



CHIEF DELBERT RILEY  
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



July 31st, 2024

**TO:** Department of Justice and Public Safety Safer Communities Section – Moncton  
New Brunswick Safer Communities Section <[SCAN@gnb.ca](mailto:SCAN@gnb.ca)>  
**CC:** The NB Minister of Public Safety Hon. Kris Austin <[Kris.Austin@gnb.ca](mailto:Kris.Austin@gnb.ca)>, The NB  
Attorney General and Minister of Justice Hon. Hugh J.A. (Ted) Flemming K.C.  
<[Hugh.Flemming@gnb.ca](mailto:Hugh.Flemming@gnb.ca)>, The NB Minister of Aboriginal Affairs Hon. Arlene Dunn  
<[Arlene.Dunn@gnb.ca](mailto:Arlene.Dunn@gnb.ca)>, Indigenous Affairs New Brunswick  
<[indigenoussaffairs-affairesautochtones@gnb.ca](mailto:indigenoussaffairs-affairesautochtones@gnb.ca)>, The Governor General of Canada Her  
Excellency the Right Honourable Mary Simon <[info@gg.ca](mailto:info@gg.ca)>, Minister of  
Crown–Indigenous Relations Gary Anandasangaree <[gary.anand@parl.gc.ca](mailto:gary.anand@parl.gc.ca)>,  
<[David.Coon@gnb.ca](mailto:David.Coon@gnb.ca)>, <[Susan.Holt@gnb.ca](mailto:Susan.Holt@gnb.ca)>, <[Wayne.Long@parl.gc.ca](mailto:Wayne.Long@parl.gc.ca)>,  
<[david.hickey@saintjohn.ca](mailto:david.hickey@saintjohn.ca)>, <[leader@nbndp.ca](mailto:leader@nbndp.ca)>

Aniin.

I am writing concerning a letter delivered to Wolastoq Wellness at 899 Main St. Moncton, New Brunswick on July 29th, 2024 by an unnamed Public Safety officer who did not have the courtesy to type out his name under his unintelligible signature. (See enclosed letter, marked as Appendix 1).

I have no such problems identifying myself. My name is Chief Delbert Riley. As you probably know by now, I am a Hereditary Crane Clan Chief of the Chippewa Nation, a former elected Chief of the Chippewas of the Thames First Nation, a former Land Claims Director and President of the Union of Ontario Indians, and the last President of the National Indian Brotherhood (the forerunner to the Assembly of First Nations, which I helped to found). Among my many achievements as President of the National Indian Brotherhood was the development and negotiation of Sections 25 and 35 of Canada's *Constitution Act*, which enshrine the protection of Aboriginal and treaty rights into Canadian law. I have been at the forefront of Indigenous politics in this country for over 50 years and I know what I am talking about when it comes to the exercise of Aboriginal and treaty rights and the Honour, or lack thereof, of the Crown.

The letter that I am referring to was delivered as Public Safety New Brunswick – a Provincial body with no jurisdiction over Aboriginal and treaty rights – intentionally interfered with the lawful operation of the Wolastoq Wellness trading post, and stole over \$55,000 of their trade goods. The Public Safety officers entered without a search warrant, and they carried out an act of racial aggression and discrimination in an attempt to keep Indigenous peoples out of an economic sector which Public Safety seems to wish to reserve exclusively to those without Aboriginal and treaty rights.



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The owners of Wolastoq Wellness – who are status Wolastoqey and Mi'kmaq Indians – have asked me to act on their behalf and to use my expertise to explain to you their constitutionally protected Section 25 and 35 Aboriginal and treaty rights so to resolve this matter.

To begin with, your letter disingenuously suggests that the Department of Justice and Public Safety, New Brunswick, Safer Communities Section “has reason to believe that an unlawful cannabis dispensary is operating contrary to the Federal Cannabis Act and the New Brunswick Cannabis Control Act” at 899 Main St. Moncton.

I find this statement a little hard to believe considering the following:

- 1.) Public Safety has been aware of the operation of sovereign Indigenous trading posts operating lawfully in accordance with their constitutionally protected Aboriginal and treaty rights in the City of Moncton since at least May 2nd, 2023 when [I wrote Public Safety Sergeant Jon Breau a letter](#) requesting a meeting to discuss the Aboriginal and treaty rights involved in the operation of the L'nuk Lounge at 577 Main St., the same street that Wolastoq Wellness is located on.
- 2.) I followed up my letter to Sergeant Jon Breau with [another letter on May 4th, 2023](#), after I witnessed the Sergeant lie directly to Kyle Caplin of the L'nuk Lounge about his attempts to intimate the landlord at 577 Main St. I cc'd my letter to the Attorney General and Minister of Justice Hon. Hugh J.A. (Ted) Flemming K.C., The NB Minister of Public Safety Hon. Kris Austin, The NB Minister of Aboriginal Affairs Hon. Arlene Dunn and the Mayor of the City of Moncton Dawn Arnold among others. The letter was also hand delivered to the RCMP station on Main Street across from the L'nuk Lounge.
- 3.) On [July 6th, 2023 I wrote again](#) to the New Brunswick Safer Communities Section, in response to a June 27th, 2023 letter from another unnamed Public Safety Sergeant who also refused to print his name below his signature, and I yet again requested a meeting to discuss the Aboriginal and treaty rights issues involved with the operation of sovereign Indigenous cannabis dispensaries in Moncton.
- 4.) On July 19th, 2023 Public Safety Minister Kris Austin replied to my earlier letter, and [I wrote back on August 29th, 2023](#) to discuss the “threatening and unprofessional conduct” of Sergeant Jon Breau, and to again request a meeting to discuss the Aboriginal and treaty rights issues involved in the operation of Indigenous trading posts in Moncton.
- 5.) On [April 30th, 2024, I wrote again](#) to Minister Austin to discuss the April 26th raid by Public Safety officers on the Gitpu Trading Post. I again requested a meeting with Minister Austin and went into significant detail about the history and background involved in the exercise of Mi'kmaq treaty rights in Saint John.



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- 6.) Since the exchange of these letters, raids and harassment by Public Safety on the L'nuk Lounge in Moncton ceased, and as new Indigenous stores like Wolastoq Wellness opened up in Moncton in May of 2023, it seemed as if your office had finally got the message and was willing to allow Indigenous people to exercise their constitutionally protected rights.
- 7.) Indeed, on June 21st, 2024, The City of Moncton's [Downtown Moncton](#) official Instagram account celebrated National Indigenous Peoples Day by creating and distributing a promotional video for Wolastoq Wellness that showcased both the inside and outside of the store. The video description stated that "#downtownMoncton is recognizing and celebrating the history, heritage, and contributions of Indigenous Peoples. There are so many ways to mark this day, including supporting Indigenous-owned businesses in downtown Moncton, like the brand new @wolastoqwellness! 🌿🍵 They carry a range of sacred medicines, beautiful local crafts, soaps, and more. Visit them at 899 Main St!"
- 8.) The store is named Wolastoq Wellness as it is a partnership between Wolastoqey and Mi'kmaq people who are exercising their constitutionally protected Aboriginal and treaty rights. As your officers should know – and could find out with a quick google search – Wolastoq means "bright river" or "shining river" and is the name that the Wolastoqiyik/Wəlastəkweyiyik/Malecite/Maliseet people – who are treaty partners with the British Crown – use to describe themselves.
- 9.) The store proudly flies both the Wolastoq and Mi'kmaq flags in front of the storefront and retails a wide variety of Indigenous made products including Indigenous arts and crafts, clothing with Indigenous designs and motifs, and other wellness products with an Indigenous theme.
- 10.) The store makes no secret of its purpose, and a visit to the store's social media sites on Instagram and Facebook make this clear. "At Wolastoq Wellness, our mission is to preserve and share the rich traditions, wisdom, and healing practices of indigenous culture. This has been a dream come true for us, driven by our passion to empower individuals to explore well-being and embrace the beauty of indigenous heritage. Through our carefully curated selection of products, we're building a welcoming space where everyone can learn and engage with our culture. Join us on this empowering journey of discovery and healing."

