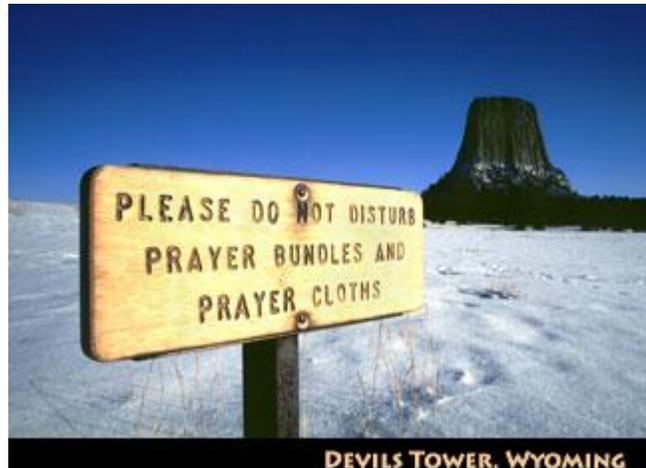


Devils Tower



Devils Tower, located in northeastern Wyoming, is both a popular rock climbing destination and a sacred site to many Native American tribes. Because of the increasing number of recreational climbers every year and the concerns on the part of the tribes as to the ease at which they can perform their religious ceremonies at the tower, in 1992 the National Park Service began developing a Climbing Management Plan/Environmental Assessment of the current use of Devils Tower National Monument. The National Park Service consulted concerned parties in the drafting process in an effort to accommodate the various competing interests. These parties included the Bear Lodge Multiple Use Association, a group that seeks to protect the public's right to use federal land; Andy Petefish, the head of Tower Guides, a professional rock climbing service for Devils Tower; Winnie Bush and the residents Hulett, Wyoming, the closest town to the tower; and various Native American tribes, principally the Crow, Arapaho, Lakota, Cheyenne, Kiowa, and Shoshone, but also about twenty-three other tribes who consider the tower a sacred site. For more information about those involved, see the [Who](#) section.

Bear Lodge Multiple Use Association (BLUMA) characterized the dispute as one concerning access to federal land, whereas the Native American tribes and supporting parties looked at it as a conflict over their right to preserve their ability to freely practice their religion, which involves the protection of their sacred sites. The National Park Service considered many alternatives to the present situation at the tower. The Preferred Alternative established a voluntary ban on climbing in June, which is, culturally, the most significant month for the tribes. This voluntary ban entails asking that people not climb the tower in June out of respect for the tribes, but allowing people to climb if they choose to do so. In 1998, BLUMA sued Bruce Babbitt, the United States Secretary of the Interior, stating that the voluntary climbing ban violated the Establishment Clause of the First Amendment and that it would cause economic injury to Andy Petefish. For more information on the dispute and its characterizations, see the [What](#) section.

The suit was brought against Babbitt in the Federal District Court of Wyoming. The court determined that the voluntary ban was not in violation of the Establishment Clause because it sought to accommodate the tribes' religion, not advocate it. BLUMA brought the case to the Court of Appeals a year later; it maintained that the first ruling still stood. The court rulings, however, can be seen as conflicting with a previous case involving Native American sacred sites. For more information, see the [Where](#) section.

Both sides of the lawsuit gained support from many concerned groups that intervened on their behalves. For more information about how the dispute was resolved, see the [How](#) section.

For the sources consulted in this case study, see the [References](#) section.

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