A DUTY TO ACT

In an era of transnational corporations operating all over the globe, the methods of separating indigenous peoples from their land and natural resources have outstripped the ability of any agency or nongovernmental organization to monitor or regulate. The importance of building alliances cannot be stressed enough. As Katenay explains,"Indians are too overwhelmed from centuries of oppression and genocide." We are all part of the solution in our choice to take action when we see this type of injustice happening.

- Strength in numbers! Support the remaining indigenous Dineh who are still resisting forced removal or making alternative efforts to remain on ancestral lands. Volunteer to give aid and peace to these traditional elders by honoring them, by herding sheep, by organizing work crews to go to home sites, and/or by providing other essential but appropriate skills such as holistic therapy and renewable energy technologies.

- Sponsor an educational lecture series or a speaker's travel tour. Sponsor international diplomacy efforts (i.e., Human Rights and the European Union forums) by Dineh delegates or spokespersons .

- Learn more and actively support the Dineh, Hopi people and various organizations who are trying to take control of their resources and are dedicated to bringing clean, renewable energy to Northern Arizona, such as the production of bio-diesel, wind power and the development of. a 1,000-megawatt solar power plant on Hopi and Navajo land. The solar plant would provide power to Phoenix, Los Angeles and other metropolitan areas in the Southwest.

- We need a rapid global transition to clean energy and to curb America's spiraling energy consumption. Make the connection with others in your community about what impacts are occurring in places such as Black Mesa so that we can turn on the lights, have heat, drive vehicles, etc. Knowing where these resources come from and what affect your lifestyle choices have are important steps in understanding how we can live more sustainably.

- Urge your Congressional representatives or Parliamentarians to look into these matters of human rights violations and the alleged conflicts of interest by federal agencies and Peabody Coal. Demand oversight hearings for PL 93-531 and its amendments, and call for investigations.

Ask local indigenous support organizations for contact information for policy-makers, and for area BIA and tribal headquarters. Federal and tribal agencies and multi-national corporations must be called to account for their actions. They must be required to enforce and to protect not only our natural resources, but also religious sites.

Which do you prefer?

Check www.blackmesais.org for future developments & action needed.

Black Mesa Indigenous Support
P.O. Box 23501, Flagstaff, Arizona 86002
Message Voice Mail: 928.773.8086
Email: blackmesais@riseup.net

www.blackmesais.org

BLACK MESA

The Struggle Continues

BLACK MESA MINE CLOSES & THE RELOCATION OFFICE DISBANDS.
Victory? An orderly and certain conclusion?

Not according to many of the indigenous families of the Big Mountain & Black Mesa communities.

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RENEWED EMPHASIS ON FORCED RELOCATION:

RIGHT NOW there is an amendment on the congressional floor that *sets a new timetable for the forced relocation of a number of Navajo families on Black Mesa*. This legislation, Senate Bill S1003, an amendment of the Navajo-Hopi Land Settlement Act of 1974 (Public Law 93-531), also intends to close the Office of Navajo-Hopi Indian Relocation (ONHIR), transferring its remaining duties to the U.S. Dept. of Interior. Meanwhile, the Black Mesa coal mine is in the process of a temporary shutdown, concurrent with a capping of the wells that the mine has been operating on the Navajo, or N-Aquifer, underneath Black Mesa. Residents of Black Mesa and their advocates are quick to point out that both of these developments are curses disguised as blessings.

S1003 is sponsored by John McCain, AZ Senator and Chairman of the Senate Committee on Indian Affairs (SCIA). McCain states that the purpose of this legislation is "to amend the Navajo-Hopi Land Settlement Act of 1974 in order *to bring the relocation process to an orderly and certain conclusion*" and that he's "convinced that our current *Federal budgetary pressures* require us" to do so. Meanwhile McCain is calling for 10,000 more troops to increase U.S. presence in Iraq, which includes military recruitment from Native American tribes such as the Navajo Nation.

According to Hopi Tribal Chairman Wayne Taylor, "Senate Bill 1003 is intended to complete the work of relocating Navajo off of the land." Taylor clearly and explicitly states his belief that a goal of this Senate bill is to finish the job of relocation, since it requests mandatory eviction and mandates that ONHIR evict Navajo before dissolving in 2008.