Despite all of the above, the Public Safety officers in Moncton seem to want to ignore the existence of Indigenous peoples and our rights to have an economy despite Canada adopting the [United Nations Declaration on the Rights of Indigenous Peoples](#) and enshrining constitutional protections for the exercise of these rights.

Mi'kmaq and Wolastoqey rights are recorded in a series of treaties the Mi'kmaq and Wolastoqey nations made with the Crown known as the "Covenant Chain" of Peace and Friendship treaties from 1725 to 1779. These treaties are not land surrenders. No Mi'kmaq or



Wolastoqey land has ever been sold in accordance with the terms of the Royal Proclamation of 1763. When the treaties were being negotiated, the agreements were very clear as to the Mi'kmaq right to trade. The [1752 Peace and Friendship Treaty](#) recognizes the rights of Mi'kmaq people to establish “truckhouses” at locations of their choosing and 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.” Moreover, the [Royal Proclamation of 1763](#) explicitly grants Indigenous Peoples the “free and open right to trade with all our subjects.”

These rights were again the subject of Crown treaty promises in 1761 when Governor Jonathan Belcher promised that English laws would “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.” The *Royal Proclamation of 1763* and the many Peace and Friendship treaties which recognize and describe the Aboriginal rights of the Mi'kmaq have been given constitutional protection by Section 35 of the Constitution which “recognizes and affirms” the “existing aboriginal and treaty rights of the aboriginal peoples of Canada.” These treaties are living documents and as all levels of the Canadian government have repeatedly acknowledged, they must be respected and upheld.

Wolastoq Wellness’s inherent Aboriginal and Treaty right to make medicine and to provide that medicine to people in need is further outlined in Canada’s “[United Nations Declaration on the Rights of Indigenous Peoples Act](#)” which received Royal assent on June 21st, 2021. This law provides “a framework for reconciliation, healing and peace, as well as harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith” and adopts the *United Nations Declaration on the Rights of Indigenous Peoples* which “is affirmed as a source for the interpretation of Canadian law.” According to its text, the “Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the [Constitution Act, 1982](#).”

The Act further states that “The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.” There are multiple aspects of the Declaration which pertain to the rights of the owners of Wolastoq Wellness to provide medicine and to engage in trade and economic development. The following are a number of Articles of the Declaration which are now enshrined in Canadian law:

**Article 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.



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**Article 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**Article 20:** 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.

**Article 23** Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

**Article 24:** Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.

Treaty Truckhouses and businesses such as Wolastoq Wellness are medicinal in nature and fall outside of the scope of Provincial regulation. Treaty Truckhouses are a federal matter, and any issues with such stores should be addressed by the protocols outlined in the treaties themselves. Should the Province interest itself in such matters, Wolastoq Wellness welcomes the holding of meetings in the spirit of peace, friendship and reconciliation with Provincial authorities as we have been making clear for some time now.

In response to the advisement by the unidentified representative of the Department of Justice and Public Safety who signed the July 29th, 2024 letter to Wolastoq Wellness, that Wolastoq Wellness may be contravening sections 13(1) and 24(2.1) of the *New Brunswick Cannabis Control Act*, let me remind you of section 52.(1) of the *Constitution Act, 1982*. It reads, "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect." The *New Brunswick Cannabis Control Act*, which was passed without any consultation with the Indigenous peoples of New Brunswick, is in violation of Sections 25, and 35 of the *Constitution Act*, and it is thus of "no force or effect" as we have every intention of proving when these matters get to court.

As you are no doubt well aware, the *British North America Act* of 1867 made "Indians and lands reserved for Indians" the purview of the Federal Government. The only Federal instrument that allows Provinces to make their "laws of general application... applicable to and



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in respect of Indians in the province”, is Section 88 of the *Indian Act*, which however, also limits the application of those laws “Subject to the terms of any treaty and any other Act of Parliament.” Because the terms of the Peace and Friendship treaties the Crown made with the Mi’kmaq and the Wolastoqey Nations were very explicit regarding the right to trade, the Province cannot overrule the treaty.

I also wish to bring to your attention, as per the [July 30th, 2024 letter from the Micmac Rights Association](#) to the Premiers of New Brunswick, Nova Scotia and PEI that the members of Wolastoq Wellness belong to 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](#)”). Wolastoq Wellness retails Indigenous medicinal cannabis products in accordance with the community health and safety standards of the Micmac Rights Association.

Also of relevance is the Supreme Court of Canada’s recent decision regarding its [Reference re An Act respecting First Nations, Inuit and Métis children, youth and families](#) which affirmed that the laws of Indigenous governing bodies such as the Micmac Rights Association “prevail over provincial laws to the extent of any conflict or inconsistency” in the area of child and family services. The same logic also applies to this matter involving an Indigenous governing body.

There are obviously a lot of matters to discuss regarding these issues, and probably a lot that is unfamiliar to you and that wasn’t covered in your training as Public Safety officers. However, as public servants of the Crown, you are required to live up to the laws and covenants made by the Crown, and to uphold your fiduciary responsibility as an agent of the Crown to the Indians with whom the Crown is connected to in its sacred treaty relationships.

If you would like more information about how constitutionally protected Aboriginal and treaty rights apply in this matter, or if you have any questions or concerns, I would be happy to meet with you and begin a process of engagement on these important questions. To get in touch, you may contact me via email at [delbertrileyc@gmail.com](mailto:delbertrileyc@gmail.com).

Miigwetch,

*Chief Del Riley*

Chief Del Riley, Crane Clan Chippewa Nation  
Former President, National Indian Brotherhood



**Attachments:**

Attached to this letter, please find the following communications of relevance to this matter:

- 1.) [July 29, 2024 Letter from Public Safety to Wolastoq Wellness](#)
- 2.) [May 2, 2023 Letter from Chief Riley to Sergeant Jon Breau](#)
- 3.) [May 4, 2023 Letter from Chief Riley to Sergeant Jon Breau](#)
- 4.) [July 6, 2023 Letter from Chief Riley to the Department of Justice and Public Safety](#)
- 5.) [August 29, 2023 Letter from Chief Riley to Kris Austin, Minister of Public Safety and Solicitor General](#)
- 6.) [April 30, 2024 Letter from Chief Riley to Kris Austin, Minister of Public Safety and Solicitor General](#)
- 7.) [June 4th, 2024 letter from the Micmac Rights Association to Premier Higgs](#)
- 8.) [July 31st, 2024 letter from the Micmac Rights Association to the Premiers of New Brunswick, Nova Scotia and PEI](#)



Department of Justice and Public Safety  
Inspection and Enforcement New Brunswick  
Safer Communities Section

**To: The business owner, operator, employees and any other person responsible for the operation of the business**

**Date: July 29th 2024**

The New Brunswick Department of Justice and Public Safety, Safer Communities Section has reason to believe that unlawful activity is taking place at:

**Wolastoq Wellness – 899 Main St. Moncton,  
New Brunswick, Canada – E1C 1G5**

More specifically, the Department of Justice and Public Safety, New Brunswick, Safer Communities Section has reason to believe that an unlawful cannabis dispensary is operating contrary to the Federal *Cannabis Act* and the *New Brunswick Cannabis Control Act*, at the above noted address.

