

A True American Tale: Indigenous Rights vs. Corporate Greed

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Members of Apache Stronghold, a nonprofit organization comprising Indigenous activists and religious leaders, gather to rally against copper mining at the Oak Flat site in Arizona. (photo/Steve Pavey for Truth Dig)

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OCTOBER 17, 2025

Deep in the Tonto National Forest in southeast Arizona, there is a land where the Ga'an, or holy spirits, reside. These spirits commune with Usen, the Creator, and act as messengers to the people.

This article



In this belief, the Western Apache have worshipped for centuries using the leaves, the trees, the water and the dirt to breathe life into their traditions and ceremonies. This land holds their way of life and the soul of what it means to be Apache in the midst of hundreds of years of ongoing genocide by the U.S. government.

This land is known as Chí'chil Biłdagoteel, or Oak Flat in English. It is where Apache daughters have their Sunrise Dances, where Apache men and boys participate in sweat lodges, where gatherings take place and where Apache people go to commune with Usen.

But because Oak Flat sits atop one of the largest copper deposits in North America, it is also an attractive target for mining interests. In 2014, Resolution Copper, a joint venture of Rio Tinto and BHP, entered into a deal with the U.S. government to trade 3,500 acres of land they purchased along the San Pedro River for 2,400 acres of land in the San Carlos Apache Reservation. Since then, tribal members and their allies have been fighting to preserve the sacred site and sensitive desert ecosystem surrounding it.

Apache Stronghold, a nonprofit organization comprising Indigenous activists and religious leaders, sued the U.S. government to protect Oak Flat in 2021, arguing that destroying the site violated the Religious Freedom Restoration Act (RFRA) and that it broke the 1852 treaty protecting the site for the Apache people. After years of prayer runs, gatherings and a prayer walk across the nation with other activist and religious groups, the case reached the Supreme Court in 2024.

When the Supreme Court refused to hear Apache Stronghold's case, the nonprofit filed for a rehearing. Last week, the Supreme Court denied the petition to rehear its argument. "America has shown us the government's true intentions, we are unheard and ignored once again," Apache Stronghold said in a statement after the denial. "Our judicial system's voice is muted by capitalism, the ultimate destruction of Mother

Earth."

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The law firm representing Apache Stronghold, the Becket Fund, argued that mining Oak Flat will directly impact the ability of the Apache people to practice their religion and therefore their identity. To mine the copper ore from Oak Flat, Resolution Copper would have to dig a 1,100-foot-deep crater, effectively destroying 2,422 acres of land and making it impossible for the Apache people to be able to practice their religion.

“Many Native American religions are place-based, which means their religion is inseparable from the place in which it is practiced,” explains Beth Wright, a member of the Pueblo of Laguna and attorney from the. “For tribal nations, their religious practices are essential to their very existence because tribal nations ensure their continued strength by passing on their religions, customs, values and traditions from one generation to the next.”

For the Western Apache, the Sunrise Dance specifically is at risk. Sunrise Dances are three-day ceremonies that prepare a girl for womanhood and the responsibilities she will inevitably carry in her maturity. Once a girl has her first period, she participates in the ceremony, where she is prayed over, painted in clay from the earth and given gifts while spiritual messengers, called Crown Dancers, teach the girl about the creation and other sacred stories through their dance. If these girls are not able to have their dance, this tradition, which survived genocide, will no longer be able to be practiced.

“It’s actually essential to the practice of the Apache religion to have this place,” says NARF senior staff attorney Jason Searle. “This is where the medicines that they use, the roots and plants, and the animals they’ve used for different ceremonies are collected, and they all are tied specifically to that place, their stories and their songs, they have a history there. And that’s the only way that they can really, really sustain those. The way that they pass those along is explaining that to their children, this is what this place means to us, and it gives it a context for all of their beliefs in a way that’s hard to explain to other people.”

Oak Flat and the land surrounding it was protected under both the 1852 Treaty of Santa Fe and a 1955 executive order signed by President Dwight Eisenhower. But in



must-pass uranium mine, Resolution Copper for

the purposes of national security. McCain justified the rider saying, “The people in my state are hurting. This mine is an economic opportunity that shouldn’t be squandered.” President Barack Obama ultimately signed it into law.

The second administration has made opening public lands to private interests a major priority. In one version of ’s “Big Beautiful” budget bill, extractive companies were explicitly referred to as “customers” of the Department of the Interior until was pressured to remove the language from the text, although the spirit still animates government action. The Trump administration found other ways to open the land, such as not renewing environmental protections, eliminating conservation requirements and mining restrictions, and opening wildlife habitats for oil drilling. According to, these actions will remove protections from approximately 88 million acres of public land.

It has also Oak Flat. In April of this year, the administration placed the Resolution Copper mine on a priority list, along with nine other mining projects, in support of Trump’s March executive order on increasing domestic production of “critical minerals.”

