



INTERNATIONAL INDIAN TREATY COUNCIL

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February 10, 2012

To the Committee on the Elimination of Racial Discrimination
Palais Wilson,
Geneva, Switzerland
Via email:

RE: 2nd **Update** - Urgent Action/Early Warning (UA/EW) the United States of America and San Francisco Peaks, Arizona, **results of litigation**

Dear CERD Members,

Please receive our respectful greetings,

We filed an Update and Follow-up electronically on or about February 4, 2011 that we hope the CERD will consider, with statements from spiritual leaders on the grave importance they attach to this issue.

This is to inform the Committee that on February 9, 2011, the Federal 9th Circuit Court of Appeals issued its opinion on *Save the Peaks Coalition et. al, v. the United States Forest Service and Snowbowl, Inc.*, raising environmental and health concerns on the use of treated sewage for artificial snow on Sacred San Francisco Peaks and its ingestion. (No. 10-17896, D.C. No. 3:09-cv-08163-MHN).

The Court denied the relief, stating that “the case represents a gross abuse of the judicial process” because the plaintiffs appellants did not raise these concerns in the prior litigation raising freedom of religion issues.

This judgment represents the racism and complete indifference to the rights of hundreds of thousands of Native Americans, reflecting the favoring of commercial, recreational and private interests of the few over the health, and the millennial spiritual beliefs and practices of the many. This Opinion was only condemnation of those seeking the protection of these rights.

We again urge the CERD to take Urgent Action before irreparable damage is done this Sacred Area.

For all our relations,

Alberto Saldamando, Counsel
International Indian Treaty Council

cc: via email:

Havasupai Tribe, Mr. Eddon Tilousi, Vice Chairman,
Intertribal Council of Arizona, Mr. Shannon Rivers,
Mr. Klee Benally,
Navajo Nation Human Rights Committee, Mr. Leonard Gorman
Mr. Duane H. Yazee,
Andrea Carmen, IITC Executive Director