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Battling Religions in Parks and Forest Reserves: Facing Religion in Conflicts over Protected Places

Public servants responsible for protected areas face many pressures. Caught in battles between representatives of competing and often incompatible interests, land managers understandably strive for clear guidelines to simplify decision-making. So do jurists dragged in afterward. In the United States, the Forest Service's "multiple use" mandates to facilitate commodity extraction and recreation while maintaining ecosystem integrity, as well as the National Park Service's mission to preserve native ecosystems for future generations, provide benchmarks for decision-making. Calls for cost-benefit analysis or for the "best available science" to shape decisions also reflect a desire to find solid ground for land-use or legal decisions. The last thing those responsible for protected areas may want is to find themselves wedged between competing and incompatible *religious* claims over what constitutes proper behavior there. Their jobs are already difficult enough, they might justifiably feel, and few of them are equipped to deal with the religious dimensions of the conflicts over which they must preside.

There is no escaping religion, however, which enters into such conflicts whenever people perceive places to be sacred or believe that sacred values are at stake in place-based behavior. This is, arguably, most of the time. As religion scholar David Chidester asserts, what people hold to be sacred has to do with experiences of "ultimate meaning and transcendent power" (Chidester 1987: 4). We would add to this definition of sacredness experiences of *transformative power*, to underscore that an encounter with something holy is not always about something otherworldly and to remind that transformational religious experiences often take place in natural places such as mountains, forests, deserts, and wildernesses. This has certainly been true for America's aboriginal inhabitants and many of their

contemporary progeny. But it is also true for many European Americans, for whom perceptions of the sublime in nature, often influenced by Jewish and Christian sources and diverse streams of European and American Romanticism, are also deeply rooted.

Today, nature-based spiritualities seem as strong as ever in America. Although great diversity exists, nature religion practitioners speak in kindred ways of belonging to, and feeling connected within, a sacred, natural world (Taylor 2001a, 2001b). We should not, therefore, be surprised by calls to protect the places where people find spiritual meaning, nor should we be surprised by hostility or indifference to such calls by those who do not share such spiritual perceptions.

Some of the difficulties that differing spiritual perceptions present to

those attempting to resolve land disputes will be illustrated by examining battles over the construction of telescopes on a mountain in Arizona, logging in Minnesota, and rock-climbing in Wyoming. These cases provide common ground for summarizing the ways governmental officials respond to land conflicts and their religious dimensions and for suggesting which approaches are most likely to protect both ecological and cultural diversity.

The Battle for Mount Graham

Mount Graham, *Dzil nchaa si an* to the region's Apache Indians, is located in the Coronado National Forest of southeastern Arizona. Many Apache consider it sacred: as a place to procure medicinal plants, a burial grounds for their medicine people, a pilgrimage and ceremonial site, and the home of spiritual beings known as *Gaahn*, Lightning People or Crown Dancers, to whom prayers are offered for life-giving water (Basso 1992).

A fierce conflict erupted over Mount Graham in the mid-1980s, when members of the San Carlos Apache initiated a campaign to halt the construction of the Mount Graham International Observatory. An international group of researchers led by University of Arizona astronomers envisioned a complex of fifteen advanced-technology telescopes, including one sponsored by the Vatican Observatory. Apache medicine man Franklin Stanley characterized the telescopes as a desecration that would block his people's prayers from traveling to the heavens via Mount Graham. He considered the project to be a form of cultural genocide: "The mountain is holy," he asserted. "If you take Mt. Graham from us, you will take our culture....

[Desecrating] Mt. Graham ... is like cutting off an arm or a leg of the Apache people" (in Taylor 1995: 146).

Environmental activists helped form the Apache Survival Coalition, subsequently filing lawsuits and mounting a public relations offensive. Many of these environmentalists, and the coalition's most radical participants, were members of the radical environmental Earth First! movement, which asserts that all life forms have an intrinsic value, a right to exist, even when they are not obviously useful to humans. These activists shared Franklin's belief that the mountain was sacred, although they seemed to understand this differently. Relying on a relatively new theory, island biogeography, which endeavors to explain why unique flora and fauna tends to evolve on islands, they contended that Mount Graham's isolation by the surrounding desert made it much like an island, and they complained that the telescopes might well destroy this unique and fragile "sacred island ecosystem" (Taylor 1995: 119).

