



**Six Nations Community Elders Council
Grassroots Community Shared Vision Through Voice**

**Truth and Reconciliation and
The Importance of Listening to Community:
Renewing Our Way of Life For Future Generations**

**Hosted by:
Knowledge Keeper, Jan Kahehti:io Longboat
Earth Healing Gardens and Retreat Centre
Yakonuhsa: Dotah's House**

The Haldimand Tract on the Grand River

March 2021

We Stand in Unity for Protecting the Lands and the Environment for Future Generations

February 19, 2020 -- Six Nations of the Grand River Elected Council (SNGR EC) Chief Mark B. Hill reiterated the community values, "...as Haudenosaunee people we know we have a responsibility to be stewards of the land and keepers of Mother Earth. When we think of the coming faces, seven generations into the future, we must consider the impact of our actions today on the land. By centering Haudenosaunee best practices in a modern context, we will rebuild our relationship with Mother Earth. The more self-sufficient we are with our food, water and energy production, the more we will build our strength and self-determination." - 2019 Six Nations Community Plan.

Chief Mark Hill, 58th Elected Council of Six Nations Haldimand Tract

ACKNOWLEDGEMENTS

The Dotah's House: Yakonuhsa is a project that began more than 44 years ago. At the heart of this initiative is the well-being of our First Nations women and Elders and it is located on the Haldimand Tract on the Grand River and led by Jan Kahehti:io Longboat, Mohawk, Turtle Clan.

The work involves doing "what is best for our healing and community's well-being and is deeply rooted in the belief that the reclamation of our Indigenous civilization and healing from cultural genocide will improve the lives of our children, youth, adults and Dotah's (Elders) in our communities.

We wish to say, Nia:weh to all the Elders and Six Nations Band Council for their support and guidance. Without your belief, support and confidence in Dotah's House, we would not be celebrating the Six Nations Community Elders Council.

I commend the Six Nations Community Elders for their never-ending support, knowledge and wisdom as they move forward to protect the "coming faces under the Earth."



INTRODUCTION

“The Elders and survivors act with courage and determination. We should do no less. It is time to commit to a process of reconciliation. By establishing a new and respectful relationship, we restore what must be restored, repair what must be repaired, and return what must be returned.” (Honouring the Truth: Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada’ (2015:6)

The Truth and Reconciliation Commission of Canada (TRC) was established in 2008 under the terms of the Indian Residential Schools Settlement Agreement. In *‘Honouring the Truth: Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada’*, it is noted that the Commission was mandated to; “reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools, in a manner that fully documents the individual and collective harms perpetrated against Aboriginal peoples and honours the resilience and courage of former students, their families and communities’ and ‘to guide and inspire a process of truth and healing, leading toward reconciliation within Aboriginal families and between Aboriginal peoples and non- Aboriginal communities, churches, governments and Canadians generally. The process was to work to renew relationships on a basis of inclusion, mutual understanding and respect.” (2015 :23).

In order to redress the legacy of residential schools and to advance the reconciliation process in Canada, the Commission identified ninety-four specific ‘Calls to Action’ in its final report. Specific activities in land, health, education, child welfare, language and culture, justice and structural and legislative change were identified. The Commission emphasized the urgent need for reconciliation in Canada and advocated that expansion of the public dialogue and action on reconciliation beyond residential schools would be critical in the coming years. The Commission also stated that “it will take many heads, hands and hearts, working together, at all levels of society to maintain a momentum in the years ahead” (2015:9).

Further to this objective, Jan Kahehti:io Longboat’s belief in the importance of the grassroots community voice in a TRC response effort, was the impetus for organizing a community Elders Council. Jan invited individuals who could speak to both the community perspective and from their respective fields of expertise. [See Appendix ~1 - ‘List of Invited Elders/Knowledge Keepers] These individuals were drawn from various sectors that Jan has been involved with over many years. Jan believed that their work and experience in justice, health, education, traditional healing, land, and history would provide valuable insights into the implementation of the Commission’s Calls to Action.

LETTERS OF SUPPORT

58th Elected Council, Chief Mark Hill
Honourable Carolyn Bennett



April 9, 2021

A big Nia:weh goes to the Six Nations Elders Council for their dedication in the completion of this report.

In the later part of 2020 when the community was seeing unrest at the borders of the territory the Elders Council got together and got to work. They had a number of meetings with guests that included business owners, legal firms, enforcement agencies, representatives from leadership as well as local and area community members. With open hearts and focused minds, they've spent a number of hours over the past few months having discussions, collecting opinions and sharing sentiments on what could be done to move forward to resolve our ongoing land issues.

Thank you Elders for taking the time to visit this issue for us and for putting together this compilation of recommendations for consideration.

Your knowledge and wisdom is truly valued.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark B. Hill'.

Mark B. Hill
Chief

Ministre des
Relations Couronne-Autochtones



Minister of
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

August 21, 2020

Dear Six Nations Elders Council:

I would like to congratulate you for establishing the Elders Council, whose collective wisdom will guide and support the Six Nations community in realizing your vision for the path forward.

We thank all the distinguished members of the council for your commitment and dedication as you gather to advise on the next steps for your community. We deeply value our relationship with Six Nations and are committed to continuing to work collaboratively to address Six Nations' historical claims and land rights issues.

With your guidance, we look forward to the respectful and collaborative dialogue that is essential to building stronger relationships.

We are grateful to you for sharing your wisdom, experience and wise practices that will guide the path forward in a good way.

Yours sincerely,

A handwritten signature in cursive script that reads "Carolyn Bennett".

The Honourable Carolyn Bennett, M.D., P.C., M.P.

Canada

MEETING OBJECTIVES AND PROCESS

In preparing for the meeting, Jan worked with the Elders to identify three key objectives for the gathering. They were as follows:

1. To raise awareness and understanding regarding the Truth and Reconciliation Commission of Canada report: 'Honouring the Truth: Reconciling For the Future' Calls to Action.
2. To discuss what the Truth & Reconciliation Commission of Canada (TRC) 'Calls to Action' mean for communities.
3. To review/understand how communities are linked to decision/policy makers and how they can make their voices heard for future change.

Participants were provided TRC background information prior to the meeting. The TRC document: 'Truth and Reconciliation Commission of Canada: Calls To Action' document was shared. Another document that provided some high-level reflections on the work of the TRC was also provided as a springboard for discussion. A talking circle process was used to allow participants to reflect on their own experiences, what they understood about the reconciliation process and any insights they had to share.

MEETING SUMMARY

Community Elders opened the meetings with the Haudenosaunee Thanksgiving address

Jan Kahehti:io Longboat provided welcoming comments and a teaching related to the importance of language. She used the Mohawk word Kanikonhri:yo (The Good Mind) to illustrate the power and beauty of words.

The Mohawk word 'Ka ni konhri:yo' can be defined with many concepts.

<u>Ka</u>	<u>nikonhri:</u>	<u>yo</u>
female	spirit	good
power	soul	nice
alter	consciousness	real
change	thought	positive
	mind	

Jan spoke about another word that illustrates the importance of language with the term: 'Yagonawasis'. In Mohawk this word means: helper, assists, nurtures, supports, mentor; to heal time and space. She noted that in the Ojibwe and Cree languages, this word means something similar: healing time and space and also that it was remarkable that words from different Indigenous languages could mean the same thing.

The participants and visitors were invited to the Talking Circle process and asked to consider a series of land reclamation reflections. The objective was to stimulate the participant's own reflections, ideas and experience related to History, Treaties, Justice & Land. The following themes were identified through this process.

Theme 1 - Consultation and Representation

There is a need for meaningful consultation. It is challenging for Indigenous people to be invited to various tables to participate in mainstream-led processes. One participant asked; "How can government and non-Native people represent all Indigenous people?"

Government need to do their own work to understand the issues and how to work with community. One participant expressed this gap in understanding as; "*They don't know what they don't know.*" Government and health, social and legal agencies also need to work with community participants in a way that meets their needs. For example, one participant spoke about being asked to review educational curricula that had been developed by the government; "*When we are asked to review/contribute to documents [Government development] they don't give you much time to do our own work. We can't just rubber-stamp.*"

The notion of advocacy was discussed. Two participants spoke about non-native 'champions' who we need from time to time to carry the word from the community to those in power. We need to work in partnership and collaboration but we also need to be cautious as tokenism still happens.

Recommendation: communities need to continue their own dialogue to keep the conversation going and to educate each other about both the United Nations Declaration, on the Rights of Indigenous People (UNDRIP) and the TRC.-(Articles 10, 11, 25, 26.)

Recommendation: communities need to have support and resources to build their own human capacity to participate in meaningful consultation when they are invited to various tables.

Recommendation: advocate that non-Indigenous partners and government are educated about the issues prior to consultation;

Recommendation: identify non-Indigenous allies who can collaborate with community in the work

Theme 2 - Capacity Building: Indigenous people in communities need training and education

We need to build the capacity of our own leadership. One participant expressed the need to work with our leadership and posed the question; "*Why would we expect less of our own Native leadership?*" She described how she returned to school to meet the teaching standards of being university-prepared to teach Culture.

Participants talked about family as teachers and extended community as teachers. Everyone of us carries knowledge, a gift that can be used to teach others. Indigenous people have always mentored other family members.

