

# Lyng v. Northwest Indian Cemetery Protective Association

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**PETITIONER**

Lyng

**RESPONDENT**

Northwest Indian Cemetery Protective Association

**LOCATION**

[Hoopa Valley Indian Reservation](#)

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**DOCKET NO.**

86-1013

**DECIDED BY**

[Rehnquist Court \(/courts?court=Rehnquist Court\)](#)

**LOWER COURT**

United States Court of Appeals for the Ninth Circuit

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**CITATION**

[485 US 439 \(1988\) \(https://supreme.justia.com/cases/federal/us/485/439\)](#)

**ADVOCATES**

[Marilyn B. Miles \(advocates/marilyn\\_b\\_miles\)](#)

*Argued the cause for the respondents*

**ARGUED**

Nov 30, 1987

[Andrew J. Pincus \(advocates/andrew\\_j\\_pincus\)](#)

*Argued the cause for the petitioners*

**DECIDED**

Apr 19, 1988

## Facts of the case

The United States Forest Service was considering building a paved roadway that would cut through the Chimney Rock area of the Six Rivers National Forest. It was also considering timber harvesting in the area. A study commissioned by the Forest Service reported that harvesting the Chimney Rock area would irreparably damage grounds that had historically been used by Native Americans to conduct religious rituals. After the Forest Service decided to construct a road, the Northwest Indian Cemetery Protective Association took action against Secretary of Agriculture Richard Lyng.

## Question

Did the First Amendment's Free Exercise Clause prohibit the government from harvesting or developing the Chimney Rock area?

## Conclusion

Sort: [by seniority](#) [by ideology](#)

5-3 DECISION FOR LYNG

MAJORITY OPINION BY SANDRA DAY O'CONNOR

[William J. Brennan Jr.](#) [Byron White](#) [John Paul Stevens](#) [Antonin Scalia](#)



[William H. Rehnquist](#) [Richard A. Breyer](#) [Sandra Day O'Connor](#)

No. In a 5-to-3 decision, the Court held that the Forest Service was free to harvest the lands. Though the government's actions would have severe adverse effects on the Indians' practice of their religion, those effects were only incidental and did not constitute an attempt to coerce Native Americans to act in violation of their beliefs. The Court reasoned that government could not operate "if it were required to satisfy

every citizen's religious needs and desires," and that the First Amendment did not give any one group veto power over public programs that did not actually prohibit the free exercise of religion.

Cite this page

[APA](#) [Bluebook](#) [Chicago](#) [MLA](#)

"Lyng v. Northwest Indian Cemetery Protective Association." *Oyez*, [www.oyez.org/cases/1987/86-1013](http://www.oyez.org/cases/1987/86-1013). Accessed 25 Jan. 2021.