Consequently, the environmental radicals, animated by such spiritual perceptions, tried to thwart the construction through "direct action," initiating illegal road blockades on the mountain, and through rowdy invasions of university offices. Never apprehended were activist saboteurs who stole or destroyed equipment intended for the scopes. At some of the protests, Indians from the region (and a number of American Indian Movement activists known in the United States for their militant defense of Native American interests since the 1960s) joined the direct action resistance.

It was difficult to build coalitions of

resistance, however. Even though they shared a conviction that Mount Graham was sacred, there were disagreements over what this meant, and corresponding disputes arose regarding what constituted appropriate, venerating behavior. Disputes erupted between American Indian Movement members and some radical environmentalists—for example, during strategy sessions on Mount Graham. These activists, despite their desire to mutually defend Mount Graham, could not all agree about whether it was permissible to consume alcohol or engage in sweat lodge ceremonies borrowed from Native American cultures (Taylor 1997).

Despite internal disagreements, the coalition's resistance put the university and the Vatican Observatory on the defensive. The university responded by highlighting the divisions within the Apache communities, arguing that not all of them considered the mountain sacred and that some of those who did believed that the telescopes could be constructed in a way that would be compatible with their religion. The university employed anthropologists and public relations firms to help it make its case.

The Vatican Observatory's astronomers faced a special conundrum. They would either have to withdraw from the project or reject claims they were promoting cultural genocide. The observatory's response was led by two Jesuits, George V. Coyne, the director, and Charles W. Polzer, curator of ethnohistory at the Arizona State Museum in Tucson, Arizona. Both stated that they respected Native American religion and acknowledged that some Apache consider the mountain to be sacred. But they argued there was no "credible evidence" from

"authentic Apache" proving the telescopes would violate Apache religious freedom. And Coyne and Polzer regularly spoke in ways revealing the worldview differences underlying the dispute. They asserted, for example, that because no shrines had been found on the mountain, that it could not have been an important ceremonial site, and they concluded as a result that Apache religious practice must not be dependent on access to the mountain or precluded by telescopes upon it.

Moreover, both Coyne and Polzer expressed antipathy to the religious perceptions animating their opponents. Coyne's comments were especially noteworthy. Although he once stated, "We wish ... to preserve the sacred character of Mt. Graham by assuring that ... the Observatory will not contribute to the degradation of the mountain," he declared on another occasion that neither the Earth nor non-human life can be sacred because, unlike human beings, neither have souls or are eternal. But his most ardent opponents viewed all life as intrinsically valuable and Mount Graham as sacred. Coyne knew this and urged his religious peers to recognize that his opponents were promoting an environmentalism and pagan religion that is pernicious and "must be suppressed with all the force that we can muster." For Coyne, the sacred is beyond this world and the Vatican's telescope is part of an otherworldly religious mission to help humans to "know where ... civilization came from" and to find God, or at least to deepen human understanding of God's creation and character. For Coyne, the proposed observatories were also justifiable because the evangelical mission of the Church could be

enhanced through the sub-millimeter radio frequency technology being built on Mount Graham. It might enable earthly Christians to communicate and evangelize extraterrestrials (Taylor 1995: 126).

This brief case study (for details, see Taylor 1995) reveals that differences regarding where the sacred is located—above the world somewhere, or specifically here or there on Earth—can lead to irreconcilable disagreements over what constitutes one's religious obligations here (or there) and now. For the present purpose, we should note that the Forest Service strongly supported the telescope project, and in most ways so did the courts that took up the environmental and religious liberty-based lawsuits opposing it, sometimes aided by timely exemptions to existing environmental laws provided by the U.S. Congress. By 2002, the first three of the originally envisioned 15 telescopes were completed (Figures 1 and 2), but the resistance had succeeded in paring signifi-

cantly the number of planned telescopes.

