

Provincial Court of Nova Scotia

Between:

HIS MAJESTY THE KING

and

CONNOR PAUL and SCOTT PAUL

AFFIDAVIT OF CHRIS GOOGOO

I, Christopher Googoo, Mi'kmaw citizen, residing at 1 Wasuek Drive, Millbrook First Nation in the unceded lands of Mi'kma'ki also known as the Province of Nova Scotia, MAKE OATH AND SAY AS FOLLOWS:

Introduction

1. I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information and belief.
2. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
3. I am a status Indian registered to Millbrook First Nation, and I currently serve as an elected Band Councillor for Millbrook. I was elected to my position with the highest number of votes of any elected councillor. I am also the founder of the Micmac Rights Association, and the owner and operator of the High Grade Smoke Shop & Trading Post. I am an heir and beneficiary of the Treaty of 1752 and a descendant of Jean Baptiste Cope.

4. I make this affidavit in support of the constitutional question raised by Connor Paul and Scott Paul regarding the right of Mi'kmaq people to be represented in court by their traditional Elders, including Chief Delbert Riley.
5. From a young age, I was deeply influenced by the writings and advocacy of the elders in my own family including my uncle, the late Daniel N. Paul, whose groundbreaking work *We Were Not the Savages* fundamentally reshaped public understanding of Mi'kmaq history and rights in Nova Scotia. Through spending time with my uncle, reading his books, and learning from his public lectures and activism, I gained a profound awareness of the injustices suffered by our people and the importance of asserting our inherent Aboriginal and treaty rights. His commitment to correcting colonial narratives and educating both Indigenous and non-Indigenous audiences inspired me to continue his legacy of resistance and self-determination. It was through his example that I came to understand the critical role of historical truth in advancing the rights of the Mi'kmaq Nation, which has guided my own work as founder of the Micmac Rights Association.
6. Another uncle, the late Chief Lawrence Paul, served the Millbrook First Nation with extraordinary dedication and vision for nearly three decades, transforming our community into a national leader in Indigenous economic development. His leadership demonstrated what was possible when Mi'kmaq people asserted our own control over our economic and political futures. As a member of the Millbrook Band Council today, I carry forward the legacy of Chief Paul's work with a deep sense of responsibility and pride. His example taught me that strong leadership rooted in our Mi'kmaq identity and guided by a clear vision can bring lasting benefits to our people. His success continues to inspire my efforts to uphold our Aboriginal and treaty rights and to advance self-determination for our Nation.
7. In Mi'kmaw culture, as in many Indigenous cultures across Turtle Island, Elders play a central role in guiding the community through complex and difficult issues. They are the keepers of oral history, cultural knowledge, spiritual teachings, and lived experience, and they offer wisdom that is grounded in centuries of tradition and relational understanding. When questions arise about how to act in accordance with Mi'kmaq law, custom, or treaty obligations, it is to the Elders that the people turn for guidance. Their counsel is foundational to how decisions are made and how justice is understood within our communities.
8. The examples and teachings of my uncles and my lifelong experiences as a Mi'kmaw man have shaped my understanding of my rights and responsibilities. In 2019, shortly after cannabis became legal in Canada, I opened the High Grade Smoke Shop & Trading Post as a means of exercising Mi'kmaq economic and political sovereignty in Millbrook First Nation. I now have two stores and employ over 40 people.
9. Following a series of raids on my stores by the RCMP in December 2020, I looked for knowledge and support to strengthen my legal argument that in accordance with the

Treaty of 1752, I had the right to open a trading post and sell hemp/cannabis, a legal trade good which falls under the definition of "or any other thing they shall have to sell" in Article 4 of the treaty. I searched extensively for the most knowledgeable and experienced advisors, both within and beyond the Mi'kmaq community. I was disappointed to find that no government funded Indigenous organizations were willing to take a position in regards to the Mi'kmaw right to trade cannabis.

10. I came to learn about Chief Del Riley through his public work – interviews, speeches, and educational content shared on social media and YouTube – which demonstrated not only his deep constitutional knowledge but also his lifelong commitment to Indigenous self-determination which I read about in his autobiography, *The Last President*. Chief Riley's leadership in securing the inclusion of section 35 in the *Constitution Act, 1982*, and his continued advocacy for Indigenous peoples' rights made it clear to me that he was someone whose guidance would be invaluable in these matters. Chief Riley was already well known and respected in the Mi'kmaw community from his time as a leader in the National Indian Brotherhood. In accordance with Mi'kmaw custom, where we turn to the wisest and most respected Elders when facing difficult decisions or challenges, I reached out to Chief Riley who I saw was doing work to support traditional people in the North Shore Anishinabek Cannabis Association who were asserting their right to trade hemp/cannabis.
11. I understood that through the Association, Chief Riley had led efforts that saw police along the north shore of Lake Huron cease and desist from raiding Indigenous cannabis dispensaries on reserve. I became aware of Chief Riley's central role in achieving constitutional protection for Aboriginal and treaty rights, and I reached out to him and his assistant Tom Keefer to assist me in my legal defence and constitutional challenge.
12. Chief Riley's assistant Tom Keefer is an accomplished media creator and writer who has been working with traditional grass roots Indigenous people for two decades. Mr. Keefer provided media coverage of the very first Indigenous cannabis store owner opening up in 2015 in Ontario, is the editor of the largest internet website on Indigenous cannabis issues in the world www.dispensingfreedom.com, and has produced hundreds of videos published on YouTube documenting various Indigenous knowledgeholders speaking about Aboriginal and treaty rights.
13. Chief Riley and Mr. Keefer met with my lawyers and provided a great deal of helpful historical and constitutional evidence to assist me in my legal battle. It was self-evident to me as a Mi'kmaw that I should look to the best informed and most successful people to assist me in my legal battles, and that Chief Riley and Mr. Keefer were far more knowledgeable on these matters than my own lawyers were.
14. My uncles Dan and Lawrence knew Chief Riley from their efforts together in the 1970s and 80s to constitutionalize Aboriginal and treaty rights in the era of the activism of the National Indian Brotherhood and they always spoke highly of him. It has been my honour

to carry on my uncles' fight for Mi'kmaw rights, and a true blessing to be able to have Chief Riley's guidance in their absence.

