

Confederacy system needs fixing, woman says she is on "witchhunt"

By Donna Duric
Writer

One woman claimed she was on a "witchhunt."

Another wanted to know where the \$800 million in equity the Haudenosaunee Development Institute (HDI) raised to buy into a solar farm went.

And a third demanded the HDI be shut down until the families could fix their clans.

Instead, an Onondaga clan mother told the at times testy public meeting called by the Haudenosaunee Development Institute (HDI) "it's not up to the HDI to fix our council system."

A crowd of about 70 people were told the Haudenosaunee Confederacy

something for the council. Those questions about those issues that some of you have about our system, you need to go to council not the HDI. It's not their responsibility to fix what's breaking. I don't think it's actually broken; but I think its breaking, she said.

She added, "But we can fix it."

She said, "I'm going to fess right up. I'm one of those people who get those notices about meetings and don't go. So it's my fault I can't tell my family about that. It's my fault. I think you have to recognize that if you have a chief and a clanmother and they're not going to these meetings, you need to encourage them to go to those meet-

"I don't think it's actually broken ...but I think it's breaking,"
Onondaga Deer Clan Mother Jayne Burning-Field, on state of HCCC.

Chief's Council's (HCCC) development department, the HDI is not responsible for fixing any breakdown in communication between clan families, clanmothers or Confederacy Chiefs

The accusations arose during a public meeting called by the HDI to answer to claims the HDI was not being accountable.

One clanmother admitted it's her fault for not attending negotiation sessions with developers or relaying that information to her clan family.

"In my mind some of the things you're throwing at HDI really has nothing to do with HDI; it has to do with the council itself and some of those things, I guess, that are being dropped in council," said Jayne Burning-Field, Onondaga Deer Clan mother.

"It has nothing to do with the HDI. If you want to look at them as a consultant, it's not their job to fix our council system. They were only contracted to do

ings with the HDI to hear about these contracts."

The contentious meeting was called after months of accusations against the HDI, the development and administrative arm of the Haudenosaunee Confederacy Chiefs' Council that was legislated into existence by the HCCC in 2007.

Among the accusations levelled at HDI legal advisor Aaron Detlor and executive director Hazel Hill were a purported lack of transparency and accountability, and allegations that the HDI had negotiated accommodation agreements with developers without the consent or knowledge of chiefs and clanmothers.

But attempts to provide information in a PowerPoint presentation turned into a shouting match that included demands for the immediate dismantling of the HDI.

Resident Jan Longboat claimed the community knows nothing about what the HDI is doing. "We need



Mohawk Confederacy supporter Kelly McNaughton, Onondaga Deer Clan Mother Jayne Burning-Field, Onondaga Deer Clan mother Gloria Thomas and Onondaga clanmother Mary Sandy Oneida Bear. (Photo by Donna Duric)

to fix our house and I think the HDI has no authority to do what they're doing now. That's fraud. Until we can fix everything, you need to stop."

Detlor said that would entail having the HCCC come to a consensus to rescind the 2007 terms of reference it came up with to form the HDI.

The decision to form the HDI came after the 2006 land reclamation in Caledonia as a plan to deal with the influx of development going on within Haudenosaunee treaty lands.

"Confederacy council was getting bombarded with developers," said Detlor. "Ten, 20 developers were showing up every month at HCCC and they couldn't get any work done." In April 2007, the HCCC accepted a terms of reference for the HDI, which mandated them to go out and meet with developers, with chiefs and clanmothers acting as overseers on all deals that would go to council for approval.

Since then the HCCC and HDI have negotiated development deals in the form of land leases or compensation worth over \$42 million dollars.

Community member Cheyenne Williams claimed the HDI waived the HCCC's sovereignty in a development deal with Samsung on its \$5 billion solar and wind

power project in Haldimand County.

The Samsung project came

Williams said "waiving sovereign immunity" meant that the Haudenosaunee



Cheyenne Williams(left) had a number of questions for the HDI while Mick Thomas told lawyer Aaron Detlor she was on a "witchhunt"

to a head at a recent HCCC meeting when an Onondaga representative, Steve Hill, accused Detlor of negotiating away the HCCC's sovereignty. Hill said Six Nations Elected Chief Ava Hill gave his family a copy of the HCCC's Samsung agreement.

Detlor told the meeting that the concept of "sovereign immunity" is a legal term that is used in the United States and that it was in the Samsung deal because the company negotiators were based in the United States.

"It actually meant that HCCC and community members would not continue with injunctions (against Samsung's projects)," he said.

no longer have control of their lands.

"That's not true," Detlor said. "Sovereign immunity doesn't mean sovereignty. It's confusing because of the words that are being used. We didn't waive sovereignty. We got Samsung to agree that Haudenosaunee law actually applied to this agreement and for first time in Canadian history we got a company to agree Haudenosaunee law will apply. They had to recognize it."

HDI executive director Hazel Hill said sovereignty wasn't waived.

"We didn't waive our sovereignty. We just said for this agreement there would be no more cease and de-

sist orders, basically. They were worried about it. They were scared of it. We just had to use American terminology."

She said community members were welcome to come view agreements at HDI offices.

Detlor attempted to delineate information on development deals undertaken so far, but was only able to talk about one agreement, with a company called First Solar, before the discussion was derailed.

He said the HCCC got lucky with First Solar because it was the first company to recognize Haudenosaunee jurisdiction and land rights outside the Haldimand Tract.

That first deal provided the HCCC with \$90,000 which was used as seed money to launch the HDI's archaeological and environmental monitoring program that employs around 30 people.