Child welfare agencies are working with parents and families to assist them with positive parenting and how to advocate.

Recommendation: we can support each other to participate in education - specific Calls to Action.

Recommendation: continue the work with leadership to promote and train others/families in positive leadership and advocating for Indigenous families

Theme 3 - A rights-based approach is needed when engaging with agencies

It was affirmed by several participants that we need to uphold community voice. There is a need for a rights-based, self-determining approach when engaging with authorities, agencies and government. For example, one participant spoke about how the ability to parent and nurture positive relationships within families has been negatively impacted by residential schools. As parents and families interface with child welfare, we need to apply our own Indigenous ways of parenting and enforce our own rights.

Recommendation: uphold and support community representation and voice at implementation discussions.

Recommendation: maintain and further promote a rights-based, self-determining approach in the implementation work ahead, the use of historical researched materials

Theme 4 - Culture and Identity

There is a “huge” need for diverse Indigenous cultural approaches in the work ahead to implement the TRC Calls to Action. Cultural teaching protocols and practices are an important lifeline for families in care. Working with traditional Elders can be an option for some, but Elders also need to be protected. They are often called upon by those in need of healing and they can experience burnout.

A major negative impact of colonization is confusion about cultural identity. Families who have parents or grand-parents who attended residential school are often in denial and survival mode. For example, they may have suppressed their histories due to experiences of internalized or other forms of racism or discrimination. They are in various stages of finding and affirming their Indigenous identities and often they must deal with an imposed validation by colonizing government policies. Indian status is an example here. Families can be split by status legislation and this can be a very painful experience. There is also a need for our own identity identification system.

Another issue related to identity is the negative stereotyping that occurs; one participant talked about how Indigenous people are often labeled as 'criminals'. Justice system experts have made the clear link between residential school and unlawful behaviour.

Recommendation: respect diversity in community approaches and priorities with respect to culture and identity

Recommendation: promote cultural teachings, customs, beliefs and protocols for families.

Recommendation: explore and implement ways to support and protect Elders from burnout

Recommendation: Promote understanding and support for those dealing with Indigenous identity issues, many people are experiencing the negative impact of colonizing practices such as residential schools that have left residual disconnection from Indigenous heritage for many families or feeling negative or bad about oneself because of engagement in unlawful behaviour.

Theme 5 - Indigenous Resistance

Individuals on occasion, engage in activities of resistance to colonizing practices and policies. For example one participant spoke about their experience in law school of having to swear allegiance to the Crown. Law students are required to do so in their third year.

Recommendation: acknowledge that some individuals, group or communities engage in violence to make a statement regarding their circumstances.

Theme 6 - Relationships and family

The notion of family was discussed and how Indigenous families are based on Clan systems whereas today, the focus is on single families with people only thinking of themselves and not the generations yet to come. We all have responsibilities in our roles as wives, husbands, mothers, fathers and grand-parents. An important consideration is relationship protocols. 'For example, residential school interrupted these learning processes and school survivors who did not learn cultural ways of parenting and now, parent in less - positive ways. Addictions have also played a role.

When we learn about our culture and values we learn that we as people are medicine for each other. We also have Mother Earth who we consider our mother so we are never alone. Even words in our languages, like the Thanksgiving opening address are our medicine.

Recommendation: Explore and implement ways to support Indigenous communities in the struggle to re-connect with traditional Indigenous family values

Recommendation: Remember our Indigenous teachings about strong community values.

Theme 7 - Need to maintain post

There is a concern that the TRC report will be shelved and that the Calls for Action will not be implemented. It was recommended that communities need to continue the discussion and maintain the momentum that we have now. They need to meet regularly with service providers from all sectors. A sense of urgency was also expressed and it was stated that action is needed in addition to dialogue.

Recommendation: we need to maintain momentum on the TRC response and support the community voice. Individuals and groups need to bring forward their ideas, concerns and recommendations to the Leadership.

Theme 8 - Need for Healing

There is a need for communities, families and individuals to understand the traumatic impact of colonization and be supported in their healing. Healing involves learning how to release difficult emotions such as anger, in a way that is not self-destructive or harmful to others. Learning how to channel anger can be motivating in a way that uses the 'fire' of your anger to fuel yourself for positive change. Healing lodges need to be available and accessible in communities to assist with anger work.

We need to reverse the stages of historical trauma. Traditional teachings are being used. Families are being educated to help themselves; reinforcing the notion that they don't always have to seek services; that they can help and heal themselves. We are designing programs the way we want to and not because of the threat of funding being taken away.

Recommendation: Explore and provide supportive services for individuals, families and communities as they engage in healing processes.

Recommendation: Promote and offer educational sessions regarding historical trauma.

Theme 9 - Need for Education

Community members often don't have opportunities to formally discuss topics such as UNDRIP or the TRC. More opportunities for dialogue and education are needed for 'grassroots' people and we need to include their voice through traditional ways. One participant described this as: "*coming together as a whole: the whole coming*". All forms of government need to be involved; for example, both the Six Nations elected Council and the Confederacy, Haudenosaunee Development Institute HDI and more education is needed. Community focus groups can be held and they can focus on one recommendation at a time. Each community needs to develop a solid plan to move forward. Indigenous education is needed in schools for our children.

Recommendation: provide opportunities for families to learn more about UNDRIP, TRC and Truth and Reconciliation

Recommendation: provide community - wide opportunities for dialogue and include traditional protocols. Include all forms of Indigenous government. Example: stories by the elders.

Recommendation: promote and develop Indigenous education on Indigenous History

Theme 10 - Our Civilization of Culture

The concept of 'culture' needs to be considered; the spiritual connection with our land (i.e. Land Back Lane in Caledonia where the last wet lands are being ripped up; we need to recapture a 'good mind' to enable a change for coming generations.

Culture is an effective way to work with grassroots people. One can find their voice through talking circles. One participant describe the practice of "*Picking our bundles back up today*." It was also proposed that communities need to work with the culture through guiding processes such as the Universal Law; the Cosmos Law and the Natural Law. Communication with confederacy (clan mothers) and community grass roots.

Recommendation: promote the notion of: 'reset'; re-claim and re-learn our culture.

Recommendation: promote the 'good mind' to enable a change for the coming faces under the earth. (the generations to come)

Recommendation: facilitate grassroots ways of dialogue in talking circles

Recommendation: teach communities about guiding processes such as the 'Universal Law', the 'Cosmos Law' and the 'Natural Law'. Why we need to protect Mother Earth.

Theme 11 - Governance and engagement

Recommendations:

- community engagements need to happen with a set of questions
- we need to clearly define the concept of 'native' communities
- we need to consider on/off - reserve jurisdictions
- the term 'self-identified' - we are indigenous to Turtle Island
- we need to feel safe to speak: we also need protection of our intellectual property
- we need to use our 'Two-Row' teaching to communicate; can be used as 'pillars' or a framework; (there are impacts of Assembly of First Nations involvement; Traditional Council doesn't want to be pulled in)
- respecting time for our people to talk to each other and for Traditional Councils to talk

We need to respect sovereignty:

- there is no way that the TRC Council can handle all concerns, voices & ideas for all nations across Canada;
- Let's find out what each traditional council from each community has to say; not elected Councils or government officials
- Government sections off (separates) native communities
- families have trust issues dealing with government officials
- hard to get grassroots groups going

Long ago we had people specializing in different areas; i.e. medicine people

- let's look today at who are specialized in what areas
- what if community disagrees with TRC Calls to Action?
- what do we do as a native community if we don't agree? Six Nations may have different views than Toronto Native communities.

Public dialogue is key to opening up discussions in our communities. The current trend for federal government is to only consult with national Aboriginal organizations who are supposed to be representative of various Indigenous groups. This can be problematic for some who don't agree with this process and don't believe their voice is adequately represented.

Another issue in communities is a split allegiance issue; people will question which side are you on? How do we get through the division? Reconciliation needs to take place among ourselves first.

Recommendation: Consider and involve community representatives in the development of the Six Nations Elders Council

Recommendation: Call on community 'specialists'; those with gifts in various areas i.e. the medicine people, educators etc. to participate.

Note: While a specific theme with respect to Indigenous women was not identified in the dialogue, the absence of one is perhaps significant in that women are often engaged in the work of the community. They look outside of their own needs to those of their families, their

communities and their nations; doing what they can to wholistically redress community-based issues and priorities. This is an important consideration in the ongoing dialogue; women-specific reconciliation issues and priorities need to be further explored.

NEXT STEPS - 'Re-setting, Re-claiming and Re-learning' our culture

The TRC Commission has essentially identified 'next steps' in the reconciliation process through their calls for action. The Commission has also called upon the Canadian government to fully adopt and implement UNDRIP as the framework for reconciliation (#43). Further, they have also called for the Government to develop "a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples" (#44)

The TRC Commission sees the importance of the Government's enactment of legislation to establish a 'National Council for Reconciliation'. [#53] The legislation will establish the Council as an independent, national, oversight body who will develop and implement the national plan that includes research and policy development, public education programs and resources. They will also monitor, evaluate and report on the progress of reconciliation.

