

To: Chief Linda Debassige <chief@mchigeeng.ca>, Chief and Council <chiefandcouncil@mchigeeng.ca>, C&C Executive <melaniec@mchigeeng.ca>, Deputy Chief Daughness Migwans <daughnessm@mchigeeng.ca> Councilor Charles Beaudin <charlesb@mchigeeng.ca>, Councilor Dennis Corbiere <dennisc@mchigeeng.ca>, Councilor Howard Debassige <howradd@mchigeeng.ca>, Councilor Jeanine Debassige <jeanined@mchigeeng.ca>, Councilor Martin Debassige <martind@mchigeeng.ca>, Councilor Sam Debassige <samd@mchigeeng.ca>, Councilor Joe Hare <joeh@mchigeeng.ca>, Councilor Thomas Hare <thomash@mchigeeng.ca>, Councilor Henry Sr. Panamick <henryp@mchigeeng.ca>

CC: UCCM Police, The Governor General of Canada Her Excellency the Right Honourable Mary Simon <info@gg.ca> Minister of Crown–Indigenous Relations Marc Miller <Marc.Miller@parl.gc.ca>,

From: Chief Delbert Riley

Re: Great Greenz Dispensary

Date: January 20, 2022

Aaniin, Boozhoo! I am writing you in response to your letter dated January 19, 2022 sent to Mr. Dane Bebamash of 81B Hwy. 551 M'Chigeeng, Ontario.

Mr. Bebamash and his family have requested that I act as their representative and spokesperson to help achieve a resolution to the violation of their constitutionally protected Aboriginal and Treaty rights to operate a medicinal cannabis dispensary on unceded Indian lands in what is known as M'Chigeeng First Nation.

By means of introduction, I would like to inform you of my relevant qualifications as Mr. Bebamash's representative. I am a Hereditary Chief of the Crane Clan 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 achievements while President of the National Indian Brotherhood was the development and negotiation of Sections 25 and 35 of the Canadian Constitution which enshrine the protection of Treaty and Aboriginal 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 an expert in Aboriginal and Treaty Rights, the interpretation of the Canadian Constitution, and the nature of the powers delegated to *Indian Act* Chiefs and Councils such as yourselves.

I was thus very dismayed to learn that Mr. Bebamash has had his constitutionally protected Aboriginal and Treaty Rights violated by your organization through its so-called

“cannabis moratorium.” As a Chief and Council created by and responsible to the provisions of *The Indian Act*, you have absolutely no authority or jurisdiction over the issue of cannabis on Indian lands or anywhere else for that matter.

My position on this matter is not only confirmed by the text of *The Indian Act* itself, but it is also the position of the Canadian Government. According to Mr. William Olscamp, a spokesperson for Indigenous Services Canada, it is the position of the Government of Canada that “there are no specific authorities or definitions in *The Indian Act* for the regulation of cannabis.”

Your cannabis “moratorium” and any other regulations you might make on the cannabis issue are null and void because you have no jurisdiction on this matter – you only have the right to deal with the very specific, and highly limited responsibilities delegated to you under *The Indian Act*. In all of your actions, you are required to uphold the Canadian Constitution – including Sections 25 and 35 which protect the Aboriginal and Treaty rights of people such as Mr. Bebamash.

As I explained in a video interview [here](#) and [here](#), cannabis is a constitutionally protected Aboriginal Right – and even if it wasn’t, the authority to regulate it lies with the traditional people of our nation.

The “M’Chigeeng First Nation” of which you are the elected Chief and Council, is a creation of the *Indian Act* and the Canadian Parliament. While the “M’Chigeeng First Nation” is an entity that can sue and be sued, it is not an “Indian,” it did not make any treaties with anyone, and it does not have any Aboriginal or Treaty Rights. The sovereign rights holders on the lands known as M’Chigeeng First Nation are the Anishinaabe people like Mr. Bebamash who live in accordance with the customs and conventions of their people on their unceded lands – not the institutions of the Federal Government which exist to discharge the Crown’s fiduciary obligations to Indians.

By persisting with the fiction of your “cannabis moratorium” you are materially harming the financial interests of Mr. Bebamash, and you are violating your fiduciary obligations to him as employees of the Federal Government operating under *The Indian Act*. This puts you at risk of legal action from Mr. Bebamash and others rights holders who are being harmed by your failure to uphold your fiduciary responsibilities and their rights protected under the Canadian Constitution.

Mr. Bebamash is operating a medicinal cannabis dispensary in accordance with the customs and conventions of his people, and he has the constitutionally protected Aboriginal and Treaty Right to do so. Cannabis is legal in Canada, and it is a natural medicine that is socially and culturally accepted by Anishinaabe people – including the people of M’Chigeeng. Mr. Bebamash is running his business in a responsible fashion and he is providing a much needed medicine to seniors and medicinal clients. Mr. Bebamash does not sell cannabis products to

those under 18 years of age, and he maintains the health and safety and quality control measures developed by the North Shore Anishinabek Cannabis Association.

Mr. Bebamash has the backing of his family, as well as the support of over 176 community members who have signed a petition in support of his business. He is doing nobody any harm, and he has yet to receive a single complaint from a community member opposed to his operation. Mr. Bebamash's store is operating in the same way as hundreds, or maybe even thousands, of other sovereign Indigenous cannabis dispensaries and tobacco stores across Canada – in accordance with the customs and conventions of their people, and without the need for license or regulation by the Province, the Federal Government, or *The Indian Act* band councils.

The matters concerning the collective sovereign rights of our people should be discussed in accordance with our customs and conventions and in settings involving the people as a whole – not through the racist *Indian Act* systems imposed by a colonizer who has committed – and continues to commit – cultural, physical, and economic genocide on our people.

There are clearly many issues which we need to discuss and resolve. I believe that these matters can best be handled by speaking together directly, and I am offering to provide my expertise to help resolve this conflict. I thus respectfully request the scheduling of a meeting to discuss your infringement of Mr. Bebamash's rights, and to decide how we will arrive at a satisfactory resolution of the matter.

Miigwetch,

Chief Del Riley

Chief Delbert Riley
Hereditary Crane Clan Chief,
Chippewa Nation