You have been identified as the owner, operator, of this business, where this unlawful activity is taking place. Accordingly, you and any other person(s) responsible for these activities are being instructed to cease the unlawful activity immediately.

Further, take notice that if the unlawful activity does not cease immediately, the Department of Justice and Public Safety, Safer Communities Section may take further action under the Federal *Cannabis Act* and/or *New Brunswick Cannabis Control Act*. The Department of Justice and Public Safety, Safer Communities Section may also refer the matter to the Attorney General with a request to take action under the *Civil Forfeiture Act*.



Be advised that section **13(1)**: of the *New Brunswick Cannabis Control Act* states:

*13(1): No person other than a service provider shall*

- a) operate a store that sells cannabis, or*
- b) distribute and sell cannabis.*

Also please be advised that section 24(2.1) of the *New Brunswick Cannabis Control Act* states:

Despite section 56 of the *Provincial Offences Procedure Act*, the minimum fine that may be imposed by a judge under that Act for any of the following offences shall be:

- (a) an offence under paragraph 13(1)(a), \$5,000;
- (b) an offence under paragraph 13(1)(b), \$2,000;

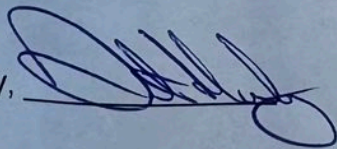
Also please be advised, that the *New Brunswick Cannabis Control Act* Section 24(3) states "If an offence under this Act continues for more than one day,

*a) the minimum fine may be imposed is the minimum set by the Provincial Offences Procedure Act multiplied by the number of days during which the offence continues, and*

*b) the maximum fine that may be imposed is the maximum fine set by the Provincial Offences Procedure Act multiplied by the number of days during which the offence continues.*

Should you have any questions or comments, please do not hesitate to contact the Department of Justice and Public Safety, Safer Communities Section.

Yours truly,



Department of Justice and Public Safety  
Safer Communities Section



CHIEF DELBERT RILEY  
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



May 2nd, 2023

TO: Sergeant Jon Breau <[Jonathan.Breau@gnb.ca](mailto:Jonathan.Breau@gnb.ca)>

Dear Sergeant Jon Breau,

My name is Chief Delbert Riley. I am a Hereditary Crane Clan Chief of the Chippewa Nation, a former elected Chief of the Chippewas of the Thames First Nation, a former Land Claims Director and later President of the Union of Ontario Indians, and the last President of the National Indian Brotherhood (the forerunner to the Assembly of First Nations, which I helped to found). Among my many achievements as President of the National Indian Brotherhood was the creation and negotiation of Sections 25 and 35 of the Canadian Constitution which enshrine the protection of Aboriginal and Treaty Rights in Canadian law.

Over the course of over 50 years of experience in Indigenous politics at a local, regional, national, and international level, I have become a recognized expert in Aboriginal and treaty rights and the interpretation of the Canadian Constitution as it relates to Indigenous issues.

I am writing to you on behalf of Chris Caplin, the spokesperson for the L'nuk Lounge, a Micmac citizen who is registered by Canada as an Indian belonging to Reserve #8 – Eel River Bar First Nation. I understand that you have been in communication with landowner Thierry Le Bouthillier who has leased the space at 577 Main St., in Moncton, to Mr. Caplin. According to Mr. Le Bouthillier, you told him that if all “illegal product” was not removed from the building (presumably in reference to the Indigenous medicinal cannabis being made available through the L'nuk Lounge) that you would seize the entirety of Mr. Le Bouthillier's multi-unit building under the provisions of the *Safer Communities and Neighbourhoods Act (S.N.B. 2009, c. S-0.5)*.

I will be in Moncton all day on Thursday, May 4th. As Mr. Caplin's representative, I would like to meet with you to hear your concerns and to explain to you in detail how Mr. Caplin's constitutionally protected Aboriginal and treaty rights apply in this matter. You may contact me at 613-714-0222, or via email at [delbertrileyc@gmail.com](mailto:delbertrileyc@gmail.com). I look forward to hearing from you soon.

Sincerely,

*Chief Del Riley*

Chief Del Riley, Crane Clan Chippewa Nation  
Former President, National Indian Brotherhood



CHIEF DELBERT RILEY  
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



**TO:** Sergeant Jon Breau <[Jonathan.Breau@gnb.ca](mailto:Jonathan.Breau@gnb.ca)>,  
**CC:** The NB Attorney General and Minister of Justice Hon. Hugh J.A. (Ted) Flemming K.C. <[Hugh.Flemming@gnb.ca](mailto:Hugh.Flemming@gnb.ca)>, The NB Minister of Public Safety Hon. Kris Austin <[Kris.Austin@gnb.ca](mailto:Kris.Austin@gnb.ca)>, The NB Minister of Aboriginal Affairs Hon. Arlene Dunn <[Arlene.Dunn@gnb.ca](mailto:Arlene.Dunn@gnb.ca)>, The Mayor of the City of Moncton Dawn Arnold <[mayor@moncton.ca](mailto:mayor@moncton.ca)>, Thierry Le Bouthillier <[Thierry@groupelebouthillier.com](mailto:Thierry@groupelebouthillier.com)>, Marie Pier Picard <[mariepierpicard2@gnb.ca](mailto:mariepierpicard2@gnb.ca)>, The Governor General of Canada Her Excellency the Right Honourable Mary Simon <[info@gg.ca](mailto:info@gg.ca)>, Minister of Crown–Indigenous Relations Marc Miller <[Marc.Miller@parl.gc.ca](mailto:Marc.Miller@parl.gc.ca)>, Delivery by hand to the at RCMP 520 Main St.

May 4th, 2023

Dear Sergeant Jon Breau,

Thank you for your response to my email. I am disappointed that you have refused to meet with me to discuss the matter of your investigation into the L'nuk Lounge at 575 Main St in Moncton. Yesterday I flew to Moncton from London, Ontario in order to make myself personally available to you and your investigation as I outlined in my email of May 2nd, 2023.

I came to meet you in the spirit of truth and reconciliation, and to provide you with information to show that the cannabis in the L'nuk Lounge is not “illegal” but rather that it is a legal medicine and Indigenous trade good protected by Canada’s *Constitution Act*. The L'nuk Lounge is exercising an Aboriginal and treaty right protected by Sections 25 and 35 of the Canadian Constitution. I know this to be the case, because as the President of the National Indian Brotherhood, I was at the constitutional table with Pierre Trudeau and Jean Chretien and I negotiated the entrenchment of these Aboriginal and treaty rights in the highest law of the land.

