

Apache Stronghold back in court fighting for Oak Flat

Ninth Circuit to rehear appeal of Native Americans and their allies

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WASHINGTON – A group of Western Apaches, tribal leaders, faith leaders, National Congress of American Indians, the Advisory Council on Historic Preservation and grassroots organizations are headed back to federal court to [protect their most sacred site](#) from complete destruction by a foreign-owned mining company. On Tuesday, the Ninth Circuit will hear arguments again in [Apache Stronghold v. United States](#) after the court decided last fall to hear the case “*en banc*” — meaning in front of a full panel of eleven judges. Becket, along with attorneys Michael V. Nixon and Clifford Levenson, are defending the Apaches’ right to continue their longstanding religious practices at Oak Flat.

Since time immemorial, Western Apaches have come to Oak Flat for their most important and longstanding religious ceremonies that cannot take place anywhere else. The sacred site is on the National Register of Historic Places and has been protected from mining and other destructive practices for decades. In 2014, however, the government ordered Oak Flat to be sold to Resolution Copper, a foreign-owned mining company that plans to turn the site into a two-mile-wide and 1,100-foot-deep crater. Apache Stronghold—a coalition of Apaches, other Native peoples, and non-Native allies—sued the federal government to halt the demolition of Oak Flat.

After the Ninth Circuit ruled against them last summer, the court then decided to reconsider its decision—giving Oak Flat another chance. Apache Stronghold asks the court to protect Oak Flat just as it would protect any church, mosque, or synagogue from government destruction.

What:

Oral argument in [Apache Stronghold v. United States](#)

Who:

Luke Goodrich, vice president & senior counsel at Becket
Attorneys Michael V. Nixon and Clifford Levenson

When:

Tuesday, March 21, 2023, at 10:00 a.m. PDT

Where:

Listen to the live stream here:
[United States Court of Appeals for the Ninth Circuit - YouTube](#)
U.S. Court of Appeals for the Ninth Circuit
125 S Grand Ave
Pasadena, CA, 91105
Courtroom 3

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

Additional Information:

- Case profile video: [Sacred Lands and Copper Ore: Apaches Fight for their Ancestral Lands](#)
- Case Page: [Apache Stronghold v. United States](#) (B-roll, images and legal documents)
- [Legal Doc: U.S. Court of Appeals for the Ninth Circuit's Opinion in Apache Stronghold v. United States](#) (June 24, 2022)

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*Becket is a non-profit, public-interest law firm dedicated to protecting the free expression of all religious traditions and has a 100% win-rate before the United States Supreme Court. For over 20 years, it has successfully defended clients of all faiths, including **Buddhists, Christians, Jews, Hindus, Muslims, Native Americans, Sikhs, and Zoroastrians** (read more [here](#)).*