Taylor goes on to state that this bill "leaves it (the removal/eviction requirements) to the discretion of the *U.S. Attorney* whether a relocation resister is actually removed from Hopi land. The Hopi believe that removal should be mandatory." Joe Shirley Jr., president of the Navajo Nation (NN), argues in his testimony to U.S. Senate that the amendment prematurely terminates the Federal government's responsibilities towards those who "haved lived through the nightmare of relocation." Furthermore, this bill disclaims any further federal responsibility for the relocatees and refuses to acknowledge the long lasting damage to the community and current need for rehabilitation and support.

> "Relocation is a word that does not exist in the Navajo language. To be relocated is to disappear and never be seen again."
> ~Pauline Whitesinger

Shirley and Roman Bitsuie, Executive Director of the Navajo-Hopi Land Commission Office, are urging that "There should be no forced relocation of Navajo families." and that, "S1003 should support this approach, rather than reinforce the deeply troubling idea that Navajo families will be forcibly removed from land that they have called home for generations." Referring to a statement by McCain, Bitsuie states, "We take strong objection to the argument that the relocation program should be closed because it has '"taken too long and cost[s] too much.'" Bitsuie also testified that, As a point of comparison, ... *the entire cost to the Federal government over the last 36 years of the Navajo-Hopi Land Dispute is roughly equal to what the United States spends in Iraq every 36 hours."* Later in Bitsuie's testimony he stated, *"The federal government bears much of the responsibility for the U.S.-Hopi land dispute and, therefore, must play a significant role in its resolution.* " However, it is important to point out that in the dozens of pages of official testimony supplied by the Navajo Nation, there is scant mention or representation of or by the Navajo families still living under and deeply affected by the relocation laws on the Hopi Partitioned Lands.

FREE BIG MOUNTAIN

Black Mesa

"This land is being taken away because they've got power in Washington. We were put here with our Four Sacred Mountains ~ and we were created to live here. We know the names of the mountains and we know the names of the other sacred places. That is our power. That is how we pray and this prayer has never changed."
~Katherine Smith.

"There can be no absolution, no redemption of past crimes unless the outcomes are changed. So long as the aggressors' posterity continues to reap the benefits of that aggression, the crimes are merely replicated in the present. In effect, the aggression remains ongoing and, in that, there can be no legitimacy. Not now, not ever. "
~Ward Churchill.

IN CONCLUSION: This Bill is another step in the relocation process. The authors may see it as the final one. While the Resisters are definitely inconvenient to the Hopi Tribal Council and mining interests, it is an open question as to whether they are still considered a major threat given their current numbers. The real center of gravity of the Senate Bill S1003 may be the coal provision (as the Grandmothers have always maintained). Keep in mind that it gives power to the Secretary of the Interior to determine how the coal is to be valued and shared. It appears that this Bill represents a denial by the federal government of continuing responsibility not only to the relocatees but to all who are affected by relocation, who face additional burdens related to this devastatingly and abysmally managed process. The crisis on Black Mesa and surrounding areas has been created in part because of a continued support of racist policies.

Since 1970, the Mohave has burned coal from Black Mesa, polluted the air over the Grand Canyon and other national parks, and consumed 50 billion gallons of pristine groundwater from the aquifer beneath Hopi and Navajo land. This closure of the coal slurry, along with the suspension of the of the operation of the power plant, may allow the Dineh and Hopi general and ceremonial springs to recover. Hopefully we can learn from history and not allow it to repeat itself by allowing the US government and mining interests to put profit over people, the land, and water. Governmental agencies, tribal governments, and organizations may still want to work with Peabody but we cannot again shrink from our responsibilities; we cannot simply return to business as usual.
"The best scenario would be for Edison to give up trying to keep the Mohave plant open and, instead, invest in alternative energy projects and transmission lines that would help the Hopi and Navajo exploit their potentially abundant wind and solar power resources," said Roger Clark of the Grand Canyon Trust. "With California wanting to invest in cleaner forms of energy," he said, "why buy another 20 years of inefficient, old coal-fired generation?"
Of course we know that power is never given away but it has to be taken back.

This bill comes at a time when the world's largest coal company, Peabody Coal, prepares not only to continue, but in fact to expand, its strip mining of American Indian lands. The company plans on drawing down yet another high-quality residential aquifer in the process. Only something stands in Peadbody's way: Indigenous people live on the land above where the water and billions of tons of low-sulfer coal lies. As with their ancestors, many generations back, these people live on the land that is the base for their tradition, their spirituality, water and livelihood.