Joe Davis, senior counsel at the Becket Fund, explained, “A lot of the defense of the copper mine here is based on the idea that it’s really important to get copper. First, they said, copper is important for green energy. We have to destroy the environment in order to save it. And then they said copper is really important for national security.”

“Of course, we have arguments against those things, but it really misses the point, which is that the courts are saying that getting copper is more important than this religious exercise,” Davis added.

According to the, the U.S. copper industry supports more than \$160 billion in economic output and is expected to grow by 6.5% annually in just the next five years. Due to the green energy transition and regional trends, global copper demand is also



Interior this August, after the Department of Energy . This designation establishes copper as having a high risk of supply chain disruption; Trump announced 50% tariffs on copper imports on July 30 of this year.

Resolution Copper did not respond to Truthdig's request for comment.

In June of 2022, the 9th U.S. Circuit Court of Appeals refused to stop the sale of Oak Flat, stating that the land transfer did not substantially burden the Apaches' religious exercise — the required standard in proving that the U.S. government is violating religious liberty under the RFRA.

After a rehearing in November of that same year, the 9th Circuit reiterated its earlier decision. Apache Stronghold then appealed the decision to the Supreme Court — which, with the exception of Justices Neil Gorsuch and Clarence Thomas, refused to hear the case. Gorsuch and Thomas that the court's decision was a “grievous mistake — one with consequences that threaten to reverberate for generations.” Gorsuch said he would have when the Supreme Court denied the rehearing on Oct. 6.

As Apache Stronghold took its fight through the lower courts, it amassed an unprecedented amount of support and solidarity. Over 52 tribal nations, 85 religious organizations, renters associations, environmental groups, outdoor recreation groups and mining reform organizations have also pushed to stop the land transfer.

Russ McSpadden, the Southwest conservation advocate at the Center for Biological Diversity, works on other issues — including other copper mines — with similar coalitions, but none as broad as what Apache Stronghold and its founder Wendsler Nosie has created. “There's a dedicated movement around Apache stronghold, because there's — they're so grassroots, and do so many incredible events at Oak Flat,” Spadden said. “They travel the country. They've traveled to Europe and spoken with religious leaders abroad. They've really built something that I've never quite seen before.”



Last year, Apache Stronghold organized a that began on July 13 at the Lummi Nation in Washington state and concluded on Sept. 11 at the Supreme Court steps. The mission was to “stop the shattering of the human existence and to protect Mother Earth.” They visited tribes, churches, unions and any group that would welcome Nosie and his family on this journey.

One major ally and supporter of Apache Stronghold’s fight is the economic justice organization Poor People’s Campaign. In an of Oak Flat, the Revs. William J. Barber II and Liz Theoharis wrote, “This struggle is at the core of what the Poor People’s Campaign is fighting for. The Apache people have already been abused and exploited by the United States government throughout our history, and now corporations are being allowed to violate the place where Apache ancestors received their covenant with God.”

In response to the Supreme Court’s decision last week, Nosie said, “What is evil created the unfairness, not just to us human beings but to all of God’s creations. When this country was founded, humans with the heart of greed worked to mute the voice of the Creator. By this undertaking, we now live with a third entity, who was created to take and destroy every blessed gift God gave us through our Mother Earth. We know this evil as corporations, which comes from capitalism which colonizes people. We must defend what is spiritual, holy and God’s greatest gift to us all, our Mother.” The Becket Fund is continuing the case in the federal district courts in Arizona.

Although Apache Stronghold’s case may be over, three other cases related to the land transfer are currently moving through the courts. The newest, filed in July 2025, was brought by Apache women and girls who would lose their Sunrise Dance traditions. The suit’s seven counts argue that the U.S. is violating the RFRA, their First Amendment rights of free exercise of religion and to direct the religious upbringing of children, and that the government is violating the National Historic Preservation Act and the Administrative Procedure Act.



The other two cases are currently awaiting hearing in the 9th U.S. Circuit Court. Both argue that the Trump administration violated federal law by failing to properly analyze and mitigate the mine's potential damage to national forest land, waters and wildlife.

“One thing that we would love to do is to protect this place long enough to get to a sane body politic in Congress that would understand the sins of the past and would rectify that injustice,” McSpadden of the Center of Biological Diversity, which is involved in one of the cases, said. “We will fight tooth and nail to ensure that this land isn't privatized and given over to two multinational mining giants, Rio Tinto and BHP, which make up Resolution Copper.”

The plaintiffs in these cases know they have little chance of convincing the current administration to change its plans, and they know that their cases may also end as the Apache Stronghold's did. As one case stalls, another moves forward hoping to run out the clock. But as long as the fight continues, hope for Oak Flat remains.

