



## The Navajo Nation Council - Office of the Speaker

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**FOR IMMEDIATE RELEASE**

### **Speaker Morgan not pleased with 9<sup>th</sup> Circuit Court of Appeals decision, renews commitment to protect sacred sites**

*"Speaker Morgan trusts that in due course, the right ruling will prevail and the Navajo Nation is ready to continue the fight to protect its sacred sites."*

**WINDOW ROCK, Ariz.** — The Honorable Speaker Lawrence T. Morgan expressed displeasure of the *en banc* 9<sup>th</sup> U.S. Circuit Court of Appeals ruling in the court case *Navajo Nation vs. U.S. Forest Services* today, Aug. 8 — the case that involves the use of reclaimed sewage on the San Francisco Peaks in Arizona.

According to the court, the ruling stated that under the Religious Freedom Restoration Act (RFRA), a 'substantial burden' is imposed only when individuals are forced to choose between following the tenets of their religion and receiving a governmental benefit or if they are coerced to act contrary to their religious beliefs short of that described by Sherbert and Yoder is not a 'substantial burden' within the meaning of RFRA. This does not require the application of the compelling interest test set forth in those two cases.

In response, Speaker Morgan immediately issued a statement after learning of the court ruling from attorney Howard Shanker and said that "We (Navajo Nation) cannot express enough disappointment and disapproval."



**Lawrence T. Morgan**  
Speaker of the 21<sup>st</sup> Navajo Nation Council

"Navajo people understand Dook'o'oslid (San Francisco Peaks) to be a significant relative that we attribute value, concern and meaning as anyone else would to a mother, father or grandparent," Speaker Morgan said. "It is unfortunate that our non-native relatives do not realize the seriousness of their ruling."

"If we stop here, we are short changing ourselves — we have to stand our ground and continue the fight for our sacred sites," Speaker Morgan added. "We cannot allow the flood gates to open."

Speaker Morgan added that "this government action has resulted in a substantial action in the practice of religion — it is not clear what more we could have done to establish a substantial burden."

"I understand that the courts are charged with striking reason in a balancing act between ramifications associated to the Religious Freedom Restoration Act and the legal rights of the U.S. Government to administer public lands," Speaker Morgan explained. "What I do not understand is how and when it became reasonable to smear waste on relatives — it is time for law makers to take a very careful look at whom we are disgracing, rather than what seems to be occurring."

Speaker Morgan trusts that in due course, the right ruling will prevail and the Navajo Nation is ready to continue the fight to protect its sacred sites.