

Haudenosaunee Confederacy tackling federal intrusion

By Lynda Powless
Editor

Controlling Haudenosaunee trade appears to have been a long time goal of federal and provincial governments.

When economic development first started in First Nations communities in the 1980s bands were restricted to engaging only in ventures that would not compete with any business in communities surrounding them.

It assured surrounding communities of the economic stability of millions of dollars in federal funding and private wages from First Nation people flowing into their towns and cities.

And they have. To the tune of millions of dollars a year from Six Nations into surrounding retail markets cutting short any growth of a retail market or industry at Six Nations.

That is until the tobacco industry was launched in the 1980s.

Since then, the trade has blossomed despite attempts by Canada and Ontario to shut it down.

But more controls are coming with five bills aimed at everything from marriage to bylaws to elections to commerce.

And the federal government is prepared to invest more money in policing to attack the First Nations tobacco industry, at least that section of the industry it

deems as "contraband."

The Six Nations Haudenosaunee Chief's Council (HCCC) has appointed a three person committee, Mohawk Chief Allen MacNaughton, secretary and Cayuga sub-chief Leroy Hill and technical adviser lawyer Aaron Detlor to come up with a draft position on the entire slate of federal bills the Harper government is implementing that essentially make "incremental" changes to the Indian Act.

**"Freedoms and liberties always come with responsibility and vigilance to keep those liberties."
Mohawk Chief Allen MacNaughton**

Incremental changes Prime Minister Stephen Harper warned band council chiefs last winter at its historic Crown/First Nations meeting in Ottawa would be coming.

A draft HCCC position will be heading to the Confederacy's April meeting.

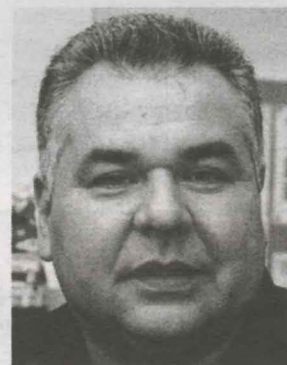
"The chiefs asked us to draft a position that is a principled approach to the legislation coming out of Ottawa," said Aaron Detlor.

He said the position is not just reflective of Ontario and Canada.

"We have begun the process of considering a re-

sponse mindful of the broader implications of this type of legislation," he said.

Mohawk Chief Allen MacNaughton said the Confederacy position will speak to all the federal legislation from the matrimonial real



Mohawk Chief Allen MacNaughton

property act, to education, to Bill C-10.

He said the Confederacy is working with local tobacco manufacturers to draft a position on the federal C-10 amendment that will reflect the Confederacy's autonomy.

He said that includes possible Haudenosaunee regulation of the industry but "Canada and Ontario have to be aware that none of the acts that they may have passed in their legislative bodies will ever be enforced or recognized on Six Nations territory."

He said "the Confederacy will do its work diplomatically and politically but people themselves should realize they have to stand together. That while we

may have words and go to meetings there are actions that have to be taken in defence of Six Nations territory to keep the rights and liberties we have."

He said he is not suggesting violence, but "I am not excluding the fact that they may have to defend what they believe in. It's the bigotry in the greater society that has put pressure on their police forces to come up with this kind of legislation that may see those police forces trying to enforce it here."

He said people need to organize. "We may have the rights and liberties as a free people not to charge the Crown's taxes here, but the people around us are our neighbours. We have to be responsible for these rights and privileges that we have here."

He said that could mean tobacco manufacturers may have to give back to the community to protect both the collective right and to keep pressure off the community.

He said "those involved in the industry are going to have to come together and work together."

He said those regulations could include pricing. "I believe that the people working in the industry, instead of making a pittance, because they are competing with each other and it is not regulated, it could benefit this community and

people around us if minimum pricing was regulated by a board."

He said "freedoms and liberties always come with responsibility and vigilance to keep those liberties."

He said even those unaffected by C-10, such as Grand River Enterprises (GRE) and others with federal licenses will be affected.

"If they do not cooperate with the Confederacy, they will be subject to outside laws. If they do not have the protection of the Confederacy they leave themselves out there."

The response has been triggered by recent concerns over an amendment to Bill C-10 a safe streets and crime bill that will extend policing of "contraband" from federal jurisdiction, the RCMP, to OPP, regional and local police forces to enforce.

Detlor said the Canadian muscle move is reflecting what is already happening in the U.S.

"We are considering and aware of how this process in Ontario seems to be replicating what has happened in New York and the U.S. generally."

He says the Confederacy position "will ultimately reflect the inherent jurisdiction of the Confederacy and sovereignty of the Six Nations people and we believe it is entirely appropriate to develop an inhouse solu-

tion."

But he said that inhouse solution to the tobacco trade industry will have to include those involved in the industry.

"The inhouse solution will have to be to some extent moved forward by those who are directly affected. From the Confederacy perspective, the chiefs believe it has never been their role to do what business people do."

He said, "the chiefs provide the space for people to do business and be successful, but don't take over the business."

He said the draft position will also comment on a number of federal bills that have already been approved by Ottawa or are coming.

"We are developing internally those positions to make sure they are consistent with where the chiefs stand on a number of issues and are conscious of the fact that this appears to be part of a broader attempt to de-legitimize Haudenosaunee sovereignty."

"In essence what we are saying is that today it's tobacco. Tomorrow it could be lumber, or employment income, until Haudenosaunee tax immunity is gone."

He said the Harper government's Bill C10 (the safe streets and crime bill) amendment that deals with First Nations tobacco in-

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