I would also like to let you know that I met with Mr. Thierry Le Bouthillier, the owner of the building at 575 Main St. this morning. He informed me in no uncertain terms that in two different meetings you attempted to intimidate him into breaking the lease with the L'nuk Lounge by threatening to “seize” his entire building under the *Safer Communities and Neighbourhoods Act* if all “illegal” cannabis products were not immediately removed. Mr. Le Bouthillier told me that he was “scared shitless” by your message and demeanour, and expressed surprise that you have refused to provide him with any official statements in writing that he could pass on to his tenants or take to a lawyer. He also noted that you refused to enter his building to meet, or to go into the L'nuk Lounge to talk directly with his tenants about your issue with their storefront.

I was in the room today when Mr. Kyle Caplin, a Micmac national and registered Treaty Indian, called you on speakerphone to ask what the nature of your investigation into the L'nuk Lounge was, and why you refused to meet with me to discuss the Aboriginal and treaty rights involved in this matter.



Although you refused to explain your reasons for the investigation or your refusal to meet with me, Mr. Caplin made a number of important points in his conversation with you. He told you that there is no “illegal” cannabis in the L’nuk Lounge and that the cannabis that is present is an Indigenous-made medicine that is our inherent Aboriginal and treaty right to trade. He also informed you that the Micmacs have rights that are outlined in the peace and friendship treaties made between the Micmac nation and the Crown, which are protected by Sections 25 and 35 of the Canadian Constitution.

Mr. Caplin also reminded you that the inherent Aboriginal and Treaty right to make and trade medicine is described in Canada’s [“United Nations Declaration on the Rights of Indigenous Peoples Act”](#) and that as an officer of the Crown, you have a fiduciary responsibility to him as an Indian to uphold the treaties and the honour of the Crown.

When Mr. Caplin asked why you threatened his landlord with the seizure of his building instead of talking with the L’nuk Lounge and its representatives, you at first denied that you had even met the landlord or made any threats regarding his building. When Mr. Caplin then asked why you had gone to the property to meet Mr. Le Bouthillier, you lied and said, “I didn’t go there.” When further pressed you said, “I didn’t go into his office.”

When Mr. Caplin pointedly asked you if you had spoken to Mr. Le Bouthillier “outside the doors” on the sidewalk, you changed your tune, and admitted that you had in fact met with Mr. Le Bouthillier. However, you again refused to explain why you were there, other than to say that you have a file open for investigation, but “no type of enforcement action is currently underway.”

Given your refusal to hear from either the Aboriginal people directly involved in this matter, or from their representatives – both I and former Atlantic Region National Chief Hector Pictou were on hand to meet with you in person today – I would like to ask for the name and email of your direct superior, so I may take this matter up the chain of command. I am hopeful that one of your superiors will be willing to meet and discuss this important matter in the epoch of Canada’s commitment to the principles of truth and reconciliation with Indigenous peoples.

I have taken the liberty of CC’ing a number of New Brunswick and Canadian political authorities who are ultimately responsible for upholding the honour of the Crown and the treaties it has made with the Micmac people. I want to be clear that I am open to meeting with them or their representatives as well. I look forwards to further communication on this important matter and to receiving the name and contact information of your superior officer.

Sincerely,

*Chief Del Riley*

Chief Del Riley, Crane Clan Chippewa Nation  
Former President, National Indian Brotherhood



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**TO:** New Brunswick Safer Communities Section <[SCAN@gnb.ca](mailto:SCAN@gnb.ca)>

**CC:** Sergeant Jon Breau <[Jonathan.Breau@gnb.ca](mailto:Jonathan.Breau@gnb.ca)>, The NB Attorney General and Minister of Justice Hon. Hugh J.A. (Ted) Flemming K.C. <[Hugh.Flemming@gnb.ca](mailto:Hugh.Flemming@gnb.ca)>, The NB Minister of Public Safety Hon. Kris Austin <[Kris.Austin@gnb.ca](mailto:Kris.Austin@gnb.ca)>, The NB Minister of Aboriginal Affairs Hon. Arlene Dunn <[Arlene.Dunn@gnb.ca](mailto:Arlene.Dunn@gnb.ca)>, The Mayor of the City of Moncton Dawn Arnold <[mayor@moncton.ca](mailto:mayor@moncton.ca)>, Marie Pier Picard <[mariepierpicard2@gnb.ca](mailto:mariepierpicard2@gnb.ca)>, The Governor General of Canada Her Excellency the Right Honourable Mary Simon <[info@gg.ca](mailto:info@gg.ca)>, Minister of Crown-Indigenous Relations Marc Miller <[Marc.Miller@parl.gc.ca](mailto:Marc.Miller@parl.gc.ca)>,

**BCC:** Thierry Le Bouthillier <[Thierry@groupelebouthillier.com](mailto:Thierry@groupelebouthillier.com)>

July 6th, 2023

To the Department of Justice and Public Safety, Inspection and Enforcement New Brunswick Safer Communities Section,

My name is Chief Delbert Riley. I am a Hereditary Crane Clan Chief of the Chippewa Nation, a former elected Chief of the Chippewas of the Thames First Nation, a former Land Claims Director and later President of the Union of Ontario Indians, and the last President of the National Indian Brotherhood (the forerunner to the Assembly of First Nations, which I helped to found). Among my many achievements as President of the National Indian Brotherhood, was the creation and negotiation of Sections 25 and 35 of the Canadian Constitution which enshrine the protection of Aboriginal and Treaty Rights in Canadian law.

I am writing on behalf of the L'Nuk Lounge in response to a letter received by the L'Nuk Lounge from an unnamed Sergeant from your department on June 27th, 2023. Although the letter is signed, there is no name printed below the signature, and so I am unsure as to the identity of the Sergeant. I suspect that it may be Jon Breau, who I have previously corresponded with on this matter.

The letter from the unnamed Sergeant expresses concerns that the L'Nuk lounge is operating "an unlawful cannabis dispensary and operating contrary to the Cannabis Act and the Cannabis Control Act" and requests that the "unlawful activity" be ceased immediately.

Contrary to the concerns of your unnamed Sergeant, I would like to inform you that there is no "unlawful activity" taking place in the premises of the L'nuk Lounge. Cannabis was legalized in Canada in 2018, and the owners of the L'nuk Lounge are Mi'kmaq Indians operating on their unceded lands which have been reserved for them by the Royal Proclamation of 1763. Their Aboriginal and treaty rights to provide medicinal cannabis products are protected by Sections 25 and 35 of the *Canadian Constitution Act* and the Peace and Friendship treaties their ancestors signed with the Crown, and further expressed in the Rowan Proclamation of



CHIEF DELBERT RILEY  
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



1854 and the *United Nations Declarations of the Rights of Indigenous Peoples* that Canada adopted in 2021. As per Section 52 of the Constitution Act, “The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect” so it is actually the Federal and Provincial *Cannabis Acts* which are illegal – should they are applied contrary to the Aboriginal and treaty rights enshrined in the Constitution.

The L’Nuk Lounge is operating with the support of the Micmac Rights Association, and is one of over 30 such off-reserve dispensaries operating in cities across Canada on traditional unceded territories of various Indigenous nations. There are similar such stores in Halifax, Toronto, London, Brantford, Mississauga, Stratford, Timmins, and Vancouver to name but a few locations. Issues of health and public safety are addressed by the L’Nuk Lounge adhering to the Health and Safety protocols adopted by the Micmac Rights Association as it concerns cannabis dispensaries.

