

July 3rd, 2025

Dear Honourable Lieutenant Governor Mike Savage,

We are writing to follow up with you regarding the brief discussions that Micmac Rights Association Executive Members Clinton Ray Howard and Thomas Durfee had with you at the Chateau Laurier hotel on May 27th, 2025 on the occasion of His Majesty King Charles III's speech from the throne in Ottawa.

We want to begin our letter by stating that we have long appreciated your support of Aboriginal and treaty rights and the very real steps you have made towards reconciliation with the Mi'kmaq nation. During your tenure as Mayor of Halifax, you consistently included Mi'kmaq voices in civic ceremonies and public acknowledgments. From your support for the 2015 *Statement of Reconciliation* by the Halifax Regional Council which committed the City to a "new equal partnership with Aboriginal people in Canada; one based on truth, dignity and mutual respect," to the creation of an advisory committee on the commemoration of Edward Cornwallis and the subsequent removal of his statue, your actions have helped open a civic dialogue about the legacies of colonialism and the path forward. These efforts have helped to build a foundation for greater inclusion, mutual respect, and public education between our peoples, and we appreciate them.

It is in that spirit that we request that you meet with a delegation of executive members from the [Micmac Rights Association](https://micmacrights.com/) (MRA), the Indigenous Governing Body to which we belong and which regulates and supports our rights to operate our truckhouses.

In case you are unaware, the MRA was created at a founding meeting in Millbrook First Nation on Oct 12, 2022. Since then we have grown to include over 210 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, Membertou, 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 member's rights.

We are requesting an urgent meeting with you in order to discuss the criminalization of our members and the continued failure of Nova Scotia authorities including the RCMP and the

Province to uphold Canada's *Constitution Act* by "recognizing and affirming" Mi'kmaq Aboriginal and treaty rights. Allow us to explain.

To the best of our knowledge, there are currently over 20 legal cases before the Provincial courts of Nova Scotia involving members of the Micmac Rights Association who are primarily being charged under the *Cannabis Act* for selling Indigenous made and supplied cannabis products. This is despite the fact that:

1. the Supreme Court of Canada in [Simon v. The Queen, \[1985\] 2 S.C.R. 387](#) ruled that the Treaty of 1752 is valid, and remains "in force and effect" and "an enforceable obligation between the Indians and the Crown."
2. The treaty states 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" [emphasis added].
3. Cannabis and tobacco are *legal* products in Canada, are plant products grown and sourced through longstanding Indigenous nation-to-nation trade routes, and are clearly within the scope of "any other thing they shall have to sell" as the most common legal Indigenous trade items available for sale on most Indian reserves.
4. The store owners in question are heirs and beneficiaries of the Treaty of 1752 and members of the Mi'kmaq nation living and working in their unceded traditional territory.
5. The *Royal Proclamation of 1763* remains in effect on the unceded lands of Mi'kma'ki, and the *Proclamation* states that "the Trade with the said Indians shall be free and open to all our Subjects whatever," and makes clear that it is not the Indians who need to acquire licenses to trade with His Majesty's subjects.
6. In June of 2023, the Standing Committee on Aboriginal Rights of the Canadian Senate released its report entitled "[On the Outside Looking In: The Implementation of the Cannabis Act and its effects on Indigenous Peoples](#)." The report explicitly stated that the Federal government did not engage in meaningful consultations with Indigenous peoples before decriminalizing cannabis. There was no meaningful consultation by the Province of Nova Scotia with the Mi'kmaq nation either.

7. The owners of Mi'kmaq truckhouses are not refusing the imposition of any public health and safety standards on their businesses, but through the Micmac Rights Association, have developed a set of standards and procedures to self-regulate and address such concerns, and are willing to discuss and negotiate with Canadian public health authorities on these matters.
8. The store owners, the Association and its elder advisors such as former National Chief Del Riley, have been reaching out to police and political leaders for years seeking meetings and informing them of the exercise of Mi'kmaw Aboriginal and treaty rights and offering to dialogue on the matter. There has been no meaningful response by the Province. (We attach such correspondence as there is to this letter.)

Treaty Truckhouse cases involving "victimless crimes" over the sale of legal products in accordance with the Treaty of 1752 are now filling up Nova Scotia's provincial court system, with most cases seeing the raising of constitutional questions which will take years in court and be very costly to all parties. Many of the dozen or so MRA members who were charged in the raids of February of 2025 organized by RCMP Supt. Jason Popik have still not received disclosure or direction from the Crown as to how they were going to proceed in the court dates they had in June of 2025.

Many other MRA members before the courts have been unable to find lawyers who are knowledgeable or willing to defend them on the basis of their Aboriginal and treaty rights, and so they have decided to self-represent themselves with the aid of former National Chief Del Riley and his team. This issue of representation is now leading to constitutional questions not only on the constitutionality of cannabis laws, but also as to the matter of whether or not Mi'kmaq people have the constitutionally protected right to represent themselves with the aid of their elders. (We attach a legal brief on this matter to our letter).

