



CHIEF DELBERT RILEY
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



May 5th, 2023

TO: Mayor Mike Savage of the City of Halifax <mayor@halifax.ca>, Councillor Cathy Deagle Gammon <cathy.deaglegammon@halifax.ca>, Councillor David Hendsbee <david.hendsbee@halifax.ca>, Councillor Becky Kent <becky.kent@halifax.ca>, Councillor Trish Purdy <trish.purdy@halifax.ca>, Councillor Sam Austin <sam.austin@halifax.ca>, Councillor Tony Mancini <tony.mancini@halifax.ca>, Councillor Waye Mason <waye.mason@halifax.ca>, Councillor Lindell Smith <lindell.smith@halifax.ca>, Councillor Shawn Cleary <shawn.cleary@halifax.ca>, Councillor Kathryn Morse <kathryn.morse@halifax.ca>, Councillor Patty Cuttell <patty.cuttell@halifax.ca>, Councillor Iona Stoddard <iona.stoddard@halifax.ca>, Councillor Pam Lovelace <pam.lovelace@halifax.ca>, Councillor Lisa Blackburn, <lisa.blackburn@halifax.ca> Councillor Paul Russell <paul.russell@halifax.ca>, Councillor Tim Outhit <tim.outhit@halifax.ca>

CC: Chief Dan Kinsella of the Halifax Regional 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>

Dear Halifax Mayor Mike Savage and Halifax City Councillors,

Aniin. My name is Chief Del 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 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 the Canadian Constitution, which enshrine the protection of Aboriginal and treaty rights into Canadian law.

I am writing this letter on behalf of Mr. Thomas Durfee, a Micmac national who is registered by Canada as an Indian belonging to Millbrook First Nation in Nova Scotia. Mr. Durfee has recently opened Amu Leaf, a Treaty Truck House on the unceded traditional lands of his people at 14 Highfield Park Dr, Dartmouth, NS B3A 4T6 in accordance with his Aboriginal and treaty rights. He has asked me to briefly explain these rights to you in written form, and to act as a liaison with you should the city have further interest in this matter.

As you are likely aware, the Micmac people have never surrendered or ceded their lands in the Province of Nova Scotia. The treaties made with the Crown are Peace and Friendship treaties, not land surrenders and they are protected by Section 25 and 35 of the Canadian Constitution. The Micmac have no record of having received any payment for the sale of their



lands from Canada or the French or British Crowns, and have no record of ever surrendering any lands in accordance with the protocols described in the Royal Proclamation of 1763. In fact, at the time that the treaties were made, the Micmacs held the upper hand militarily in these lands.

As a Micmac man, Mr. Durfee has an inherent Aboriginal right to support himself from the lands and waters that the Creator put his people upon and from the animals and plants the Creator provided. These rights include the right to engage in trade, to participate in the Micmac economy, and to provide medicines to people in need. Cannabis is now a legal product in Canada, and its medicinal applications have been recognized by the Canadian Supreme Court when it struck down the prohibition of cannabis. Mr. Durfee's Aboriginal and treaty rights are succinctly defined in the "[Declaration of First Nations](#)" produced by the Assembly of First Nations to define Aboriginal Rights after the "repatriation" of the Canadian Constitution in 1982.

Mr. Durfee's rights to operate a medicinal Truck House on unceded Indian lands and to trade legal products are further outlined in the "Peace and Friendship treaties" the Crown made with the Micmac people. The [1752 Peace and Friendship Treaty](#) recognizes the rights of Micmac 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."

This and other relevant Peace and Friendship treaties which recognize and describe the Aboriginal rights of the Micmacs 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."

Mr. Durfee'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 Mr. Durfee's Aboriginal and Treaty rights to provide medicine and to engage in



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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.

Unlike the Provincially regulated cannabis dispensaries, Mr. Durfee's truck house is medicinal in nature and falls outside of the scope of Provincial regulation.

Despite their fine words about "reconciliation" and "consultation," the Federal and Provincial governments failed completely to engage with any Indigenous nations in the creation of their Cannabis Acts, a point which the Senate's Standing Committee on Aboriginal Peoples made in trying to delay the passing of the *Cannabis Act*. Instead of taking the time to make certain their laws upheld constitutionally protected Aboriginal and Treaty rights on Indian lands, Federal and Provincial politicians rushed through legislation to please their voters and to enrich the early shareholders of cannabis companies.

Mr. Durfee has the support of his family and the local land owner in the operation of his business. His truck house retails Indigenous medicinal cannabis products in accordance with the community health and safety standards of the Micmac Rights Association..



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. One website [shows a listing of over 475 such sovereign shops](#), and I am sure that there are many more stores 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. These businesses are a constitutionally protected and community supported part of the Indigenous economy.

Beginning in 2022, Indigenous cannabis shops began to operate on unceded Indigenous lands off-reserve. Members of the Mississaugas of the Credit First Nation and the Mohawk Nation have now opened over a dozen sovereign cannabis trading posts in downtown Toronto. Members of the Chippewa Nation and the Oneida Nation have similarly opened up shops in downtown London, Ontario. Members of the Micmac Nation have already opened a shop on their unceded lands in downtown Moncton. After over a year of operation in Toronto, none of the Indigenous shops in the city have been raided, and they have made a positive contribution to the city, to Indigenous entrepreneurship, and towards reconciliation with Canada. I am hopeful these shops point towards a new era of economic reconciliation and that the days of Canada's economic genocide towards Indigenous people are drawing to a close.

If you would like more information about how Mr. Durfee's constitutionally protected Aboriginal and treaty rights apply in this matter I would be happy to meet with you. To get in touch, you may contact me at 613-714-0222 or via email at delbertrileyc@gmail.com.

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Chief Del Riley

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Former President, National Indian Brotherhood