I have previously corresponded with Sergeant Breau in a letter sent on May 2nd 2023. I flew into Moncton on May 3rd, 2023 from my home community in Chippewa of the Thames in Ontario, for the purpose of meeting in person with Sergeant Breau on May 4th, 2023. Sergeant Breau refused to meet with me in person, or to speak with me on the phone, and nor did not reply to my email correspondence.

I was in the room on May 4th, 2023 when Mr. Kyle Caplin – a spokesperson for the L’Nuk Lounge – spoke to Sergeant Breau on the phone and caught him in a lie about his threatening and unprofessional interactions with Mr. Thierry Le Bouthillier, the owner of the building at 575 Main St. where the L’Nuk Lounge is located.

Although Sergeant Breau refused to explain his reasons for investigating the L’Nuk Lounge or to explain why he refused to meet with me as a part of his investigation, Mr. Caplin explained to Sergeant Breau that there is no “illegal” cannabis in the L’nuk Lounge, and that the cannabis that is present is an Indigenous-made medicine that is an inherent Aboriginal and treaty right to trade.

I was at the Constitutional table as the President of the National Indian Brotherhood when the inclusion of Sections 25 and 35 of the Canadian Constitution were negotiated in the early 1980s between Indian representatives and Canada. I am aware of the meaning of these sections and the intention behind their inclusion in the Constitution. With over 50 years of experience in Indigenous politics at a local, regional, national, and international level, I am a recognized expert in Aboriginal and treaty rights and the interpretation of the Canadian Constitution as it relates to Indigenous issues.

Along with former Atlantic Region National Chief Hector Pictou, I have repeatedly attempted to meet with Sergeant Breau. In my letter of May 4th, 2023 I requested the name and



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contact information of Sergeant Breau's superior officer so as to attempt a dialogue in the spirit of "truth and reconciliation." I trust that you will recognize your moral and fiduciary responsibility to address these issues and that someone in your office will get back to me at your earliest convenience. You may contact my assistant at 416-526-4255 to arrange a meeting or reply to this email.

Sincerely,

*Chief Del Riley*

Chief Del Riley, Crane Clan Chippewa Nation  
Former President, National Indian Brotherhood



CHIEF DELBERT RILEY  
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



**TO:** The NB Minister of Public Safety Hon. Kris Austin <[Kris.Austin@gnb.ca](mailto:Kris.Austin@gnb.ca)>  
**CC:** The NB Attorney General and Minister of Justice Hon. Hugh J.A. (Ted) Flemming K.C. <[Hugh.Flemming@gnb.ca](mailto:Hugh.Flemming@gnb.ca)>, The NB Minister of Aboriginal Affairs Hon. Arlene Dunn <[Arlene.Dunn@gnb.ca](mailto:Arlene.Dunn@gnb.ca)>

August 29, 2023

Dear Hon. Kris Austin, Minister of Public Safety and Solicitor General,

Thank you for your letter of July 19th, 2023. In response to your question, I am not the owner or operator of the L'nuk Lounge, but as a former National Chief and respected elder, the owners of the L'nuk Lounge have asked me to speak on their behalf and have reviewed this correspondence.

It is true that at this point “no [Canadian] court has interpreted the Constitution of Canada to include a right to retail cannabis nor a right to authorize retail that is otherwise prohibited by law.” However, there are over 475 sovereign Indigenous cannabis shops currently operating in Canada who believe that they have the constitutionally protected right to do so. There are a number of constitutional questions before the courts that are raising exactly this issue, and I will be providing expert testimony to the courts on these matters.

These issues not only concern the interpretation of Sections 25 and 35 of the Constitution that I was personally involved in negotiating, but also involves legislation such as the *United Nations Declarations of the Rights of Indigenous Peoples Act* that Canada adopted in 2021, after Canada legalized cannabis.

In terms of the threatening and unprofessional conduct of JPS officer Jon Breau, I am able to inform you of the following. On May 3rd, 2023 I met with Mr. Thierry Le Bouthillier, the owner of the building at 575 Main St. where the L'nuk Lounge is located. Mr. Le Bouthillier informed me in no uncertain terms that in two different meetings, officer Breau attempted to intimidate him into breaking the lease with the L'nuk Lounge by threatening to “seize” his entire building under the *Safer Communities and Neighbourhoods Act* if all “illegal” cannabis products were not immediately removed.

Mr. Le Bouthillier told me in this meeting that he was “scared shitless” by officer Breau’s message and demeanour, and expressed surprise that officer Breau refused to provide him with any official statements in writing that he could pass on to his tenants or take to a lawyer. He also noted that officer Breau refused to enter his building to meet him, or to go into the L'nuk Lounge to talk directly with his tenants.





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On May 4th, 2023, I was in the room when Mr. Kyle Caplin, a Micmac national and registered Treaty Indian, called officer Breau to ask him about the nature of his investigation into the L'nuk Lounge, and to discuss why officer Breau refused to meet with me to discuss the Aboriginal and treaty rights involved in this matter.

When Mr. Caplin asked officer Breau why he threatened his landlord with the seizure of his building instead of talking with the L'nuk Lounge and its representatives, officer Breau at first denied that he had ever met Mr. Le Bouthillier or made any threats regarding his building. When Mr. Caplin then asked the officer why he had gone to the property to meet Mr. Le Bouthillier, officer Breau lied and said, "I didn't go there." When further pressed, officer Breau said, "I didn't go into [Mr. Le Bouthillier's] office."

When Mr. Caplin pointedly asked officer Breau if he had spoken to Mr. Le Bouthillier "outside the doors" on the sidewalk outside of his office, officer Breau changed his tune, and admitted that he had in fact met with Mr. Le Bouthillier. However, officer Breau again refused to explain why he went there, other than to say that he had a file open for investigation, but that "no type of enforcement action is currently underway."

From what I have seen and experienced officer Breau seems to have a habit of unprofessional conduct, and perhaps a bias against Indigenous people in terms of how he has been conducting his investigation. Along with former Atlantic Region National Chief Hector Pictou, I have repeatedly attempted to meet with Sergeant Breau. I have also requested to speak to officer Breau's superior officer so as to attempt a dialogue in the spirit of "truth and reconciliation" on these matters.

I am still interested in speaking further about this issue of Aboriginal and treaty rights. Would it be possible to schedule a meeting with you to talk about them? I look forward to hearing from you at your earliest convenience. You may contact my assistant at 416-526-4255 to arrange a meeting or reply to this email.

Sincerely,

*Chief Del Riley*

Chief Del Riley, Crane Clan Chippewa Nation  
Former President, National Indian Brotherhood



April 30th, 2024

**TO:** The NB Minister of Public Safety Hon. Kris Austin <[Kris.Austin@gnb.ca](mailto:Kris.Austin@gnb.ca)>  
**CC:** The NB Attorney General and Minister of Justice Hon. Hugh J.A. (Ted) Flemming K.C. <[Hugh.Flemming@gnb.ca](mailto:Hugh.Flemming@gnb.ca)>, The NB Minister of Aboriginal Affairs Hon. Arlene Dunn <[Arlene.Dunn@gnb.ca](mailto:Arlene.Dunn@gnb.ca)>, The Governor General of Canada Her Excellency the Right Honourable Mary Simon <[info@gg.ca](mailto:info@gg.ca)>, Minister of Crown–Indigenous Relations Gary Anandasangaree <[gary.anand@parl.gc.ca](mailto:gary.anand@parl.gc.ca)>, AFN National Leader Cindy Woodhouse <[Cwoodhouse@afn.ca](mailto:Cwoodhouse@afn.ca)>

Aniin. Greetings Minister Austin.

