

# APACHE STRONGHOLD

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## **APACHE APPEAL RULING ALLOWING SACRED OAK FLAT LAND GIVEAWAY. POWERHOUSE LAW FIRM BECKETT JOINS APACHE STRONGHOLD LEGAL TEAM.**

Phoenix, AZ – This afternoon Apache Stronghold [filed](#) an appeal of U.S. District Court Judge Steven Logan's February 12, 2021, [ruling](#) refusing to prevent the giveaway of sacred Oak Flat to Rio Tinto/Resolution Copper before the completion of litigation. The U.S. Government agreed earlier not to proceed with the land transfer "any sooner than" March 11, 2021; however, Judge Logan refused to stop the giveaway even though a trial will last far beyond that date and the giveaway will happen during the trial without an injunction to stop it.

Apache Stronghold in the next several days will request an emergency injunction from the 9<sup>th</sup> Circuit Court of Appeals to stop the giveaway of Oak Flat. The appeal will challenge Judge Logan's rulings that (1) the Apache Stronghold has no right to ask a Court for help because they are not an officially designated a "sovereign nation," that (2) the U.S. Government has no Trust Responsibility to the Apache even though their Treaty of 1852 guarantees the Apache "prosperity and happiness," and that (3) the Apache will not suffer a "substantial burden" in losing Oak Flat because they are not being "coerced to act contrary to their religious beliefs by the threat of civil or criminal sanctions" even though after Oak Flat becomes private property on March 11, Apaches praying there will be subject to arrest and prosecution for criminal trespass.

"We must appeal to stop the giveaway of *Chi'chil Bildagoteel* on March 11," said Apache Stronghold leader and former San Carlos Apache Tribal Chairman Dr. Wendsler Nosie, Sr. "We disagree that destruction of our sacred land, stopping our ability to practice our religion and subjecting us to criminal trespass arrest for praying on our sacred grounds is not a 'substantial burden' on us."

In his February 12 ruling, Judge Logan did find that "The evidence before this Court shows that the Apache peoples have been using Oak Flat as a sacred religious ceremonial ground for centuries...the spiritual importance of Oak Flat cannot be overstated...the Apache peoples believe that Usen, the Creator, has given life to the plants, to the animals, to the land, to the air, to the water...The Apaches view Oak Flat as a 'direct corridor' to the Creator's spirit." And, "[t]he Court does not dispute, nor can it, that the Government's mining plans on Oak Flat will have a devastating effect on the Apache people's religious practices."

Nonetheless, Judge Logan denied the injunction, clearing the way for the land giveaway.

"I am a Veteran. I served in Desert Storm in the Persian Gulf," said Cranston Hoffman Jr., an Apache Stronghold Member. "Just as I served to defend this Country as a soldier in the Army, I serve my People to defend our traditional Apache Way of Life as an Apache Medicine Man."

Native Americans serve in the Armed Forces at a higher rate than any other ethnic group. Twenty-seven American Indians have been awarded the Medal of Honor. Hundreds of Native American soldiers have sacrificed their lives for this Country, leading many to wonder, "why is our religion not protected like all other religions?"

Apache Stronghold's appeal will ask the 9<sup>th</sup> Circuit Court of Appeals to recognize that the U.S. Supreme Court ruled in *McGirt v. Oklahoma* (2020) that "we hold the government to its word" in a Treaty with the Creek Indians, and that the U.S. Supreme Court has stopped multiple government violations of religious rights in cases like *Burwell v. Hobby Lobby* (2014) and *Little Sisters of the Poor v. Pennsylvania* (2020).

Becket (<https://www.becketlaw.org/>) will be [representing](#) Apache Stronghold for the appeal. Recognized by the Associated Press as "a powerhouse law firm," Becket is known for its success in defending the free expression of all faiths. It has won seven Supreme Court cases in the last nine years, including the famous cases of *Hobby Lobby* and *Little Sisters of the Poor*, and has broad experience defending Native American [religious practices](#) and [sacred sites](#).

In addition, please note that the Apache Stronghold's Lis Pendens, or [lien](#), on the Pinal County Oak Flat property title in the Pinal County Courthouse in Florence is still in effect.

More information at: <http://apache-stronghold.com/about-us.html>

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