs. It became a protected state or dependency, as that term would come to be used and understood more generally a century later in the evolution of the British Empire into a commonwealth of nations.

In 1761, shortly after the fall of French forces in Canada, Great Britain and the Mi’kmaq Nation ceremonially renewed the Treaty of 1752 at Halifax. Standing by a monument erected for that purpose, Governor Jonathan Belcher described our relationship with the Crown in these words:

“Protection and allegiance are fastened together by links, if a link is broken the chain will be loose.

You must preserve this chain entire on your part by fidelity and obedience to the great King George the Third, and then you will have the security of his Royal Arm to defend you.

I meet you now as his Majesty's graciously honored servant in government and in his Royal name to receive at this pillar, your public vows of obedience – to build a covenant of Peace with you, as upon the immovable rock of Sincerity and Truth, – to free you from the chains of bondage, – and to place you in the wide and fruitful field of English liberty.

The laws will be like a great Hedge about your rights and properties - if any break this Hedge to hurt and injure you, the heavy weight of the Laws will fall upon them and punish their disobedience.”

We wish to remind you that as a Provincial leader, you have no authority or jurisdiction to interfere with our treaty rights, which were defined in international treaties and promises made to our nation by the British Crown. Your Public Safety officers have zero jurisdiction or authority to interfere with our constitutionally protected Aboriginal and treaty rights.

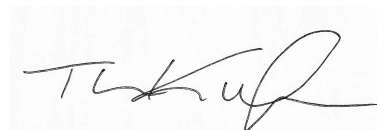
As Premier of New Brunswick, you remain a subject and a servant of the Crown. Should you continue to hurt and injure Micmac “rights and properties,” we will make every effort to have “the heavy weight of the Laws” punish your disobedience to our international agreements with the Crown.

However, rather than seek conflict with you, we wish to yet again extend the opportunity for us to meet together and resolve these matters to our mutual satisfaction and in accordance with our Aboriginal and treaty rights. We therefore request that you meet with representatives from the Micmac Rights Association, an Indigenous Governing Body as per the Government of Canada’s definition in the [Indigenous Services Act](#) (“a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by Section 35 of the [Constitution Act, 1982](#)”) to address these important issues.

On behalf of the Micmac Rights Association,



Cody Caplin
MRA Executive Member



Thomas Durfee
MRA Executive Member