As the Six Nations Elders Council is chosen and engages in this work, there are several important questions for communities to consider. For example; how will individuals and communities as a whole influence this process? How will we educate each other in communities? Who should play lead roles? How will we communicate our progress to communities and to others?

Challenges of Reconciliation

Indigenous peoples have been clearly articulating a vision with respect to reconciliation since 1996 when the Royal Commission on Aboriginal Peoples (RCAP) was released. The Fall of 2016 marks 20 years since RCAP was released. The Commission noted that RCAP observed that we needed a transformation in the relationship between Indigenous peoples and the Crown, that Canada must look to the historical Treaty relationship to establish a new relationship. A relationship based on "the principles of mutual recognition, mutual respect, sharing, and mutual responsibility regarding land claims now and in the future." (2015:186).

The TRC Commission affirms that developing a national vision of reconciliation has proved to be challenging in practice. They propose that Indigenous peoples and the Crown have differing and conflicting views on what reconciliation is and how best it is achieved.

"The Government of Canada appears to believe that reconciliation entails Aboriginal peoples' acceptance of the reality and validity of Crown sovereignty and parliamentary supremacy, in order to allow the government to get on with business. Aboriginal People, on the other hand see reconciliation as an opportunity to affirm their own sovereignty and return to the 'partnership' ambitions they held after Confederation." (2015:187)

Community Voices and TRC Implementation Work Ahead

“My understanding [of reconciliation] comes from a place and time when there was no English spoken ... from my grandmother who was born in the 1800s... I really feel privileged to have been chosen by my grandmother to be the keeper of our knowledge.... What do we need to do? ... We need to go back to ceremony and embrace ceremony as part of moving forward. We need to understand the laws of our people.” (Elder Barney Williams in; Honouring the Truth: Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada’ 2015:17)

The TRC Commission views reconciliation as an ongoing process of establishing and maintaining respectful relationships within all levels of Canadian society. Treaty relationships between Indigenous nations and the Crown have historically established the legal and constitutional foundation of this country, yet, there are those who remind us that Indigenous peoples ways of resolving conflict must be central to reconciliation. In the Commission’s report, Elder Fred Kelly advocates for our own traditional practices of restoring personal and collective peace and harmony. Further, that Indigenous people must have meaningful participation in the reconciliation process so that it is based on local culture and language. Self-determining processes are a critical element.

The Commission advocates that we need to expand the public dialogue and action on reconciliation beyond residential schools and that this will be critical in coming years (2015:8). Community-based dialogues hold promise towards increasing awareness regarding the reconciliation process and exploring diverse, local and self-determining ways to both implementing the Calls to Action and addressing the challenges that arise in the implementation phase.

The Commission heard from over 6,000 witnesses during its term. Yet, there are many who have yet to understand the work of the Commission and more importantly, the reconciliation process that is proposed. What will it mean to individual community members? How will their voices be heard? What tools do communities have available to them in the implementation process?

A way forward for communities

“We have described for you a mountain. We have shown you the path to the top. We call upon you to do the climbing.” - Justice Murray Sinclair.

As Indigenous peoples along with all Canadians look to the work ahead to implement the Calls to Action, Indigenous peoples worldwide have provided tools for action within the Declaration on the Rights of Indigenous People.

The United Nations Declaration on the Rights of Indigenous Peoples is acknowledged as the *“most comprehensive international human rights instrument to specifically address their economic, social, cultural, political, civil, spiritual and environmental rights. The Declaration sets minimum standards necessary “for the dignity, survival and well-being” of Indigenous peoples” (Joint Statement on Implementation, March 2011)*

The *Declaration* affirms peoples' right of self-determination. It calls on States to honour and respect Treaties and other agreements they have entered into with Indigenous peoples, to protect Indigenous languages and cultures, and to uphold Indigenous peoples' rights to lands, territories and resources.

The United Nations urges Indigenous peoples and their institutions to use the Declaration as a principled framework for advancing their rights, in their own policy and decision-making and in their negotiations with governments and other third parties.

They urge Civil Society organizations to work cooperatively with Indigenous peoples, in promoting and implementing their human rights and maintaining the Declaration as a living instrument.

They urge Educational institutions to include the Declaration in their curriculum, including teacher training.

Article 3 in the *Declaration* states that Indigenous people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

For First Nations communities then, the *Declaration* is a human rights instrument, a tool to assist them in addressing their issues at the local, regional and national level.

As such, communities are entitled to continue the dialogue regarding both the Declaration and the TRC. The recommendations included in this report through a community dialogue, highlight the various topics of discussion that was important to the participants. Although not exhaustive, they provide a starting point for future dialogue at the community level. Again, while a specific theme with respect to Indigenous women was not identified in the dialogue, the absence of one is perhaps significant in that women are often engaged in the work of the community. This is an important consideration in the ongoing dialogue; **women-specific reconciliation issues and priorities need to be further explored.**

We need to collectively make room for the voices and shared vision of individuals, families and communities as they step forward in this long climb to reconciliation and well-being. We need to value and encourage their journey as they draw on their cultural teachings, ceremonies and resilience to reclaim and renew their way of life for future generations. We need to ensure their voices continue to lead the way.

In many ways, Canada waged war against Indigenous peoples through Law, and many of today's laws reflect that intent ... the full adoption and implementation of the UN Declaration on the Rights of Indigenous Peoples will not undo the War of Law, but it will begin to address that war's legacies. - Senator Murray Sinclair, Truth and Reconciliation Chair, April 2016

APPENDIX 1 - LIST OF INVITED ELDERS / KNOWLEDGE KEEPERS

Attending Elders

Jan Kahehti:io Longboat
Tehahenteh
George Johnson
Norma General Lickers
Donna Sears Doolittle
Darlene Daly Doolittle
Lisa VanEvery
Amos Key

Invited Guests

Chief Mark Hill
OPP Provincial Liaison Team
Real Estate Lawyer Bill Liske
Elders Council met with Skylar Williams at Land Back Lane site
Tammy Wesley, Lawyer, Six Nations Council
Ex Chief - William Montour
Benjamin Doolittle

APPENDIX 2 - AGENDA

Opening, Greetings and Thanksgiving: Elder

Overview of the day - Elder Jan Kahehti:io Longboat

Session - Talking Circle

Discussion Question One: 'Community Perspectives' - What does the TRC 'Calls to Action' mean for communities?

Discussion Question Two: 'Listening to Community' - What is the most effective way to ensure community voices are heard on Land & Community issues?

Session - Wrap Up

What are concrete recommendations for next steps? Who should these recommendations be made/sent to?

1. Community input to local leadership.

The Six Nations Community Elders Council has now met for approximately ten sessions and will continue to meet as requested.

This report is compiled from meeting notes, personal comments and guest speakers. The Elders have committed to future meetings upon request.

APPENDIX 3 - RESUME JAN KAHEHTI:IO LONGBOAT

Jan Kahehti:io Longboat, Turtle clan of the Mohawk Nation is a knowledge keeper, educator, writer, herbalist, cultural advocate, and visionary having dedicated her life to the dissemination and learning of Indigenous language and culture. She shares her knowledge of Earth teachings, storytelling, fasting, dreams, visions, medicine teachings, women's roles and relationships, Haudenosaunee wampum belts, leadership, environmental changes, and the impact that her original language has on understanding important values for life. Kahehti:io is the keeper of the Earth Healing Herb Gardens and Retreat Centre at Six Nations. She believes our ancestors left us a great legacy of Indigenous knowledge with which we can carry our spiritual, physical, mental and emotional medicine bundles.

Longboat ran a ten-year program called *ldawadadi*, which won the Aboriginal Healing Foundation's best practices award, and an outgrowth project entitled Dotah's House to assist Indigenous women survivors to heal from the abuse of Residential schools while strengthening their communities through cultural knowledge. She has produced numerous articles, interviews, books, DVDs, audio CDs, radio and television shows, including her own publications the book "ldawadadi: Coming Home", DVD set "The Cycles of Mother Earth, and a booklet "Fasting: The natural healer for body, mind, spirit and emotions". As early as 1983, Longboat founded the Haudenosaunee Women's Circle and The Six Nations Community Elders Council in 2020.

Frequently called on as a counselor, committee and board member, Longboat has served on the Centre for Indian Scholars, Association of American Indian Physicians, Chiefswood National Historic Society Board, Six Nations Elders Council, Kanatsiohare:ke Mohawk Community and the Children's Aid Society of Brant, among others. Most recently she was invited to participate in the Canadian Centre for Accreditation to assist in the writing of standards for Indigenous policies. Kahehti:io served as a board member at the St. Michael's Hospital Well Living House in Toronto to organize an Indigenous maternal health care information centre, as well as on the elders council at the University of Toronto, Enaahdig Healing Lodge and Learning Centre, the Native Canadian Centre of Toronto, and the Indigenous Justice Division.

Longboat is currently an Indigenous Knowledge Keeper/advisor to the Ministry of Justice Aboriginal Court in Brantford, the Indigenous Justice Division. She taught at Mohawk College, McMaster University, and the University of Toronto and has worked with several Aboriginal health centres including Wabano, Desdwadadesnye and SOHAC.

