

June 16, 2012

To: Honorable Members of the Hopi Tribe
Honorable Members of the Hopi Tribal Council

June 15, 2012, was an historic day in the history of our tribe. Hopi village representatives, traditional leaders and tribal members gathered at the Hotevilla Elderly Center and overwhelmingly rejected Senator Jon Kyl's and Senator John McCain's Senate Bill 2109, the *Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012*. At the end of the long day, the Hopi Tribal Council voted 11 to 4 to pass Action Item H-065-2012 that was endorsed by three former Hopi tribal chairmen and four former Hopi tribal vice chairmen, and sponsored by Vice Chairman Honanie, to reject Senate Bill 2109.

Our Action Item, No. H-065-2012, does several things: (1) it rejects Senate Bill 2109; (2) it prohibits any further negotiations of Senate Bill 2109 by the tribal chairman, Water & Energy Team and the tribal council; (3) it requires the tribal chairman to report the Hopi Tribal Council's rejection of Senate Bill 2109 to Senator Jon Kyl, to the Congress, Senate Committee on Indian Affairs, and to the Department of Interior; (4) it requires that, if another water rights agreement comes before the tribe, that it will only be decided on by members of the Hopi Tribe through a voter referendum (not the tribal council) after a full and open consultation with and through participation of the villages and tribal members. The council vote also effectively killed the Agreement-in-Principle because without Senate Bill 2109, there is no Agreement-in-Principle.

Not one village, not one tribal member, and not one traditional leader supported Senate Bill 2109. Villages and traditional leaders provided written testimonies, in the form of letters, proclamations and resolutions, all opposing the Kyl/McCain bill. But despite the resounding opposition by the Hopi and Tewa people, there were four votes in opposition to Action Item H-065-2012, most notably by all three representatives from Sipaulovi.

The day did not start without controversy. First, tribal chairman Shingoitewa and Sipaulovi representative George Mase tried to surprise those in attendance by bringing George Mase's Action Item, No. H-053-2012, to the council floor. But thanks to an objection raised by Kykotsmovi Village Representative Nada Talayumtewa and others, the matter was stopped. Action Item H-053-2012 proposes to endorse Senate Bill 2109.

Next, our request to hold the council meeting in larger facilities was not honored by Shingoitewa, but thanks to former vice chairman Qötsaquahu's persistence, we forced a vote. After a unanimous vote, we moved the meeting to Hotevilla. Once we convened at Hotevilla, there was yet another attempt by Shingoitewa to exclude the news media. The news media was previously excluded by Shingoitewa in the morning session in council chambers. And again, at the insistence of Qötsaquahu, a vote was taken and the majority vote allowed the news media to stay. But Shingoitewa demanded there will be no recording of the proceedings.

At the outset of the meeting, we insisted that Shingoitewa and the council not control our presentations by limiting what we say and by limiting how long we take to make our presentations. But throughout the entire day, Shingoitewa consistently tried to limit and control our presentations. Because of his constant interruptions and time remaining in the day, many people who traveled from far away and took the time to speak, were not able to address the council. For this, I apologize to these people.

After the presentations, Vice Chairman Honanie made the motion, seconded by Rebecca Masayesva, to approve Action Item H-065-2012. It passed by a vote of 11 to 4. But after the meeting, Hopi chairman Shingoitewa was quoted as saying to the news media, *"The tribe will continue water settlement talks with the Navajo Nation, and other industrial users including Peabody Coal and the Navajo Generating Station."* But passage of Action Item H-065-2012 is very specific in prohibiting Shingoitewa, the Water & Energy Team, and the Hopi Tribal Council from any further negotiations of Senate Bill 2109. This statement by Shingoitewa demonstrates his deliberate intention to disregard the voice of the people and would violate the new tribal law passed this day by the Hopi Tribal Council. If he does not abide by the mandate of the villages, traditional leaders and tribal members, and the tribal council, then it would constitute a direct violation of the tribal constitution.

Passage of our action item would now deem George Mase's Action Item, H-053-2012, a moot issue. But Shingoitewa and Mase are intent on bringing this action item before the tribal council later this month. We encourage you to impose on your council representatives to require George Mase to withdraw his action item. We also encourage everyone to show up at the council chambers when this action item will be discussed and object to the council to act on this action item. Remember this right belongs to the villages, not the tribal council.

In closing, I want to express my deepest, heartfelt appreciation to everyone who participated in this very important issue. This includes all village governments and village leaders who took a stand by issuing proclamations, resolutions, letters; all traditional leaders who issued proclamations, the veterans, allottees, tribal members, and many more. In particular, I want to thank former tribal chairmen and vice chairmen who took personal responsibility to sign the action item and made very compelling arguments to the tribal council. We appreciate the Village of Hotevilla for offering their facility for the meeting. And finally, special appreciation goes to members of the tribal council who voted to support our action item. Your participation and stance against the dangerous Kyl/McCain bill will go down in the annals of our history.

Kwak'wha; Pai'lolmani,

Benjamin H. Nuvamsa
Shungopavi Village, Bear Clan
Former Hopi Tribal Chairman