



H₂OPI TUTUVENI

News from Black Mesa Trust P.O. Box 33 Kykotsmovi, AZ

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Messaging on Siipaa'pu, our Mecca, our Jerusalem, our sacred pilgrimage site for Hopi people, the first to settle in the Colorado Plateau.

“Sípáapu,” Commentary

Sípáapu, which is the holiest of Hopi religious shrines—a place of emergence to the Fourth World—is an integral part of the Little Colorado River (LCR) system. **Sípáapu** is located on the Little Colorado River (LCR) just before it reaches the big river. The mineral water that comes up and down, as if breathing, is connected to the river. Under Senator Jon Kyl's water rights settlement, it was left exposed and unprotected. It will be immune from lawsuits against the federal government and Navajo Nation who is planning to build a resort on the rim overlooking **Sípáapu**

It is ironic and laughable that the Hopi Tribal Council has unanimously agreed to oppose the Navajo resort while they are supporting the Kyl Bill that will lead to desecration of our sacred shrine, if enacted into law.

This is a violation of Hopi religious freedom that is protected under the U.S. Constitution.

Would Senators Jon Kyle and John McCain have sponsored a bill if they knew it would desecrate the Vatican, the Torah, or Ko'ran?

Three principal religious shrines on Hopitutsqua (ancestral lands) are:

- **Kiisio.** A shrine to the North is located on the Navajo land. A pilgrimage is made to Kiisio during Powamuy and Niman ceremonies and has been seriously impacted by artificial snow-making.
- **Nuvatukya'ovi.** The Southern shrine, home of Katsinam, known as the San Francisco Peaks.
- It is through **Sípáapu**, the place of emergence, that Hopi ancestors came here from cities somewhere in the South, Paalatkwapi, being one of them. The irony is **Sípáapu**, lies within the boundary of Navajo land yet it is a Hopi place of pilgrimage. It is our umbilical cord to Mesoamerica from where we came into the Fourth World. **To be Continued**



Photo Courtesy, Rosanda, Suetopka

Gilbert Naseyouma facing Siipa'pu

What can we as Hopi people do to save Siipa'pu?

1. Write to the Hopi Tribal Council to enact a Proclamation to Save our Sacred Shrine.
2. Sign our Petition that is circulating to Save and Preserve Sípáapu.
3. Talk and educate your children on the significance of their heritage.
4. Have your local government hold session on the history of why we are in this situation.
5. Or, invite Black Mesa Trust to come to your community to talk on this very important issue.

Ask your schools to include our past history in their curriculum.

Organizational History:

Today, as Black Mesa Trust's (BMT) Decade of Water draws to a close—a decade which has witnessed our success in closing the Black Mesa coal slurry —new challenges have arisen that threaten the well-being of our people, culture, history, and economy.

Black Mesa Trust's (BMT)A mission is: "to safeguard, preserve, and honor the land and waters of the Black Mesa region, to protect the Navajo Aquifer upon which our peoples and cultures depend; to secure our cultural, economic, and social well-being through the education of our young, and the strengthening of families as faithful stewards and teachers of balance, and to harness lessons of traditional knowledge with Western science and technology to insure the security of our generations upon our ancestral lands."

Help save Siipa'pu, The Heart of Siipa'puni



Needed: 1,000 SIIPA'PU Warriors

Value of Roman Law As applied to Little Colorado River Adjudication by Vernon Masayesva

Is modern civil law, which originated from Roman law, of any value to Hopi Sinöm, a communal people who, before the arrival of the first colonizing Europeans, the Spanish Conquistadors, had no concept of property law?

The king of Spain, whose empire spread throughout most of Europe, Mesoamerica, South America, and Moqui (ancestral homeland of the Hopi), introduced the concept of private property. With each step, the Conquistadors, accompanied by Jesuit priests, said, "This is mine. I take possession of this land and the people on the land in the name of my King and Christ." Now, the Hopi Tribe is using this alien law to settle its claim to Little Colorado River waters.

Here is the problem as I see it. Neither the Arizona State Court judge adjudicating Little Colorado River water rights, nor the lawyers for the Hopi Tribe, nor non-Indian, federal, state and county government officials understand the ancient Hopi cultural heritage that has sustained our ancestors for over 1,000 years as farmers in a high desert land we call "Tuuwansave," meaning "earth center," of the Colorado Plateau, which we call "Siipa'puni."

Even if they acknowledged the Hopi belief, which is similar to European common law, that all waters are interconnected, sacred and cannot be owned, negotiated, sold or adjudicated as private property, they still are not trained to reconcile the Roman concept of property with Hopi beliefs and values about the nature of water and the common law that protects it. Instead, they will continue to rely on and apply their modern laws, case studies, precedents and doctrines to a completely different system of values, beliefs and practices.

For example, Western science does not accept our belief that when our physical bodies die, the liquid in our bodies leaves as vapor (breath) to join the cloud ancestors; then, after resting, it descends in gladness as rain and snow to sustain all life on earth. This belief resonates with the common law of water "usages and customs from immemorial antiquity" as defined in the fourth edition of Black's Law Dictionary.