Kahehti:io is recognized in her community and internationally, having received an Honorary Doctorate of Laws from Guelph University in 2011; the Six Nations Treasure Award in 2010; the "Peace Award" from the Indigenous Women's Initiative in 2008; and the Smithsonian's National Museum of the American Indian "Peacemaker Award" in 2007. In 2017 she received the Indspire Award for Culture, Heritage, and Spirituality; the Order of Canada, and the Einstein Legacy Foundation Award. Longboat received her degree as a Natural Health practitioner from the London School and Canadian College of Natural Healing and received a degree in counselling from Laurentian University. She continues to live, teach, write and garden on Six Nations of the Grand River where she was born and raised.

Handouts:

- The Haldimand Pledge
- The Haldimand Treaty
- Report letter: OPP Provincial Liaison Team
- Report handout: Ex Chief William Montour, 1492 Landback Lane - Colour of Right
- The Importance of listening to Community - Indigenous Justice Division
- Discussion and finding on Plank Road: Tehahenteh
- S.N. Elders Council Summary: Donna Daly
- Community Elders Response to Six Nations Band Council Statement: Kahehti:io

Other handouts are lengthy and may be requested for review:

- 1844 Land Surrender
- Chief Deskaheh's Last Speech
- Summary of land history - Ex Chief William Montour
- Indian Act
- Treaties
- S.N. Land Claims Brief - Tehahenteh

Report compiled and written by: Jan Kahehti:io Longboat, Clan Mother of the Mohawk Turtle Family, March 2021

COPY

KING GEORGE III OF ENGLAND

A charter issued to the Five Nations Indians in North America.

1. Condition

The Five Nations Indians Territorial Government Permanent Independency.

2. Condition

Conditionate, Permanent land of 12 Miles wide on the Grand River from its Mouth to its Source, to the Five Nations Indians.

3. Condition

Conditionate, as long as the Sun shall be moving in the Heavens, and Grass growing, and the waters flowing in the rivers, the Indians shall draw presents, blankets and other goods etc.

4. Condition

Conditionate, Exemption of statue labour, toll roads, toll bridges, and toll ferries.

5. Condition

Conditionate, that wherever land occupied by the white settler outside of the 12 Miles wide of the ~~Land~~ Grant to Indians, it shall only be the depth of the plough that he has the privilege to use the land, and the settler, if he wants to build a cellar or to dig a well, he must first obtain permission from the Six Nations Council.

6. Condition.

Conditionate, that certain trees standing any where in occupation by white settlers holding fee simple outside of the 12 Miles wide Land Grant to the Five Nations (Now Six Nations) namely Bass wood, Black Ash, and Hickory Trees shall be the property of the Six Nations Indians, games of all kinds, fish etc. The Indians shall not be molested at any time to hunt etc.

(Royal
Seal)

"When the pledge was made good by the Haldimand cession of 1784, the pledge parchment was no doubt surrendered to the British, for it has long been in the British Museum in London."

The Haldimand Treaty

FREDERICK HALDIMAND, Captain General and Governor in Chief of the Province of Quebec and territories depending thereon, &c., &c., &c., General and Commander in Chief of His majesty's Forces in said Province and the Frontiers thereof &c., &c., &c.

WHEREAS His Majesty having been pleased to direct that in consideration of the early attachment to his cause manifested by the Mohawk Indians, and of the loss of their settlement which they thereby sustained that a convenient Tract of Land under His protection should be chosen as a safe and comfortable retreat for them and others of the Six Nations who have either lost their Settlement within the Territory of the American States, or wish to retire from them to the British -- I have at the earnest desire of many of these His Majesty's faithful Allies purchased a Tract of Land from the Indians situated between the Lakes Ontario, Erie and Huron, and I do hereby in His Majesty's Name authorize and permit the said Mohawk Nation and such others of the Six Nations Indians as wish to settle in that Quarter, to take possession and settle upon the Banks of the River commonly called Ouse or Grand River running into Lake Erie, allotting to them for that purpose Six Miles deep from each side of the River beginning at Lake Erie, and extending in that proportion to the Head of the said River, which Them and Their Posterity are to enjoy forever.

Given Under my Hand and Seal at Arms at the Castle of St. Lewis at QUEBEC this Twenty-fifth day of October, One thousand seven hundred and eighty four and in the Twenty Fifth Year of the Reign of Our Sovereign Lord George the Third by the Grace of God, of Great Britain, France and Ireland, King Defender of the Faith and soforthe.

By His Excellency Command.

(Signed) R. MATHEWS.

(Signed) FRED, HALDIMAND.



Frederick Haldimand,
Captain General and Governor in
Chief of the Province of Quebec and
Territories depending Thereon, &c. &c. &c.
General and Commander in Chief of
His Majesty's Forces in said Province
and the Frontiers thereof, &c. &c. &c.

Whereas His Majesty, having been
pleased to direct that, in Consideration of the early attachment to
his cause, manifested by the Mohawk Indians and of the loss of their
Settlement which they thereby sustained, that a convenient Tract of Land
under His protection should be chosen as a safe and comfortable Retreat for
them and others of the Six Nations, who have either lost their Settlements
within the Territory of the American States, or wish to retire from them to the
British. I have at the earnest desire of many of these His Majesty's
faithful Allies, purchased a Tract of Land from the Indians, situated
between the Lakes Ontario, Erie, and Huron. And I do hereby, in His
Majesty's Name, authorize and permit the said Mohawk Nation and such
others of the Six Nations Indians as wish to settle in that Quarter, to take
possession of and settle upon the Banks of the River, commonly called Cass, or
Grand River, running into Lake Erie, allotting to them for that purpose, Six
Miles deep from each side of the River, beginning at Lake Erie and extending
in their proportion to the Head of said River, which them and their Posterity
are to enjoy forever.

Given Under my Hand and Seal at Arms, at the Castle of St. Louis at Quebec,
this Twenty-fifth day of October, One Thousand Seven hundred and Eighty-four,
and in the Twenty-fifth Year of the Reign of our Sovereign, Lord George the Third,
by the Grace of God of Great Britain, France and Ireland King, Defender of the Faith and
soforth.

By His Excellency's Commands,
R. Matthews.

Fred. Haldimand.

Upper Canada Secretarys Office,
March 20th 1795. Registered Lib. A. 312^A.

Certified True Copy of the Haldimand Deed.
By Chief William D. Laffly,
Speaker, Six Nations Council.
January 20. 1918.

An Opinion from West Region Provincial Liaison Team member on the Community Elders Council.

Members of the OPP West Region Provincial Liaison Team (PLT) had the opportunity to meet with the Community Elders Council on the 21st of August, 2020 and 14th of September, 2020. PLT was invited by Jan Longboat whom we have known for approximately a year. Jan informed PLT that the Council had some questions for the PLT/OPP and that this would be a good opportunity to open the doors of communication. This report was pulled from speaking with the five PLT members who have attended the Community Elders Council meetings.

Jan posed a variety of questions regarding our thoughts and experiences during the meetings.

How did PLT feel about the interaction?

- PLT were very pleased to receive the invitation, as this meant there was an opportunity to open lines of communication between the OPP and the Community members.
- PLT felt very welcomed, and felt the space was safe to provide real answers to questions
- PLT felt this kind of open communication allowed a better understanding of each other's perspectives and experiences
- PLT felt the setting was very conducive to discussion and sharing.

What does PLT think about the Community Elders Council?

- Feels like something the community needs
- We feel that this council can have an immense positive impact in the community and can potentially assist in the resolution to the current issue and future issues
- How unique and impactful it is that the Council has come together from a variety of backgrounds, sharing their time to assist the community in a peaceful, knowledgeable and dedicated way
- We feel that all the Elders have expertise that would be very beneficial to the current situation on Mackenzie Meadows.

What we learned from attending the meetings?

- Some history about Six Nations Territory and their people
- Individual stories from the Elders were heard and these shared stories affect and impact people's lives on various levels.

1492 LANDBACK LANE – COLOUR OF RIGHT

The land defenders of 1492 Landback Lane have taken the responsibility to defend the rights of Six Nations to a small portion of land that comprised of a part of Oneida Township.

Based on the understanding that I have of this action by the land defenders is justified in light of the documented Specific Claim research.

'The following is the Six Nation Claim summary submitted to Canada on September 20, 1990 based on Canada's Specific Claims Policy and received by the Specific Claims Branch on September 27, 1990.

In a petition of the Chiefs of Six Nations on June 24, 1843, they reserved for their future residence all the lands on the south side of the Grand River laying between the Township of Cayuga and Burtch's Landing, which includes Oneida Township.

The Province of Canada passed an Order-in-Council on October 4, 1843 acceding as petitioned to the Six Nations on the South Side of the Grand River as being reserved for them. Thus, Oneida Township being on the South Side between Burtch's Landing and Cayuga is considered as not surrendered but reserved.

A Public Notice was then issued on March 28, 1844, relative to Six nations lands stating that the lands on the South Side of the Grand River between the Township of Brantford and Cayuga are set apart for the exclusive occupation of the Six Nations Indians.

Subsequently, on May 16, 1844 Samuel P. Jarvis reports on the petition of Mr. Brown on behalf of the squatters. Jarvis states that the lands from Burtch's Landing to Cayuga as reserved for the Indians by an Order-in-Council of October 4, 1843 cannot be disposed of in fee simple without the consent of the Indians.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations".

