

KACHINAS ARE SNOWMAKERS:
UNITED STATES PUBLIC LAND MANAGEMENT AND THE HOPI QUEST FOR
RELIGIOUS FREEDOM, 1962-2008.

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ABSTRACT

This study constitutes an original in-depth look at the first federal judicial case to test the scope of religious protections offered to Native American sacred places on public lands by the Religious Freedom Restoration Act of 1993, Navajo Nation v. Forest Service (2005). In doing so, it explores the efforts of the Hopi Nation 1962-2008 to prevent the expansion of the Snow Bowl Resort from despoiling the most sacred of Hopi places, Nuvatukyaovi, also known as the San Francisco Peaks, situated in the Coconino National Park. It places this enquiry within the larger political and historical context of the Hopi Nation and its relationship to the government of the United States from the late nineteenth century to 2008. While this investigation engages in a traditional legal analysis of Navajo Nation, it employs a distinctive existentialist-humanist analysis of the decision-making processes of the Forest Service administrators that generated the federal Ninth Circuit Court of Appeals decision. It concludes that the ordeal of the Hopi with the Snowbowl Resort reveals how a system of law and administrative regulation of public land, theoretically designed to harmonize relations between Native Americans and the needs of public lands management of the United States, was easily subverted by those with culturally-constructed predispositions to discount the differing sensibilities and spiritual concerns of the Native Americans whom their decisions affected.