

Foreign mining giants enter legal fight to seize sacred Native land

Rio Tinto and BHP's Resolution Copper seeks to join forces with the feds to destroy Oak Flat

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WASHINGTON – A massive foreign-owned mining corporation [has joined forces](#) with the United States government in its ongoing legal battle to destroy Oak Flat, an ancient Apache sacred site in Arizona. In [*Apache Stronghold v. United States*](#), a coalition of Western Apaches is fighting to stop the federal government from giving Oak Flat to a mining giant that will swallow the site in a nearly two-mile-wide, 1,100-foot-deep crater—ending Apache religious practices forever ([Watch this short video to learn more](#)). Today, that mining corporation—Resolution Copper—told a federal court for the first time that the company must be allowed to join the lawsuit on the side of the federal government and oppose the Apache people and their efforts to protect a sacred place.

“The United States and Resolution Copper are not only destroying our holy and sacred place, they are severing native peoples’ spiritual connection from God through our Mother Earth, as they have done to everyone else’s spirit in this country,” **said Dr. Wendsler Nosie Sr. of Apache Stronghold.** “They are also allowing an unacceptable environmental impact study to move forward. Reports clearly show billions of gallons of water will be contaminated with devastating environmental impacts on every level. The impacts are not only against the Apache Stronghold, they are against mankind and Mother Earth—the U.S. Government led by corporate interests (Resolution Copper, Rio Tinto and BHP) to destroy God’s greatest gift to all the people, our Mother Earth.”

Resolution Copper is owned by the world’s two largest mining corporations, Rio Tinto and BHP. Rio Tinto has an abysmal track record of destroying indigenous sacred sites, previously sparking international outrage when it [deliberately destroyed](#) 46,000-year-old indigenous rock shelters at one of Australia’s most significant cultural sites. Rio Tinto’s largest shareholder is Chinalco, China’s state-owned aluminum producer.

Since time immemorial, Western Apache and other native peoples have gathered at Oak Flat for essential religious ceremonies that cannot take place anywhere else. Oak Flat is on the National Register of Historic Places and has been protected from mining and other harmful practices for decades. Those protections fell by the wayside in 2014, when a last-minute provision was inserted into a must-pass defense bill authorizing the transfer of Oak Flat to Resolution Copper. The mining giant plans to turn the sacred site into a two-mile-wide and 1,100-foot-deep crater.

During the current lawsuit over Oak Flat, Resolution Copper has opted to sit on the sidelines for over two years. But the case is [now under consideration](#) by a full panel of eleven judges in the United States Court of Appeals for the Ninth Circuit, with a decision expected within months. Only today did Resolution Copper ask the trial court to allow it to intervene in the case so it can make legal arguments alongside the government. Its sudden about-face signals that the international mining company is concerned about what might happen in the case, as the Supreme Court may have the last word on the protection of Oak Flat.

“There’s a reason Resolution Copper is trying to jump into this case now, after sitting on the sidelines for two years,” said **Luke Goodrich, vice president and senior counsel at Becket**. “It knows Apache Stronghold has strong legal arguments that could carry the day with the Ninth Circuit or with nine Justices, and it wants to have its say before it’s too late.”

In addition to Becket, Apache Stronghold is represented by attorneys Michael V. Nixon of Portland, Oregon, and Clifford Levenson of Phoenix, Arizona.

A decision by the Ninth Circuit is expected this spring or early summer.

Additional Information:

- Video: [*Sacred Lands and Copper Ore: Apaches Fight for their Ancestral Lands*](#)
- Case Page: [*Apache Stronghold v. United States* \(Images, b-roll and legal documents\)](#)
- Legal Doc: [*U.S. Court of Appeals for the Ninth Circuit’s Initial Panel Opinion in Apache Stronghold v. United States* \(June 24, 2022\)](#)
- [*Media Kit for Apache Stronghold v. United States* \(Images and b-roll\)](#)

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.

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