Establishing Green Religion

In October 1999, an association of loggers filed a civil lawsuit, *Associated Contract Loggers v. United States Forest Service*. Ironically, the lawsuit was filed not just against the Forest Service but also against two environmental groups who had regularly filed lawsuits against the Forest Service in their efforts to prevent logging. The plaintiffs alleged that the environmentalists were inspired by "deep ecology religion" that, like Native American religions and various forms of Paganism, considers nature sacred and environmental destruction a desecrating act. It moreover contended that these environmentalists, with the complicity of the Forest Service, had violated the First Amendment of the United States Constitution and its establishment clause, which enjoins the government from "establishing" (privileging and supporting) one reli-

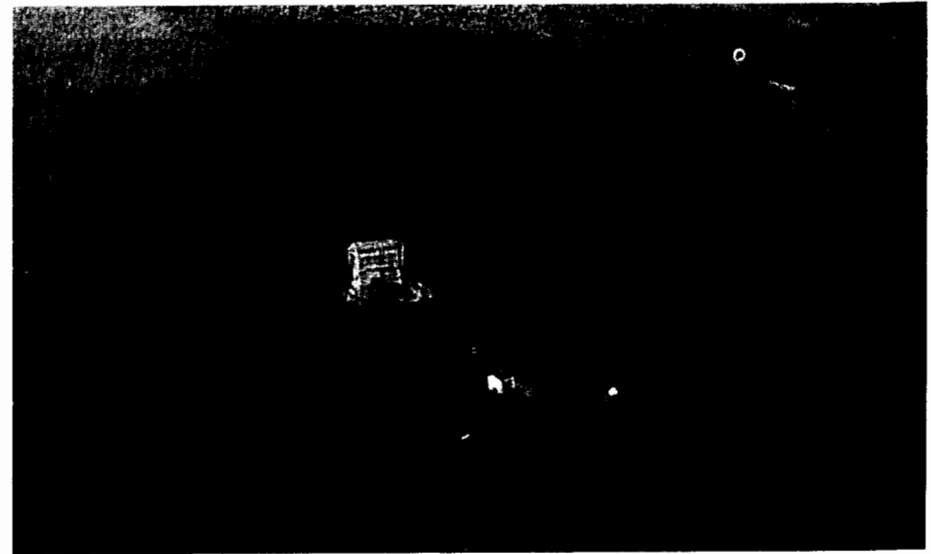


Figure 1. An aerial view of the telescope complex on Mount Graham, July 1999. Photo by Rick Teachout courtesy of Large Binocular Telescope Project.