15. It is self-evident to me that Indigenous elders who carry deep knowledge of both Indigenous and Canadian constitutional traditions, are essential in articulating and defending our rights in court. In legal matters involving Aboriginal and treaty rights, Indigenous Elders help bridge the gap between colonial legal systems and Mi'kmaq ways of knowing in ways that non-Indigenous lawyers simply can't. I would very much have liked to involve my uncles in supporting my legal challenges and the efforts of the MRA, but they have both passed away. To exclude figures like Chief Riley – a veritable elder-statesman who personally negotiated the inclusion of sections 25 and 35 in the Canadian constitution – from representing and assisting Mi'kmaw people in court is to deny the full expression of Mi'kmaw legal traditions and our capacity for choosing our own representation.
16. The Micmac Rights Association (MRA) is a grassroots Mi'kmaw organization that operates in accordance with Mi'kmaw custom and convention. The group was created at a founding meeting in Millbrook First Nation on Oct 12, 2022. Micmac elders such as former National Chief for the Atlantic Region Hector Pictou and Micmac Hereditary Chief Nicholas Ouiouche Prisk attended this meeting as did Chief Riley. Decisions are made by group consensus and the advice and guidance of our elders has been crucial for the Association's success. The members of the Association have been very grateful for Chief Riley's assistance and have full confidence in his abilities to speak to the nature of constitutionally protected Mi'kmaw Aboriginal and treaty rights.
17. The MRA has been steadily growing and now has over 210 members belonging to 24 different Micmac communities across Mi'kma'ki. The Micmac communities 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 the MRA's fourth biannual general meeting held on March 9th, 2024 in Millbrook First Nation, the Micmac Rights Association constituted itself as an Indigenous Governing Body (as defined by Canada's *Indigenous Services Act*).
18. Chief Riley has worked with numerous members of the Micmac Rights Association to support individuals facing prosecution for actions carried out in accordance with their Aboriginal and treaty rights. He has served as an Elder representative for several individuals in court proceedings, always with the approval of the court and without objection by the Crown. To the best of my knowledge, Chief Riley is currently representing about a dozen Mi'kmaw people before the courts, and there have been no complaints about the quality of his or Mr. Keefer's representation.
19. In my experience, it has been extremely difficult to find lawyers who are both knowledgeable about Aboriginal and treaty rights and willing to take on legal cases that

involve the assertion of these rights by individual Mi'kmaq people. Most of the lawyers with expertise in this area are employed by or under contract with band councils or large Indigenous organizations, and they are often restricted – by conflict of interest or by mandate – from representing individuals, especially in cases that challenge government policy or enforcement practices. As a result, many Mi'kmaq people, including myself, have had to navigate complex legal systems without adequate legal representation. As a result, we have turned to respected Elders and community leaders to support and assist us in our legal battles. This gap in access to culturally competent and rights-focused legal support is one of the reasons why Elder representation is so essential to the fair administration of justice for our people.

20. It is my belief that Mi'kmaq people have an inherent and constitutionally protected right to be represented in court by our traditional Elders, particularly in matters involving the exercise of Aboriginal and treaty rights. Chief Riley's role in supporting our people is a continuation of his lifelong service to Indigenous nations and is a vital expression of our self-determination.
21. Connor Paul is the half brother of my niece Jessica MacDonald-Mohammed. When Connor was charged over the operation of his truck house, Jessica spoke with me, and I encouraged Connor to get in touch with Chief Riley and Mr. Keefer to work with them on fighting for his legal rights as I thought that they could give him the best assistance available.
22. The removal or exclusion of Elders like Chief Riley from being able to represent Micmac Rights Association members such as Connor and Scott Paul would severely undermine the ability of the Association to defend our rights and would be in violation to our treaty relationship with the Crown in which, according to the Treaty of 1752, "the Indians shall have the same benefit, Advantages and Privileges, as any others of His Majesty's Subjects" to have "all Disputes whatsoever" resolved in the courts. My interpretation of this section of the treaty (written at a time when women and Indians were not considered persons under British law) is that the treaty guaranteed to Mi'kmaw people that there would be no racism or discrimination directed towards them in his Majesty's courts. To me, that would mean that we would have the right to be represented by our own advocates to explain our own ways of doing things as treaty partners to the Crown.
23. On July 3rd, 2025, I and other members of the Micmac Rights Association executive sent a letter to the Lieutenant Governor of Nova Scotia, the Honourable Mike Savage. One part of the letter addressed the issue of representation of MRA members by elders such as Chief Riley in the courts, and requested that the Lieutenant Governor use his powers under the Code to authorize Chief Riley's representation "under a program approved – or criteria established – by the lieutenant governor in council of the province." Our letter respectfully requested that members of the Micmac Rights Association as an Indigenous Governing Body be authorized to be represented by their elders and the representatives they choose. I have attached this letter as **Exhibit A** to this affidavit.

1994
SWORN TO/AFFIRMED at
Truro, in the County of
Colchester, Province of Nova,
Scotia this 25th day of July,
2025 before me:

Sarah Jane Archibald
A Commissioner of Oaths in and for
the Province of Nova Scotia

Christopher Googoo
CHRISTOPHER GOOGOO

SARAH JANE ARCHIBALD
A COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

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](#)