

Men's Fire deliver message to Hamilton Court

By Jim Windle
HAMILTON

Members of the Men's Fire were in Hamilton Court last week with a Mohawk interpreter to bring a message to the court. Not to participate in the court system per se, but to remind the court of its responsibilities and obligations to protect the integrity of the Crown.

Kamenhariyo, from Tyendinaga spoke on behalf of the Fire, first in Mohawk, then in English.

Over two days in court, he explained the background history of the Haudenosaunee people, ex-

plained the Wampums and finally how this relationship between Haudenosaunee and the Crown should play out today in light of an injunction order sought by John Voortman that would force Six Nations activists from blocking construction on his Hagersville housing development.

Although the judge let it be known that most of what was being brought by the speaker was important, it was not what he would strictly consider evidence. But that was OK since he was only there to bring information anyhow.

"We were sent as runners," Ka-

menhariyo told the Court on behalf of the four man delegation. "It is our responsibility to provide this court with some insight and concerns regarding the Hagersville situation, specifically regarding this injunction upon our lands, against us, our Nations, our leadership, and our people."

In essence the Men's Fire delegation provided background much like an Amicus, or "friend of the court", would do.

The men are trying to convince the court not to issue the injunction applied for by John Voortman.

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The court had previously allowed the installation of infrastructure to and on the site, but ordered there would be no housing built until a decision was reached on whether or not to issue an injunction against Six Nations land protectors, as they prefer to call themselves over protesters.

Kamenhariyo explained that under the Great Peace, which is Haudenosaunee law, the men have an obligation and responsibility to protect the land and the people from any outside threat or danger.

"Imposing an injunction on lands which clearly are in dispute would not be in accordance to our treaties or your obligation," Kamenhariyo told the judge. "In fact the very nature of an injunction violates

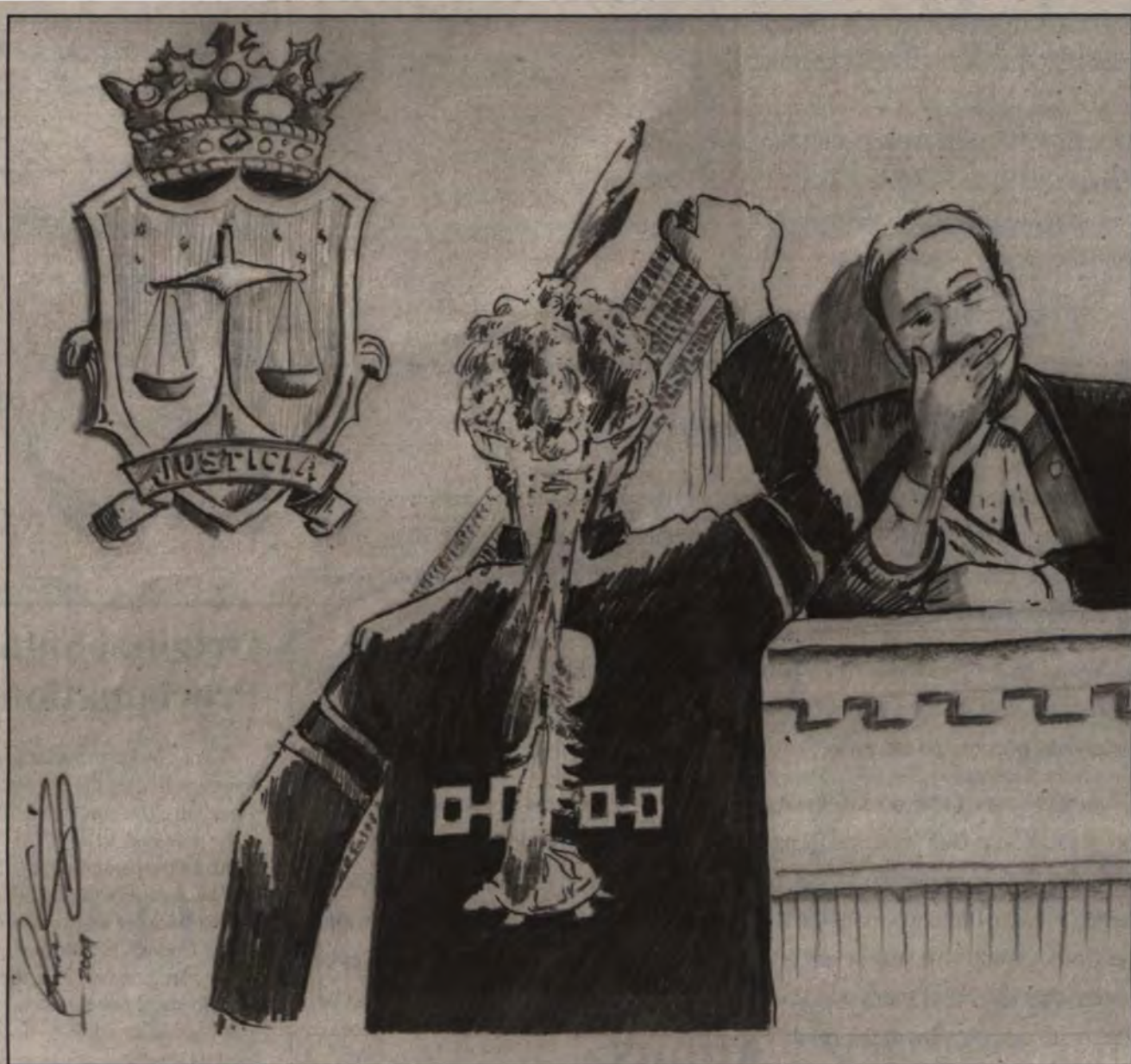
our ways."