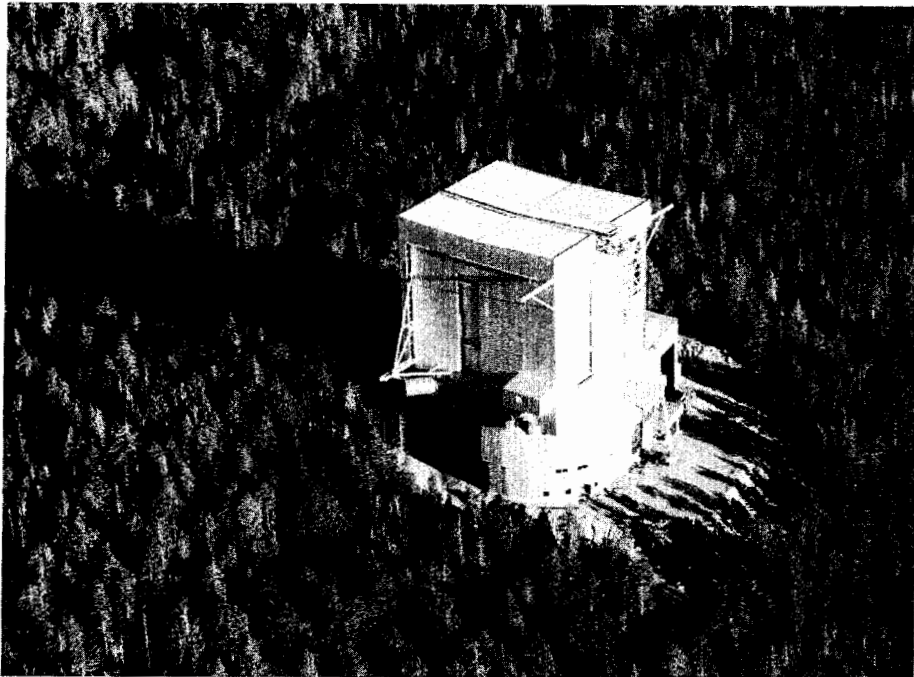


Figure 2. An aerial view of the LBT (Large Binocular Telescope) enclosure erected on Mount Graham during December 1999. As of April 2004, construction was continuing on the telescope itself. Photo by Stephen Criswell courtesy of Large Binocular Telescope Project.

gion over another. The logger plaintiffs claimed that the Forest Service and the defendant environmentalists had privileged deep ecology religion through management decisions reducing logging, while insisting that their own concern was to overturn government-supported religion, not to suppress any particular religion.

The environmentalist defendants and their supporters (including the environmental activist Julia Butterfly Hill and leaders of various deep ecology institutes) responded that deep ecology was not a religion but a philosophy or, alternately, that they were not motivated by deep ecology religion. The defendants also argued that even if they were so motivated, the First Amendment guarantees the right of citizens to petition the government. The defendant environmentalists also

claimed that their own lawsuits against the Forest Service were based on science and law and that their legal victories demonstrate a valid, secular basis for their litigation. They concluded that, given their adversarial relationship with the Forest Service, it was absurd to contend they were in cahoots with it to establish deep ecology religion. The Forest Service agreed and denied being influenced by any religious interest group.

A U.S. District Court judge dismissed the lawsuit in February 2000, holding that the environmentalist defendants had not taken state action, a prerequisite to finding a constitutional violation. He also held that there was no compelling evidence that the Forest Service had been influenced by the environmental activists who were, in any case, entitled to try to

influence government forest practices, whatever their religious motivations.

Given the case law and facts presented, this was an appropriate ruling. The concerns expressed by the logger lawsuit, however, were not implausible, for the religiosity of their adversaries is obvious to any who know them, read their literature, or are aware of scholarly studies about their religious dimensions (see, e.g., Taylor 1994, 1995, 2001a, 2001b). Despite defensive disclaimers by some movement participants, deep ecology and kindred movements certainly qualify as religion (Taylor 1994, 1996, 1999, 2000, 2001a, 2001b). The loggers could have made a stronger argument than they did, however, that the Forest Service, or at least some of its employees, are motivated by deep ecology or kindred nature spiritualities.

Indeed, many Forest Service (and Park Service) luminaries have been motivated by nature-based religion. John Muir, whose preservationist ethics live on as an important part of the Park Service's mission, was motivated by both pantheistic and animistic perceptions of the holy in nature (Fox 1981; Cohen 1984). Bob Marshall, a pantheist and mountaineer who served in several important interior department posts, was the driving force behind the establishment of the Forest Service's first wilderness reserves (Fox 1981: 208; see also Graber 1976). Aldo Leopold, who with Marshall helped create the Wilderness Society, also championed wilderness during his own Forest Service career. In his writings, Leopold eloquently fused science with nature spirituality, while expressing privately his pantheistic spirituality (Fox 1981: 367; Meine 1988: 506-507; Callicott 1994: 42-43; on

Muir, Marshall, and Leopold, see also Taylor 1995).