BLACK MESA MINE: TEMPORARY SUSPENSION, *NOT* CLOSURE

After 35 years of hard work and collaboration the Mohave Power Plant near Laughlin, Nevada is set to close Dec 31, 2005. That has also signaled the end of the Black Mesa Mine because its only customer is the Mojave generating facility. But on Sept. 26, Southern California Edison reversed itself, telling the California Public Utilities Commission that it wanted to keep the plant open or shut it only temporarily.

As for the highly dramatized "closure of BM mine," few have failed to notice that this is actually a *temporary* closure of about *one-third* of the total mining operation on Black Mesa (the other two-thirds is called "Kayenta Mine"). Both mines are adjacent to each other. The word among the miners is that the Black Mesa Mine will be re-opened in 6 months with the benefit of the new Leupp Pipeline, a 200-mile extension to the present slurry line that will tap another aquifer to the south.

Map of Arizona

According to a *Los Angeles Times* article entitled "Deal May Be Near on Power Plant: *Edison is negotiating for a continued supply of coal from a mine on Indian land ." (11.08.05)* Southern California Edison is close to reaching a deal with two Indian tribes and the world's largest coal company which would bolster the utility's effort to keep open a Nevada power plant that provides cheap electricity to Southern California but is a major source of air pollution. There's a proposal that would allow Peabody to continue mining at Black Mesa and would ensure a new source of water to carry the coal to the power plant via a 273-mile slurry pipeline. The Hopi Tribe stated that the Hopi can agree to allow Peabody to use the current water source until the new pipeline is built.

THE LAND AND PEABODY EXPANSION

Peabody has plans to extend its mining operations on Black Mesa and has filed a lease extension application with the federal Office of Surface Mining. Peabody is requesting a Life of Mine permit, which means it would be permitted to continue mining coal for as long as it takes, until there is none left within the lease area. According to the Los Angeles Times, Edison has repeatedly told California regulators that it would not spend the $1 billion needed for pollution controls and other equipment at the plant until it secured agreements from the Hopi and Navajo tribal councils along with Peabody, that would guarantee a long-term supply of coal and water.

The Black Mesa Mine is set to close but it may only be temporary depending what role the Navajo Nation and Hopi Tribe are playing in resolving obstacles to the mine's reopening. According to Peabody Energy, the company believes that "coal is the future," aiding in "Global Solutions to Global Needs," and plans on expanding their coal production globally. (Peabody has recently secured deals in China.)The Dineh people near the mine are living in fear that they will be relocated and that the whole Black Mesa area will be forever lost to more mining and to coal-fired energy plants.

The Bush administration has made decisions to not support the **Kyoto Protocol**, the international treaty to reduce greenhouse gas emissions. Under the Protocol, the U.S. is supposed to cut its greenhouse gas emissions. With four percent of the world's population, the U.S. accounts for about 25 percent of the Earth's greenhouse gas emissions. The Bush Administrations decisions to promote regulations that allow more pollution from coal-fired power plants, and to abstain from the Kyoto Protocol has sparked outrage around the world, and there have been many calls for Bush's corporate backers to distance themselves from this decision.

In another issue, all across the nation billions of dollars in American Indian royalty funds remain unaccounted for, and many tribes are accusing the **Interior Department** of mismanaging the funds. The Bush administration has actually intervened in a Navajo Nation lawsuit against Peabody that produced evidence that company engaged in backdoor deals with the Interior Department and diminished Navajo royalties since 1985. A U.S. Court of Appeals ruled that the Interior Department violated its trust responsibility when it engaged in these deals. The Bush administration says a ruling ordering the government to make payments to the Navajo Nation to replace lost royalties would be too costly and could lead to similarly expensive rulings favoring other tribes that share royalties with other energy companies. **Now Senate Bill 1003** would allow the Secretary of the Interior the power to unilaterally determine how to apportion revenue between the Navajo Nation and Hopi Tribal Council and is opposed by both. Under this bill, the Office of Navajo-Hopi Indian Relocation is supposed to windup affairs and transfer any remaining functions to the Department of Interior.

