March 22, 2018

The Honourable Carolyn Bennett
House of Commons
Ottawa, Ontario
K1A 0A6
Via fax: 613-947-4622

The Honourable Jane Philpott
House of Commons
Ottawa, Ontario
K1A 0A6
Via fax: 613-992-3642

The Honourable Jody Wilson-Raybould
House of Commons
Ottawa, ON
K1A 0A6

The Honourable Ralph Goodale
House of Commons
Ottawa, Ontario
K1A 0A6

Re: Metis Membership Cards and Mi’kmaw Aboriginal and Treaty Rights

Dear Minister Bennett, Minister Wilson-Raybould, Minister Ralph Goodale and Minister Philpott,

It has recently been brought to our attention that at least two of the purported Métis groups in Nova Scotia have begun distributing membership cards which include a picture of the holder and a Canadian flag on the face of the card – see the enclosed image. We have written to the Department of Canadian Heritage, Ceremonial and Canadian Symbols Promotion, State Ceremonial and Protocol Directorate to request that any alleged Métis group in Nova Scotia be ordered to forthwith withdraw the cards and that an investigation be launched to determine if charges are warranted.

However, in the interim we are extremely concerned that card holders from these organizations intend to engage in illegal harvesting, claiming they are exercising Aboriginal and treaty rights. These group membership cards do not convey any rights to the card holder nor are they any indication that the Queen in Right of Canada has endorsed the issuing organization as a rights-holding group.

As per the Department of Natural Resources’ advisory, effective 15 August 2017, the only identification that is acceptable to identify a Mi’kmaw harvester exercising Aboriginal and treaty rights is a Status Card. We urge both the Federal and Provincial Crown and the RCMP to continue this policy.

We also request an opportunity to discuss with DFO its enforcement policies and ensuring that all DFO officers are aware of the illegitimacy of any of these membership cards as proof of any right to an Aboriginal or treaty harvest.
We further request that both the Federal and Provincial Crown speak directly with these organizations and advise them that their members are not entitled to engage in any Aboriginal or treaty rights harvesting and the consequences which will ensue should any of their members engage in illegal harvesting.

We bring to your attention the recent decision of the Supreme Court of Canada to deny leave to appeal (John (Jackie) Vautour et al v. Her Majesty the Queen, 2018 CanLII 4687 (SCC), http://canlii.ca/t/hq8fr) in the Vautour case from the New Brunswick Court of Appeal (Vautour et al v. R., 2017 NBCA 21, http://canlii.ca/t/h3mg4) wherein Mr. Vautour’s conviction was upheld:
Since the trial judge found on the evidence there was neither a historic rights-bearing community nor a contemporary rights-bearing community, it follows there can be no valid claim of Métis rights under s. 35 of the Constitution Act, 1982.


It is imperative that these organizations and their members stop asserting that they have constitutional rights under s.35 of the Constitution Act, 1982. The only rights holders in Nova Scotia are the Mi’kmaq of Nova Scotia.

Yours in Recognition of Mi’kmaq Rights and Title,

[Signatures]

Chief Terry Paul  
Co-Chair  
Assembly of Nova Scotia Mi’kmaq Chiefs

Chief Sidney Peters  
Co-Chair  
Assembly of Nova Scotia Mi’kmaq Chiefs

Cc:  
The Assembly of Nova Scotia Mi’kmaq Chiefs  
Ritu Sood, Lead Negotiator, INAC  
Owen Evert-Lind, Lead Negotiator, Nova Scotia Office of Aboriginal Affairs