Leopold's nature spirituality is especially important, for many consider him to be the twentieth century's most influential ecologist. Certainly, his views are influential within the Forest Service. And they permeate a recently published book produced by scholars affiliated with it, entitled *Nature and the Human Spirit* (Driver et al. 1996). Jack Ward Thomas, chief of the Forest Service during much of the 1990s, wrote its foreword. In it, he describes and endorses what Dan Deudney calls "civic earth religion" (Deudney 1995, 1996) while trying to delicately avoid the constitutional problem of how to deal with religion in managing public lands:

The introductory chapter cautions readers against assigning a narrow, sectarian, religious, or mystical meaning to the words 'spirit' and 'spiritual' because the words are used in a much broader sense throughout the text. Much care is taken not to imply actions or ideas that would violate the doctrine of the separation of church and state.... [Jennifer] Friesen [one of the authors in the book] proposes that purposeful management of the public lands, in part to renew the human spirit as the concept is developed in the text, has nothing to do with the causes of the First Amendment to the Constitution.... *Friesen's position is that nature-based spiritual beliefs are generic to all users, whether holders or nonholders of sectarian religious beliefs.* Friesen's position is supported strongly in the Describing Diverse Perspectives section of the text, [which] clearly shows that the types of nature-based spirit-renewing benefits defined by the editors ... are common across all types of users, whether a timber cutter, a hunter, a member of an environmental organization, a hiker, or a Native American.

Indeed, the purpose of this text is to articulate clearly these commonly held values and to explore how they can be integrated into the practice of multiple-use sustainable ecosystems management. This is in line with the Policy of the ... Forest Service that "... ecosystem management must include consideration of the physical, emotional, mental, spiritual, social, and economic well-being of people and communities.... This text is timely because it is clear that a growing number of people recognize and deliberately seek the spiritual benefits the public lands can provide ... to renew their spirit away from the city, and to learn about natural processes. This text should help elected officials and administrators and managers of natural areas better understand the complex intangible benefits those areas provide and how they enrich the lives of all Americans (Thomas 1996: xxiii-xxiv; emphasis added).

Such sentiments may not be equivalent to deep ecology spirituality, but neither are they religiously neutral. They may not prove that the Forest Service decision-making has been shaped by "civic earth religion," but they do suggest that nature spirituality is finding fertile ground in the agency and that the loggers' perceptions that such religion may influence its decision-making are not irrational. Again, it seems difficult to escape religion when exploring contested, protected lands.

Devils Tower/Mato Tipila

Perhaps best known from the motion picture *Close Encounters of the Third Kind*, Devils Tower is a granitic column rising roughly 1,300 feet above the lowlands of the Belle Fourche River floodplain in northeastern Wyoming (Figure 3). The tower

proper emerges from a rocky prominence located above the floodplain, extending 867 feet further skyward (Beaumont 1981: 27). Many Native Americans consider it sacred. Its striking features led to its designation in 1906 as America's first national monument. Today it is considered one of the world's premier rock-climbing sites. Known to the region's native peoples as *Mato Tipila* or Bear's Lodge (McLeod and Maynor 2001), the tower has long figured significantly in Plains Indian religion. Lakota, Eastern Shoshone, Kiowa, Kiowa-Apache, Comanche, Crow, Cheyenne, and Arapaho peoples have all lived near it, but between 1860 and 1910, the federal government made it difficult for them to use the site (Hanson and Moore 1999: 53).

In 1893, two local ranchers made the first recorded ascent, a pastime that subsequently increased in popularity. Ten groups ascended to the summit between 1938 and 1950. Ascents increased nearly five-fold over the following twenty years, and by the end of the 1970s, about 500 parties annually made the climb (Hanson and Moore 1999: 54).

In 1978, changing course after generations during which hostility to American Indian cultures and religions was usually (but not always) official policy, the federal government passed the American Indian Religious Freedom Act. It did not establish new rights or mandate access to or protections of sacred sites, for the act was a procedural one with no enforcement mechanisms (Linge 2000: 320). It did, however, require government agencies to evaluate and reduce the negative impacts of their activities on American Indian religion. At Mato Tipila, native peoples responded to the act by infus-