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Please make a federal tax deductible gift to Black Mesa Trust to save an ancient living civilization. Help get our message to the world.
Mail your check to: Black Mesa Trust, P.O. Box 33, Kykotsmovi, AZ 86039 Visit: www.blackmesatrust.org

First they ignore you,
then they laugh at you,
then they fight you,
then you win.

Mahatma Gandhi

Cont'd Value of Roman Law

The Winters Doctrine, based on a U.S. Supreme Court case decided in 1908, is the basis for settling Native American water rights when an Indian reservation is set up by the U.S. Congress. But the 1882 Hopi Reservation was set up by an Executive Order issued by President Chester A. Arthur, not by Congress. So, when was the Hopi Reservation created? Some say in 1975, when the reservation created by the Hopi Executive Order was split up into Navajo Partitioned Land and Hopi Partitioned Land.

This is why the Hopi people rejected the 2004 Arizona Water Rights Settlement Act put together by former Sen. Jon Kyl and Sen. John McCain in an effort to settle water rights claims in the entire water system within the Little Colorado River Basin. They were attempting to settle all outstanding Arizona Indian water rights claims against the federal government.

Hopi elders are adamant that the tribe's modern right to Little Colorado River water was created by the 1848 Treaty of Guadalupe Hidalgo, an international treaty between the U.S. and the Republic of Mexico. It has never been relinquished and it has yet to be tested in a contemporary court. Nevertheless, the presiding Arizona State Court Judge simply dismissed the treaty as not relevant to the LCR adjudication. I believe the judge is wrong.

Cont'dValue of Roman Law

The Hopi Tribal Council should have learned from *Healing v. Jones* (1962) that modern property laws do not recognize or reconcile with our way of life. In that lawsuit, the Hopi Tribe tried to get back one-half of the 1934 Navajo Reservation and lost. The case was decided based on modern real estate property laws.

The Navajo Nation succeeded in getting about one-half of the 1882 Hopi Executive Order Reservation using the same laws. Under real estate property law, the one who is physically using, occupying or possessing the land has the superior claim. Hopi, unlike Navajo, are a communal people living in permanent villages on land recognized as theirs by the king of Spain.

Hopi religious practitioners established religious shrines all over Colorado Plateau, which current practitioners visit yearly to deliver prayer feathers to keep the earth "vibrating." Among the major shrines are Ki'siw, a shrine to the north; Nuvatukya'ovi (San Francisco Peaks), a shrine to the south; and Si-ipa'pu', the heart of the Colorado Plateau, which we call Siipa'puni.

They believe that participation in the Little Colorado River adjudication and settlement negotiations will mean we will become a party to destroying Si-ipa'pu—the Place of Emergence from the Third to the Fourth World.

SAVE H₂OPI

WATER IS LIFE

Proclamation to Protect and Preserve Sípàapu,



WHEREAS, giving the comfort and reassurance of self-governance to Hopi and Tewa Villages is a responsibility of Hopi government, as stipulated under the Preamble to the Hopi Constitution (Laws), the purpose of which is “preserving the good things of Hopi Life”; and

WHEREAS, Sípàapu is a sacred repository of Hopi culture and history and is critical and central to protecting our right to practice our religion, which is protected under the First Amendment of the U.S. Constitution; and

WHEREAS, Sípàapu is crucial to the repository of our living knowledge and wisdom that provides comfort and reassurance as a rooted place between past and future, as a seedbed for historical insights and knowledge, and as a catalyst of hope for the preservation and revitalization of Hopi civilization; and

WHEREAS, the Arizona Court ruling on water rights to the Little Colorado River could be disastrous to the health of Sípàapu; and

WHEREAS, it is essential that the Hopi government, in concert with national and international agencies, including the United Nations, affirms the continuity of our heritage and memories by protecting and preserving Sípàapu as a living component of Hopi culture and as our historic umbilical cord and connection to Mesoamerica; and

WHEREAS, Orayvi, the oldest continuously occupied village in North America, is listed on the Registrar of National Historic Landmarks and Sípàapu is historically and culturally connected to Orayvi. Sípàapu is our Mecca, our Jerusalem, our Vatican; and

WHEREAS, a resolution to protect Sípàapu is urgently needed and such a resolution commands expeditious support by the Hopi Tribal Council legislative body on behalf of a union of self-governing villages; and

THEREFORE, we respectfully mandate that the Hopi Tribal Council enact a Resolution to protect and preserve Sípàapu, using the National Historic Preservation Act of 1966, the American Antiquities Act of 1906, the Archaeological and Historic Preservation Act of 1974, the American Indian Religious Freedom Act of 1978, the Archaeological Resources Protection Act of 1979, The Treaty of Guadalupe Hidalgo of 1848, and the United Nations Universal Declaration of Human Rights of 1948;

BE IT FINALLY RESOLVED that a copy of the Resolution be mailed to the President of the United States and Secretariat of the United Nations.

Mission Statement of Black Mesa Trust

Black Mesa Trust is a grassroots non-profit organization founded by Hopi elders in 1998 to save sacred waters. After 20 years Black Mesa Trust is close to achieving our objective of ending Peabody Western Coal Co. mining on Black Mesa, ancient sacred homeland of Hopi ancestors, who settled in the region over 1,000 years ago.