In the past, my generation of leadership put Canada on notice back in the 1980's and 1990's that they should begin to deal with the "unfinished business" of the past Treaty Rights discretions by the Crown and it's minions in terms not respecting the historic rights Indigenous people across Canada.

A clear statement was put forth by a leader of the time "that Canada had better talk to us now because the young leaders of the future will not be so willing to sit and wait for the Specific Claims process to settle this unfinished business."

Getting back to the possible defense of the land protectors, I suggest that their legal team consider a "colour of right" defense.

Colour of Right

General Principles

A colour of right is a defence to certain property-related offences. It is an honest belief on the part of the accused that they had a right to possess certain property, despite that there was no true basis for the belief in fact or law.^[1] This does not include mere belief in a moral entitlement to the property.^[2] This can also apply as a form of "mistake of fact" where there is an honest but mistaken belief in facts, which if true, would have justified or excused the offence.^[3]

Must Act Honestly and in Good Faith

"Colour of right" refers to "an assertion of a proprietary or possessory right to the thing". An "honest" belief in a claim to the property is not without the "colour of right" irrespective of whether there was a mistake of fact or law.^[4] Where the accused asserts a mistaken belief the requirement is "merely a particular application of the doctrine of mistake of fact."^[5]

The Crown must prove that the accused acted "without colour of right" and must be acting dishonestly and in bad faith

This my own personal contribution to helping to protect our young people from the strong arm of the law enforcement who are the enforcers of Canadian Law and have no capacity to determine the validity of legal concepts of historic wrongs that are in need of political solutions.

I urge our neighbors in the surrounding municipalities to become aware of and understanding of the past wrong foisted on Six Nations by our former allies.

This is not just a Six Nations conflict but a national one where the Indigenous Nations across Canada are willing to continue protests and civil disobedience to get justice for our coming generations.

- Submitted by Bill Montour (ex-chief - SN)

Truth and Reconciliation: The Importance of Listening to Community

REFLECTION #1 Reconciliation: what's in a definition?

The TRC mandate describes reconciliation as “an ongoing individual and collective process, and will require commitment from all those affected including First Nations, Inuit and Métis former Indian Residential School (IRS) students, their families, communities, religious entities, former school employees, government and the people of Canada. Reconciliation may occur between any of the above groups.”

- an ongoing process of establishing and maintaining respectful relationships.
- is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country.
- must inspire Aboriginal and non-Aboriginal peoples to transform Canadian society so that our children and grandchildren can live together in dignity, peace, and prosperity on these lands we now share.

REFLECTION #2 The need for public dialogue.

Expanding public dialogue and action on reconciliation beyond residential schools will be critical in the coming years.

While the Commission has been a catalyst for deepening our national awareness of the meaning and potential of reconciliation, it will take many heads, hands, and hearts, working together, at all levels of society to maintain momentum in the years ahead.

REFLECTION #3 The need for truth and justice.

Elder Jim Dumont “in Ojibwe thinking, to speak the truth is to actually speak from the heart.”

Without truth, justice is not served, healing cannot happen, and there can be no genuine reconciliation between Aboriginal and non-Aboriginal peoples in Canada.(p.12-ref-31)

Everyone who attended TRC National Events or Community Hearings should see themselves as witnesses also, with an obligation to find ways of making reconciliation a concrete reality in their own lives, communities, schools, and workplaces.

REFLECTION #4 Indigenous ways of knowing

Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions. It is important that all Canadians understand how traditional First Nations, Inuit, and Métis approaches to resolving conflict, repairing harm, and restoring relationships can inform the reconciliation process.

Traditional Knowledge Keepers and Elders have long dealt with conflicts and harms using spiritual ceremonies and peacemaking practices, and by retelling oral history stories that reveal how their ancestors restored harmony to families and communities. These traditions and

Truth and Reconciliation: The Importance of Listening to Community

practices are the foundation of Indigenous law; they contain wisdom and practical guidance for moving towards reconciliation across this land.

REFLECTION #5 How do we do reconciliation?

Quote: Elder Barney Williams "My understanding [of reconciliation] comes from a place and time when there was no English spoken ... from my grandmother who was born in the 1800s.... I really feel privileged to have been chosen by my grandmother to be the keeper of our knowledge.... What do we need to do? ... We need to go back to ceremony and embrace ceremony as part of moving forward. We need to understand the laws of our people."

- there is both a place for talking about reconciliation and a need for quiet reflection.
- Reconciliation cannot occur without listening, contemplation, meditation, and deeper internal deliberation.
- Learning how to live together in a good way happens through sharing stories and practising reconciliation in our everyday lives.
- These stories are so important as theories but at the same time stories are important to oral cultures.
- reconciliation requires talking, but our conversations must be broader than Canada's conventional approaches. Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also requires reconciliation with the natural world.

Educators told us about their growing awareness of the inadequate role that post-secondary institutions played in training the teachers who taught in the schools. They have pledged to change educational practices and curriculum to be more inclusive of Aboriginal knowledge and history.

Artists shared their ideas and feelings about truth and reconciliation through songs, paintings, dance, film, and other media.

Corporations provided resources to bring Survivors to events, and, in some cases, some of their own staff and managers.

For non-Aboriginal Canadians who came to bear witness to Survivors' life stories, the experience was powerful. One woman said simply, "By listening to your story, my story can change. By listening to your story, I can change."⁵⁵

Truth and Reconciliation: The Importance of Listening to Community

REFLECTION #6 Reconciliation as relationship

In its 2012 Interim Report, the TRC recommended that federal, provincial, and territorial governments, and all parties to the Settlement Agreement, undertake to meet and explore the United Nations Declaration on the Rights of Indigenous Peoples, as a framework for reconciliation in Canada. We remain convinced that the United Nations Declaration provides the necessary principles, norms, and standards for reconciliation to flourish in twenty-first-century Canada.

A reconciliation framework is one in which Canada's political and legal systems, educational and religious institutions, the corporate sector and civic society function in ways that are consistent with the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples, which Canada has endorsed.

We must learn how to practise reconciliation in our everyday lives—within ourselves and our families, and in our communities, governments, places of worship, schools, and workplaces.

For many Survivors and their families, this commitment is foremost about healing themselves, their communities, and nations, in ways that revitalize individuals as well as Indigenous cultures, languages, spirituality, laws, and governance systems.

For governments, building a respectful relationship involves dismantling a centuries-old political and bureaucratic culture in which, all too often, policies and programs are still based on failed notions of assimilation.

For churches, demonstrating long-term commitment requires atoning for actions within the residential schools, respecting Indigenous spirituality, and supporting Indigenous peoples' struggles for justice and equity.

Schools must teach history in ways that foster mutual respect, empathy, and engagement. All Canadian children and youth deserve to know Canada's honest history, including what happened in the residential schools, and to appreciate the rich history and knowledge of Indigenous nations who continue to make such a strong contribution to Canada, including our very name and collective identity as a country.

For Canadians from all walks of life, reconciliation offers a new way of living together.

Truth and Reconciliation: The Importance of Listening to Community

REFLECTION #7 - How will community Voices influence the reconciliation process?

The TRC in their Calls for Action under the area of 'Reconciliation' have called for the Government to enact legislation to establish a '**National Council for Reconciliation**'. [#53] The legislation will establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations and consisting of Aboriginal and non-Aboriginal members.

An important element of their mandate is to:

"Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian Society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action."

Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs and resources.

Promote public dialogue, public/private partnerships and public initiatives for reconciliation

Questions for consideration:

How will individuals and communities as a whole influence this process?

How will we educate each other in communities?

Who should play lead roles?

How will we communicate our progress to communities? To others? [Who?]

Discussion and findings on Plank Road and dispossession of land known presently as 1492 Land Back Lane

Anniversary of the Haldimand Deed, October 25th, 2020.

This Information Package is put forth to our members of Six Nations of the Grand River Territory to come together as one mind, and for the purpose of revealing RELEVANT FACTS so that the community of people, can respond as informed community members.

Timeline

Allies of the Crown

- **1775-83** The Six Nations ally with the British during the American Revolution, losing a significant piece of their territory in present day New York as a result. (34.916 million acres)
- **1784** Sir Frederick Haldimand, governor of Quebec, grants 950,000 acres (acquired by treaty from the Mississauga) to the Six Nations as a settlement: “six miles deep” from either side of the Grand River. It is commonly called the Haldimand Tract.
- **1793** Haudenosaunee leaders say the Haldimand Proclamation grants them freehold title to the land. The Crown disagrees.
- (https://indigenousfoundations.arts.ubc.ca/royal_proclamation_1763/)
- Lieutenant governor of Upper Canada, John Graves Simcoe, issues a patent upholding the Proclamation. But the new patent doesn't include the Grand River headwaters, reducing the territory size. (almost in half)

Six Nations oppose influx of settlers

- **Early 1800s** Mohawk leader Thayendanegea (Joseph Brant) authorizes sale and lease of some parcels. Many settlers are squatters. Six Nations petition the Crown and ask for their removal.
- **1830s** Crown approaches the Six Nations to build a “plank road” through their territory. Six Nations agree to lease the land. (The plank road later becomes Argyle St. and Highway 6 in Caledonia, where several blockades and protests occur throughout the 21st century)
- **1835** A founding figure, Ranald McKinnon arrives along with the Grand River Navigation Company in future-Caledonia. Squatting on Haldimand Tract increases.
- **1841** Samuel Jarvis, chief superintendent of Indian Affairs, tells the Six Nations that the Crown will not forcefully evict the 2,000 squatters. Caledonia's population is about 300.
- He proposes that the Haudenosaunee surrender their lands to the Crown to prevent further encroachment in return for cash and a 20,000-acre reserve.
- The Crown obtains the disputed “general surrender” under those terms after six chiefs sign the document. Fifty-one chiefs and warriors protest the surrender a month later, saying Jarvis coerced or manipulated those who signed.

