

APACHE STRONGHOLD

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Apache Stronghold Begins Caravan to Ninth Circuit Court for Rehearing of Oak Flat Case Against the United States

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San Carlos, AZ – The Apache Stronghold is traveling this week from the San Carlos Apache Reservation to the Ninth Circuit Court of Appeals in San Francisco for a rehearing in their case against the United States to protect Oak Flat, a holy and sacred site, which is currently under threat of destruction by a foreign mining company, Resolution Copper.

The judges of the Ninth Circuit requested this hearing *en banc*, meaning it will hear the case in front of a full 11-judge court instead of the original three-judge panel, giving the Apache Stronghold a second chance to win protection for Oak Flat in the Ninth Circuit before the case goes to the Supreme Court. This type of request from the judges is extremely rare – they call back fewer than 0.5% of the cases they hear – reflecting the significance of the case.

This hearing will allow the judges to determine whether the case will officially be pulled back into the Ninth Circuit. If the judges decide against rehearing the case, the Apache Stronghold has vowed to appeal to the U.S. Supreme Court.

Following private blessing ceremonies at Oak Flat and in Tucson, AZ, the caravan is departing from the San Carlos Apache Reservation on September 1. Planned stops include Yuma, AZ, Malibu, CA, and San Francisco Bay Area, where the members of the Apache Stronghold and their supporters will meet with members of tribes including the Quechan, Chumash, Ohlone, and Pomo for blessings and prayer on their journey.

During the court hearing on September 6, the Apache Stronghold will hold a Day of Prayer at the San Francisco Civic Center from 6am-1pm. Supporters are encouraged to join the Apache Stronghold in prayer during this time, whether or not they are able to attend in person.

Dr. Wendsler Nosie, Sr. of the Apache Stronghold said: “Oak Flat is the place we have connected with our Creator for millennia, and the generations that follow us deserve to continue this holy tradition. We are glad the Ninth Circuit is going to take a closer look at this decision, and we hope it will do the right thing and protect our most sacred site at Oak Flat.”

Western Apaches and other native tribes have worshipped on the land they call Chi’chil Bildagoteel since time immemorial. To this day, these tribes gather at Oak Flat for their most essential religious ceremonies, that cannot take place anywhere else. For decades, Oak Flat was protected by the federal government from mining and other practices that would destroy the hallowed Apache land. But in 2014, the United States government decided to give the land to

Resolution Copper, a foreign-owned mining company, which plans to build a mine that will swallow the site in a nearly 2-mile wide, 1,100-foot deep crater, ending Apache religious practices forever.

The mine will also consume and contaminate 250 billion gallons of Arizona's increasingly limited water sources, while the state faces drastic water use decisions due to the ongoing severe drought. Congress exempted Resolution Copper from all federal environmental law, meaning that there will be no oversight or consequences for their destructive actions. Once mined, the copper ore itself will be shipped to China.

This past June, the Ninth Circuit in a 2-1 vote refused to protect Oak Flat and the Apache people and the state from this cultural and environmental devastation.

Regarding this earlier ruling, **Luke Goodrich, vice president and senior counsel at Becket, which represents Apache Stronghold, said:** "The panel's opinion is, as Judge Berzon said, 'illogical,' 'incoherent,' 'flawed,' and 'absurd.' The ruling conflicts with the decisions of other circuits and the Supreme Court, and it gets the law badly wrong. So, we expect it to be corrected – if not by the full Ninth Circuit, then by the U.S. Supreme Court."

In addition to Becket, Apache Stronghold is represented by attorneys Michael Nixon and Bill Carpenter.

For more information or to arrange an interview with a Becket attorney, contact Ryan Colby at media@becketlaw.org or 202-349-7219. Interviews can be arranged in English, Chinese, French, German, Portuguese, Russian, and Spanish.

Additional Information:

- [Ninth Circuit decision in Apache Stronghold v. United States](#) (June 24, 2022)
- [Media Kit for Apache Stronghold v. United States](#) (Images, video and B-roll. Courtesy of Apache Stronghold members and their families, Becket, Robin Silver Photography, and Russ McSpadden)
- [Becket's Opening Brief at the Ninth Circuit Court of Appeals](#) (March 18, 2021)
- [Case page for Apache Stronghold v. United States](#) (Press releases and legal documents)