

# Loggers' lawsuit says policies violate church-state split

Ashley H. Grant

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MINNEAPOLIS — The feud between environmentalists and loggers over commercial tree-cutting in Minnesota's forests is being transformed into a fight over the separation of church and state.

A group of loggers has filed a lawsuit against the U.S. Forest Service and two environmental groups, claiming the Forest Service has buckled to the groups' philosophy of "deep ecology," which regards the natural world as sacred.

That philosophy, the lawsuit maintains, amounts to a religion. And that means the Forest Service has violated the First Amendment prohibition on government favoring or endorsing one religion over another, it claims.

The loggers want a federal judge to stop the environmentalists and the government from limiting access to timber unless they can prove they are acting for nonreligious reasons. They also are asking for \$600,000 in damages to make up lost business.

"It's so ludicrous," said Ray Fenner, executive director of St. Paul-based Superior Wilderness Action Network, one of the groups being sued. The other is New Mexico-based Forest Guardians.

"If this goes any further, every U.S. citizen should be scared to death," Fenner said.

All three defendants have asked the court to dismiss the case, saying it is meritless.

The heart of the case is whether "deep ecology" is religious at all.

"Of course not," said Michael Pinto, president of the Institute for Deep Ecology based in Occidental, Calif. "Religion is faith-based. Deep ecology is not."

Pinto says the philosophy, which has attracted worldwide interest since being introduced in the 1970s, is simply an insightful way of looking at the interconnectedness of human beings and nature.

But the loggers argue that it is similar to American Indian religions that place nature at the center of creation.

Bron Taylor, a professor of environmental studies, religion and Earth ethics at the University of Wisconsin at Oshkosh, said deep ecology could be considered a religion — if a court's definition didn't require a belief in divine beings.

"Much environmentalism draws upon the idea that nature is sacred," says Taylor, who has written and taught extensively on the subject.

Forest Guardians, a 10-year-old Santa Fe, N.M.-based group that wants to end commercial logging in national forests, has challenged about 300 federal timber sales in the last three years but has won only about 50.

Superior Wilderness Action Network has filed about 12 challenges but Fenner counts just one outright victory.

Still, to loggers even delays can mean a big financial loss, said Larry Jones, executive director of the Tower-based Associated Contract Loggers, a coalition of individual loggers and companies that filed the lawsuit.

"If I lose a month of production, that's 10 percent of my revenue," Jones said.

Logging in Minnesota's national forests has dropped by nearly 25 percent over the last four years.

Nationally, only about 4 percent of logging is done on federal land. But some loggers in northern Minnesota rely on national forests for 40 percent to 50 percent of their income, Jones said.

Forests cover 33 percent of Minnesota's land area, or about 16.7 million acres. The Forest Service owns 12.4 percent of the land.

The case could have far-reaching implications, said Michael Stokes Paulsen, a University of Minnesota law professor and national expert on law and religion.

If loggers were to win, Baptists could be sued for lobbying for gambling restrictions, or Catholics could be sued for promoting restrictions on partial-birth abortion, he said.

"Who knows?" he said. "Maybe baseball fans could be sued if their fervent devotion to a team led to a bond referendum for a new stadium."

The Ted K Archive

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