He warned that if this injunction goes through, it will "force an inevitable confrontation" with the OPP.

"This would push us unnecessarily toward conflict," Kamenhariyo reasoned. "A conflict solely for the benefit of a single developer who has been rightfully or wrongfully caught in the middle of an unsettled land dispute."

Kamenhariyo also challenged that this injunction was unnecessary since there are ongoing talks between the province, the federal government and the Six Nations, and that this action has potential to scuttle those talks.

He tried to get the Court to see that the injunction strategy unfairly assumes the developer will win any court action and allows him to carry on the de-



A delegation representing the Haudenosaunee Men's Fire with Mohawk interpreter, Kamenhariyo, gave background information and a reminder to the Court of the Crown's obligations and responsibilities to uphold the integrity of the Crown's Treaty commitments. (Court sketch by Randell Hill)

struction of the very land they are trying to protect, criminalizing those who believe they are fighting to protect their people from the ongoing theft of Six Nations land.

"We see this injunction as a way to ensure there will continue to be an uneven playing field in regards to the negotiation process," said Kamen-

hariyo. "Developers would be encouraged to carry on business as usual and inflict terrible damage on the land in question."

He suggested a new, fairer way of conflict resolution should include no development on any contested piece of land until true title can be established through whatever

method works.

"Not having a mechanism in place for fair resolution or to address this issue may lead to further conflict and confrontation which would depend on the actions of Mr. Voortman and the OPP," he said.

After the second day of testimony, the judge remarked, "I understand the concerns here, that we are dealing with two different processes and systems. I've allowed a great deal of oral submission and that will continue. But at the end of the day I will decide what weight should be given as evidence and what weight should be given to the oral message."

In closing Kamenhariyo recognized that Mr. Voortman had considerable money invested in that property, "But so do we," he said. "As such, Mr. Voortman's interest shouldn't be considered any more valid than ours."

He then returned to the Two Row Wampum and the Silver Covenant Chain Wampum.

"When we came to an agreement to how it was when we allowed you to live here in this land that we share — that in previous days we have had agreements with other groups of people to find ways of dealing with rough water."

Friday, April 3, a verdict will be rendered by the court at the Hamilton Court House regarding Mr. Voortman's injunction.