

Confederacy protects Hawk's home but not his business

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Cayuga Sub-chief Jock Hill.

After much deliberation, it was decided that the complicated issues of the use of communal land would be put into the hands of a committee, possibly the HDI, for study and for recommendations.

This decision could hold off the eviction of Jeff Henhawk and his family from a house he has build behind his smoke hut, without permission, on, what Band Council says, is land it has jurisdiction over and is held in trust by lawyers Lonny Bomberry, Howard Staats and Thomas Loft.

However, the Chiefs Council agreed to uphold a letter dated February 2009 which, in essence, ordered all Six Nations businesses operating without permission off on the Plank Road strip.

Contrary to a local newspaper's report, no lease arrangement with the Confederacy for that land has been discussed before Saturday's meeting. Some Chiefs said that if it was, they know nothing about it.

Henhawk began his presentation by pointing out that the Plank Road claim has been accepted as a valid land claim by the federal government, and that is where his smoke shop is located. In fact, as Henhawk noted, the land on either side of it is also part of that claim, and that is where his house sits.

He questioned whose jurisdiction is at play when the Elected Council flip-flops on who will evict him and why.

"All the papers I have re-

ceived say that Haldimand County has jurisdiction," said Henhawk. "I still don't know if that eviction notice is for my house or my business."

He told the Chiefs that he went to the Confederacy for clarification and direction to prevent any possible confrontation of violence should the OPP or the Six Nations Police come to shut him down or evict him from his home.

"I make my livelihood with the smoke shop," he said. "But if you tell me I have to remove it, I will. I just don't know what to do. I'm confused over who owns that land. It's all mixed up."

Onondaga Chief Arnold General stood in defense of Henhawk voicing his concern over territorial rights.

"I think Jeff is within his rights there," he said. "Our ancestors fought over that land, and now we're fighting for it again. If it belongs to us, why don't we lease it to him and give him a paper to show he has a right to be there?" he suggested.

"It's time to make a stand. If the white government wants to throw him out, we should not surrender. We're still here and we're gonna stay here."

Mohawk Chief Allen MacNaughton disagreed with some of General comments.

"We have a lot to consider here," he said. "But the bottom line is, what will be the consequences of our action here. This issue came up two years ago whether we should protect or evict the smoke hut owners. That letter we drafted was well thought out at that time. I don't know why we are back here talk-

ing about it again."

He recommended that the Chiefs stand by the February, 2009 letter explaining their stance on the issue, which MacNaughton read to those in attendance.

In it, the Chiefs discuss the potential of a turf war if there is no regulation on who opens what, where.

MacNaughton referred to the Elected Council as "the other side of the Two Row", since it followed whiteman's laws.

"Band owned land is what Ottawa calls it," said MacNaughton. "Now we have, land that is supposed to be coming back (Burtch), but as long as Jeff Hawk is on that land over there, it's not coming back."

But according to a provincial negotiation team member, that is not the case at all. He did not want to be identified due to the fact that he has not been officially authorized to speak to the issue,

Tom Molloy, lead provincial negotiator, is on vacation and could not be reached for comment.

But according to our contact, the Burtch transfer is a done deal, as far as the province is concerned, and it has nothing at all to do with Jeff Hawk running a smoke hut on Highway #6.

"There are only two things holding that transaction up," he said. "One is to complete the remediation of the land, and the other is for Six Nations to determine how the land is to be transferred, and to whom."

At the Longhouse, MacNaughton added that this is still Nanfan Treaty land and that Haudenosaunee people have a right

to make a living on it. He thanked Henhawk for coming to the Confederacy, but he also made it clear that he was not happy that Henhawk ignored the directive given him in 2009.

Henhawk explained that the letter he got had to do with the Smoke Hut and not his home.

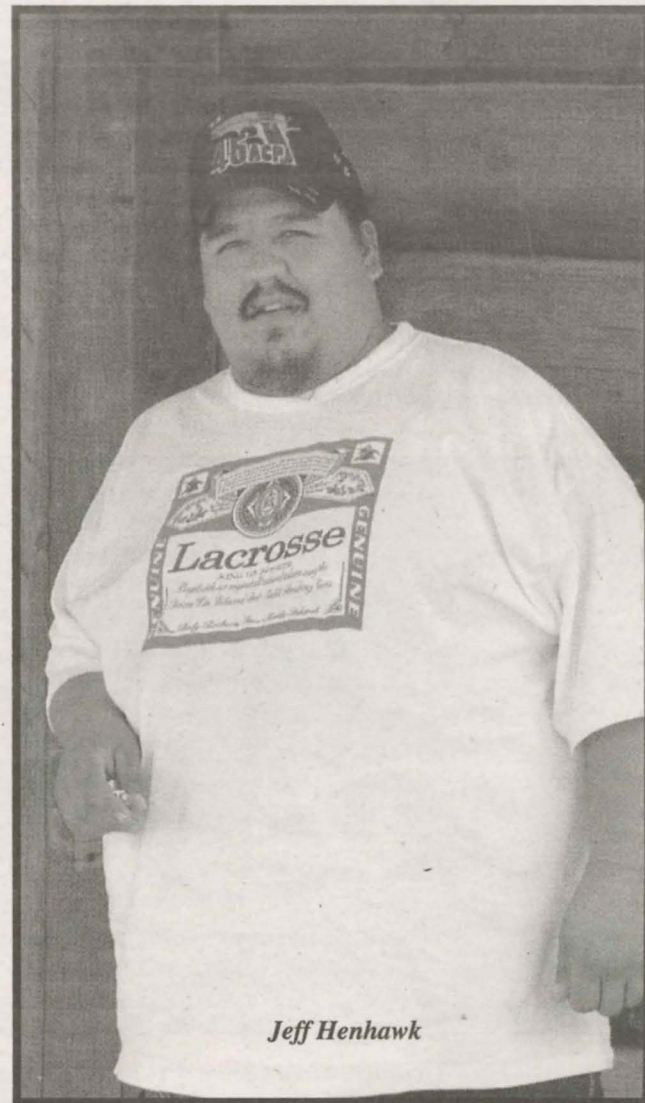
"If the shop is the issue, OK. I'll close it," he said. "But I offered to pay a lease to the Confederacy for the use of that land and got no response."

After lunch, the discussion resumed. Henhawk opened by saying, "Let's look beyond me and the smoke shop," he said. "If we let that eviction notice stand, we may as well forget about negotiations. This is just Band Council throwing its weight around."

Although Henhawk said he would shut his shop down if asked to, he wanted to make sure he was not being singled out and asked if all Highway #6 smoke shops would be getting the same notice to close.

That was confirmed, although there was no date set on when the shops would be asked to remove themselves.

As far as his house is



Jeff Henhawk

concerned, the Confederacy will work with HDI in developing a Confederacy driven land usage proposal over the next six months.

In the meantime, they will 'stay' for six months any endorsement of direct action by Band Council or its trustees to evict Henhawk.