

Leaked documents reveal HDI waived Haudenosaunee "sovereign immunity"

By Nahnda Garlow

SIX NATIONS - A declaration was presented during Haudenosaunee Confederacy Chiefs Council this weekend calling for the immediate dismantlement of HDI and immediate dismissal of lawyer Aaron Detlor, HDI Director Hazel Hill and HDI board member Brian Doolittle.

This declaration, read aloud in council by Cayuga Wolf chief Sam General, calls for the dis-

mantlement of the HDI for not negotiating in good faith on behalf of the Confederacy, the immediate dismissal and removal of Detlor, Hill and Doolittle for misrepresenting the Confederacy, immediate halting of all HDI business and the launch of a full investigation into HDI by the Confederacy.

These demands come in the wake of two Engagement Agreements HDI signed with Samsung in 2013

and 2014, locally known as 'the Samsung deals', were leaked to clan families.

Those leaked documents reveal that HDI agreed to, on behalf of the HCCC and all Haudenosaunee member nations, waive Haudenosaunee "sovereign immunity" and any other claim of traditional or treaty rights surrounding Haudenosaunee right to lands that the projects are utilizing in exchange for financial compensa-

tion.

Speaker for the Onondaga Beaver clan family Steve Hill is acting in proxy for Arnie General on behalf of the Onondaga Beavers while General deals with health issues. Hill brought forward the concerns of his clan family at council.

Hill told the council he has been trying to get copies of the Samsung agreements from HDI offices for the last eight months and didn't receive anything - until

leaked documents were delivered to him by a community member.

Hill told the council, "I showed that Samsung deal to several chiefs and they said they've never seen it."

Hill also told the council he travelled to other Haudenosaunee communities and spoke with several Haudenosaunee Confederacy chiefs. All stated they knew nothing of the Samsung Engagement Agreements signed on

their behalf by the HDI.

Hill addressed Detlor saying he had specific concerns about HDI signing the agreement and waiving Haudenosaunee sovereignty on behalf of Haudenosaunee member nations.

Detlor responded, saying that although sovereign immunity doesn't apply under Canadian law, HDI decided that agreeing to waive sovereign immunity in the

CONTINUED ON NEXT PAGE

context of this agreement meant that Samsung agrees the Haudenosaunee have sovereign immunity to begin with.

It was on those merits Detlor said an unnamed collective of HDI board members, chiefs and clan mothers came to the decision to go ahead sign the agreement, waiving that sovereign immunity.

Detlor said these particular Engagement Agreements were brought into Confederacy Council and passed through. Something many chiefs and clan mothers disagree with.

Hill challenged Detlor on that and said, "I've never seen it, Arnold Jacobs has never seen it, my cousin over here has never seen it."

Detlor stuttered as he spoke to the question, explaining that this was the "first major agreement that the chiefs had gotten into".

He continued to explain on behalf of the HDI saying, "...what we

were trying to develop is this idea that we did have sovereign immunity on the basis that we shouldn't be treated any differently from the - from the - tribes in the states."

Detlor also said that those involved in looking over these Engagement agreements identified that clause as something they were uncomfortable with, however they decided to sign on behalf of HCCC anyways.

Detlor said that the term "sovereign immunity" does not mean "sovereignty" and that HDI subsequently removed that language from any further agreements.

The Engagement Agreements were signed on behalf of the Haudenosaunee Confederacy Chiefs Council in 2013 and 2014 by HDI Director Hazel Hill.

Hill also questioned Detlor on his use of the word "chiefs". Hill said he spoke with five chiefs and three clan mothers who had never heard of

nor seen the Engagement agreements. Hill asked Detlor, "When you say 'the chiefs', who did you discuss that with? Which

saying, "All chiefs." Detlor tried to explain saying, "Those agreements in their entirety come to council,



HDI Lawyer Aaron Detlor

chiefs?"

Detlor responded

and every single - we gave out a copy - and this

is something that we've been asked to - now what we're doing is we're emailing. So because we were getting issues we now email all of the documents out before council."

Other concerns were raised that those elderly Confederacy chiefs and clan mothers, some of whom cannot read English or do not know how to use a computer to check email, are not being properly informed on what is being done by HDI on their behalf.

Detlor insisted that the agreements were passed through council before they were signed. Then Detlor challenged Hill on voicing the concerns of the Onondaga Beavers.