- **1850** Crown passes a proclamation setting the Six Nations reserve at its current size, approximately 47,000 acres (19,020 hectares) or less than 5 per cent of the original Haldimand Tract.
- **1853** Crown sells the future McKenzie Meadows land to Thomas Nicholls. The grant explains that the parcel in Oneida Township is Six Nations reserve land and that proceeds will go to the Six Nations. (There is no evidence that the proceeds were deposited into Six Nations trust fund.)
- **1867** The British North America Act – See Section 139

Traditional government banned, land claims begin

- **1923** Deskaheh (Levi General), a Cayuga hereditary chief, travels through Europe seeking international recognition for the Haudenosaunee.
- **1924** RCMP depose the traditional government and install an Indian Act elective system. Police seize wampums and lock chiefs out of their council hall.
- **1927** Government makes it illegal for bands under the Indian Act to hire lawyers to advance legal claims against Canada.

(https://indigenousfoundations.arts.ubc.ca/the_indian_act/#amendments)

- **1959** RCMP quash a revolt by hereditary chiefs who attempt to reinstate traditional government.
- **1980-95** The Six Nations launch 29 land claims against the Crown.
- Claim No. 5 includes the Douglas Creek Estates land, which was reclaimed in 2006.
- Claim No. 16 is for the former Oneida Township, which includes McKenzie Meadows.
- Crown closes all claims after the Six Nations sue Canada and Ontario for an accounting of all cash, land or assets owed as a result of alleged misdealing along the Grand River.
- (“**Six Nations** did not receive full and fair compensation for the lands sold.” Ottawa **closed** this and **all** other unsettled **claims after** the **nations sued** Ontario and **Canada** 1995.)

Douglas Creek Estates conflict

- **2003** A developer submits a draft subdivision plan for McKenzie Meadows.
- **2004-05** Six Nations pause their lawsuit to explore negotiations with Canada and Ontario.
- **2006** Six Nations people occupy the Douglas Creek Estates (DCE) subdivision, renaming it Kanonhstaton (Mohawk for “The Protected Place”). It becomes one of the longest, most expensive and bitterest First Nations land occupations in Canadian history, marked by violent police raid and clashes between Six Nations people and Caledonians.
- Ontario buys the land from Henco Industries to cool tensions. The land remains in Ontario’s name held in trust.
- **2007-08** Canada, Ontario and Six Nations hold talks on the conflict. The traditional system, the Haudenosaunee Confederacy Chiefs Council (HCCC), leads the way.

- **2009** Talks sputter. The Six Nations reactivate their accounting claim, led by the elected council. A trial is scheduled for October 2022, the council says.
- **2013-14** Direct action, protests, blockades and occupations resume. The Confederacy constructs a large gate, emblazoned with purple and white Haudenosaunee flags across it, at the entrance to Kanonhstaton.
- Community consultation rejects McKenzie Meadows project. Elected council decides not to support it.
- **2015** McKenzie Meadows developer Foxgate Developments acquires land from a numbered company.

McKenzie Meadows dispute

- **July 19, 2020** Six Nations members occupy a construction site at 1535 McKenzie Rd., renaming it 1492 Land Back Lane.
- The subdivision is across town but linked to Kanonhstaton through a hydro and pipeline easement access road.
- **July 30** Foxgate Developments obtains an injunction ordering the camp dismantled.
- **Aug. 5** The Ontario Provincial Police (OPP) enforce the injunction. Police use a taser and rubber bullets to clear the property and arrest nine people.
- Six Nations people respond with a tire fire and barricade outside the gates of Kanonhstaton. People shut down CN tracks and blockade the Highway 6 bypass.
- **Aug. 7** Justice John Harper extends Foxgate's injunction. He also grants an injunction to Haldimand County that orders the roadblocks dismantled.
- **Aug. 15** Confederacy chiefs publicly support the occupation.
- **Aug. 19** Federal ministers Marc Miller and Carolyn Bennett offer to resume negotiations in a letter sent to traditional and elected chiefs.
- **Aug. 21** The community dismantles most of the barricades. The Highway 6 bypass reopens. Trains start moving.
- People erect a support camp on Kanonhstaton, across the street from access road into McKenzie Meadows.
- **Aug. 22** The last of the main blockade outside Kanonhstaton is removed.
- **Aug. 25** Court extends both injunctions. Spokesperson for the action Skyler Williams is identified as a "protest leader" and named on the injunction.
- **Sept. 16** Arrests continue. OPP release the names of 22 people charged in connection to the occupation or blockades.
- **Oct. 9** Court extends injunctions again. A police affidavit says police are wary of removing camp occupants a second time, calling force "a blunt instrument that cannot resolve the issues underlying land disputes of this nature."
- Harper gives Williams, who self-represents in court, an ultimatum: Dismantle the camp and be allowed to participate in future court hearings or flout the order and be preventing from attending.

(Aptn NATIONAL NEWS report, October 2020)

Added recent developments

- **Oct. 22** Injunctions are made permanent by the court, and Skylar Williams was not allowed to participate in proceedings. OPP presents on territory antagonizes situation. Barricades go up again.

Background

It is observed that there are two opposing views regarding land on Turtle Island, and these views have created a wide divide in peaceful coexistence. In the traditional view, land and everything upon the land are living, and is cherished as a relationship of love, respect, honour and is crucial to the survival and well-being of the people. The people wish to continue this sacred relationship as it represents the future based on a history that has sustained our people since the beginning of time. This relationship is observed daily in what is known as Kanonhweratónhtshera, which may be described as ‘a giving of acknowledgement and partnership coming from our consciousness, from the energy of heart felt gratitude and expressed audibly to all gathered in assembly, sending these words of vibration to each part of nature here on earth and to each part of the cosmos’.

There are also the ‘colonial’ views of lands which is based upon ownership, extraction of resources for profit without consideration to the consequence, or any visible expression of concern. The Canadian government relies on the colonial doctrine of discovery, claiming that they have obtained underlying title to the land at the declaration of British Crown sovereignty. The Canadian state’s development and implementation of its racist construct of our territories and resources vesting in the Crown is a continuation of racism and racial discrimination against our Nations leading to a denial of our rights in our territories.

Aboriginal peoples have not been simply the passive victims of this process. They have used any means at their disposal to halt the relentless shrinkage of their land base. From an Aboriginal perspective, treaties were one means to that end. But Aboriginal people insist that the Crown has failed to uphold those agreements and has generally broken faith with them. And since the nineteenth century, they have continuously protested – to government officials, to parliamentary inquiries, and the courts – what they see as the resulting inequity in the distribution of lands and resources in this country... Conflict over lands and resources remains the principal source of friction in relations between Aboriginal and other Canadians. If that friction is not resolved, the situation can only get worse.

The Royal Commission on Aboriginal Peoples

The following are the words set in motion by the Trudeau leadership (Pierre Elliot)

Specific land claim resolution is in essence, righting a wrong. As set out in the Specific Claims policy, there are “lawful obligations” and “beyond lawful obligations” that if breached, provide grounds for a valid claim and the reasonable expectation that a settlement should be made. Under

the 1982 'Outstanding Business - A Native Claims Policy' there is a clear articulation of such an obligation:

1) Lawful Obligation The government's policy on specific claims is that it will recognize claims by Indian bands which disclose an outstanding "lawful obligation", i.e., an obligation derived from the law on the part of the federal government. A lawful obligation may arise in any of the following circumstances:

- i) The non-fulfillment of a treaty or agreement between Indians and the Crown.
- ii) A breach of an obligation arising out of the Indian Act or other statutes pertaining to Indians and the regulations thereunder.
- iii) A breach of an obligation arising out of government administration of Indian funds or other assets.
- iv) An illegal disposition of Indian land.

2) Beyond Lawful Obligation In addition to the foregoing, the government is prepared to acknowledge claims which are based on the following circumstances:

- i) Failure to provide compensation for reserve lands taken or damaged by the federal government or any of its agencies under authority.
- ii) Fraud in connection with the acquisition or disposition of Indian reserve land by employees or agents of the federal government, in cases where the fraud can be clearly demonstrated.

Under this federal policy, breaches of these obligations or "specific claims" give rise to negotiation and compensation.