Meanwhile, Navajo coal lights up many homes in the Southwest "while the defendants reap huge and illicit profits using Navajo coal to generate electricity for homes and businesses in Southern California, Las Vegas, and Arizona, thousands of Navajo homes are still without electricity"... "and many Navajo children still read by kerosene lanterns." pointed out (ex) NN president Kelsey Begaye. "For many years, the Navajo Nation has served as an energy colony of the U.S."

"The US government hopes to just disappear or declare that (they) are innocent from all the mess and atrocities that (they) have committed at Big Mountain and in other areas affected by the Relocation Policies of 1974. The Relocation Act of 1974 should be revisited, repealed, and abolished, not amended into future laws that oppress us ."
-anonymous Dineh resister.

THE PEOPLE AFFECTED DONT HAVE ANY REAL VOICE

According to Katenay, "At Big Mountain, traditional Dineh elder resisters declared independence in 1977, and they have acted upon it since then. ***Big Mountain cannot be excluded from the legacy of the Four Corners energy wars.*** They have inspired and reinforced the indigenous identity and they gave courage to fight for (real) freedom, justice and peace. Today, inspired grassroots activism has had an impact upon the USA's southwestern industrialization. Much is owed to all of the wisdom and bravery of the traditional Dineh and Hopi elders of the 1960s and the 1970s. The efforts of bringing back balance to the environment and religious roles, however, should continue. The indigenous destinies to control their own territories and their resources may be much nearer if the indigenous human hope is there."

In an undated excerpt by Roberta Blackgoat, elder matriarch, she states, "If they come and drag us all away from the land, it will destroy our way of life. That is genocide. If they leave me here, but take away my community, it is still genocide. If they wait until I die and then mine the land, the land will still be destroyed. If there is no land and no community, I have nothing to leave my grandchildren. If I accept this, there will be no Dineh, there will be no land. That is why I will never accept it ... I can never accept it. I will die fighting this law."

WATER AND THE SLURRY LINES

The Mojave plant runs on coal that is shipped by pipeline 273 miles from the Black Mesa Mine operated by Peabody on land leased by the Navajo and Hopi tribes. The company ships the coal by crushing it and mixing it with water to create a slurry, which is pumped through the pipeline to the Mohave Generating Station near Laughlin, Nevada. It produces electricity for 1.5 millions homes in nearby Las Vegas and Southern California. Peabody pumps 1.3 billion gallons of pristine water a year out of an ancient sandstone aquifer that lies beneath the Hopi and Navajo lands. Because of the pumping, wells and springs have dried up and the entire ecology of Black Mesa has changed. Plants have failed to reseed and certain native vegetation has died out. Water levels have decreased by more than 100 feet in some wells and discharge has slackened by more than 50 percent in the majority of monitored springs. There are reports that washes along the mesa's southern cliffs are losing outflow. And there are signs that the aquifer is becoming contaminated in places by low-quality water from overlying basins, which leaks down in response to the stress caused by pumping. These developments threaten the viability of the region's primary water source.

Protesting the use of the Navajo-Aquifer

According to an article in the Navajo Times entitled "Peabody committed to Mohave but the future is up for grabs" (12.08.05), "Peabody contends that it uses only a tiny fraction of the water stored in the N-aquifer, and that dry wells and springs are the consequence of prolonged drought conditions.
The company says scientific research has shown the aquifer is not connected to surface waters. (Beth) Sutton (spokeswoman for Peabody) this week asserted again that the company has a right to tap the N-aquifer under its lease terms,

and said the tribal councils have no authority to prohibit it. Nevertheless, Sutton added, Peabody supports investigation of an alternative water source, the Coconino aquifer, in deference to their concerns."

Now a plan is being negotiated behind closed doors, which would allow Peabody to continue its coal slurry line operation to the Mohave Generating Station by using the Coconino, or C-Aquifer as the primary water source, but keeping the N-Aquifer as a backup should it become needed. This move brought local residents who do not want to allow their water to be pumped for coal slurry, to the Navajo Nation Council. A new, 100-mile pipeline would have to be constructed. Wayne Taylor of the Hopi tribe said Southern California Edison has agreed to pay $200 million to build the new pipeline, but company officials have declined to confirm this.

Black Mesa Pipeline

According to an article by Brenda Norrell in Indian Country Today (07.25.05), a local resident states, ''I think our leaders are not really taking a good look at what the situation is. They are just making revenues for themselves and they want to be re-elected. They are not looking at the environmental destruction this is creating.'' A NN delegate states "Energy companies are targeting poor Indian tribes because tribal members have resources and need money. These developments threaten the viability of the region's water sources."