It would be one thing if the courts were left to address these constitutional matters involving victimless crimes, and the RCMP sat back and allowed the courts to do their job. But instead, it would appear that the RCMP is continuously failing to uphold its fiduciary responsibilities towards Mi'kmaw Indians, and has continued to carry out unlawful raids against Mi'kmaq trading posts which are already before the courts and raising constitutional questions.

For example, on June 25th, 2025, RCMP Supt. Jason Popik raided the Peace and Friendship Treaty Truckhouse in Digby with no warrant, made no arrests, and laid charges on the Mi'kmaw worker at the store under the provincial *Cannabis Act* which, as per Section 88 of the *Indian Act*, only applies to Indians "subject to the terms of any treaties." As per the decision

of the Supreme Court of Canada in [Simon v. the Queen](#). “The Treaty of 1752 is an enforceable obligation between the Indians and the Crown and is therefore within the meaning of s. 88 of the Indian Act.... Section 88 of the *Indian Act*, which applies only to provincial legislation, operates to exempt Indians from legislation restricting or contravening a term of any treaty and must prevail over [provincial legislation].”

Instead of following the treaties upheld by the Supreme Court, or in respecting the legal process that is currently underway to determine the constitutional status of the Peace and Friendship Truckhouse in Digby, Mr. Popik seized thousands of dollars in store products, leaving behind a letter simply titled “Notification of Government Agency Referrals” stating that it is “apparent that you are conducting an illicit business enterprise in the community.” The enterprise in question is not illicit, it is lawful according to Canada’s *Constitution Act* and the Treaty of 1752. The RCMP was notified of this fact back on August 15, 2024 [in a letter sent by the MRA](#) regarding the Digby Peace and Friendship Treaty Truckhouse, but they did not meet with us or respond to our letter.

This same Supt. Popik made a number of false statements in a [press conference held on February 5th 2025](#). He stated for example that “this was not an Indigenous reservation-based investigation. It was all illegal dispensaries within Southwest Nova, specifically in the counties of Kings, Annapolis, Lunenburg, and Queens where the dispensaries were located.” However, 10 of the 13 raids were in fact carried out on Indian reservations, where in multiple cases, the RCMP removed the actual truckhouses themselves, in contravention of Section 89 of the *Indian Act* which states that “the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian or a band.”

Referring to the [Treaty of 1752](#), Supt. Popik stated that “The Treaty of 1752, a Peace and Friendship treaty, which was entered into and which is why we are all Treaty People, both sides are a part of that... In the fourth paragraph, it talks about a ‘truckhouse.’ A truckhouse is very similar to a trading post and it was enshrined, but within the truckhouse it was a place where Mi’kmaq commerce could take place. In that same paragraph it defines the commerce as involving skins, feathers, fish, and it does say other materials that are appropriate. So I think that’s really what’s at odds.”

Conveniently, Popik selectively quoted the terms of the Treaty of 1752 to exclude the words “or any other thing they shall have to sell” which is a phrase which means exactly what it says, and includes hemp or cannabis which was a legal product in Mi’kma’ki when the Treaty was signed in 1752, and which is also a legal product in Mi’kma’ki in 2025.

Speaking at the press conference, Popik stated that “The two sides came together in 1752 to agree on the terms of that treaty. We are not in agreement on something they never even foresaw. Cannabis, which originated in Asia 12,000 years ago, I think about 12,000 years ago, in Asia, and didn’t arrive in Canada until the 1930s, for someone to conceive of selling a product in 1752 when it didn’t come to Canada until 1930. I can’t see it being contained within that treaty.”

These statements by Supt. Popik are demonstratively false. Cannabis was outlawed in Canada in 1923, but has been grown by non-Indigenous people in Mi’kma’ki from pretty much the moment they arrived here. It is a well known fact that cannabis was being grown on Mi’kmaw lands in Port Royal in 1606 by Louis Hebert, the famous French Botanist and apothecary who accompanied Samuel de Champlain in his exploration of Mi’kma’ki. Publicly available records also show that hemp was grown along with corn and flax in Cape Breton when the French were building the Fortress of Louisbourg between 1719 and 1745. Cannabis was made illegal in Canada in 1923 on the basis of a racist moral panic directed against Chinese people, and did not just show up in the 1930s as claimed by Supt. Popik.

Instructions sent by the British Crown to Governor Philipps in 1719, stated: “You shall to the utmost power encourage the growth and production of timber, masts, tar, hemp and other Naval Stores, in the Province of Nova Scotia” and to investigate which swamps can be drained to “be made fit for raising of hemp” (*Calendar of State Papers 1719-1720*, p. 132-133). Governor Philipps was also asked to make representations to Mi’kmaq leaders “and promise them friendship and protection on H.M. part,” adding that “as further make of H.M. good will to the said Indian Nations; you shall give all possible incouragement to intermarriages between H.M. British subjects and them,” by granting 10 pounds sterling and 50 acres of land to “every white man being one of His subjects, who shall marry and Indian woman, native and inhabitant of Nova Scotia”, and “the like on any white woman being H.M. subject who shall marry an Indian man, native and inhabitant of Nova Scotia.” Philipps was then instructed to levy “an annual rent of one shilling, or of three pound of hemp, clear, bright and water-rotted for every fifty acres so granted,” provided that they would “cultivate, inclose, plant or improve at least one tenth part of the lands granted within the space of three year” (p. 133-134).