Cheyenne Williams questioned a reported \$800 million the HDI raised in "equity financing" for the Samsung deal, saying she read about it in a Toronto newspaper.

"So where is it?" she asked.

Detlor explained the amount doesn't actually exist. He said equity is simply a phantom figure used to convince a lender to give you money to finance a project.

"When you raise equity funding what you're doing is you're borrowing money on the ability to enter into the agreement," he said. "If I say I have \$800 million in equity available, and I walked into (a bank) and said, 'can you get us \$800 million to invest? If they say yes, we'll give you \$800 million, we want to make 10 per cent interest (to get the money paid back).' It never comes into our pocket. It's something the financial markets can raise based on the strength of the underlying project (in this case the Samsung project).

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HDI accusations range to condoling chiefs to not fixing HCCC

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Williams questioned again where the \$800 million went. "Where did it go then."

Detlor told her, "it doesn't exist. We weren't successful in getting a partnership with Samsung so the equity doesn't exist."

Others criticized the HDI on forming a land acquisition fund.

"The Chiefs have said on a number of occasions we're not going to dispossess people of their lands," said Detlor. "We needed a way to move them off the land so Haudenosaunee people can come in. The companies are the ones technically buying them out not the HCCC."

Detlor said all information goes to council. "We take all of these issues to the Confederacy Council," Detlor said. "It's in all of our reports."

Community member Mick Thomas said she did not believe the information was being relayed to chiefs and clanmothers because her chief, Sam General, was not aware of any of the details of the deals.

"I think you have an issue with your chief and clan

not the HDI," said Hazel Hill. "At the August council meeting I handed him a package, he refused to take it. I can't make him take it."

People questioned what's going to happen to the money once it starts flowing in.

Hill said the chiefs and clanmothers have discussed developing a financial management plan and a notice for estimates has gone out to consultants recommended by the HDI auditor KPMG.

Detlor told the meeting "Through these agreements, we are trying to begin a process of decolonization. We are trying to find a peaceful way of moving non-Haudenosaunee people off the land and Haudenosaunee people on the land because the government is not giving it back."

A visibly angry Levi Elijah shouted at chiefs and clanmothers present accusing them of interfering in Oneida business by condoling two Oneida chiefs who sit at HCCC.

Hazel Hill told him, "I don't condole chiefs. That has nothing to do with the HDI. Your issue is with the Onei-

das not the HDI."

Hill said it was not the HDI's job to fix the structure and process of missing chiefs and clanmothers.

"Your issue is with the clan families. It's not my job to go out there and fix that process. I agree with you that it's not working right. Everybody's got a different version. The women don't overpower the chiefs. They're not dictators to our chiefs. My point is it's not our job to run out to the clan families; that's the chief's and clanmothers' responsibility and we keep giving them that information. I give the clanmothers and chiefs the information."

On one green energy project alone, the Veresen project, there were at least 20 meetings with chiefs and clanmothers.

"We do a public meeting every month and it's in council," Detlor said, adding that their terms of reference require them to report to the HCCC.

"We report back to the Confederacy...we leave it to the chiefs and clanmothers to take that information and put it out to their clans."

Clanmother Gloria Thomas said the HCCC was not perfect and said she hoped things could get back on track.

"We're not perfect. The Confederacy is not perfect. We've been fighting to keep our history and who we are. The frustration is always there. I've seen grown chiefs in council cry about their own frustration. I've seen all the work the HDI is doing. I hope we can get things back on track."

Within minutes community member Mick Thomas launched a series of accusations against legal adviser Aaron Detlor accusing him of being involved in a shady legal contract with the Whitefish Lake First Nation after an area publication claimed a Toronto lawyer accused Detlor of overcharging the nation in a land rights issue a number of years ago. Detlor has served notice of libel on the publication.

"You tried to scam Whitefish Lake," Mick Thomas yelled. Detlor told her "I haven't scammed anyone. Those things are not true." Thomas claimed to have spoken to a former elected chief of Whitefish Lake First

Nation who made the accusations.

When asked if it was the White Lake First Nation former chief who was in jail on alcohol related charges, Thomas said she could not remember.

Thomas claimed she had also spoke to a well known "forensic auditor," but could not remember his name, before finally saying it was an "auditor" named Jim McReynolds.

A lawyer by the name of James McReynolds reviewed Detlor's retainer agreement with the First Nation in 2012 and wrote a report that has been widely circulated.

Detlor said that lawyer would be breaking solicitor-client privilege if he did indeed speak to Thomas about the Whitefish Lake report. "Did he talk to you about the client," he asked Thomas.

She told him, "yes he did." Detlor "We'll follow up with that," he said. "It's on the record."

Detlor asked Thomas if she was there to ask questions or on a "witchhunt." he said.

"Yes I am," she said before turning to elder Elvera Gar-

low and shouting "I'll get you too, Elvera."

Thomas accused Detlor of having to "pay back millions" to the northern First Nation.

Detlor denied the accusation saying. He told her "I don't have millions to begin with."

White Fish had hired McReynolds' firm to look into Detlor's billing practices seeking advise on lowering legal bills.

"It's all in a report," said Thomas.

Turtle Island News obtained a copy of the McReynolds' report, it does not say Detlor had to repay "millions" to the band.

The report is a review of legal costs for the band and recommendations on future contracts.

The report says if the band wished to dispute any of his fees they could "subject them to assessment...It is quite likely that the accounts would be significantly reduced," he said in a summary.

McReynolds said his firm would be happy to provide additional services to the band.

He did not return Turtle Island News calls.