YET ANOTHER EXTENSION OF ENVIRONMENTAL RACISM. The human and economic costs that the local indigenous mine workers and their families are going to face:

In the words of Bahe Katenay of the Big Mountain Resistance: "The recent Peabody Western Coal Company's actions become another extension of environmental racism and the 'American' founding patriarchs' ideals of subjugation. To simply see its effect, one must realize that 'Mr. Peabody' will continue its worldwide mega-alteration of the earth while a pinch amount of Indians are left in the cold, creating more instability among the indigenous communities of Black Mesa while leaving them the exposed wastelands of Black Mesa Mine.

If Peabody and the tribal government lawyers were willing to sacrifice their greed over environmental consciousness, perhaps, regulations would have been in place to meet certain criteria instead of creating economic hardships and hateful distrusts in our communities. Now, the 120 or so miners will be dumped and abandoned by the world's largest coal producer, and once again, the Indians will be left to squabble over the 'third-world crumbs' of economic development and American free enterprise opportunities. The southwestern electrical power grids that are owned by the multi-national consortium, Western Energy States Transmission, will have enough to sell by relying on all the existing nuclear, natural gas, oil fired, coal-fired, and hydro-electric power plants. Meanwhile, Indian miners may be out of a job for at least ten more years, and they will have to relocate their families elsewhere because the tribes have never initiated real sovereignty, but instead chose to be subjugated by the great American freedom."

That is exactly what is happening. According to a Navajo Times article entitled "Officials brace for mass layoff of miners" (10.25.05), the Navajo Nation has set up a "rapid response team" and the state of Arizona and various federal agencies have programs that could be tapped into to help the laid-off miners during mass layoffs, many of whom have worked at the mine for a decade or more. In some cases, *if a person is willing to relocate*, the tribe will look for coal mining jobs in other parts of the country, including other Peabody mines.

Cheney Energy Task Force -Time Magazine

ENTER THE BUSH ADMINISTRATION AND THE U.S. FEDERAL GOVERNMENT: Coal industry's biggest victory in Washington in years.
The US government has a long and sordid history with Indian affairs, and Black Mesa is no exception. Today the coal industry is particularly well-represented in the Bush Administration. Peabody's chairman Irl Englehardt is on the Environmental Protection Agency transition team.

Two Peabody executives and one from an affiliate Black Beauty Coal, were named to Bush's energy advisory team. According to an article entitled "White House Joins Corporate Houses" *(by Ross Gelbspan, author and journalist; Down to Earth 06.03)*, "Nowhere is this corruption of the political process by big coal and big oil more visible than in the secret arrangements between the Peabody Group and the Cheney Energy Task Force." According to the *Washington Post (03.25.01)* When Vice-President Cheney was fashioning his energy plan, his staff met with Peabody executives about six times. Fred Palmer, a vice president at Peabody Energy told the *Los Angeles Times (08. 26.01)*, "The president is friendly to energy, and so is the vice president, and thank God....Our society needs energy." Several weeks later, Palmer and Engelhardt attended a coal-interests meeting with task force members Abraham and Lindsey and Cheney's energy director. Peabody, Black Beauty Coal and their employees have directed $900,000 to Republican coffers over the last two years. Peabody Chief Executive Irl F. Engelhardt personally gave $100,000 to Bush's inaugural committee. *(L A Times)* Gelbspan writes that "The payback came in the spring of 2001 when Cheney announced the administrations new energy plan, which calls for the construction of 1,300 to 1,900 new power plants." For 120 years, it was a privately held company. Four days after that plan was announced, Peabody issued an IPO and went public. " Peabody's stock went on sale and the company received $420 million, about $60 million more than analysts expected. *(L A Times)*

Burning coal produces a significant amount of carbon dioxide and other elements which are tied to acid rain, smog, and has been linked to global warming, increasing the risk of extreme weather events such as Hurricane Katrina. "Unfortunately, the White House has become the East Coast branch of Exxon Mobil and Peabody Coal. These companies and the oil and coal industries are really calling the shots for climate and energy policy in the administration. Since they are essentially written by lobbyists for big oil and big coal, these regulations are very weak." Gelbspan stated on Democracy Now.