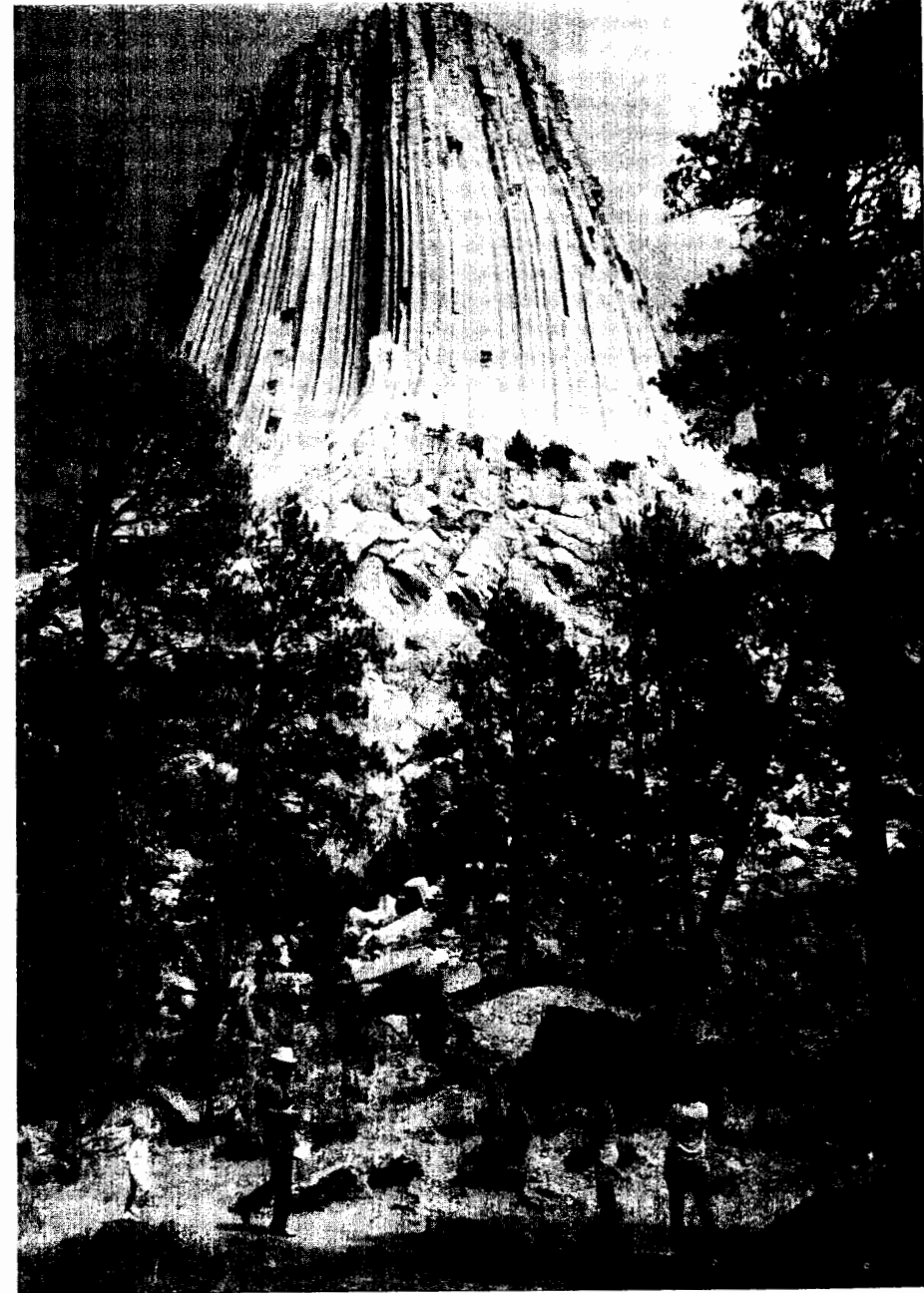


Figure 3. Devils Tower (Mato Tipila) in northeastern Wyoming. The national monument includes over 1,300 acres around the monolith. National Park Service photo.

ing a new energy into their rituals, leading to a flourishing and revival of sun dances and vision quests, among other cultural practices (Latimer 2000: 116).

Meanwhile, by the early 1990s, 5,000 people were climbing there each year (Hanson and Moore 1999: 54), precipitating increased religion-related tensions between Indians and climbers. Many Indians took offense at the behavior of climbers who left climbing hardware in the rock, disturbed ceremonies by yelling, or even removed Indian prayer bundles (Koehl and Van Boven 1996). Such behavior was seen as a threat to the efficacy of the ceremonies (McLeod and Maynor 2001).