With these concepts in mind, we must make ourselves aware of the language being used by government, specifically the words, '**specific land claims policy**' which means the extinguishment of our rights given by creation. Under these words we no longer exist as Onkwehón:we (Real People) allies to the Crown, but become subjugated to the lowest form of citizen in Canada without equal rights compared to other subjects. Basically, it is the same agenda as the '**white paper**' of 1969, which is extinguishment of rights, as opposed to being Nations and allies of the Crown.

Statement of the Government of Canada on Indian Policy – White Paper 1969

http://epe.lac-bac.gc.ca/100/200/301/inac-ainc/indian_policy-e/cp1969_e.pdf

The White paper of 1969 proposed to:

- a. eliminate Indian status
- b. dissolve the Department of Indian affairs within five years
- c. abolish the Indian Act
- d. convert reserve land to private land that can be sold by the band or its members
- e. transfer responsibility for Indian affairs from the federal government to the province and integrate these services into those provided to other Canadian citizens
- f. provide funding for economic development
- g. appoint a commissioner to address outstanding land claims and gradually terminate existing treaties

Let us look at 'Lawful Obligation .

The Canadian government's policy on specific claims is that it will recognize claims by Indian bands' ... and notice the same wording 'specific claims. Also notice 'Indian bands' meaning those Nations under Canadian government installations known as elected council.

So, the elected council is the instrument that brings in 'specific land claims policy' as this is the legislation that extinguishes our rights as Nations and entrenches '4th level of indigenous government and permanent subjugation of First Nations.' This imposes municipal status plus land taxes.

Now let's look at...

'iii) A breach of an obligation arising out of government administration of Indian funds or other assets.'

In the report of Michael Coyle, the Canadian governments 'fact finder' at Caledonia on April 7, 2006, Michael Coyle writes " It should also be noted that in many cases, no surrender was actually made, or as in the case of the purported 1841 surrender, **bribery and duress were potential factors.**" [Emphasis added]

Furthermore, the purported 1841 surrender does not meet the requirements for the lawful alienation of Indian lands as stipulated in...

The Royal Proclamation of 1763

This document sets out the following:

- a. Indian lands could only be granted if the lands were surrendered or ceded by the Indians to the Crown;
- b. colonial governments could not grant unceded Indian lands;
- c. private persons could not settle on unceded Indian lands;
- d. private persons could not possess or own unceded Indian lands;
- d. private persons could not purchase unceded Indian lands from Indians.

The Royal Proclamation was never repealed and continues today as part of the law in force in Ontario and Canada and therefore binds the Crown.

Section 139 British North America Act

As to issue of proclamations before union to commence after union 139 Any proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union whether relating to that province or to Upper Canada or to Lower Canada and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union has not been made. B.N.A. 1867, 30 Victoria, c.3, s.139.

Haldimand Proclamation 1784

States in part ... "in His Majesty's name authorise and permit the said Mohawk Nation and such others of the Six Nation Indians as wish to settle in that quarter to take possession of and settle upon the banks of the River called Ours [Ouse] or Grand River running into Lake Erie, allotting

them for that purpose six miles deep from each side of the river beginning at Lake Erie and extending in that proportion to the head of the said river, which them and their posterity are to **enjoy for ever.**" [Emphasis added]

The Simcoe Patent 1793

Under the Simcoe Patent the following terms are set out:

- a. the Six Nations could not alienate any of their land except by surrender to the Crown at a public meeting of the chiefs, warriors, and people of the Six Nations;
- b. Six Nations could sell, gift or exchange lands with other members of Six Nations but not to Non-Six Nations people unless there was first a surrender to the Crown
- c. Six Nations people were to enjoy free and undisturbed ownership of the lands noted in the Simcoe Patent under the protection of the Crown.

In reference to Plank Road, including that known today as 1492 Land Back Lane, which is situated in Oneida Township, there are no government records of deposit to Indian Trust funds from the Crown on this alleged surrender.

So, is this a breach of Indian funds or failure to provide compensation, or a breach of an obligation arising out of government administration of Indian funds or other assets? Perhaps it was only 'fraud in connection with the acquisition or disposition of Indian reserve land by employees or agents of the federal government.'

In court documents, Foxgate the developer of McKenzie Meadows, argued the land was no longer Haudenosaunee territory because it had been sold in 1853 by a Canadian Indian Agent – an officer of the federal government of the day and not a representative of the Haudenosaunee – to a private buyer.

(Report of The Standard, by Grant LaFleche, Fri., Sept. 4, 2020)

Does this suggest that an officer of the federal government was a member of Six Nations, or that the land was first surrendered to the Crown?

Canada Constitution Act - 1982

Constitution Act

As to issue of Proclamations before Union, to commence after Union

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a Time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several Matters and Things therein proclaimed, shall be and continue of like Force and Effect as if the Union had not been made. (70)

Marginal note: As to issue of Proclamations after Union

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or

of Quebec, as its Subject Matter requires, under the Great Seal thereof; and from and after the Issue of such Proclamation the same and the several Matters and Things therein proclaimed shall be and continue of the like Force and Effect in Ontario or Quebec as if the Union had not been made. (71)

Going back to 2006 during talks with Canadian government negotiators, the government agents relied on two alleged general surrenders of 1841 and 1844. The Superior Court of Justice ordered an AMICUS to clarify the matter and is a Court File No. CV-08-334.

Turning to page 44 of the **AMICUS** report;

112. Professor Johnston does not accept the instrument dated January 18, 1841 as demonstration a valid surrender because there is no evidence as to whether this instrument was ever approved by Order in Council.

(Reference : Johnston Report, Part II, paras. 26-29, 38 and Appendix “C”, Expert Compendium, Tab 6)

113. However, the validity of the 1841 surrender is not determinative since the experts appear to be in agreement that if the lands were surrendered in 1841, any ostensible surrender was rescinded on October 4, 1843.

Council meetings 1844

117. The December 13, 1844 minutes indicate that the position to surrender the lands in question was previously put to the Six Nations at meetings held on October 17th, 24th and 31st.

On these dates, the Six Nations failed to agree to surrender these lands.

(references noted on each section)

120. According to the minutes of the meeting on December 18, 1844, 47 Chiefs were present, however, only 45 signatures appear on the minutes. In Cross-examination, Ms. Holmes agreed that, “ they [the 47 or 45 chiefs] are not all Chiefs of Council. They are not all the Chiefs of the Six Nations...” Further, she agreed that, aside from what the record states, she could not confirm that all the 45 signatories were even Chiefs. Accordingly, there is no evidence that “all of the Chiefs” (or the warriors or women) as required by the Simcoe Patent agreed to a surrender ...

124. The Crown was prepared to accept the surrender of Crown Lands but it did not wish to reserve all of the lands that Six Nations asked for in return. Accordingly, there was no deal between the Crown and the six Nations on December 18, 1844 with respect to a surrender of lands. On Cross-examination Ms. Holmes agreed:

(Reference: Holmes Cross-Examination, p. 64, q. 234-235, Expert Compendium, Tab 35.

130. In this case, the negotiations between the Six Nations and the Crown with respect to which lands were surrendered and which were to continue to be reserved occurred within approximately one month of the December 18, 1844 meeting. If the negotiations are combined with the petitions of August 2, 1845 and February 18, 1846, along with the evidence before. This

Court that on three prior occasions (October 17, 24, and 31, 1844) the Six Nations refused to surrender the lands in dispute, an argument may be made that the intervention of the Commissioner and the Superintendent on December 18 had the effect of inducing the Six Nations to agree to surrender the lands in dispute at such time.

McKenzie Meadows now known as 1492 Land back lane

McKenzie Meadows is located in the Haldimand tract known as the Oneida Township. Squatters were moving in various areas of the Haldimand tract including the area that is presently under debate. According to squatters' rights being recognised at that time, there was a requirement to occupy the land for a period of ten years or more. The squatter who occupied this piece of land sold the Land to a Thomas Nicholls family after having only occupied the land for five years. The Nicholls had friends who worked in land registry, and together they called on the Crown issue them a title for the land, and the Crown granted the petition, according to records, and various correspondence.

Over the years the colonial title has been transferred and sold to others.

Flashback Douglas Creek Estates now known as Kanonhststaton

It has been said that "Hopefully, it will be the last time our people have to go through anything like this. The message to Canada is that it must now deal with the issue of our land and the trust (fund) that they have never been accountable for, it must honour our treaties, accept responsibility for its own abuses against our people, deal with the theft of our land and resources, and righting the wrongs in an acceptable time frame. The lands claim process designed by Government through the department of Indian affairs is a scam. The whole process is designed not to protect our interests in the land, but to continue to sell land that they deem 'surplus crown land' (meaning any land that belongs to our people that they want or can use/sell) and nowhere in the process is it ever intended to return land, they only want to get out the check book and it is usually that is AFTER development. This is no longer acceptable and must be stopped".

Personal comment, regarding 1492 Land Back Lane

Considering this information, I would conclude that the land was not sold and the sorted matter of squatter sale to a third party is not a valid sale, morally or legally. It seems to be a thin argument used to dispossess land, and the court is using this argument to legitimise an injunction and criminalise defenders of the land.

