

# Men's Fire seek injunction on McClung development

By Jim Windle

**SIX NATIONS** - Tired of waiting for the Elected Council or the Haudenosaunee Development Institute (HDI) to do anything more than send letters expressing their concerns over a huge housing development planned for Caledonia, the Men's Fire organization of Six Nations filed a motion of their own with the Ontario Superior Court on Wednesday, De-

ember 16th.

The move is an attempt to counter an injunction already filed by Empire Homes that would prevent anyone from Six Nations or elsewhere else from obstructing the development of some 3,500 new homes to be built on the old Plank Road, at McClung Road, just north of Caledonia.

"We found out that Henco and Empire Homes are the same," according to Wilf Davie, of the Men's

Fire. "It's all the same players."

If this is true, it is his concern that Henco/Empire Homes may be planning to use the template made at Douglas Creek and wait for the protests to begin to get bought out by Ontario, as had happened in that case.

"Sure," he said. "It's money for nothing."

Haldimand Mayor Ken Hewitt was contacted for comment on this story but

as of press-time had not returned our call.

Members of the Men's Fire themselves put up the cost of the motion, in part, to remain independent of either Band Council or the HDI.

"When we went to court (on September 22nd), that was when the injunction was supposed to get squashed or get renewed, all of a sudden Aaron (Detlor, HDI's lawyer) shows up because he was

representing me," says Men's Fire member Bill Monture. "We were under the impression that no one from Six Nations was going there to stop the injunction or even to address it."

"The hearing was to commence on 16th of November and that very afternoon, he sent an e-mail to Empire Homes stating that Aaron Detlor was not getting involved with either the injunction nor was HDI getting involved with

the McClung properties. I was taken aback by that."

So was the judge apparently.

"The judge got [angry] because he had booked two or three days and rescheduled everybody," says Monture. "We are not named in the injunction but we want to be a party, and to do that we have to put a motion forward." The Men's Fire put that motion

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forward last Wednesday.

"Since nobody else was addressing the issue, we did it ourselves," said Monture. "It makes me wonder what the purpose of the HDI is if they are not going to stand and fight this. This is 532 acres we're talking about that we are just going to let them build on without any repercussions?"

The Fire believes that because they have the Haldimand Proclamation, the land still belongs to them, and they are resolute that they are not just going to "just give it away to someone else, bowing down."

Monture spoke about the role the Elected Band

Council plays, which does not include "making deals with Walton International," in Brant or Haldimand County with McClung.

"If we look at the elective system, they are no longer in the canoe, they are in the ship as agents of the Crown," Monture reasons. "It's 40% Provincial and 51% Federal. They don't have the inherent rights that we have as a group or as individuals because they agreed to jump into the ship and when they do that, since they have been put in place by the federal and provincial government to do their bidding, they do not represent the people of Six Nations. The treaties are

made by the original traditional government not with the elected system of today. They really have no reason to be involved with that. But since the government put them in place, they are the puppets and we have been saying that since 1924. The Chiefs or Clan Mothers cannot take this into a white court, so that's why we did it ourselves."

They are awaiting a date for the court to hear their arguments.

"We had a meeting with the HDI to ask for direction and guidance," says Men's Fire member Wilf Davie. "We also had a package with us concerning the duty to consult.

We put it on the table they passed it around and it just came back to us."

Davie says Detlor told them that they will lose and those pushing the matter would be sued.

"This is the third time we tried to work with the HDI after they told us they wanted to work with us," says Davie. "We keep bringing this stuff forward to them but they don't want anything to do with it."

It was their impression that the HDI danced around every question they asked, including a question to whether Detlor would represent them on the motion, or if he would at least assist them in fighting this.

"He told us to obtain another lawyer," says Davie. "So we did."

On September 4th, 2014, the Fire put the Elected Council and the Haldimand Planning and Development Department on advisory that what they intend to build on is disputed land due to an existing, unresolved land claim.

"You gotta do a lot more than just send them a letter or they won't take notice," says Bill Monture. "They got an injunction against us but what about

the ones who are developing it? It's got to work both ways in the eyes of the court as far as I know. But it is never the case when we are dealing with unceded land."

Haldimand went to Brantford to seek the first injunction. Then on October 27th, it was back in Cayuga Court.

The Fire is hopeful that the many judgments, which have been made recently regarding the "duty to consult" will play in their favour in court.

"We are trying to avoid another Douglas Creek situation," says Davie, "that would be the best way to go. Even to seek equivalent land elsewhere would be acceptable, to the Fire anyhow."

Trading land for land was on the table before the negotiations broke down, so it is possible. Unfortunately that proposal quietly slid off the table at some point and was never heard from again.

The Fire wants to see the province and federals back at the negotiation table, especially now under a new, and much more accommodating Liberal federal government.

The Fire has another beef with how money was

distributed during the months at the table before negotiations broke down.

"During Kanonhstaton (Douglas Creek), we had 150 of our people going through the court system without any financial help from anyone," says Monture. "The government put a big bag of money on the table and everybody started divvying it up but nobody got any financial help to defend themselves in court. The negotiators and even side tables got money while those on the front line had to fend for themselves."

When asked how far the Men's Fire is willing to go to stop the McClung development, Monture was realistic about making that kind of decision.

"We would go to McClung if all our legal fees were covered, sure," says Monture.

Last week Haldimand Council approved the installation of infrastructure on the McClung site, showing how they are slowly and quietly inching ahead anyhow. For that reason the Men's Fire believe they have to send them a message "to let them know that we are still here, and we are watching," says Monture.