Some climbers were unsympathetic to such complaints. "As far as I'm concerned," one contended, "prayer bundles are ... trash, and I'm very offended to have them hanging around the monument.... [T]he Indians don't climb that rock which I own as an American citizen" (Dustin and Schneider 2001: 82). "I don't care how many taxes anybody pays," said an Arapaho Indian in a typical response, noting that climbing upon a Christian church would never be tolerated, asserting neither should it be here, for "this place was dedicated when the ancient people found it ... and since then it's been a sacred place" (Hanson and Moore 1999: 57-58).

Hoping to prevent the dispute from boiling over into violence, the National Park Service began drafting a climbing management plan in 1992 to cohere with the newly amended National Historic Preservation Act, which for the first time required federal agencies to "accommodate access to and ceremonial use of Indian sacred

sites ... and [to] avoid adversely affecting the physical integrity of such sacred sites" (Latimer 2000: 117). The Park Service invited Native Americans, climbers, environmentalists, and local citizens to work together with Park Service representatives. A final climbing management plan was produced in 1995. Its key provision was a voluntary ban on climbing during June, the most important month on the Indian ceremonial calendar. If the voluntary approach failed, the plan indicated, a mandatory ban would be considered (Dussias 1999: para. 26-29).

About 85% of the climbers complied willingly. But in a lawsuit known as *Bear Lodge Multiple Use Association v. Babbitt*, a user's group representing several climbers, including commercial climbing guide Andy Petefish, sued the government, arguing that any ban violated the U.S. Constitution's establishment clause (Hamilton 1996; see *Bear Lodge v. Babbitt* 1996). Petefish opposed special consideration for Native American religion, arguing that the tower was a sacred place for him, too, for "rock climbing is my spiritual activity" (Coates 1996). Other climbers agreed. Responding to criticism that he was desecrating somebody's church, Frank Sanders stated, "I don't mean to offend anybody, but if there's a climbing ban ... then I'm locked out of my church. I think the church ought to be open" (McLeod and Maynor 2001).

In 1996, the U.S. District Court judge hearing the case ruled that a mandatory ban would raise constitutional problems, but that the Park Service could avoid improper entanglement with religion if the ban were completely voluntary (*Bear Lodge v. Babbitt* 1996). The plaintiffs appealed

this ruling even though the ban was made unambiguously voluntary in the subsequently amended plan. The judge rejected this appeal in 1998.

The Park Service's judicially endorsed compromise has not satisfied some of the protagonists, who say it violates their religious freedom. Charlotte Black Elk of the Oglala Lakota, for example, still opposes any climbing as a desecration. Some climbers insist that even a voluntary ban is disrespectful of their religious practice and unduly privileges Indian religion. Climber Paul Piana asserts, for example, that he gets as much spiritual satisfaction from climbing as Indians do from their rituals: "All of the things you are supposed to divine from religion, I get from climbing.... There is this awe that is there, and this respect that is there, all of these mushy, groovy emotions you might come up with to describe the better parts of spirituality" (Hughes 1998). Clearly at Mato Tipila/Devils Tower, there is no way for those vested with management responsibility to fully accommodate both points of view.

Conclusion

As the world's wilder places become scarcer and thus more precious, efforts to protect them are intensifying. But such efforts can precipitate conflict as stakeholders fight over place-dependent resources, livelihoods, and lifeways. As an important element of human culture, religious perceptions and practices often become intertwined within such disputes. Perhaps especially when religious feelings are strong, such conflicts can become violent (Taylor 1998). One lesson from all of this is that government officials, who increasingly must manage disputes over pro-

tected areas, ignore religion at their peril. Those who do will be less likely to succeed, whether in their environmental protection efforts or in ameliorating conflicts over livelihoods or cultural values that such efforts may precipitate.

