

APACHE STRONGHOLD

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APACHE STRONGHOLD vs. UNITED STATES PRELIMINARY INJUNCTION EN BANC HEARING DATE IS MARCH 21, 2023 AT 10 A.M.

NEWS RELEASE: March 11, 2023

After a divided ruling, the U.S. Court of Appeals for the Ninth Circuit has agreed to rehear the case “en banc”—meaning in front of a full panel of eleven judges. Oral argument will be held at 10:00 a.m. on Tuesday, March 21, 2023, in Courtroom Three of the Richard H. Chambers Courthouse, located at 125 South Grand Avenue in Pasadena, California 91105.

In June of this year, a panel of three Ninth Circuit court judges ruled 2:1 against Apache Stronghold, with Judge Berzon dissenting and calling the ruling “illogical,” “incoherent,” “flawed,” and “absurd.” Now, a majority of the Ninth Circuit’s 29 active judges has voted to rehear the case and will convene a special panel of eleven judges to decide whether the law allows the government to destroy sacred sites.

Since the 2015 National Defense Authorization Act (NDAA), the Resolution Copper mine has been allowed to swap parcels in exchange for the National Forest Service land which includes Oak Flat. The Oak flat area sits directly above the largest copper ore body found in the United States.

For many years, Resolution Copper has attempted to get Oak Flat by lobbying congressional leaders, beginning with Rick Renzi. The congressman promised to use his legislative influence to profit from the federal land exchange purchases by Resolution Copper. In June of 2013, a jury convicted Congressman Renzi of 17 of the 32 counts in the corruption case against him and was sentenced to three years in prison. In January of 2021, Rick Renzi received a full pardon from President Donald Trump.

Resolution Copper worked with Paul Gosar and Ann Kirkpatrick, Arizona’s District 1 representatives, who were not able to get the land exchange passed through Congress, because they could not get enough votes in the House and the Senate. John McCain and with support from other senators developed the land package, which included other federal land swaps and allowances that had not passed Congress. This land package was attached as a rider to the NDAA in the final hour of voting. The National Defense Authorization Act is a must pass bill because it funds the U.S. defense department. The Oak Flat land exchange was passed into law with the added environmental protection law exemptions for Resolution Copper. An Environmental impact statement (EIS) was required 60 days prior to the land exchange. The U.S. Forest Service completed the EIS, at which time, the Apache Stronghold filed a lawsuit against the United States for religious freedom and treaty rights. The United States withdrew the Final EIS, which they stated needed more tribal consultation. Apache Stronghold did not get

the preliminary injunction (2:1 ruling) and appealed to the Ninth Circuit court. In the Appeal, the Apache Stronghold did not get the preliminary injunction, again a 2:1 ruling. The Supreme court was our next Appeal, but the Ninth Circuit court brought the case back to the Appeal court to be heard en banc, before 11 judges. This is the hearing that is scheduled for March 21, 2023 in Pasadena, CA.

Many Tribes are in opposition. The National Congress of American Indians has a resolution supporting saving Oak Flat. This land is Sacred. The area has to be dewatered in order to be mined which will dry up the water in the area. The area would become a huge hole in the ground. The temperature at 7000+ feet below surface will not allow people to work there, it will have to be operated robotically. Congressmen promise jobs for tribal members, but the small number of jobs do not out-weigh the destruction of the area. Currently, the mining company has a plan to leave the toxic tailings, the byproduct of taking copper ore from the rock, in a large area at Skunk Camp where ancestral remains of O'odham people rest. This toxic tailing pile will carry acidic dust into the air when the wind blows covering the entire Phoenix metropolitan area.

“As it was at the beginning of our people with one prayer, one drum and one circle we again must defend our sacred land and our home with one prayer, one drum and one circle,” said Dr. Wendsler Nosie, Sr. of Apache Stronghold. “We have worshipped on Oak Flat since time immemorial and we will be outside the courthouse to defend and protect our sacred place.”

“The government’s plan to destroy Oak Flat is a tragic reminder of how terribly our nation has treated, and still treats, native peoples,” said Luke Goodrich, vice president and senior counsel at Becket. “Such callous disregard of religious practices would never be tolerated for other faith groups, and it is long past time for our nation to provide equal protection for Native Americans and their religious practices.”

This statement comes to you with immense concern for the future of all children and Nigos'dzan (Mother Earth). We have come to a pivotal point in the protection of Chi'chil Bidagoteel (Oak Flat), which unites us together for the simple reason of protecting the future of our children, those yet to born and the world, and the Earth (Mother Earth).

Apache Stronghold will travel to the Hearing on a Spiritual Convoy, traveling to Pasadena, California beginning Sunday March 12th. The convoy, in prayer, will visit supporting Tribes, Churches and organizations leading to the 9th circuit Appeal court en banc hearing to protect a Sacred and Holy land, Oak Flat. We invite all to join us in the journey to Pasadena to be present for our Appeal Hearing. The schedule for the convoy is attached. All links will be on www.apache-stronghold.com and on facebook at Apache Stronghold/Save Oak Flat.

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

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Instagram: @protectoakflat

Twitter: @ProtectOakFlat