I hope this letter finds you well. As you may recall, we last corresponded in the summer of 2023, when you wrote me on July 19th, and I replied to you on August 29th. We were communicating regarding the operation of the L'nuk Lounge, a Mi'kmaq truck house and gathering place located in Moncton, and discussing the Aboriginal and rights at stake in its operation.

In your letter of July 19th, you stated that “I understand and acknowledge that you believe that there exists in Canada an Aboriginal and/or a treaty right to retail cannabis and/or to authorize its retail. The Government of New Brunswick fully respects Aboriginal and treaty rights, and takes care not to interfere with their lawful exercise. We are also fully committed to reconciliation with Indigenous peoples and organizations.” I appreciate your sentiment.

I can see from more recent comments you made at the time of the introduction of Bill 29, *An Act Respecting Cannabis Control*, that you have put some thought into the issue of cannabis on First Nations reserves and that you recognize that, “You can't seize property on First Nations reserves ... unless you're talking about a property that would be involved in violent crime” as quoted in an article published by [Stratcann.com](http://Stratcann.com). The article also notes that you believe that there is “nothing the province can do to enforce its provincial cannabis rules on businesses operating on First Nations reserves,” and that “the issue is up to the federal government to enforce.”

You are perfectly correct in this line of thinking. The Province lacks the jurisdiction to enforce its laws on “lands reserved for Indians,” and the Federal government should be addressing these issues in a nation-to-nation framework with the Indigenous people of these lands. The real issue at the core of the contradiction regarding cannabis regulations between First Nations and Canadian authorities, is the fact that when Justin Trudeau undertook to legalize cannabis, he explicitly chose to avoid consulting with Indigenous people and nations on the cannabis issue. His advisors told him that the matter was complex, and that there was not



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enough time to consult and come up with an approach on cannabis that respected constitutionally protected Aboriginal and treaty rights if he were to legalize cannabis within his first term as he had promised the electorate.

As a result, Trudeau chose to leave Indigenous people out of the equation with the creation of the *Cannabis Act* and to leave the rest of us to clean up his mess after the fact. Because the *Indian Act* Band Councils were granted very few powers when they were legislated into existence by John A. Macdonald in 1876, they lack any jurisdiction or authority to regulate cannabis on or off reserve. That has left it to individual Indigenous people to assert their Aboriginal and treaty rights by opening up their own shops and to fight for their right to exist. To a very significant extent this has happened, with over 500 such sovereign shops opening up across Turtle Island in nearly every Indigenous nation.

While most of these shops are located on Indian reservations, which are clearly “lands reserved for Indians” as per the terms of the *1763 Royal Proclamation*, and thus the preserve of Federal government authority as per Section 91 (24) of the *British North America Act*, an increasing number of Indigenous trading posts are being opened off reserve. Perhaps it is because the Covid lockdowns greatly damaged the operation of the Indigenous economy on reserve, or maybe it is because Indigenous people are taking the Federal government at its word in passing the [United Nations Declaration on the Rights of Indigenous Peoples Act](#), but whatever the case, by my count there are now close to 100 such shops open, with most of them being located in Ontario, and with just under a dozen open in the Maritimes.

In the cases of Peace and Friendship treaties organized in accordance with the Covenant Chain relationship, the lands remain unceded, and so the Indigenous entrepreneurs operating off-reserve in the Maritime Provinces and Ontario are quite correct in stating that their stores are indeed still operating on unceded lands which remain “reserved for Indians” as per the terms of the *Royal Proclamation of 1763*. On these lands, the Provinces – because they are merely administrative bodies and not nation states – have no authority or jurisdiction to alter the treaty relationship or to enter into new treaty making relationships with Indigenous peoples. This is the role of the Federal Government acting through the office of the Governor General and the British Crown itself.

I will now get to the concrete matter at hand that has led me to write to you today – the Friday, April 26th raid by your Public Safety officers on the Gitpu Trading Post, a Mi'kmaq truck house located at 91 Russell Street in Saint John. The Gitpu Trading Post is owned and operated by status Mi'kmaq Indians in New Brunswick who I know well, and as an esteemed elder with a national and international profile, they have asked me to write to you on their behalf. They want me to explain to you why you should uphold the Honour of the Crown by meeting with them and the [Micmac Rights Association](#), the Indigenous Governing Body to which they belong, in accordance with the treaty agreements and treaty promises made by the Crown, rather than to



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continue to violate their constitutionally protected rights by criminalising their legitimate and lawful right to trade.

I will explain to you the constitutionally protected Aboriginal and treaty rights which are at play and which, as a servant of the Crown, you are required to uphold. The Gitpu Trading Post sells cannabis, a medicine and a product legal in Canada in accordance with the customs and conventions of the Mi'kmaq people, who are recognized by the Crown's *Royal Proclamation of 1763* as having the "free and open" right to trade with "all our Subjects whatever." According to Section 25 of Canada's *Constitution Act, 1982*, "any rights or freedoms that have been recognized by the *Royal Proclamation of October 7, 1763*" shall not be "abrogated or derogated from." These rights include the economic right of the owners of the Gitpu Trading Post to engage in "free and open" trade on Mi'kmaq traditional territory. As per the terms of the *Royal Proclamation*, it is clear that it is the Crown's subjects who are to be licensed in such trade – should the Crown feel it to be necessary – and not the Indians.

The Mi'kmaq nation, through what is known as the "Covenant Chain" of non-ceding Peace and Friendship Treaties entered into and renewed with the Crown, is one of "the several Nations or Tribes of Indians with whom We [the British Crown] are connected, and who live under our Protection" according to the Proclamation. These Indian nations which are connected to the Crown should "not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds." The connection stems from the Covenant Chain of Peace and Friendship treaties made by the British Crown with the Mi'kmaq nation between 1725 and 1779 across Mi'kma'ki which are "recognized and affirmed" by Section 35 of Canada's *Constitution Act, 1982*.

In considering the issue of Indian lands and surrenders, in [R. v. Isaac, 1975](#) Justice MacKeigan of the Nova Scotia Court of Appeal concluded after exhaustive research, that "No Nova Scotia treaty has been found whereby Indians ceded land to the Crown, whereby their rights on any land were specifically extinguished, or whereby they agreed to accept and retire to specified reserves." Justice MacKeigan also noted that "I have been unable to find any record of any treaty, agreement or arrangement after 1780 extinguishing, modifying or confirming the Indian right to hunt and fish, or any other record of any cession or release of rights or lands by the Indians." At the time of the 1763 Royal Proclamation, the lands which are now known as the Province of New Brunswick were considered by the Crown to be part of the Province of Nova Scotia.

