

Navajo Nation Recognizes Howard Shanker for Advancing Federal Protection of Native American Sacred Sites



Pictured Left to Right: Navajo Nation Vice President Ben Shelly, Howard Shanker and Navajo Nation President Joe Shirley, Jr.

Flagstaff, Arizona -- Howard Shanker of The Shanker Law Firm was honored by the Navajo Nation April 16, 2007 in Window Rock, Arizona for his work on protecting the sacred San Francisco Peaks from desecration by the federal government and a privately run ski area. Shanker, who anticipates running for Congress in 2008 against incumbent Rick Renzi in Arizona Congressional District 1, was presented with a plaque and special Pendleton robe bearing the Navajo Nation seal by President Joe Shirley, Jr. at the State of the Nation Address before the Navajo Nation Council.

During the multi-year litigation, Mr. Shanker represented, in part, the Navajo Nation, the Yavapai-Apache Tribe, the White-Mountain Apache Tribe, the Havasupai Tribe, the Sierra Club, the Center for Biological Diversity and the Flagstaff Activist Network. The precedent-setting U.S. Ninth Circuit of Appeals decision, announced in March, stopped Snowbowl Resort Limited Partnership from using reclaimed waste water to make snow on the San Francisco Peaks – an area that is sacred to 13 of the tribes in the Southwestern United States. Snowbowl operates the ski area on federal land under a special use permit.

The federal government approved the expansion and snowmaking project over the express objections of the tribes in the area. According to the U.S. Forest Service, use of reclaimed wastewater was necessary to ensure that Snowbowl has a “consistent operating season.” The Ninth Circuit decision allows the ski area to continue operations, but precludes them from making snow with reclaimed waste water.

In his address to the Navajo Nation Council, President Shirley stated, “It was through Mr. Shanker’s thoughts, words, long hours of work and his legal argument that the appeals court judges found their way clearly and definitively to understand what is held deeply in the hearts of

all Navajos, as well as members of other tribes who joined us in this lawsuit and who testified at the trial. Through Mr. Shanker's diligence and perseverance . . . our sacred *Dook'o'osliid* is protected."

The plaque that President Shirley presented to Shanker reads, in part, as follows:

To Howard Shanker, Attorney at Law

The Shanker Law Firm

In recognition and deepest appreciation of your efforts and perseverance . . . [for] causing the court to see the justice and righteousness in the Navajo people's spiritual beliefs,

For recognizing the sanctity and necessity of Native American sacred sites,

For fighting the continuing erosion of our culture by government action,

And for helping preserve our Navajo way of life into the future,

The Navajo Nation and the Navajo people, who hold the sacred *Dook'o'osliid* most holy,

Thank you for protecting our Mother, *Dook'o'osliid*."

The presentation of the plaque and the robe were met with a standing ovation by the members of the Navajo Nation Council. According to Mr. Shanker, "I was deeply moved by this gesture of appreciation and respect. It has been a privilege for me to work on this case and to learn so much about the Navajo culture." Shanker added that, "It is unfortunate that the tribes have to resort to litigation to defend areas they hold sacred from government-approved and sponsored desecration."

At this time it appears that Snowbowl and the federal government will be seeking review of the unanimous decision of the Ninth Circuit Panel of Judges.

The Shanker Law Firm, PLC has offices in Flagstaff and Tempe, Arizona.

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