

# APACHE STRONGHOLD

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## Apache Stronghold Day of Prayer for Rehearing of Save Oak Flat Case in the Ninth Circuit Court

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San Francisco, CA – The Apache Stronghold has traveled from the San Carlos Apache Reservation to the Ninth Circuit Court of Appeals in San Francisco for a rehearing of 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 Court of Appeals are currently engaged in deliberations. The case is being considered for rehearing en banc, meaning 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 for a rehearing vote in fewer than 0.5% of the cases they resolve – reflecting the significance of the case.

Today, on September 6, the Apache Stronghold is holding a Day of Prayer at the San Francisco Civic Center from 6am until the briefing closes later today. Supporters are encouraged to join the Apache Stronghold in prayer.

“Oak Flat is like Mount Sinai to us—our most sacred site where we connect with our Creator, our faith, our families, and our land. It is a place of healing that has been sacred to us since long before Europeans arrived on this continent. My children, grandchildren, and the generations after them deserve to practice our traditions at Oak Flat.” -- **Dr. Wendsler Nosie, Sr. of Apache Stronghold.**

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 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 in Oak Flat forever. In 1955, President Dwight D. Eisenhower decreed the area of Oak Flat be closed to mining. He designated the surrounding area public land under the multiple-use mandate of the U.S Forest Service. The mine will desecrate an ecologically-unique ecosystem.

In June the U.S. Ninth Circuit Court of Appeal ruled 2-1 in support of the U.S. against the Apache Stronghold's request for a preliminary injunction to halt the transfer of their sacred lands

to the foreign mining corporation. The court's ruling concluded the destruction of Oak Flat imposes no "substantial burden" on Apache religious practices, clearing the way for the copper to be mined for corporate profits. The one dissenting judge, Marsha Berson, called the decision "absurd," "illogical," and "disingenuous."

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 there will be no oversight or consequences for their destructive actions. Once mined, the copper ore itself will be shipped to China.

*For more information or to arrange an interview with a Becket attorney, contact Ryan Colby at [media@becketlaw.org](mailto: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)