In reference to the Royal Proclamation of 1763, Justice MacKeigan wrote that "The Proclamation was clearly not the exclusive source of Indian rights ... but rather was 'declaratory of the aboriginal rights.' I am of the opinion that the Proclamation in its broad declaration as to Indian rights applied to Nova Scotia including Cape Breton. Its recital acknowledged that in all colonies, including Nova Scotia, all land which had not been "ceded to or purchased by" the



Crown was reserved to the Indians as 'their Hunting Grounds.' Any trespass upon any lands thus reserved to the Indians was forbidden."

The lands on which the city of Saint John is built thus remain unceded Indian lands that the Crown, in the *Royal Proclamation of 1763* identified as "lands reserved for Indians." These lands have never been sold or surrendered to the Crown by the Maliseet or the Mi'kmaq. They are from the Maliseet and Mi'kmaq perspective no different in legal status than the rest of their country – unceded lands that are the birthright of all Maliseet and Mi'kmaq people to live upon, use and enjoy in accordance with their customs and conventions.

In 1867, in violation of its treaty agreements, the British Crown unilaterally handed over responsibility for "Indians and lands reserved for Indians" to its colonists who wished to be "federally united into One Dominion under the Crown" via Section 91(24) of the British North America Act, 1867. The Dominion of Canada then dishonoured the Crown by breaking the terms of the Covenant Chain agreement with the Mi'kmaq by passing the Indian Act in 1876, and inflicting a series of well documented horrors upon the Mi'kmaq and other Indigenous peoples which continue as a legacy of colonization today.

The *Indian Act* defined Indians as non-persons, forcibly "centralized" and confined Mi'kmaq people on reservations in order to facilitate the theft of their lands and resources, and committed "cultural genocide" on the Mi'kmaq people by stealing generations of children that were brainwashed and physically and sexually abused in residential schools. As a survivor of nine years of incarceration in residential school beginning at the age of 6, I have a direct personal understanding of these matters. The *Indian Act* was the inspiration for South Africa's racist *Apartheid* system, and the *Act* remains a racist piece of legislation that exists in contravention to the Section 25 and 35 constitutionally protected Aboriginal and treaty rights of the Mi'kmaq people.

Gitpu Trading Post's rights to operate a Truck House on unceded Indian lands and to trade legal products are outlined in the "Peace and Friendship treaties" the Crown made with the Mi'kmaq people. The [1752 Peace and Friendship Treaty](#) recognizes the rights of the Mi'kmaq people to establish "truckhouses" at locations of their choosing and 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."

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*.



This law provides “a framework for reconciliation, healing and peace, as well as harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith” and adopts the United Nations Declaration on the Rights of Indigenous Peoples which “is affirmed as a source for the interpretation of Canadian law.” According to its text, the “Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the [Constitution Act, 1982](#).”

The Act further states that “The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.” There are multiple aspects of the Declaration which pertain to Gitpu Trading Post’s Aboriginal and Treaty rights to provide medicine and to engage in trade and economic development. The following are a number of Articles of the Declaration which are now enshrined in Canadian law:

**Article 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**Article 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**Article 20:** 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.

**Article 23** Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

**Article 24:** Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.



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HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



I thus sincerely ask you to cease and desist from directing your Public Safety officers – who like you, have a fiduciary responsibility to Indians exercising their constitutional rights – to raid Mi'kmaq truck houses such as the Gitpu Trading Post.

Instead, I invite you to meet with me, representatives from the Gitpu Trading Post, and leaders 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](#)”) – in order to manifest your ‘full commitment to reconciliation with Indigenous peoples and organizations’ that you expressed to me in your letter of July 19th, 2023.

Such a meeting would be consistent with the original treaty agreements made between our peoples, and is a necessary step towards reconciliation.

I look forward to your response and can be reached via email.

Miigwetch,

*Chief Del Riley*

Chief Del Riley, Crane Clan Chippewa Nation  
Former President, National Indian Brotherhood

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.

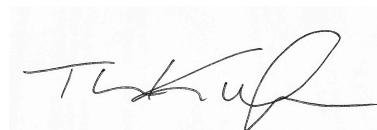
As Premier of New Brunswick, you remain a subject and a servant of the Crown. Should you continue to hurt and injure Micmac “rights and properties,” we will make every effort to have “the heavy weight of the Laws” punish your disobedience to our international agreements with the Crown.

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



July 31, 2024

**TO:** Premier Tim Houston of Nova Scotia, <[premier@novascotia.ca](mailto:premier@novascotia.ca)>  
Premier Blaine Higgs of New Brunswick <[premier@gnb.ca](mailto:premier@gnb.ca)>,  
Premier Dennis King of PEI <[premier@gov.pe.ca](mailto:premier@gov.pe.ca)>,  
**CC:** The Governor General of Canada <[info@gg.ca](mailto:info@gg.ca)>, Minister of Crown–Indigenous Relations Gary Anandasangaree <[gary.anand@parl.gc.ca](mailto:gary.anand@parl.gc.ca)>, <[David.Coon@gnb.ca](mailto:David.Coon@gnb.ca)>, <[Susan.Holt@gnb.ca](mailto:Susan.Holt@gnb.ca)>, <[Wayne.Long@parl.gc.ca](mailto:Wayne.Long@parl.gc.ca)>, <[david.hickey@saintjohn.ca](mailto:david.hickey@saintjohn.ca)>, <[leader@nbndp.ca](mailto:leader@nbndp.ca)>, Zach Churchill <[ca@zachchurchill.com](mailto:ca@zachchurchill.com)>, Hal Perry <[jhperrymla@assembly.pe.ca](mailto:jhperrymla@assembly.pe.ca)>, Claudia Chender <[ClaudiaChenderMLA@gmail.com](mailto:ClaudiaChenderMLA@gmail.com)>

Pjila'si. We hope this letter finds you in good health. We are writing to you today on behalf of 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](#).")

The [Micmac Rights Association](#) was created at a founding meeting in Millbrook First Nation on Oct 12, 2022. Since then we have grown to over 140 members belonging to 24 different Micmac communities across Mi'kma'ki. The Micmac communities our members are from include: Abegweit, Acadia, Annapolis Valley (Cambridge 32), Bear River, Eel River Bar, Elsipogtog, Eskasoni, Fort Folly, Glooscap, Gold River, Lennox Island, Listuguj, Millbrook, Natoaganeg (Eel Ground), Oromocto, Pabineau, Paq'tnkek, Pictou Landing, Potlotek (Chapel Island), Sipekne'katik (Indian Brook), St.Mary's, Tobique, and We'koqma'q.

At our [fourth biannual general meeting](#) held on March 9th, 2024 in Millbrook First Nation, the Micmac Rights Association constituted itself as an Indigenous Governing Body so as to better advocate for our members rights. You can find out more about our association's activities and political positions by visiting our website at [www.micmacrights.com](http://www.micmacrights.com).

We are writing to you today because of the concern that Provincial agencies have been interfering in our member's constitutionally protected Aboriginal and treaty rights. These actions by your provinces are in direct violation of our nation to nation agreements with the British Crown, and contrary to the division of Provincial and Federal powers in the *BNA Act of 1867* which names the Federal government, and not the Provinces, as responsible for "Indians and lands reserved for Indians." Provinces are an administrative sub-unit of the Canadian state and do not have the right or jurisdiction to interfere in matters between Canada and other nations, including the Micmac nation.