I would also conclude that we as a community should first petition our traditional Chiefs and Clan Mothers along with Elect band Council to insist that a moratorium on all commercial development be placed on lands that are coming into litigation. I have been told that the accounting litigation of 1995 is scheduled to be heard in 2022. That would then remove the threat of being arrested, repair could begin on the damaged roads and railway, and our neighbours would not be inconvenienced because the Federal Government has shirked its' fiduciary responsibility in these matters for such a long time.

Furthermore, our constitution Kayaneren'kó:wa, states that when the leadership of the community is not carrying out the wishes of the community of people, then it is up to the community to take action on their own.

Let us tie our arrows together as one and let our voices be heard.

1492 Land Back Lane Official Pages

Twitter: @1492LBL

Facebook:

[1492 Land Back Lane](#)

(page) &

[1492 Land Back Lane](#)

(group)

Other Social Media Pages:

One Dish One Mic

Twitter: @OneDishOneMic

Facebook:

[One Dish, One Mic](#)

Sarah Dover

Twitter: @sarahN3T

1492 LBL Windsor Law Coalition

Twitter: @1492windsorlaw1

Facebook:

[1492 Windsor Law Coalition](#)

Instagram: [1492 LBL Windsor Law Coalition](#)

Real People's Media

Facebook:

[Real Peoples Media](#)

 **OFFER FINANCIAL SUPPORT** 

GoFundMe:

<https://www.gofundme.com/f/legal-fund-1492-land-back-lane>

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****Phone Scripts & Email Templates****

https://drive.google.com/file/d/1JsyloVt7alhTyzxX1wr_zHVaiMPr40qP/view

“A nation is not conquered until the hearts of its’ women are on the ground. Then it is done, no matter how brave its’ warriors nor how strong their weapons.” - Cheyenne Proverb

Six Nations Elders Council

Summary and Suggestions

The Six Nations Elders Council was brought together by SNEC and led by Jan Kahehti:io Longboat to put together an objective view of issues facing the Six Nations territory.

Council consisted of: Jan Kahehti:io Longboat, Norma General Lickers, Tehahenteh (Frank Miller), George Johnson, Lisa VanEvery, Darlene Daly and Donna Sears.

Weekly meetings were held gathering information to present to the community. On August 1, 2020 the first meeting was held, opening with the Thanksgiving address followed by comments from Jan Longboat guiding the council and setting the energies for a good mind as we commenced on our journey.

The OPP Liaison Team:

The OPP team met with the Elders Council to express their concerns on the 1492 Land Back Lane protest and ask for input and guidance on how best to go forward in containing the situation. They also discussed how they had the responsibility to enforce the injunction as ordered by the Justice department.

As mediation was not working and now there were so many factions: Foxgate/Land Defenders/Six Nations Council/HCC/Provincial and Federal Government.

It was stated anyone going to the 1492 Land Back Lane site would be arrested but if the Elders Council could go and speak with the land defenders, they would not be charged.

The OPP were looking forward to resolution of our meeting today as everyone was waiting for the Government to come to the table and nothing had yet been heard from Six Nations Council.

On October 9/20 the OPP came back to our meeting to report in response to the court issued injunction and on unresolved issues, asking again for the Elder’s Council to speak with land defenders on the 1492 Land Back Lane site.

Jan Longboat, Tehahenteh, and Norma General Lickers met with Skylar Williams on 1492 Land Back Lane to discuss issues brought by the OPP and also to hear concerns brought forward by the land defenders.

Ex-Chief Bill Montour attended a meeting to give his view of the political situation on Six Nations and to bring forward pertinent information on other situations that had been faced by Six Nations and how this information could be used as a template for what and what not to do in future negotiations.

Chief Mark Hill agreed to be an honoured guest and brought with him information, history and current processes that the Six Nations council was doing to quell the protests and also how council was communicating with the community.

The lawyer for Foxgate attended a meeting to share their clients’ view of the property and to listen to our views on the land dispute.

Members of the Elder's Council consisting of Jan Longboat, Tehahenteh, Donna Sears and Darlene Daly went to the 6 x 6 site to burn tobacco to clear the energies of the situation on 1492 Land Back Lane, for the OPP, for Six Nations and all entities involved.

Suggestions:

1. It was suggested that people are needed and taught to negotiate in the government of Canada's terminology to be prepared for legal disputes
2. It was suggested that the Elder's Council meet with the SNEC, HCC and Clan Mother's to find and discuss how they see the growth of Six Nations and our future generations as we move forward.

Comments / Questions:

1. What if any effect on Six Nations does the Caledonia and area growth have regarding water treatment management from the Grand River
2. What is any environmental impact does the Caledonia and area growth on the reserve side of the Grand River have on Six Nations.
3. Is Indigenous a heritage?

A general definition for Indigenous heritage would include ideas, experiences, world views, objects, forms of expression, practices, knowledge, spirituality, kinship ties and places valued by Indigenous Peoples. Indigenous heritage is intrinsic to Indigenous well-being and held for all generations."

Could the Six Nations reserve be claimed a Heritage area and what would the ramifications be.

"There is environmental stewardship regarding the land. To be cared for and protected for future generations."

4. Send out survey to Six Nations Members including Urban Members - it was suggested a survey be sent to the community including the urban community. Can be done through mail or electronically. "What do they see as the future of Reserve 40/Six Nations Territory"
5. 3 tier system including:
 - SNEC - running of the Government agencies and general financials of Six Nations
 - HCCC - leading the community in their Spiritual, Ancestral ceremonies and teachings.
 - Clan Mothers - that they take back and regulate their Chiefs and traditions
 - New Council - that specifically oversees, reserve lands, environmental impacts on reserve lands, water management
 - Six Nations Elders Council - that can act as knowledge keepers and buffers between each group and also help teach the youth responsibilities to take over when the time comes.

Each council will have open transparency and regularly updates the community on policies and procedures and also has regular community meetings to clarify each council is progressing in the best interests and will of the community as a whole.

Report by: Darlene Daly, January 2021

A Community Elder's Response to Six Nations Band Council Statement (Oct 23, 2020)

“Unity Remains a Top Priority at Six Nations”

She:kon All,

I am sitting here with Kahehti:o Longboat and she wanted to share some thoughts on the Band Council Statement with the community:

Elders: There needs to be openness and transparency through active community dialogue, no major decisions effecting the community should be made without this inclusive process in place, NOW.

In our Matrilineal system the women are the stewards of the land, and integral in the role of governance, clans (family), and community requests.

Elders: There needs to be full transparency through active community dialogue, no major decisions effecting the community should be made without this inclusive process in place, NOW.

The Six Nations Elected Council is calling for calm, peaceful and respectful relations on all sides.

Elders: How?

We acknowledge the tensions in our community and are committed to taking actions to repair relations here at Six Nations.

Elders: What “actions” has the Band Council taken and will be taking to repair relations? Relations between who? With full community input, let's gather the list of “relations” that need to be repaired, and draft a plan of action for this.

We recognize that the accommodations agreement at McKenzie Meadows is one of th concerns. We want you to know that we did it because we thought it was a benefit to our community.

Elders: What consultation was done with the People before any agreement was entered into? What has been unclear is how the Band Council determines what is of benefit to the community without community input and discussion on issues that effect us.

We have heard from many community members that they feel it was not the best decision for the Territory, and we are listening.

Elders: Our suggestion is that the “listening” be done before these decisions are made, therefore, we call for full transparency and the implementation of a community consultation process on all issues that effect the community. We understand that 4.2% of total community eligible voters vote in these elections, and approximately 5% of community attend Longhouse. Where is the voice of the remaining 90% represented?

We are bound to the agreement, but please know that we have learned from it. We commit to you that we can, and will do better.

Elders: Please tell us what you have learned from it? We understand the Band Council has significant work to do, thus going forward this work must be guided through input from community. Words are easily said, it is time for action. Let's determine and set forth ways of HOW you will do better.

We also question the statement that "we are bound to the agreement...", can you please explain this reasoning to us?

We do not condone the violence or destruction of property and we are calling for calm to refocus our minds.

Elders: This is positive and we are hopeful in the opportunity to refocus our minds; could you please share your strategy to accomplish this very important priority?

We are disturbed with the judgement handed down yesterday by Justice Harper, as it proves that systemic racism is alive and well in this country, including in the judicial system.

Elders: The decision of the injunction does not address or solve the issue of the land reclamation. Let us activate our Indigenous laws to move towards real and meaningful negotiations with the focus on inherent Indigenous rights based on our Indigenous laws.

We hope in the days ahead, that we can work in unity to focus on the common goal of addressing our Six Nations Land Claims. It's time for the federal and provincial governments to right their wrongs.

Elders: In the days ahead the top priorities of unity can be accomplished through openness and inclusive dialogue so that we may protect our lands for future generations.

In good faith, we as the 58th Elected Council, motioned to remove the injunctions imposed on our own people at the Burtch property and the Central Administration Building.

Elders: These issues highlight the concerns the community feels in not being informed and consulted, and we heard about these present and past land issues that effect us so significantly. All Haudenosaunee voices are required to resolve and maintain unity as top priority at Six Nations of the Grand River.

Let us as a confederacy community come together to achieve unity for the coming faces of the next seven generations.

October 26th, 2020

*Kahehti:o Longboat, Turtle Clan, Mohawk Nation
Six Nations of the Haldimand Tract*