



The Navajo Nation Council — Office of the Speaker

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FOR IMMEDIATE RELEASE

Speaker Morgan disappointed with U.S. Supreme Court's denial of petition filed by Navajo Nation, several tribes, environmental groups to protect San Francisco Peaks

WINDOW ROCK, Ariz. — The Honorable Speaker Lawrence T. Morgan is disappointed with the U.S. Supreme Court's denial of a petition of certiorari filed by the Navajo Nation, several other tribes and environmental groups to hear a case that would protect the San Francisco Peaks from further development and to prevent the use of reclaimed sewer water to make snow by the Arizona Snowbowl.

The petition filed on Jan. 5, called for the Supreme Court to hear the precedent setting case, Navajo Nation v. United States Forest Service, which would protect religious freedom and preserve the ecological integrity of the San Francisco Peaks.

In 2008, the 9th U.S. Circuit Court of Appeals unanimously passed the issue in favor of the Navajo Nation. However, the decision was later over turned in an *en banc* decision, which stated that the Forest Service's approval did not violate the tribes' religious freedom because the proposal did not place a substantial burden on their exercise of religion under the Religious Freedom Restoration Act.

In a statement released minutes after the Supreme Court's denial on June 8, Speaker Morgan expressed displeasure with their decision.

"The Navajo Nation cannot express enough disappointment and disapproval. Navajo people understand Dook'oo'oslid, the San Francisco Peaks, to be a significant relative that we attribute value, concern and meaning to as anyone else would to a mother, father or grandparent," Speaker Morgan said. "It is very unfortunate that our non-native relatives do not realize the seriousness of their decisions."

"If we stop here, we are short changing ourselves, we have to stand our ground and continue the fight for the protection of our sacred sites," he added. "We cannot allow the flood gates to open even further. It is extremely important to seek all means of legal remedies, these decisions will impact future generations, it is imperative that we seek a decision in our favor."

The San Francisco Peaks have been the center point of Navajo and other southwest tribes' spiritual religious practices since time immemorial. The Navajo believe the Holy People reside with in the peaks and that any desecration to the site would be disrespectful.

According to Howard Shanker, an attorney for the Navajo Nation, and former U.S. Congressional candidate, "The Supreme Court's refusal to hear the case leaves bad law in place in the Ninth Circuit. Under current law, Native American's have no way to substantively protect sites that are sacred or holy, like the San Francisco Peaks."

Shanker echoed Speaker Morgan's resolve when he committed "to continue to fight to save the Peaks and other holy places."

Recently, on April 22, the Navajo Nation Council passed a resolution urging the Obama Administration to support the possibility of settling the San Francisco Peaks case in favor of the Navajo Nation.

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