As you should be aware, you and other non-Indigenous people of your respective Provinces live in our lands because of the “Covenant Chain” of Peace and Friendship Treaties that were made between our ancestors and your Crown between 1725 and 1779. Although these lands brought the Micmac nation into alliance with the British Crown, these treaties were non-ceding of any of our lands and resources. As the traditional Grand Council of the Mi’kmaq Nationimouw put it in an 1980 document to the United Nations Human Rights Committee, “we never have sold or ceded by deed or by Treaty a single acre of our original domain.”

A number of our members who have been operating Treaty Truck Houses on our unceded lands in accordance with their constitutionally protected Section 25 and 35 Aboriginal and treaty rights, have had their rights violated by Provincial officials who have sought to intimidate them or steal their trade goods. This has occurred despite the terms of Article 4 of the Treaty of 1752 being very specific about the Micmac right to trade: “It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of Hunting & Fishing as usual: and that if they shall think a Truckhouse needful at the River Chibenaccadie or any other place of their resort, they shall have the same built and proper Merchandize lodged therein, to be Exchanged for what the Indians shall have to dispose of, and that in the mean time 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.”

We do not distinguish between our Micmac lands on or off reserve. Because the Crown never purchased our lands and we never ceded them to the Crown, all of Mi’kma’ki remains unceded “land reserved for Indians” as per the *Royal Proclamation of 1763*. We hold that as per our constitutionally protected Section 25 and 35 Aboriginal and treaty rights, Micmac people may freely trade on our traditional territory in accordance with our customs and conventions.

We look forward to resolving our many issues with the Federal government including the back rent we are owed on our lands and full compensation for the trees, fish, and minerals taken without our permission. We hope that when these negotiations take place, we will also be able to address any issues that the Crown may have with our trading posts. As such, we continue to honour the terms of our agreements with the Crown and wait for the Crown to make good on its promise to “Cherish a good Harmony & mutual Correspondence between the said Indians & this Government” by meeting on the “first day of October Yearly” to polish our Covenant Chain of Peace and Friendship as per the terms of Article 6 of our 1752 treaty.

As you may be aware, in the time since Canada legalized cannabis in 2018, hundreds of sovereign Indigenous cannabis trading posts have opened up across Turtle Island. These shops operate on unceded Indigenous lands in accordance with Indigenous customs and conventions regarding trade and medicine, and they are not regulated by Federal, Provincial, or the racist



Indian Act Band Council systems. The *Dispensing Freedom* website lists over 540 such sovereign shops, and there are many more which have not yet made it onto the map. The existence of these shops is a reflection of the continuation of Aboriginal and treaty rights in the modern era, as individual Indigenous entrepreneurs have opened them to provide for their families. These businesses are a constitutionally protected and community supported part of the Indigenous economy. They are not going away, and they have played an exceedingly important role in contributing to the economic and social wellbeing of Indigenous people.

The same phenomena has played itself out in Mi'kma'ki where there currently exist over 100 such Indigenous trading posts. As an Indigenous Governing Body we have created a set of standards and rules in keeping with Micmac custom and convention by which we ensure the health and public safety of the products sold by the establishments operated by members of our Association. These shops, which are exercising their constitutionally protected Aboriginal and Treaty rights and which have agreed to follow our Indigenous Governing Body's Community Standards on Cannabis are registered with us, and are therefore lawful and authorized under our jurisdiction.

We understand that there is a problem with non-Indigenous black market shops claiming to be exercising Indigenous rights. We are appalled by such insincere and fraudulent behaviour and we welcome the shutting down of such establishments which make a mockery of our rights. We are also more than willing to meet with your representatives in the spirit of peace and friendship to discuss any issues or concerns that you may have with any of our shops, or to discuss together how we may take action against fraudulent shops falsely claiming to be exercising Aboriginal and treaty rights.

Below, we list all the shops lawfully registered by the Micmac Rights Association to be exercising their Aboriginal and treaty rights in accordance with Micmac customs and conventions and Sections 25 and 35 of the Canadian Constitution.

### List of lawfully authorized MRA truck houses in New Brunswick:

Chiefs of Cannabis – 103 Bd Broadway, Grand-Sault

L'nuk Lounge – 575 Main St, Moncton

The L'nuk Trading Post – 767 Coverdale Rd, Riverview

Giptu Trading Post – 81 Russel St., Saint John

Treaty Truck House – 98 Prince William St. Saint John, New Brunswick

Wolastoq Wellness – 899 Main St., Moncton, New Brunswick

Wolastoq Wellness – 147 Tobique Rd., Grand Falls, New Brunswick

## List of lawfully authorized MRA truck houses in Nova Scotia

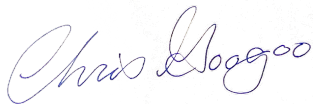
Aces Trading Post – 3 Agmogewawti, Membertou,  
 Amu Leaf – 14 Highfield Park Dr, Dartmouth  
 Bear Buds – 14 Noel St, Eskasoni  
 Belly Busters Pizza & Donair – 31 Tupsi Dr, Membertou,  
 Burning Tree Trading – 2772 Gottingen Street, Halifax  
 Burning Tree – 5511 Bloomfield St, Halifax  
 Cory's Treaty Cannabis – 138 Robinson Rd, Yarmouth 33, Yarmouth  
 Grassroots Trading Post – 17 Minard Lane, Cambridge 32, Nova Scotia  
 Grassroots Trading Post – 784 Ratchford Rd., Cambridge 32, Nova Scotia  
 Grassroots Trading Post – 6128 Aylesford Rd. Aylesford, Nova Scotia  
 The Flower Barn – 975 Willow St, Truro  
 The Flower Barn – 661 Caldwell Rd, Dartmouth  
 High Grade Smoke Shop – 665 Caldwell Rd, Dartmouth  
 High Grade Smoke Shop – 171 Abenaki Rd, Truro  
 High Times Station – 531 Caldwell Rd, Dartmouth  
 Higher Tides – 53 Church Point Rd. Sheet Harbour  
 King of Weed – 241 Abenaki Rd, Truro  
 Kluskap Treaty Truckhouse – 45 Sweetgrass Road Glooscap Landing, Hantsport  
 Ku'ku'kwes Trading Post – 976 Central Ave. Kingston  
 Mi'kma'ki Truck House – 60 S Albion St. Amherst  
 Peace & Friendship Trading Post – 1407 Lucasville Rd. Hammonds Plains  
 Peace & Friendship Trading Post – 305 NS 303, Digby, Nova Scotia  
 Sacred Smoke - Kekme'k tlu'tow – 771 Bedford Highway Unit 9 Bedford  
 Smoking Bear – 1668 Barrington Street, Halifax  
 Sully's Trading Post – 3 Lawrence Paul Sr Awti, Membertou  
 The Tradesman Trading Post and Smoke Shop – 826 Willow St. Truro  
 Treaty Nugz Truck House – 21 Beech Hill Rd., Gold River

List of lawfully authorized MRA Micmac truck houses in PEI

Mniku Trading Post – 56 Pkwiman Rd, Scotchfort

We thank you for your attention to this matter, and we look forward to hearing from you soon.

On behalf of the Micmac Rights Association,



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Chris Googoo  
Micmac Rights Association Executive



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Clinton Ray Howard  
Micmac Rights Association Executive



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Garrett Gloade  
Micmac Rights Association Executive



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Cody Caplin  
Micmac Rights Association Executive



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Thomas Durfee  
Micmac Rights Association Executive