Another lesson of the preceding cases (which, with more space, could be multiplied with many other examples) is that principles or laws affirming religious freedom do not magically liberate officials from taking sides in religion-related disputes. There are no easy answers and there is no way to avoid making controversial decisions. Officials must face religion forthrightly and strive to reduce religion-related conflicts over protected places. The preceding cases signal three alternative governmental responses that are available when incompatible religious claims are asserted over lands designated or slated for protection. Thinking critically about these responses may provide guidance for dealing with such cases.

On Mount Graham, for example, despite the American Indian Religious Freedom Act, governmental, university, and church officials did little to anticipate or seriously consider the religious objections to the envisioned telescopes, responding defensively and aggressively when these objections did emerge. From the Forest Service to the Congress, government officials acted not as neutral arbiters between the competing secular and religious interests but rather as telescope champions. Indeed, the religious sensibilities of the Indians and environmentalists seemed to remain incomprehensible, if not distasteful, to the telescope's key proponents. The possibility of accommodation was not seriously explored or undertaken.

The Contract Loggers' lawsuit raises another possibility: Government decision-makers could capitulate or convert to a nature-revering spirituality of one sort or another. Under such a scenario, they might well privilege environmental preservation or place-dependent ceremony and reject, for example, the preferences of those who consider it a sacred duty to extract God-given resources to benefit humans who were created in God's image and who alone have souls. U.S. resource agencies have not, of course, embraced nature religion with a corresponding intrinsic value theory, implementing exclusively the prescriptions of those who consider nature sacred. As this case study and the emergence of organizations such as the Forest Service Employees for Environmental Ethics suggest, there is, despite the strong utilitarian ethos that tends to guide American resource agencies (Geffen 2002), a struggle for their hearts and minds. It is possible to imagine that these agencies (or, more likely, various employees within them) will increasingly ground their prescriptions on a reverence for nature, rather than relying primarily on utilitarian premises.

A third way is suggested by the conflict over Devils Tower/Mato Tipila. Here, with recent statutes encouraging respect for American Indian religion well in mind, government officials took seriously the nature-related religious perceptions of the region's American Indian communities. They also arranged for and encouraged dialogue among people with competing religious perceptions regarding proper behavior at this site, and educated the wider public with what they learned. The resulting management plan did not satisfy everyone,

but thus far it seems that the majority of Indians and climbers are willing to live with the compromise now endorsed by the court.

The best possible outcomes in difficult cases such as these will probably begin with an approach that most resembles the third one, with dialogue among contending parties. If solid majorities of the contending parties do not support the outcome, it is unlikely that any land protection scheme will succeed. It is equally unlikely that the decision will guarantee free religious practice or promote tolerance or respect for religious diversity.

Nevertheless, it is also clear that there is no avoiding controversy, so careful deliberation over the values that will guide decisions in difficult cases is indispensable. Put simply: What values are decisive? Put differently: Which values are trumps? Although this is no place for a detailed argument, a foundation for one can be articulated: *Decision-making now ought not foreclose the opportunity to pursue and protect morally important values later.* This expresses the precautionary principle, which is increasingly recognized as a cornerstone for any environmental ethics. Indeed, the precautionary principle is a pillar of the "Earth Charter," which claims that preventing harm is "the best method of environmental protection" and insists that "when knowledge is limited" we should "apply a precautionary approach." The Earth Charter, which also lists the protection of biological diversity and cultural diversity, and the quest for economic justice and democratic decision-making, as its core values, was submitted for ratification by the United Nations General Assembly on the occasion of the Earth Summit in Johannesburg in 2002, and will no

doubt be passionately promoted, and perhaps even ratified, sometime in the future (see Earth Charter Initiative 2002).

Applied to the present and similar cases, such principles place a moral burden of proof on those who would dramatically alter ecosystems when the available evidence indicates that doing so could seriously erode biological or cultural diversity, including religious diversity. All of these are core

values of the Earth Charter, which moreover urges "special attention to the rights of indigenous peoples and minorities." In the case of both biological and cultural diversity, when such diversity is gone, all too often it is gone forever. This underscores the importance of applying the precautionary principle when considering and contesting whether a place, or place-based practice, might merit protection.

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