Detlor said, "Everyone is given notice of the meetings. And if you want to, five years after a deal is made, question the deal then you need to be clear about how many meetings you have come to, how many documents have come through this

council and how many chiefs and clan mothers come to all of our meetings."

Another part of the leaked Engagement Agreements legally binds the Haudenosaunee Confederacy Chiefs Council to actively stop or prevent Haudenosaunee citizens or "other persons" from demonstrations relating to those projects - short of paying them money to cease such actions.

Sam General also spoke to the council and brought forward further concerns from the Cayuga Wolf and Snipe clans. They were given a document showing Detlor was involved in some negotiations with the OPP to stop the 2006 land reclamation at the former Douglas Creek Estates in Caledonia.

Detlor first arrived on Six Nations territory and began working with the HCCC during that 2006 land reclamation.

Following questioning Detlor about that document, General read the declaration calling for Detlor's immediate dismissal.

Detlor responded by saying, "You have something random that no one can verify from over five years ago." He defended HDI by saying, "What you're saying in that what HDI is doing is somehow misrepresentative. But we have had chiefs and clan mothers at every single meeting we've ever had. And at the same time every single agreement we've put through, we've put through this council. So you're not questioning my credibility - you're questioning the credibility of your own council. And you can flip through those notes and papers all you want but there is nothing that you're gonna pull out from some kind of photocopy that somebody could have doctored or made up from six, seven years ago that's going to tarnish my credibility and the good work that I've done. Especially in what seems to be a very concerted action, that you didn't come to me first but its nice to jump out by surprise and wave around a paper and try to intimidate someone and frighten them. But it doesn't work over here."

Detlor then demanded to see the documents General was speaking



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about, saying the Cayuga Wolf chief was making "veiled accusations" about Detlor.

HDI board member Brian Doolittle proceeded to break council protocol and began shouting statements from the benches accusing the Confederacy of submitting to gossip.

Doolittle spoke up from the back bench, calling concerns General was bringing forward from the Snipe and Wolf clans "silly".

Detlor then began taking pictures of documents brought forward from the Cayuga bench. This was something many of the Haudenosaunee citizens present were upset with as they felt it was a major breach of protocol to engage in photography inside of a longhouse.

Although several attempts were made to continue discussing items on the agenda, it was unsuccessful.

Haudenosaunee Tobacco Law at Oswego put on "hold"

The Haudenosaunee Trade Collective (HTC)

was also on the agenda earlier in the day. The HTC delegation was seeking approval of the proposed law to regulate the tobacco industry at Six Nations.



HTC members gave a report on the process they have made in creating a tobacco regulation on Six Nations. They stated the community engagement sessions were well attended and that it was well received throughout the community.

However, Hill

brought forward concerns from the Onondaga Beavers that the proposed law is replicating a western model of assuming 'power-over' the people and seeks to exclude

ditional chief. And that those who choose to engage in any trade should engage in following the rules that regulate that trade.

Hill said there is no Haudenosaunee law regulating other industries such as ironworkers or teachers. And that the choice to engage in tobacco manufacturing as a career choice is a matter of one's personal decision. And that he was uncomfortable agreeing to regulate anything that would seek to impose and enforce laws upon other clan families.

Mohawk Chief Allen McNaughton spoke directly to Hill, pointed at him and said Onondaga Beavers need to understand it is Hill's responsibility to come to council and make concessions for the benefit of the people.

In a surprising move, Mohawk chief Allen McNaughton ended discussions surrounding the proposed Haudenosaunee Tobacco Law, and took the matter back up off the floor for discussions.

Detlor responds to accusations regarding Sterling Street

Two Row Times asked Detlor if he would like to comment on any of the issues brought forward.

Detlor said he was involved in negotiating a deal with the land developers at the former Douglas Creek Estates in 2006.

Detlor said, "We were negotiating with a clan mother and one of the sub chiefs there. And what the deal said was that the County was supposed to recognize that the Confederacy had underlying title."

Detlor said a "development charge" of \$15,000 was going to be made to the Haudenosaunee Confederacy Chiefs Council if they would permit the developer to go ahead with the disputed housing development.

Detlor said the deal was depending on Haldimand County recognizing Haudenosaunee underlying title to the land. Detlor said the county refused to recognize Haudenosaunee underlying title, that the developer never paid money for this negotiation and that he never received cash for this arrangement.