This is clear evidence that cannabis/hemp was not only legal at the time of the treaties (as it was a well-recognized vital element of ship building and sea faring) but also that hemp itself was a currency that the Crown accepted the payment of quit rents in. Supt. Popik could have learned these facts if he was correctly educated by the Crown attorney’s providing him legal advice, or if he had and the RCMP and/or Province had been willing to meet with our Association. The starting point for reconciliation is for each party to speak its truth and inform the other of its view on our shared reality, and the RCMP has rebuffed our attempts to do so.

We are seeing an ongoing criminalization of Mi'kmaq treaty rights and a huge drain on court time and policing resources. We hold that the matters before the court regarding Mi'kmaq truck houses should be addressed by our two nations by meeting together and practicing reconciliation – and the upholding of the treaty relationship our people made together. For us that means that the Treaty of 1752 mandated gathering in Halifax on the first day of October every year should be the place where we come together to “polish” our silver covenant chain relationship together so as to ensure that we “Cherish a good Harmony & mutual Correspondence” between our respective nations. This should be the place where we resolve our differences concerning the interpretation of our treaty relationship together.

As Lieutenant Governor, we believe that there are several ways in which you can intervene to help resolve these matters or to help put them on the path towards truth and reconciliation.

1. Crown Prosecutor Leonard MacKay who is handling many of these matters has indicated that he does not view the prosecution of cannabis related charges as being a high priority, and that while he does not have the political clout or connections to make this possible, he would be supportive of political efforts to resolve Mi'kmaw related cases outside of the court system by means of the Oct 1st treaty meeting, and he stated that the Crown would be willing to stay the charges involving MRA members while they were being addressed by alternative means.

We do not suggest that the matter could be immediately resolved, but the treaty gathering on October 1st could create a negotiation and resolution table where the matter could be sent to see if the Crown, the Mi'kmaq Grand Council, and the MRA could together come to achieve a satisfactory resolution to ensure that both constitutionally protected Aboriginal and treaty rights as well as public health and safety are protected in the operations of Mi'kmaw truckhouses. The proposed resolution could be ratified by the parties at the following year's treaty gathering and a great deal of court resources could be spared by doing so.

2. On the issue of the representation of MRA members by their elders in the courts, the specific matter at law is section 802.1 of the *Criminal Code* which states that “Despite subsections 800(2) and 802(2), a defendant may not appear or examine or cross-examine witnesses by agent if he or she is liable, on summary conviction, to imprisonment for a term of more than six months.” The constitutional question that is being raised is whether or not “the application of s.802.1 of the *Criminal Code* to prohibit representation by an Elder or traditional

leader violate the Aboriginal and treaty rights of the defendants protected by s.35 of the Constitution Act, 1982?” (We have attached the notice of constitutional question and the filed legal brief to this letter. This question is currently before half a dozen courts in Nova Scotia.)


We note that the Code provides a number of exceptions to this rule including one which is directly in your power to resolve, as such representation is authorized “under a program approved – or criteria established – by the lieutenant governor in council of the province.” We respectfully request that you authorize members of the Micmac Rights Association to be represented by their elders and representatives they choose.

3. We recognize a pressing need for better lines of communication and engagement with the Province of Nova Scotia. We hope that with your familiarity and support for Mi’kmaq treaty rights and your commitment to the principles of truth and reconciliation, you might be able to facilitate a meeting between the executive of our organization and provincial leaders in Nova Scotia so that we may be able to begin a productive dialogue about how our constitutionally protected rights can be better respected by the Province.

As King Charles said in his speech from the throne in Ottawa on May 22nd, 2025 “This land acknowledgement is a recognition of shared history as a nation. While continuing to deepen my own understanding, it is my great hope that in each of your communities, and collectively as a country, a path is found toward truth and reconciliation, in both word and deed.”

We, the original people of this land, are not going anywhere. Nor are our constitutionally protected rights. We know you are aware of our rights and that you believe that a better Nova Scotia can be built by respecting them. We look forward to hearing from you as to when you might be able to meet and discuss the matters we have raised.

On behalf of the Micmac Rights Association,



---

Chris Googoo  
Micmac Rights Association Executive



---

Clinton Ray Howard  
Micmac Rights Association Executive



---

Cody Caplin  
Micmac Rights Association Executive



---

Thomas Durfee  
Micmac Rights Association Executive



---

Cody Ward  
Micmac Rights Association Executive



---

Matt Cope  
Micmac Rights Association Executive

**Please find attached with this letter:**

1. [Constitution of the Micmac Rights Association](#)
2. [July 31 MRA Letter to Premiers](#)
3. [September 6, 2024 Letter to the MRA from Premiers](#)
4. [August 15, 2024 MRA Letter to Cst. Walsh](#)
5. [September 16, 2024 Response letter to Premiers](#)
6. [Notice of Constitutional Question regarding Elder Representation](#)
7. [Legal Brief regarding Elder Representation](#)
8. [Extract from Calendar of State Papers on Cannabis and Mi'kmaw people](#)